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SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

TUESDAY, APRIL 22, 1947

WITNESSES:

Chief John Callihoo, President, Indian Association of Alberta;

Chief Robert Crow Eagle, Peigan Reserve, Brocket, Alberta;

Chief Teddy Yellowfly, Blackfoot Reserve, Gleichen, Alberta, representing unaffiliated Indians of Alberta.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

TUESDAY, April 22, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to consider and examine the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Johnston, Paterson and Taylor—3.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Blackmore, Bryce, Case, Castleden, Charlton, Farquhar, Gariépy, Harkness, MacLean, Matthews *(Brandon)* (Vice-Chairman), Raymond *(Wright)*, Reid—14.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; B. F. Neary, M.B.E., Superintendent, Welfare and Training; H. M. Jones, Supervisor, Family Allowances; C. A. F. Clark, Educational Surveys Officer; D. J. Allan and M. McCrimmon, Reserves and Trusts Division; Major D. M. MacKay, Commissioner, British Columbia; G. H. Gooderham, Inspector for Alberta; (From Mines and Resources): Mr. W. J. Ford Pratt; also Rev. Father X. Lauzon, A.M.M., Eastview, Ont., and J. W. McKinnon.

(From Indian Association of Alberta): John Laurie, Calgary, Secretary-Treasurer; Mr. Ed. Hunter, *Stony,* Morley; Chief Joe Bull Shield, *Blood,* Cardston; Mr. James Gladstone, *Blood,* Cardston; Chief Frank Cardinal, *Cree,* Sucker Lake Reserve, Drift Pile Agency; Mr. Mark Steinhauer, *Cree,* Saddle Lake; also, Mr. Norman E. Lickers, Barrister, Counsel for the Joint Committee and Liaison Officer.

Chief John Callihoo, President, Indian Association was recalled and questioned.

Mr. Laurie answered questions put to him by Mr. Lickers.

Chief Teddy Yellowfly, representing the unaffiliated Indians of Alberta, was recalled and questioned.

Mr. G. H. Gooderham, Inspector of Indian Agencies for Alberta was questioned.

Mr. D. J. Allan, Chief Clerk, Reserve and Trusts Division made a statement, as did Mr. M. McCrimmon of the same Division.

The Committee adjourned at 1 o'clock p.m., to meet again at 4 o'clock this day.

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AFTERNOON SESSION

The Committee resumed at 4 o'clock p.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Macdonald *(Cardigan)* and Taylor —2.

The House of Commons: Messrs. Brown, Bryce, Case, Castleden, Charlton, Farquhar, Harkness, Reid—8.

In attendance: as at the morning session, also Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch.

Mr. Bryce, by leave, called the attention of the Committee to errors in printing at page 511, No. 11, Minutes of Proceedings and Evidence.

Questioning was resumed of Chiefs Yellowfly and Robert Crow Eagle.

Mr. G. H. Gooderham, Inspector of Indian Agencies, made a statement, and was questioned.

Attending representatives of the Indian Association of Alberta were questioned.

Mr. R. A. Hoey, Director, Indian Affairs Branch, made a statement.

Chief John Callihoo was recalled, made a statement and answered questions.

Mr. Laurie was recalled and questioned.

Chief Crow Eagle issued an invitation to the Committee to visit Alberta to "investigate more thoroughly the matters dealt with in the brief presented yesterday".

Mr. Laurie, on behalf of the Indian Association of Alberta thanked the Committee for the "very, very fine" reception accorded his delegation and their advisers.

Mr. Brown, Joint Chairman, thanked the members of the delegation for the very comprehensive brief which had been presented to the Committee and for the co-operation "given the Committee in our deliberations".

The Committee adjourned at 6.15 p.m., to meet again on Thursday next, April 24, at 11 o'clock a.m

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, April 22, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Shall we come to order, gentlemen.

Yesterday, we heard witnesses from Alberta, representative of the Indian population of Alberta; Mr. John Callihoo, Chief Crow Eagle and Chief Teddy Yellowfly. As you know they are supported in the presentation of their briefs by representatives from the various parts of Alberta representing all the Indians in Alberta, and these others are now present. We are now at the stage where individual members of the committee may submit such questions as they care to not only to the ones who presented briefs but to others in the delegation. As is our practice we will permit questions by members of the committee going around the table clockwise; and may I again request the members of the committee in order to expedite the work of the committee to confine their remarks to interrogating the witnesses rather than making statements, because time is rather short. It would be appreciated by all members of the committee if you would merely ask the witnesses the questions you have in the shortest possible form. Now, that is all I have to say at the moment. We will submit questions starting with Mr. Blackmore. Have you any questions, Mr. Blackmore?

Mr. BLACKMORE: I had rather you gave my turn to the next man and let me come in at the end.

Mr. HARKNESS: Are we going to ask questions of anybody now, Mr. Chairman; is that the idea? Or are we to confine ourselves to Mr. Callihoo, and after that to Mr. Crow Eagle, and then to Mr. Yellowfly?

The CHAIRMAN: That will be within the pleasure of the committee. Would you like to have one after another come before you, or have them in a group?

Mr. REID: I think one at a time.

Mr. HARKNESS: I think that would be advisable and then we would not be going all over the map.

The CHAIRMAN: Is that agreeable to the committee?

Carried.

Then, Mr. Callihoo, I would ask you to come forward. Mr. Laurie, you might come forward too.

John Callihoo, President, Indian Association of Alberta, Michel Reserve, Villeneuve, Alberta, recalled:

By Mr. Harkness:

Q. I have really two questions I would like to ask Mr. Callihoo. The first one is this, that in giving his evidence yesterday he said that disposal of trust funds must not be made without consent of the band. Now, have there been any cases to your knowledge of trust funds having been disposed of without the consent of the band?—A. I do not know as I can find an answer here.

Q. My understanding is that trust funds cannot be disposed of unless the band agrees to it. I wondered if you knew of any cases where the reverse had taken place?—A. Well, I suppose it is taking place in some of the other reserves.

The CHAIRMAN: Will you answer that, Mr. Laurie. You don't mind if Mr. Laurie answers that, do you, Mr. Harkness?

Mr. HARKNESS: No, no.

Mr. LAURIE: To the first part of the question; none, at the moment. It is provided in the Act that such may be done. It is the desire of the association to have that clause altered.

Mr. HARKNESS: It has not been done so far, but you want to be sure that it is not done in the future?

Mr. LAURIE: That is right.

Mr. HARKNESS: Then my second question is this,—

The CHAIRMAN: Will you permit Mr. Lickers to make a statement, Mr. Harkness?

Mr. LICKERS: Under the provisions of the Indian Act it can be done only for the benefit of the Indians.

Mr. LAURIE: That is right.

Mr. LICKERS: Where the department thinks it is advisable to spend it for the benefit of the Indians.

By Mr. Harkness:

Q. You said you were opposed to any form of enfranchisement, either voluntary or involuntary. Now, in connection with that, do you mean that you are opposed to an Indian who wishes to leave the reserve becoming enfranchised being allowed to do so; or, what exactly do you mean by that statement?—A. What we mean by that is, supposing on one reserve some Indians want to be enfranchised and others on the same reserve did not want to be enfranchised. We take a vote on that and suppose the majority are for enfranchisement we would be taking away rights from those people who did not want enfranchisement.

Q. In other words, what you are opposed to is the whole band being enfranchised by a majority vote?—A. Yes, we are opposed to that.

Mr. HARKNESS: That is the point I wanted to get at.

The CHAIRMAN: But you are not opposed to individuals being enfranchised?

Mr. HARKNESS: You are not opposed to the individual Indian being enfranchised?

The WITNESS: No, not the individual. If the individual Indian wants to be enfranchised that is up to him.

By Mr. Harkness:

Q. There is just one other thing in your brief in the summary at page 67; I notice the pages are not numbered but it is the page immediately following number 66 so I assume it would be number 67; you say, "2(f) subject to the approval of the band such persons as are described in (e) above, should remain in full band membership as long as the percentage of Indian blood is 12½ per cent or more." I take it from that that you think an Indian should continue to be an Indian so long as he has 12½ per cent of Indian blood in his veins; is that it?—A. Yes, that is the way we look at it. I may say the reason we look at it that way is this: supposing, you take—there are some reserves where the boys marry white girls outside, and where the girls are marrying boys outside; and if our boys keep on marrying the white girls outside for a sufficient number of generations we would have white men in the reserves, wouldn't we?

Q. Yes. A. And if the girls kept marrying men outside and came back and married half-breeds, Indians that didn't belong to the reserve, very shortly the Indians would be outsiders and the white men would be "Indians"; wouldn't it come to that?

Q. Yes. I think that is a very important point, it actually comes down to re-writing the definition of what "Indian" should be in the Indian Act.—A. Yes.

Q. And that is what I wanted to get definitely on the record, your association would define "Indian" as one who has 12½ per cent Indian blood in his veins?—A. Yes.

The CHAIRMAN: How would you define that 12½ per cent?

Mr. CASE: By keeping a record of the type of crosses, the number of marriages there had been outside of the Indian reservation.

By Mr. Harkness:

Q. Then, further to that, would you be in favour of having removed from under the Indian Act, or from Indian status, persons of less than 12½ per cent even though they had been brought up on the reserve and so forth?—A. Yes. They would be truly Indians all right even though they became full-blooded white people; but what about the ones who kept on marrying outside and finally became almost full-blooded Indians?

Q. Yes. Well, my question is, you would be in favour of individuals being expelled from treaty rights, those persons who had less than 12½ per cent of Indian blood?—A. If they want to, yes.

Mr. HARKNESS: I think that is all I have.

The CHAIRMAN: Mr. Reid.

By Mr. Reid:

Q. I want to ask you a follow-up question, if there are any Indians on the reserve who have or are reckoned to have only 12½ per cent or less at the present time?—A. No, not yet; not on our reserve up in the north.

(Discussion as to procedure continued off the record.)

The CHAIRMAN: Gentlemen, if you will refer to the memorandum on "Indian status and eligibility for band membership", at page 4, it might be helpful. This gives a definition of an Indian. Then, gentlemen, is it your pleasure that we adopt the suggestion of having each subject dealt with completely while it is before the committee; shall we have each subject dealt with fully at one time?

Mr. REID: How are you going to know what each specific subject is before the committee? For instance, I may want to ask some questions after questions have been asked by all the other members.

Mr. CASE: I think, Mr. Chairman, the suggestion is a good one that we exhaust one subject while it is before the committee, and that in doing so we employ your suggestion of proceeding clockwise around the table.

The CHAIRMAN: Is that agreeable?

Agreed.

Mr. REID: While we are still on the subject then, I do not know whether the witness can elaborate any further or not; but my reason for asking it is—if an Indian marries a white woman, or I suppose you could have it both ways, say an Indian woman marries a white man—why differentiate here? You take a white man who marries an Indian and we are told that she is nothing else but white? Would you agree to that? It is a most important question.

The CHAIRMAN: Would you answer that, Mr. Laurie?

Mr. LAURIE: In the summary following our submission, it will be page 67—

The CHAIRMAN: It is an unnumbered page, but it would have been page 67 had the page numbers been continued in sequence.

Mr. LAURIE: If you will refer to 2(*c*), we have been talking about 2(*f*).

The CHAIRMAN: Does that answer your question, Mr. Reid?

Mr. REID: No. My question is rather involved. You see that takes the case where the husband died and the woman wanted to return to the reserve.

Mr. LAURIE: That is 2(*c*), sir.

> 2(*c*). Subject to the approval of the band concerned, all minor children of an Indian woman who marries outside her reserve, loses her first husband and returns to her first reserve and remarries a treaty Indian should be received into band with all treaty privileges. Children of widows described herein or full orphans should be given treaty rights.

An Indian woman in the province of Alberta who marries outside of her band and is widowed, or orphaned, deserted, has no where to go whatever. She is not a white woman; at least she is not accepted on a par with other white women in so-called civilization. When can she go to? The natural place for her to go is to return to her reserve with her children, where people speak her language and where she has relatives and friends. Being, if I may say so, a legal white woman by virtue of her marriage, she is therefore a trespasser on the reserve; her children have no rights as Indians; they cannot attend the Indian school and white schools are often much too far away or too crowded in our province for these children to have any school. They are not entitled to any medical attention except by charity of the officials concerned. Suppose then this woman with her orphaned children marries a treaty Indian as a second marriage; as we understand it she then again becomes an Indian in the full meaning of the Act. But her first family, her family by her first husband, are not Indians they are trespassers on the reserve. They cannot go to the Indian school. Suppose they remain on the reserve until they become of age. They are in no way fitted to go out and make their livelihood among white people.

Mr. REID: May I ask this question: What is the Indian viewpoint with regard to these marriages? For instance, an Indian marries a white woman, and quite often the reverse occurs; in our province we say that when a man marries an Indian woman the children from that marriage are white and we recognize them as such all down the line. On the other hand, if an Indian marries a white woman we say the children are Indian. Now, what I would like to do would be to get your viewpoint as an Indian, to get the Indian viewpoint on these two types of marriage, because there seems to be some conflict there, you see. From what you have said there seems to be a direct conflict of opinion. You would appear to consider children from both sides of a marriage as being Indians. It was with a view to getting your opinion on the matter that I asked this question.

Mr. LAURIE: Sir, as far as the Indian Association of Alberta is concerned there is no question about accepting children as Indians. When treaty Indians marry outside the reserve, they continue to be and are regarded as Indians. The point which we wished to cover was the case of the orphans. We are willing, the association is willing, that the Indian woman who marries outside—

Hon. Mr. JOHNSTON: Marries a white man?

Mr. LAURIE: Yes a white man, and the marriage is successful, the parents remain alive and are able to bring up their children as members of their father's race. The Indians of Alberta are quite willing that these people should remain white people, that they should remain members of the father's race. Does that answer your question?

Mr. REID: The 12½ per cent that has been mentioned, can you state a case where they have brought it down to 12½ per cent?

Mr. LAURIE: I am not sure I know of a case at the moment sir, but the assimilation is becoming more prevalent throughout the country.

Mr. REID: This may be a matter the committee may desire to know. The percentage as mentioned, how do you arrive at that, is it in the third generation that you arrive at the 12½ per cent, that is if they marry out all the time.

Mr. LAURIE: That is right, let me give you an instance, a treaty Indian marries outside, a white woman.

Mr. REID: That is fifty-fifty.

Mr. LAURIE: Yes. Their son, who by virtue of the Indian Act is a treaty Indian, does the same thing and the grandson does the same thing. That reduces it to one great-grand parent who was a full treaty Indian in one sense. Those people, if they so wish are to be allowed to remain Indians.

Mr. CASE: But after the third generation you do not want them to remain Indians.

The WITNESS: We do not consider them as Indians after the third generation.

Mr. CASE: May I ask this question, do you find any tendency of Indians to live with white people, and vice versa, without marrying, for fear of losing their Indian rights?

Mr. LAURIE: Would you repeat the question?

Mr. CASE: It was brought to my attention in one of the reserves in Ontario that they do live together as man and wife, having children without marrying for fear of losing their Indian rights and to protect the offspring. Do you find any evidence of that in Alberta?

Mr. LICKERS: How do you mean, a man or a woman, there is quite a distinction?

Mr. CASE: Both ways, either way.

Mr. LAURIE: I believe there have been cases, yes, of such things.

Mr. CASE: I made quite a note of that in my brief because of the fact they said they were living in sin for fear of losing their Indian rights.

Mr. LAURIE: That is right.

The CHAIRMAN: Are there any other questions as to the point under discussion regarding the 12½ per cent of Indian blood—going around the table?

Hon. Mr. STIRLING: Did we understand from the witness Indians of whom he speaks would receive into the band children of such a marriage as has been spoken of?

Mr. LAURIE: Section C, as defined in 2c on band membership, yes, if the band is willing to do so, that this provides those children with the rights.

Hon. Mr. STIRLING: Even though they are white children by law.

Mr. LICKERS: Now in that connection would you not agree to a redefining of this 12½ per cent? I am thinking of a case where an Indian marries a white woman, they have a daughter, half white, according to the percentage of blood, and then that daughter marries a white man and has offspring, would not that cut out those children on your 12½ per cent basis?

Mr. HARKNESS: The children would be 25 per cent.

Mr. LAURIE: Mr. Lickers, you have complicated the case.

Mr. LICKERS: Yes, but would you go on the basis, regardless of the blood count or percentage, that once a person is on the list or is a member of the band that you then assume for the purpose of working this out, that they are 100 per cent Indian blood.

The CHAIRMAN: Would you care to answer that, Mr. Laurie?

Mr. LAURIE: I am trying to analyze the question.

Mr. CASE: Could it not be solved by dealing with it on a generation basis?

Mr. LICKERS: Yes, dealing with the matter on a generation basis rather than on a percentage of blood.

The CHAIRMAN: Would you like to give that some further consideration, Mr. Laurie?

Mr. LAURIE: Yes.

Mr. CASE: Suppose you said any person of the fourth generation should not be an Indian within the meaning of the Indian Act.

Mr. LAURIE: The fourth generation.

Mr. CASE: Because the fourth generation gives you less than 12½ per cent.

Mr. LAURIE: You have it again, because the Act reads as between male and female.

Mr. CHARLTON: Supposing the third child marries back to a full-blooded Indian then what happens?

Mr. CASE: They are beginning to correct the bloodstream.

Mr. LICKERS: Your whole submission there in connection with band membership is merely an idea or at least some provision under which Indians, or persons of Indian blood, may become members of the band.

The CHAIRMAN: Would you repeat that?

Mr. LICKERS: Your whole submission, as far as band membership is concerned, is only trying to evolve some method by which persons of Indian blood may become members of a particular band.

Mr. LAURIE: You mean sir, that at the present moment they are not.

Mr. LICKERS: Yes, and there is no provision in the Indian Act for them to become members.

Mr. LAURIE: If the case falls in section 2c, yes.

Mr. LICKERS: So it is a question of evolving some method by which persons of Indian blood may become members of an Indian band.

Mr. LAURIE: Your question is too general. If you will notice under 2(*h*), we are endeavouring to provide against an influx of people into the treaty, who are not at the present moment, and have not been regarded as treaty Indians.

Mr. LICKERS: Would you limit that to persons whose ancestors were at some time members of a particular band.

Mr. LAURIE: Not unless they come under 2c or 2b.

Mr. LICKERS: Yes, provided they fulfil their qualifications, some ancestors of theirs must have belonged in a particular band before they could come into the band.

Mr. LAURIE: Not quite right, Mr. Lickers.

Mr. LICKERS: Would you limit it to that.

Mr. LAURIE: Supposing there are two or three generations, out of a band, those people should not come back.

Mr. CHARLTON: Just one more question regarding treaty Indians, what percentage of the Indians in Alberta are not treaty Indians?

Mr. LAURIE: They are all treaty Indians otherwise they are white men.

Mr. CHARLTON: As I understand it there are some Indians in Canada who are not treaty Indians.

Mr. HOEY: Not in Alberta.

Mr. CHARLTON: Well, the witness has just said unless a man is a treaty Indian he is a white man.

Mr. HOEY: In Alberta, yes.

Mr. CHARLTON: Is that true across Canada?

Mr. HOEY: No, that is quite involved; in the east certain territories have not got treaties, but in Alberta they are either treaty Indians or white citizens. We have a small group at Rocky Mountain House, Mr. Laurie may know of them, they have refused to come into treaty. We have done everything humanly possible, I think I am safe in making that statement, to persuade them to come in. They have not come in at this stage, but they are a very exceptional group, and my assertion that all Indians in Alberta are treaty Indians would have to be modified to that extent.

Mr. CHARLTON: Yes, Mr. Chairman, well under 2 (*g*), "all expelled persons in Hobbema and Drift Pile agencies should be restored to treaty rights immediately",—now what does that mean?

Mr. HOEY: Well, if you want to go into that I think you would have to have Mr. McCrimmon, an official of the department, to explain that because I would not attempt it. It is a very involved question. As a result of investigations we decided they were not Indians within the provisions of the Act.

Mr. CASE: Of course, they have had reason to put it in their brief and your desire is to have them reinstated immediately according to 2 (*g*).

Mr. HARKNESS: Mr. Chairman this brings up the matter of the Macdonald report which deals with the very matter and I have not had time to study this report. I have looked it over just very roughly and I would ask the witness one question in connection with it, I do not know whether he has read it or seen it—have you people seen this Macdonald report?

Mr. LAURIE: It was not handed to us yesterday.

Mr. HARKNESS: Well I cannot ask you to answer on it.

Mr. FARQUHAR: I would like to ask a question under 2*c*, according to the treaty rights referred to here or the treaty privilege to be subject to the approval of the band, what do they give for their reason for that? Supposing that the band would not give their approval, would they be denied those treaty rights?

Mr. LAURIE: Yes, because it becomes then a matter of sharing in the band assets and we believe the band should have the right to define who should share in its assets or not.

Mr. FARQUHAR: Do you think that would be fair to an Indian coming back into the band, where through some personal feeling in the band they would not allow him treaty privileges.

Mr. LAURIE: I believe among the Indian people that would not arise, they are very charitably minded.

The CHAIRMAN: Now could we go along with the next question of Mr. Reid?

Hon. Mr. JOHNSTON: The point raised by Mr. Farquhar, would that not lead to confusion, if it is left to the discretion of the band. One band might say, "All right we will admit these people", and a reserve a few miles away might take a different view. And in the last line of section 2—with all treaty privileges —"the children of widows described herein or orphans should be given full treaty right". I at least think the world "should" should be "shall" or you are going to have trouble.

Mr. REID: I think the matter is very serious because I can visualize some Indian being voted upon and not being permitted to enter the band, then whose responsibility is it? Is the government going to say, "Well the band expelled you and we cannot recognize you as an Indian if the enfranchisement is not accepted." I think the matter is extremely important.

The CHAIRMAN: That would be a matter which would be considered under the Act. What we are trying to get at now is the viewpoint of the witnesses.

Mr. FARQUHAR: I just wanted their explanation.

Mr. LICKERS: If you take into consideration the question of the disenfranchised Indian who has become enfranchised, and has taken out his band funds and then say in ten or fifteen years after that by having a change of heart he wanted to be taken back in by repaying his money.

Mr. LAURIE: Yes, the question came up in one instance that I have knowledge of and he is still outside.

Mr. LICKERS: What is your association's attitude with regard to letting him come back?

Mr. LAURIE: We have not discussed that point in the association since we know of only one instance.

The CHAIRMAN: Mr. Reid, do you care to proceed with your question?

Mr. REID: Yes, on page 202, I am rather interested in the statement that has to do with this point. It reads that "We could not understand that some might be expelled from the band by anybody else than by the Indian authorities of the band". I take it that is the very question you have been dealing with a moment ago and I was going to ask, and I am not asking that for any other purpose but this point of education, I would like to ask Chief Teddy Yellowfly who said that in Alberta—

The CHAIRMAN: Could we not have him up here.

Mr. REID: I thought you would have all the witnesses here together.

The CHAIRMAN: I am trying to devise some scheme whereby you can ask them questions at any time. But are there any questions you would like to ask this witness, Mr. Reid?

Mr. REID: He did not make the statement but perhaps he may be able to answer, it was something new, I never had heard it before, at least I had heard of it but it did not come into our deliberations and that was, when he was speaking about schools, the religious schools and religious structures he made the statement the Indians were not considered because they had a religion of their own.

Mr. CASE: I think Teddy Yellowfly said that.

Mr. REID: Perhaps we could have that statement from him.

The CHAIRMAN: I think this enfranchisement question, on page 2 of the summary, it says "Voluntary enfranchisement should not be fostered or encouraged by the department". And then it says "Involuntary enfranchisement must be abolished forever". Do you mean by that an individual who wishes to become enfranchised should not be allowed to do so?

Mr. LAURIE: No sir, that pressure should not be brought upon any individual to become enfranchised simply because he may happen to have other reasons.

The CHAIRMAN: Would you not think it wise to remove that line?

Mr. LAURIE: No, sir.

The CHAIRMAN: What reason is there for having it in there?

Mr. LAURIE: "Involuntary enfranchisement."

The CHAIRMAN: Oh, I see.

Mr. CHARLTON: Then in part 5, section 5, on page 2 "Our treaty Indians do not want to vote or to have the vote forced upon them. It is regarded as a trap to lead treaty Indians astray", and I wondered if you would explain that.

Mr. LAURIE: There has been an agitation, Mr. Chairman, through the press and other organizations, who have spoken to the press, or I believe made suggestions to this committee, that the Indians should be given the vote. As far as the members of the Indian Association of Alberta are concerned this sums up their statement.

Mr. CHARLTON: Would that be against the person who wanted to vote and be given the privilege?

Mr. LAURIE: He would then become enfranchised.

Mr. CHARLTON: Automatically? Whether he was a returned man or not?

Mr. LAURIE: No, a returned man comes under a special regulation. We are content to leave the returned men as they stand at the present, sir.

Mr. LICKERS: In other words, you do not differentiate between the right to vote and enfranchisement?

Mr. LAURIE: Our people do not.

Mr. LICKERS: But if it was properly explained to them do you not think they would differentiate between the two?

Mr. LAURIE: I doubt it, sir.

Mr. CASE: I am not too clear about this. It says here: "It is regarded as a trap to lead the treaty Indians astray."

Mr. LAURIE: The members of the association felt that if the right to vote were given them that it would not be long until reserves were gone and so on, and our people in Alberta are not going to be ready for that for many years to come, if ever.

Mr. CASTLEDEN: What is the cause of that belief? What do you think makes the Indian feel that if he is given the franchise his treaty rights will be taken from him?

Mr. LAURIE: May I ask if Mr. Castleden is asking my personal opinion or the opinion of the association?

Mr. CASTLEDEN: You are the secretary of the association; I would like your personal opinion.

Mr. LAURIE: My personal opinion. Might I give that off the record?

The CHAIRMAN: Yes.

—(Statement made by Mr. Laurie off the record.)

Hon. Mr. STIRLING: Have you had instances of returned men going back to the reserve and then desiring enfranchisement?

The WITNESS: We have one who has been admitted, a halfbreed who has been admitted. He went overseas and now since he went overseas he wants to withdraw from treaty, and this man is asking too much to withdraw from treaty and we do not feel like allowing him what he asks for. We feel he asks too much as a half-breed. Then there is another one who has asked to withdraw from treaty, but he was better than a treaty Indian and he is a returned man. We have not decided yet just what we could do about that, but I think he has full right to enfranchise when he wants to enfranchise according to our statement in our brief. It depends how much he wants of the band property.

The CHAIRMAN: Shall we call the next witness—Chief Yellowfly?

Hon. Mr. STIRLING: I do not quite follow the method we have adopted. We appear to have taken up certain subjects—

The CHAIRMAN: If there is any other question you would like to ask the witness, go ahead.

Hon. Mr. STIRLING: There is a question I would like to ask, but I am not too sure that it was this witness who referred to the matter or someone else.

The CHAIRMAN: If we were to get all the witnesses up at the table it might be better.

Mr. CASE: Chief Callihoo is representing the association, and I move that we have Chief Teddy Yellowfly along with this witness.

Mr. REID: May I ask Mr. Laurie one question? He stated in answer to Mr. Castleden's question that he could not visualize the time when the Indians would be ready for enfranchisement; he said perhaps never. My question to him is this: I am not sure whether he knows about the Indian tribe of the Metlakatlas —perhaps he does: Now, in your view, are the Indians of Alberta so far behind them?

Mr. LAURIE: Yes.

Mr. REID: You think the same thing could not be done for the Indian in Alberta that has been accomplished on the west coast of British Columbia and Alaska?

Mr. LAURIE: May I ask the gentleman a question, sir?

The CHAIRMAN: Yes.

Mr. LAURIE: Are you referring, sir, to that section of the tribe which, I believe, are now settled in the United States territory?

Mr. REID: And to the Canadian tribe on this side near Prince Rupert—

Mr. LAURIE: I have never seen the Canadian tribe on this side.

Mr. REID: —who, as a body, asked for enfranchisement for many long years and have been refused as a group—I was astounded at your statement that you cannot visualize—

Mr. LAURIE: Not under present conditions.

Mr. REID: You did not say that; you said you could not visualize. I thought it was a terrible statement that in the life of mankind you could never see any change in the Indian who would always have to be on the reserve and would have to be looked after. That, I think, is a serious statement. I think it is a reflection. I can see Indians like the Metlakatla band and other bands—

Mr. CASE: Are you going to criticize his answers?

Mr. REID: No, I ask a question in the light of what he said, a very proper question. My question—and I repeat it—is this: Are the Indians in Alberta down the social scale or mental scale or any other scale lower than the Indians in any other place that have reached the heights?

The CHAIRMAN: I think Mr. Laurie probably has answered as far as he can for his association.

Mr. BLACKMORE: May I suggest as one coming from Alberta that a good deal of the background of Mr. Laurie's answer would derive from the economic conditions which might obtain within the Dominion of Canada within the coming few years. If unemployment develops as it has been doing during the last half century it may be necessary for most of us to become Indians to protect ourselves.

Mr. CASTLEDEN: May I ask this question? Do you think the Indian association would object very strenuously to being taken on as probationary citizens somewhat similar to what happened in the United States if they were guaranteed full rights as under the treaty?

Mr. LAURIE: That I could not answer; we would have to take that back to the organization.

The CHAIRMAN: Now, gentlemen, if it is your pleasure we will call upon Chief Teddy Yellowfly.

Chief Teddy Yellowfly, recalled:

By Mr. Harkness:

Q. You made a statement yesterday in regard to the price of beef which is sold to the Indian department and then used on behalf of the Indians for rations.

Is there any other place where that occurs outside of your own reserve—the Blackfoot reserve?—A. That I am not prepared to answer because I do not know; but this I do know of.

By Mr. Bryce:

Q. In that beef price who gets the hide and the offal?—A. The band, I would say, gets the hide. It is not paid for. It is as I mentioned—it is on a dressed meat basis.

Q. You said that you got 13 cents?—A. That is, I would say, for the carcass.

Q. Was that on the hoof that you got the 13 cents?—A. Just meat, the finished product.

Q. And the head and the other things?—A. They are not paid for.

The CHAIRMAN: Who gets them? Where do they go?

Mr. BRYCE: Where does that go? That is valuable.

Mr. HARKNESS: In order to clear up the whole point there, I wonder if we could ask Mr. Gooderham, the inspector for Alberta, what he can tell us with regard to the important matter introduced in Mr. Bryce's question.

Mr. GOODERHAM: The Blackfoot band are different from any other band in Canada as far as I am aware. They are self-supporting in that they use their band funds. Chief Yellowfly and the other councillors sit in the council meeting and they have before them the revenue that they are going to expend during the year, every day's revenue, the different services that are supplied to that band. Among them is the rationing agreement that those Indians made with the Crown when they surrendered land so that they would get a pound of beef and a pound of flour and what not every day as long as the river ran and the sun shone. Every council of the reserve, every member of the band while this council was sitting there had to decide how to distribute this revenue. It comes up at a time like this when the price of beef and other supplies for rationing are very high. It was to be decided what they could pay themselves, the individual owner, for the beef which they in turn eat, and still look after the other services. In almost every instance the animal that that individual owns has at one time or another come into his possession through the assistance of the government. In some instances the Indian has some animals that he has bought from his own personal funds that he has created from his work. They get down to the point of what they are going to pay. Everybody agrees that 13 cents a pound for the past fiscal year was a good price and still get the meat to eat. They agree on that so they will have money to go on to other services. That was the situation as it then existed, and the meat is purchased in the carcass at the ration house. The Indians participate in everything. They participate in that hide at the time of the slaughtering. The slaughtering is done by the Indians. The workers and the helpers get the offal in many cases for their labour. The hide is set aside and sold on their behalf and goes into their operation expense account and so forth and so on. But as Mr. Yellowfly was trying to explain, there are discrepancies occasionally which arise where a man will have to sell with the majority at a little less price than he individually would like to do. That is, apparently, an internal matter which we are correcting at the present moment. I do not know whether I have made myself clear.

Mr. HARKNESS: That only applies to the one reserve?

Mr. GOODERHAM: As far as I know it applies to this reserve only. There was a time many years gone by when we did not market cattle in western Canada off the reserves. That was in the lifetime of a number of us who have been there. The cattle were purchased for the use of the Indian and at that time there was an arbitrary price set to the Indian for his beef. Sometimes it was in excess of the market price, likely; and at other times it was slightly

lower. During the two war years prices were enhanced tremendously and in the interim the open market became the regular thing. The Blood Indians, for example, sold $100,000 worth of beef cattle last fall and in the open market they got as high as $12.95 a hundred on the hoof, which I think was the top price given for that quantity of steer. —nearly 400. And that process has been working throughout, giving the Indian every opportunity to get the highest possible price for his finished product. That has been in progress now for twenty years.

Mr. FARQUHAR: Those lower prices only refer to what has been consumed?

Mr. GOODERHAM: Consumed. Today there is no movement on foot to try to compel them to do so. The best market is the market they sell in. In fact, in many instances the department go out and buy the cheaper lines of beef to feed the people and leave the individual Indian to sell his cattle on the higher market.

Mr. REID: May I ask if that pound of beef is for every man, woman and child on the reserve?

Mr. GOODERHAM: Yes, sir, that was their agreement. They pay for it themselves, mind you.

The CHAIRMAN: That is the ration; not exceeding a pound per person. Do many of them consume up to the total of their quota?

Mr. GOODERHAM: Up to the present time and during the war the Blackfeet Indians, as Chief Yellowfly knows, reduced their ration to five pounds weekly. They are getting five pounds per week instead of seven. And that includes all the members of the family who are not attending a residential school.

Mr. REID: How many Indians would participate in the $100,000 which was obtained last year by the sale of cattle?

Mr. GOODERHAM: That is in the Blood reserve. I imagine there would be about 100 odd, maybe 140 owners in that shipment. The Blood representatives can tell you better than I can. Mr. Gladstone, how many different brands were in that shipment last year—about 150 brands?

Mr. GLADSTONE: I think it would be less than that, a little over 100.

Mr. GOODERHAM: We would say that a hundred different people will participate, some to a greater and some to a lesser extent. I know one man had $13,000. Was that net?

Mr. GLADSTONE: About $5,000?

Mr. GOODERHAM: It ran from $13,000 down to, possibly, about $100 to the person who had only one animal. So it would be a nice thing. That would represent a hundred Indians and would be a nice thing for that 100 Indians.

The WITNESS: I am not referring to that. I said here, in order to encourage enterprise and self-reliance. Now, in a position such as the one to which you have referred it is admitted that it is of benefit to the tribe. But this is purely a business affair in this sense, in that the Indian is supposed to be a philanthropist, and being a philanthropist he is supposed to contribute to the welfare of the tribe, as you might say. The important point was this, if we are to encourage free enterprise then we must consider everything on a purely business basis, not from a philanthropic point of view. That was the point I raised. That is the point I am now trying to put over.

By Mr. Bryce:

Q. There is one point I would like to get clear, while there are two or three animals killed each week they do not always come from the same person?—A. They do not.

Q. Then everybody takes that loss?—A. Everybody takes that, all the cattle owners but not all the Indians.

Mr. BRYCE: But all the wheat growers take that loss when they sell their wheat for the benefit of the whole of Canada.

Mr. REID: I thought the Indian had no say in what was paid for the animals, that they were taken from the herd, and were paid for and the Indians got the meat.

Mr. BRYCE: They take a loss on price as compared to the outside price.

Mr. REID: There cannot be such a great loss when they are getting the meat themselves and are getting paid for their own work.

The CHAIRMAN: Now, Mr. Harkness, have you any further questions?

By Mr. Harkness:

Q. Yes, I have a question which is something along the same subject Mr. Reid brought up a few minutes ago in regard to Chief Yellowfly's statement that a certain number of Indians still hold to their native religion, and I would like to ask him what proportion of the Indians so far as he is acquainted with them still hold to their native religion and possibly only profess Christian religion for the purpose of getting their children into the schools, or something along that line. Would you care to make a statement on that?—A. In reply to that I would prefer to confine myself to the brief. I would say that a large number of them, and here I confine myself to the statement in the brief, but I do believe that a large number of them sincerely believe in their own religion. That is manifested in the fact that we have laymen Indians very high up in church circles; well, they will turn right around and join their own societies, the highest societies we have in Indian religion. And I might mention that the ideologies followed by some of our societies are exactly the same as are involved in Christianity.

The CHAIRMAN: If I might refer members of the committee to page 9 of the Minutes and Proceedings of last year, 1946, you will see that in Alberta there are 72 persons who according to the census follow their own native religion.

By Mr. Harkness:

Q. What would be your comment on that?—A. I would say that is rather formal, because in order to get my children to school I would have to profess some type of Christian religion. Our belief is that it is based really on how many you baptize. I have known of ministers and priests waiting at the hospital to grab the Indian babies, each denomination grabbing an Indian. I would say that was the result of proselytizing.

Q. Well, the reason I asked this is because I think it brings up a rather important point which has come to my attention, and one which I thought I should bring to the attention of the committee. As far as I remember it, according to the way in which the Indian Act reads education is provided by the churches and therefore the Indian is really deprived of a free choice of his religion and in order to get his child educated has to pick one of the religions which operate a school on the reserves.—A. Might I correct that, sir? They pick up a veneer.

The CHAIRMAN: A veneer of religion. Would you care to say anything further on that?

By Mr. Harkness:

I might say, Mr. Chairman, that I had a private conversation with Chief Yellowfly yesterday following our meeting and he went into this at some length, and that is one of the considerations which he brought forward at that time, and that was one of the points brought up at that time. He could probably put it in much better form, but I thought it was something which I should bring

up at this time and that is why I have asked these questions.—A. I would say this, that the object here is to educate the Indians. Well, probably religion might be considered a part of that education, but it should not be the governing factor. Well, it is probably an essential part of the education of the Indian, and it really boils down to this, that you have to find out whether you are going to be a Protestant or Roman Catholic in order to be educated. In fact, that is what the Indian Act says, that is the way we understand the Indian Act; before you could even think of getting your children educated, you first have to decide whether you are going to be Protestant or Roman Catholic; so it almost seems that education was a minor consideration.

Q. Have you any knowledge of what has been done in the United States with the Indians there?—A. In the United States they have some residential schools where proselytizing is very great; then you also have schools, state schools I think they are called, where the Indian is admitted purely for educational purposes and religion has nothing to do with it.

By Mr. Castleden:

Q. Those are what they call "state" schools?—A. They are state schools.

Q. And they are not denominational?—A. When I go down there say to the Blackfoot reserve down in Montana, that is the way they carried on. That is where I got this suggestion, where the schools are operated by, I think it is the federal rather than the state government. It is a federal proposition and they do not operate church schools. If they were to operate that type of school over here it probably would be better.

By Mr. Case:

Q. I take it you would personally prefer a public school system?—A. I personally would prefer both, depending on conditions on the reserve.

Q. Then you say here something about residential schools, and church schools, and you believe that there also should be some freedom of choice and that there should be a public school system?—A. Well, there should be freedom of choice in a country which preaches freedom of choice.

Q. Then you think it would be better to provide such schools?—A. Yes, that is on the reserves where it would be feasible and advisable to operate such a school.

Q. There is one thing you said yesterday; you said you were using a borrowed language. I take it from that, recognizing that there are 149,000,000 people speaking English on this continent, you are not advocating that it would be advisable to teach children except for instructional purposes in their native tongue, Cree or whatever it might be?—A. When I made that remark I only did so for purely personal reasons, because I felt I might not be able to express myself adequately; and when I said that, I was speaking not as a matter of opinion but rather as a matter of fact.

Q. You believe that the best education is in the English tongue?—A. In the English tongue; I would say, yes; yes, I do, sir. The Indian language ceased to expand and grow a matter of seventy years ago. For example, here we have the atomic bomb. The Indian is not going to be bothered trying to create a term. He says, "atomic bomb." There is no use bothering trying to create a name because everything seems to be involved in the English term and it is easy to say "atomic bomb". Where you try to create a term in the Indian language, I might create a term and another man might create a term and the result would be that in effect we would have no precise term for it.

Q. May I ask you where you were educated?—A. I prefer not to answer that question, if you don't mind. My presence here is on behalf of those whom I represent, and it would be a violation of a tribal custom if I were to take time

out to deal with a purely personal matter. When I went back they would say to me, we sent you down there to talk about us, but you took up our time talking about yourself.

Q. What about enfranchisement? You didn't mention that in your brief?—A. I didn't mention it because these other people were dealing with it in the general brief. On that point I would say that the first consideration is the wish of the individual. That, first, is the main consideration, the one right which should be left to the individual. And may I add that this is not a one-way question because it involves not only the Indian going out, but of necessity also involves the Indian coming back in. I would say that membership, that is primarily the issue, should be left to the individual. Then, of course, in the case of pressure we must draw the line as to whom the tribe shall accept; because as I read some of the minutes there are members of this committee who would like to become members of the Blackfoot band. We should draw the line as to whom we could admit.

By Mr. Castleden:

Q. Do you feel that the treaties have been honoured as they have been administered under the Indian Act?—A. I would have to answer that both yes and no. I would say that they had been honoured if the making of an attempt to do a certain thing can be called honouring a treaty. It is a difficult question to answer.

Q. What is your opinion about the matter?—A. My own opinion is that they have not been carried out. For instance, we believe that the treaty stipulates that the government must educate the Indians. Now, the government tell us they have given us Indian schools and then they say, yes, we have honoured the treaty; but it still remains the fact that the purpose is not being served.

Q. Is there any respect in which you feel the treaties have not been carried out?—A. There are many. I do not think I should do more at the moment than call your attention to the matter of education to which I have referred. Well, there have been attempts to carry out the treaty, but they were rather feeble, they did not attain their purpose.

By the Chairman:

Q. You say, Chief, that they provide the schools?—A. They provide the schools.

Q. And the children go?—A. The little children go, yes.

Q. But they do not learn?—A. They do not learn, that is the point; that is why I had to say yes and no. The mere fact that they have put up a school may be construed as having honoured the treaty, but the purposes are not served, the children are not being educated.

Q. Have you ever heard the old proverb, you can drive a horse to water but you can't make him drink?—A. That, of course, is a consideration; but in this case you drive the horse to water which isn't there.

The CHAIRMAN: That depends on what you mean by water.

By Mr. Charlton:

Q. Chief Yellowfly, conditions are not as satisfactory as they might be; is that the reason the water isn't there?—A. I would say in this case, to use an Indian phrase, if you had a teacher who had only one arm he would still be able to do a job. They have teachers there. They have schools, but the only kind of teachers they have are those who are doing missionary work, and that is probably because they are not paid, it is probably because of the wages they get.

By Mr. Castleden:

Q. What are the feelings of the Indians as to injustices; suppose an Indian on a reserve feels that he has not received fair treatment, is there any authority to which he can refer at the present time by way of appeal?—A. None, at the present time. He has to carry the trouble back to the source which created the trouble. The only recourse open to him for obtaining redress is the very source which caused his trouble. There is no other source available to him at the present time that I know of, no higher authority to whom they can take their grievances.

Q. Is it your opinion that the Indian race should be assimilated over a period of years?—A. My opinion is that it is inevitable, in order to exist you will have to assimilate the ways of the white man; and then, as far as the manner of accomplishing that is concerned, you have to accept what you might call the structure of the body politic.

Mr. BLACKMORE: May I suggest, Mr. Castleden, that Chief Yellowfly did not get the meaning of assimilate? Did he understand that it meant intermarriage?

Mr. CASTLEDEN: What I had in mind is something similar to the situation of the Maori in New Zealand who are self-respecting and self-supporting; the same should be worked out for the Indians in Canada, that they should become citizens of Canada; more or less along the line of what has been done in New Zealand.

The WITNESS: In reply to that I would say this, that there would be a difference there because the Maoris were never put in reserves, the white man came in there and just lived among them. Here on this continent there was an agreement with the Indians that they would live on reserves and those reserves were set apart for them; and since the reserves are operated as individual units they had to devise methods under which they could operate.

By Mr. Castleden:

Q. One of the witnesses before this committee suggested a plan of assimilation, and he said that the reserves were one of the things that prevented progress toward proper assimilation.—A. To a certain extent, yes.

Q. Then I take it that it is your opinion that the reserves are a deterrent to the assimilation of the Indian race? Do you not think that assimilation is ultimately desirable?—A. Well, I believe the object is that, yes.

By Mr. Case:

Q. Getting back to this question of treaties, there have been some compensating features; for instance, you receive family allowances?—A. Yes, we receive them.

Q. Do you not think that is a good thing?—A. Yes.

Q. Do you not find that it helps the school attendance?—A. I would not think it helped school attendance, but it is appreciated.

Q. And that, of course, has nothing directly to do with your treaties at all. I am merely trying to point out that there are some compensations which you receive which are not covered by treaty, one respect or two in which treaties have been honoured in their breach?—A. Yes, that is so; that is possibly one particular thing which could be considered as being not related directly to a treaty.

Q. What is your opinion with respect to old age pensions for Indians?—A. The Indians feel that they are essentially an integrated part of Canada so that they should be included in all plans that involve benefits to the individual.

By the Chairman:

Q. What about the payment of taxes?—A. They consider themselves as a unit, a unit set aside by treaties, and from that angle they are alone. I believe that they object to paying taxes because they believe that certain parts of the treaty give them immunity from taxation; and they are like all people, if you can get away without paying taxes you won't pay.

Q. Do you have any form of taxation on your reserve for the upkeep of roads or anything of that character?—A. We do not.

Q. Does that come from band funds?—A. That comes from band funds.

By Hon. Mr. Stirling:

Q. What steps does the witness think would improve self-government and restore confidence on the part of the Indians; would you like to see a wider opportunity for self-government?—A. Well, the immediate result of such improvement would be that it would accelerate everything.

Q. I wonder if the witness would mind elaborating on that a little?—A. I would say this—

Q. I mean, in order to tell us what you have in mind.—A. As I mentioned here, if you had a program and you wanted to put that program into effect this spring and you had to go through this established procedure I would say that it would be probably next December before we could get approval.

Q. Would you carry it to the extent of granting to the bands powers of taxation?—A. Well, that, I would say, would be very much up to the others to give an opinion because I believe the matter of paying taxes has nothing to do with improvement.

Q. I do not mean the dominion or provincial taxes, I mean taxes for the purposes of the bands?—A. Well, as far as that goes I do not know of any taxes that we pay, they use them for tribal benefits.

The CHAIRMAN: What Mr. Stirling is saying about that is, do you think the band would be willing to impose taxes upon themselves for the purposes of their own benefits, that is bridges, roads, municipal buildings and so on?

The WITNESS: I believe they would but I do not believe that "tax" is the word, they prefer to use the word "contribute".

By Mr. Castleden:

Q. You have large trust funds?—A. Yes.

Q. You use the money from that trust fund that is paid every year into your band?—A. Yes.

Q. Have you any power of administration over those funds?—A. No, we have not, we can suggest but we have no actual authority.

Q. What are those funds used for in your band, could you enumerate?—A. I would say two or three million dollars is a lot of money when you mention two or three million dollars, but it is the benefit that you get out of that money, that is the thing that should be taken into consideration. Because if you have ten million dollars and you cannot use it you may as well not have the ten million. The point is this, we derive, I would say,—the benefit we get out of that is really the interest we get from that band fund.

Q. That is the interest is what you receive, and how it is expended?—A. It is very hard to say because that interest, together with other sources of income—I would say amounts to approximately in round figures $150,000 and right off I would say the direct benefits involve about two thirds of that and the other third I would say is for administrative purposes.

Q. They deduct portions of what you receive through interest on trust funds for administrative purposes?—A. For administrative purposes and for carrying out tribal programs, paying salaries, hospital staff and so on.

The CHAIRMAN: You maintain your own hospital?

The WITNESS: We maintain our own hospital?

Mr. CASTLEDEN: And you pay your own officials?

The WITNESS: We pay all our own officials, with the exception of the Indian agent and one clerk or interpreter.

Mr. FARQUHAR: Is any of that money spent for charitable purposes, the sick and the aged and so on?

The WITNESS: Yes, some of that money is spent for tribal programs, improvement programs.

Mr. CASE: That is really a system of taxation.

The WITNESS: Yes, but it is really a contribution. The reason I try to distinguish that is because it does not involve the individual.

Mr. CASE: Well, of course, the individual would have received it otherwise.

The WITNESS: Yes, but in plain words he did not have to dig into his own pocket.

Mr. FARQUHAR: I would like to ask this question, I would like to ask do you believe, at the present time, that the old people are receiving the equivalent of the old age pension, it has been stated they are, what would you say?

The WITNESS: Well, I would say that it all depends on just what would be called adequate. I would say at the present time, all things being taken into consideration, they are, but not from the right source. The Indian is really providing those benefits himself. It is up to the Indian himself, whether he believes if it is a federal responsibility it should be a federal responsibility, or in this case it is the tribe itself.

Mr. FARQUHAR: You mean at the present time they do provide it themselves?

The CHAIRMAN: Do these old people receive this pound of meat and pound of flour and the other things?

The WITNESS: They receive it on a weekly basis.

The CHAIRMAN: They do get this pound of meat and pound of flour and everything else?

The WITNESS: Yes.

Mr. HARKNESS: Mr. Farquhar, the question does not apply. On Chief Yellowfly's reserve, it is the one reserve in Canada where it does not apply, they have all this food and so on.

The CHAIRMAN: What do you do with the old people in your reserve?

The WITNESS: On ours? On our reserve they get the same ration as the rest, and then clothing is issued and special rations are issued.

The CHAIRMAN: By the—

The WITNESS: Band.

The CHAIRMAN: The band looks after that too?

The WITNESS: Yes, the band looks after that.

By Mr. Bryce:

Q. Chief, you have told us about keeping a hospital, do you supply any money for the upkeep of schools in your reserve?—A. We do contribute.

Q. On a per capita basis?—A. No, no, just a grant.

Q. A Grant?—A. A grant.

Q. How much do you give?—A. For example we contribute $1,000 for each school for what we call a preventorium.

Q. How many schools are there on your reserve?—A. Two.

Q. That is like $2,000?—A. I believe that is the amount.

By Mr. Reid:

Q. My question has to do with the question asked by Mr. Case, where he asked if the dependants' allowance had an effect on the school children's attendance. I think you said, chief, you did not think it had, although you were glad to receive it. My question is this, is there any disposition on the part of the fathers and mothers to have the children educated, and if so, why the lack of attendance?—A. There is no lack of attendance as I know it.

Q. Well, the first question is, is there any disposition on the part of the parents, a feeling that the children should receive all the education possible?—A. There is a feeling that they should receive all the education possible, if that is the question.

The CHAIRMAN: Any further questions?

Mr. LICKERS: Yes, I have some questions.

By Mr. Lickers:

Q. Now, I think this is a reserve where we can get the Indian's viewpoint when the question of finance does not come into the picture at all. Has there been any improvement in the housing situation on your reserve in the last five or ten years?—A. Yes, there has.

Q. What about sanitation?—A. Yes, we try to look after that.

Q. And has the standard of living risen appreciably in the last five or ten years?—A. I would say yes.

Q. What program has the council itself taken to give the Indians leadership in say housing, sanitation, and agriculture?—A. Well at the present time I would say they have no program.

Q. The Indians have no program?—A. No program.

Q. And if they were given greater rights in the administration of their own affairs and a greater right in the interest of spending funds, that is trust funds, would they take leadership of their own affairs?—A. I believe they would.

Q. How many members of the council have you there?—A. Fifteen, sixteen.

Q. Sixteen, and what is your population?—A. 1,050 I would say.

Q. 1,050,—have you got enough farm equipment for your whole reserve?—A. No, I do not think so.

Q. You do not think so, and yet there is sufficient money here for the purchase of farm equipment?—A. Yes, there is.

Q. I understand your interest and trust fund is accumulating all the time, getting larger.—A. Yes.

Q. And do you not think some of that money then should be used for the purchase of machinery.—A. Definitely.

Q. Are any of the young chaps from your reserve being given instruction in agriculture or going to agricultural college or anything?—A. Not at the present moment.

Q. Why is that?—A. That, I believe, depends largely on the individual because, since we have the money, if any Indian lad wishes to attend we will make provision for that child to attend.

Q. Are there any Indians now who are getting in a position to attend high school?—A. There are boys attending high school now.

Q. Do any of them have any intention of going on to higher learning, going into professional life, or attending agricultural college?—A. That I do not know, because I have not asked, and it involves me very personally, because my son is going to high school but I have not asked him, I prefer to wait until he finishes.

Mr. HARKNESS: I might say that Chief Yellowfly went to agricultural college himself.

By Mr. Lickers:

Q. Whereabouts do the children go to high school from the reserve?—A. Usually we have been sending them over to the white school.

Q. To the white school, whereabouts is that?—A. In Gleichen.

Q. How far away is that from your reserve?—A. Well, it is right in Gleichen, and Gleichen is on the border, just on the reserve, and headquarters of the reserve.

Q. Do you know how many Indians would be attending high school now?—A. There are only two at the present moment.

Q. Are they all boys?—A. No,—there are four now, two girls and two boys.

Mr. CASTLEDEN: Who pays for that?

The WITNESS: We pay, band funds.

Mr. CASTLEDEN: Band funds.

Mr. BRYCE: Do you have any difficulty getting them into that school?

The WITNESS: Well there was, but I would not say—I might add that I think racial prejudice has nothing to do with it, it is the congested condition at the schools. These white schools are quite prepared to accept Indian children.

Mr. CASE: They get along well with the other children?

The WITNESS: In my case, my son is blending in well with the others, the mere fact that he is an Indian has worn out.

Mr. CASTLEDEN: Do you have to get permission from the agent before you are permitted to send them to high school?

The WITNESS: He has to approve it.

Mr. CASTLEDEN: But the band funds are paying?

The WITNESS: Yes.

Mr. CASTLEDEN: Is that money coming from Ottawa to you?

The WITNESS: It comes from Ottawa to the Indian office.

By Mr. Lickers:

Q. Would you say the standard of living on the reserve is about on the same level as that of the farmers surrounding the reserve?—A. As a whole I would say yes.

Q. Have you electricity there and other modern conveniences?—A. Not in that line, no.

Q. What about wells?—A. Yes, they have wells, yes.

Q. Are there any suggestions you could make which would be of help to this committee which could be done on your reserve say to better conditions if they could be bettered?—A. Well at the present moment if I had any suggestions for this committee—I would not have any suggestions because I believe our reserve should not be taken as a standard case. If I had any suggestions I would not come all the way to Ottawa to make them, I would make them down there and if the council approved we would be able to carry them out. As far as programs are concerned I would make suggestions down there, but what I do believe is this, we should be given authority to carry out those suggestions, but at the present time we merely make them as suggestions.

Q. That is where the frustration lies. In so far as that reserve is concerned, you are not given the authority to carry out your own programs?—A. Yes, and therefore we do not apply for those things, knowing we cannot carry them out.

Q. And if you had the authority you, or the council, would be in a position then to evolve plans whereby they could help themselves?—A. Yes.

Q. And I presume that would be at their own expense?—A. At their own expense at the present time, yes.

The CHAIRMAN: In your brief, Chief, you said at page 205, "in connection with tribal business, here again, Indian service officials are not always entirely free from outside interference when business transactions in tribal affairs are in progress". What do you mean by that?

The WITNESS: I mean just this. For example here on our reserve there seems to be some outside influence that makes suggestions as to what move the offcials should take, and while they are merely suggestions it is one of those things that, in effect, really means "this suggestion—or else"!

By Mr. Castleden:

Q. What do you mean by that, could you be more explicit?—A. Well I mean this, they have the local political party, they have their own political system, and if the local political party finds they can get something out of that program they try to steer things their way.

Q. Do you still have to get permission for the sale of your produce? —A. Yes, we still do.

The CHAIRMAN: Permission for what?

By Mr. Castleden:

Q. Permission from the agent before you can sell any produce from the farm, that is true?—A. True.

Q. Is that pretty general across Alberta, Mr. Laurie?

Mr. LAURIE: Oh, yes.

Mr. CASTLEDEN: Generally, all Indians on the agency have to have written permission before they are allowed to sell any produce.

The WITNESS: As far as I know, Mr. Castleden.

Mr. LICKERS: That is true of all the western provinces.

Mr. BLACKMORE: Mr. Chairman, I would like to ask Chief Yellowfly one or two questions to clarify one or two things in my own mind. I would like to return to the question of the beef again, I do not know that I have got the exact picture. Who pays for the beef for the Indians? Now the government agreed under the treaty that the Crown would provide every Indian with a pound of beef and a pound of flour every day so long as the river ran. Who pays for the beef which is provided to the Indians on the Blackfoot reserve?

The WITNESS: Well I would say, practically speaking, the Indians themselves through their band funds.

Mr. BLACKMORE: I gathered that from the evidence that went forward. In other words it would appear that the Crown, in the case of the Blackfoot Indians, has contrived to put the Indians in a position where they do the things which the Crown itself had agreed to do.

Mr. LICKERS: That is incorrect.

Mr. ALLAN: It is not in the treaties, that this pound of beef, etc is contained, it is in the surrender of the lands, when the land was sold. It is in the surrender documents.

Mr. HARKNESS: The reserve was once about twice the size it is now.

Mr. REID: I am not interrupting, but I had the impression when I asked an Indian agent, and I would like to know here, that the pound of beef was supplied by the Indian but the government paid.

Mr. GOODERHAM: By a surrender agreement. The Blackfeet once had a large tract of land, 150,000 acres, and they were asked whether they would sell it, and they said yes, on the following conditions, one of which was in the surrendering of this land for sale by the Crown for their benefit. You see, in

1911, the agreement was, one—that they would get this ration, and two—that they would supply their own people with homes.

Mr. REID: Right there, the government was to supply them with this ration you mean.

Mr. GOODERHAM: Out of their money, out of the return from the sale of their land, the money that was created through the sale of the lands has been used not only to create a band or tribal fund to operate on and to do all the things the Indians have asked, including right from the first the ration as it was mentioned today; and to the supplying of homes and supplying of staff; to assist in the farming and ranching and various other lines of endeavour and to look after the old and sick out of their own funds. As Chief Yellowfly will tell you I was Indian agent on that reserve, and my father was the Indian agent on that reserve prior to my beginning in 1907 and so you see we are very familiar with the changing of the mode of life of this particular band,—the taking of a thousand people in this country and guaranteeing to them food, clothing, and shelter, and an independent life and the opportunity to improve themselves. That has developed through these years until today you have a self-contained organization or society. They have got, possibly, too much money now, and there is a digression, the man is improving fast. Mr. Yellowfly, in his brief yesterday touched on that, I think, when he said the time has come when you have to allow us more chance for independent endeavour to develop ourselves individually so we will, as an individual entity, more readily assimilate with our other peoples.

The Blackfoot band today is possibly, as a whole, better off than his white neighbour. May I digress a moment? You have been talking about band funds and the powers of the Indians themselves. Throughout the province of Alberta nearly every band has a fund. It has been our endeavour within the last year or two to have every council sit at a table and have each councillor know his capital and his revenue, and as he knows his revenue for the year he has been asked to sit down in company with his agent and work out ways and means to spend that money to the best advantage of his people. The delegates here are well aware of that. If they wanted to help their aged in some way by a separate ration or if they wanted to improve their roads or help their young people to become established they have certain funds for certain purposes. Part of the whole problem has been as much as possible to pass on to them in order that they will take the respsonbility which we for generations took away from them. They are not going to start in one day or one year or one generation to be able to recover that responsibility which we took away, but we are starting. I must say this on behalf of our branch at Ottawa that invariably the estimated expenditures which the various band councils have submitted for disposal for the coming fiscal year have been approved if the money was available. As the money is approved, the money will come back to a single point—you must have a guiding point, a central office with any organization or any company; even in the case of a bank: therefore, it comes back to the agency office where it is administered on behalf and with the cooperation of the Indians, and these Indians all know it. We are on the right move, we think, which will develop the Indian into a responsible being. As I said, in nearly every instance the department at Ottawa is approving of these statistics coming to the Indian bands. I think that clears up a lot. There is this large fund. The others have not got a big fund, but they are all starting with even a small revenue to distribute it as best they think; and on the advice of the white man the Indian is taking that responsibility. Maybe that advice in some cases is of some value. We hope it is, anyway.

By Mr. Blackmore:

Q. I wonder if Chief Yellowfly would care to comment on that statement? —A. I would say that is largely true, but the fact still remains that everything

depends on the charity, you might say, of those in authority. That is as far as authority is concerned. That is the policy of the present personnel. It depends on the personnel of the department. As Mr. Gooderham said, if the personnel favours the nature of the policies they are carrying out now, all well and good, but as soon as there is a change in the personnel, the new personnel have the absolute authority of changing everything that the former personnel started. That is the point I wish to raise. Now, we have Mr. Gooderham who was our agent for twenty-five years. Let us say that he started a plan—and he started many plans twenty or twenty-five years ago—but supposing he started a plan—and some of those plans were started in those days—well, let us assume that five or ten years after they were started and a new agent came along and he had opposite views, he had the authority to change the whole thing. That is the point I wish to raise, that it depends on the attitude of the personnel, of the administration, because the law still says he is the dictator. Much depends on the individual official.

By Mr. Castleden:

Q. May I ask this question? Do you find that the bands in Alberta are given statements of the band funds and that they sit around the council table and administer the funds of the band?

Mr. LAURIE: I would prefer if some of the others spoke on that—Mr. Callihoo, for instance.

Mr. CASTLEDEN: Mr. Callihoo, are you given a statement of the band funds every year, and are the bands of the Indian reserves in Alberta asked to sit around the council table and administer those funds?

Mr. CALLIHOO: We have been asking for that for twenty years right up to date and we have not got it. The Indian agent often tells us it is none of our business. That is absolutely true.

Mr. CASTLEDEN: That is a point to be settled.

Mr. GOODERHAM: I think Mr. Callihoo will remember—I am fairly new at this job of inspector in the province of Alberta, but I can go from one end of that row to the other—there is the representative of the Peigans—

Mr. CALLIHOO: He asked me about my reserve.

Mr. GOODERHAM: Did we not discuss that last fall? You have not had your statement yet?

Mr. CALLIHOO: No, nothing at all.

Mr. GOODERHAM: I regret that; but your council supplied some estimates. You remember those resolutions to spend money. I do not think Mr. Callihoo has this matter clearly in his head.

Mr. CALLIHOO: I do not think we got them.

Mr. GOODERHAM: You have, Mr. Crow Eagle?

Mr. CROW EAGLE: No, I do not think so.

Mr. GOODERHAM: I produced them for you last year.

Mr. CROW EAGLE: I have not seen them.

Mr. GOODERHAM: I say, gentlemen, that we have not had it in the past.

The WITNESS: I would say on the Blackfeet reserves we do not get the statement; it is merely made known that there is available an amount of money, but as far as the actual detailed amount is concerned, we do not get that. We are given the information that we have $150,000, you may say, to work on this year, and that is all the information we get. We do not get a complete statement on our tribal fund here at Ottawa.

Mr. GOODERHAM: On a number of reserves I have had the statement brought up by the agent. You know, the Bloods; were you not present? How about the Bloods? Didn't I present that statement?

Mr. CASTLEDEN: Have you in the Blood reserve ever received the statement?

Mr. BULL SHIELD: It has not been brought to our attention yet.

Mr. CASTLEDEN: Has it ever been done before?

Mr. BULL SHIELD: No.

Mr. GOODERHAM: I think one thing should be explained, and that is that the statement comes at the end of the fiscal year, March 31. The treasury branch have to make up the statement at that time, and those statements will be going out. I do not think a number of them have their statements yet, but they all know that this thing is amalgamated, and it is the desire that they all know their business. I regret that some did not get them. I know they have been sending in resolutions based on what they anticipate, and they are being acted on by our authorities.

Mr. CASTLEDEN: I am glad to hear that.

Mr. GOODERHAM: We want to do that. There is no desire to withhold.

Mr. CASTLEDEN: I do not think there is the desire, but I think that was a matter of policy in the past; it has been the policy in the past.

Mr. ALLAN: There is a misapprehension here that may be detrimental to the purpose you hope to attain. For many years the printed statement of band funds was issued. About ten years ago on a wave of economy the printing of that statement was discontinued, and at the date of its discontinuance the treasury office of the Indian Affairs branch made up mimeographed statements of the band funds across Canada, and my services—sent out the treasury office statements of those band funds for every band in Canada every year to the agent of the agency with instructions that those statements of band funds be placed before every council. Now, it may be that every Indian of the band does not get the statement, but the statement is placed on the table for the band council, and if the Indians want information to-day the Indian agent has the information and it is available at all times. You have seen it before this committee—the actual statement of their revenue and expenditure, showing their balance carried forward from the year before, and the increment of the expenditures during the year. That is in the hands of the Indian agent every year immediately after the term of the fiscal year or as soon after as the treasury officers can get that statement out. Those statements are available. The band councils get them.

Mr. CASTLEDEN: I would like to question that statement, because I have complaints from dozens of Indians in the organizations in my province—as well as the statements from the bands here—that they have asked the agents for this information and it has been denied them. I think the intention is good. I think the operation of the office is good. Maybe the statement does go out. But my information from our Indians and the Indians right here is to the effect that they are not given these statements, and when there is a request they are refused the statement. I will ask a number of those Indians standing by to say whether I am right or not.

Chief YELLOWFLY: There are statements issued, but in nearly all cases they are in reality summaries and they do not go into the details. That is the objection we do have. We do receive a sort of statement but it is rather general and there is no breakdown in the statement. For example, they will merely say that there is so much money used for a certain purpose and so much for another purpose, and sometimes the details are not there which will explain as to how the moneys were expended, or the like.

Mr. BRYCE: As regards this statement that you send out, do you send a statement out for every reserve or is this just a general statement for the Dominion of Canada?

Mr. MCCRIMMON: We send to each of the inspectors and to each agency the statement of the band funds of the different bands in that agency, provided they have funds. Over and above that we send a copy to the inspector's office of all the statements of the band funds over which he is the inspector.

Mr. BRYCE: There is no detailed statement for each band?

Mr. MCCRIMMON: No, sir, there is not. That would be a big job.

The CHAIRMAN: The statement for some bands is given in appendix "O", for such places as Norway House, St. Peter's. That is a sample.

—The committee adjourned to meet again this afternoon at 4 o'clock.

AFTERNOON SESSION

The committee resumed at 4 o'clock p.m.

The CHAIRMAN: If you will come to order, gentlemen, we will proceed with the examination of the witnesses.

Mr. BRYCE: Mr. Chairman, I want to rise to a point of privilege. The Minutes of Proceedings and Evidence which has come to hand today has a mistake which I would like to correct before it goes any further.

Mr. REID: What date is that?

Mr. BRYCE: It is at page 511, at the 18th line. I am quoted as having said:

> The next photograph shows you the No. 1 Homemakers Club. Now, the women of this club raised the money to build these houses without any governmental assistance whatever. This illustrates what they can do when they receive proper encouragement.

What I did say was:

> No. 1 Homemakers' Club House at Cross Lake and some of the members. The women of this club raised the money and built this house without any assistance from the government. This, however, shows what they can do when they receive proper encouragement.

I would like to have that correction made.

The CHAIRMAN: I think that is well noted, Mr. Bryce. That was the impression I got from it anyway, that there was just that one house. I appreciate very much having it brought to the attention of the committee and we will have the records changed. By the way, you are going to file those pictures with the committee?

Mr. BRYCE: Yes.

The CHAIRMAN: Because I think they are very valuable for the purposes of the committee.

Shall we proceed with our examination of witnesses? We have Mr. Crow Eagle, and we also have Chief Teddy Yellowfly. If you would like to proceed, Mr. Blackmore, you are the first on the list.

Mr. BLACKMORE: I would like to go a little further into the use of band funds, Mr. Chairman. I was arrested by the remarks of Chief Yellowfly to the effect that although the Indians were given to understand that there was a considerable amount of interest accruing on their large band funds yet the Indians themselves through their council or through any individual effort they could make had no way of getting any kind of effective control over the use of that money.

Chief Teddy Yellowfly, recalled:

The WITNESS: That is right.

Mr. BLACKMORE: That seems to be a matter which I thought was rather extraordinary and pretty difficult to defend. Then the question arose whether the council generally was able to learn what the band fund was.

The CHAIRMAN: Mr. Blackmore, you have made a statement.

Mr. BLACKMORE: I want to ask a question based on that statement.

The CHAIRMAN: Oh, I see. You will also permit the departmental officers to reply?

Mr. BLACKMORE: Oh yes. I want to get the facts concerning the matter, and I just want to give a summary which you would have had to give in order to get continuity if I had not given it. Now, Chief Yellowfly has said that in his experience that is correct; the chief and the council of the band are not able to get any kind of control over the money which was supposed to be theirs. Now, the next question that arose was whether they have been able to learn about the band funds; how big they were; how much the interest paid on it was; what use was made of the band fund profit. I would like to probe into that just a little. With your permission I would like to ask any of the Indians here who have had experience on band councils either as chiefs or as members of council; I would like to find out what their experience has been over say the last twenty years in respect to getting details concerning band funds.

The CHAIRMAN: Would you like to answer that, Chief Yellowfly or Chief Crow Eagle?

Mr. BLACKMORE: I would like to ask each chief that question.

The CHAIRMAN: All right, we will start here then.

Mr. BLACKMORE: That is all right.

The CHAIRMAN: Would you like to answer that.

The WITNESS: I will answer that in this manner, that the councils suggest these programs. They must have the approval of the department at Ottawa before the money can be used for that program.

Mr. BLACKMORE: Then, the next question is, suppose—

The CHAIRMAN: Now; let me get this. I thought you wanted to ask each one of these chiefs the same question.

Mr. BLACKMORE: I would like to ask him one or two more. We want to know the key facts and the department wants to know the facts, and the Indians want to know them. And, in all this, I am not casting any reflection or implying any reflection on the department.

The CHAIRMAN: My purpose is to try to get through this by six o'clock.

Mr. BLACKMORE: I understand that. This is a very vital matter and I wanted to get it. Then, when the band council comes back together say after a year they want to find out how the money has been spent; whether it has been spent as it is suggested it should have been; or the details of where the money went; and what success have they had in obtaining these details from the agent?

The WITNESS: It depends on the nature of the program. If it is a local thing we generally receive details when they become available. If the matter is one involving the offices here in Ottawa, sometimes we do not get to know what is involved, sometimes we are never able to get the details.

Mr. BLACKMORE: Now, if the same question will be answered by each of the other chiefs it will be valuable, I believe.

The CHAIRMAN: Do you want to answer that, Mr. Crow Eagle?

Mr. CROW EAGLE: I would like to deal with the questions in a simple way.

Mr. BLACKMORE: I will ask the question simply.

The CHAIRMAN: All right.

Mr. BLACKMORE: Were you a chief; how long were you a chief on your reserve?

Mr. CROW EAGLE: I am not a chief, sir.

Mr. BLACKMORE: Have you ever been a chief?

Mr. CROW EAGLE: No, sir.

Mr. BLACKMORE: Were you on the council of your band?

Mr. CROW EAGLE: No, sir.

Mr. BLACKMORE: Well, then, we want someone who has had that experience.

The CHAIRMAN: Do you want to ask all these others here, and let Mr. Laurie answer for the general fact? It is going to take a long time otherwise.

Mr. LAURIE: I do not think I would be qualified. Possibly you might ask Chief Bull Shield.

Mr. BLACKMORE: Chief Bull Shield, I want to find out what your band fund was; what money you had coming in the way of interest on the band fund; what it earned; and what way you found out about it?

The CHAIRMAN: Just a little louder, please. The reporter cannot hear when you turn your back. Mr. Gooderham has made it clear that they are going to get it from now on at the end of the fiscal year.

Mr. CASTLEDEN: Yes, from now on.

The CHAIRMAN: Mr. Gooderham, have they ever received that in the past?

Mr. GOODERHAM: Sir, the session I had with their council was not so very long ago, within the last fiscal year. I had the acting agent produce a statement for the previous fiscal year and I explained it to them as best I could, as to the capital amounts on the statement, as to the summary of revenue, and as to the amounts that have been charged against the fund during that previous fiscal year; and I told them that there would be statements similar to that at the end of this fiscal year showing what the capital would be, showing also the revenue and the expenditures in the last year.

The CHAIRMAN: Then the answer is, yes?

Mr. GOODERHAM: Yes.

Mr. BLACKMORE: How long have you been on the band council?

Chief BULL SHIELD: Not very long.

Mr. BLACKMORE: How long, two years or so?

Chief BULL SHIELD: Two years.

Mr. BLACKMORE: Do you know what other chiefs have found in times past, have they told you that they knew about the band fund?

Chief BULL SHIELD: No, sir.

Mr. BLACKMORE: Do you know what the interest was on it?

Chief BULL SHIELD: No, sir.

Mr. BLACKMORE: You never could get that?

Chief BULL SHIELD: No.

Mr. BLACKMORE: I think that is sufficient on that. Now, Mr. Callihoo, I want to ask you the same question as the others; first, were you either the chief of a tribe or whether you are on a band council.

The CHAIRMAN: Wasn't that answered this morning?

Mr. BLACKMORE: I do not think it was answered this morning?

The CHAIRMAN: It was, wasn't it, Mr. Laurie?

Mr. LAURIE: I think so, Mr. Chairman.

Mr. CALLIHOO: I was never a chief or a councillor until I was appointed to the council of the Indian Association of Alberta.

The CHAIRMAN: That is separate and apart from an Indian band council, is it not?

Mr. CALLIHOO: It is separate from the local band council.

Mr. CASE: How many present are chiefs?

The CHAIRMAN: Will those of you who are chiefs please raise your hand. Four.

Mr. BLACKMORE: One more question, Mr. Callihoo, before you sit down; you have talked with chiefs, Mr. Callihoo, who were on councils; have you learned from them whether they could get details of their band funds or whether they could not?

Mr. CALLIHOO: Yes, I have spoken with quite a few of them and they always said that they could not.

Mr. BLACKMORE: What happened when they asked questions trying to get facts?

The CHAIRMAN: Just a minute, Mr. Blackmore. I do not think it is a matter of legal procedure that you should try to get indirectly what cannot be obtained by way of direct evidence; in other words, whatever Mr. Callihoo would be able to tell you would be purely hearsay.

Mr. CALLIHOO: As I told you this morning, while I have been there we have never received statements of this kind. I wrote to some of the officers at Ottawa and told them that we were having difficulty in getting these statements.

Mr. BLACKMORE: May we turn to another chief.

Chief CROWCHILD: I have been a chief for two months.

Mr. BLACKMORE: Were you on the council before you were a chief?

Chief CROWCHILD: I was.

Mr. BLACKMORE: Were you ever able to get the facts about your band funds?

Chief CROWCHILD: No, we were not.

Mr. BLACKMORE: Not until this year?

Chief CROWCHILD: No, I have just been chief two months and we just began to know this spring. We have not in past years.

Mr. BLACKMORE: How long were you on the council before you were a chief?

Chief CROWCHILD: About five or six years. We had one head chief on our reserve. He has no council.

Mr. BLACKMORE: What is your reserve?

Chief CROWCHILD: The Sarcee.

The CHAIRMAN: You say that you have never received a statement, you have never known how the moneys of the band were expended? Have you ever made any attempt, Chief, to find out directly; and if so, what demand did you make?

Chief CROWCHILD: I do not think we tried to find out. The council did.

The CHAIRMAN: What is that?

Chief CROWCHILD: I do not think he did try to find out.

The CHAIRMAN: I am talking about you, I don't care what anybody else did; did you ever try it?

Chief CROWCHILD: No.

Mr. BLACKMORE: Are there any other chiefs?

Chief CARDINAL: Yes, I am a chief.

The CHAIRMAN: What is your name?

Chief CARDINAL: Frank Cardinal, of the Cree Reserve, Sucker Creek.

Mr. BLACKMORE: I want to ask you first how long you have been a chief, and how long you have been on the band council; and then I want to ask if you have tried to get facts concerning the band funds and details of expenditures.

The CHAIRMAN: Chief Cardinal does not speak English so we will have to ask this gentleman here, Mr. Frank Steinhauer, to interpret for Chief Cardinal.

Chief CARDINAL (through interpreter): Last summer Mr. Gooderham was up there and he told them that from now on they would get their financial statements at the end of each fiscal year. When he first became chief two years ago he went up and saw the Indian agent and asked him for a financial statement for his band funds and all that.

Mr. BLACKMORE: What was the result of that request?

Chief CARDINAL: He promised to give him that statement but he never did.

Mr. BLACKMORE: I think that is all that I have.

The CHAIRMAN: Tell me this, have you ever seen a financial statement of any kind before?

Chief CARDINAL: No, never.

The CHAIRMAN: Would you know the effect of a financial statement if you were to see one?

Chief CARDINAL: Well, as far as the effect of it is concerned, if we do not receive any it will be of no use to us.

Mr. REID: If he came before the band and told them. Never mind whether there is any statement or not; did any agent or anyone from the department ever come before your band and tell them what amount of money there was there?

Chief CARDINAL: The only time that we got any notification of the money was last summer through the agent and we were told that we had $5,342. That is all we got. We never got anything else.

The CHAIRMAN: What reserve is this, Chief?

Chief CARDINAL: The Cree Reserve at Sucker Creek.

The CHAIRMAN: Is that all, Mr. Blackmore?

Thank you very much, Chief.

Mr. BLACKMORE: Now I wanted to probe just a little way into the extent to which the band funds of the Blackfoot Indians is being used for discharging government responsibilities to the band. Now, the government may not have any responsibility to the band.

The CHAIRMAN: May I suggest this, Mr. Blackmore, you see all these accounts have to be audited by the Auditor General's office, is it, Mr. Hoey?

Mr. HOEY: It would be unfortunate if the impression got abroad that the Indian agent is a law unto himself, because such is not the case. The treasury branch of the Department of Finance audit regularly, once a year, twice a year, and in addition the Auditor General can institute an audit at any agency at any time. I am reading auditor's reports day after day, and the last matter that was brought to my attention was a discrepancy of seven dollars. I mean, I have never seen business audits, but I feel that audits of businesses could not be more thorough or more searching. The Indian agent is compelled to spend money in conformity with government policy on the one hand, and in conformity with band wishes on the other. It just cannot happen.

Now, while I am on my feet, about the distribution of information, is this committee prepared to recommend that every Indian in Canada get a financial statement? If I were to take that up with Treasury tomorrow I know exactly what their answer would be. We are paying 5 per cent on all Indian trust funds. At prevailing interest rates, it makes a difference in the case of the Blackfeet, between $90,000 and $150,000, a year. Now, I think Treasury would take the stand that there is a limit beyond which the taxpayers can go in paying interest and providing information and service costs. If the Indians approached the Department of Finance and said each individual must have a statement of his financial standing each year, and we will provide 4 per cent, or 4½ per cent, or 3 per cent or 2½ per cent, to enable the government to open a printing office that would be a different proposition for any governmental office, I care not whether it is the present government or any government that may succeed it. I can go to the dominion government today and secure 5 per cent on my money, and I think it is the duty and responsibility of the government to maintain equity in these things. Now, I think inspector Gooderham should explain the audit and there is another important matter that came up today and it would be unfortunate if we did not have an expression of opinion from him on it because it has come up, and that is the permit system. The fact that an Indian has to get a permit before he may dispose of his livestock, potatoes, grain, or anything else.

Mr. REID: Could I ask you a question right there? Does that regulation apply in all provinces? I understood that in the province of British Columbia an Indian could sell anything, he is a free individual.

Mr. HOEY: No, that is just the prairie provinces.

The CHAIRMAN: Let us get into that with Mr. Gooderham.

Mr. HOEY: That is the legislation, and when you come to the Act you want all the information you can get, and that is why I think you should embrace this opportunity when an experienced official from the field is here. That is very important and I would like to hear him discuss it for my own information.

The CHAIRMAN: The first question you are propounding is a question on the financial statement.

Mr. HOEY: Audits.

The CHAIRMAN: Can you answer Mr. Gooderham?

Mr. BLACKMORE: I can save Mr. Gooderham some trouble if I point out that no one has suggested that every Indian should get a financial statement, what is really being implied by the question is surely the council should have access to such a statement.

The CHAIRMAN: Would you like to comment on that, Mr. Laurie?

Mr. LAURIE: Mr. Chairman, it seems to me the difficulty has arisen, as Mr. Allan explained this morning, that sometime a wave of economy hit the Indian department severely and they had to curtail a lot of the expenditures. That is one reason why many of the reports which went out during those years were very meagre in the sense that they were sum totals. I should like to add to that the extraordinary difficulty which many of our older chiefs have in understanding English in the first place, let alone the intricate details of a financial statement. It is my impression that many of those things were just explained to them without any real understanding on the part of the Indian. I do think, particularly, since Mr. Hoey has become the director and since Mr. Gooderham has become inspector in Alberta that these matters are receiving a great deal more attention than they have ever received before to my knowledge, I will qualify that by adding "to my knowledge."

The CHAIRMAN: Mr. Gooderham would you like to say something about it?

Mr. GOODERHAM: There is so little I can say. In the first place all expenditures of moneys are submitted with complete statements each month through to Ottawa and are undoubtedly first audited by the department and then by the treasury and then they go to the Auditor General and they are all checked and everything else. On top of that, there are special auditors detailed from the treasury branch. At the present time there is an auditor on the Blackfoot reserve who is following up the last audit and he checks for every detail that is shown as an expenditure through the books of the agency. He also checks the vouchers to see that they are in order. In fact it is a complete audit as in any other kind of concern, and he makes his report to his own treasury branch, and I believe in turn, a copy of that goes to our directorate. It is a very thorough account of everything. That is done through the treasury branch. I do not know that there is anything more I can say.

Mr. BLACKMORE: Mr. Chairman, there is just one thing I would like to say, in all the questions I asked there was no implication that there was any dishonesty on the part of any agent. Mr. Hoey put it well when he said there is an audit in accordance with the government policy. Mr. Chairman the question this committee must deal with is the government policy. It is a question of whether or not it is sound.

Mr. GOODERHAM: From the standpoint of the audit I would say very sound.

The CHAIRMAN: Just a moment, all right Mr. Castleden.

Mr. CASTLEDEN: I do not think there is any suggestion from any band or from any Indian that each Indian should be given a statement. I think this is the difficulty, we had a statement from the officials that a financial statement is placed before the band council each year. The complaint that we have from the Indians is that they do not receive that statement.

The CHAIRMAN: Gentlemen, I think you have brought it out in full, and Mr. Laurie has made his statement, could we not leave it at that?

Mr. CASTLEDEN: Chief Yellowfly said about thirty per cent of the band funds were spent in administration, I would like to have a statement from the officials as to how that is done.

The CHAIRMAN: I do not think we can do that until Mr. Blackmore is finished.

Mr. BLACKMORE: That is my very next question.

The CHAIRMAN: Will you accept that as your own question?

Mr. BLACKMORE: Yes, if we have reached the point.

Mr. GOODERHAM: I may be able to help you there. In the surrender agreement that the Blackfoot Indians made they said this. We will increase our staff on this reserve with the funds created out of the sale of this land. They, in the surrender, very definitely said that "we will pay for the hospitalization, we will pay for the farming instructors, and the stock, and such other men as are specialists in the way of our development". As a result they are expending, as Chief Yellowfly has said, and I would say very close to 30 per cent of their funds.

Mr. CASTLEDEN: Of the $150,000?

Mr. GOODERHAM: Yes, you cannot run a hospital for nothing, and they have to have farming instructors, and they have to pay the salaries which they have done until today.

Mr. CASE: What about burial funds?

Mr. GOODERHAM: Yes, their burials, They make the burial of people a very substantial and reasonable thing, supplying them with coffins and so on.

Mr. CASTLEDEN: Are burial charges charged against the band funds in their reserve, could I get that?

Mr. GOODERHAM: No, the cost of burial is part of band charges.

Mr. HOEY: Yes, where an Indian is an indigent and the band has no band funds, it is a charge to welfare.

The CHAIRMAN: If you will look at page 507 of the proceedings you will see the report to the Blackfoot agency in Alberta, showing the receipts, I presume it is the receipts and disbursement and I will just put it as such.

Mr. CASE: Mr. Chairman, are we to follow Mr. Gooderham's suggestion and have the Indians' comment on the permit situation?

Mr. BLACKMORE: I would like to ask just one more question from Mr. Yellowfly, that is, do the Blackfoot Indians now feel satisfied about spending 30 per cent of their income on staff?

Chief YELLOWFLY: They feel that since health is a government responsibility, they feel that through the treaties the government promised to look after the Indian's health, they feel the government should pay for those things, the amount of the salaries to the doctors and nurses, since it all relates to that question.

Mr. HARKNESS: Mr. Chairman on a point of procedure, I think we should finish up with the delegation itself, and their evidence at this session because they are leaving afterwards and I think we might be able to question Mr. Gooderham at our next meeting. I understand he is going to be here for the rest of the week.

The CHAIRMAN: Whatever the committee says.

Mr. CASTLEDEN: I do think the delegation that is here is very much interested in this permit problem, but I think a couple of minutes might be very well spent.

Mr. REID: I wonder if I could ask just one question before he goes?

The CHAIRMAN: He is not going.

Mr. REID: It has to do with band funds. Did you give evidence that the band funds had $2,000,000 to your credit?

Mr. CASTLEDEN: More than that, $2,800,000.

Mr. REID: I am leading up to the question I have in mind by asking that first. My question is this, how much each year does the band keep back for improvements, do you keep back $100,000?

Chief YELLOWFLY: I will put it this way, we are working on the assumption that our income from all sources, band funds and other sources would be $150,000 and then we budget on that basis. In this budget we provide for all those programs such as hospitalization and so on.

Mr. REID: Would there be any buildings constructed out of those funds each year?

Chief YELLOWFLY: Yes, there could be.

Mr. BLACKMORE: How many more of these gentlemen are there to be heard from, Mr. Chairman?

The CHAIRMAN: Beg pardon?

Mr. BLACKMORE: How many more of these gentlemen are there to be heard from, in trying to decide whether we should hear Mr. Gooderham before we hear from them?

The CHAIRMAN: These are the only two, the others are supporting them, I think it would be well to hear from Mr. Gooderham if you do not mind.

Mr. GOODERHAM: Mr. Chairman, gentlemen, it is a difficult thing to answer this sort of a problem, and you have put me rather on a spot. Now, in southern Alberta we operate a great many reserve herds of cattle on a community basis. They are one unit. I think it would be rather dangerous and I think it is a feeling of many of the Indians that the permit system should not be done away with, not

only from a statistical point but in order to get the best value. The Indians are taken into our confidence. We are all working together pretty well. The Indians on the Blood, the Blackfoot, the Peigan, and the other reserves raise cattle, tenders are asked for their cattle and the best tender is accepted. Possibly if individuals were buying or selling without this permit system, while a number of them had not had a very great deal of business experience, it would be found they might be selling at a loss. Now we appreciate we want to develop them as Indians, to become more responsible, but we say we want you to come in and talk things over and we will automatically give you a permit as you will probably make a good business deal. But for the man who is ignorant of buying and selling practice and is influenced by the desire of the moment, he is very likely to sell and regret it afterwards. I think Major McKay of British Columbia can tell us that sort of thing happened in the years gone by in British Columbia where many of their herds and other things were dissipated. The Indians themselves here, especially in the south, want that protection, and I think they are prepared to rely on the integrity, fairness and co-operation of their agent to work this problem out until the time comes when it is safe to leave it to them entirely. That applies to the Indians' cattle and grain and other things. When you get into the north there is fur and the fur regulations of the province and there is control through the provincial and dominion governments. There could be, very likely, a breach of trust by allowing an uninitiated man to go peddle his furs. Then there is the matter of timber. In the timber, which comes under the permit system, the timber is part of the land itself, communally owned. Well, if you removed the permit system, one very crafty individual might sell out his band and therefore, the permit system should be continued. I think, and I think it is agreed by the majority of the more advanced Indians, the permit system should remain as a protection for the time being. A trial was made in a small way on the Blood reserve at the request of the Alberta association last year. There are members of the association here now who know the results. Last year we were lax in putting up the hay and as a result the hay became good and scarce on the reserve. There was not enough saved, and some members of the association found it very difficult to get hay themselves. I think that they would prefer that in future the tightening up of these things should be discussed in their regular council meetings where certain rules and regulations can be made on the general principle, that of on the whole keeping their affairs safeguarded. I do not know that there is anything more that I can say.

The CHAIRMAN: Thank you very much.

Mr. REID: I would like to ask a question. From your experience in the past are you still of the opinion that this form of assistance should be continued? I am thinking particularly perhaps of the Indians of British Columbia. The Indians do much of their own marketing because we feel that the only way by which they can learn the lessons of life is by acting for themselves. True, the Indian may make an error now and again, he may get gypped; but that is just part of learning the lessons of life. We all have to learn that way. I am asking this question. We think that makes them self-reliant, to look after their cows, their hay, their eggs and such things; they are getting experience. Do you think it is now time to change that permit system in the province of Alberta?

Mr. GOODERHAM: The Indians of Alberta we feel are not fully qualified to deal with finance. First I think they should go on longer, not so long, before they turn over from the present system. I would not like to say at the moment that they should be removed immediately. I thoroughly agree with you on the matter of self-reliance; and we thoroughly agree with you that that is one of the principal reasons that we should turn it over to them as quickly as possible; why we should turn over to them the responsibility for everything. They are even now giving out suggestions as to how this should be done.

Mr. REID: In assimilation there is too much paternalism. They are being treated as children all the time. No one can develop when he is treated in that way and you will never develop Indians into normal citizens through that method.

Mr. CASTLEDEN: Has there been any expression of opinion from the Indian Association of Alberta in regard to the matter of permits?

The CHAIRMAN: You will find reference to that on page 54 of the summary of the brief.

Mr. CASTLEDEN: I wonder if any of these representatives would like to say something on that.

Chief GLADSTONE: In our association not so long ago a motion was moved by our then chief which I seconded—

Mr. CASTLEDEN: A motion to do with what?

Chief GLADSTONE: It was about permits, about the relaxation of hay permits. And the reason for that was to encourage the Indians to stay up there at the hay camps. I think the Indians and more or less the other members of our tribe kind of blamed the stockmen for their permits being held up. They wanted hay, they thought they would be able to provide. The chief reason for this motion was in order to keep the hay camp going; that if the Indian got a permit for himself for two weeks that would enable him to buy food and he could still cut his hay in between times, and he could probably take home and store something up for himself as well. The way it had been before the Indian would go out to supply the stockmen and then stay as long as he could instead of providing for himself for the winter. They would stay out as long as they had enough money with which to buy food; and then, when they could do that, that would cause them to break camp and go out where they could earn. Our object with this resolution was to try to keep them at their hay camp as long as we could. As long as they had a permit to cut hay they would probably stay at the camp; at least, they would stay at the camp that much longer. Last year, of course, the elements were very much against us and they did not. They did go out more frequently. Like, if I asked for a permit today I could get one; and if they had been allowed a permit for a term of two weeks I think there would have been a great deal more of hay stacked on their own places.

Mr. CASTLEDEN: Thank you very much.

The CHAIRMAN: I would again refer members of the committee to the brief put in by the association. The question here is if they favour the permit system. May I review a part of what is found in the brief at page 54:

> By encouraging the band council itself to impose regulations upon the disposition of such produce, it appears that the object of the enactment would more readily be achieved, and in addition, that the benefits accruing to such bands in their practice of self-discipline and self-regulation would be considerable.

Mr. CASTLEDEN: I think that is a very important point, Mr. Chairman. The thing is that at the present time the permit is being obtained from the Indian agent and they are recommending that they be issued by the band council itself, that the band itself should have some say about the imposing of these regulations with regard to whether or not the Indian should be granted a permit.

Mr. CASE: I think that is the point at issue and I think Mr. Castleden is quite right. They are not asking for the doing away of the permit system but rather a greater say in its application.

Mr. CASTLEDEN: They don't measure up. The regulations were put in there to protect the Indian against exploitation by unscrupulous buyers, and to that extent it is good. Today there is very little exploitation of that type. Take grain, they take that to the elevator where it is graded and a price is set on it. I wonder what any of the other Indians have to say about it. Chief Lightning, what is your opinion of the permit system? Do you think it stands to get the Indian to be a better producer, or does it operate as a detriment to the Indian as it functions at the present time?

Chief LIGHTNING: We discussed that for some time last winter. There are some of our people who are in favour of giving a special permit.

Mr. CASTLEDEN: That is, the main difficulty with the granting of permits is that it should be left to the band rather than where it is now, with the agent?

Chief LIGHTNING: We would like to have our band council arranged so that the Indian could get authority to look after his own business.

Mr. CASTLEDEN: You want to grant him relief from the permit system.

Mr. REID: In other words you would like in certain cases for the Indian to do his own business; if he has a cow to sell, if he has grain to sell, or if he has hay to sell?

Chief LIGHTNING: Yes.

Mr. REID: You think the Indian should be allowed to sell what he saw fit without having to go to the agent or even to the band for permission?

Chief LIGHTNING: Yes. The Indian should be left alone to handle his own affairs without having to go to the agent or the band council to get a permit.

The CHAIRMAN: Well, then, in view of that, that you would release some of the Indians from these restrictions, how are you going to determine who should be released and who should be restricted? What is going to be your guiding rule?

Chief LIGHTNING: In every band they have some one to two hundred acres of land in crop and they have a large amount of stock and the people look after it. You might have as your next-door neighbour a man who cannot supervise matters for himself with good results, he might not even be able to make a living without supervision. That is the sort of man who requires some protection.

The CHAIRMAN: And you think the band would be best able to set these rules and regulations and say who should be restricted and who should not?

Chief LIGHTNING: I want this permit system to be left entirely with the band.

The CHAIRMAN: That is what I mean.

Mr. REID: In other words the band accepts the responsibility of saying who shall be responsible for the disposal of his own crop, and who shall not?

Mr. CASTLEDEN: Experience would be the criterion by which they would judge, I take it. If a man had shown himself incapable of carrying on his own affairs, then they could say who should get a permit.

Mr. CASE: Might I ask this question. Suppose your plan is put into effect and the band deal with permits and they relieve certain individuals from the permit restrictions; that is what you want?

Chief LIGHTNING: Yes.

Mr. CASE: Now then, those who are not released from the permit restrictions, who will administer their affairs; the band, or the agent?

Chief LIGHTNING: He would still be under the agent.

Mr. CASE: Until they have reached a certain stage?

Chief LIGHTNING: Yes.

Mr. CASE: What is the procedure now; does he go direct to the agent for his permit?

Chief LIGHTNING: For a special permit at any time he goes to the Indian agent. We have different procedures in different bands. For instance, if I am an instructor in a certain band, I will be asked for a report.

Mr. CASE: Do I understand you that at the present time the band has nothing to say about it?

Chief LIGHTNING: No.

Mr. CASE: By that I mean, of course, the band council?

Chief LIGHTNING: No.

Mr. CASE: You have nothing to say about that?

Chief LIGHTNING: No.

Mr. CHARLTON: If one Indian in the band wants to deal with another Indian in the band does he need to have this permit? He has to have a permit, is that not so?

The CHAIRMAN: Is that a fact, Chief?

Chief LIGHTNING: If I would want to deal with another Indian who belongs with our band, that is all right as long as we report it to the farm instructor so that we have it on record.

Mr. CHARLTON: That is what I mean, you have to report it. I was just getting down to the point, wondering if the permit was done away with in some cases. The ones who sell have to get a permit to sell, and the agent would give them a permit so they could get their produce out.

The CHAIRMAN: Shall we proceed, gentlemen? Are there any other questions you would like to ask this witness? Mr. Crow Eagle is here. If you have no further questions I would like to call him.

Mr. BRYCE: I would like to find out; I do not know how many bands are represented here to-day, but I would like to know whether the Indian agent lives on the reserve or does he live a hundred miles or so away. Could you tell us that?

The CHAIRMAN: What is that again?

Mr. BRYCE: I want to know with respect to these bands which are represented here to-day from Alberta if there is an Indian agent living on the reserve; is he a full-time man or a half-time man; or does he live a hundred miles away say in Calgary or Edmonton.

The CHAIRMAN: Could Mr. Gooderham answer that? Do you think you could answer that question, Mr. Gooderham?

Mr. GOODERHAM: I think I could sir. You see, an agency may comprise a number of reserves, but invariably the agent is on one or other of the reservations. On the big reserves like the Blackfoot, the Peigan, the Blood, the Sarcee—who are represented here; on them the agency is right in the midst of the Indians. There are reserves at the Edmonton agency. Mr. Callihoo's reserve is some miles away from the agency, but the agency is on the Stony-Peigan reserve. They do not have a farming instructor. They have to look after themselves. But on nearly all of the other reserves there is a representative of the agent who is now called the farming instructor and who lives there, and as we develop we hope there will be more of them living on the various reserves and in close touch with the Indians.

There is another thing I personally want to see and that is the man living among his people—as much as possible living among the people he is directing, except where it is not possible to have them in cities. I would like them on the reserves.

Mr. BRYCE: Could the witness make plainer how far these reserves are apart? We have an agent here who lives on the reserve; and another one is in charge.

Mr. GOODERHAM: It might be as much as a hundred miles.

Mr. BRYCE: How do you expect these men to contact that agent? It ends up in this, that the man you appoint as agricultural instructor on the reserve becomes the Indian agent and does the work for the Indian agent, and there is lack of supervision.

Mr. GOODERHAM: Not necessarily lack of supervision.

Mr. BRYCE: He is a hundred miles away and he cannot keep track of the man he should be instructing. The young Indian is doing the work.

Mr. GOODERHAM: No; the distance may vary up to one hundred miles from the agent to the farm instructor—the reserve which is under his jurisdiction.

Mr. HOEY: It is only fair to the committee to say that that whole administrative set-up has been under review by Mr. Allan and Mr. Gooderham and myself for three months, and when I say under review I mean under thorough review; and within our proposed administrative set-up we are making provision for superintendents in the south, and under this man there will be assistant agents, so by the appointment of superintendents and assistant agents and farming instructors the whole administrative set-up is in the process of reorganization, and we think that in the prairie provinces, after a great many months of work—we may be flattering ourselves—we think we have a very worthwhile and what is likely to prove to be a very efficient administrative set-up. I do not want the committee to spend time trying to go through an open door. I think it is only fair that they should know that. Those are the facts.

The CHAIRMAN: We are here to hear the Indians. There are two statements we want to get before the end of this hearing. With your permission, gentlemen, I am going to ask Mr. Callihoo to make his statement with regard to permits. Mr. Callihoo, will you bring your chair up here toward the front and sit right down among us and make yourself at home.

John Callihoo, recalled.

The WITNESS: Now, Mr. Chairman, what I think about this permit system is that it does not appear to be a very good policy to me and our reserve, the Callihoo reserve. The premit system has been going on since every treaty was signed—that is about seventy-five years ago. As long as this permit system lasts the Indian agent is going to be allowed to give the permit to the Indian and is going to deal for the Indian and the Indian will never know the valuation of their work. The Indian will never like this permit. They have never liked this permit system. I am not talking about these Blackfeet and these other people; I am talking about ourselves. I notice when they talk about the north they switch to the south. If they talk about the north let them talk about the north and if they talk about the south let them talk about the south. That is what we want to see going on. Because the permit system discourages the Indian in our north country. If the Indian goes to the agent in the fall of the year especially and he says to the agent that he is going to run short of feed or is not going to be able to winter his stock, he will go to the agent for a permit and that is the

time the agent will refuse. I am telling you the truth. He might go there five or six times and be refused every time. Now, when the Indian sees his stock dying during the winter and spring of the year he says, "To heck with it, I am not going to raise animal stock." That is the way it happens. I will tell you our case in Callihoo reserve. This was between 1898 and 1900—I do not remember exactly. My dad put up hay and he put away about 300 tons of hay for his stock and there came a very bad storm in the fall of the year and there was snow and sleet and rain, and the little Sturgeon river was flowing over and all the sloughs were full of water, and all our hay was under water and every bit of it was spoiled. Well, when the old man didn't know what to do I drove four or five trips with him to the agency. That was about 21 or 25 miles. In those days there were no bridges over the creeks and we got stuck pretty nearly every time we crossed one of those little creeks. And every time my dad asked the Indian agent—Mr. Gibbons was the agent at the time—the answer was, "No, you are not going to get a permit."

By Mr. Harkness:

Q. Do you mean a permit to sell live stock?—A. To sell some live stock. The old man said that there were some four year old steers and some dry cows, and he told him exactly the situation of how his hay was spoiled and under water but that did not make any difference. The answer was, "No, you are not going to get any permit." So, finally the old man comes up—we had fourteen acres of oats that was to be threshed, and the old man did not thresh that oats but kept it out for feed, and when that was done we went into the bush and chopped some young birch, but that did not keep the cattle alive. It kept them alive for a certain amount of time, but they could not winter on that. In the spring there were very few head left; we had nothing but a big bone-yard in the yard. Now, the old man got sore about that. He did not like it. In the following year the inspector comes along and the agent and the interpreter and they were going to brand the calves. They made a fire and had their iron there, and the old man asked them what they were going to do and they said they were going to brand the calves, and the old man says, "Don't brand them now." And when they went down the yard the inspector asked the old man, "Where is all your stock, you had a big bunch of stock last year, where are they?" And the old man told them the situation and the inspector and the Indian agent had a little talk between themselves and the agent said, "I got your orders and I followed your orders." The inspector said, "No, that is not my orders." And the agent said, "That is the best I could do." So they did not brand the calves anyhow. My dad told the inspector and the agent to take the stock out of that reserve, if it was their stock to take them out, that they did not want any more permits. He said, "You see what you have done. We are not going to raise stock just to make bone-yards." That was the very year that we were left to do our own affairs without permits, and ever since Callihoo reserve has done better than any other reserve in the north country.

The CHAIRMAN: You do not have permits up there?

The WITNESS: No.

By Mr. Castleden:

Q. You find production is better on your reserve than where the permits are?—A. You can see it in the blue book at the time of Gibbons. He put it in the blue book that the Indians of Callihoo reserve were the poorest among the poor. He was right. The other reserves were far ahead, but today we are far better off. We never get permits.

Q. Do you not have examples where buyers come in and buy cattle too cheap?—A. The sooner the Indian is allowed to do his own affairs the sooner he will learn. He might be beat for five or six years but after that he is going to improve.

Mr. CASE: He pays for his experience, but he will be much sharper.

The WITNESS: Sure.

By Mr. Castleden:

Q. Would you advocate that with regard to timber permits?—A. I can go this far, according to our own reserve—I do not know about other reserves—it appears to me that the Department of Mines and Resources or the Indian department whatever it is, is holding back timber in the Indian reserves for the purposes of white men, for the benefit of the white man. We are not allowed to saw, we have never been allowed to saw and sell timber. We have been allowed to saw for our own use. But there was a lot of standing commercial timber in our own reserve and we were never allowed to sell any at all, never allowed to cut timber. All at once there came a big outfit right in the reserve and cut our timber off. That showed that the department is holding our timber for outsiders.

The CHAIRMAN: When was that?

The WITNESS: 1926.

Mr. CASE: Your band would receive revenue from the sale of the timber, would it not?

The WITNESS: I asked Mr. Allan one time in Calgary to give me a statement on that, I did get it. We got, I think, $335 or something for stumpage, and I saw the man that got the timber out and I asked him how much he made and he said $20,000.

By Mr. Reid:

Q. What do you think of being encouraged to have a little sawmill to cut timber of your own to build houses?—A. If we had a sawmill of our own at the time we would never be allowed to saw it for sale; it would only be for our own use. There was a lot of timber, and today there is not a stick standing in that reserve. That is where we stand.

Mr. CASTLEDEN: There is no lumber left there at all?

The WITNESS: No.

Mr. CASTLEDEN: There has been no conservation of timber?

The WITNESS: There could not have been because of the value of the timber that was there in 1926, 1927 and 1928, it is all gone.

By Mr. Case:

Q. Has the second growth come on?—A. No, fire has destroyed it.

Q. Have you any wood on the reserve?—A. Yes, we have wood.

Q. Suitable for fire, or fuel?—A. Just for firewood.

Mr. BLACKMORE: Mr. Chairman, did Mr. Callihoo say only about $325 was all the Indians got?

The WITNESS: That is what we got right here in Ottawa, I think that is what it came to, about $325, I guess Mr. Allan would have that.

Mr. BLACKMORE: That went into your band funds?

The WITNESS: Yes, but Charlie Lederal made $20,000.

The CHAIRMAN: Chief Teddy Yellowfly would like to comment on that.

Mr. CHARLTON: That name is not right, I am afraid.

The WITNESS: Lederoux.

The CHAIRMAN: L-E-D-E-R-O-U-X.

The WITNESS: Yes, something like that.

Chief YELLOWFLY: Now, gentlemen, you will recall in my brief where I said tribal property must be distinguished and differentiated from individual persons property. Now, and furthermore, I said it is desirable to encourage the self-reliance of the Indian and the individual authority. I make reference to that in this regard, that the permit system as it is has its virtues and it also has its disadvantages. For example where it would be advisable to retain the permit system as regarding tribal programs that are operated under a community basis. I think I said those Indians who are making a livelihood—in plain words they should not be required to sell through the permit system. Now, I will go back to the statement I made to encourage free enterprise.

Mr. CASE: May I interrupt for a moment, you say now going back to the permit system, you suggest that apply through the band.

Chief YELLOWFLY: I suggest that apply through the band because the local body would decide, where they know each other. Where it probably would do harm is in a tribal program that is operated under a communal effort, for example, if they were threshing and they were operating under a communal basis then one Indian may sell all his wheat and then at the same time not knowing what the cost of the operation was, and though not intentionally, might undersell to the point where he would not be able to contribute to the effort.

Mr. CHARLTON: Not be able to pay his threshing bill?

Chief YELLOWFLY: So I would say those Indians who are not able to look after their own should be placed in a separate category from the tribal program.

The CHAIRMAN: Gentlemen, with your permission, Mr. Laurie is here and he would like to make a statement about adult education among adult Indians in Alberta, Mr. Laurie?

Mr. LAURIE: Mr. Brown, gentlemen of the committee and officials of the department. As evidence that the Indian Association of Alberta is not entirely concerned with sharp-shooting at various things I should like with your permission to tell you of a project which was undertaken by the Indian association members this winter. The members of our association wished for an experiment in adult education. The association agreed. In the city of Edmonton we were able to make arrangements for a room in which to hold classes and we were able to obtain instructors from the university staff, from the St. John's Ambulance Association, and other sources. The proposition was that the Locals of the association would finance anyone there through the Local who would be chosen to go and anyone who wished to go over and above that chosen representation would pay his own expenses for the period of the week.

Mr. CASE: Men and women?

Mr. LAURIE: Men and women, or men or women. The school in Edmonton was attended by varying members, some of them came for only one or two classes in which they were interested but a number attended throughout the entire course. Lectures and demonstrations were given in first aid, elementary first aid; in how to conduct a meeting and record the proceedings of that meeting in a proper fashion. Lectures were given through the courtesy of the game branch of the provincial government on the game laws existing in the province and many Indians found them very instructive. There were also classes in letter-writing, simple English and one thing and another of that kind. The students were very enthusiastic and expressed every regret that it lasted for a period of one week only. We undertook to organize a similar one in Calgary, where we met with the same success. A lecture room was provided by one of

the churches. We were able to obtain instructors from the city public health department, from a doctor in the city, the assistant city solicitor, and others who volunteered their services. We had a little better attendance here, I think no ladies attended, one lady I may say attended the classes in Edmonton. Then we had evening classes also, because we wanted to fill out the time, the boys wanted to fill out the time as much as possible. I can assure you, by the letters that we have received, that the instruction was very much appreciated and again they were very regretful that we were going to limit it to one week and we have been constantly urged that this should take longer. One boy came to us afterwards and said "all right I will be ready to come back as soon as my seeding is done".

Mr. CASE: What would be your total enrolment?

Mr. LAURIE: It was very small, I think we had seven in Calgary and six in Edmonton.

Mr. CASE: What would be their average age?

Mr. LAURIE: In Edmonton perhaps the average age would be forty. In Calgary it would be slightly less because three of them were young men and the older members would be from forty to fifty years of age, and the young chaps between twenty and thirty.

The CHAIRMAN: I do not quite understand, what were they taught there?

Mr. LAURIE: Lectures were given in elementary first aid through the St. John's Ambulance Association. Lessons in English as to how to write a letter.

The CHAIRMAN: Have you some pictures there?

Mr. LAURIE: These are pictures of the two classes. They were given instruction in hygiene and sanitation. They were given instruction in the procedure of meetings and the recording of minutes. How to form resolutions, how to frame them, present them, and in one case it became almost a mock parliament. Does that answer your question?

The CHAIRMAN: Yes, thank you very much. We see in the pictures the faces of many of those who are here today.

Mr. CASE: I certainly think it was a very commendable project and should be encouraged.

Mr. LICKERS: Could not that be worked in best by the use of residential schools for those meetings?

Mr. LAURIE: That I do not know, Mr. Lickers, we have had just this one session and I cannot say how far it could be developed.

Mr. CASE: About how far would your pupils have to come to attend?

Mr. LAURIE: At the Edmonton school I should say the average distance would be forty miles. In the Calgary school the most distant student was Mr. Crow Eagle here, he came about one hundred and fifty miles. The closest was Mr. Crowchild and another chief from Sarcee, who came twelve miles. The others were from various distances and they stayed in town a week.

The CHAIRMAN: Now, Mr. Laurie, while you are on the subject of adult education, many of the members of this committee were on a committee last fall which went to the maritime provinces and there they saw what had been done in adult education in many of the reserves. We have not had the opportunity of visiting western Canada so that we do not know what you have there, but have you such a thing as a homemaker's club of adult women.

Mr. LAURIE: I think there is one at the Hobbema reserve, is that correct?

Mr. GOODERHAM: Yes.

The CHAIRMAN: Have you personally had an opportunity of observing what they have done?

Mr. LAURIE: No, sir.

Mr. GOODERHAM: I was at a homemakers' club meeting last Thursday, held in the basement of the existing agency office, at which there was a district representative, a woman district representative of the province of Alberta in attendance with slides. She had been giving a prior meeting, a cooperative thing between the province and our department. We also had there a professor from the province of Alberta, who gave slides and talks on gardening. There was in attendance, the space is limited, a number of women and a few men. They also attended—these representatives went down to a very wonderful seed-cleaning plant the Indians had just erected. I might say the same thing has been started in the Lesser Slave lake district. Chief Frank Cardinal's wife and others last year had a similar type of thing organized through the reserve. They have all these functions indefinitely, as such things do not always function definitely, but we hope to have them continue. We support it and get very wonderful support from the province of Alberta.

Mr. CASTLEDEN: I am just looking through this report and the appendices of the association. In their questionnaire they refer to housing. I notice that they report some 170 families on the various reserves are without housing. Apparently you have a housing situation there.

Mr. GOODERHAM: Where?

Mr. CASTLEDEN: In Alberta.

Mr. GOODERHAM: It is from very good to very bad. On the Blackfoot reserve they have buildings, good buildings, and others valued at half a million. They had one hundred and seventy sets of very fine buildings originally of a frame type, they may not be as warm as some of the latter. They are contract houses, four-room, five-room, and two-room houses, of which a number were very fine homes. As you go to the other reserves you will find very good houses which have been constructed by the Indians. Then you get down to the reserves where they are just log huts. In the deep north there are both log and lumber huts, houses; but up there I feel that the Indian could get a great deal better home because he is living right in the midst of good timber. I always feel, gentlemen, that the home, the house situation can be just more or less what we want or what our desire or demand is. On the Blackfoot reserve they have had these big homes for as many as thirty years, and a great many of them are vacant. The Indians have been living not only in the wintertime but in the summertime in smaller houses. The houses were made beyond their ability to appreciate. That is the matter of progress and knowledge and appreciation. And I think that is one angle that you must take into consideration in considering the housing situation. You may have 150 people wanting houses and not have any very great demand for them.

Mr. CASTLEDEN: These are families?

Mr. GLADSTONE: Oh, family houses, yes.

Mr. REID: May I ask you this question?

Mr. GOODERHAM: Yes, sir.

Mr. REID: Do you find among the Indians in Alberta something similar to what I have found in my investigations of the last year or so in regard to homes? I came on a settlement where there were small log homes and the younger generation of Indians told me that it was almost impossible in some instances to get their parents to live in the homes because they believed that the spirits of the departed were in there.

Mr. GOODERHAM: I do not know about that.

Mr. REID: The father and the grandfather have been born there. They made that statement to me.

Mr. GOODERHAM: It was the other way in many places, where they think the spirit leaves the home. Today I do not think that is so prevalent, but there are a number of poor homes.

Mr. CASTLEDEN: I was thinking, as a result of your statement, there are areas where there are large stands of timber and it would be possible to establish permanent housing?

Mr. GOODERHAM: That was brought up here once to-day. In the Sucker Creek area we have—and I had it brought up last year—a saw-mill on the job right now, one of their own. It is rather hoped, and the intention is, there are men capable of operating this mill, and then it may be taken elsewhere. I do not know what they are doing with it. I have not had a talk with Chief Cardinal. Have you started operations there yet, Chief?

Chief CARDINAL: They have it there and I think they are going to start cutting this spring.

Mr. CASTLEDEN: We cannot help solve the health problem of the Indians until the housing situation is taken care of.

Mr. GOODERHAM: It is on the program.

The CHAIRMAN: Could we as much as possible confine our questions to this witness because they are here now. Are there any other questions?

Mr. HARKNESS: I have a question I would like to bring up. It has not been dealt with in the brief or by anybody else here, but from conversation with many of the Indians I know it is a matter which is in their minds to a considerable extent and I would like to have an expression of opinion from the witnesses here on the matter; that is, what they think the situation should be as far as the liquor laws are concerned; particularly as to what they think should be put in in our re-writing of the Act—as it is hoped this committee is going to do—what could be done so far as the present regulations, that Indians are not permitted to buy liquor, or use it, and so forth.

The CHAIRMAN: Would you care to comment on that, Chief Yellowfly?

Chief YELLOWFLY: I have not given that subject much thought, but I am of opinion that there are laws already in existence in each of the provinces which pretty well take care of the situation as it is. For example, they have a law which interdicts a person, an Indian, and denies him the use of it. I think the Indians should be treated all alike, and if you prohibit all of them how are they going to learn.

The CHAIRMAN: Crow Eagle, would you like to comment on that?

Mr. CROW EAGLE: No, sir.

The CHAIRMAN: Is there anyone else who would care to comment on it?

Mr. CASTLEDEN: I was wondering if they would agree with this, that very often as a result of the fact that they are not allowed to purchase liquor the Indian is often the victim of illegal sales. What about that?

Chief YELLOWFLY: That is true.

Mr. CASTLEDEN: That caused a great deal of trouble and gives a bad reputation to many Indians because this type of traffic is allowed.

Mr. HARKNESSS: This is a question with which we will have to deal; that is, as to whether we are going to continue this prohibition of liquor as far as the Indian is concerned, or place them under provincial laws; and it is a subject on which we should get an expression of opinion from the Indians themselves.

Mr. CASE: I might ask Mr. Laurie if his association has ever dealt with this problem?

Mr. LAURIE: No, sir; it has not dealt with the problem.

Mr. CASE: It has not been brought up at all?

Mr. LAURIE: No.

Mr. CASE: It has not come before you?

Mr. LAURIE: No.

The CHAIRMAN: Now, we are near the end of our session. You here are going home tonight. Is there any question you would like to ask, or that you would like to bring up before this committee? We want you to feel free to ask anything. Now that you are here we want a frank expression of opinion. We want you to go away feeling that you have had every opportunity of bringing up any subject which you want to bring up before this committee.

Mr. HARKNESS: I want to say, Mr. Chairman, that I would like to have a frank expression of opinion on this matter which I have brought up. We have not had any opinion expressed so far except that voiced by Chief Yellowfly.

Mr. STEINHAUER: This question concerns other matters as well. It concerns particularly the returned servicemen, the Indian veteran living on the reserve. With the law the way it stands today we are not allowed to go into a beer parlour or to buy any liquor, when I was in uniform I could go into the canteen or any beer parlour and buy liquor. Once I took off my uniform I was an Indian again. Is there anything being done to relieve that situation?

Mr. HARKNESS: What is your opinion on this matter, that is what I want. Do you want a prohibition on liquor to Indians? Do you think it should be continued or stopped?

Mr. STEINHAUER: Well, I think it should be one of our privileges, particularly in the case of a man who has shown that he can control his liquor. Take my own case, I can take a glass of beer, or two glasses of beer, and it never affected me; whiskey, I can't take that at all, or wine; that is a different thing with me. It is just like this; you have a horse and you put him in the barn and you don't give him anything to drink and at the end of seven days you take him out to a trough and he will drink and drink until he has enough. I think if you give an Indian the same chance he will drink like a horse. That is the way I feel.

The CHAIRMAN: Would anybody else care to comment on that?

Mr. LIGHTNING: No, it is not exactly that I want this. I am not insisting on it, but I want to bring to your attention certain facts. The Indians are under certain restrictions with regard to liquor. I want to leave it to you to judge of the situation for yourselves. In many places as I have travelled in different portions of our province an Indian like myself is not allowed liquor but at the same time he can get it any time he wants to. Then, there is another point, you take all these people you hear about in the newspapers being poisoned by drinking shoe polish, rubbing alcohol and different things of that kind. We feel that we should be in a position to get good liquor, to get the proper stuff, not poison. Supposing an Indian wants a drink. We have a lot of good friends among the white people and we have respect for those friends. If I want a drink I will get it, whether I am allowed it or not. My point is this, that as long as this continues as it is now many more Indians will go to the graveyard with that kind of poisoning. Then, another thing, many of them have, as you know, a special recipe for the stuff.

Mr. HARKNESS: And your general idea then is that this prohibition should be removed?

Mr. LIGHTNING: Well, I am just giving you these illustrations. I want the committee here to judge that for themselves. Why keep the Indians under the same restrictions until more of them get poisoned and others unfit to work any more when they do get it.

Mr. BLACKMORE: Mr. Chairman, Mr. Lightning's opinion, I take it, is that they should be permitted to buy?

Mr. LIGHTNING: Yes.

Mr. CASE: The same as the white men.

Mr. LIGHTNING: My own personal opinion would be, as I said a minute ago, when an Indian wants a drink he will take a drink anywhere he can get the stuff, and if he can't get anything else he will get this poison, that is all it is.

Mr. CASE: The Indians of my riding tell me that the fact that they cannot have permits emphasizes their feeling of inferiority, that they are looked down upon as being somewhat different. Do you think that intensifies any feeling of inferiority amongst your people, not being able to buy liquor and not having a permit?

Mr. LIGHTNING: To a certain extent, of course. I looked at the Indian Act. You are given to understand, of course, that the Indian Act protects the Indian everywhere he turns. While that continues, and as long as we are talked about as wards of the government, we shall never be able to run our own business anyway.

The CHAIRMAN: You realize this, you have read the minutes of proceedings of this committee, but what we have been trying to do ever since we started has been to devise some scheme whereby we may have the Indians help themselves.

Mr. LIGHTNING: Yes.

The CHAIRMAN: We are most anxious to see that all Indians, that the entire Indian population of Canada is assimilated. You see, what we are trying to do is to revise the Indian Act so that it may lead to that end.

Mr. LIGHTNING: Yes.

The CHAIRMAN: That is why we want your comments.

Mr. HARKNESS: I wonder if Mr. Callihoo has any comment to make on the point?

Mr. CALLIHOO: In the first place, I feel as though I was a criminal even before I was born, not being allowed to use liquor the way anybody else does. But I can tell you this, that I can get all I want when I do want a drink. There is nothing in the world that is going to stop me when I feel like going out and having a good time. The only unfortunate thing about it is that I have to pay three or four times more for my whiskey than you people do.

Mr. CASTLEDEN: That in itself is an injustice.

Mr. CALLIHOO: Yes. I repeat what Mr. Lightning has said; I have seen lots of Indians who have poisoned themselves to death for want of a drink. They cannot buy the good stuff, probably they haven't enough money, and they are forced to go to the bootlegger for this rotgut. And they are going to drink, whether they do pay ten times the price for this poisonous stuff. If the Indian cannot get anything else he is forced to take this rotgut, and all this other poor stuff. And when he does that he no longer has a good brain, he is not going to be able to build up his brain, he is not going to be able to develop his muscles or his strength or his budget. I think if an Indian was allowed to use good liquor, he would use good liquor and he would use it to a certain extent. If suddenly, eight or ten of us would kill ourselves it would be a good lesson. There will always have to be a start somewhere. If the Indians are forbidden to make a fire to warm themselves, they are going to suffer. If they are forbidden to do one thing and they see other people using that to the best advantage they want to do the same, and as long as they are forbidden they are never going to learn a thing.

Mr. CASE: Would it be safe to say if he could use good liquor he would use good judgment?

Mr. CALLIHOO: Oh, I would say it would be safer for them to use good liquor than the rotten stuff they are using these days.

The CHAIRMAN: Chief Crow Eagle would like to make a comment now.

Chief CROW EAGLE: Mr. Clrairman, and other members of the committee. I would like to say a few odd lines in expressing thanks to the members on behalf of the Indian Association of Alberta. We indeed have appreciation for being invited to come to Ottawa by your committee, but the time is so short that we cannot express ourselves to the extent we should express ourselves. Just one thing I would like to ask the friends of the joint committee to prove our summary in our brief. I would like to ask you to come to the province of Alberta and to prove our brief,—see for yourselves the conditions in the various reserves. We cannot very well express ourselves in this short time. We just have a limited time. If I am permitted to express a feeling of the Indian Association of Alberta on the various subjects that have been brought up I would be glad to do so. On this occasion we have come down here as representatives to bring back home good news for our people, but one thing I would like to bring back home is if I could learn the joint committee is coming to investigate more thoroughly. Supposing this is a house. A high official comes. Those are all Indians. And yet the official comes in. There is some Indian agent here, all right. I want to find out what is going on, all right. The floor is clean, that is all right. The Indian agent takes him around the floor and he goes and tells him, "I am going to take you out into the Indian reservation". And he goes out in the reserve and examines it. There is the herd; there is the farm; and the official says "That is fine," and he goes back to Ottawa and makes a report. We want an investigation into that corner, into that corner, and back into that corner, and this corner, where the officials never see, and that is why I ask you, gentlemen of the joint committee to come if possible and make an investigation thoroughly. And if I am permitted to continue for more illustrations, I have illustrations on the timber limit situation and what we call a vote by the majority on the bands.

The CHAIRMAN: Well, now, Chief, we appreciate your invitation very much and I feel sure that the members of this committee are grateful to you for the invitation and we would be grateful for the opportunity to visit the reserves in Alberta. We, however, are faced with the completion of this investigation leading to the revision of the Act this year, and during the sessions of the House it would be impossible to make any trip of such magnitude. I do not know as I can make any further comment on that at the present time, except that we appreciate the invitation very much and I know those of us who investigated down in the maritimes, just a small part of the committee, we found it most valuable. Further than that at the present moment I cannot make any statement.

Mr. BLACKMORE: Mr. Chairman, I think the chief might tell us about the timber limit if you would give him a little more time, he evidently is ready to speak about timber limits.

The CHAIRMAN: Would you like to give us something on timber limits?

Chief CROW EAGLE: Yes, thank you Mr. Chairman. We have a situation on the Peigan reserve where there is a large stand of timber, which is estimated at some 10 to 20,000,000 feet of timber. We have been fighting for this band of Indians to get a sawmill of their own which they have the money in Ottawa for, it is around about $80,000, but we could not get this money. In the first place the proposition was said that we were to have our own sawmill and something went wrong between the proposition and the Indians. We were told to surrender our timber limits.

Mr. CASTLEDEN: Who told you that, who advised you that, may I ask?

Chief CROW EAGLE: I think it is from Ottawa.

The CHAIRMAN: Who told you it was from Ottawa?

Chief CROW EAGLE: Mr. Gooderham, the inspector of Indians. The idea is this, that we are to surrender and have tenders with others for the timber limits. The highest bidder gets it and the stumpage goes direct to the band, that is to this band. And we did not like the idea because if we could get $40,000 out of the stumpage fee we are not getting anything out of it because it goes direct to the band fund office. And when we go around and ask for some of this band fund we cannot get it. There might be the odd time we might be able to get a few dollars out of it for distribution, but that is not the idea we are driving at. The idea is the Indians are to teach themselves to operate their own projects, so as to learn what should be learned in the world. If the Indians are expected to learn civilization I believe it is civilization when the Indians can learn how to manage their own projects. The idea is this. They were to own their own project, the sawmill. We can cut the timber ourselves by the Indian boys and the Indian boys would earn their wages and provide their families instead of going to the Indian department and asking for assistance, relief, because it is a very big nuisance to the Indian department when we go to them to ask for assistance, relief. So therefore, we want to be in a position where we do not have to go to the Indian Branch of department of mines and resources for such relief as when we have sawed our timber into lumber and have our own lumber-yard and then have the chances of selling our own lumber, we would not need to do that. In the meantime, there is the stumpage fee. We could also pay the stumpage fee from our own project. The stumpage fee goes to our band funds but the sale of the lumber, some of it has to go back to Ottawa in order to fill up the amount we have taken out for getting this project. And moreover we would be able to furnish proper homes on this reservation. And we, our people, we have to have a vote from this. I wrote our Honourable Mr. Glen, and in my letter I stated that the feeling of this band did not wish to vote. Just for this reason. Some years ago, I think it was in 1910, we were told to surrender, just like what our friend Mr. Gooderham has mentioned, for better results, so we could improve our reserve. At that time when we were told to surrender, the biggest majority of the Peigan Indians did not agree with this proposition and so the vote started. When the decision came out the biggest majority was against; however, the minority won the case so we had to surrender.

After that there was a man by the name of A. J. MacLean again asked for a lease on the reserve for his stock. There again we were told to vote and the biggest majority came out on top again; and it happened to be that I was one who was in the number who voted for it and I believe we were just fourteen of us voted for it. We won. But I was lucky at that time that I won.

So, just for these two reasons, we agreed to go through another vote. We just had a vote a little while ago. We had a chief there—the indians didn't agree with him either because some way or another—I didn't want to bring this up but just to outline it—some way or another the band didn't agree with the chief so they said, all right, let us ask for his disposal. So we voted. The majority went against him by that vote and then we were told to vote again. The majority went against him again. But he is on there yet. So, I do not know; I cannot understand why it is that we are supposed to vote by a majority and on these three occasions a minority got away with it.

The CHAIRMAN: Thank you very much, Mr. Eagle. Mr. Laurie, for the benefit of the committee, you are secretary of this delegation; I have been wondering if you can tell us whether there is any way in which we could in future be of assistance to any delegation coming specially before this committee?

Mr. LAURIE: Well, Mr. Chairman, with your permission I would like to say something on the matter of accommodation. I think some steps should be taken to arrange proper accommodation for delegates coming in here.

The CHAIRMAN: Do you mean by that hotel reservations, I take it?

Mr. LAURIE: Yes, some arrangement should be made for hotel accommodation, for any kind of accommodation is very hard to get in Ottawa.

The CHAIRMAN: Yes, you have had some difficulty, I presume.

Mr. LAURIE: Yes, and that would apply to all delegations coming here.

The CHAIRMAN: You see, we as a government committee cannot very well do that, Mr. Laurie. We appreciate your position all right, but I do not very well see how members of this committee could recommend that accommodation be provided—

Mr. CASTLEDEN: He is talking about hotel accommodation. We should be able to take steps to make reservations, to see that there are reservations made for those people who are attending this committee as delegates, that they should be able to get rooms.

The CHAIRMAN: That is a difficulty. Is there anything else? Do you feel you have had an adequate hearing in this matter?

Mr. LAURIE: Mr. Chairman, we should have liked more time, much more time. You will appreciate our difficulty. We feel that the committee under the circumstances has done the very best it could do, and we are very, very grateful for your permission to remain with you in addition to the official delegates. It is something which has cheered the people of Alberta very much, the fact that they are being allowed to remain here for this hearing. Thank you all very much. To the committee I should like to say that our reception has been very, very fine, and on behalf of this delegation and all who support it we want to thank you.

The CHAIRMAN: We appreciate your coming here before us, and on behalf of the committee I want to extend to you that appreciation. We appreciate the cooperation you have given us in helping us in our deliberations in revising the Indian Act.

Mr. CASTLEDEN: Just as we close Mr. Crow Eagle was reporting to us some circumstances on his reserve. I am not sure whether I got him right or not. Do I understand it to be your point that on three different occasions; that once you voted against a timber lease; that once you voted against the leasing of land to one Mr. MacLean; and that once you voted against a chief who was rejected; then on each of these occasions the majority vote was disregarded? Is that the way you put it?

Mr. CROW EAGLE: Yes.

Mr. CASTLEDEN: Then your band vote means practically nothing to you?

Mr. CROW EAGLE: That is right.

Mr. CASTLEDEN: And your band then did not have the decision in these matters. That is what I wanted to clear about.

The CHAIRMAN: That is a matter I think we should ask Mr. Gooderham about.

Mr. CASTLEDEN: But I wanted to be sure that is actually what had occurred.

The CHAIRMAN: We will have an opportunity of going into that on another occasion.

Mr. CASTLEDEN: These gentlemen from the department will be here when we go into that?

The CHAIRMAN: Yes.

Mr. CASE: I think, Mr. Chairman, that we might quite properly comment on the very remarkable brief that the delegation have brought with them before this committee. I do not think they have overlooked very much in their brief even though they have lacked something in time in which to present it. I think that fact should be commented upon.

Mr. CASTLEDEN: Could you give us any indication of the actual years in which those votes took place? Were they in 1889 or 1902? When were those votes taken—the one about lumbering, and the chief, the leasing of the land?

Mr. CROW EAGLE: I do not know exactly, but I believe the first one was in 1910.

Mr. CASTLEDEN: That is with regard to lumbering?

Mr. CROW EAGLE: The surrender of the land; I think it would be somewhere in the '20's; and this last one would be last year.

The CHAIRMAN: Thank you very much for the briefs and the evidence you have given us.

Mr. CASTLEDEN: Was that the surrender of the land or the timber rights?

Mr. CROW EAGLE: The land.

Mr. CASTLEDEN: Was that the actual surrendering of the land or just the surrendering of the timber rights; which was it?

Mr. CROW EAGLE: Surrender of the land in the first one.

Mr. CASTLEDEN: And the second one?

Mr. CROW EAGLE: The lease.

The committee adjourned to meet again on Thursday, April 24, at 11 o'clock a.m.

SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 14.

THURSDAY, APRIL 24, 1947.

WITNESSES:

Mr. G. H. Gooderham, Inspector, Indian Agencies, Alberta; Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch, Ottawa.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

Thursday, 24th April, 1947.

The Special Joint Committee appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., Joint Chairman.

Present:

The Senate: The Honourable Senators Blais, Macdonald (*Cardigan*) and Taylor—3.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Blackmore, Brunelle, Bryce, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, MacLean, MacNicol, Matthews (*Brandon*) (Vice Chairman), Raymond (*Wright*), Stanfield—17.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; M. McCrimmon, Reserves and Trusts; B. F. Neary, M.B.E., Superintendent, Welfare and Training; P. N. L. Phelan, Training; H. M. Jones, Supervisor, Family Allowances; Major D. M. MacKay, Commissioner for Indian Affairs, B.C.; G. H. Gooderham, Inspector, Indian Agencies, Alberta; D. H. Russell; G. Armstrong; K. L. Balderston; (Miss) K. Moodie; also John Callihoo, President, Indian Association of Alberta; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

The Chairman asked that the subcommittees organize forthwith in order to assist in expediting the work of the Joint Committee. Mr. Gariepy announced that the subcommittee of which he was subchairman would meet this day at 5.30 p.m.

Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch was recalled, made a statement and was questioned thereon.

Mr. G. H. Gooderham, Inspector of Indian Agencies, Alberta, was recalled, and questioned.

Mr. John Callihoo, President, Indian Association of Alberta was questioned.

It was agreed that further questioning of these officials would be resumed at the next meeting.

The Committee adjourned at 12.35 p.m., to meet again on Friday next, 25th April, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

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MINUTES OF EVIDENCE

HOUSE OF COMMONS,

April 24, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P. (Joint Chairman), presided.

The CHAIRMAN: Gentlemen, will you come to order please? Recently, there have been three additional subcommittees set up. One is considering treaty rights and obligations under the sub-chairmanship of Mr. Gariepy; another subcommittee is concerned with the revision of the Indian Act under the sub-chairmanship of Senator McKeen; and the third subcommittee is concerned with education under the sub-chairmanship of Mr. Matthews. I wonder if the sub-chairmen of those committees would convene those committees today or tomorrow in order that they may commence work. The members of the Senate have now returned.

Mr. GARIEPY: Subcommittee No. 1 will meet at five o'clock this afternoon. Arrangements have been made and the secretary will send out the notices at noon.

The CHAIRMAN: That is your organizational meeting; what room?

Mr. GARIEPY: No. 268.

Mr. MACNICOL: If it is only an organizational meeting I would suggest you call it at 5.30 as there is another very important meeting commencing at four o'clock.

Mr. MATTHEWS: Could we have a list, Mr. Chairman, of the members of each subcommittee?

The CHAIRMAN: Yes, that will be found in the minutes of proceedings. Probably, I could read the list for you. On treaty rights and obligations, the Hon. Senators Taylor and Paterson and Messrs. Brown, Blackmore, Castleden, Gariepy and MacNicol; on the revision of the Indian Act, the Hon. Senators Taylor and McKeen and Messrs. Brown, Arsenault, Charlton, Farquhar and Richard.

Mr. CHARLTON: There was a change, Mr. Chairman, I am on the education subcommittee.

The CHAIRMAN: I am sorry, you were replaced by Mr. Church and then Mr. Church was replaced by our good friend the Hon. Mr. Stirling, so that list will now read, Brown, Arsenault, Stirling, Farquhar and Richard.

The education subcommittee will consist of the Hon. Senators Fallis and Taylor and Messrs. Brown, Brunelle, Case, Charlton, Matthews and Reid.

Those who are on the education subcommittee, in other words, Messrs. Case, Brunelle, Charlton and Reid will confer with Mr. Matthews. I am sure he will convene a meeting in very short order. Those on the subcommittee on treaty rights and obligations, Messrs. Blackmore, Castleden, MacNicol will meet with Mr. Gariepy. Those who are on the subcommittee on revision of the Act, Stirling, Farquhar and Richard will confer with Senator McKeen.

Mr. GARIEPY: My committee will meet at 5.30 this afternoon in room 268.

Mr. CHARLTON: Does that refer to all subcommittees

The CHAIRMAN: No, only to the subcommittee on treaty rights and obligations. Mr. Matthews will have to obtain some departmental material before his committee can be convened. Senator McKeen is not in the city at the moment—I am sorry, I am informed he is here now. Senator Taylor will see him about convening a meeting of that subcommittee.

Is there anything further in that connection?

Gentlemen, Tuesday afternoon there was some discussion about elections in the Peigan reserve in Alberta and with respect to timber leases. I wonder if we could call the Alberta inspector of Indian agencies, Mr. Gooderham, who is here. We also have Mr. MacInnes here and Mr. McCrimmon. They are all here in connection with these matters and probably they could give us some explanation on behalf of the department in regard to the evidence which was submitted. If it is your pleasure we will call Mr. MacInnes.

T. R. L. MacInnes, secretary of the Indian Affairs Branch, called:

The WITNESS: Mr. Chairman and honourable members of the committee, as I recall the question which was raised by Mr. Crow Eagle at your last session it concerned statements made that the Indians had voted to have removed or deposed, as we say under the Indian Act, their head chief whose names is Yellowhorn.

Now, I might explain, that the Indians of the Peigan band, like all the Indians in Alberta, are not under what are known as the election of chiefs provisions of the Indian Act. They are under what is known as the indefinite or life system. At the time the treaties were made in 1877 each band was recognized as being entitled to a chief and so many head men or councillors. They had certain rights under the treaty, extra annuity payments and so on for those head men and councillors. The tenure of office for these men was during good behaviour. They could be removed only by order in council for specified causes. Those causes included incompetency, intemperance, immorality, dishonesty.

When the Indians made their complaints against this Chief Yellowhorn, who had that status of what is known as a life chief, we investigated quite fully through the inspector of Indian agents, Mr. Gooderham, who is here, and the Indian agent Mr. MacMillan. We could not find that any ground existed which would warrant drastic action against him. On the contrary, the reports on the whole are to the effect he is a pretty good chief. Therefore, the department did not feel it would be warranted in recommending to the Governor in Council that this chief should be deposed from office.

I might mention in connection with this question that we have the election provisions of the Indian Act under which, instead of holding office for life, the chiefs and councillors are elected for two months in one case and three years in the other, and, in a more advanced method, every year. Both these election systems have to be applied by special order in council when the bands are considered sufficiently advanced to take on that new form of government which corresponds, roughly, to municipal government, in a rural municipality. Now, it has not been deemed advisable, so far, to apply that to the province of Alberta although consideration is being given to doing so. One thing which creates the need for going slowly on it, in the minds of departmental officials, is the desire to see just what sort of new election provisions will be put into the new Act and how those provisions would fit into the needs of the western Indians.

By Mr. Case:

Q. Did the department ask the Indians to hold the elections on the Peigan reserve?—A. No.

Q. They did that on their own?—A. Yes.

By Mr. Castleden:

Q. What year was that?—A. It was a year ago when the Indians got together and held a meeting at which meeting they resolved that Chief Yellowhorn should be deposed—removed from office. It was about March of 1946.

By Mr. Case:

Q. You do not know how representative a meeting that was?—A. The meeting was representative and there was a majority vote of the male voting members. However, the band did not have the power to remove the chief; that could be done only by the Governor in Council and for specified causes.

By Mr. Castleden:

Q. How is it decided which of these bands have a right to elect a chief and which have not?—A. By order in council of 1889 which applied election provisions to all the bands in eastern Canada, that is Ontario inclusive and east. It was also applied on special representations to a few bands in the west, but only one in Saskatchewan, the Cowessess band, two bands in Alberta and a number in British Columbia, about eight in British Columbia, I think. The rest of the bands in the west remained under what is known as the tribal system.

By Hon. Mr. Stirling:

Q. Was that resolution carried by a sweeping margin or only a narrow one?—A. Perhaps the inspector, Mr. Gooderham, will recall that better than I do, but I believe it was by a substantial majority. My recollection is there were some 51 votes against the chief and that the number in his favour was only about one-third of that. Nevertheless, there were no charges substantiated against him.

By Mr. Case:

Q. Are the provisions written in the treaty concerning the election privileges or the appointing of a chief for life; is that part of the treaty?—A. No, it is not part of the treaty that the chief be appointed for life. The treaty specifies that each band—this is treaty No. 7 of which I am speaking, of the Blackfeet treaty—

Mr. FARQUHAR: Is it the plan that we ask questions as we go along?

The CHAIRMAN: I was just about to lower my gavel for order. I have been rather lenient. However, I should like to leave that to the committee. Is it your pleasure now that we hear Mr. MacInnes or that we question Mr. MacInnes?

Mr. CASE: I think we should question him as we go along. He is not presenting a brief.

The CHAIRMAN: Have you anything else you desire to present before we start asking questions?

The WITNESS: I have nothing to present other than what I have said. I will answer any questions you have to ask.

The CHAIRMAN: Have you presented all you care to present in answering what has gone before?

The WITNESS: Yes.

The CHAIRMAN: If you are asking questions, I would ask you to be as brief as possible because we have Mr. Gooderham and the other officials here. Have you any other questions, Mr. Case?

Mr. CASE: I have my questions answered, but I think he was just about to answer how this matter was fixed.

The WITNESS: Provision for the election system is contained in the Indian Act and the Act also recognizes the status of these life chiefs who are not elected. The Act provides, in the election sections, that life chiefs and councillors —and this particular case comes in that category—may continue to hold rank until death or resignation or until their removal by the Governor in Council for dishonesty, intemperance, immorality or incompetence.

Mr. BRYCE: Well, this is something unusual. Have you had many cases like this?

The WITNESS: Quite a number; because groups of Indians for one reason or another become dissatisfied with their chief and councillors and present a petition against them, and they are dealt with, each case on the merits. In some cases action is recommended to the Governor in Council for disposal if it is found they come within the scope of the Act.

Mr. CASE: What happens to the chief then?

The WITNESS: In a case where the election system has not been applying, we follow the band custom. We have a meeting of the Indians—not a formal election but a meeting—where the majority opinion can be ascertained and unless there can be some serious objection to that it is recognized by the department and the person or group is dealt with.

Mr. CASE: Is that by order in council?

The WITNESS: No, that does not require an order in council.

Mr. BRYCE: The department retains the right to say who will be chief?

The WITNESS: No, no, we do not do that. The opinion we have from our legal officers is that in cases of bands not under the election system we have nothing to do with selecting the personnel, the chief. Once he is recognized then he acquires status under the Act and can be removed only by the Governor in Council. There is a little awkwardness, or inconsistency there. He comes in through the band and goes out only by order of the Governor in Council. That is a point that might be changed in the Act.

Mr. BRYCE: But you do not always take the recommendation of the band?

The WITNESS: That is as to who will be chief? We do now, yes. There was a time when we rejected the band's decision but we were told that under the Act we did not have the right.

Mr. CASE: If the father is appointed for life, have the heirs any claim?

The WITNESS: No, it is not hereditary. In some bands the practice is, while they remain under band custom, to make it hereditary and let the son of the previous chief succeed. If that is the band's custom we do not interfere whatsoever, until such times as we might apply the election provisions of the Act and then the people concerned go in for a three year term.

Mr. CASTLEDEN: Why do you differentiate and allow the Indians in the eastern part of Canada, from Ontario east, to elect a chief and yet you do not allow that privilege to the western bands.

The WITNESS: Well, to the best of my knowledge the reason is this: Until recent years there has been very little demand from the western Indians to come under the election system and furthermore there was considerable reluctance on their part to give up their tribal organization in favour of the rural municipal set-up. Now most of the officers in the field, who were best able to

judge what the requirements of the Indians were, thought that in the west it would have a very disturbing effect if these old life chiefs—you must remember some of them have been in office for forty years or more—were put out and elections started.

Now, I may say that during the last three or four years the department has given detailed consideration to applying the election system to satisfy the bands, but in view of the fact that the Indian Act is to be revised by this committee, and the whole problem of election and the electing sections is to be reviewed, it was thought that before making any general move to introduce the election system to the western bands we would wait for the revision of the Act and see what the election provisions would be. Undoubtedly—these election provisions of the Act, which are very old—they have been there for some seventy odd years, nearly—require overhauling and reviewing to make them so they would be suitable to the Indians not only in the east but in the west and all over the country.

Mr. CASTLEDEN: It would be helpful to this committee to know, if we are to change the Act, whether or not it would be advisable to have the election system changed.

The brief of the Alberta Indian Association is very emphatic in the statement on pages 36, 37 and 38 that they desire that the right to elect their chief be granted to them, that the band should be given the power. They say "we cannot develop ourselves if we are not given some exercise of our powers", and they state very emphatically the Indians should be allowed to elect their council and manage their affairs.

The CHAIRMAN: Gentlemen, do you think we could leave the discussion of the revision of the Act until we have the Act before us for revision. Sections 96 to 99A are the election provisions of the Indian Act—that is, for the election of chief. Now, when we come to revising the Act, let us discuss all this at that time.

Mr. CASTLEDEN: We want the opinion of the officials.

The CHAIRMAN: We will have the officials here at that time.

Mr. MACNICOL: Why did the matter start at all; we have been talking on it for half an hour?

The CHAIRMAN: It is like the porcupine quill; it takes but a very small beginning but later it is a little difficult to get out. The matter came up at our last session.

Mr. MACNICOL: Did the witness not bring it up this morning?

The CHAIRMAN: Perhaps the witness did, but I am now asking you to leave it until such time as we have a discussion on the revision of the Act. If you want to discuss it further with Mr. MacInnes it is entirely for the pleasure of this committee.

Mr. MACNICOL: I would like to know a little more about it.

The CHAIRMAN: I do not think we should go into the revision of the Act to-day.

Mr. CASE: I think we should ask questions, but we do not want our own opinions.

The CHAIRMAN: You can have Mr. MacInnes here later on but you will not have Mr. Gooderham after to-morrow.

Mr. BLACKMORE: I would like to ask for the opinion of the witness. With long experience in dealing with Indians and Indian matters, has he any suggestion he would like to make as to how the revision of the Act should be carried out in this connection.

The WITNESS: Well, Mr. Chairman, in reply to that question I might say that a revision of the proposed sections has been drawn up by the departmental solicitor in consultation with officials, including myself, and there is a good deal of detail involved. Broadly speaking, if I might express what I consider the view of the department on the matter, it is this. Just as soon as possible the Act should be made so that it will apply and can be applied generally and practically to all the groups of Indians in Canada, including western Indians; and that is what we are aiming at. As I understand your question, that is the department's view on the subject.

Mr. BLACKMORE: You mean to give Indians more power in the matter of electing their own chiefs?

The WITNESS: To put them under an election system, with regular intervals, and with powers to make bylaws, and in short to have what we have set up as a sort of municipal election system, a rural election system.

The CHAIRMAN: Gentlemen, would you consider this suggestion which has just been made? That we have Mr. Gooderham, Mr. MacInnes and Mr. McCrimmon sit up there, and ask all of them questions? Mr. Gooderham will not be here later. You are now asking questions on subjects which will be dealt with in detail later, but you will not have Mr. Gooderham then.

Mr. MACNICOL: I cannot get through my head how this discussion was started; we have been at it for the last half hour.

Mr. HOEY: Mr. MacNicol, I think I can explain that in a sentence. The last witness made a statement—

Mr. FARQUHAR: Would you speak a little louder?

Mr. HOEY: The last witness from Alberta, at the close of the proceedings on Tuesday last, made the statement that the Peigan Indians had a vote at which an overwhelming majority had decided to remove their chief. The witness said a resolution to that effect had reached the department but the department had ignored their wishes—the band's wishes had been ignored by departmental officials. In view of the fact that the ignoring process had taken place since I became director I was a little disturbed and I thought it would be a good thing if Mr. MacInnes answered it this morning while we still had an Indian representative from Alberta here with us.

The CHAIRMAN: We have gotten away from the question by talking about revising the Indian Act. Now, we have a subcommittee on the revision of the Indian Act which will go into that whole matter of revision, clause by clause and section by section as will this main committee. Now if it is your wish to go into a discussion on the revision of the Indian Act that is purely within the province of the committee, but I am warning you Mr. Gooderham will not be here after to-morrow. If you do not want to hear Mr. Gooderham now just go ahead and ask Mr. MacInnes questions.

Mr. CASE: If you want to call Mr. Gooderham now I suggest you do so.

Mr. MATTHEWS: I think the point that was raised by Mr. Hoey has been very well cleared up by Mr. MacInnes. I think the explanation is satisfactory.

Mr. MACNICOL: It is not satisfactory to me.

The CHAIRMAN: Let us hear Mr. Matthews.

Mr. MATTHEWS: I am only saying it is satisfactory to me, Mr. MacNicol can use his own judgment.

Mr. FARQUHAR: I think so too, and I think the other gentleman should be heard and we could ask questions of Mr. MacInnes later.

Mr. MACNICOL: I was just saying it was not satisfactory to me, I want to go back to before the white man came.

The CHAIRMAN: Is that not a matter for the revision of the Act?

Mr. MacNicol: Mr. Chairman, the whole morning has been a failure.

The Chairman: I do not agree.

Mr. MacNicol: You are upsetting everything. You put a witness in the chair and he makes a deposition and before he gets through you want to throw him out.

Mr. Case: I think Mr. MacNicol's handicap is that he was not here at the Tuesday meeting when all that evidence was given.

Mr. MacNicol: No, that is not it at all.

The Chairman: Can we now say we will hear Mr. Gooderham?

Mr. Blackmore: Mr. Chairman, I do submit, since you started going all around the committee, you should give each member a chance to ask questions.

The Chairman: Supposing then, we confine the discussion to the answer given by the witness with respect to the election in the Peigan reserve as brought out by the witness at the last session. Would you like to ask a question on that?

Mr. Blackmore: Yes. I would like to know whether or not this information was conveyed to the Peigan reserve Indians so that they had a chance to understand this thing which Mr. MacInnes has told us about. If it was conveyed to them, by whom was it conveyed to them; and what assurance was had that they understood it.

The Witness: It was conveyed to the inspector of Indian agencies and he can say in what form it was conveyed by him to the Indians. I presume it was explained to the Indians because that was the established practice in conveying rulings to our inspector or agency by whom it is to be explained to the band.

Mr. Blackmore: I would just like to know, Mr. Chairman, why it was that the Indians have such a strong feeling on this matter as was expressed by a witness whom we heard here Tuesday. So, if I may, I should like to go into this matter just a little further. I do not know whether it is in order to ask Mr. Gooderham to make a statement about the matter.

The Chairman: I am going to call Mr. Gooderham when you are through with Mr. MacInnes and ask him a few points.

Mr. Blackmore: I am not sure that I want him to take the stand in place of Mr. MacInnes yet as I still have some questions I want to ask Mr. MacInnes.

The Chairman: The point is this, that we have Mr. Gooderham here and he will soon be going back to Alberta.

Mr. Blackmore: I think your suggestion a moment ago was a good one, Mr. Chairman, that you have Mr. Gooderham at the table along with Mr. MacInnes.

The Chairman: Is that the pleasure of the committee?

Carried.

All right, Mr. Gooderham, will you please come up to the table here.

Now, Mr. Blackmore, would you care to put your questions to Mr. Gooderham?

Mr. Blackmore: Yes. I would like to have Mr. Gooderham tell the committee just what steps he took to make sure that the Peigan Indians understood the situation.

Mr. Gooderham: In the first place, to explain this whole thing; the Indians felt that this old man was not up-to-date in his thoughts, in the development of the reserve program. They had the idea that he was incompetent. Under the section of the Act they were all quite aware of the rights and the status of the chief. He was chosen, but he could be removed only by order in council for dishonesty, intemperance, immorality or incompetency. They had nothing to say about dishonesty, or intemperance, or immorality, although they may have

felt that he was to a degree incompetent. So, to be sure that that was the feeling of the greatest number I had the Indian agent call a second general meeting in which they again were in a good majority who felt that the man was incompetent. We reported that to the department and the reply was that their interpretation of incompetency was that incompetency had to be either physical or mental in character, and that this man could not be considered either physically or mentally incompetent; and for that reason the department could not see their way clear to have this man removed from office. This in turn was submitted to the Indian agent in writing, in detail. I also spoke to the witness who was here yesterday and explained this whole matter, at least I tried to explain it to him; that under existing condition it was only on those four points that a chief could be removed or that that they could expect to have him removed; and that under the system as it is there is no alternative but to leave him there until we found there was something before the department under which they could find sufficient reason to have him removed. That is the way it stood. Now, you ask what I did. All I did was to have this matter,—I had not been to the reserve since that decision was made to have a council meeting—I had a talk with the Indian agent, Mr. MacMillan, in which I asked him to make that as clear as possible to them. Now, that is how it stands.

Mr. LICKERS: So far as the department is concerned unsuitability did not amount to incompetency?

Mr. GOODERHAM: That is the interpretation.

Mr. MacNICOL: I want to go back further than that.

Mr. GOODERHAM: Yes, sir.

Mr. MacNICOL: What was the tribal custom; it may be that you would have no records available on it, but what was the custom before the white man came; what would that tribe have done a hundred years ago? Of course, you would have no record on that probably.

Mr. GOODERHAM: I do not know, I think Mr. Callihoo could go further back than I can. I would not know how to answer that.

Mr. MacNICOL: Is Mr. Callihoo here?

Mr. GOODERHAM: Yes, he is right behind you.

Mr. MacNICOL: Is he a Peigan?

Mr. GOODERHAM: No, he is a Cree from the north.

Mr. CASTLEDEN: But he speaks for the Indian association of Alberta.

Mr. GOODERHAM: I think Mr. Callihoo would know all right. You know what the question is, Mr. Callihoo? How were your chiefs got rid of in the old days before we came among them?

Mr. CALLIHOO: I don't know a thing about that. But according to what we are talking about our understanding from the treaty and what the Indian agent told us about it was that any chief who was chief at the time this treaty was signed continued a chief for the balance of his lifetime. In any other case where a chief was elected he was supposed to be elected for a term of three years.

Mr. CASTLEDEN: Do you do that on your reserve?

Mr. CALLIHOO: We are not allowed to vote. We have asked for an election I don't know how many times from the Indian agent but we have not been able to get one.

Mr. CASTLEDEN: Would you tell us how you choose your chiefs now?

Mr. CALLIHOO: We understand that according to the Indian Act we are supposed to choose our chief every three years, but we are not allowed to do that.

Mr. CASTLEDEN: Not the western Indians. According to the evidence given here the western Indians are not allowed to do that.

The WITNESS: Might I clear that up, Mr. Chairman?

The CHAIRMAN: Yes.

The WITNESS: The election provisions in section 96 of the Indian Act must be applied by special order in council and that has not been done as yet in the case of any band in Alberta, and it is possible there may have been a misunderstanding on the part of one Indian agent about that; but that section of the Act is operative only in any band of Indians when there is an order in council authorizing its application, and that has not yet been done in Alberta.

Mr. BLACKMORE: May I ask a question here, Mr. Chairman?

The CHAIRMAN: Mr. Blackmore.

Mr. BLACKMORE: I gather from what Mr. Callihoo has said that the understanding of the Indian was when they signed the treaty there was an agreement then that they were to be able to elect a chief every three years—

The CHAIRMAN: Mr. Blackmore, when you turn and speak away from the committee we cannot hear what you are saying.

Mr. BLACKMORE: I am sorry, Mr. Chairman. My understanding was that Mr. Calihoo understood that when the treaty was signed it was provided in the treaty that the Indians should elect their chief every three years.

Mr. CALLIHOO: No, Mr. Blackmore, it is not that. What I was trying to say is this, that we learned from our Indian agent that chiefs who were chiefs when the treaty was signed were supposed to be chiefs during their lifetime, and following that we were to elect our chiefs every three years, to elect them for a term of three years. That was the understanding we had.

The CHAIRMAN: Will you answer that, Mr. Gooderham or Mr. MacInnes?

The WITNESS: I think I can answer that. Just as I was saying, that is the understanding; provided an order in council is passed to bring it into operation; and for administrative reasons which I have indicated it has not as yet been done in the province of Alberta.

Mr. CASTLEDEN: That leads to this point then; chiefs who were chiefs at the time of the signing of the treaty continued to remain chiefs until their death?

Mr. CALLIHOO: Yes.

Mr. CASTLEDEN: Then as far as the western Canadian Indian is concerned, they have no right to elect their own chief since orders in council have not been passed granting them that right. I would like to know how your chiefs are chosen now. Can you explain how you go about getting a new chief for your band at the present time?

Mr. CALLIHOO: Our last chief—and that was quite a few years ago—according to the Indian Act, and the Act was changed, it said that we had to nominate members of the band for that office. That is according to the old Indian Act; and that a certain time after we were supposed to have an election. But when the old chief resigned then the agent came along and says, you'll have to get a meeting. So right that day they nominated a couple of men to run, but they never waited the ten days.

Mr. BLACKMORE: And, who nominated these two men, the Indians?

Mr. CALLIHOO: The Indians just nominated them.

Mr. CASTLEDEN: When selecting a chief you nominate two or three?

Mr. CALLIHOO: We vote on them.

Mr. BLACKMORE: Do they choose the one you vote for or the other one?

Mr. CALLIHOO: We voted. We lose our majority.

The CHAIRMAN: Would you like to comment on that, Mr. Gooderham?

Mr. GOODERHAM: Yes, I would, sir. Just so you will understand our problems in the field, the last twenty-five years it has been my experience that we are out to educate the Indian, and as far back as twenty-five years ago I have always called people together in the band, and when there was a choice to be made—my experience prior to that was that the chief—well, you didn't actually have a vote taken, but if taken it always was an open vote, not a secret vote. There was always the noisy, talkative chap who engineered his candidate and kept him before them, and the others more or less fell in line and the best man was not always chosen for the job. So we said, here is what we will do; hereafter we will have you vote, but you understand in the first instance that your vote does not say that you elect the man with the biggest majority; he will be your choice, and if your choice on our report to the department, is favourable to that particular individual you will likely get that man as your chief or councillor; and that has progressed very well. I might say that here the other day you had a young chief from the Sarcee, one who has been a chief only for two months.

The CHAIRMAN: What is his name?

Mr. GOODERHAM: David Crowchild. We want first to educate the Sarcee Indians in the matter of voting. We hope and expect, and every band in the province I think expects and hopes, that they will have the elective system and nothing else very shortly, but a certain amount of education is needed before it becomes fully effective. What we have done so far as this, we have gone through the process of having certain nominations followed by the posting of the names of candidates. We also require that they have a sufficient number of names at the bottom of their nomination paper, because we could not take every person whose name might be put in, you might have every Indian in the band placed in nomination. We had to have sufficient support to signify that the candidate would be representative of some people at least. We have even gone so far as to borrow ballot boxes from the city of Calgary. We also had what you call the free vote; and then we had secret elections from nine o'clock in the morning until five at night, with the ballot boxes being sealed and brought back and opened up. We had the police there. It was all done for a purpose. We had one chief and two councillors to elect. They were really under this system, but to all intents and purposes it was an election. It happened that the three men of their choice were the same as our recommendation. The man on the spot is not going to recommend somebody who does not represent the Indians. We do want the Indians to run their own affairs.

While I am on the subject I might say you heard Yellowfly from the Blackfoot band. The Blackfeet have a very large band fund, and a tremendous amount of responsibility lies upon the band. The majority of their councillors are life chiefs of great age. If you did not have men like Yellowfly on that council you would have a desperate time explaining the financial setup. For some time they have been debating whether they should continue entirely—

Mr. MACNICOL: Continue what?

Mr. GOODERHAM: The old idea of chosen chiefs.

The CHAIRMAN: Hereditary?

Mr. GOODERHAM: Not necessarily hereditary, chosen.

The CHAIRMAN: Chosen for life.

Mr. GOODERHAM: On request they had a plebiscite last fall to find out what the wish of the majority was. I think the result of the plebiscite was 75 per cent in favour of elections and retaining the old chiefs as it is stated in the Act, that the older life chiefs shall remain and the councillors shall remain and hold their treaty coat and their title and all the rest of it, but shall have no voting powers unless at the elections they succeed in getting one of the elective positions.

There is the situation. It is pretty well general. I do not think that in a very great number of years any Indian agent has tried to force upon the band. his choice or the choice of the department whom he represents. He has tried to get the Indians by this voting system to approve what they want.

Mr. CASE: While they do not elect their chiefs in western Canada do they elect their councillors?

Mr. GOODERHAM: No, councillors and chiefs are both the same. When we talk of chiefs we refer to both.

The WITNESS: I should like to say this to clear up one point that seems to have been causing a little misunderstanding here. I might say under the present policy and for some years back the department never recognized anything but the choice of the Indians in filling vacancies for chief and councillors, whether or not under the elective system. That is the present practice, that we would not accept any one who was not the majority choice of the Indians.

Mr. CASTLEDEN: Do I understand in every case where the Indians have voted the Indian agent has selected the one that had the majority?

The WITNESS: No, the Indian agent reports to Ottawa and is instructed to report what the choice of the Indians is, and I say we never recognize any choice other than the choice of the Indians under the present policy.

Mr. CASTLEDEN: Has that worked out, Mr. Callihoo? Would you say that was so from your experience with the Indians?

Mr. CALLIHOO: That is what we are led to understand but it does not really work. I am not denying what you say, but the Indians away back there on the Indian reserve do not know what is really going on here in Ottawa, and I presume the officers in Ottawa do not really know what is going on at the other end either. All they know is what they learn from the reports they get from the agent, and that is only one side of the story.

Mr. CASTLEDEN: Do you see the reports that are sent to Ottawa?

Mr. CALLIHOO: What is that?

Mr. CASTLEDEN: Does the band see the reports which are sent to Ottawa?

Mr. CALLIHOO: I am very sorry my secretary has gone away with some letters I wanted to have here, we did not have time to get everything ready. I got my telegram just the night before I left, so I could not bring anything along. I forget what you asked me.

Mr. CASTLEDEN: I wanted to know whether the band knew what was reported to Ottawa?

Mr. CALLIHOO: No, because in the instructions we get from the department it says that we have to make all our complaints and all our reports through the Indian agent. Many many times we have tried to make complaints against our Indian agent through himself, but that would not do. It never would.

The CHAIRMAN: Any further questions?

Mr. MACNICOL: I have not got started yet. I have tried three or four times, but I like to pursue a thing and follow it through without interruption.

The CHAIRMAN: As long as it is on the subject I think there is no objection.

Mr. MACNICOL: I can plainly see there is a grievance somewhere, and this committee should find out the full roots of the grievance.

The CHAIRMAN: Fine.

Mr. MACNICOL: And if possible eliminate it. I did not quite catch the name of the chief.

The CHAIRMAN: Callihoo.

Mr. MACNICOL: He is of the Plain Crees?

Mr. CALLIHOO: Yes.

Mr. MACNICOL: I would go back further. I think the department should go back to the commencement of things. You know far better than I do that the Blackfeet were the premier tribe and that they had several allied tribes such as the Peigans and the Bloods. I do not know whether or not they were the same people but they were the premier tribe because it was always called the Blackfoot confederation. What I should like to find out is how did the Blackfeet elect their chiefs?

Mr. GOODERHAM: I will tell you how it was originally. When the treaties were made, at the signing of the treaty—

Mr. MACNICOL: That was under Crowfoot?

Mr. GOODERHAM: At the signing of the treaty the treaty commissioner or representative of the Crown picked out the leading men whom he saw at the meeting, the men who had made a prominent contribution to the signing of the treaty. They were made chiefs and councillors right there.

Mr. MACNICOL: Just a minute; are you correct?

Mr. GOODERHAM: I think so.

Mr. MACNICOL: At the Blackfoot Crossing treaty signing Crowfoot was the paramount chief, was he not?

Mr. GOODERHAM: Yes.

Mr. MACNICOL: Do you mean to tell me the department picked him out?

Mr. GOODERHAM: They had to recognize him as a representative.

Mr. MACNICOL: No, no.

The CHAIRMAN: I think we are asking the witness questions.

Mr. MACNICOL: The witness is saying one thing.

The CHAIRMAN: And you disagree with him.

Mr. MACNICOL: I am only quoting history. The paramount chief was Crowfoot. How was Crowfoot picked out?

Mr. GOODERHAM: He was the recognized generalissimo of the Indians.

Mr. MACNICOL: Exactly.

Mr. GOODERHAM: But in order to establish him as a representative of the Indians the treaty commissioner at that time said, "Well, you become an official. We know you are a chief, but officially you become on our books the chief of the Blackfeet." I cannot think of the names offhand of the different Indians who were designated to whatever bands they represented, but officially they came on the books of the department as recognized chiefs and councillors from that time. Is that clear?

Mr. CASE: Their signatures to the treaty would be valid?

Mr. GOODERHAM: That is right. They are officially put into the positions they had held hereditarily.

Mr. MACNICOL: How did they get that position originally?

Mr. GOODERHAM: They were leaders; they were chieftains. They were very prominent. I suppose the leader comes to the top in everything, but a man like Crowfoot was a leader, and a wonderful leader. Naturally the commissioner recognized his leadership, officially recognized him. Possibly through Crowfoot he picked out the councillors. It may be that Crowfoot suggested them for the smaller bands. Their names and signatures are all there in the treaty. Some of those have been more or less hereditary but it has been the choice of the band nevertheless from then on.

Mr. MacNicol: Is there any record of all the chiefs of the Blackfoot band who followed Crowfoot?

Mr. Gooderham: Pardon?

Mr. MacNicol: Have you a record of the chiefs who succeeded Crowfoot?

Mr. Gooderham: Yes, sir.

Mr. MacNicol: Of the Blackfoot band?

Mr. Gooderham: Yes.

Mr. MacNicol: How was each one of those chiefs selected?

Mr. Gooderham: They were the choice of the band in practically every instance. I cannot go back to 1877. There were three main bands of the Blackfeet. At that time there was Crowfoot, and there was Old Sun, and there was another man, Running Rabbit, the present chief's father. Finally as time went on as they all lived on one block of land, they merged and became one band. There were a lot of little bands, and each little band had a chief who was chief of his little family compact, so to speak.

Mr. MacNicol: Who is the present chief of the Blackfeet?

Mr. Gooderham: Duck Chief, the son of Running Rabbit who was one of the original chiefs.

Mr. MacNicol: After he passes how would you select a chief?

Mr. Gooderham: Duck Chief did not follow his father. In the interim there were other chiefs, but eventually he gained the choice. As a matter of fact, it was in my regime. We had two candidates for the position. It was away back in the early 20's. The other man said that Duck Chief had got in wrongly because Duck Chief's brother stood outside the voting place and handed out cigars!

The Chairman: Gentlemen, this is all tremendously interesting, but how it is going to lead to the revision of the Indian Act I do not see, especially when we still have such vital questions as timber rights and contracts on which we would like to question Mr. Gooderham between now and the time he leaves.

Mr. MacNicol: I do not know anything you can do to eliminate the grievances from the Indians that will be more effective than to make some provisions to eliminate the grievance presented the other day. That is what I am trying to get at.

Mr. Case: I think their brief establishes pretty well what they are seeking, but I should like to ask Mr. Gooderham about a statement made by Chief Crow Eagle. He said that the department had advised them to surrender certain timber lands against their wishes.

Mr. Gooderham: When I came into my present work in 1946 it was brought to my attention that there was a timber limit of the Peigans some distance to the west, and on which a report had been made by the forestry head of Alberta to show that there was roughly 10,000,000 feet of good lumber. I believe the question of disposition had been taken up the previous fall by Mr. D. J. Allan. It was brought to his attention. He had suggested that something should be done about turning some part of it into cash. It was our feeling that it would be an excellent idea, as we are now doing it in the north, to have the Indians start developing that industry themselves. Although the Indians at first in 1946 were loath to assume a responsibility that they had never had, of logging and lumbering, I thought possibly it would be better if they would reconsider it. They did at a meeting in the early fall and said that they would like to take out of their band fund, which by the way totals about $80,000, a sum sufficient to buy equipment and start up a small camp to log and mill some of this lumber.

They had to have this money, and they considered that about $10,000 would be necessary. We looked around. It was very difficult to get equipment last fall and very expensive. There was also the fact that you had to create a camp. When I came to Ottawa I brought before the officials of the branch the fact that these Indians wanted to do that. After conferences the officials felt it was taking really too much of the capital of this band, which was only $80,000, and putting it into a venture which none of us knew much about. I know nothing about lumbering. I knew the Indian agent knew nothing about lumbering or the organization of a lumber camp.

At that time we had nobody to whom we could go as a mill man or a lumber man who could do the work for us, so we were loath to start, and it was suggested that the Indians be approached then to surrender this timber limit for sale on condition that possibly they could become employed by the firm that might get the contract or get the lumber or part of it.

Those were my instructions when I went back, knowing that we might not make a very great success of it in such a short time. These Indians, by the way, had not done any lumbering like the northern Indians who have worked in lumber mills a great deal. I told these Indians what the departmental officials said, and did suggest that they might first of all consider the surrender of an area to cover not over 1,000,000 feet, and with the returns from that they might then proceed to do the work on their own. That is where the thing stands today. They did want to spend their money on this venture. Last winter was a most difficult and impossible time for us to start with the heavy snow. No further action has been taken, but it is proposed to go into this more definitely this year. We are now having a conference with the director of Dominion forestry here to get another survey.

Mr. MacNicol: Did you mean a million feet board measure?

Mr. Gooderham: Yes, that is what it would be, sir. I may say, gentlemen, I started coal mining on this basis on the Blackfeet reserve many years ago. You can soon create a great many complications if you are not trained in it. We do not want to rush into new ventures with people who have never had any experience and then find it a failure. It would do more harm than good.

The Chairman: In other words, you have a respect for the taxpayer's money.

Mr. Gooderham: It is mostly band funds, so there would not be much of the taxpayer's money involved, but we thought of that.

Mr. Case: The Indians actually surrendered a million feet of timber?

Mr. Gooderham: They have not surrendered anything as yet.

Mr. Case: They have not?

Mr. Gooderham: No, sir, they did not. I said there was no rush, it was during the winter season and whether they would consider that or not, I did not know. They still felt they would like to go out and try it themselves.

Mr. Case: You heard the Indians the other day declare that they had surrendered the whole thing?

Mr. Gooderham: Sir, they have not surrendered anything. All the Indians have done is to pass a resolution to spend their money on this venture.

The Chairman: Mr. Lickers would like to ask you a question.

Mr. Lickers: My question is in connection with the evidence of Mr. Callihoo. I think he said that in 1911 the Indians on his reserve surrendered timber for a little over $300. Then, he found out afterwards the chap to whom this was surrendered made $20,000 profit; is that an actual fact?

Mr. Gooderham: I do not know, sir.

Mr. Case: My recollection is that Crow Eagle was under the impression he had surrendered it, so I am rather at a loss to understand the matter.

Mr. GOODERHAM: Crow Eagle does not speak English very fluently. I do not think he meant to say that. I think he meant to say that they had passed a resolution to go ahead with the project, but they certainly have not surrendered anything. I do not believe they intend to surrender anything. They want to go out and do the work and I am right behind the Indian for thinking he can do that if we are not going to run into a lot of difficulty and waste money.

Mr. CASTLEDEN: Supposing the band agrees to surrender a million feet, what would be the procedure in regard to it?

Mr. GOODERHAM: I am not familiar with that. I think you would have to ask Mr. McCrimmon who has been in charge of that work for many years. It is new to me.

Mr. HOEY: In a word, it is done by public tender.

Mr. CASE: If the band agrees to surrender.

Mr. CASTLEDEN: Is this timber ever surrendered without the permission of the band?

Mr. HOEY: Never to my knowledge, not in my day.

Mr. GIBSON: It might be possible to secure a white contractor and put him on a per thousand basis. The Indians would gradually be able to acquire enough knowledge to run it themselves. I think something could be worked out. I think you would have to have some skilled help in there.

Mr. GOODERHAM: I would not be responsible for taking $10,000 of their money or the country's money unless I was satisfied we had an organization or a manager who was not going to waste it. It could be wasted quite easily from what I have heard about the lumber business.

The CHAIRMAN: Mr. Gibson, you have had a wide experience in that business, would you care to make any comment?

Mr. GIBSON: Nothing beyond what I have said. It should be possible to obtain a competent white man to go in there to look after the logging and milling on a contract basis.

Mr. GOODERHAM: The difficulty is to get a man who will allow the Indians to do the work.

Mr. GIBSON: That could be part of the contract.

Mr. GOODERHAM: That was suggested by the Indians after I came back last fall.

Mr. MacNICOL: I should like to ask Mr. Lickers what is the complete significance of the question he asked, that the Indians had sold some timber for $300 for which the timber operator received $100,000.

The CHAIRMAN: $20,000. That was the evidence given by Mr. Callihoo, and I understand that occurred in 1911.

Mr. GIBSON: I may say that in British Columbia I have found the Indian departmental officials very capable in handling the Indian timber when the Indians decide they are going to sell. A high price is usually secured.

Mr. MacNICOL: You would not call that very good, $300 received by the Indian when the operator received $20,000.

Mr. GIBSON: Oh well, that was in 1911.

Mr. CASE: It was on a stumpage basis, so it did not seem too bad on that basis. I know of cases where some of the forests of Ontario were sold about that period for not very much more.

Mr. MacNICOL: I know, but the Indians received only $300.

The CHAIRMAN: I know, and there are cases in which white Indians, as Mr. Farquhar suggests, got very little more in Ontario.

Mr. MacNicol: We are not dealing with them.

The Chairman: Neither are we going back as far as 1911 to review all the affairs of the Indian department.

Mr. Castleden: In view of the fact there are large quantities of lumber on the various reserves, I was wondering whether the department had ever considered training the Indians in lumbering. Some group of Indians would have the capacity to learn this, it seems to me, and it would be a very fine piece of work if some of these Indians could be trained in the art of logging, lumber cutting and so on. I have seen lads up at Norway House operating a sawmill of their own—

The Chairman: Let us get away from expressing opinions and just ask questions in order that we may expedite the matter.

Mr. Castleden: Has the department ever considered or undertaken the training of Indians to enable them to carry on their own lumber operations?

Mr. Gooderham: I can answer it so far as Alberta is concerned. Last year, we arranged for at least one band to get a new portable sawmill and they have it now. A representative of that band was here yesterday. This band is located in Driftpile agency in the Lesser Slave Lake country. At the Saddle Lake agency they have had a sawmill for years, and they are starting it up again. There are Indians who are sawyers. However, the Indians in the south have not done much of it because they have not got the wood. There are others which are being considered at the moment, and there was one operated again this winter.

The Chairman: I think Mr. Harkness, Mr. Farquhar, Mr. Gariepy and Mr. Case as well as the others who were on the commission last fall could give evidence as to what has been done down East, in Quebec, New Brunswick and Nova Scotia where mills have been established amongst the Indians. They have opened up timber areas on the Indian reserves and have done very well.

Mr. Case: In cases where they have followed Mr. Gibson's suggestion and have secured an overseer while the Indians do the work.

Mr. Harkness: I was going to ask if the department has a timber cruiser among their officials, properly trained in timber operations, who could go out to this Peigan reserve and possibly get this Indian project under way, and the cut of that timber organized.

Mr. Hoey: It is my understanding that when the Indian administration was a department they had such a man, and immediately after my arrival in 1936 we had a man who has since retired. At the present time we are a branch of a large department and in the department there is a man, not in the Indian branch but in the dominion forestry branch and we are supposed to consult them and work with them in matters such as this. We have not, in the Indian branch, a forestry man.

Mr. Harkness: But in the department you have men who are capable of going out and organizing this timber take?

Mr. Hoey: In the department, yes, but not in the branch.

Mr. MacNicol: Did Chief Dan Basque not say that he has such an organization?

Mr. Gibson: Do you not use the officials of the forestry service on this timber cruising?

Mr. Hoey: Yes, we have done so on a few occasions.

Mr. Harkness: I do not think you could operate a timber cruising service from Ottawa. It sounds like a rather expensive thing to me.

The Chairman: Chief Dan Basque has a sawmill down at Restigouche, a real one. Who is doing all the timber cruising and the development in there? Is it Isaacs? Yes, George Isaacs.

Mr. CASE: He is a road builder?

The CHAIRMAN: He is a road builder, a forester, a millwright.

Mr. LICKERS: Is he an Indian?

The CHAIRMAN: Yes, and a very capable one.

Now if there are no more questions I think some of the members would like us to rise at this time.

Mr. MACNICOL: If you will allow me I am going to revert, while Mr. Gooderham is here, to the question of the election of chiefs—

The CHAIRMAN: There is a question by Mr. Lickers before you get into that.

Mr. LICKERS: It is in connection with the Blackfeet, if Mr. MacNicol wants to go on—

The CHAIRMAN: All right then, Mr. MacNicol.

Mr. MACNICOL: That apparently is a grievance.

The WITNESS: Of the Peigans?

Mr. MACNICOL: The Peigans, and they are one of the tribes of the Blackfeet.

The WITNESS: Yes.

Mr. MACNICOL: That is why I bring it up, evidently the Peigans now want to elect their chiefs, is that right?

The WITNESS: I have nothing concrete to show that the majority have said so but I think they do, and now this certain majority does not favour the present head chief. That is the whole thing right now.

The CHAIRMAN: Well now, I am sorry gentlemen, although it is not one o'clock but due to other arrangements that have been made by several of our members I do not see how we can very well continue. We will now postpone further questions until eleven o'clock tomorrow, when we will meet in this room.

The Committee adjourned at 12.35 p.m. to meet again at 11 o'clock a.m. tomorrow, April 25, 1947.

SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 15

FRIDAY, APRIL 25, 1947

MONDAY, APRIL 28, 1947

WITNESSES:

Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch, Ottawa;

Mr. G. H. Gooderham, Inspector, Indian Agencies, Alberta.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

FRIDAY, 25th April, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Macdonald (*Cardigan*), McKeen and Taylor.—3.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Blackmore, Bryce, Case, Castleden, Farquhar, Garriépy, Gibson (*Comox-Alberni*), Harkness, MacLean, MacNicol, Matthews (*Brandon*) (Vice-Chairman), Raymond (*Wright*), Reid, Richard (*Gloucester*).—16.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; D. J. Allard and M. McCrimmon, Reserves and Trusts; B. F. Neary, M.B.E., Superintendent, Welfare and Training; G. Armstrong; H. M. Jones, Supervisor, Family Allowances; D. Russell; Major D. M. MacKay, Commissioner, Indian Affairs, B.C.; G. H. Gooderham, Inspector, Indian Agencies, Alberta; also Mr. John Callihoo, President, Indian Association of Alberta; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

By leave of the Committee, Mr. Max Campbell, M.P. (*The Battlefords*), put on the record some corrections of the evidence given by him to the Committee on March 21, last, as reported at page 258.

Mr. Matthews announced a meeting of the subcommittee on education to be held at 5.30 p.m. this day.

Discussion followed as to procedure and the schedule for future meetings. It was agreed to hold a closed session on Monday next, April 28, at 11 o'clock a.m.

The Chairman announced a meeting of the subcommittee on agenda and procedure to be held on Monday next at 5.00 p.m.

Messrs. MacInnes and Gooderham were recalled and questioned by Mr. Lickers and members of the Committee.

The Committee adjourned at 1.05 o'clock p.m., to meet again on Monday next, 28th April, at 11 o'clock a.m.

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THE SENATE,

MONDAY, 28th April, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met in closed session this day, at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., Joint Chairman.

Present:

The Senate: The Honourable Senators Johnson, Macdonald (*Cardigan*), McKeen.—3.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Bryce, Case, Castleden, Harkness, Little, MacNicol, Matthews (*Brandon*) (Vice-Chairman), Reid, Richard (*Gloucester*).—10.

In attendance: Messrs. R. A. Hoey, Director, Indian Affairs Branch; Major D. M. MacKay, Commissioner, Indian Affairs, British Columbia; G. H. Gooderham, Inspector, Indian Agencies, Alberta; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Mr. Case called to the attention of the Committee a letter he had received from Magistrate Tucker, Cochrane, Ontario, with regard to grievances of certain Indians in the Cochrane district. It was agreed to have the matter referred to the subcommittee on agenda and procedure.

Mr. Case also asked that the subcommittee give consideration to the advisability of hearing in closed session certain officials of the Department of National Health and Welfare, and it was so agreed.

At 11.15 a.m., the Committee went into closed session for the purpose of considering recommendations with regard to certain aspects of the Orders of Reference.

The Chairman thanked Mr. Gooderham for the valuable assistance he had rendered the Committee and excused him from further attendance.

The Committee adjourned at 1 o'clock p.m., to meet again on Thursday, May 1 next, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

April 25, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Would you come to order gentlemen, please. If it is your pleasure, Mr. Max Campbell, M.P., would like to make a correction with respect to the brief which he presented to this committee. Is it your pleasure to hear Mr. Campbell for a couple of minutes?

Agreed.

Max Campbell, M.P., called:

Mr. CAMPBELL: Mr. Chairman, and members of the committee. I made a mistake in one of the statements I made here in answer to Mr. Reid's question.

The CHAIRMAN: What page is that?

Mr. CAMPBELL: Page 258. The question is this.

By Mr. Reid:

Q. You spoke about co-operative farming. Are there any vegetables being grown or gardens being cultivated there now?—A. Practically none. There is not a house on any of these reserves that has a place to keep vegetables in the winter. There is not one that I saw that even had a cellar of any kind. They do not eat vegetables.

Now I have received a letter from the assistant agent at the Battleford agency and he informs me that on one of the reserves, the Thunderchild reserve, they have cellars in the houses. One other correction that I have to make is this. I said that they did not eat vegetables. I should have said they do not raise vegetables. They eat them, but generally speaking the Indians do not raise vegetables. I do not want to mislead the committee and I was asked by the assistant agent at Battleford to correct the statement.

By Mr. Case:

Q. On these reserves do they have gardens?—A. On my visit I looked very closely for gardens and I never saw a single one.

Q. Has the agent commented on that?—A. No, he also stated though, on the Sweet Grass reserve, there was a root cellar. I imagine from what he said that is a community cellar. The agents themselves may raise vegetables, but the Indian, generally speaking, I am inclined to think, does not raise vegetables.

Mr. REID: May I ask this question? Have you any information as to how they carried on in the earlier years? Did they have gardens then or is it just a matter of policy now? Did they ever raise vegetables there?

The WITNESS: I do not think so. I know in the fall—I farmed in that district—and when we had surplus potatoes we often gave the Indians those potatoes. They liked them all right, but as far as I can find out they do not like to raise them. They do not like to be bothered.

Mr. CASE: Mr. Chairman, with all due respect, I think this should be definite. The witness says he does not think so or he does not know about it. Is there some way we can find out the answer to that question, whether they have cellars for the storing of vegetables?

The WITNESS: You could find that out by writing to the agent.

The CHAIRMAN: Well, thank you very much, Mr. Campbell. We appreciate your coming to this committee and making the correction.

Now, Mr. Matthews, I believe you have an announcement you would like to make in connection with the subcommittee on education.

Mr. MATTHEWS: Yes, the subcommittee on education will meet, if it is agreeable, in room 268 at 5.30 p.m. today for a short organization meeting. We will not keep members there very long.

The CHAIRMAN: Could I give you the names of the members of that committee: Senator Fallis, Senator Taylor, Mr. Brown, Mr. Brunelle, Mr. Case, Mr. Charlton, and Mr. Reid.

Mr. CASE: Messrs. Brunelle and Charlton and Senator Fallis are not here, they should be notified.

The CHAIRMAN: They will get notice in any event. Mr. Charlton is usually here and he may be along later in the morning.

There is another matter here. On Monday we were to have the Manitoba Indians. We sent them a notice but they have replied that they are not able to be here until after the 28th of May. Now, that being the case, we have some of the department officials here and it has been suggested that we hold another closed meeting, for at least part of the meeting. We could discuss certain matters of Indian affairs administration off the record for part of the time. I believe there will be Major McKay from British Columbia, and some suggestions will be made. Mr. Gooderham will be here on Monday. Then, if it is your pleasure we will have a closed meeting on Monday for at least part of the time and then continue in public.

Mr. CASTLEDEN: Is that the recommendation of the "steering" committee?

The CHAIRMAN: No, it has not been referred to the subcommittee on agenda and procedure.

Mr. CASTLEDEN: The reason I asked the question is that I would like to know when the Ontario Indians are to be allowed to appear. What is the situation there?

The CHAIRMAN: The situation with regard to that is we are anxious to get rid of the western Indians first. I think the matter should be considered by the subcommittee to determine what the plan is going to be with respect to the Ontario and the Quebec Indians.

Mr. CASTLEDEN: Since the Manitoba Indians cannot come, could arrangements not be made to have the Ontario Indians here?

The CHAIRMAN: Well, the whole question of representation of the Ontario Indians has to be considered by the subcommittee. I think probably it would be well if, probably on Monday, the subcommittee on procedure were to meet to consider further this question of the Ontario and Quebec representation. You see they are not organized as they are in the western provinces. While Ontario has the largest Indian population in any of the provinces in Canada, they are spread all over various parts of the province and they are not organized to the same degree as those of British Columbia and the other provinces in the west. If it is the pleasure of the subcommittee on agenda and procedure I think we should meet on Monday and notice will be sent out in that connection.

Mr. CASE: Mr. Chairman, with respect to the question of the meeting on Monday, in addition to the officials you mentioned, would it not be a good

idea to have Mr. Hoey available and any other officials, so that we might complete the business of that meeting at one time?

The CHAIRMAN: That is the plan.

Mr. CASE: There are some problems that we should consider.

The CHAIRMAN: The officials will be here and we are hoping to complete the departmental presentation on Monday.

Mr. CASE: In the closed meeting?

The CHAIRMAN: No, we will have the closed meeting and then go on from the closed meeting to the open meeting.

Mr. CASE: I think sometimes we accomplish more in the closed meetings and I think it would be well if the officials could speak freely there and inform this committee. It is most informative to have that done. I think provision should be made to have the closed meeting terminate at the pleasure of the chair.

The CHAIRMAN: We want to get the departmental presentation finished. We will have our closed meeting up until whatever time on Monday you desire and the rest of the time can be devoted to the departmental presentation etc.

Mr. REID: May I ask a question? My question is, have you any reports from the external affairs department as to whether we are likely to hear from the American representation? We should get a piece of atomic bomb behind someone or we will be drifting along all year. Surely there cannot be too much red tape about getting a U.S. representative here.

The CHAIRMAN: I can get you an answer to that from Mr. MacInnes.

Mr. FARQUHAR: May I just say that when the "steering" committee meets would it not be well if they would draw up a plan that would cover all the Indians from Ontario and Quebec or the other provinces, so that you can give them something definite?

The CHAIRMAN: I can answer that briefly. We have a plan. A plan has been mapped out but we have not been able to keep to it. The plan was that the Indians from Alberta should be here on April 21 and 22, from Manitoba on April 24 and 25, from Saskatchewan on April 28 and 29, and those from British Columbia on May 1 and 2.

Mr. FARQUHAR: We were told that those who came from Alberta had very little time to prepare their brief. Now, by having a plan and letting the Indians know, they would have more time to get their briefs prepared. I would like also to ask if, in your plan, you are considering the reserves up in the Manitoulin district.

The CHAIRMAN: I might draw to your attention, Mr. Farquhar, this committee has been going now for over a year. If you will refer to the Alberta brief you will see that it could not possibly be prepared in a very short time. It must have taken a considerable time to prepare that brief. They had at least three months notice of the approximate time that they would be heard and we gave them warning long before that. When it was decided to hear them immediately after Easter, we sent them a telegram.

Mr. CASTLEDEN: In defence of what Mr. Farquhar says, Mr. Chairman, I would say there is some truth there. The Alberta Indian Association knew about the hearing, but the decision as to the actual delegates who would be heard was not made until recently. I mean the unaffiliated Indians, such as Chief Yellowfly, had no way of knowing who was to appear until after the decision was made by this group a couple of weeks ago.

The CHAIRMAN: I think, Mr. Castleden, if you will look at your calendar you will see it was more than two weeks ago and Yellowfly's brief, printed in our minutes at page 206, is dated November and December, 1946.

Mr. CASTLEDEN: As far as he is concerned you made the decision that you would hear someone from the Indian Association and some other unaffiliated Indians, but by the time that decision gets down to him he may not have an opportunity to prepare his submissions.

The CHAIRMAN: We, of course, advised all Indians, all groups of Indians last year that they would be heard this year.

Mr. CASTLEDEN: Are all Indians to be given an opportunity of being heard?

The CHAIRMAN: We told them that all Indians would be given an opportunity to be heard. In fact, all Indians throughout Canada were told that they would be heard this year. Now as to what representation is to be sent and what fares paid from the different bands to Ottawa, that decision will not be made until a little later.

Mr. FARQUHAR: Has this notice been sent to the various Indians on the various reservations?

The CHAIRMAN: Yes, notice was sent out to the various Indian reserves, you will note what I said on page 417 "at a later stage in its settled procedure, the committee will afford a full opportunity to all organizations interested in Canadian Indians and their welfare, to make representations to the committee at a date and place which will be notified in good time to all concerned".

Mr. CASTLEDEN: All organizations.

The CHAIRMAN: Do you not consider an Indian band an organization?

Mr. CASTLEDEN: Is each Indian band to be given an opportunity of being heard?

The CHAIRMAN: Any Indian band that wants to come here at their own expense will be heard.

Mr. CASTLEDEN: But many of them have not the money to come.

The CHAIRMAN: They all got letters, to which we have had many briefs sent in, all of which have been printed as appendices to the minutes.

Mr. MacInnes, would you like to answer the other matter about the American representation?

Mr. MACINNES: Mr. Chairman, the position in so far as our department is concerned, is that following consultations with the officials of the committee the suggestion has been conveyed by the right honourable secretary for External Affairs to the United States Government, through the Canadian Embassy in Washington, that Monday, May 12, would be a suitable date, and it is assumed that suggestion will be transmitted to the office of Indian Affairs which is part of the Department of the Interior of the United States. I do not know if request has actually reached the U.S. Indian office as yet. I might say, for your information, that quite informally I have had occasion to discuss matters recently, in Washington and previously in Chicago, with officials of the Indian Affairs branch there. The commissioner is ill at the present time and will not be available, but the assistant commissioner would be quite willing to come here.

The CHAIRMAN: Well, Mr. MacInnes, is it correct to assume that May 12 is the probable date of the American presentation.

Mr. MACINNES: Yes, I think it is probable that Mr. William Zimmerman, Jr., assistant commissioner of Indian Affairs in the United States, or someone representing him, will be here on or about May 12. That is as far as I know.

Mr. REID: Personally, I am very pleased to hear that. I think it would be all to the good if the assistant commissioner would come instead of the commis-

sioner. I understand the present commissioner has not been so very long with the department whereas the assistant commissioner has been there sometime and is the man who has more information than anyone in the department of Indian Affairs in the United States. I think it is most important for the committee to have a representation from the United States because our Indians are going back and forth across the line and we should see how the problem is being conducted down there.

The CHAIRMAN: If there is no further discussion on that matter we will proceed with Mr. MacInnes and Mr. Gooderham. Are there any questions to be asked of them?

Mr. LICKERS: Yes, I have some questions.

The CHAIRMAN: All right.

George H. Gooderham, called:

By Mr. Lickers:

Q. Now, Mr. Gooderham in connection with the Blackfoot Indians, what is the acreage there on that reverse?—A. About 178,000 acres.

Q. How much of that is under cultivation?—A. Around 40,000, between 30,000 and 40,000 acres.

Q. And is any of the land under cultivation leased?—A. Yes there are 12,160 acres under lease at the moment, farm lease.

Q. To how many people is that land leased?—A. I would imagine about a dozen, I cannot give you exact figures.

Q. About a dozen?—A. Yes, they are large dry land leases, mostly dry land leases. There are some irrigation leases however.

Q. So that over 10,000 acres are leased to about a dozen white people? —A. correct.

Q. And the balance under cultivation is worked by the Indians themselves? —A. Yes, or on behalf of the Indians as a tribal unit, that is large areas are used for growing feed for band cattle by local arrangement, that is band arrangement.

Q. My information is there are about 128 Indians on that reserve who are tilling about 11,000 acres?—A. That is correct.

Q. And then you have 12 white people tilling about 10,500?—A. Yes.

Q. My information is also that the department has informed the band not to till any more land?—A. I do not think you are quite correct. There is a large acreage already broken or under cultivation on the reserve and it has been our experience in the past, that as drought seasons arrive, depressed prices follow and some of this land is abandoned. A good deal of the prairie land has been broken up when it would have been better if it had been left under grass as it would have been of value to the Indians themselves. The suggestion was made that they should not break up more land on their small holdings, or that very little more land should be broken but they should utilize the land already under cultivation.

Q. My understanding is also that at the present time some 60 Indians have applied for acreage?—A. That sounds very much larger than it should. I think it is a smaller number than that. You will always have a number of applicants who have not proven themselves, in the past, as good farmers. They are not given first consideration. The younger men, who number possibly less than half the applicants, 20 to 25, should be given an opportunity to start farming.

Q. Is the department making any provision this year to give those 20 to 25 an opportunity to farm?—A. We hope that it will be possible to start them by taking over some of those leased lands.

Q. There is provision in the leases to do that?—A. No, sir, but at the moment it is under consideration. The officials at Ottawa, realizing this area of leased land has been producing a very large revenue, want to go carefully. For example, these leases that you have mentioned earned those Indians over $200,000 in rentals in the past six years. The officials are just wondering whether it would be wise to take away those earnings and turn the land over to these Indian boys.

Q. Well, as far as the Blackfeet are concerned it is not a question of money, is it?—A. No.

Q. It is not for the purpose of providing funds for them?—A. Well, my understanding is the Blackfeet do not want any more money. They do not need any more money. They want a better man. We have got to the point where we want to improve the man and not the capital.

Q. Well why then would you not give these young chaps, who have applied for land, an opportunity to work that land?—A. From a recent meeting I had with them I gather it is the wish of the band. It is the desire that gradually these leases should be eliminated and the land turned over to the younger men, whom they may recommend as possibly good farmers, and to those others who wish to expand and to become independent entities. Then, a man who wants to expand can get out independently. You see on the Blackfoot reserve a condition has been created where we have set up a state which is self-supporting. After all you have got a thousand people who do not have to work to make a living; and a very comfortable living it is at that. The younger generation come in and they are losing all that sense of responsibility, of independence, and those things which go to make up a man. We feel we must throw out an inducement to anybody who will expand and show that their condition in life can be improved as an individual. We would like to see that.

Q. Are they not showing that by making this application?—A. I think so, sir. The department's position is, there is a very large revenue there that they do not think we should lose entirely and it is my recommendation, and has been my recommendation to the department that we start to reduce the leased acreage and turn it over to these people gradually. Not in one block, but gradually. There is a splendid principle involved but the application may not work out as practically as it would appear to in theory.

Q. Is the department going to start that this year?—A. Pardon?

Q. Is the department going to start that this year?—A. I am not in a position to say. It is my recommendation, however, sir. At the present time Mr. D. J. Allan, our superintendent of reserves and trusts is here. He is going out to the west I believe, and I hope the Indians and their agents and their inspectors can satisfy him that a move in that direction is a good one and not a move to their disadvantage.

Q. Now, I believe you gave in your evidence also that as far as the Blackfeet Indians were concerned that your father was the Indian agent there and you succeeded him before you were appointed the inspector for the province?—A. Yes sir, we were there thirty-nine years.

Q. Now, has there been much improvement on that reserve in the last twenty-five years?—A. They had the same situation as any other reserve in 1907. In 1912, by means of this sale, farming was started and the Indians throughout the 1914 war, and after that war, operated with horses on those units that they now have, 40 to 150 acres, and did remarkably well with the relatively high prices. In the 30's the prices fell and drought conditions created soil drifting. Horse-drawn implements became more or less obsolete in the drought country and just before the present war, in 1938 and 1939 power farming was started, and, as you gentlemen will realize, you cannot operate a power unit, a large power unit, on very small acreage. It requires a bigger acreage to justify its existence. As a result farming on this reserve is done mostly by large

band farm units, power units, and it leaves the small farmer more or less a dividend drawer at the end of the season and that is a bad feature. Small farms are practically a thing of the past with the Indians to-day and it is becoming more and more apparent throughout the west and the whole of the country. It is a new problem, a new condition.

Q. Is everything on that reserve more or less undertaken as a tribal project? —A. Practically. There are a few independents but everything is practically a subsidy affair. We are trying to break away from that by taking certain of those Indians away and putting them into these other areas in an attempt to make them absolutely independent. They have, of course, to qualify financially and in all other respects.

Q. I was just thinking that if everything is under tribal management, how, for instance, would a veteran get his re-establishment credit?—A. He can get it. As a veteran he is located on a certain parcel of land by the band council. The band council just meets and they say this man will be given a certain piece of land.

Q. They have no such thing as a location ticket?—A. No, there are no location tickets. It is purely a tribal arrangement. The majority state that the man will have the use of a certain quarter section or half section so long as he farms properly and behaves himself. It is recognized as his property.

Q. If he makes improvements on that land what happens in connection with succession.—A. If he makes improvements those improvements accrue to somebody else when they take over and in some instances they are purchased by the band.

Q. Can he will it to the reserve?—A. Yes, as improvements, if he wishes. It may be of interest to you as a committee to know all the buildings on that reserve, or practically all the buildings on that reserve are the property of the band. Practically every farm has a set of buildings on it to the value of about $3,000. I would say they would be worth more than that today. They have $500,000 tied up in band buildings, from the community hall, the hospital, down to small houses, one, two, four-roomed houses, barns, etc.

Q. What would be the percentage of illiteracy on that reserve?—A. Illiteracy is a very difficult thing to define. For many years the only children who have not attended school from the age of seven to sixteen have been those who were physically and mentally unfit for schooling. I can think back for thirty years and the only ones who do not attend are those who are physically and mentally unfit for education.

Q. How much education do they get?—A. They have been attending the residential schools for the most part until recent years but now a few have been attending technical schools, agricultural colleges and high schools. Only a few do that of course. It might also be interesting to know that one per cent of the band's income is set aside each year for higher education.

Q. Is that used every year?—A. No, but it is available there and is left to the council to bring up the name of any student who wishes to have further education. It is also left to the agent to bring names before the council. As Chief Yellowfly said in his evidence there is rarely anybody who wants to go on to further education who has been refused.

Q. How does the standard of living on that reserve compare with the surrounding white community?—A. Well, I think—I know that in the depression times they felt very sorry for the whites—they had a very high standard of living. You must remember that when every man, woman and child gets beef and flour and tea and special rations, plus a per capita distribution of his income, and clothing and his house when he is married, he has not only a home but a standard of living above the average Canadian family—especially in tough times.

By Mr. Harkness:

Q. Then it is one community in which people have more or less complete social security and all the things we are talking about now?—A. Yes, it is unique. We thought we did something in giving these Indians food, clothing, shelter and education and the wherewithal that we all require, but we have now come to the point—it is remarkable in all these years that they did produce—and I have our records to show that the per capita production among that thousand people was as high as any in Canada among the Indians; but we have now arrived at the point where we have the newer generation coming up who have seen nothing else but security, so much security that they have no initiative, and that is what we want to build up. We want to create in the minds of these young men a desire for a higher standard of living. In fact, it is our instructions that if the Indian wants to buy an aeroplane to fly for goodness sakes say, "Yes; go out and we will give you every support we possibly can so you can create an income to buy that". We encourage that desire for a higher standard of living that we are now facing. How are we going to create that desire? In fact, that is a very large angle with the Indian everywhere. Take a house. If the Indian does not desire anything but a small two-room house he is not going to improve, is he? And there is no use putting another room on the side because that will likely be a dumping ground for him. You first have to create that desire for something greater than you have, and that is what we are trying to do. We start larger units to stimulate that desire. If a man can make $5,000 a year he can improve his condition and get these things which are extremely luxurious today but which in five years will become a necessity.

Q. Will you say from your experience, as far as that reserve is concerned, that it is mainly a question of education?—A. You mean from the classroom point of view?

Q. No.—A. Broad education, yes; but it is not even confined to the classroom; it is education of an Indian agent's office, from Ottawa and from everywhere.

Q. Is that program underway?—A. Well, I am hoping it will be underway. That is what I am recommending, sir. The Indians are very much in favour of it. We feel they have now sufficient capital, and even if they gradually lose this income of $30,000 or $40,000 a year eventually from this leased land it is better to turn it into men than into cash.

Q. Take in Alberta as a whole, I was wondering as to whether there is any dissension among the Indians as far as their election of council is concerned, and things like that?—A. There is and there is not. As Mr. Callihoo said yesterday, the Indians want to have more local autonomy in the election of council. I think they all want the elective system so they can decide who is going to be their council.

Q. That is all I have to ask.

By Mr. Matthews:

Q. As I see it, the Indian after all has a good deal in common with the white man as far as social security and manhood are not developed.—A. Very definitely, sir. I think the lower down the scale you go the more definite it is.

By Mr. Castleden:

Q. Do you not say that poverty and the lack of opportunity to develop their initiative is destructive?—A. Similarly, they are both extremes.

Q. And you think that is what you have?—A. We have the two extremes.

Q. That is right.—A. Now, we are driving ahead with this movement. This is a real socialistic problem.

The CHAIRMAN: What is your pleasure; that we go clockwise around the table?

Mr. HARKNESS: I have no questions to ask.

By Hon. Mr. Stirling:

Q. I gathered that there are some 140,000 acres of range land and they are not cultivated?—A. That is right, sir.

Q. What is the condition of that 140,000 acres, is it largely range and a little timber?—A. Almost entirely range. That is in southern Alberta where there is very little woodland except along the rivers; and they run in that area some 6,000 head of stock—6,000 or 7,000 head of horses and cattle.

Q. Is any of that range land leased?—A. No, sir. There are two or three small parcels of a half section or a quarter section adjoining irrigated lands that are leased. That is all. I do not think it amounts to a section of land all told. I do not favour grazing leases on Indian reserves.

Q. These leased lands for cultivation do not have attached to them pieces of range land on which to run stock?—A. No, sir. I think I should explain that this so-called leased agricultural land is a legacy directly from the last war when the greater production farms were started and when the greater production was such that the Indians just could not take all of it. The Blackfeet took over one production farm of 2,500 acres and that was too little at that time. There was no alternative but to lease these greater production lands until such time as the Indians were capable of taking them over themselves. That time we think has arrived, and our leases are so made that they can be cancelled in any one year. As the Indians absorb the land the lessee will be removed.

Q. You spoke of the fact that we are moving into an era of larger agricultural lands with motor cultivation and yet you speak of returned men having allocated to them by the tribes certain areas which obviously must be small in comparison.—A. They have so far been sufficiently large to satisfy these returned men.

Q. What would you call large?—A. Sufficiently large to satisfy them—a half section. The V.L.A. through our own department have looked after them very well, and they are starting out in every instance with power machinery and cattle and with the combination of the two they should do very well.

By Mr. MacNicol:

Q. I have a few questions to ask. Do they do any small manufacturing of any kind?—A. No, sir. They mine coal, and in connection with that they have the usual blacksmith work.

Q. They do not make any small machinery?—A. No, sir.

Q. Are they instructed or encouraged to do small manufacturing?—A. No, sir, not really there. I haven't tried to.

Q. There seems to be a good deal of loose manpower and womanpower that could be used.—A. We are using these men on the repairing of machinery. For example, Chief Yellowfly attended an agricultural school. We send boys to the technical school at various times to study machine operation—tractor and diesel. We often send girls to those schools. We have a girl in the United States at the present time as a seamstress. She went through the technical school. That is the sort of thing that we develop in manufacturing.

Q. Have any of the Indians motor cars?—A. Yes, they have them, not so many now as prior to the war. They could not get them. They buy a lot of secondhand cars.

Q. Are they able to repair the cars themselves?—A. Some of them are very good. They have men there who are quite good mechanics.

Q. It is a very old reservation. Have you many roads?—A. We have good roads. We have a building program from year to year. The Indians put about 75 per cent of their income each year—is plowed back into improvements for services such as roads and hospitalization.

Q. The reserve is on both sides of the Bow River, is it not?—A. Yes.

Q. It is south of the Bow River. Do they do irrigation?—A. Yes.

Q. Are they doing it themselves?—A. There is a 5,000 acre area of irrigation that was started in 1938, and of that acreage about 1,000 is operated by the Indians. We have an Indian irrigation colony; we are extending that.

Q. What do they usually produce on the irrigated land?—A. Alfalfa, oats and barley.

Q. Do they produce sugar beets?—A. Not there, sir, because we are too far from the market in the first place.

Q. What program is followed to induce them to take pride in their ancestry and history?—A. These people are very proud—I do not believe there are any Indians in Canada who are more proud to display their ancestry than are the Blackfeet.

Q. There have been for many generations Cree Indians south of the line?—A. They are that sort of people; they went back and forth.

Q. The Peigans and the Bloods were their allies. Do they intermarry?—A. There is quite a bit of intermarriage. They are all of the same blood. The Blackfeet Indians of America comprise those on the three reserves in Canada and one in Montana.

Q. Do they mix much with the Plain Crees?—A. They are intermarrying and mixing more and more.

Q. I think it is important that they should have a pride in their ancestry and history.—A. They have a very great pride. We expect to get a moving picture of the signing of the treaty in which the Indians took a big part, I believe.

Q. Are they encouraged to participate in sports?—A. They are fond of sports. In the coal mining area we had a team that toured the country and our schools have hockey teams. In the summer they do not do much. They do play some baseball, but they would rather have a good horse-race than anything else. I might mention that Yellowfly's boy was killed in Italy and he was one of the outstanding athletes in his community.

Q. Are they encouraged in Indian crafts?—A. Yes, they have kept them alive, but during the war it was very difficult to get the bead and buckskin as they do not have the skin. They have to buy it. They make some beautiful stuff and during the war sold considerable of it considering that they had to buy the raw material. The craft is kept up by the pride of the Indian in his craft, and we are trying through our institutions to keep that alive.

Q. Do they raise any furs?—A. Pardon, sir?

Q. Do they raise any furs?—A. No, well yes. We have an area where there are muskrat, and we try to control them on a certain lake. There are also a few beaver on the Bow river and we do not allow them to be depleted.

By Mr. Matthews:

Q. I was going to ask, Mr. Chairman, if anything has ever been tried out in the way of fairs?—A. Yes, school fairs. We have not as yet developed a large fair but the school fairs were very successful, even with the whites in the district. At the present time the Indians put on a stampede. Last year the stampede had 6,000 people there, and everything was run on a very high order with loud speaker systems and so on.

Q. Do these fairs include livestock?—A. No, sir, they have not done that but we are hoping we can develop it.

The CHAIRMAN: What is a stampede? Can you tell us please? Some of us easterners do not understand what you mean by a stampede.

Mr. BRYCE: Go west young man, go west.

The CHAIRMAN: I am quite willing.

The WITNESS: Well, there is this wonderful stampede at Calgary that these boys participate in to a large extent. They participate in many of the contests. Those are riding bucking horses, doing chariot races, riding steers, or decorating them as they call it, running Roman races and flat races.

Mr. CASE: Riding bucking steers as well.

The CHAIRMAN: Do they have any exhibits of workmanship?

The WITNESS: This occurs all over the province. It is not confined to the Blackfeet. All these reserves have their stampedes which cause a little bit of headache to the average Indian agent. At our Calgary and Edmonton exhibitions we have wonderful displays of school work, Indian crafts, and so on, and we are now adding grain and canning and what not. In the case of the Calgary and Edmonton fairs it is a matter of a whole week at each place. We hope that anybody who comes out to the west will go and see our fairs.

By Mr. Matthews:

Q. Please do not forget Brandon. We also have a fair.—A. Yes, and a very excellent one.

Q. How many motor cars would you say they have on that reserve?—A. 15 or 20, they had more at one time but they have been worn out.

Q. What I was leading to was this, for quite a number of years there has been a cultivation of the mechanical ability of the Indian. After they get that education what becomes of them? Do they try to get into any line of business for themselves?—A. In some instances they do get work elsewhere but it has been more difficult for an Indian to get placement in such work if there are whites available.

Q. He has not tried to start up in business for himself?—A. One Indian I know was one of the chief artificers for the Canadian artillery. He is living now on the Blackfoot reserve. He is an expert with guns, large guns.

By Mr. Reid:

Q. I have one or two questions to ask. What garden products are grown? —A. Not very many Mr. Reid, that is in the southern part.

Q. Why?—A. The drought. It is very difficult. I myself gave it up because I could not get my seed back and it is very discouraging. The department has for years made every effort to endeavour to increase that activity and each year there are prizes given on the reserve. The reserves in northern Alberta however, Michel, the Edmonton agency and such places have wonderful gardens.

Q. How far, in the case of the Blackfoot Indians, are they away from the Bow river and could that river be utilized to irrigate?—A. We are irrigating in one area but you see you are dealing with a very large area and their homes are on dry land. We started in with the idea of producing such roots and legumes that we need and that we thought we could grow on dry land.

Q. I have one other question to ask while you are on the stand but I just want to make this remark first, Mr. Chairman. This committee has been listening here to what I would say is one of the finest examples of a beneficent dictatorship that we could have. Here we have a reserve with $2,000,000 where money is not desirable any more. These people have all the money they want and 60 Indians are applying to work their own land. We are told this morning that the department is just considering. Well, I realize that Indian lands were leased when the Indians did not want to work them but here you have a case concerning their lands, where the Indians want to use their own land for agricultural purposes. The department is apparently thinking in terms of money.

In heaven's name, how much more money do they want? They have control of $2,000,000 of these people's money and the country is paying 5 per cent on it. I am going to raise that question before I get through, but I wish to ask Mr. Gooderham who makes the final decision when the Indians apply for their leases? Does the final decision rest with him or with what officials? Does it go to Ottawa? I think it is a terrible thing to state that Indians on their own lands cannot get leases. I do not know, I am far away from the place concerned. I am just sitting here as a member of a committee and listening.—A. It may sound worse than it is. The final decision is of course made by our director at Ottawa.

Q. In making the decision—I presume you send some information to him? —A. Yes, sir.

Q. You send a recommendation or no recommendation?—A. I try to recommend one way or another.

Q. And how do you recommend?—A. I recommend that the Indians be allowed to farm this land but not all at once. I would start the thing right away but I would recommend certain applications be accepted right now.

Q. You do not have to consider the money, you have to consider the mode of life and the question of occupying them usefully so why do you hesitate?—A. I am not hesitating.

Q. Well, I will have to ask Mr. Hoey why the department would turn it down. It seems to me to be one of the most important things that has come up this morning.

Mr. HOEY: That matter has just arisen lately Mr. Reid. The land is land that has not been cultivated by the Indians and they have not, until recently, expressed a desire to cultivate it. In the last three or four years I have taken a keener interest because of my position. They show more and more tendency to go in for group farming and to purchase power machinery and operate as units. It was a great source of revenue, the leasing of the land. The request came in quite recently, within the last few weeks, and I would say I did exactly what Mr. Reid would have done. What I mean by that is this. The head of the division responsible came up and discussed it with me and we are working under a very keen sense of responsibility. We are not going to throw away a couple of hundred thousand dollars of revenue without an investigation. I think the superintendent of reserves and trusts has on at least four distinct and separate occasions gone into that matter with me fully and in detail. I feel, as each member of the committee would have felt, that we would like to have a look at these men. Look at them and talk to them. First, has he any real intention of going in for farming as an individual? Is it his intention to stay with it? Is he going to get discouraged?

As a result, the head of the service will accompany Mr. Gooderham to Alberta. He will meet the agent, meet the Indians, look at them, and discuss the matter very fully and very thoroughly and then decide on the program. Now I think that is not an unreasonable attitude to take in view of the revenue involved. Do not get the idea, please, that the Indians have been pressing for this for years. The matter has come to my attention only in the last few weeks. As far as I am concerned this is the first time that I have ever had the idea they wanted to go in for farming as individuals.

By Hon. Mr. McKeen:

Q. I think one question that should be cleared up here is how many acres have these 60 applicants applied for?—A. I could not answer that question, all I know is they want a farm.

Q. I was thinking that you might deal with these sixty persons without seriously interfering with your $200,000.—A. Yes you could sir, because it is

quite probable that the council might turn down a goodly proportion of those as being unsuitable.

Q. Have you any agency there set up for selling their products or any of their craft work that they might be selling? Is there anything that might help them, for instance purchasing the raw material? You might be able to buy in larger quantities?—A. The craft work is such a small thing it has been worked through the Indian agent office, but there are also the schools. I recollect that during the war one school derived a revenue of about $2,000 through the women who secured material from certain novelty shops and this material was made up but there is not much of that done in that fashion. It is done usually through the agency office.

Q. Well does the making of this produce raise the morale? Does it give them a pride?—A. Not an awful lot today. You must remember these people do not require the funds. This is only extra pocket money so to speak. They have to bring the raw material, in the case of this particular reserve, from outside and they bring it altogether and after it is all through there is not very much left and for them it is just a past time, a hobby more than anything else.

Mr. FARQUHAR: Well if I might just say I think a great deal of this discussion is very interesting but I have been wondering whether much of it is going to be of very great help to us in revising the Act.

What I would like to know is this? Mr. Gooderham has spent all his life working amongst the Indians. Knowing the policies of the department as he does, is he in a position where he could make suggestions to us that we could consider in connection with revising the Indian Act; suggestions which would be beneficial to the Indians. I would like to hear some discussion or suggestions of that nature. That sort of thing would be helpful to us when we are considering and endeavouring to revise the Indian Act as we are trying to do. I think that would be much more beneficial to the committee than a great deal of the discussion that is going on in connection with the history of the Indians and many of the details regarding the work that is being carried out on the reserves. I would like to hear something more along that line from the officials of the department, something that would be useful towards revising the Act.

The CHAIRMAN: Have you any suggestions Mr. Gooderham that you would like to give now?

The WITNESS: It is very difficult because you get so close to the work over a period of years and you have so many things on your mind. I could consider it until Monday and give something to you at that time.

Mr. CASE: Mr. Chairman, I understood the department officials would prepare something in the nature of a brief on their suggestions?

The CHAIRMAN: Senator McKeen is chairman of the subcommittee which will be getting under way very shortly. The department has some suggestions, I believe, for the revision of the Act and they wish to place before the subcommittee those suggestions for consideration.

By Mr. Castleden:

Q. There are a number of questions I would like to ask. The Indians complain about their rations, what is your experience with regard to that? Do you think the rations are adequate?—A. The rations that have been issued were more or less created in the early days before we knew about vitamin content. It was more a subsistence ration than anything else. I believe that the time has arrived when a more varied ration should be given that will meet their physical requirements. If you take it from an actual survival point

then you could say that twenty-four pounds of flour will make a lot of bread and six pounds of rolled oats will last a long time and so on, but it is diversification that is most important.

Q. In the distribution of this ration do you find the ration depends in any way upon band funds?—A. Not necessarily, no. Band funds are employed only when they are sufficient and if there are not sufficient band funds as I understand it—this really should be answered by an Ottawa official—there is a welfare fund which supplies rations.

Q. But in all cases and on all reserves there is a certain standard ration given?—A. Yes sir, the Indians can and are now augmenting that ration. They are augmenting it for certain of the old people from their band funds. They do that on certain reserves.

Q. From the discussion this morning one might imagine we are dealing with people who do not need money. That applies to only one band but there are Indians on some reserves whose conditions is far from the condition of those people under discussion.—A. Yes, there are Indians in certain sections in the south who have very high incomes, some of them $10,000 to $15,000 a year.

Q. Are there Indians on other reserves who are able to afford automobiles? —A. Yes sir, a number, much more so than the Blackfeet.

Q. Is that general?—A. No, that is not general, but I am talking about the large area farmers.

Mr. GIBSON: Can we get on the record that figure that he spoke of, what was the sum you mentioned that some of them made?

The WITNESS: Well there are some of the Blood Indians who will make as high as $15,000 a year. Those are very rare of course.

Mr. CASTLEDEN: And what about malnutrition?

Mr. REID: I would ask Mr. Castleden this question in dealing with the word malnutrition—I wish to make my opinion clear, that malnutrition is not necessarily a lack of food. Is he speaking of malnutrition in the same sense. You can give Indians too much white flour and too much of this and that and it amounts to malnutrition. I would ask Mr. Castleden if his idea is the same as mine.

By Mr. Castleden:

Q. Yes. I noticed in the Indian brief that was presented, on page 22. They say malnutrition is so prevalent that it has a direct bearing on the high infant mortality rate among the treaty Indians. The survey reported in the *Canadian Medical Journal* of March, 1946, and reported to the joint committee of the senate and the House of Commons by the Honourable Brooke Claxton, in number 3 of the minutes of proceedings and evidence as appendix F, should show substantially the need of the Indian and the effects of malnutrition". I would ask the witness if he found that in Alberta.—A. Yes, you will find it among even the wealthiest bands because of the inability of the parents to properly feed the children either because of lack of knowledge or lack of the right type of food.

Q. We find that even amongst white people?—A. Yes.

Q. Now you have given one end of the income scale but how about Indians in some of those reserves and agencies in the north, what is their annual income? —A. Well I can tell you in some cases it is very low, at certain times. The income in the north, however, has been high, much higher during the latter years owing to the high prices of furs and good wages.

Q. What would you say was the lowest income?—A. I am not prepared to answer, I could not answer that question.

Q. Some of them would not be receiving as much as $400 a year in the family?—A. Very possibly.

Q. I noticed with regard to housing the Peigan reserves stated in the brief that twenty-five families had no housing at all and that they are financially unable to build those houses themselves.—A. That is possible. Yesterday we talked about the timber limit. The idea is to organize that timber limit to create material for their use. It is my purpose to see the director of Forestry and I hope to get cooperation from that branch in order to work out a solution for the development of that timber limit for the Indians. Their reserve is out on the plains where they have not got wood.

Q. What about the need for wells?—A. Wells are a tremendous problem. In certain areas it is very difficult to get water. We drill shallow and deeper wells but water is a problem, a very great problem. We are doing our very best at the present time to locate central wells if not more numerous wells.

Q. At whose expense would this be?—A. The band's usually. And in many instances during this past winter, bands have voted certain of their funds for the drilling of wells. Where that is not possible the department, through the welfare fund, votes money and supports them.

Mr. REID: How deep do they have to go?

The WITNESS: It varies, sir. You get a shallow well thirty or forty feet but may get a very constant flow. Then you get down two hundred feet and perhaps you get a small flow. It is a very big problem. We are getting dams as you know and we are damming the water, keeping it where we can conserve it, run it off, and if necessary sterilize it. Unfortunately in many years gone by certain farming areas were set out on reserves without first considering the water supply, rather putting the cart before the horse.

Hon. Mr. STIRLING: Do you find successful water diviners amongst the Indians?

The WITNESS: I do not know that we do. I think that idea came from the white man.

Mr. LICKERS: No, that is an Indian invention.

Hon. Mr. STIRLING: It began with the Indian.

Mr. LICKERS: Yes, and it works too.

By Mr. Castleden:

Q. Returning to the medical services of the Indians on the Hobbema reserve, the band, in their brief, complained about the lack of medical facilities and I believe that is very important.—A. A great endeavour is being made to increase the medical services. At Hobbema there has been for many years a resident nurse with a nursing station. Unfortunately there is no nearby hospital and the patient had to be taken to Wetaskiwin or at present to the Charles Camsell hospital at Edmonton.

Q. And how far away is that?—A. About sixty miles on the highway. Westaskiwin is a much shorter distance.

Q. How far is Westaskiwin?—A. Well it varies, it depends on what part of the reserve you are at. It will run anything from twelve to forty or fifty miles according to where the Indians are living.

Q. An Indian, if he is sick, has to come from the reserve to the hospital?—A. Not necessarily, the nurse has a car and she drives out and she will pick up a patient as will the agent and they take them into the nursing station or, if necessary, into the hospital. I understand that it is the policy of the Indian hospitalization service of the Department—I do not know what you call it—

The CHAIRMAN: National Health and Welfare.

The WITNESS: The Department of National Health and Welfare is trying very, very hard to get personnel, doctors and nurses as well as hospitals, but all of those are very hard to secure.

By Mr. Castleden:

Q. The condition of the roads must present considerable dffiiculty?—A. You have mentioned something now. Here is the stand taken by the Indians in that reserve. They do not want a survey but we very keenly want a survey in order that we may evolve some method of improving road conditions. We cannot do very much unless we have a survey and the Indians are fighting that.

Q. Do you not think the co-operation of the band could be obtained if it was pointed out to them it was for the purpose of improving road facilities in order to be of assistance to them?—A. It is to be hoped so, but in this particular reserve I held two meetings for that very purpose and I have not yet received their support.

Q. The Indian support?—A. The older men object.

Q. To the building of roads?—A. To the building of roads. You can build trails but built up trails are very unsatisfactory.

Q. I notice from Paul's band report that there is a lot of development to be done on their reserve and they mention a fur project, additional agricultural land to be developed, and they want timber development there to be done by the band.—A. Yes, that is quite true. They are now developing very rapidly on a self-sustaining basis, mostly by band lands. That is agriculturally. With regard to fur, the fur supervisor of the province has investigated the possibility of establishing colonies of certain fur-bearing animals.

Q. There was some timber development?—A. Last year the Indians got out a large quantity of logs. I think that has turned out to be about 150,000 feet of lumber so far. It is a hired outfit of which a large part of the crew are Indians.

Q. The Indians at Sucker Creek maintain that most of the Indians in their band are experienced loggers, mill-men and competent to operate.—A. Yes, and they have been supplied with a portable sawmill.

Q. That came out the other day.—A. Yes, and they will be milling there shortly if they are not right now.

Q. Those Indians also opposed very strenuously the policy requiring the Indians to surrender timber limits to white operators?—A. They are not being asked to do that now.

Q. On any reserve in Alberta?—A. There was the question which came up yesterday, but the Indians had not surrendered it.

The CHAIRMAN: Just a moment, if there are any more questions to be asked of Mr. MacInnes by any member of the committee, could that be done now, as Mr. MacInnes has to leave. It is 12.30 now and the committee will rise at one. Mr. MacInnes has to leave within the next fifteen minutes, so, with your permission, any questions should be put to him at this point.

Mr. CASE: He could return for questioning?

The CHAIRMAN: Yes, he could come back any time within reason. We appreciate your coming here, Mr. MacInnes, and you may be excused now.

By Mr. Castleden:

Q. The other complaint concerns the Alexis band, who complain that, at one time, they were in a much better position than they are today. Some land was cleared for cultivation which has now gone back to brush. What would you say was the cause for such deterioration?—A. I do not know the past history of that section, I do not know the reserve. I understand it is a very poor farming locality and that the white farmers in that area are not making a success.

I wish to say, that at the Alexis reserve, the Indian Affairs Branch and the Department of Mines and Resources very recently purchased a nice central building on the railroad line from which we could administer the affairs of that

reserve better than we have been able to do before. There was no centre for administration. Finally, within the last two or three weeks, we located a building. We can now look after the wants of these people. They are mostly trapping Indians.

By Mr. Gariepy:

Q. Where is the centre located?—A. It is right on the railroad, right at the edge of the reserve. It was at that point the Indians wanted us to locate it.

Q. Would you mention one of the nearest cities?—A. Edmonton is one of the nearest cities and Glenevis is the nearest town. It is at the point the Indians wanted us to locate this building.

Q. How many miles from Edmonton, roughly?—A. I think Mr. Callihoo could answer that. How far is Glenevis from Edmonton?

Mr. CALLIHOO: I do not know exactly but I think it is about 45 miles.

The WITNESS: I may say that it was at the request of Mr. Callihoo this move was made.

By Mr. Castleden:

Q. You think this Indian association of Alberta is serving a useful purpose?—A. It did there, an excellent purpose.

Q. Then, we come to the Goodfish Lake reserve?—A. Yes, up at Saddle Lake.

Q. The Indians complain their territory is undergoing an economic decline with a resultant effect on the Indians?—A. My recommendation for that reserve is that we turn it into a range. It is a cattle growing area. It is well watered and has good food in great abundance, legumes and wild hay. It should be changed over from purely agricultural. I was there just the day before I left for Ottawa.

Q. What will be done on a reserve such as that now?—A. I am hoping we will have what we call a farm instructor established right on that reserve. The Indian agent has too large a territory to handle in this area.

Q. Do you find that a difficulty, that you are short staffed and are not able to get the work done?—A. This is a vast empire, these Indian reservations. I think there are not very many people who realize what a tremendous area has to be covered and how lightly the department is staffed. I believe by staffing and officering we could meet all the troubles which have been brought before this committee. It is at this point the biggest problem exists. We have not got the staff to handle our tremendous empire.

Q. And you do not always secure the kind of staff you may require because I notice the Indians complain that many of the Indian agents, either because they are overworked or for some other reason, appear to be somewhat superior and do not listen to the Indians. There is a lack of co-operation?—A. The perfect Indian agent would be a perfect man and he has not arrived yet.

Q. What would you recommend? Would you recommend that the agencies be made smaller and have more farm instructors, more qualified men appointed? —A. I think the director has stated, since I have been before the committee, that there is a reorganization underway in the department at the present time which we think will be an advancement. I think he should answer that question.

Q. The treaties promised the Indians, when they went on their reserves, that the white man would do his utmost to lift them—

The CHAIRMAN: Now, last night, the treaty revision committee met and we are to meet again at the call of the chair, which will be some day next week. We will meet with the departmental officers, at which time the treates, one by

one, geographically, province by province, will be considered. I wonder if you could reserve your question until that time? I am trying to expedite the proceedings because it is nearly one o'clock and there are still some members who have questions to ask.

By Mr. Castleden:

Q. This is my last question. The representatives of the Queen said they were looking forward to see the day when the Indian population would be happy, prosperous and self-sustaining, do you think that the promises of these treaties are being carried out?—A. I think the treaties, as we understood them, are being entirely carried out. In fact, I think in many instances we are giving the Indians more than the treaties required. The thing which has struck me lately is that, for three or four generations—I am speaking of the western Indian—we assumed all of the responsibility and the Indian developed no real sense of responsibility. Now, we must turn around and pass the responsibility on to him in order that he may understand how to conduct his own business. We have now to reverse our own policy.

Q. I think there is a general agreement that there has been too much paternalism?—A. That is exactly it.

Q. The main objective now should be to develop the Indian so that the Indian, himself, can do things. However, if he is now unable to sustain himself by his own efforts, it would be rather harsh treatment to turn him loose immediately?—A. Quite correct.

Q. I think I will ask you if you would agree with the demand of the Indian association that the Indian be—

The CHAIRMAN: If you please, there are other members of the committee who desire to ask questions. I wish you would ask questions rather than make statements.

Mr. CASTLEDEN: I am asking him if he agrees with the Indian association request that greater autonomy be given and the bands be given greater power?—A. I agree thoroughly. I think it is the only solution to the Indian problem, but the Indian must be prepared to accept it.

The CHAIRMAN: Mr. Richard?

By Mr. Richard:

Q. You told Mr. Matthews a while ago, in answer to his question, that the Indian who has received no higher education than the ordinary school is handicapped in obtaining employment when he meets the competition of the white man. How does he fit in amongst his own people? How could he make use of that education amongst his own people?—A. For example, we have just recently made an Indian a farming instructor on the Edmonton Stony Plain reserve. He happens to be the son of Mr. Callihoo, but a much bigger man.

The CHAIRMAN: Physically, you mean.

The WITNESS: Yes. We are absorbing a large number of Indians into our office. I have had an Indian in my own office for some time. He came out of a sanatorium. Chief Yellowfly who was here has been in charge of an office for many years.

By the Chairman:

Q. In charge of what kind of office?—A. He was in charge of the office of a coal mine. He ran the office of the coal mine in the reserve. He did all the work.

By Mr. Richard:

Q. You have no Indians who act as Indian agents?—A. Not yet, sir.

Q. Do you think there is a possibility or an opportunity of placing some of the Indians in that position?—A. I have not yet found the Indians would support an Indian agent who was of the same blood. This is an experiment. Mr. Callihoo will bear me out when I state that my experience over many years has been—this is in the west—that the Indians will not take or have not taken orders from their own people. They must learn to do that.

Q. Is not that a result of our own treatment of the Indians?—A. Quite.

Q. We have been giving them too much paternalism and, as a result, they have not any confidence in their own people?—A. Quite.

Q. I do not think it is a special characteristic of the Indian?—A. No, we have developed it and we have to change our policy along the lines suggested by the association in the brief.

Q. You said they must assume more responsibility in the conduct of their own affairs. I think the best way, then, is to try to promote some of their own people to these positions?—A. That is right. On every reserve now, in our province, we do not allow white labour to be introduced unless it is of a very special nature. The operators of tractors and what not which were formerly often white temporary help, are being replaced by Indians.

Q. Have you any school teachers amongst the Indians?—A. We have school teachers. Mr. Lightning has a sister who is teaching in Ontario. He was here before the committee. We have others, but I cannot tell you their names.

Q. You have not many?—A. Not many among our own people, but we certainly have some girls who are wanting to be teachers who are going to the college at Edmonton and whom our educational branch wants us to send on to normal school. We will place them just as quickly as they can qualify. We had a male teacher last year whom we tried to take into the work, but he refused. Every endeavour is being made, and the committee must realize this, there is no attitude of keeping the Indians down; we are doing everything to encourage them to go on into these positions.

Q. That may be so to-day, but I do not think it was so in the past?—A. No, I quite agree.

The CHAIRMAN: Mr. Gariepy, have you any questions to ask?

Mr. GARIEPY: No, thank you.

The CHAIRMAN: Mr. Bryce?

Mr. BRYCE: Yes, but there are not many questions left after we have had twelve members asking questions.

The CHAIRMAN: I think it would be well, if the members keep the same seats, the next time questions are asked we may go counter-clockwise.

Mr. BRYCE: It might be a good idea. However, you are the inspector for the whole of Alberta, Mr. Gooderham?

The WITNESS: Yes.

By Mr. Bryce:

Q. Most of the questions which have been asked have pertained to those bands of Indians who do not really need any help?—A. Yes.

Q. They are pretty well fixed, in fact, they are a lot better off than a lot of people I know. I should like you, just in a few moments we have left, to say whether there are any reservations in Alberta which have no band funds?—A. I am not so familiar with that part of the work as Mr. McCrimmon who might answer that question. There are one or two, I believe.

Q. We can get that information, in any event. Do you know what bands they would be?—A. The Northern bands.

Q. Tell us something about the conditions there.—A. Well, I do not know them. I have been employed in my present position only for a little over a year. There are bands in the north which I have not visited.

Q. Would you agree with me that there are deplorable conditions existing in those bands?—A. I am only going by hearsay.

Q. You have heard that stated?—A. Yes, sir.

Q. Very poor conditions?—A. Yes.

Q. Are you doing anything to try to improve those conditions?—A. I am trying to get organized.

Q. Have you any program or any scheme in mind about which you could tell the committee?—A. You mean the isolated reserves?

Q. Yes.—A. We are trying, first of all, to find out the industry for which they would be best suited and develop that industry, or assist them in that industry. For example, take the Athabasca agency, grave consideration has been given as to whether or not they should be put up in the lumber business or, up at the Delta, to create a muskrat farming area. I have in mind the matter of fishing. You see, there are limited occupations for some of these places. Some occupations would not be practical. I have not been long enough at the work, sir, to be very definite.

Q. You have been an agent for a long time. Do you know whether there are any reserves in Alberta today where the children are getting no education, that is, the children between 7 and 16?—A. Yes, sir, there are hundreds and hundreds of Indians who are not getting any education.

Q. What is the reason for that?—A. Well, they are isolated for one thing, and there are not enough schools for another thing. The residential schools are overcrowded. The development of the day school is a real problem because you have to secure personnel as well as a building. We have here our superintendent of schools who can give you more detailed information on that problem.

The CHAIRMAN: You mean Mr. McCrimmon?

The WITNESS: Colonel Neary.

Mr. BRYCE: I do not want to take up too much time.

The WITNESS: It may interest you to know there are schools—for instance, up the Alaska highway, the R.C. church missionary and the agent have appealed to our department for a certain building. Through the department, they secured this building from the War Assets Corporation and today they are running a day school which is quite satisfactory for those Indians at that point. At other points, for instance, at Morbider Lake in B.C., certain Indians are attending day school by arrangement with the British Columbia government. At Fort Chipewyan and Fort McMurray, similar schools are being started. That is a move which was started within the last month or two.

By Mr. Bryce:

Q. Your program is in that direction?—A. Very definitely.

Q. Are you stressing day schools?—A. So far as I can, and adult day schools. The Indians are very keen when they come out of the hunting season to get to a centre where they can receive such training. The personnel is very difficult to secure.

The CHAIRMAN: Mr. Case?

By Mr. Case:

Q. We are just about at the end of the journey, but I have a few questions to ask you. The Indian families on these reserves are receiving the family allowances?—A. Yes.

Q. Are the cheques sent directly to the parents of the children, in the main?—A. In the main, yes.

Q. There are some cases in which the agent might find it necessary to administer them?—A. A few cases. The policy has been to put the responsibility where it belongs and if they fall down, to take it away. They do not like to lose that.

Q. In the matter of tribal property, how would an Indian participating in that project define his interest in it?—A. The Indian is most remarkable in that he is far more co-operative with his fellow men than is the average white man.

Q. He has the right to make a will, has he not, and will his property?—A. Yes.

Q. That is what I am getting at, just how he would define his interest if he were making a will to his heirs?—A. Well, if it is tribal, each member of the tribe has a unit interest. He does not need to will that.

Q. It can be passed on?—A. It can be passed on. He does so.

Q. The Indians, while living on the reserve, have bank accounts outside the reserve?—A. Yes.

Q. In the matter of education, you heard Chief Yellowfly make a statement with respect to public schools versus residential schools and so on. Do you think it would be well to institute a public school program?—A. Where feasible, yes, sir.

Q. So there would be an element of choice?—A. I would also go further, I would rather see the Indian child admitted to the white schools if it were possible, than to start segregated Indian schools. I would even go farther and say that we hope, on the Michel band reserve to build a day school which will admit white children if there are not enough Indian children. The matter of assimilation is so important at that age.

Q. On the matter of religion, and I am limiting this to the two religions the Roman Catholic and Protestant, how do you find the Indians divided with regard to that? Would you say there was a majority who were one or the other?—A. No, sir, it depends on the location a good deal.

Q. So you have a representation of both religions, generally speaking, on all reserves?—A. They are very satisfactorily divided.

Mr. REID: What about the third religion which was mentioned?

Mr. CASE: I am recognizing only the two religions for the purpose of my question because the other religion is not recognized in the development of schools.

The WITNESS: No, sir.

By Mr. Case:

Q. I should like to ask you about the Indian's aptitude for music. Do they have bands?—A. Yes, and they are very fond of it. I should like to take you to some schools where you would hear the most wonderful singing and playing of instruments.

Q. Do you bring in outside instructors?—A. In some instances special instructors are brought in.

Q. They purchase their instruments through the use of band funds?—A. In some instances. Chief Yellowfly has a boy who plays the piano quite well. The piano on which he practices is situated in a large community hall to which he goes to practice.

Q. Are there stores on most of the reserves? Is the reserve, more or less, a self-contained unit? Can the Indians purchase supplies there?—A. Rarely, there are not many stores, not in that province.

Q. You mentioned something about a thousand acres of land, that is, in this 5,000 acre project near the Bow River which is irrigated.—A. There are 5,000 acres of irrigated land, it is leased land, of which the Indians have already taken over 1,000 acres in the irrigated area.

Q. Are they growing vegetables there?—A. I regret to say that I took special steps to arrange garden facilities for them, had the ground prepared and irrigated, but I cannot say at the moment what they are doing this year. I had the ground prepared and the water running around it last year, but I have not been down there this year. They just started last year.

Q. They can grow vegetables, enough to take care of their needs?—A. Oh, yes.

Q. Reference was also made to the fact that the land lease was such that you could take over certain portions as it was required; that is, that you take up certain portions of that and establish Indians on it?—A. As required, or as the council suggests.

Q. My next question is this, is the lease on the land in such form that you can take over portions of it as it is required at any time?—A. Yes, there is a special clause in the lease permitting us to take over any part of the land at any time throughout the year when it is required.

Q. Can you tell us briefly what they receive in the way of rations, clothing and other allowances, could you give us that offhand?—A. You mean, what they get?

Q. Yes.—A. I will just go over it rapidly. These are the services which the Indians receive from the band fund. First of all there is a per capita payment running from anything about $30 to $60 per head per year. That is their allowance. The larger payment goes to those who are over sixty, the elderly people. Following that they provide for the staff, instructors, doctors, nurses and so on, and that, comes to about $30,000. A large item of expenditure in recent years has been on their rations, which includes their meat.

Q. How much meat are they allowed?—A. Per head?

Q. Yes.—A. They get about seven pounds of meat.

Q. Is that per week?—A. Per week, yes. Seven pounds of meat per week; five pounds of flour per week; at the present time one pound of tea per month; rice; soap and special rations for those who are old, blind or deaf who have no way of getting things for themselves; and there are other things running to a considerable amount. On top of that they have clothing for all the old women and men, and household furnishings for the young married couples. I think that covers it, and that runs to between $50,000 and $60,000 a year. Then there is hospitalization, which is the upkeep and operation of the hospital, running to about $35,000 a year. That is a service. Then they have the maintenance of buildings, roads, bridges, irrigation and whatnot; which runs at the present time around $15,000 to $20,000. And then there is what we call development, new ventures; that will run to another $25,000. Anything left over goes for what we call miscellaneous.

Q. Is there anything included in that for shelter?—A. They have already spent half a million dollars on shelter.

Q. I mean, is that new homes?—A. There are about 175 sets of buildings which, as I said, are valued at around $3,000 to $4,000 per set; which represents on the whole practically every family, and that is supplied free.

Q. And the newly-married couples will also receive shelter?—A. You mean, will they be given a house?

Q. Yes, will they receive shelter in addition to furnishings?—A. Invariably yes; oh, yes. They have more houses than they can use. Most of them have two or three places in which they can live.

By Mr. Castleden:

Q. Do they know how to use them?—A. No, sir. As the director told you the other day there are a number of four-roomed houses which were built thirty years ago and are still vacant. The usual so-called Indian residence is a one-roomed house.

The CHAIRMAN: Mr. Lickers has a question which he wanted to ask.

By Mr. Gariepy:

Q. You have just made the statement that the Indians do not use proper homes. What would be the cause of that?—A. Well, there are two principal reasons. One is, and that is the one I mentioned the other day, they do not consider the house as suitable to their needs. However, the main reason I think is that even at the present stage of his development the Indian is still a one-roomed man; in other words he had formerly lived in a tepee and the extra space is useless to him.

The CHAIRMAN: Mr. Callihoo, you said you had a letter which you wanted to bring to the attention of the committee.

Mr. CALLIHOO: I have a copy of it here.

The CHAIRMAN: Did you want to ask any questions?

Mr. CALLIHOO: No, sir.

Mr. CASTLEDEN: Mr. Chairman, I understand that Mr. Callihoo wants to ask a question?

The CHAIRMAN: I asked him, and he said no. He wants to make a short statement.

Mr. CALLIHOO: What I want to say is this, Mr. Chairman: we have had all the talk about rations from Mr. Gooderham, and from what has been said it would appear that the Indian is getting the very best of everything when as a matter of fact they really are not. Just to show you what happened in times past I will read this letter and that will give you a better appreciation of our problem. This is a letter which was written to the Hon. Mr. MacKinnon, Minister of Trade and Commerce, in March of 1942.

The CHAIRMAN: Would you give us the date of that letter, Mr. Callihoo? I think the letter is on record, isn't it?

Mr. CALLIHOO: No, I do not think so.

The CHAIRMAN: This letter is dated March 27, 1942, and it is addressed to the Minister of Trade and Commerce. I will read it for you. Do you want me to read the whole thing?

Mr. CALLIHOO: No, just as far as I have marked.

The CHAIRMAN: This letter was written from the Hobbema Reserve, Hobbema, Alberta, on March 27, 1942, and, as I said, was addressed to the Minister of Trade and Commerce. It reads:

> DEAR SIR,—On January 11, 1941, I wrote to the Commissioner of Indian Affairs and sent a copy to the Prime Minister of Canada and the Minister of Justice and to you as well as Senator Blais. You replied in your letter of January 18, 1941 sending me your sympathetic considerations. The deputy Minister of Justice just said that it was none of his business what was contained in the letter of January 11.
>
> Then you wrote on March 25, 1941 to tell me what Mr. Pratt had told you. Then we did not hear from you until March 9, 1942 in answer to my letter of March 6, 1942.
>
> In my letter of January 11 I told you that the treaty obligations with Her Majesty the Queen had not been carried out. The Minister of Justice says it is none of his business. The Prime Minister of Canada did not reply so I take it that it is none of his business either and as for Senator Blais, he has a pension of $4,000 a year as long as he lives, so I do not suppose it is any of his business either.

In the same letter of January 11 I pointed out to you that the complaints had been made on a large number of subject matters and that the Indians of Hobbema Reserve and other Indians had requested a judicial inquiry. You did not reply to this part of the letter nor did anyone else.

In the same letter of January 11 a complaint was made that in 1909 the Indians were compelled to sell a portion of the reserve at Hobbema and that the Indians were to receive $100 per head and the balance of the money was to be put in a fund held by the government and that the interest was to be paid to the Indians. I told you that the $100 had not been paid. You did not say anything about that.

I complained that in November 1940 cattle were found dead in a slough, that the Indian agent Colonel Lewis bought four of those cattle from a man by the name of Strong Man and that the carcasses had been distributed as rations to the old people. You made no answer to that and it did not impress the Prime Minister nor the Minister of Justice or the life pensioner to take sufficient interest to appoint a judicial inquiry to see why dead meat should be given to Indians. If the meat of a dead animal were served up to you and the Prime Minister of Canada some one would have been put in jail for it but so long as it is to an Indian who has no votes it does not make any difference to you, the Prime Minister of Canada or the Minister of Justice and the life pensioner who as a doctor ought to know that such a dirty trick is not done except to Indians.

What is the purpose of that, Mr. Callihoo?

Mr. CALLIHOO: That is a copy of a letter addressed to the Honourable J. A. MacKinnon, and I have asked Mr. MacKay who signed it for a copy of that letter. There have been letters going back and forward to the Indian department or whoever it is. I asked for those letters a long time ago and he said he needed them on his file in Edmonton because he said they would be needed some day. When he died of course I went to the office and they told me they couldn't let those files out.

The CHAIRMAN: If there is any other letter of importance I am sure we can get copies of it from the files of the department. I am sure it can be worked out if you will get in touch with this committee.

Mr. CASTLEDEN: You have no complaint about the ration being given out on the Indian reserve now?

Mr. CALLIHOO: No, no. It is up to them. I do not know about it anyway because we belong to a different reserve altogether.

Mr. CASE: In relation to this letter, are you supporting the testimony that the $100 has not been paid?

Mr. CALLIHOO: I cannot support it because I am not sure, because it is just a letter.

Mr. CASE: The letter has to speak for itself.

Mr. CALLIHOO: Yes.

The CHAIRMAN: A meeting of this committee will be held on Monday in room 368 at 11.00 a.m.

Mr. BLACKMORE: Will Mr. Gooderham be there?

The CHAIRMAN: Mr. Gooderham will be there. It has all been arranged, Mr. Blackmore, that we will hold a closed meeting.

The committee adjourned at 1.05 p.m., to meet again on Monday, April 28, at 11.00 p.m.

SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 16

THURSDAY, MAY 1, 1947

WITNESSES:

Chief William Scow, President, Native Brotherhood of British Columbia;
Reverend P. R. Kelly, Chairman, Legislative Committee, Native Brotherhood of British Columbia;
Mr. Guy Williams, representing unaffiliated Indians of British Columbia.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
Thursday, May 1, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., (Joint Chairman).

Present:

The Senate: The Honourable Senators McKeen and Taylor. (2).

The House of Commons: Messrs. Blackmore, Brown, Castleden, Farquhar, Gibson (*Comox-Alberni*), MacNicol, Matthews (*Brandon*) (*Vice-Chairman*), Raymond (*Wright*), and Reid. (9).

In attendance: Dr. H. L. Keenleyside, Deputy Minister, Mines and Resources; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; Major D. M. MacKay, Commissioner, Indian Affairs, British Columbia; H. M. Jones, Supervisor, Family Allowances; B. F. Neary, M.B.E., Superintendent, Welfare and Training; D. G. Armstrong; G. Armstrong; G. Patrick, K. L. Balderston; Dr. P. E. Moore; Dr. Gordon Bell, Sioux Lookout, Ontario; Misses M. Walton, A. Nolet; (From Native Brotherhood of British Columbia): William Scow, President; Rev. P. R. Kelly, Chairman, Legislative Committee; Guy Williams (representing Unaffiliated Indians), also Thomas Gosnell, Fort Simpson; (From Christian Island, Ontario): Messrs. Henry Jackson, Edward Sandy, Bert Monague, Lewis Jackson.

The Chairman conveyed to the Committee the regrets of the Honourable Mr. Stirling that it was not possible for him, owing to illness, to be present.

Mr. Raymond (Wright), presented the fifth report of the sub-committee on agenda and procedure. (For text, see Minutes of Evidence).

On motion of Mr. Raymond, after discussion, it was

Resolved: That the fifth report of the sub-committee on agenda and procedure be adopted.

It was agreed that Mr. Thomas Gosnell, Fort Simpson, British Columbia, be heard as a witness.

The Reverend P. R. Kelly, Chairman, Legislative Committee, Native Brotherhood of British Columbia, was called, made a statement with regard to the membership and representation of that organization. Mr. Kelly introduced the members of his delegation, and read their brief.

Chief William Scow, President, Native Brotherhood of British Columbia, was called and made a statement.

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Guy Williams, representing unaffiliated Indians of British Columbia, was called, made a statement.

Questioning of the above witnesses was postponed until the next meeting of the Committee.

The Committee adjourned at 1 o'clock p.m., to meet again on Friday, 2nd May next, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 1, 1947.

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. F. D. Brown, M.P. (Joint Chairman), presided.

The CHAIRMAN: If you will come to order, gentlemen, we will proceed with the meeting of the committee. As you know to-day, we have representatives of the Indian population of the province of British Columbia. I am glad to see that all British Columbia members of the committee are present, including Senator McKeen, Mr. Reid, Mr. Gibson, except the Honourable Mr. Grote Stirling who has called me with regard to his inability to be present because of serious illness which is confining him to his home. Did I miss somebody?

Mr. GIBSON: Mr. Castleden thought you were referring to us as British Columbia Indians.

Mr. CASTLEDEN: I was complimenting them.

The CHAIRMAN: Actually Mr. Stirling is confined to bed. He has asked me to express to the committee his regrets for his inability to be present. We are sorry to learn of his illness because he is a valuable member of the Committee.

The first matter of business is the report of the subcommittee. Will you give that report, Mr. Raymond.

Mr. RAYMOND:

May 1, 1947.

FIFTH REPORT OF SUBCOMMITTEE ON AGENDA AND PROCEDURE

Representation of Indians from Ontario and Quebec

Your subcommittee agreed to defer the consideration of the Quebec representation until a later date, as our schedule for the month of May is complete, except for odd days which are being kept open in case a decision to hear some individual or organization should be reached before the end of the month.

With regard to representation of Indians resident in Ontario, your subcommittee recommends that six delegates be heard, distributed as follows: two to be chosen by the Six Nations' Council; one to represent the Indians in the south-western part of the province; one to represent the Indians in the Georgian Bay-Manitoulin Island area; one to represent the Indians in the north-west angle treaty area; and one to represent the Indians in the James Bay district. The usual expenses payable to witnesses asked to appear before a Committee of the House be paid to these accredited delegates.

North American Indian Brotherhood

The delegates from this Brotherhood will be heard commencing on Monday, May 5 next. The president of the Brotherhood was notified that the accredited delegates are Andrew Paull, representing Western Provinces; Chief Tom Jones, representing Central Provinces and Mr. Norman Saylor, representing Eastern Provinces.

Representation of Saskatchewan Indians

Notification has been received that the Saskatchewan representatives are: Chief John Gambler, Edenwold; John Tootoosis, Paynton; Chief John Dreaver, Leask and that Reverend Ahab Spence is accompanying the delegation. This delegation has been notified to appear before your Committee on Thursday, May 8.

All of which is respectfully submitted.

The CHAIRMAN: The adoption of the report is moved by Mr. Raymond, supported by Mr. Reid, all in favour?

Mr. FARQUHAR: Before we adopt this report I would like to ask how you plan to choose representatives of the Indians from Manitoulin and vicinity. They are not organized.

The CHAIRMAN: If I may just speak on behalf of the subcommittee—

Mr. FARQUHAR: I would just like to say to the committee first, that there are some ten bands in that vicinity and none of them are organized. I do not know how you can arrange to have a representative who would represent all of those different bands. I was wondering if you have considered that.

The CHAIRMAN: If I may speak on behalf of the subcommittee, Mr. Farquhar. In the case of the British Columbia Indians there is not the same difficulty in getting representations. That applies to Alberta, Saskatchewan, and Manitoba. In those provinces there are organizations of Indians representing a large percentage of the Indian population so that at least one person can speak authoritatively on behalf of the organizations. In Ontario there does not appear to be any organization which will represent any large body of Indians and there is a total Indian population, I am informed, of around 35,000. The exact figure regarding that population is in the record. The largest number of Indians in Canada is in Ontario and that problem of representation has given the committee a great deal of concern. In your particular case, we can see the advisability of writing to the Manitoulin Indians and asking them to send representatives from all the various bands and reserves to a central point to be heard by the Committee or a portion of it, but due to the pressure of governmental affairs during the rest of the session the committee does not feel that it is feasible to go to Manitoulin Island. As a result we are going somehow to ask that the Indians of that area confer, probably with yourself, for the purpose of naming one delegate. Now, of course, if others want to come along at their own expense there is no objection, and whether or not we can hear them depends on the time of the committee. Probably you could assist us, Mr. Farquhar, in naming somebody who would truly speak for the Indians in your area.

Mr. FARQUHAR: That is just the question. I do not think I could do that. I do not think the bands would agree to any one Indian representing all of them. There are some ten bands and they are scattered very widely throughout the constituency. They would find it somewhat difficult to get together to appoint a representative.

Mr. REID: What is the population of the bands?

Mr. FARQUHAR: The largest band has over 1,500. I think I gave the total figure here recently. I think there are over 3,000 if I remember well.

The CHAIRMAN: I am told it is about 3,600.

Mr. FARQUHAR: 3,600, I see. The Wikwemikong band has over 1,500.

Mr. MACNICOL: What is the largest band in the Manitoulin area?

Mr. FARQUHAR: The Wikwemikong.

Mr. MACNICOL: Would that figure take in the Batchawana or Ojibbewas, near Sault Ste. Marie?

Mr. FARQUHAR: I doubt if they could come that distance.

Mr. MACNICOL: Well I think that is the best suggestion; they had better meet together and select from themselves a representative.

Mr. CASTLEDEN: In the recommendations of the committee you say there is one representative to represent the Indians from the Georgian Bay Manitoulin Island area.

The CHAIRMAN: That is right.

Mr. CASTLEDEN: But I understand from Mr. Farquhar that there is no organization—

The CHAIRMAN: That is right.

Mr. CASTLEDEN: Whereby they might come to an agreement as to who should represent them.

The CHAIRMAN: Therefore we suggest they assemble and name somebody. If they cannot, we will have to give if further study.

Mr. CASTLEDEN: I should like to ask this question. I understand there was a union of Ontario Indians formed last year in an attempt to organize the Indians of Ontario. I think they made application to the committee to have a representative of their organization appear here. Did the committee receive any such application from an organization known as the Union of Ontario Indians?

The CHAIRMAN: We have had several reports from various bands. I do not recall that particular group.

Mr. CASTLEDEN: Not a band. This is known as the Union of Ontario Indians. The secretary is Henry Jackson.

The CHAIRMAN: He invited us to some sort of little gathering he was having, but I do not think there was ever any invitation extended by the committee to his union.

Mr. CASTLEDEN: Did he make application to appear before this committee, or to have a representative of his organization, the Union of Ontario Indians, appear?

The CHAIRMAN: I do not recall he did.

Mr. FARQUHAR: I am informed by representatives who are here to-day from Christian Island, off the Bruce Peninsula, that an effort was made last fall to organize the Indians in that vicinity, but the organization has not yet been completed. I think there was a representative from only one band on the Manitoulin Island who attended that meeting. I believe it was held at Sudbury.

Mr. MACNICOL: I notice one representative is to come from southwestern Ontario. There are three main bands down there.

The CHAIRMAN: The same would apply there.

Mr. MACNICOL: The Muncies, Moraviantown and Walpole Island.

The CHAIRMAN: We did not feel we could hear representatives from every reserve in Ontario.

Mr. MACNICOL: I know them all. They are all friendly. No doubt they will get together and select someone to represent them.

The CHAIRMAN: We did receive a letter dated April 10, 1947, from Henry Jackson, but in that letter he does not ask for any hearing by this committee. He merely gives us a report submitting resolutions, and so on, that were passed at a convention held on Parry Island, on August 19 and 20, 1946, and other meetings, but they do not ask to appear.

Mr. CASTLEDEN: This was an organization known as the Union of Ontario Indians.

The CHAIRMAN: He is the joint secretary of the N.A.I.B.—

Mr. CASTLEDEN: North American Indian Brotherhood.

The CHAIRMAN: —and Union of Ontario Indians. That is the only letter we have in which he states they represent a majority of Ontario Indians, which has yet to be proven.

Mr. MACNICOL: What is your procedure? You will write the chiefs of those three bands.

Mr. FARQUHAR: If that is the decision of the committee I will do what I can in an effort to try to get them together and arrange for a representative.

The CHAIRMAN: There is another matter with respect to the North American Indian Brotherhood. We have a wire from Mr. Paull that Chief Tom Jones cannot be here on Monday, the 5th day of May, because of treaty payments on May 7. He would like to be heard at a later date. I assume that is the pleasure of the committee.

Mr. RAYMOND: But Mr. Paull and Mr. Saylor will be here?

The CHAIRMAN: They will be here on the 5th of May, next Monday. Chief Tom Jones may not be here until a later date. We also have a communication from Andrew Paull in connection with a request to hear one Frank Assu, who is a member of the North American Indian Brotherhood. As you know the reason we are hearing the North American Indian Brotherhood this year is because when they were here a year ago and had a conference with this committee we said that at a later date we would call them for their official presentation. He wants to have Frank Assu, represent the unaffiliated B.C. Indians. In his letter of April 11, 1947, Paull says:

> I think it would be a gracious act on the part of the Indian Act committee to allow one of the Indians from the northern interior of B.C. to speak instead of two speakers from the Native Brotherhood of B.C.

who represent only some of the Indian fishermen of the B.C. Coast. Further on he says:

> Frank Assu now residing at Steveston, B.C. was the unanimous choice of a meeting of Indians at Kamloops last Sunday to be the speaker from the unaffiliated Indians of B.C. so I hope you will recognize him as one of the delegates.

We did not feel we could pay the expenses of Mr. Assu from British Columbia, so we sent a wire to him reading:

> Matter of representation of unaffiliated Indians of British Columbia was delegated by committee to Native Brotherhood of British Columbia a provincial organization. . .

(by the way, Mr. Andrew Paull will be here next Monday and he can speak on behalf of the North American Indian Brotherhood)—

> Representation of the North American Indian Brotherhood, as a national organization, was given same representation as a province namely three delegates. Andrew Paull has already chosen three delegates. Delegation from province does not include your name. Regret only official delegates have their expenses paid. Decision to hear other than accredited delegates is made only at time of meeting of committee.

Mr. REID: That brings up a question which I think should be discussed now. I understand other delegates have come forward from British Columbia.

The CHAIRMAN: Just one, Mr. Gosnell.

Mr. REID: We may have to decide whether we will hear him.

The CHAIRMAN: That will be brought up when Mr. Kelly makes his introduction. We have wired Mr. Assu. The procedure will be the same as it

is to-day. We cannot pay the expenses of more than 3 delegates but in the event they come and we have the time I am sure that the committee will be pleased to hear them.

Mr. CASTLEDEN: May I ask the representative of the Native Brotherhood if Mr. Frank Assu was not once a member of your executive?

Rev. Mr. KELLY: He was a member but he has withdrawn his membership from our organization.

The CHAIRMAN: It is moved by Mr. Raymond and seconded by Mr. Reid that this report of the subcommittee be adopted. All in favour?

Carried.

Gentlemen, we have with us to-day the representation of the Native Brotherhood of British Columbia. They have named a representative to speak on behalf of the unaffiliated organizations of British Columbia. The delegation is headed by the Rev. P. R. Kelly who has with him Chief William Scow, President of the Native Brotherhood of British Columbia, Mr. Guy Williams who, I believe, is a member of the Native Brotherhood of British Columbia but will speak particularly in connection with the unaffiliated Indians, and Mr. Thomas Gosnell who is accompanying the delegation. If there is time available is it your pleasure to hear Mr. Gosnell?

Mr. REID: I so move.

The CHAIRMAN: All in favour?

Carried.

We will hear from Mr. Gosnell in due time. You understand, of course, gentlemen, that each province is permitted only three delegates whose normal expenses are paid. Any other persons in attendance have not that privilege, unless the Committee decides otherwise at the time.

Mr. REID: I am sorry to raise the point, but how did we agree to six from Ontario with a population of 36,000 and three from other provinces, particularly British Columbia with a population of nearly 26,000 Indians?

The CHAIRMAN: I understand that the population of Ontario is 36,000 and the population of British Columbia is about 25,000, but fortunately in British Columbia they have one incorporated organization, the Native Brotherhood of British Columbia. One person can speak on behalf of all members of that organization, whereas in Ontario we are not in such a fortunate position. They are not so highly unionized.

Mr. GIBSON: I wonder if it might be a matter we could refer to the subcommittee on agenda and procedure for further discussion on the point.

The CHAIRMAN: I think that is in order. Thank you, Mr. Gibson. First of all I want to introduce to the committee the Rev. P. R. Kelly of Ocean Falls, British Columbia, who will introduce the delegation of the Native Brotherhood of British Columbia. Would you introduce first the other members of your delegation?

Rev. P. R. Kelly, called

The WITNESS: Mr. Chairman, and honourable members of this committee: I should like to introduce the president of our organization, the Native Brotherhood of British Columbia, Chief William Scow. Then there is Mr. Guy Williams. He is a member of our organization. He was business agent of the organization last year. When we were requested to name a representative for the unaffiliated Indians, because of his closer acquaintance with the larger body of Indians he was named by our organization to represent them. He is here in that capacity. Mr. Thomas Gosnell from Fort Simpson is not an accredited delegate.

By the Chairman:

Q. Whom does he represent?—A. He is also a member of our organization in good standing. He was treasurer of the organization last year.

Q. Mr. Williams is a member of your organization?—A. Yes.

Q. So there is really no representative here from British Columbia who is not a member of your organization?—A. No.

Q. Is there any way in which you could get a representative here who would truly represent those B.C. Indians who are not affiliated with your organization?—A. In our judgment what we have done was the best we could do. In connection with every organization I think it can be said that there are many people who are lukewarm. They like to associate themselves with organizations while things are going splendidly, but they prefer to sit on the sidelines looking on. There are a great many in British Columbia like that. I might say by reason of an intensive campaign against some of the things that the Native Brotherhood of British Columbia stands for some of our former members have become suspicious. They do not know just what to do. They are bewildered. Yet as we see them and as they come to our meetings and hear what we are talking about they realize we stand for the things that they long to see spread among their people. Mr. Guy Williams is one of the best fitted men in my opinion to represent the unaffiliated Indians. He has travelled extensively in the interior of the province, up and down the whole coast, on Vancouver Island and other places. I think he knows their problems as well as anyone can hope to do so.

Q. Approximately how many members of your organization have you in British Columbia?—A. In our organization there are paid members in good standing numbering about 2,000—2,000 male paid members.

Q. All male paid members?—A. Yes.

Q. You do not include the women?—A. There are auxiliary women's organizations.

Q. When you refer to 2,000 paid members they are all men?—A. Yes.

Q. And that does not include any women?—A. No. There are auxiliary women's organizations. The sisterhood of British Columbia probably covers another 1,000 or 1,500, probably 2,000.

Q. Then that would represent roughly what population. 2,000 male members would represent what population?

Mr. MacNicol: There would be five to a family on the average, say 10,000 men, women and children.

The Chairman: 10,000.

The Witness: In the submission made last year by Major MacKay, the Commissioner of Indian Affairs, he estimated there were 12,000 Indians in British Columbia under the age of 17.

The Chairman: We will assume it is roughly 10,000. There are 25,000 Indians altogether in British Columbia so that you claim to represent close to half of the Indian population. Would that be correct, Mr. MacKay?

Mr. MacKay: I would think that the Native Brotherhood would represent very approximately half of the population, certainly not more than half. It is the only organized group of Indians in the province. The interior of the province is not greatly represented by the Native Brotherhood. As far as I know it is mainly a coast and fishermen's organization. The information we have—and, of course, it is subject to correction—is that the Native Brotherhood has not penetrated into the interior of British Columbia in the matter of paid membership to any great extent, so I should say it would be reasonable to assume that the Native Brotherhood certainly would not represent more than half of the Indians of the province of British Columbia.

The CHAIRMAN: While you are on your feet can you tell us if, in your opinion, there is any way whereby we could get one person to represent all of the unaffiliated Indians of British Columbia?

Mr. MACKAY: I think there should be a way. There probably is a way.

The CHAIRMAN: Do you know of the way?

Mr. MACKAY: We would have to consult with some of the agents and probably the church organizations and others interested in our Indian work. There is a very large group of Indians in British Columbia who do not subscribe to the Native Brotherhood organization or to any other organization for that matter.

The CHAIRMAN: Can you tell us how we could get a true representative from that large body of persons?

Mr. MACKAY: I think I would have to have some time to think that out.

The CHAIRMAN: I might tell you that this committee, and the subcommittee on agenda and procedure, have spent considerable time over the past two years trying to figure out some scheme and we have not yet evolved any scheme because of the fact that those who are involved do not seem to want to confer and appoint any one person to speak on their behalf.

Mr. MACNICOL: We will hear from the gentleman Rev. Mr. Kelly has mentioned.

The CHAIRMAN: I want to make it clear we have done everything possible to get a representative of the unaffiliated Indians in each province.

Hon. Mr. MCKEEN: Could you not use the same procedure that you are following in the province of Ontario for your unaffiliated groups in British Columbia?

The CHAIRMAN: If you can name any one person or any group of persons who would speak on behalf of the unaffiliated Indians of British Columbia we would be very glad to have that name. We have had many briefs from British Columbia, from Indian tribes and other organizations, printed in our minutes.

Hon. Mr. MCKEEN: I do not feel at all qualified to do anything like that because I am new on this committee and new to this procedure.

The CHAIRMAN: You have learned very quickly, and well.

Hon. Mr. MCKEEN: From what I have heard I would think that whatever procedure you are following in Ontario could apply in British Columbia. In Ontario you have unaffiliated groups without any organization. You have the same thing in British Columbia in a large part of the province. I think the same thing could be done.

The CHAIRMAN: I think you will agree that if we had any organization in Ontario which would represent any large group of the Indian population we certainly would not be suggesting to this committee the representation that is now proposed for Ontario.

Mr. MACNICOL: I suggest we get on with the witness. Time is getting along.

Mr. CASTLEDEN: The matter of representation is most important. In the correspondence received regarding Frank Assu was it not pointed out there was a meeting of the interior Indians on Sunday last, and that they had chosen someone whom they wished to represent them?

The CHAIRMAN: That is one group out of probably 15,000.

Mr. BLACKMORE: Can this matter not be discussed by our "steering" committee? We have all these Indians here. Surely we can discuss it when they are not here.

The CHAIRMAN: I am quite content. I am only pointing out that it has been discussed and rediscussed, and the rediscussion has been rediscussed on many occasions by the subcommittee, and we cannot find a solution. We will get on with the witness.

Q. Mr. Kelly, are you the spokesman on behalf of the Native Brotherhood of British Columbia?—A. I am.

Q. Would you care to present your brief?—A. Before doing so I should like to clarify one matter. I do not want to leave any doubt hanging in your minds. I beg to say that Frank Assu is no more qualified to represent the unaffiliated Indians of our Province than is Mr. Guy Williams. Mr. Frank Assu is a fisherman with headquarters at Steveston, B.C. The unaffiliated Indians extend from the Alaskan boundary, north of Prince Rupert, to the Stikine river just inside the coastal boundary line of Alaska. Unless one has an unlimited amount of money to travel to those places he cannot get there, and we have not the funds to go around. Delegates have been sent from different places again and again. I beg to say that in our organization I think we represent, if you will excuse the expression, the "cream of the crop." That is our claim.

Q. Thank you very much.—A. Mr. Chairman and hon. gentlemen:

The Native Brotherhood of British Columbia have the honour and pleasure to present for your earnest consideration the within brief. The subject matter thereof considers Indian administration in general, and in particular the matters specified and numbered one to eight in the orders of reference of both the Senate and House of Commons made on Thursday, the 13th day of May, A.D. 1946, at Ottawa. The sections of the within brief have been numbered to correspond with the enumerations of these matters as made in the said orders of reference.

The representations, respectfully submitted, of the Native Brotherhood of British Columbia, are as follows:—

1. *Treaty Rights and Obligations:*

Wherever there are treaty rights and obligations these should be strictly adhered to and should not be abrogated without the consent of both parties.

2. *Band Membership:*

(1) Band membership is provided for in the present Indian Act, and where it is considered necessary, the terms should be more flexible to admit such persons as are considered suitable by the band concerned.

One practical instance would be on the death of her white husband an Indian woman should be admitted to the band. Similarly where an Indian woman has married a white man and has suffered desertion for a period of some specified time, she should be permitted to rejoin the band.

Where enfranchisement has occurred and it is found that the Indian is not suitable for citizenship some provision for re-admission to the band should be provided subject, however, to forfeiture of any right on the capital fund of the band.

I might say we thought of adding the words "until the money drawn from the band has been repaid in full." It is felt that these provisions would add to the self-esteem of the person in question as well as make adequate economical provision in the instances of women concerned.

(2) No member should be removed from band membership unless it be by the will of the person and the band concerned.

It is considered that the band concerned should have a veto on enfranchisement.

Similarly, no enfranchisement should occur at the instances of other than an Indian or his band as is permitted under section 110 (5) of the "Indan Act". This present section 110 (5) may allow of abuses in that the Indian agent or

his subordinates can threaten Indians with enfranchisement. It may be said that no enfranchisement could occur unless under proper governmental auspices but individual cases show that the Indian agent or his subordinates can threaten an Indian and it would be possible legally that the Indian would be enfranchised without his consent or the consent of the band as specified in section 110 (1). Whatever argument may be advanced that only proper and bona fide governmental action would be taken, nevertheless, under the present section there is colour that improper action could be threatened.

(3) Illegitimate children's membership should be protected fully.

Section 12 of the present Act should be eliminated. It follows all generally accepted legal principals in this country that the illegitimate child has the status of its mother. Indian children are certainly entitled to the full status and benefits of and from their mother.

3. *Liability of Indians to Pay Taxes*

(*a*) The imposition of income tax and other taxation on the native people is viewed as unjust, as they have no voice in the affairs of the country; they are treated as wards and minors. The natives look upon this as a violation of the British principle, "No taxation without representation".

There is no legal instrument in existence which suggests that the governments in Canada have the right to tax Indians. On the other hand, there was a tacit understanding when the Indians relinquished their domains to Canada that they would be free from taxation.

Under article 13 of the "Terms of Union" between British Columbia and the dominion:—

> The charge of the Indians, and the trusteeship and management of lands reserved for their use and benefit, shall be assumed by the dominion government, and a policy as liberal as that hitherto pursued by the British Columbia government shall be continued by the dominion government after union.

British Columbia never taxed Indians prior to union. Let us consider the situation historically.

The only records of direct transfer of lands by the Indians are referred to in "B.C. Papers Connected with the Indian Land Question, 1850-1875", wherein the Indians made transfers of lands to the Hudson's Bay Company. Therein were reserved to the Indians hunting and fishing rights as formerly carried on by the Indians. This has been the pattern for British Columbia in taxation. No hunting or trap line licences have been charged, although when Mr. Jones was Minister of Finance an individual fee for a gill netter was set at five dollars ($5) and the fee for operating a seine boat was fifty dollars ($50) per boat. This caused considerable contention and these fees or taxes were gradually dropped. However, with the advent of income tax, even Indians working on fishing boats have been taxed. There would appear no justification for this taxation in view of the aforementioned considerations.

As stated under the "Terms of Union" the Indians were supposed to receive just as favourable treatment after union. However, economic conditions and modes of living in Canada have changed to the detriment of the Indians. This condition arises because the reserves set aside for the Indians have now become inadequate.

In British Columbia, the Indians have no treaty rights save and except the treaties made by Sir James Douglas and these were with small bands of Indians. The reserves for the Indians were not sufficient to make the Indians self-sustaining and provide sufficient revenue for their well being. They were not given sufficient lands to allow them to be self-supporting and self-sustaining,

while on the other hand the lands contiguous to the reserves have been commercialized and exploited with no benefit to the Indians. For instances, logging operations have removed the rights of the Indians to take any timber from contiguous lands however necesary it may be for their welfare. The fact now is that in British Columbia the reserves have become inadequate.

(*b*) If the governments have the right to impose taxation on the Indians, then such social benefits as are enjoyed by the taxpayers of the country should be granted to the Indians, such as:

(i) Old age pensions.
(ii) Mothers' pension.
(iii) Social assistance.
(iv) Home for the aged.

It is appreciated that family allowance is made available for the Indians. If there is to be taxation then for the Indians there should be adequate representation in the affairs of government and adequate compensation for the taxation so imposed.

(*c*) The native Indians should also be given equal opportunities for employment in civil service, in public works, and other forms of employments. An instance may be cited where an Indian made application for the position of engineer on the Indian agent's boat. Although the Indian applicant had superior knowledge and qualifications, he was refused the position simply because he was an Indian. Reference could be made to the evidence of Brigadier Martin (minutes and proceedings of evidence, number 19) with respect to his application for an Indian agency.

(*d*) The denial to the Indians of the rights to pre-empt lands should also be removed.

Before reading the next section, "Enfranchisement of Indians", may I pause here and explain that because we have followed the headings in the orders of reference and have used those headings here we have been accused of championing the cause of enfranchisement for Indians. We have merely followed the orders of reference.

4. *Enfranchisement of Indians*

Enfranchisement, as it is provided for in the Indian Act, is not satisfactory. Because of that very few Indians have availed themeslves of it. They do not wish to sacrifice the hereditary rights as Indians simply for the right to vote. Yet this is a right of citizenship which they crave because they live under the laws of the land and feel that they should have some voice in the formulation of such laws.

The only solution is to extend the rights of citizenship to the Indians as such without the necessity of their enfranchisement. The rights of citizenship should be extended to the Indians, but in view of the many issues involved, careful consideration should be given to the conditions under which this could be granted. A system of native representation such as the Maoris enjoy in New Zealand could be the pattern followed in Canada. There the Maoris retain their aboriginal rights, but at the same time have full representation in parliament. *See* New Zealand Year Book (1944). Why cannot this be done in Canada?

The incentive to advance is noticeable where the rights of citizenship are enjoyed by the native people as they are in Alaska.

Perhaps a more comprehensive understanding can be had if one realizes that Indians can be placed in perhaps three main categories:—

(*a*) There are Indians who boast of the fact that they are Indians, remain Indians and will die as Indians. They insist on being wards of the

government in the fullest sense and do not want any part of progress. They are suspicious of any advancement from the past.

(*b*) There is a second group that want all the advantages of civilization and progress. They want education and all the medical care that the government has to offer, as well as other securities that come to them on the reserve life, but they do not want to even consider the responsibilities that these involve. They want to be carried along "on flowery beds of ease".

(*c*) There is a third group that sees things just as they are. They appreciate all the advantages of civilization and realize all progress has its price, that the profits of civilization are fully appreciated only by those who have had to face some of the responsibilities for it. This group comprises the more virile type. They want to have all these advantages of civilization and profit by its spiritual and material values. They also have learned this means shouldering responsibility. They want the rights of citizenship but do not wish to surrender their hereditary rights all in one stroke.

Obviously it should be the objective of the Indians as well as the government by all means at their disposal by way of education and otherwise to bring all the Indians within the third category to the realization that to every right there is a corresponding duty. Then a beginning can be made towards citizenship followed by a transitionary period of probation towards ultimate citizenship.

5. *Eligibility to Vote in Dominion Elections*

Eligibility of Indians to vote in dominion elections should be granted under the conditions outlined above.

6. *Encroachment on Indian Reserves*

So long as Indian reserves are what they are, it is unreasonable for white persons to encroach on them.

7. *Day and Residential Schools*

Education of Indians at present is the sole responsibility of the federal government; therefore, in conformity with the other educational practises in Canada generally, Indian day and residential schools should be free from denominational jurisdiction. In British Columbia the B.C. curriculum should be used exclusively and the supervision and inspection of the schools under the provincial inspectors, the cost of such supervision to be borne by the federal government. The school age should be advanced to eighteen (18) years due to the broken period of attendance occasioned by the casual geographical employment of the parents. Where fathers have to leave home for their employment, the mothers should be encouraged to remain at home and keep their children attending school. Wherever possible the Indian children should be permitted to attend the public schools and the per capita cost thereof paid by the federal government. As a fundamental principle Indian children should be allowed to attend Canadian public schools.

Residential schools should be maintained for pupils not within range of the day schools and these schools should also be non-denominational. At Port Alberni for instance, there is a large residential school which should include high school facilities. If this particular school cannot be equipped and staffed for high school education then the pupils should be allowed to reside there and attend the regular high school. However, wherever possible the day school system should be encouraged and day schools established.

There are two salient features pertaining to schools and education generally which should be stressed:—

(*a*) The schools should be undenominational.—The Indians appreciate that at one time the entire cost of education was borne by the churches but they believe that education being the sole responsibility of the federal government under the law the federal government should exercise and implement this responsibility into direct action.

At the present time the churches furnish part of the moneys expended on education and the Indians are very grateful and appreciative thereof. If the dominion government assumed the cost then the churches would have additional money to advance their ministry in additional social services and practical benefits to the Indians. Education is the primary duty of the government and not of the church and as such should be undenominational.

(*b*) Greater facilities and opportunity for education.—The opportunity to obtain high school and university education should be available more generally for Indian youth. In isolated instances in British Columbia the Indian agent has permitted Indians to attend the regular high schools but a great number of deserving Indian students have been denied this privilege, that is, refused by the Indian agent. What a situation this is when we consider that the Indian agent is, in a sense, in control of the intellectual development of, and thereby controlling, the destinies of a people, a race. No individual should be denied the right of intellectual advancement at the behest of one man however benevolent a despot he may appear to be.

The time has certainly come for the government to inaugurate a higher standard of training in the schools and employ more highly trained and competent teachers. The need for more advanced vocational training is evident. There are many reasons for the government's deficiency such as the difficulty in obtaining white teachers to handle this more difficult work and to pay adequate salaries therefor. The dominion government could and should aleviate this problem by training Indian workers.

There must of necessity be improved educational facilities. It should be the objective in Indian education to train Indian leaders and teachers, nurses and others for work in the Indian communities. How then can this be done without proper educational facilities?

It has been very difficult and in many instances impossible to get properly trained white teachers and nurses to live in isolated areas. An Indian girl trained as a nurse would feel quite at home at Kitamaat, for instance, whereas a white girl nurse finds the district far too isolated and dreary. This illustration is from actual experience. Why should there not be an adequate supply of Indian nurses made available? With proper educational facilities this would soon be possible. The same applies to all branches of Indian education and social service.

In British Columbia the educational situation is deplorable, as shown by the following statistics:

According to evidence presented by Major D. M. MacKay, Commissioner for Indian Affairs in British Columbia, to the Special Joint Committee of the Senate and the House of Commons in June, 1946, 12,000 or nearly 50 per cent of the Indian population of B.C. are 17 years of age or under. In the year 1945-1946 only 4,100 Indian children were enrolled in schools. It was estimated by Major MacKay that approximately 1,200 Indian Children in B.C. were receiving no education whatsoever. Of those enrolled, only 87 had reached Grade VIII, while 142 were in Grade VII, 261 in Grade VI and 382 in Grade V. Only 24 Indian pupils were receiving high school education. There were 201 Indian pupils attending the elementary public schools of the Province.

Mr. CASTLEDEN: Before we leave that may we have one matter cleared up? There seems to be slight difference.

The CHAIRMAN: Mr. Castleden, I think you know the rules and procedure, previously followed in this Committee.

Mr. CASTLEDEN: I understand those, but I think there is a matter of correction of figures. It is just that 12,000.

The WITNESS: 1,200.

The CHAIRMAN: Is it your wish to have examination at this time?

Mr. CASTLEDEN: I do not want to examine him. It is merely a correction.

The CHAIRMAN: Then would you point out the correction?

Mr. CASTLEDEN: It says 12,000 children.

The WITNESS: 1.200.

The CHAIRMAN: —"and the House of Commons in June, 1946, 12,000 or nearly 50 per cent of the Indian population of B.C."—and only 4,100 enrolled?

The WITNESS: That is right.

Mr. CASTLEDEN: It would seem to me there would be 8,000 without education, and you only have 1,200.

Mr. RAYMOND: Some were under school age.

The WITNESS: I am simply quoting from the evidence given by Major MacKay.

The CHAIRMAN: Proceed.

The WITNESS:

8. OTHER MATTERS OR THINGS PERTAINING TO THE SOCIAL AND ECONOMIC STATUS OF INDIANS AND THEIR ADVANCEMENTS

(*a*) *Medical Care*: According to the evidence given before the Joint Committee in Ottawa, Dr. F. F. Tisdall of Toronto pointed out the fact that the death rate from tuberculosis among the Indians of Manitoba in the vicinity of Norway House was fifty times greater among the white people of that province. Unless a better standard of health is reached and maintained, all the efforts for advancement along other lines will be futile. Preventative medical care should be more intensively carried out.

(*b*) *Uniformity of treatment and hospital costs*: The medical care of Indians is the responsibility of the dominion government. There is no legal instrument acknowledging this, but as a fact it is admitted.

The government has established sanitariums for treatment of tuberculosis but ordinary cases are assigned to general hospitals.

The doctor in charge of a case reports to the Indian agent and in many cases the Indian agent has refused to allow cases to go to hospital. The doctor's verdict should be final in all cases in the interest of uniformity. In maternity cases the Indian department pays for the first five days and patients have been prematurely discharged.

There are cases of specialized treatment but here again the matter is left to the Indian agent. There should be a uniform practise adopted.

The Indian department has made a ruling that any Indian residing off the reserve for a period of eighteen months is no longer entitled to medical assistance. This should be abrogated. Residence elsewhere may not be of choice but an economic necessity.

(*c*) *Agriculture*: The need for assistance in the field of agriculture generally is most urgent. Even after centuries of farming life, the white people find it

necessary to send their sons and daughters to obtain the most advanced scientific training in farming, fruit growing and gardening. The Indians, who are just beginning this life, need more practical training along these lines. In the farming areas of the coast and interior of British Columbia, the need of better barns, irrigation and larger areas of lands for farming and grazing must be met.

All Canadian universities have courses leading to the degree of Batchelor of Scientific Agriculture. These educational facilities should be made available for Indian students.

Special attention should be given by the Indian department to a study of Indian rights under the "Water Act". Indians have complained that they are not getting their share of water. There are many contributing factors requiring adjustment.

Assistance should be given to procure mechanical implements of farming. Livestock of proper quality also should be established on Indian farms. This should be done with the ultimate view of making the farms self-supporting.

(*d*) General cases should not go to a T.B. hospital for treatment.

(*e*) *Sanitation:* The lack of proper sanitation in Indian homes undoubtedly has been the cause of spreading of such diseases as tuberculosis and kindred diseases.

(*f*) *Housing:* The need of better housing in the Indian villages, communities and settlements must receive very serious consideration. Standards should be set forth and insisted upon for the relief of overcrowding and the provision for sanitation. Carrying this into effect may mean a better appreciation of the improvement of health generally, and family independence.

(*g*) *Traplines:* The restoration of traplines that have been used by Indians formerly and now assigned to white trappers should be investigated with a view to restoring them to proper holders.

It has been pointed out that prior to the time traplines had to be registered, Indians had large areas available to them. In some instances Indian agents have not advised the Indians of the necessity of registration. Before the Indians became aware of the situation many trap lines had been taken up. Where trap lines were known to have been the property of Indians these should be returned to the Indian users. In some instances, trap lines have been repurchased for the Indians. This practice should be carried out generally.

(*h*) *Appointments in the Indian Department:* Priority equal to that given to returned soldiers should be given to Indians who are applicants for appointment in the Indian department and civil service. Inducement should be given to Indians to train for such positions.

Civil service academic qualifications should be relaxed in favour of Indians until such time as higher schools of learning are made available.

Returned soldiers priority in this branch of the civil service of Canada defeats its own purpose. Proper qualification and practical experience should not be sacrificed in too close a conformity with past practices and regulations.

Canada could very well follow the example of the United States. There in the Bureau of Indian Affairs a great percentage of the employees are Indians, and this is as it should be in Canada. This may be a radical departure in Indian administration in Canada but the Indians feel it has historical precedent and would be beneficial in Canada.

(*i*) *Committee to Revise the "Indian Act":* There should be Indian representation to assist in the framing and drafting of the actual amendments deemed necessary. Legal counsel should be employed as well to represent the Indians.

(*j*) *Indian Department:* A separate department of Indian Affairs should be formed in Ottawa with its own minister in charge. Indian agents should be directly responsible to this department in Ottawa rather than to provincial commissioners, which office should be abolished.

Too often carefully developed plans for local improvements, prepared after exhaustive consideration and application by individual Indian agents never reach Ottawa for deliberation.

The appointment of the personnel of the Indian department should be kept above the realm of party politics. Proper qualification and integrity should be deciding factors.

(*k*) *Indian Lands:* Compensation should be made for lands and timber areas alienated from the Indians. Reference should be made to paragraph 3 (*a*) herein. The same argument is applicable.

(*l*) *Self government:*.Self government in directing the affairs of the village should be more fully in the hands of the councils, and the appointment of councils must be encouraged. In large areas in British Columbia there are no councils. Government is accomplished through chiefs.

Where it is the unanimous opinion of the village or band concerned to spend money out of the band funds for improvement in the village life, the Indian agent or the commissioner of Indian Affairs should comply with the wishes of the band and not exercise his veto power.

(*m*) *Industry:*

(1) The establishment of industries, such as fur farming, canneries and sawmills, should be encouraged and assisted on a co-operative basis.

(2) Indian fishermen should be given assistance to obtain seine boats, and where necessary, other fishermen should be assisted in obtaining boats and fishing gear. The more progressive Indians requiring capital to engage in fishing, particularly seine fishing, are at the mercy of the large fishing corporations.

(*n*) *Welfare:* So long as the Indian department assumes full responsibility for the social welfare and medical care of Indians, there should be no discrimination because of residence which is mostly dictated by economic necessity. Further to Paragraph 8 (*a*) discharged and out-patients of hospitals should receive additional care and assistance.

(*o*) *Indian Act:* There are many very fine features of the Indian Act which are protective and beneficial to the Indians.

(*p*) *Band Funds* and tribal funds should be strictly under control of the band and tribe.

(*q*) *Old Age Pensions* for Indians should be granted to Indians and on the same basis as other citizens.

It would add to the dignity and personal worth of the Indians to receive regular old age pension payments rather than spasmodic paltry pittances.

(*r*) *Relief* should be the same as allowed by the provincial government.

(*s*) *Returned Soldiers:* It is gratifying to notice that the native Indian returned soldier is treated with the same consideration as other returned men. The spirit of this policy should be continued.

Statistics show that on a per capita basis the Indian population was very well represented for overseas service. The Indians did their full share in every area of actual combat service in all branches of the service of their country. The Indians volunteered for active service. They did not stop to ponder what Canada had done for them much less question what benefits the future would hold.

The Indians have an innate sense and spirit of patriotism. Could not the dominion government encourage this in peace time by extending to them a greater participation in this great Canada of ours?

All of which is respectfully submitted.

This brief is submitted by the Native Brotherhood of British Columbia, pursuant to resolution passed at the 17th Convention thereof held at Massett, British Columbia, on or about the 31st day of March, A.D. 1947, and is executed and presented by its official representatives on its behalf; namely, Chief William Scow, Reverend Peter R. Kelly and Mr. Guy R. Williams, and Mr. Thomas Gosnell.

Dated at the city of Vancouver, in the province of British Columbia, this 28th day of April, A.D. 1947.

NATIVE BROTHERHOOD OF BRITISH COLUMBIA.

"CHIEF WILLIAM SCOW",
President.

"REV. PETER R. KELLY",
Chairman of Legislative Committee.

"GUY R. WILLIAMS",
Representative of Unaffiliated Indians of British Columbia.

The CHAIRMAN: Thank you very much, Mr. Kelly. There is one matter to which I think I should refer at the moment. It is where you say, in 8 (i):

> There should be Indian representation to assist in the framing and drafting of the actual amendments deemed necessary, and legal counsel should be employed.

Mr. Norman Lickers, who is a duly qualified barrister and solicitor in the province of Ontario and a member of the Six Nations Council at Brantford, is the liaison officer and counsel for this committee. Unfortunately, last night Mr. Lickers had a call from his home that his father is very seriously ill and he had to leave on the midnight train. That is the only reason he is not here to-day, but I can assure you that Mr. Lickers has been here, as you can see from the minutes of proceedings, and is in attendance at all meetings of the subcommittee on the revision of the Act and, as a matter of fact, at all other subcommittee meetings with respect to agenda and procedure, treaty rights and obligations, and education. If it is your pleasure we will now proceed with the next delegate, Chief William Scow.

Mr. MACNICOL: I think that is the best thing to do.

Chief William Scow, called.

The CHAIRMAN: Probably I might ask you a few preliminary questions. Possibly other members of the committee might also like to ask you some preliminary questions.

By the Chairman:

Q. You are the chief of what band?—A. Kwicksutaineuk.

The CHAIRMAN: Mr. Gibson, do you know how that is spelled?

By Mr. Gibson:

Q. Where is it?—A. It is at Gilford Island.

By the Chairman:

Q. Chief, perhaps you can spell it?—A. K-w-i-c-k-s-u-t-a-i-n-e-u-k.

Q. You are the chief of that band, and how long have you been the chief?—A. Since the death of my late father.

Q. It is under the hereditary system?—A. Yes.

Q. When did your father die?—A. 1934.

Q. You are the president of the Native Brotherhood of British Columbia?—A. Yes.

Q. When were you elected president?—A. I was re-elected at the last convention.

Q. When were you first elected to the presidency?—A. 1946.

Q. You were re-elected when?—A. Last March.

Rev. Mr. KELLY: 1945.

By the Chairman:

Q. You were elected first in 1945?—A. Yes.

Q. And you were re-elected in 1946?—A. Yes.

Q. Were you re-elected again in 1947?—A. Yes.

Q. Then you hold office for a one year term?—A. One year term.

Q. You have been re-elected for two successive terms?—A. Yes.

Q. So that you are holding office for three consecutive years?—A. Yes.

Q. Would you mind telling us approximately how old you are?—A. 44.

Q. And you have lived in British Columbia all your life?—A. All my life.

Q. What is your occupation?—A. Fishing.

Q. You are a fishermen. How large a band is this one you refer to?—A. It is not very large. It is a small band.

The CHAIRMAN: Are there any other preliminary questions you would care to put to the witness?

Mr. MACNICOL: You would not want to take time to ask the chief about the hereditary system?

The CHAIRMAN: Can we go into that afterwards?

Mr. BLACKMORE: Can he tell us how long he has been a fisherman?

By the Chairman:

Q. How long have you been a fisherman?—A. Ever since I was able to fish.

By Mr. MacNicol:

Q. What kind of boat do you fish with?—A. Both types, gill net and also seine boat.

By Mr. Gibson:

Q. Mr. Scow, at what age were you first taking your full place on a boat? When did you first begin to take a man's share.—A. Rather than an assistant?

Q. Rather than just a helper. How old were you then?—A. I would say I was about 9 years old.

Q. When you got your first full man's share?—A. No, it was not a full man's share. I was just an assistant.

Q. How old would you be when you finally got a full share?—A. I would say I was 15, using gill nets.

The CHAIRMAN: If there are no further preliminary questions would you like to make your presentation now?

By Mr. Castleden:

Q. I should like to ask him this question. You were fishing when you were 9 years old?—A. I was fishing with an older brother, of course.

Q. What opportunity did you have for an education?—A. Never had very much.

Q. How long did you attend school?—A. I would say I attended what in those days they called the "industrial school" for about two years.

By Mr. Gibson:

Q. Where was that?—A. That was Alert Bay.

The CHAIRMAN: I think we are now getting beyond the point of preliminary questions.

Mr. CASTLEDEN: I think it is very valuable information.

By the Chairman:

Q. Would you care to proceed, chief?—A. We have presented our brief here. We are an organization. I do not think there is anything that I could say further to substantiate the brief which the organization has presented. It has been deliberated upon and agreed upon by the majority of our members.

The CHAIRMAN: Thank you very much, chief. Probably when we get to the period of questioning we will put some questions to you and you might well come forward then. You will probably be able to make some very valuable answers. If that is all we will ask the next witness to come forward.

Guy Williams, called.

By the Chairman:

Q. Mr. Williams, you are a resident of British Columbia?—A. I am a resident of British Columbia, sir.

Q. And I believe you are a member of the Native Brotherhood of British Columbia?—A. I am a member of that organization.

Q. And would you mind telling us your age?—A. 39 to be exact.

Q. You mean this is your birthday? Is that right?—A. Very very close.

Q. I wondered. You said "to be exact", and I wondered if this was your birthday. What is your occupation?—A. For the past three years I have been the business agent of the Native Brotherhood of British Columbia. I am a fisherman and a construction worker in the past, also a boat builder.

Q. You are now the business agent?—A. I have been the business agent until the last 1947 convention.

Q. Have you travelled extensively throughout British Columbia?—A. I have travelled quite extensively in that province brought on by the fact of the nature of the work as business agent for that organization.

Q. Would you tell us what parts of British Columbia you have travelled in among the Indian population?—A. From Kamloops down to the vicinity of Vancouver, from boundary to boundary as far as the coast is concerned, including the entire coast of Vancouver Island, east and west, the Queen Charlotte Islands, the Skeena river, and its upper reaches to the edges of the Babine agency.

Q. Have you travelled in any other parts of British Columbia into the interior?—A. I have been to Prince George but I have not actually come in contract with the problems of the Indians around Prince George other than what they have told me. I have not actually seen the conditions in their living quarters on their reserves. I have contacted them in the city of Prince George.

Q. What scholastic education did you receive?—A. Whether you could call it scholastic I do not know.

Q. Going to school. What school did you attend?—A. Altogether I think barely over four years, and a large period of that four years was under the half-day system.

Q. What school did you attend?—A. I attended Coquelitza from late 1919 to June, 1923, on the half-day system. In the last term it was probably only about 10 per cent of the time I attended school due to the fact I was ill.

Q. You are now a business agent?—A. I have been the business agent of the Native Brotherhood.

Q. Have you travelled in the northern part of the province?—A. As far north as the Nass river territory.

Q. Is that the extreme north?—A. That is only a few miles from the Alaskan boundary.

Q. In all these places where you have travelled have you consulted with the Indian population in that particular area?—A. Yes. That was part of my work, to consult them and to see for myself conditions as they actually existed.

The CHAIRMAN: Are there any other preliminary questions members of the committee would like to ask?

By Mr. Blackmore:

Q. Was that the work of the business agent? Was that what the business agent was appointed for?—A. That is one phase of the business agent's work. The other phase was negotiating and drawing up agreements for our rank and file who were engaged in the fishing industry.

By Mr. Gibson:

Q. From what village do you come?—A. Kitimat, close to Prince Rupert.

Q. Why did you attend for only four years? Were there any other educational facilities available to you?—A. Economic reasons, as far as my parents were concerned.

Q. Was there any residential school at Kitimat?—A. There was a school there at that time known as a home, and only a limited number were admitted, and they held boys only until 10 or 12. I am not sure whether it was 12. That school has been closed for a number of years now.

Q. How did you happen to get down to Coquelitza? Did you or your parents apply to the Indian agent?—A. I cannot say how I got down there. I was just sent down there by my parents. That is as much as I know.

The CHAIRMAN: I might observe that I think you have made very valuable use of the four years you did put in at school.

The WITNESS: I got my eighth grade.

By the Chairman:

Q. You got to the eighth grade in four years?—A. Yes.

Mr. RAYMOND: Might I remark that all these questions are rather personal, and I do not believe they amount to much.

The CHAIRMAN: It is merely as a foundation to find out what knowledge this witness has as to the Indian population.

Mr. BLACKMORE: It helps us to be acquainted with him, too.

The CHAIRMAN: We want to have the witness feel at ease before the committee.

Mr. MACNICOL: The witness has travelled very extensively and apparently has a keen grasp of the conditions on the reservations which he visited. I should like him to express himself as to suggestions he would like to make whereby the committee might be encouraged to improve the lot of the Indians.

The CHAIRMAN: If you will permit him I think he wants to make his presentation. We will question him later.

Mr. MACNICOL: All right.

The CHAIRMAN: If there are no further questions would you care to proceed, Mr. Williams?

The WITNESS: Following the request by your committee to the organization known as the Native Brotherhood of British Columbia that they appoint a representative for the unaffiliated groups, at their last convention, which took place only a few weeks ago, I was appointed as such delegate by that convention.

By Mr. Raymond:

Q. What convention?—A. The convention of the Native Brotherhood of British Columbia—to choose a delegate to represent the unaffiliated groups. When I refer to unaffiliated groups, I feel that unaffiliated groups are the natives or residents on the reserves along the territory of the entire coast, the upper reaches of the Skeena, the Skeena itself, the Naas, and also parts of the Fraser. They are actually people who are interested in the Native Brotherhood and are favourable to the Native Brotherhood but are not progressive to the point where they will actually support every movement of the organization, as you heard the chairman of the Indian Brotherhood legislative committee state.

I have no written submission to make, due to the fact I am a signatory to the brief of the Native Brotherhood. I will relate to you some of the things I have seen existing amongst our people, if you will permit me.

The CHAIRMAN: We would be very happy to hear you.

The WITNESS: In those three years, gentlemen, I have seen some conditions that are difficult for some people to believe—conditions that they cannot believe actually exist in this big country. I have seen poverty in its worst form amongst our people. True, there are others who are able to make a good living for themselves and their families; but on the other hand there are conditions that must be made right, and I feel that it is the duty of this committee to know those conditions as they exist to-day and to make it possible for those conditions to be righted. To right those conditions in three years I have been associated with our Brotherhood I have come to the conclusion that education is the answer. It will lead to better health; it will lead to the condition whereby these people all acquire an education; it will lead to an objective whereby they will compete on an equal footing with other nationals in this country. The present system has to be corrected. There has to be a wider system; a system that will result in a situation whereby the administration of the affairs of our people will be put on a more understanding basis. When I say a more understanding basis I mean that the country, the public, governments, will understand and know the Indians better. They will understand his problems, and by understanding his problems I believe that in a very short period of time the Indian will be accepted by the public on an equal footing.

While out on the coast of British Columbia the natives are a little more fortunately situated, I believe, as they are engaged in one of Canada's largest industries—the fishing industry—I want to point out at this moment that I do not know of a single instance where any of the 3,000 Indian fishermen have had any assistance from the Indian Affairs Branch. Yet, we are a charge of the department.

I have listened to the educational references in the brief. I want to use that word "education" over and over again to impress upon your minds that

it is important. It is the feeling of every Indian parent that the school system should be changed and be brought into line with the requirements of a particular province, and that education be taken from the denominations which, at the present time, we feel are retarding the progress of the Indians. That has been brought about largely by the factor that the grant has never been big enough. I say that now, and I admit it. Education, gentlemen, is the answer to the Indian's problem. It will lead him into professions; it will lead him into trades; it will lead to a situation where the Indian will be self-sustaining. A large number of Indians need assistance in the building of their homes. Some of you gentlemen have seen some of the good homes of Indians—I am referring to the British Columbia members—but I believe also that they have seen some of the shacks, the deplorable structures where some of our unfortunate people live. These conditions must be righted. We are an asset to this country; that has been proven from time to time. We must be accepted as an asset by the people and by the government. These conditions may be hard for some of you gentlemen to visualize, but they do exist. Only recently I was told by one of the vice-presidents of the Native Brotherhood about a man living on the west coast of Vancouver Island travelling forty-five miles in a small fishing boat to a city where there was a hospital, and the doctor who was appointed by the Indian Affairs Branch told him to come back the following Saturday. He told him that after he had travelled forty-five miles on the sea. Such conditions exist.

I was also told only a few days ago about a territory where there are facilities of every description and where one can go a good many miles in a very short time of an Indian who took sick and went to the doctor appointed by the Indian Affairs Branch the doctor said he was too busy although it would have taken him only a few minutes in his car to go and see the sick Indian.

Mr. MacNicol: What did the doctor say?

The Witness: He was too busy. I will come to that later. He went to see the doctor twice. The doctor may have been too busy, but he went a week later and, gentlemen, he was just in time for the funeral. Those are the conditions that exist among our people; yet we are the charge of your government through that particular department.

On the other hand, gentlemen, there is a brighter side to the picture, particularly on the coast and in some instances in the interior. Some of our people are quite progressive; some of them own large boats outright; some of them have fairly good farms: but they had to use a pick and a shovel to acquire those good farms, whereas other nationals in this country can go to the bank and get the money. Our people do not have that privilege—particularly in British Columbia. Assistance must be given whereby we can acquire help for building up industries and building up farms. Good farms must be made more general. The fact remains that there are some natives who are industrious yet who cannot get ahead because they cannot compete on an equal footing, and no assistance has been made available for them so to compete.

Farming has now become a mechanical operation. It requires heavy machinery to clear some of the B.C. lands. They have to have that machinery available if the Indian is going to survive, and assistance must be made available as soon as possible or conditions will be worse than they are now.

Industrialization is a factor that the Indian can make use of to-day, if he is given an opportunity. He is not given that opportunity now and the result is that large timber stands belonging to the Indians have been sold to corporations when the Indian himself, through proper assistance, would have benefited more from the little resources he has on the land that was allotted to him, namely,, the reserves. That has not been possible—particularly in the coast regions of British Columbia.

Now, I would say a word with regard to taxation. I have subscribed to our brief, but I will go further than that. I want to point out one instance. We have been given to understand that there is a ruling that there is no taxation of the Indian providing he makes his living on the reserve—providing he earns his money on the reserve or that he gets his income on the reserve. Now, an Indian goes out to sea and gets his catch in non-territorial waters; he comes in and delivers his catch to a fish processing plant situated on an Indian reserve; but he has been made to pay taxes on this particular catch, on those particular deliveries to the plant on the Indian reserve.

I do not think I will take up much more of your time. The gentleman to my right, here, (Mr. Hoey), has asked me what proportion of the catch of salmon in British Columbia the natives hold from 3,000 licences—between 3,500 and 3,700 licences. I have been very close to what the salmon industry terms their Salmon Canners Operating Committee. I have negotiated with them for three years and have been chairman of the negotiating committee not only of the Native Brotherhood but also chairman of the joint committee of the union—the fishermen's union, which is a white organization—and our organization. I shall not refer to statistics, but I have made a public statement on more than one occasion and consulted a certain chairman of a certain committee whose name I shall not divulge, and I will say that the Indian is responsible for more than 50 per cent of the entire salmon catch on the Pacific coast of Canada. We are also engaged in all lines of fisheries. That is the contribution of the Indian fisherman to that industry.

Mr. MACNICOL: Do they do any processing themselves?

The WITNESS: Not exactly, although there is a co-op cannery on the north end of the Queen Charlotte Islands where the Indians themselves process the salmon. But they actually process shellfish in the winter. There are a few outside members—what they term outside members—white people who live in that particular territory, and they belong to that co-op. While we have our natives out there who own their own boats, there is a portion of that industry where our native fishermen are beginning to play quite a major role and that is what they term the live bait industry for the halibut fishermen. They catch the herring and keep them alive in pounds or ponds. To that extent they have anywhere up to 300 or 400 tons in holdings at one time, but that only lasts a short time.

The CHAIRMAN: Would you permit an interruption at this point?

The WITNESS: I will welcome any interruptions.

The CHAIRMAN: The committee sits from 11 till 1 o'clock, and it is now exactly 1 o'clock. It is suggested that we have two meetings tomorrow. By not sitting this afternoon we will give our members a chance to digest the brief that has been presented this morning by the Rev. Mr. Kelly on behalf of the Native Brotherhood. I might also say that our attendance today is rather small because of the rather strenuous day which members had yesterday as members of the House of Commons. If it is your pleasure we will meet twice tomorrow.

Mr. MACNICOL: This meeting has been very interesting, and I hope that these witnesses, particularly the Rev. Mr. Kelly and Mr. Williams, will be heard again. They can explain so many things.

The CHAIRMAN: We will have them with us for four hours tomorrow, and members can ask any questions they like.

The committee adjourned to meet on Friday, May 2, 1947, at 11 a.m.

SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 17

FRIDAY, MAY 2, 1947

WITNESSES:

Chief William D. Scow, President, Native Brotherhood of British Columbia;

Reverend P. R. Kelly, Chairman, Legislative Committee, Native Brotherhood of British Columbia;

Mr. Guy Williams, representing unaffiliated Indians of British Columbia;

Mr. Thomas Gosnell, Port Simpson, British Columbia.

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1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

FRIDAY, 2nd May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Fallis, Macdonald (*Cardigan*), McKeen, Paterson and Taylor.—5.

The House of Commons: Messrs. Blackmore, Brown, Case, Castleden, Farquhar, Gibson (*Comox-Alberni*), MacNicol, Matthews (*Brandon*), (Vice Chairman), Raymond (*Wright*), Reid.—10.

In attendance: (Department of Mines and Resources) Messrs. W. J. Ford Pratt and C. W. Jackson; (Indian Affairs Branch) Messrs. R. A. Hoey, Director; D. M. MacKay, Commissioner, British Columbia; T. R. L. MacInnes, Secretary; B. F. Neary, M.B.E., Superintendent, Welfare and Training; P. N. L. Phelan; H. M. Jones, Supervisor, Family Allowances; G. Patrick; C. A. F. Clark, Educational Surveys Officer; J. W. McKinnon, E.S.O., N.W.T.; Dr. P. E. Moore; Indian Medical Services;

Also Rev. Dr. G. Dorey, Secretary, Board of Home Missions, The United Church of Canada; Reverend Father J. O. Plourde, O.M.I.

Mr. Reid, by leave of the Committee, on a point of privilege, made a correction to press reports with regard to a statement he was alleged to have made in committee.

The Chairman informed the Committee that owing to the death of his father, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer, would be absent. It was agreed that the Clerk should send him a message conveying the sincere sympathy of the committee in his sad bereavement.

Mr. Guy Williams, representing the unaffiliated Indians of British Columbia, was recalled and concluded his statement.

Mr. Thomas Gosnell, Port Simpson, B.C., was called and made a statement.

On motion of Mr. Reid, seconded by Mr. Gibson, it was

Resolved: That the subcommittee on agenda consider and report later on the matter of payment of the usual witness fee and expenses to Mr. Gosnell, particularly in view of his very valuable contribution to the deliberations of the Committee.

The Committee adjourned at 1.05 p.m. to meet again this day at 4.00 p.m.

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AFTERNOON SESSION

The Committee resumed at 4.00 p.m.

Presiding: The Joint Chairman, Mr. D. F. Brown, M.P.

Present:

The Senate: The Honourable Senator Fallis.

The House of Commons: Messrs. Blackmore, Brown, Case, Castleden, Farquhar, Gibson (*Comox-Alberni*), Harkness, MacNicol, Matthews (*Brandon*) (Vice-Chairman), Raymond (*Wright*), Reid.—11.

In attendance: (From Indian Affairs Branch): Messrs. Hoey, MacKay, MacInnes, Neary, Jones and Patrick.

Mr. Gosnell was recalled and questioned, as were Messrs. Scow, Kelly and Williams.

The Committee adjourned at 6.15 p.m., to meet again this evening at 9.00 p.m.

EVENING SESSION

The Committee resumed at 9.00 p.m.

Presiding: Mr. D. F. Brown, M.P., Joint Chairman.

Present:

The Senate: Nil.

The House of Commons: Messrs. Blackmore, Brown, Case, Castleden, Farquhar, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*) (Vice Chairman), Reid.—9.

In attendance: (From Indian Affairs Branch): Messrs. MacInnes, MacKay, Jones, Patrick; Dr. P. E. Moore; (From Department of Mines and Resources): Messrs. W. J. Ford Pratt and C. W. Jackson; also Mr. James Sinclair, M.P.

Statement supplementing matters contained in the brief of the Native Brotherhood of British Columbia were made by Messrs. Kelly, Scow and Williams, and there were questions thereon.

The delegates expressed themselves as satisfied with the hearing they had been given and for the opportunity of being heard by the Committee and were thanked by the Chairman for the very splendid presentation they had made and for their valuable assistance to the Committee.

Mr. Gibson, M.P. (*Comox-Alberni*), spoke a word of "appreciation for the very able manner in which this very distinguished British Columbia delegation presented the case for the B.C. coast Indians."

The Committee then adjourned at 10.15 p.m., to meet again on Monday next, May 5, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 2, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Senator Fallis and gentlemen, can we come to order?

Mr. REID: Mr. Chairman, I would like to raise a question of privilege.

The CHAIRMAN: Yes, Mr. Reid.

Mr. REID: I appreciate with respect to what we say in committee that sometimes the press are not always able to print all of it, and I believe they always try to be fair. My question of privilege is this; I received a communication yesterday from the local council in my district representing the Roman Catholic organization who state that the press report me as having said in this committee that I was absolutely opposed to religion being taught in schools. I do want to say, Mr. Chairman, that I have made no such statement as that in this committee. Any statement I do make I am prepared to back up. I think it is most unfair that a member of this committee should be accused, especially by the press, of having made a statement which he did not make, and I want my correction noted in the record; that I did not, and have not made any such statement.

The CHAIRMAN: Thank you, Mr. Reid. That will be duly noted.

Yesterday I referred briefly to the absence of our counsel and liaison officer, Mr. Lickers. Since then I have received a telegram from him advising me and this committee that his father passed on yesterday afternoon. On behalf of this committee I request that the clerk convey to Mr. Lickers our sympathy, in appropriate form, and a sincere expression of our deep sympathy and regret at this time.

Yesterday we were dealing with the presentation of Mr. Williams. We will continue with his presentation. Mr. Williams, will you come forward, please.

Mr. Guy Williams, recalled:

The CHAIRMAN: It is understood that Mr. Williams will continue his presentation until he has completed it, and then will retire so that we may hear Mr. Gosnell; and on completion of Mr. Gosnell's presentation we will have questioning of all four witnesses. Are you prepared to continue, Mr. Williams?

Mr. WILLIAMS: Yes, Mr. Chairman.

Mr. Chairman and honourable gentlemen, again I want to thank you for the privilege of making statements before your committee. Yesterday I referred to conditions which exist among the natives with whom I have come in contact in my travels as business agent and organizer. This morning I will try to be brief because I have covered most of the ground yesterday.

These conditions are brought about by the fact, in my mind, of lack of proper administration. That could have been prevented. It could have been a better picture, if the department, those in charge of the Indians had been more sympathetic and trained men. The result through lack of trained personnel is that the Indian is a displaced person. He is not free according to the accepted

interpretation of the term "freedom" as applied to a democratic country. He is segregated. He has a little piece of land to which the regulations of the Indian Act bind him. He cannot actually do as he wishes because he is a minor. This must be righted so that he will become a free man. He is still under the Indian Act which was written about a century ago. There have been only a few amendments to that Act and when those amendments were made the Indian was not consulted; yet he is considered at times when it is to the benefit of the country as a man or as a person of equal footing. He is paying taxes. He is fighting for the freedom of the country in time of war. He should benefit along the same lines as other citizens of the country benefit, because he is doing his part for this country.

There are many injustices. For instance many of the boys volunteered in this past war as in the first world war. When they came back, those who were fortunate enough to come back, they did not enjoy what other veterans enjoy. Boys whom I personally know after they have been accepted on equal footing in the fighting forces of the country and accepted on equal grounds in the other countries, when they come back to Canada are set back into that segregated group, namely, a plot of ground on their own Indian reserve; they are pushed out of beer parlours; they have learned to enjoy the privileges which other veterans enjoyed in the other countries. This should not be. He has fought on equal grounds. He has faced the same dangers. This must be righted. If there are any special grants of any description which veterans are going to enjoy in this country the Indian veteran must enjoy them in equal amount. I believe in my own mind that he is not enjoying that to-day.

You heard in the brief that was read yesterday about the death rate in some parts of Canada as a result of T.B., about its being very high. There must be preventive methods made available; not only for T.B., but for all other communicable diseases, particularly the social disease commonly referred to as V.D.; there must be preventive methods made available to the Indian population of Canada. There must be proper assistance made available so the Indian can be self-supporting within his own reserve and outside, if necessary. He is capable of performing duties or running a business or following a trade if he gets the proper training. Even those who have not had this training have made an example to be looked upon by this committee, particularly on the coast in British Columbia; and there are some in the interior who have proven themselves capable of earning their livelihood or running a business of their own.

While I realize there is a revolving fund in the Department of Indian Affairs I have heard many of our Indian people questioning the use of this revolving fund; as a matter of fact, some of them say that it is revolving so fast that they cannot get their fingers in it. It can be used only with securities. In the province of British Columbia due to the fact that we have no treaties we are unable to raise the security such as is available in the central and eastern provinces. This, I believe has been of some assistance to them, the revolving fund. I know of only one instance in British Columbia where one of our own people has made use of this revolving fund, but he had the security. Some sort of fund must be available to industrialize the natives in that part of Canada. If the Indian is going to be able to maintain and raise his health standards he must be able, the privilege must be given to him, to go to any doctor when necessary. I believe in my own mind that if this was made possible or if it had been possible in the past many of our Indians would not have gone to the happy hunting grounds. Regulations and restrictions are too many when it comes to the matter of health.

I have been questioned while I was in office for our organization by many of our members and non-members: where is this $100,000 per annum going to; how is it to be spent; how are we benefiting by it? This $100,000 fund was given to the B.C. allied tribes in 1927 in lieu of annuities. I think it will be only fair

for the government of Canada through the department to make an accounting of this $100,000 over the past twenty years. By making an accounting it would give our native people confidence in your government.

Our Indians in B.C. do not want to be harmed any more by the new Act that is forthcoming. I may say as further fact that the Indians in British Columbia have no treaties with the exception of one or two small groups. In the province of British Columbia the Indians of British Columbia have never surrendered their title.

My criticism of your committee at this moment is this: To me it seems from what I have read on the record as far as the Indian Affairs Branch is concerned, it seems that your committee is taking evidence only from the senior personnel. I would recommend to your committee that you get evidence from some Indian agents who have been in service for twenty years or more. Your committee will benefit by that and the Indians will benefit directly by your getting evidence from men who have been in service and in contact with our Indians over long periods of time. They will give you evidence that will be very, very valuable. I know one man who has been in the service for a long time. He has done much among the Indians in the province of British Columbia, and in some cases even in the Yukon territory. Many of them come to his office to get medical attention in the city of Vancouver. I believe the man is now superannuated. His name is F. C. Ball. I believe two or three of those who have administered directly to the Indians and are in contact with them will give you very, very valuable evidence.

There are many things that I could go into but I believe that it is only right that I should cover those major points, as I believe you already have evidence enough in small detailed matters.

The feeling of the Indians as a whole, in spite of the fact that there is distrust and disunity among all the Indians of Canada; in the back of their minds they are looking forward to this new Act, that it will liberate them, that it will be an advancement; that their children will actually benefit by it. The Indians were not consulted when the Indian Act was written nearly a century ago and it is my opinion that your government has taken the right step by getting together members from all parties to receive evidence whereby a new Act can be written that will be fair to the Indian. There is far too much of this discrimination. I think your committee appreciates the many difficulties that the Native Brotherhood of British Columbia has gone through in the past seventeen years to organize our people in British Columbia. I think this organization is of great value to your committee and to the government. It has made it a little easier to get evidence.

In conclusion I want to stress that I feel deep in my heart that I am representing the unaffiliated groups because I have covered the greater part of British Columbia in the past three years I know the problems of different districts and different groups. I also know that it is very difficult for your committee to try to select or appoint or have appointed a native to represent the unaffiliated groups. They live in different territories. Their environments are different. They are scattered. I want to thank you, hon. gentlemen, for the privilege of making these statements before you. I honestly hope that as a result of your work our people will be liberated. I thank you.

The CHAIRMAN: Thank you very much. At this point I might point out to the committee, following the statement by Mr. Williams that there has been no accounting given of moneys entrusted to the Indian department, that if they refer to page 510 of the 1946 minutes they will see that a complete statement of the Indian trust fund for the fiscal year 1943-44 is given. That was the last that was then available.

Mr. CASTLEDEN: Was that given to the Indians? You said it was given.

The CHAIRMAN: It appears on the minutes. I did not say where it was given.

Mr. CASTLEDEN: It was given to the committee?

The CHAIRMAN: It is now in the minutes of this committee.

Mr. BLACKMORE: Does it specifically state that the $100,000 in question . . .

The CHAIRMAN: I am merely referring you to the Indian trust fund as of 1943-44. I merely refer that to you. When the time comes for questions you will have the opportunity to cross-examine the witnesses.

Mr. HOEY: I do not think Mr. Williams had exactly that fund in mind. The parliamentary committee of 1926 after due deliberation decided that $100,000 should be set apart annually in lieu of treaty payments in the prairie provinces, but I would be surprised if there was a single Indian in British Columbia—including Mr. Williams—who does not know exactly how every cent of that is spent because it is patent to everybody: vocational instruction, medical care.

The CHAIRMAN: I do not think we should get into any discussion at this stage.

Mr. HOEY: I am anxious that it should not be mixed up with the trust fund.

The CHAIRMAN: This is only the trust fund account at page 510. I see.

The WITNESS: Mr. Chairman, at this moment I have just realized I should offer my apologies to hon. Mrs. Fallis because I did not notice her before.

Mr. CHAIRMAN: I think she will accept your apologies. Mr. Gosnell, would you come forward?

Thomas Gosnell, called.

By the Chairman:

Q. Mr. Gosnell, I believe you are a member of the Native Brotherhood of British Columbia?—A. Yes, I am.

Q. And how long have you lived in British Columbia?—I was born in British Columbia.

Q. How long ago?—A. Fifty-five years.

Q. You are a member of what band?—A. It is rated as the Tsimshian band.

Q. Where do you live?—A. At Port Simpson.

Q. Is that in the north, south or interior of British Columbia?—A. I think it is really the last Indian village before the border of Alaska.

Q. You are from the north?—A. Yes, about 20 miles north of Prince Rupert.

Q. You do not come from the same part of the country as Rev. Mr. Kelly and Chief Scow?—A. I think Mr. Scow comes from the south coast. I think Mr. Williams is from the central coast around the Kitamaat area, and I think Mr. Kelly comes from the Queen Charlotte Islands.

Q. You are from the north?—A. I am from the north.

Q. How long have you been a member of the native Brotherhood?—A. I was one of the founders of the Native Brotherhood of British Columbia.

Q. When was it founded?—A. I think it is in the year 1930.

Q. Can you tell us any feasible way, or shall I say any simple way, of obtaining representation from the unaffiliated organizations or unaffiliated Indians of British Columbia?—A. Yes.

Q. How?—A. During the period of seventeen years that we have organized the Native Brotherhood of British Columbia there are some villages that join the organization for maybe one or two years and they drop out again, and some more villages would come in. Hence in British Columbia we find what we call unaffiliated villages. Yet they were at one time actual members of the Brotherhood.

Q. Then you feel that your organization could fairly well represent the unaffiliated Indians?—A. I think so to the best of my belief.

The CHAIRMAN: Are there any other questions that the members would like to put?

Mr. FARQUHAR: I understood Mr. Williams to say he represented the unaffiliated Indians fairly well throughout the province.

Mr. MACNICOL: He is quite capable of representing any organization.

Mr. FARQUHAR: I was wondering if we could get any better representation than what he has made.

By Mr. Castleden:

Q. I should like to ask how many members you have from the Cariboo area?—A. I think the business agent can tell you that.

Rev. Mr. KELLY: The Cariboo section is represented in our organization. We have a vice-president there by the name of William Pascal who represents that area.

Mr. CASTLEDEN: And in the Kootenay area?

Rev. Mr. KELLY: No, that does not include Kootenay.

Mr. CASTLEDEN: How about the Kamloops area?

Rev. Mr. KELLY: We have no vice-president there. There are individual members from that area.

Mr. CASTLEDEN: Thank you very much.

Mr. REID: How many would you have in the New Westminster area?

The CHAIRMAN: What is that?

Mr. REID: I am asking how many members he would have in the New Westminster area.

The CHAIRMAN: He does not know that. He is not the business agent.

The WITNESS: We have a vice-president in that district, what we call a district vice-president, by the name of Oscar Peters. We take Mr. Peters as representing the Fraser Valley district.

The CHAIRMAN: Would you care to present your brief, Mr. Gosnell?

The WITNESS: I will be very brief. I think our colleague, Mr. Guy Williams, has pretty well covered everything. I was one of the founders of the Native Brotherhood of British Columbia during the year 1930. I have been a councillor at the village of port Simpson for about twenty years working under the advancement part of the Indian Act. I have been chief councillor for about half of that period.

During the depression time of 1929 and 1930 things were very bad amongst the native people. The provincial government issued relief to citizens of British Columbia, and there was nothing available for the Indians in British Columbia. Depression times hit the country and everybody suffered. By reason of that council meetings have taken place to find an avenue to help the destitute Indians in the northern part of British Columbia. According to our meetings with the Indian agents there is no avenue open. An Indian either had to be sick or there had to be some amount of actual starvation and destitution before he comes under relief, which calls for approximately $4 and some odd cents.

By Mr. Blackmore:

Q. A week or a month?—A. A month. This was not available to the Indians during the depression time. The Indian agent said, "You have to be sick." During our informal talks at the council meetings the question of helping the Indians came up. Hence the birth of the Brotherhood started. The council does not sponsor it, but through discussions and talks with the senior

members of the bands it was felt an Indian organization would be a benefit to the Indians. The problems concerning Indians cannot be dealt with by one individual village. The only way it can be dealt with is by an organization. The birth of the Brotherhood took place in about six months following.

The aims of the Brotherhood are to deal with Indian problems in a general way with the government, improve general conditions, schools, education and provide equal opportunities for work. During the seventeen year period this organization, the Native Brotherhood of British Columbia, has expanded and I would say has taken in half of the province of British Columbia. There are some villages which are interested in conventions, send delegates there, pay their charter fee, and then drop out here and there. New villages join, but the aim of the Native Brotherhood with regard to meeting some day the government of Canada for a better deal or a new deal for the Indians is still carried on. I myself spent a lot of time travelling up and down the coast, sacrificing time and in all kinds of weather.

I am glad at this moment that the government of Canada has appointed such a committee to review the general conditions of the Indians in British Columbia. We hope that the aims and what was in the minds of the people of British Columbia when this organization took place will be accomplished, namely, a new deal, or a better deal for the Indians of British Columbia. I will try to be brief.

As to the health of the Indians in good times such as periods of war all kinds of money are available and everybody is a millionaire during the war, but there are rainy days coming. There are depression times coming. Then we find most of our Indians in a semi-starved state. This results in all kinds of problems. We find that the Indian is undernourished and when exposed to disease is the victim of various diseases. He has not the resistance. He has not the strength to resist all kinds of diseases. We find an expectant mother who is undernourished and the child at birth develops all kinds of trouble. It started from the mother. As the child goes along in organized districts such as where I come from we have various organized villages and councils under section 2 of the Indian Act. The council in some places has attempted to work with a doctor and a nurse to educate the Indians how to bring up their children. It is very nice to lecture and say to the mother, "You should do this", but suppose that family is not in a position to buy that particular article that is called for for better health. What good is your lecture? They are not in a position to buy the different articles that contain certain vitamins for the better health of the child. The family understands everything but they are not in a position to buy these articles and make them available for the family. We find that the economic condition of the Indian comes under this measure.

As I have said before the Indians on the coast are well off during what we call good times such as wars with all kinds of money, but in rainy days they are in very poor shape. We have discussed this problem of economic matters, and we view the picture they have in Alaska whereby in the one instance a missionary by the name of Duncan left Canada through some disagreement with the government of Canada. He left what they call Metlakatla, B.C., through some disagreement with the government of Canada over the ration and applied to the United States government at Washington. The United States government granted this man an island. They call him Father Duncan. His Indians are what they call Tsimshian, the same as myself. Washington granted Mr. Duncan, or leased Mr. Duncan an island called Anetta Island, with fishing privileges a mile around that island. Mr. Duncan moved over there and established 600 or 700 Indians and built a cannery and built a sawmill, and when Mr. Duncan died he left it all to the Metlakatla Alaska Indians. Today as high as 200,000 cases is the product of that cannery. It is leased by a company and a royalty is

paid to the estate of 50 cents a case. After marking off depreciation and other charges, in some years as high as $65,000 is available to this band of Indians. These were originally B.C. Indians. Now they are American Indians.

We go through that country now to the village of Metlakatla, Alaska, and we find in Metlakatla a cannery, a sawmill, a Hydro Electric plant, and homes which are equal to the best you see in any city.

Mr. CASTLEDEN: Hear, hear.

The WITNESS: I have visited the place. I was invited there, and I was surprised. My hostess turned on an electric stove; you heard an electric washing machine in operation in the back; and in your room you have an electric heater. I asked, "How do you come to get all this electricity?" and I was told, "We have Hydro Electric here." I asked, "How do you get the money to do it?" and I was told, "It comes out of the estate of Mr. Duncan."

So you can see the possibilities of the Indians. The United States government looked into the problems of the Indians in Alaska with the result that today the United States government is building canneries at various centres in Alaska up to the value of $300,000.

Now, with regard to the terms that the United States government made with the Indians. Of course, the Indians agreed that they would support the cannery, and equip through capital; second, repayment of the capital expenditure of the cost of that cannery would be made out of the profits of that cannery. Wages would be paid equal to those which had been paid elsewhere, with the result, from the information we have, that some of these canneries are paid for inside of five years, and the natives in those communities are today the owners of those canneries. The profits of that cannery would be applied for the benefit of the community, that Indian village, as they are applied in Metlakatla, Alaska.

Other arrangements have been completed with the United States government. For instance, take the case of the Indians in Ketchikan, Alaska. It seems to me there is an agreement there that where there are twenty Indians grouped together a certain loan will be available to them at low interest rates, and to those Indians who really do not belong anywhere; they are living in Ketchikan, and Ketchikan is a city in Alaska. But if there are twenty Indians grouped together they can apply for a certain loan and they will get it at a low rate of interest.

For the purchase of fishing equipment, of course, this loan is repayable at a certain term of years, with the result that the Indians in Alaska today have a very high rating as productive Indians in Alaska.

If you visit the school in Metlakatla, Alaska, you will find seven or eight teachers who are native girls. If we go out and look over their health establishment you find two or three nurses there—all people who were educated in Alaska. They are certified nurses and certified teachers. This, we think, is possible in B.C. If it is possible in Alaska it is also possible in British Columbia. At one time the Indians in British Columbia were far ahead of the Indians in Alaska, yet today the Indians in Alaska are far ahead of the Indians in British Columbia, and we give credit to the United States government.

Mr. REID: And Father Duncan.

The WITNESS: And Father Duncan. We think it is possible for the Canadian government to deal with the Indians along the same pattern. The Indians in British Columbia are not beggars; they do not want to beg; they want something in the nature of a business proposition. Long term, low payment interest should be available. In British Columbia before the war one-third of the fishing licences had to be available for the Indians. During the war, for security interests, the government of Canada removed the Japanese from the coast. The cry went up from what we call the cannery operators, "Oh! The government said that

production would win the war. Now, they are removing the people who produced an important commodity like canned salmon".

Mr. REID: Please listen to this man. This evidence is what you heard in the House of Commons from me. Some of course would not believe me then.

The WITNESS: We found during the war a canned salmon industry, an essential war industry. There were some boats left by the Japanese which the Indians took over, with the result that by looking over the records four years prior to the war and the four years during the war the canned salmon production is equal if not better during the war than it was before the war.

Mr. REID: Hear, hear.

The WITNESS: And yet the Japanese were not on the scene during the war.

Now, on the north coast of British Columbia this year the canning operators have notified some of the wartime fishermen that their services will not be needed during the fishing season of 1947. We are wondering what will take place. At that time there was an attempt to bring the Japanese back to the coast, and I presume the canning operators were making room for the returning Japanese.

When I was travelling from Prince Rupert back east I met an Indian friend of mine from the cannery. I asked him where he was going and he said back to the Skeena. The canneries are taking back those Indians they fired last winter now that they find the Japanese are not coming to the coast.

Mr. MACNICOL: The Indians can do a better job than the Japs.

The WITNESS: What we need is protection in the fishing industry. The basis of issuing licences to native fishermen should be the basis of licences issued to the Indians during the war. I think it is only right that when a country used a certain nationality when the country was in danger that he should retain his part that he played as a part of the war effort when the country was in danger. I believe this committee should recommend to the Department of Fisheries that the basis of allotting licences to the Indian fishermen should be the basis during the war period.

Other things come into the picture: the native Indian woman. There has been some sort of a contract going about during the winter for arrangement for labour. This winter very few Indian women are available at the canneries. We just do not know what will take place, but I think in fairness to the government of Canada and to the Indian problem generally that there should be some kind of protection in regard to employment as it affects the Indian problem. The Indians are qualified men and women. They are able to run an industry.

Now, there is a certain situation that all men in charge of a boat up to a certain tonnoge, say, five tons, must have some kind of a ticket—it may be a master's ticket; we call it a ticket up there—whereby this particular person in charge of the wheel must produce a certain number of years that he has had under another captain and he must answer certain questions asked by the examiner. When this situation resulted we found out that most of our young men and older men would be out of a job. The regulations call for a certain certificate to be made available for the man who is in charge of a boat of over five tons. Examinations were held and today most, if not all, of our Indian young men are holding what they call tickets, certificates to run a boat of over five tons.

As I say, the educational part of the Indian department's work should be more advanced. Why not, as the Brotherhood is doing, assist Indians to qualify through lectures and organizations, to answer certain questions, and to hold tickets to run fishing boats? I think this is the duty of the Indian department. This is an educational matter. In British Columbia we see industries, canneries, sawmills, logging operations—yet the Indians are only employed in those industries, whereas in Alaska they are the owners of that same kind of industry.

The Indians on the coast of British Columbia are exposed to strikes. When a strike is called which ties up any part of the operation while the fishing season

is on there is a possibility that it will leave them with the loss of their full season's work. One thing they have there is a big cooperative. During a strike they bring in ground fish—that is a system of trawling—and when a strike is on they can not sell their fish to a private company but the cooperative plant can receive the fish because of the fact that they are a cooperative. So long as they are not blocked by strike action on the part of the fishermen's union on the coast they can continue to operate that cooperative plant. If the Indians owned a plant on a cooperative basis they would be enabled to continue in the case of a major strike taking place in British Columbia; otherwise it means that the whole season's work will be lost through no fishing with the result that the Indians will be left in very bad shape because of being deprived of an essential part of their livelihood.

I think the present unsettled state of mind of the people throughout the country is only aggravated by the calling of strikes here and there. I think it inevitable that sooner or later the Indian will be the victim of a strike and it will be simply disastrous for them if there is a major strike so that the cooperative which functions there at present is forced to close down.

Then let us look at the general picture. We find that 85 per cent of the fishing equipment held by the Indians belongs to the canning companies. It is the general practice of the companies never to let the Indians out of debt. In the good years when the Indian could pay off the whole or part of his contract with the cannery for equipment the cannery says, never mind that, just give us so much. The attitude of the average Indian is; I can get off easy with this, I owe them $500 and they only want me to pay them $150 or $200. That is very nice. What is behind that is keeping the Indian in debt for a certain number of years, he practically can't pay off.

Another point is this: in the southern portion of British Columbia sockeye brings 15 cents a pound. That was the price paid for sockeye on the Fraser river last year. On the northern coast of British Columbia the price was 14 cents, and equal proportions for species of fish. During the canning period of 1945 the pack was approximately 300,000 or 400,000 cases of sockeye salmon and the difference between the price of raw materials on the Fraser and in the northern part of British Columbia was about 70 cents a case. As I say, with the pack being between 300,000 and 400,000 cases that meant a loss to the Indians of practically a quarter of a million dollars, and I have represented the Indians in negotiations with the canned salmon operators and I have on many occasions questioned the justification for such a large differential. The reply I got was that in most cases they are required and are able to put up security in the form of boats against nets supplied. Of course, that is their argument; that when a man wants a new net they have to look up his registration and see that he is the owner of the boat, and where they find he is good for it, he gets it. In the north here when an Indian comes along and takes a boat he is charged with the price of the boat, and that charge works out at about one cent per pound against his earnings which is not the case. That is only one means of holding the Indian down under a mortgage on his equipment and operations. The Indian takes the equipment and he really doesn't care; he gets the use of a good boat for the payment of $100 or $200. That goes on for five or six years and then the operator comes along and says, here, you are a good fisherman, here is a better boat for you. It is interesting to observe that this usually happens when the Indian has just about paid off his boat. All they want to do is to get the Indian tied up again for another ten years of debt. Excessive charges are made. For instance I questioned the billing by the company to a fisherman where they charged the fisherman $1,800 for a boat, and I asked them why they charged that much. I said, how does it come that you charge the Indian $1,800 for that boat, it didn't cost that. The reply was, here are the figures, you can check them for yourself. I did that and I found out that the Indians who had built those boats

had been paid 60 cents and 75 cents an hour and the canner had charged the labour cost against that boat at $1.25 an hour. In addition to that he had included supervising charges, every boat built is assessed a supervising charge; and so on all along the line. The result was that boats actually costing about $1,000 were charged to the Indians at $1,800. That is about as far as I can go in explaining it; and that is without the motor.

Mr. MacNicol: What does the motor cost?

The Witness: Various prices running all the way from $700 or $800 up to $1,200. In the part of the country about which I am speaking the fishing season lasts for about six months out of the year. There is a period of about six months during the winter season when there is no fishing. And now, these canneries would hire the Indians to build boats—if the canneries can hire Indians to build boats and after they are built sell them to the Indians why could not the Indians build their own boats on the reserve in a cooperative way? Here is what we want. We want a sawmill in the larger villages; we want boat-building shops financed by the government. These sawmills would also answer the housing problem on the reserve. With conditions the way they are to-day before you can even put in a foundation it is going to cost you about $1,000. Why could not the Indians run their own sawmill and turn out their own lumber and build their own houses and build their own boats. Give them the equipment and what the village can't use can be sold in the market, giving employment to the Indians in the villages during the winter time. They could still continue their fishing in season, and you can market all the lumber you can produce in British Columbia to-day. Why can't they turn out one or two hundred thousand feet of lumber on the reserve in addition to what they need for their own use, and in that way procure a little additional revenue for the benefit of the reserve. It would be a valuable contribution to improving the opportunities for obtaining a livelihood to these Indians.

And now, schools: I will leave the economic question alone for a while. During my term as chief of the council of our village I made it my business to see what was wrong with the Indian schools. I am not a highly educated man. I quit school when I was twelve years old. My father happened to build a cannery on the Skeena river. It is called the Alexander Cannery. He organized the Indians and built a cannery and ran it for seven years. He lost it on a mortgage. It is a registered company, registered under the Companies Act in Victoria. There must be records there. During that period my father was in financial distress and we had to stay at the cannery instead of paying a watchman to watch the cannery for the winter. The family had to locate at the cannery and save the money we would have had to pay a man to watch the cannery with the result that I lost the best time of my life in education. So you see I speak broken English, but I do the best I can.

As to education I have made it my business during my term as councillor and chief councillor to see what is wrong with Indian education. I have visited day schools and a small residential school there. My general experience is we have not got fully qualified teachers. During my term we have had good teachers. We have had really good teachers, and we have had really bad ones. It has gone down so bad that on one of my visits during school hours when I came into that room I saw the teacher at the desk taking a comb and combing the hair of a little pet terrier with the children flying around in the room throwing books at each other. I asked the teacher, "Is this recess time?" "No." "What is this? Is this a school or what?" "No, this is school hours." "But what has the dog got to do with it?" Well, I got down to red hot terms with the teacher. I threatened to fire her. She said, "You cannot do that. I am working for the Indian department." I said, "I will recommend you be fired." At the end of the term the Indian agent got rid of this lady. One or

two years later I went on my roamings up and down the coast and I found the same teacher in the Skidegat school, the very same teacher that was fired.

Mr. MacNicol: Still combing the dog?

The Witness: I did not see the dog this time. To me it seems that the department cannot get good teachers. In Port Simpson we have a provincial government school right across the road. You can talk across to the other school. They are developing pupils there up to the eighth and ninth grades and they go into higher education. Yet in our Indian school within a stone's throw there is the same old routine. You get to the fourth grade and you are too old to go on to higher education. There are some who blame poor attendance as the cause. The department says, "They do not attend school. What can we do?" But there are pupils who attend every day. What have you done to give them a higher education? Nothing. The regularly attending pupil is in the same lower grade as the non-attending pupil, so we cannot blame the attendance for it. We blame the Indian department school system. There is something wrong, and I think the fault lies with the teachers.

I would suggest that there should be a director of Indian education in British Columbia who would be the responsible person in all educational matters. We go to the Indian agent about things. Every Indian agent has his different opinions. One Indian agent may go today and another one come tomorrow and he has a different opinion of the whole thing. There should be a director of Indian education for the province of British Columbia who will be responsible for all school matters. To my mind there should be inspectors. If the Indian department would co-operate with the provincial government school inspectors it would be a very nice thing, owing to the large territory in British Columbia. The department should pay their share of the cost of the inspectors. They could get together with the department of education of the provincial government and arrive at some terms. If not, they should have their own inspectors. During the term of my position as chief councillor in the village of Port Simpson I have seen an inspector arrive there once in the ten year period, what they call a school inspector. Once is all I saw him.

By Mr. Blackmore:

Q. Ottawa or provincial?—A. Supposed to be an Indian department inspector.

By Mr. Castleden:

Q. A provincial inspector?—A. No, this is the Indian department school inspector. I do not know what became of the man but rumour says he is dead or superannuated. I saw him once. His name is Captain Barry. I saw him only once. Whatever faults there may be in the school system of the Indian department there is nobody to suggest them to. There is no inspector there with the result that the teachers can do this and that as they wish.

In the provincial government school across the road we find the inspector there three or four times a year inspecting the teachers and the pupils of that school with the result that a teacher has to keep up to standard or lose her job. The teachers in the Indian schools can do what they want. They write a long report on the Indians saying that they never attend, but in my opinion it is pure negligence on the part of the teachers. There are very poor and in some cases non-existent living quarters for the teachers.

By Mr. MacNicol:

Q. Would you repeat that?—A. In the villages there are very poor, and in some cases non-existent living quarters for the Indian day school teachers with the result that when we get a good teacher she only stays there for a period of say six months, and as soon as another opening, a better opening comes, she goes.

The good teachers qualify for the higher schools either provincial or municipal and they stay there. They get a job and hold it with the result that the poor teachers are always around the Indian schools and the good teachers all go. In my village of Port Simpson we built a very nice school there. I think it cost the government in the neighbourhood of $15,000.

Q. An Indian school?—A. An Indian department school.

By Mr. Blackmore:

Q. Residential or day?—A. Day school. In this school there is not running water. There is not running water in the school, not even a sink. The teachers undertook at one time when conditions were very bad that they would buy a sink and I volunteered to put it in for nothing. What a modern school! Yet it cost the department in the neighbourhood of $15,000. There is no toilet, no bath, no sink, no basin. There is one large room about 40 x 60 in the attic for sleeping quarters for the teacher. Very few modern school teachers will live in those quarters. They could modernize the building. They could put in a bath, a toilet, sinks, hot water, and they would be able to get a good teacher there because the accommodation would be fine.

Again we see that the problem is that the department say they are always broke. They have not got the money. The government of Canada never votes enough money to carry on. Maybe they are right, but my general experience in the building game is that for $15,000, the cost of that day school, they could have built a modern school. I built a residential school, the Crosby Girls Home, for the Women's Missionary Society of the United Church. I took a contract to build it. I think my contract ran somewhere around $16,000.

Mr. MacNicol: How much?

The Witness: $16,000. This included all the bathroom equipment. The building was large enough to accommodate 30 pupils. Of course, this is the cost of building a little two room school building on the reserve. The cost is just the same. The building has nothing in it. There must be a leak in the fund somewhere.

Mr. Gibson: I think the relative dates of those two things should be put in the record, the relative dates of the construction of the day school and the residential school.

By the Chairman:

Q. Could you give the dates? When did you build the residential school?—A. I think it was 1924.

By Mr. Castleden:

Q. The one on the reserve was built when?—A. I think the other one was built somewhere around 1935. It was 1938. Of course, the price of material and the cost of labour would be about the same at that time.

Our colleagues, Mr. Kelly, Mr. Williams and Mr. Scow, I think, have covered all the other points. Part 2 of the Indian Act deals with Indian advancement. This comes under the Council of what we call a self-governing village. There is a clause in this part which I want to change. This clause says the male members of the reserve can be nominated and elected as councillors. I think we can improve that by saying the male and female members of the reserve.

Hon. Mrs. Fallis: Hear, hear.

The Witness: The Indian women who come from the school can take part in the council and become voters. If the council has gone off the path, a woman could tell them to walk the line and, in addition, the attractiveness of a woman in a council room should carry some weight. It will be democratic to give the Indian women the right to vote and become councillors.

There is a section in this part, No. 185, under the heading of "Powers of council," subsection (*f*), which provides for the construction and repair of school houses and council houses as well as other buildings for the use of Indians on the reserve, and the attendance at school of children between the ages of 6 and 15. This section is all right with the exception of the construction of the school house. In the past, the Indian Department has been building the school houses and not making it a provision that the council has to build school houses. Supposing a school house has an estimated value of $25,000. Where would the council get the money to build a school house. This clause should make provision only for repairs or something of that nature.

Another subsection provides for the construction, maintenance and improvement of water and sewage systems. Well the maintenance and improvement of the water system is all right, but the construction provision is asking the council to assume a very large responsibility. The cost of such a system runs into several thousands of dollars. Why include it as part of the duties of a council? It would be all right to say the repairs and upkeep should be part of the council's duty.

Another problem which we have in the north on these reserves, especially the reserve from which I come which covers two or three miles of road—it is a townsite which has been laid out and roads had to be built. The cars belonging to other people such as the Hudson Bay Company come on the reserve at certain times of the year and do a lot of damage to the roads. This occurs during periods of thaw after the cold weather. We try to control all the motor cars, not permitting them to run on the reserve roads until after the thaw period. In some cases, it is quite satisfactory, but in some cases the man in charge of the car says, "I have a British Columbia licence and I can go any place in British Columbia". If his licence permits him to go anywhere in British Columbia, why ask the village to be responsible for the upkeep of the road without any assistance from the provincial government? I think there is something wrong there. There should be some sort of understanding with regard to motor cars running on the reserve. In some cases the motors are cooperative and in some cases they are not cooperative.

Taxation of the Indians: the only system of taxation of Indians on the reserve is what is called a property tax. In trying to apply this tax on the reserve, we find only one-third of the Indians are property owners. The younger boys are not interested in owning property, with the result the tax burden will be on those who own property. We would suggest an amendment to that Act whereby we would have the right to levy what might be called a poll tax such as the one levied in British Columbia. This would provide that everyone between the ages of say, 18 and 65, would be taxable. This would be quite an improvement. In attempting to apply this tax, we found one-third of the people are not subject to the tax, they do not own property. Still more people do not want to own property in order to escape the tax. I guess the Indians are the same as the whites, they want to escape taxes. We suggest an amendment be made to that section of the Indian Act.

We find the committee is looking into the question of the health of the Indians on the reserve. We find some places in which there is no fresh running water. Wells are dug in between houses and perhaps a dry toilet will be found within twenty feet of the well. Occasionally, when there is an excess of rainfall the surface water seeps into these wells. This condition should be thoroughly investigated. It exists today in British Columbia. There is no water system in some of the villages. In my home town, we have a water system, but in other villages the system is very poor. People wonder why the Indian is always a sick man in British Columbia. The Indians drink this water, that is the reason. In the larger villages, such as the village from which I come, dry toilets are dug in the ground. In flood conditions at certain periods of the year, these become a

general menace to the community. Why does not the government undertake to construct a trunk sewage system for certain sections? This would remove the menace. The council tries to enforce sanitary conditions by taking some sewage material down to the beach. We do not like to discourage the head of the family from leaving his family behind when he goes out trapping or fishing. If we enforce sanitary regulations on the reserve, usually the head of a family says his wife cannot do this work while he is away so he takes her along. The result is the family will be camping somewhere and the children will be deprived of an education.

I think that is about all I can say, gentlemen. I am glad at this time to have the opportunity of appearing before the committee. We hope your amendments to the Indian Act will be of general benefit to all the Indians, not only in organized districts, but other districts where what you call self-governing villages do not apply. We hope that out of your deliberations will come a fair Act to replace this very old Act. I thank you, gentlemen.

The CHAIRMAN: Thank you very much, Mr. Gosnell.

Before proceeding with the questions, I am going to ask that the members of this committee retain the same seats this afternoon. This is a split session of the committee, and in order to give everyone the right to ask questions, I am going to ask the members to retain the same seats this afternoon.

Mr. REID: May I raise one question now, Mr. Chairman? We have all listened with great attention to Mr. Gosnell's evidence. He is an extra delegate from British Columbia and, according to the ruling or the motion which was passed, the committee could not, technically, pay Mr. Gosnell's expenses. I am going to move that we accept him and pay his expenses.

Mr. GIBSON: I second that motion.

The CHAIRMAN: The motion is in order, but I think we should also consider the precedent we are setting.

Mr. CASE: Mr. Chairman, I think the motion should be referred to the "steering" committee for consideration because if you are going to start that, you will have difficulty later. I have no objection in this case, but I do think the procedure should be to refer it to the subcommittee for consideration and report.

The CHAIRMAN: I think we all agree that Mr. Gosnell's expenses should be paid, but as has been pointed out—

Mr. MACNICOL: Absolutely.

The CHAIRMAN: Then, you must pay extra delegates who come from any other organization from any other province.

Mr. MACNICOL: His submission was so good. I think we should pay his way. I have listened to submissions not half as good from authorized delegates.

Mr. MATTHEWS: I would support Mr. Case's amendment. I think it is a fair amendment. I may say I am in favour of paying him, but I do not think it should be decided at this meeting.

The CHAIRMAN: You must consider now the precedent you are setting by this action. You, of course, remember that last week we had several people come down from Alberta who came at their own expense. These people were not allowed any per diem and they were not allowed any travelling expenses. It has been brought to my attention that some of the extra representatives were not heard, but I do not agree with that, because those from Alberta were heard. Now, you have also to think of the others that will be coming along, and they will want to bring extra delegates. I have before me a telegram from British Columbia asking that another delegate be heard. It is your pleasure, however, but if they bring extra delegates from Ontario, and the other places, you see what that will result in.

Mr. MACNICOL: That presents another picture. Perhaps I was too hasty with what I said. I was carried away by the submission that Mr. Gosnell made and I will withdraw those remarks.

The CHAIRMAN: We must consider that we have Saskatchewan coming and they have been permitted only three delegates but they are bringing a fourth. We also have Manitoba coming, and Ontario and later Quebec.

Mr. CASE: Mr. Chairman, my experience has been that the moment you depart from a rule you get into difficulty. This is a splendid brief but I think we must abide by the rules that the committee has set up. If you set a precedent then everyone is entitled to the same treatment. We must stand by one or the other.

Mr. REID: Could I add to my motion the words "that the matter be referred to the subcommittee"?

The CHAIRMAN: We cannot refer it to the subcommittee, because these gentlemen are going back to-day.

Mr. CASE: In the meantime they pay their own expenses and if there is anything comes of it the money will be sent to them.

Mr. MATTHEWS: I do not think the subcommittee should decide until the meetings are over.

The CHAIRMAN: I think the delegates will realize the position we are in. We have made known to them exactly how many delegates will be permitted to come and they have requested that they be allowed to bring others. We said it was quite all right to bring other delegates but only the expenses of three could be paid.

Hon. Mrs. FALLIS: Could it not be left as the committee decided in the first place, and then when the whole matter is reviewed, if it is decided that the expenses of the extra delegates could be paid the money can then be refunded. It would be placing every delegate on the same basis exactly.

Mr. GIBSON: I just felt that since British Columbia has the second largest Indian population that the delegates' request was reasonable.

The CHAIRMAN: What would you say as to the North American Brotherhood? They have made a request to have another delegate from British Columbia come along.

Mr. CASE: You will never get through with all of them.

Mr. CASTLEDEN: Let us have the question on the motion?

The CHAIRMAN: I was first going to ask Mr. Kelly if he had anything else to say.

Mr. KELLY: Well, we will bow to the committee's decision but the only thing we had in mind is that you asked six delegates to come from Ontario and while we are the only organized body in British Columbia, including the unaffiliated Indians, we represent 26,000 people. I think it is only fair to point out that we are only allowed three delegates as compared with Ontario's six. That is all I wish to say.

The CHAIRMAN: But you do agree, Mr. Kelly, that the committee did make make it clear to you how many delegates would be paid.

Mr. KELLY: That is right.

The CHAIRMAN: And you do agree that there is no organization such as yours in Ontario, is that right?

Mr. KELLY: I see that.

Mr. MACNICOL: I suppose we could allow something for the fact that the unaffiliated Indians in British Columbia had not been asked to send a representative and that Mr. Williams did come and he was an excellent representative

and he made about the best deposition I have heard before the committee. Perhaps it was not the best deposition but certainly it was one of the best.

The CHAIRMAN: Now, we have, in the meantime, a motion that has been referred to the subcommittee for consideration at a later date.

Mr. CASE: It might quite properly be argued that he is a member or could be one of the official delegates.

The CHAIRMAN: If it is agreeable we have a mover and a seconder that we should leave it to the subcommittee.

Agreed.

Mr. REID: Are we meeting this afternoon?

The CHAIRMAN: Yes, at four o'clock. Now if the witnesses will move up to the table we can proceed with the questions.

Mr. BLACKMORE: Which way are you starting?

The CHAIRMAN: Clockwise, going around from Mr. Case. Now, is it your pleasure, gentlemen, that all the witnesses answer questions at the same time? What I mean to say is will the person who is putting the questions deal with any one of the four delegates or all of them?

Mr. CASTLEDEN: I think we had better deal with all of them or you will have to go around the table four times.

Mr. MACNICOL: I would suggest that it would be acceptable if anyone of the four answered the questions which were asked.

The CHAIRMAN: Mr. Case would you like to ask some questions?

Mr. CASE: I would like to ask some questions of the last witness and one question of Mr. Kelly.

The CHAIRMAN: Mr. Gosnell was the last witness.

Mr. CASE: I would like to ask you, Mr. Gosnell, a few questions. Is there anything to prevent the Indians from acquiring a plant or industry on their own at the present time?

Mr. GOSNELL: I do not think so.

Mr. CASE: You made that point in your brief, that you should be privileged to do that. You say there is nothing to prevent you from doing that.

Mr. GOSNELL: The only thing, it seems to me, to encourage industries on the reserve, we should be helped financially by the government. There is the question about the Kitsilano reserve as to who has authority over the reserve. The Indians, the dominion government, and the provincial government, are all playing around with the question as to who owns the title to that reserve. In my opinion until this question is clarified it will be very hard to ask industries to come in or to have industry encouraged on the reserve. As far as industries being built by the Indians is concerned, I think that could be done.

Mr. CASE: You think it could be done. My point is there are no restrictions there. Do you know how the Indians in Alaska acquired their plants?

Mr. GOSNELL: I beg pardon, Mr. Case?

Mr. CASE: How did the Alaska Indians acquire their plants? You say they did acquire the plants?

Mr. GOSNELL: Yes.

Mr. CASE: Did they have government assistance?

Mr. GOSNELL: Oh, yes, they had a government manager and I think an accountant and a cannery superintendent.

Mr. CASE: But the plant belongs to the Indians.

Mr. GOSNELL: It belongs to the Indians.

Mr. CASE: Not to individual Indians or to a tribe?

Mr. GOSNELL: No, it belongs to the village. They do not use the title tribe. They rate it as a village and the Alaska government helps to finance the canneries and we are hoping for a similar system in Canada namely, that the Indians in a village own the industry, but the government finances the capital for the buildings and that capital is repayable out of the proceeds of the cannery.

Mr. CASE: Well, do the Indians benefit by all the profits?

Mr. GOSNELL: No, not during the term of payment. All they benefit by during that time is that they are at home. They work at the cannery and stay at home.

Mr. CASE: Then your thought really is you should have some assistance to acquire or to develop a plant and then you would be quite willing to pay for it out of the profits, so that eventually it would belong to the Indians.

Mr. GOSNELL: When it is paid for it will belong to the Indians who undertook it.

Mr. CASE: Now are there fishing waters on or adjacent to the reserve that would lend themselves to this type of development?

Mr. GOSNELL: Yes, on the coast reserve.

Mr. CASE: Is there any development there at the present time?

Mr. GOSNELL: Yes, but not right on the reserve.

Mr. CASE: But it could be developed right there in a suitable place?

Mr. GOSNELL: Yes.

Mr. CASE: Now, have you a cooperative organization now?

Mr. GOSNELL: No, there is one at Massett, a cooperative cannery there, and they really specialize in shell fishing.

The CHAIRMAN: What was the name of that place?

Mr. GOSNELL: M-A-S-S-E-T-T. I think one of the Indians is the president at Massett. There is a mixture of whites and Indians there. There is a white settlement that has need of employment and I think they are working with the Indians. It is a leased cannery.

Mr. CASE: Are they doing business as an enterprise?

Mr. GOSNELL: Yes.

Mr. CASE: What is their particular enterprise?

Mr. GOSNELL: Canning clams and shellfish. In fact, when we were at the convention at Massett two weeks ago the cannery was operating.

Mr. CASE: Is there anything to prevent the Indians operating their own boats now?

Mr. GOSNELL: No, only the matter of finance.

Mr. CASE: So pretty well the same answers apply there.

Mr. GOSNELL: Yes.

Mr. CASE: Would you like assistance to finance that business in the same way, on the same basis, that is to have government provide the capital for you to establish the industry?

Mr. GOSNELL: Yes.

Mr. CASE: Now I think I have that fairly clear in my mind. You have given a fairly clear explanation and I would like to ask Mr. Kelly a question. In his brief he says, "the schools should be undenominational". And then, I read on, that, "if the dominion government assumed the cost then the churches would have additional money to advance their ministry in additional social services and practical benefits for the Indians". Do you mean you want to take the educational system entirely away from the churches or are you going to leave them partly responsible?

Mr. KELLY: Our idea was that education should be strictly undenominational, no church control at all.

Mr. CASE: In the schools?

Mr. KELLY: Yes.

Mr. CASE: That is clear in your brief. The churches should be relieved of the schools and allowed to devote their time and social services to their other welfare work.

Mr. KELLY: Yes, to ordinary missionary work which comes under their auspices.

Mr. CASE: That is the teachers would be appointed by the Indian department without any approval from the church.

Mr. KELLY: That is right.

Mr. CASE: I think, Mr. Chairman, those are all the questions I have.

The CHAIRMAN: It is one minute to one. Would you like to go on now Mr. Blackmore or would you call it off for now?

Mr. BLACKMORE: I will not be able to come to-morrow.

The CHAIRMAN: Well then perhaps you could go ahead now.

Mr. BLACKMORE: Well, I could not cover my questions in any event.

The CHAIRMAN: Will you be able to be here at any time to-morrow?

Mr. BLACKMORE: It just depends on what happens in the House but I will try to be here at four o'clock.

The CHAIRMAN: Well then we will adjourn it until four o'clock.

The meeting adjourned at 1.00 p.m. to meet again this afternoon at 4.00 o'clock p.m.

AFTERNOON SESSION

The committee resumed at 4 p.m.

The CHAIRMAN: Senator Fallis and gentlemen; if you will come to order, please.

This morning I made the request that members of the committee retain the seats they were occupying at the morning session. I do not know whether the members are all here or not. If not, I would ask you to assume that because of the fact that during the question period I would like to take everybody in his proper turn.

Mr. CASE: Mr. Chairman, I was just wondering if I might ask just one more question of Mr. Kelly before I turned over to Mr. Blackmore?

The CHAIRMAN: If Mr. Blackmore has no objection.

Rev. P. R. Kelly, recalled:

By Mr. Case:

Q. I am going to ask if you would care to make any comment on Mr. Gosnell's reference to the Indians operating their own industries; if it can be gone about in a direct way why has it not been instituted, because there is nothing to prevent them from doing so at the present time?—A. Well, I suppose there are a number of factors to it. First of all, lack of funds. The bands have never been able to raise sufficient capital to start an industry of that kind. And, secondly, I think it is lack of training in management. That relates par-

ticularly to the type of industries to which you have referred. It is not so with respect to industries where the amount of capital involved is comparatively limited. There were certain industries established by the late Rev. William Duncan in he early days, and they were firmly established before he passed on. In those cases I think the management has been left in the hands of competent men. And I think I can frankly say that one of the great difficulties in organizational work of that kind is lack of proper bookkeeping. That has been a source of failures in the past. I can recall different industries; there was a co-operative industry in connection with dogfish livers started in Kitimaat a number of years ago where they were successful for a time and then through lack of markets they got a surplus stored up. That also fell away and I think it was because of lack of proper bookkeeping. Those were contributing factors. However, I think we have gone just a little beyond that and once again there is a feeling that something like that should be done. They have experience in fishing, especially for the big co-operative companies; and on the west coast of Vancouver Island in connection with fishing they are carrying on some sort of co-operative scheme of their own and making a good success of it. I think it is on the upturn now.

Mr. CASE: Thank you.

The CHAIRMAN: Mr. Blackmore.

Mr. BLACKMORE: Mr. Chairman, I wonder if it would not be appropriate if we divided the time amongst us. I have enough questions to occupy half an hour, more than I conceive to be my fair share having regard to the wishes of other members.

The CHAIRMAN: I think that is a very generous statement on your part, Mr. Blackmore.

Mr. BLACKMORE: Would you give us 12 minutes, 15 minutes; what about 15 minutes?

The CHAIRMAN: Just a minute, we will see what we have here. I will have to give you about 10 minutes each as it is now twelve minutes after four.

Mr. CASTLEDEN: Mr. Chairman, if I might make a suggestion, there may be important questions Mr. Blackmore may want to ask and if it is necessary at the end of the session, if by six o'clock we haven't reached them all, you might arrange for further questions later on to-night, if necessary.

Mr. BLACKMORE: When we all have been around once then I might come in again.

The CHAIRMAN: I think that is a wise suggestion, 10 minutes each, and maybe some of the other questions will cover some of the ground in which you are interested; and then at the end if you find there is something more about which you want to ask that can be taken up in due course.

Hon. Mrs. FALLIS: Mr. Chairman, I was going to say that I will take only two or three minutes. I have another appointment and Mr. Blackmore has been good enough to say that he will give me his turn, and I might suggest that what might be left of my time might be made available to him; would that be fair?

The CHAIRMAN: Yes, if it is agreeable to the committee. Mrs. Fallis will go ahead and she will be followed by Mr. Blackmore until 28 minutes to five. I have a gong here.

By Hon. Mrs. Fallis:

Q. I have just two questions which I had wished to direct to Mr. Gosnell—

The CHAIRMAN: Could any of the others answer? Where is Mr. Gosnell, Mr. Kelly?

Hon. Mr. FALLIS: Perhaps Mr. Kelly or one of the chiefs could answer my questions just as well. Possibly Mr. Kelly could answer the questions. My first question has to do with education and it is in connection with the teachers in the day schools on the reservations. He mentioned the fact that in one or two cases teachers were as not as well qualified in the Indian schools as they were in the provincial schools. He mentioned one particular case of a school which is across the road under provincial auspices where the teacher was much better qualified. I might as well ask him whether he was indicating a general condition; if he felt that on the whole the teachers in the Indian schools are not as well qualified as those in the provincial schools, or rather that it related to just one or two isolated places.

The WITNESS: I think it is quite general.

By Hon. Mrs. Fallis:

Q. You think it is quite general?—A. Yes.

Q. If it is the general condition what would you say was the main cause: is it inability to obtain teachers, or poor salaries? What is the cause of not being able to have as good teachers in Indian reserves?—A. I can answer that, some of it. I do not know whether I can give you a complete answer. For one thing, with the poor salaries that are paid—

Q. That would be a responsibility of the Department, of Indian Affairs?—A. Yes; and another thing, in British Columbia up until recently the time spent in teaching in an Indian school did not count toward getting a permanent certificate for a teacher and therefore the teachers that were starting out did not want to go to Indian schools because it did not count for them. That was another reason. Then I think that a third reason would be that many places are isolated; places like Kitimaat, for instance, and northern British Columbia where there is no mail boat service whatsoever, the nearest mail boat is 65 miles away and you had to reach that place by small boat.

Q. I appreciate that angle, that living conditions and isolation do not make it very attractive; but when he speaks of one school being just across the road from another and one not being able to get a good teacher; I was thinking that there you have conditions which would be almost parallel.—A. Yes. That is at Port Simpson. That of course is not an isolated place in the way that some villages are; but I think generally speaking those conditions are general.

Mr. BLACKMORE: Would it be due to lack of inspection?

By Hon. Mrs. Fallis:

Q. The second question I wished to ask was this, his remark that in a democracy women should be represented on the Indian council. I was just wondering why that was put before the committee. I understood that would be an affair for the members of the council themselves. Am I wrong?—A. I think it is written into the Indian Act that only male members can vote for elections to council or in any other election.

Q. I wanted information on that because I did not know whether it was in the Act, or whether you already had the power for women to vote.—A. No.

Hon. Mrs. FALLIS: Thank you.

The CHAIRMAN: There is just one thing, if I may here point it out; I have here a memorandum from the superintendent of welfare and training with reference to the inspection and qualifications of teachers at Port Simpson Indian day schools. It reads as follows:

OTTAWA, May 2, 1947.

Memorandum:

MR. HOEY

With reference to the inspection and qualification of teachers at the Port Simpson Indian day school, I submit herewith the information requested:

	Name of Teacher	Type of Certificate	Years of Experience	Inspected by
Oct. 1937	Miss K. How, B.A.	1st Class	2 years	G. H. Barry
	Miss L. Swartz	1st Class	1 year	G. H. Barry
May 1939	Miss K. How, B.A.	1st Class	3 years	G. H. Barry
	Miss L. Swartz	1st Class	2 years	G. H. Barry
May 1940	Miss K. How, B.A.	1st Class	4 years	G. H. Barry
	Miss L. Swartz	1st Class	3 years	G. H. Barry (I.A.B.)
Feb. 1943	Miss Curry	2nd Class	16 years	Thorsteisson
	Miss Hill	2nd Class	15 years	Thorsteisson
June 1944	Miss Curry	2nd Class	17 years	Thorsteisson
	Mrs. Elliott	1st Class	5 years	Thorsteisson
June 1945	Miss M. Keyser	1st Class	6 years	Thorsteisson
	Miss Curry	2nd Class	18 years	Thorsteisson (Prov. Dept. Education)
Feb. 1947	Mrs. C. Culver	2nd Class	10 years	R. F. Davey
	Mrs. Castleman	2nd Class	4 years	R. F. Davey

BERNARD F. NEARY,
Supt. of Welfare and Training.

Thank you, Mrs. Fallis.

Mr. BLACKMORE: First I would like to ask a few questions on the main brief. Section 2, paragraph 3, line 5; the Indian agent—can threaten the Indians with enfranchisement. I wonder if the witness would give us some cases of that kind.

The CHAIRMAN: Is that on page 2, Mr. Blackmore?

Mr. BLACKMORE: On page 2, paragraph 3, line 5.

The CHAIRMAN: That is No. 2, on band membership?

Mr. BLACKMORE: Yes.

The CHAIRMAN: The end line—?

Mr. BLACKMORE: It is number 2 under band membership.

The CHAIRMAN: Number 2 is band membership and then it is number 2 under band membership. What line?

Mr. BLACKMORE: The third paragraph, the fourth and fifth lines. It says.

"The Indian agent or his subordinates can threaten Indians with enfranchisement."

I was wondering if the witness could give two examples of that, two instances where that has occurred?

The WITNESS: Do you want me to give names?

By Mr. Blackmore:

Q. I think that a case like that is so flagrant that names should be given.—A. It is not always an easy thing to do to refer to names. I do recall during the past year an instance in which that threat was used.

By the Chairman:

Q. Pardon me. Is this to your personal knowledge, or hearsay, Mr. Kelly? —A. This is my personal knowledge. That is to say, it is my personal knowledge so far as the Indian agent who was concerned told me about the incident. I did not hear him making the threat. He told me that himself.

Mr. FARQUHAR: I was going to ask that same question. Would you follow that up? I was going to ask for what reason the agent would do that.

The WITNESS: The reason was this. This man had been doing business. He had kept a store, and he had not been meeting his bills with the wholesalers. The Indian agent went to him. The firms had been writing to the Indian agent concerned, and the Indian agent went to him and said that unless he attended to his business and met his obligations that he would enfranchise him and throw him out to the wolves. I think that is the phrase that he used himself, according to his own story.

By Mr. Blackmore:

Q. Did he not—had you more to say?—A. I think that is enough. I know the two persons concerned, but I do not like to go into the names of people.

Q. I can appreciate your delicacy on that matter. This reads:

> Individual cases show that the Indian agent or his subordinates can threaten an Indian and it would be possible legally that the Indian would be enfranchised without his consent or the consent of the band.

That is very serious. Has it come to your knowledge that the agent or subordinate of an Indian agent has used that threat?—A. Yes, sir. The word "subordinate" probably is pushing the line a little too far. Only an Indian agent would do a thing like that, but I think a subordinate position would be a constable acting under the Indian agent. I do not know anyone else who would say that.

By the Chairman:

Q. It is a fact that an Indian cannot be sued while a member of a band and on the reserve? He could not be sued for the debt, could he?—A. I am not so sure about that. I understand he can be sued.

Q. But that is a fact, is it not? You cannot enforce the judgment?

Mr. HOEY: You could not recover.

The CHAIRMAN: That is probably why the statement would be made.

Mr. GIBSON: As a matter of information there was one case in British Columbia where an Indian had his gas boat attached because the judge felt that was not a part of his chattels on the reserve.

By Mr. Blackmore:

Q. Going to division 3, liability of Indians to pay taxes, in subsection (*a*) there is a reference to the imposition of income tax and other taxation on the native people. Can Rev. Kelly give some actual cases in which income tax was imposed upon Indians, to his personal knowledge?—A. Are you asking me if I know of income tax imposed on the Indians?

Q. Indians who have to pay income taxes, whether or not you choose to give the name.—A. Hear is a slip handed to me right now.

The CHAIRMAN: I think it is generally admitted they do pay income taxes on what they earn off the reserve.

The WITNESS: Let me give this picture. In the fishing industries the income tax is taken right off at the source as provided for by the law. He is given his receipt for it such as this one here. This is a receipt for an Indian's income tax. I think the income tax taken off in one agency alone, in one village alone—I am thinking of Bella Bella—amounted to something like $80,000 for one season. That is general all over the coast. That is not hearsay at all. You can go to the books at any of the fishing companies and ascertain this.

By Mr. Castleden:

Q. How many Indians would that cover?—A. Fishermen—3,500 or 4,000.

Mr. REID: 4,000 fishermen would mean an average of income of $2,000 for income tax?

The WITNESS: I am thinking of one place.

By Mr. Gibson:

Q. Their average income was $3,500?—A. I did not say anything about average income. I gave the number of Indians who are engaged in the fishing industry. That is what I understood was asked. I said around 3,500, probably closer to 4,000.

By Mr. Blackmore:

Q. I notice in your brief you say:

> The natives look upon this as a violation of the British principle, "no taxation without representation".

I think probably your point is very well taken. On page 4, the second line from the top of the page, you say:

> The lands contiguous to the reserves have been commercialized and exploited with no benefit to the Indians.

Would you elaborate to some extent on that? Have you in mind forest areas, fishing areas, or fur-bearing areas?—A. Yes. In connection with fur-bearing animals that is true, and also timber. The timber that grows on the land contiguous to Indian reserves may just as well be a thousand miles away from them for all the good it does them because those lands are held by timber companies. A large company makes application, as they have a right to do under the laws of the land, and they are granted a licence and they pay so much each year for that. The land, to all intents and purposes, becomes theirs in the sense that the timber on it is theirs. No one else can take any timber off that land. Even for fuel purposes Indians cannot go on that land. They are prohibited from doing so. They would be trespassers. They can be held for trespassing if they do.

Q. There are no treaties signed by the British Columbia Indians?—A. Not for the larger portion of British Columbia. There are a few treaties.

Q. Was there an understanding between the Indians and the government that the Indians were to be free to travel off the reservation and hunt, fish, pick berries and so forth?—A. Yes.

Q. That was understood?—A. That was understood. I have not got one of those treaties to read to you. I referred to them in these papers of 1850-1875, the papers concerning the British Columbia land question. Those treaties were signed under the Governor at that time, the late Sir James Douglas. In those treaties that were made the Indians were to enjoy their mode of living and everything that they had enjoyed before the treaties were made on the lands that were thereafter looked upon as Crown lands. They would still enjoy those things on those lands. I think we read from the 13th article of the terms of union in that connection. It reads as follows:

> The charge of the Indians, and the trusteeship and management of lands reserved for their use and benefit, shall be assumed by the dominion government, and a policy as liberal as that hitherto pursued by the British Columbia government shall be continued by the dominion government after union.

That was the actual agreement which was made, I think, in 1871.

Q. It would be your considered opinion that the spirit, if not the principle, of that agreement has been followed?—A. Yes.

Q. Consistently?—A. Yes.

Q. Now further down under (*b*), I note these words:

> if there is to be taxation then for the Indians there should be adequate representation in the affairs of government and adequate compensation for the taxation so imposed.

Had you thought through far enough to formulate any idea how such representation might be implemented or brought about? Would you suggest something like the Maori representation in New Zealand?—A. Yes.

Q. That the Indian population throughout Canada should elect certain members to the House?—A. Yes, if a representation were to be given. We said in one place here on page 4, "a system of native representation such as the Maoris enjoy in New Zealand could be the pattern followed in Canada." If you want me to read that part into the record I would be glad to do so.

The CHAIRMAN: Well we have had a discussion of the Maori situation by Mr. Jeness, you may have noticed it in the minutes.

The WITNESS: Well, there are four representatives representing the Maoris and in 1943 they numbered 96,939 and in the parliament of New Zealand they are allotted four members. The Maoris are allowed to vote for those four members but they are not allowed to vote in the country at large for other members. The half-caste's have a choice of voting either with the Maoris or in the larger body politic. They cannot vote for both. Now that is their system, and I might say some of the members have reached cabinet positions and one of them has been knighted. They have advanced wonderfully. I would also like to say that under the challenge of responsibility they seem to have thrived. At one time, in 1874, the population of the Maoris in New Zealand was 47,330, in 1896 the population was down to 42,113; in 1921 there were 56,987; in 1936 it rose to 82,327 and in 1943 to 96,939. The increase was brought about by better conditions generally. The New Zealand government has established hospitals and a very fine school system leading to universities. Maoris are allowed to attend any school in the land, that is outside of the schools on their own lands, Maori lands. They do not call them reserves, they are known as native lands. They are allowed to go to any school and they also have free access to all the high schools and universities.

The CHAIRMAN: It is now 4.35, Mr. Blackmore.

Mr. BLACKMORE: Has my time expired, I thought it was to go to 4.38.

The CHAIRMAN: I am just going by that clock, and it is now 4.35.

Mr. BLACKMORE: Well, it is quite all right.

By Mr. Gibson:

Q. Mr. Kelly, you have visited many of the Indian villages on the coast there and I have been advised that there is a great deal of dissatisfaction with respect to the medical setup that we have on the Pacific coast. In your opinion are more frequent visits by doctors on the coast reserves necessary?—A. I think so. I thoroughly think there is a great deal of room for more intensive work along those lines.

Q. Would you recommend that hospital boats might possibly be placed on the west coast to visit those reserves?—A. Yes, along the coast of Vancouver Island.

Q. Yes, along both the east and west coasts?—A. That would help a great deal.

Q. Has it been your experience that the Indian agents are not always sympathetic to the medical needs of the Indians? Have you had any difficulties in getting hospitalization? There has been some suggestion made that it is difficult there to get medical care.—A. Yes, some of the agents are sympathetic, but others do not worry a great deal about it.

Q. I was very interested the other day, when I questioned Chief Scow, with regard to what age he went out fishing. He is a fisherman and a lumberman, those being the principle occupations of the British Columbia Indians, and Chief Scow stated that when he was fifteen years of age he was earning a full man's wage. I would think that was a pretty fair statement. My point is that from the standpoint of vocational training and ability to earn a living, do you not agree that you were better equipped to earn a living than most white children? I will put that to Chief Scow at this moment.

Chief Scow: I do not think I was.

Mr. GIBSON: Would you say at fifteen you were earning a full adult's income?

Chief Scow: I guess I was, as far as money was concerned.

Mr. WILLIAMS: But that was just for two or three months?

Chief Scow: Fishing is only seasonal out there.

By Mr. Gibson:

Q. I would naturally think these children have grown up in a place where they would learn to become competent woodsmen. I am trying to make the point that the average Indian boy is better equipped to step into a job as a result of the training he has had from his father than is the average white child in the city.—A. I think so, physically. I think he is better developed.

Q. He has more practical knowledge.—A. Yes.

Q. I am very much impressed with the ability of the Indian to step in to either fishing or lumbering.—A. I think I can substantiate what Chief Scow said. I went to school rather late in life and I think at fifteen or sixteen I was earning a man's wage in the fishing industry and I do not think what he says is out of the way at all. It was a natural thing.

Q. Mr. Gosnell mentioned something about the Japanese fishermen having been eliminated from the coast and that a number of their boats had been bought by the Indian fishermen. I might ask Mr. Gosnell, whether, in his opinion, a fair price was paid for the boats? I assume the canneries helped you to finance the purchase of the boats, but was a fair price paid for the boats?

Mr. GOSNELL: Yes.

The CHAIRMAN: I am sorry, but we cannot hear you up here.

Mr. GOSNELL: Yes, there was a fair price paid for the boats.

The CHAIRMAN: What was that again?

Mr. GOSNELL: A fair price was paid for the boats. The canning companies buy the boats and they resell them to the Indian at the regular price or the standard price which the cannery charges for their own boats. I do not know of an Indian buying direct. I know I bought a boat for $300 myself.

Mr. GIBSON: It was not much of a boat if you bought it for $300.

Mr. GOSNELL: It was a good boat. It sold afterwards for $3,000.

Mr. GIBSON: I wish I had known the custodian of enemy property as well as you did. You mentioned also that some of the cannery operators had given notice to certain Indians, as the result of the anticipated return of the Japanese to the coast this year, that the services of the Indians would not be required. I wonder if it is a fair question to ask you what cannery operator that might be? So far as my own personal knowledge is concerned, I never heard it discussed but it is a matter of concern at the moment.

Mr. GOSNELL: This was on the Skeena River.

Mr. GIBSON: That statement was made by one of the cannery operators there?

Mr. GOSNELL: Yes, several cannery operators.

The CHAIRMAN: I am sorry, Mr. Gosnell, but we cannot hear you up here.

Mr. GOSNELL: On my way out from Prince Rupert I met a man entering the train. He said he was going back to re-hire the Indians who were told they were not needed for the fishing season of 1947. I presume the operators found out they could not get any Japanese, so they had to re-hire the Indians.

Mr. GIBSON: I gather, then, you are opposed to the Japanese receiving fishing licences on the B.C. coast?

Mr. GOSNELL: Absolutely.

Mr. REID: That is not Tom Reid speaking this time, it is a native Canadian.

Mr. GIBSON: You stated the Indians are not free. I should like to know in what way you feel the Indians are restricted, except, of course, with regard to the purchase of liquor which is a moot point. The Indian can fish wherever he wants, at his own price, he lives where he wants and he certainly can be enfranchised if he cares to be.

Mr. WILLIAMS: Your statement that the Indian can live where he wants is not quite correct. If he goes off the reserve for eighteen months, he is immediately taken off the medical list. If he comes back to the reserve, he receives medical assistance. If he wants to go into business on the reserve for himself, he cannot go to the bank and put up his property or his location for security. He is not a free man according to the ordinary concept of democracy. It is true the Indian sells his fish at the present time for the same price other fishermen are receiving for their products. This was brought about by the fact this organization has a written agreement with the salmon canners operating committee and other smaller companies. It took the organization eleven years to obtain that agreement.

Prior to that agreement, a less price was paid to the Indian fisherman. He was charged for commodities, groceries and such things, high prices by the operator's stores.

Mr. GIBSON: Was he charged a different price from what the white man paid?

Mr. WILLIAMS: There have been cases where he was charged and there have been cases where he was not allowed to buy certain commodities in the store. These commodities were kept for the regular crew.

Mr. GIBSON: Do you refer to dried fruit?

Mr. WILLIAMS: No, I am not referring to dried fruit. I know of a case where the stores would not sell fresh milk to the Indian.

Mr. GIBSON: I think that would be an isolated case.

Mr. WILLIAMS: It might be an isolated case, but it is connected with a cannery and, after all, the canneries are isolated.

Mr. GIBSON: You say the Indian cannot obtain a bank loan because of the fact he is under the protection of the Indian Act. Would you suggest or recommend to the committee we should possibly withdraw that protection for the Indian, that his chattels cannot be seized for the payment of a debt? I would allow him access to credit.

Mr. WILLIAMS: I think that is the duty of your committee, to make all possible advances available to the Indian. After all, he is an asset to this country, particularly in the province of B.C. and I am speaking for B.C.

Mr. REID: I wonder if I might have the permission of the committee to make a statement before I ask any questions? I know the practice of making statements should not at this stage be followed but my suggestion to the committee is this, that in the light of all the statements which this committee has heard this morning and due to the fact this is a very important committee the records of which will be here for all time, my suggestion to the committee is that some time shortly we hear the Indian agent in regard to the statements

made. I heard some statements made this morning which I, personally, should like to enquire into further. I think that is only fair.

Then we had, Mr. Chairman, as you and the other members of the committee know, many statements made regarding the fishing industry which is foreign to most of the members of the committee. Perhaps it does not come within the purview of our committee at the moment, nevertheless, there have been misleading statements made in regard to it.

For instance, I checked up on one statement. I had information regarding Indians fishing licences, and I might say there is no limit to the number of fishing licences for Indians. I had that information this morning but I checked it further during the adjournment with the department. You see, if those statements are allowed to stand, it might give a wrong impression to the public. I am just suggesting to the committee it might, perhaps, be advisable to have Major MacKay here later, if the committee thinks it advisable. We had a member of the fisheries department here this morning, but he is not here now.

The CHAIRMAN: We have Major MacKay here and we will hear him a little later. I might also point out, Mr. Reid, the practice of the commission when they went to the Maritimes. They were doing just what you are suggesting. They would hear all the Indian organizations, make their inspection with the agent and with the Indians as well, but when it came to a hearing the agent was excluded. Then, later, the commission would have a hearing at which the agent was admitted.

Mr. REID: I just wanted to draw to the attention of the committee one statement made in regard to fish prices. It would take some time to explain the difference. A man not knowing the condition or someone getting our data might say, "Here is one district where the Indians were only receiving 14 cents a pound as compared to some Japanese operated cannery where they are paying 15 cents." This is a rather involved subject as my friends from British Columbia know. It was for that reason, as well as others, I thought it might be advisable for this committee, later on, to have that explained in the record. Probably a similar committee will not be called together again for 25 years and I, for one, desire the record kept clear.

Mr. FARQUHAR: Are you suggesting that the Indian agents be brought here?

Mr. REID: The chief Indian agent for British Columbia is here. He is sitting in the room.

Mr. CASE: I took it for granted we would hear the Indian agent after we heard the Indians.

Mr. REID: With that statement, I shall proceed to ask one or two questions. I will try to be as brief as I can.

The WITNESS: Before Mr. Reid goes on I think certain things ought to be cleared up. It is true, I think, that there is no limit to the licences that might be granted to Indian fishermen, but the fishing companies put a limit on the equipment granted to their different fishermen and among them the group of Indian fishermen are counted in that group by themselves. Usually they are allotted so many licences, so many boats, so many nets, in order to accommodate somebody else. There is a definite limit.

Mr. REID: The very answer of Mr. Kelly bears out what I said a moment ago, that the subjects are so involved that a statement being made cannot be taken unless you have the whole picture before you, and I doubt if we have all the time necessary to discuss the entire fishing industry.

The WITNESS: That is another thing. I do not want the impression to go out that the condition of one cent per pound for fish for different areas will apply to Indians only, but to all the fishermen.

The CHAIRMAN: I think the best thing we can do, Mr. Reid, is to just hear these men while they are here. I know that if we talk about fishing Mr. Reid

could go on for days, because he is an expert on that subject Also, I should think, we have not got the time to devote to that subject. But I think while we have these gentlemen from British Columbia here we should make the most of their presence.

Mr. REID: I will proceed with my questions, and I want to deal with one or two things in the brief, and in doing so I shall duplicate a question that was asked by Mr. Blackmore. I am reading from page 2: "Where enfranchisement has occurred and it is found that the Indian is not suitable for citizenship some provision for readmission to the band should be provided. . ." I wonder who would decide when one was not fit to be a citizen of the country?

The WITNESS: What I had in mind, Mr. Chairman, was something like this, that probably a young man in his enthusiasm thinks that he is quite capable of going out and taking his place in the world, but after he has been out for a while and his funds have gone he finds he is not fitting into the scheme of things very well. Because of his race he is more or less isolated even in the community in which he lives. His natural longing is to get back to his own people. This is not a theory; these things are as they are today. We are speaking from instances that occur in British Columbia. And the thought was that there should be some way that that man could get back if there was a capital fund there and he paid his share back into the fund of what he has taken out, and be restored to good standing—that is on the vote of his people and with approval of the Indian agent. Those two steps would be necessary. The reason it would be necessary for him to pay into the band fund would be that his children have a claim on that and it would protect generations to come.

By Mr. Reid:

Q. Clause 2: "No member should be removed from band membership unless it be by the will of the person and the band concerned."

My question is this: Are these instances of members being removed from the band against the will of the person?—A. It is something like what Mr. Guy Williams has referred to. Sometimes one is compelled to be away from his reserve because of economic necessity. There are no industries on the reserve, as you know; one has to go away. If one has to be away continuously and does not come back he can lose his membership in his band. Unless one goes to a foreign country I do not think there should be any discrimination whatsoever.

Q. Are you acquainted with the village of Cape Mudge?—A. Yes.

Q. You are well acquainted with Bella Coola. However, I am referring particularly to Cape Mudge. Could that well off condition of the Indians there not be duplicated right up? The fishermen there have a wonderful and splendid village and I wonder if that condition could not be duplicated as far as Port Simpson, and, if not, what is holding it back? At Bella Coola—the new one; I am not speaking of the old place—and Cape Mudge there are two nice places in which you could take pride in showing what the Indians are doing.—A. That depends upon two things. First of all, take Cape Mudge, for instance, it is located in a very fine area where there is splendid fishing. They fish a great deal of the time, but they have been fortunate in other respects because they have timber on their lands and they have sold the timber and that has brought a great deal of money into the band funds.

The CHAIRMAN: You are speaking of what place?

The WITNESS: Cape Mudge. They are naturally very industrious there and they make the most of their opportunities. I think one reason for their good condition is that they are in close contact with industry. They have had to face competition and it has brought out the best in them.

Mr. WILLIAMS: There is always that competition.

Mr. GIBSON: Does that apply in most places?

Mr. WILLIAMS: It does not apply in all places along the coast. A cannery is an isolated place along the coast.

By Mr. Reid:

Q. Have you anything further to say about the band at Metlakatla on the Canadian side? I understand they applied for enfranchisement four or five years ago?—A. Yes.

Q. Do you think enfranchisement should be granted them?—A. It is not for me to say, Mr. Chairman. They have applied for enfranchisement as a band. I suppose they feel they are able to take their place; but if you ask my opinion about whether enfranchisement should be granted to them or not, the only thing I would say is this, that if this committee is going to bring about a new order of things for the Indians it might be well for them to wait a little while to see what transpires before they take the final leap into the new world.

The CHAIRMAN: We are running a little behind schedule, gentlemen. Would you repeat the question?

By Mr. Reid:

Q. This is a new question. It is in regard to housing. In your lifetime, Mr. Kelly, how do the houses of today compare with the houses built, say in the days of your father?—A. I think the houses are better to-day, some of them are the same as they were when I was a boy; and I may say that I was born in an Indian house. Of course, I do not remember exactly what that house was like, but my memory takes me back to the days when I was raised in a properly constructed house, one such as we have to-day; and the change from the housing of the old time is very slight. We put down housing here and I am glad that you mentioned that point. I think that that is one field where there is a great deal of room for improvement, doing something about housing or getting better housing, and also the matter of family independence. The reason we refer to that is this; sometimes in a large house, say in a fair-sized house, they have quite a sized family and the son gets married and brings his wife into that house; after a while the daughter in that home might get married and she brings her husband into that house. I have seen three or four families living in one house—congested conditions, where sanitary conditions were not of the best at all—and the younger people just follow the path of least resistance as they did when they were children. There is no family independence. There certainly is room for tremendous improvement in housing on the Indian reserves, both as to standards as well as to numbers.

The CHAIRMAN: Now, I believe Mr. Castleden will be next, if you don't mind, Mr. Reid.

Mr. REID: I have one more question. When the Indians from Alberta were here the statement was made which was new to most members of the committee and I wanted to ask your opinion about it as a minister of the United Church. In your travels among them would you say that any considerable number of Indians follow the religion of their fathers; or do they follow our religions and as we have it today? One of the witnesses before the committee made the statement that the Indians in Alberta followed their tribal customs, their own religion. What do you say about that?

The CHAIRMAN: The question is, do they practise their own native religions?

The WITNESS: Well, you are asking me; I am a minister of the United Church. I would say as far as my own knowledge goes that on the British Columbia coast that is not the practice: I would answer, no.

The CHAIRMAN: That is fine.

Mr. GIBSON: Would that apply to this generation?

The WITNESS: This generation, at the present time.

Mr. GIBSON: But some of the old people may still practise it?

The CHAIRMAN: Mr. Castleden now has the floor and it is 5.05.

By Mr. Castleden:

Q. I have just a few questions here. You made the statement that the B.C. Indians are not treaty Indians; at least not all of them. What percentage would you say were not under treaties at the present time?—A. That is pretty hard to say. Out of the 25,000 or 26,000 Indians I think there are— probably the commissioner could answer that better than I could, as to the actual number.

Mr. MACKAY: There are no treaty Indians on the Indian reserves in British Columbia. There are Indians under treaty in and around Fort St. John and Port Simpson, but they really come under the Alberta inspectorate and I imagine that Mr. Gooderhom could give you the answer better than I could, because they are under him for administrative purposes. I am not familiar with the number there.

Mr. CASTLEDEN: Thank you.

By Mr. Castleden:

Q. What do you consider then the status of the Indian of British Columbia if they did not surrender their territory at a treaty?—A. Well, he is a non-treaty Indian; I think that is his status.

Q. Then the department is under no obligation—?

The CHAIRMAN: Would you like to withdraw your question if he can't answer?

Mr. CASTLEDEN: In point of time yes, I can get that later.

By Mr. Castleden:

Q. There is $100,000 paid to the Indians of British Columbia in lieu of treaty money; how is that spent; is that given to them?—A. No.

Q. What about it?—A. The Indian department spends the money for purposes that they think will best serve the Indian, I suppose.

Q. Such as what?—A. Medical, education, farming—along agricultural lines generally; as well as—I think it was stated at that time, higher education and vocational training.

Q. But you receive no money directly as a treaty right?—A. No.

Mr. BLACKMORE: May I supplement one question?

Mr. CASTLEDEN: Yes.

Mr. BLACKMORE: In short would it not mean just this; that the department spent that money doing things that the department are in duty bound to do so its own right?

Mr. CASTLEDEN: That is the very point that I wanted to bring out.

Mr. BLACKMORE: I am sorry.

By Mr. Castleden:

Q. You talk about the Indian agents there. How many Indian agents do yuo know personally?—A. Well, I suppose I can say half a dozen.

Q. What do you think having regard to the percentage of those who are qualified as to their training and aptitude to carry out their work?—A. I think some of them learn to do their job after they have been in office for some time. A good many of them did not know anything about their work when they were first appointed. From my own observations I can instance cases where Indian agents have been appointed who do nothing about Indians. I am thinking about one man in particular. I live in Ocean Falls and he lived in Ocean Falls and the

only Indians he knew were the Indians who came into that small town and he saw them around the post. He was appointed Indian agent over a man I think who was recommended.

The CHAIRMAN: What year was that; could you tell us?

The WITNESS: I could not say, sir.

The CHAIRMAN: Roughly, how many years ago?

The WITNESS: That would be around 1935; I think it was 1934 or 1935.

Mr. MACKAY: That was not in 1937?

The WITNESS: 1937, yes. That man knew nothing about Indians. He openly said he knew nothing about Indians. And recently, too, there was an appointment made, I think the first of April, and the man appointed had just a few months experience connected with the Indian office in another capacity, in the farming end of things. He had no experience in administration whatsoever, and he was appointed to a very important agency. I met him once. I have not discussed his business with him at all, but he has told others that he knew nothing about it. He was willing to learn but he knew nothing at all about Indian Affairs when he was appointed.

By Mr. Castleden:

Q. Do you know of any instance where an Indian child has been denied higher education because of a recommendation of an Indian agent or for some other reason?—A. At our convention in Massett last month a young man stood up and gave his own life experience. He came from Port Essington. He wanted to have higher education and finally he got into the high school. He applied to the Indian agent at Prince Rupert at the time who told him there was no money for it. His father paid his way as far as he could. I think he got to the end of the second year in high school and because of economic needs he had to quit and he left his schooling at that time. This was his statement before the convention of the Native Brotherhood at Massett last month.

Mr. WILLIAMS: He also stated he was three years in grade 8.

Mr. GOSNELL: I know of a case where higher education was denied, and that was to my own daughter. She passed her examinations in Port Simpson. I took her to Prince Rupert, paid her board there and her upkeep. It ran to somewhere in the neighborhood of $75. After I carried it for close to a year I went to the agent and I told him that the load was a little too heavy and asked if there could be any assistance from the Indian department. The Indian agent told me, "You ought to be ashamed of yourself, coming into this office and asking for assistance when you are in a position to carry your own daughter's higher education." There was no assistance.

The CHAIRMAN: When was that?

Mr. GOSNELL: That was about three years ago.

Mr. SCOW: I have had the same experience as Mr. Gosnell. I had quite a time to get my oldest son to continue in higher education. He had acquired the requirements for continuing on with higher education. I was also told the same thing, that there was no provision. Mind you, I am explaining my own experience. The Indian agent himself told me he could not see any way whereby the Indian department could help me because he said I was in a financial position to support my own family.

Mr. MACNICOL: He said what?

Mr. SCOW: He said I was in a financial position to support my own family. Just because I had acquired certain responsibilities with certain companies he thought I had all kinds of money. It was due to some friends of mine that my boy was able to continue with a higher education. He had to go through the

provincial welfare in Vancouver to start with. In the meantime the Indian agent heard of this and also the principal at the time.

Mr. MacNicol: Where is your son going now?

Mr. Scow: He is not going to school at the present time.

The Chairman: How old is he?

Mr. Scow: He is 20. He attended university for a year, and it was owing to lack of money he could not go back.

The Chairman: Did he graduate?

Mr. Scow: No, he did not. He had only one year. Last year he was there for a year but this year he could not continue owing to lack of finances. Then I also have a girl. She had the requirements to continue in higher education. I made an application to the Indian agent and he informed me that the policy of the Indian department was that no two members of a family could have higher education.

By Mr. Castleden:

Q. Is it your general experience that as far as maternity cases the Indian department pays for the first five days only and then they are prematurely discharged? You say that in your brief. Is that your general experience?—A. That is the ruling, but at the hospital at Bella Bella where there is a very sympathetic doctor, Dr. Darby, he has kept them on at a loss until they were fit to be discharged.

By Mr. Farquhar:

Q. These are Indian hospitals?—A. It is a general hospital treating white people as well as Indians. It is a United Church hospital.

By Mr. Castleden:

Q. Is that general in other hospitals in British Columbia?—A. I think so.

By Mr. Blackmore:

Q. It is general for them to be discharged after five days?—A. It is general. Payments are only made for five days on maternity cases.

Q. If the hospitals keep them on they do so at a loss?—A. I do not think they do in city hospitals, like St. Paul's in Vancouver.

Mr. Gibson: The limit is seven days now, I believe.

The Witness: I see. I did not know.

By Mr. Raymond:

Q. Can you tell me how many Indian chiefs are to be found in British Columbia?—A. No, I could not tell you that.

Q. Could you say about how many?—A. They are numerous, possibly a couple of thousand. That is just a wild guess.

Q. You mean 2,000 active chiefs?—A. I would say something like that. I am thinking of the whole province.

Q. How many of them would you say belong to the Native Brotherhood of British Columbia?—A. That is a little hard to answer once again. There are chiefs and chiefs. In a band there is not just one chief.

Q. I mean to say of those 2,000 you spoke of a moment ago, how many would you say belong to the Native Brotherhood of British Columbia.

Mr. Williams: That is a hard question to answer because we do not know how many chiefs are in that band. Chiefs are in two categories. There are chiefs who inherit their chieftanship. There are chiefs appointed by the Department of Indian Affairs.

The WITNESS: In the membership of our organization I think I can point this out, that in every locality a branch is formed, and the branch must have at least 20 members. In that branch we do not recognize rank. They are just members, you see. A branch may have from 20 to 100 or 200 members, but it must have 20 members before it becomes a branch.

By Mr. Raymond:

Q. Let us say it is impossible to find out as to this matter.—A. It is not impossible to find out.

Q. At the present time?—A. I do not know definitely.

Q. I should like to know if any steps were taken to have a representative of the unaffiliated Indians who would not be an officer of the Native Brotherhood of British Columbia. What steps were taken to have an official, one who would not be a member of the Native Brotherhood of British Columbia, to represent the unaffiliated Indians of British Columbia.

Mr. SCOW: We have Mr. Williams here.

Mr. RAYMOND: I mean not belonging to the Native Brotherhood.

Mr. SCOW: I do not know. I might say that throughout the province of British Columbia we have a member in every village and in every tribe, but not recognized as a branch owing—

Mr. RAYMOND: Were there any steps taken to have the other Indians represented here today by an Indian who would not be a member of the Native Brotherhood of British Columbia?

Mr. SCOW: The unaffiliated Indians represented by an unaffiliated Indian?

Mr. RAYMOND: Yes.

Mr. SCOW: No.

Mr. RAYMOND: I see here you had a convention at Massett on the 31st of March, 1947. Can you say how many members were present at that meeting?

Mr. WILLIAMS: We had sixty-four votes.

Mr. RAYMOND: Did those men represent different branches?

Mr. SCOW: Different branches.

Mr. WILLIAMS: Sixty-seven, and since then we have had a few more who are asking for charters.

Mr. SCOW: Yes, at that time we had over seventy branches.

Mr. RAYMOND: There is a matter here which I would like to present with delicacy. Our minutes show that out of some 25,000 Indians in British Columbia there are 14,465 Roman Catholics. Could I ask, possibly, if there are any Roman Catholics among the representatives here today?

The WITNESS: Among the four of us?

Mr. RAYMOND: Yes.

The WITNESS: No.

Mr. SCOW: I may say our organization is non-political and undenamina-tional.

Mr. RAYMOND: I will come to that but because you are a minority organi-zation advocating undenominational Indian schools for the whole province, so I would like to refer to some previous briefs which has been submitted to this committee. I have seen many instances where Indians in British Columbia are asking to have the schools remain as they are. In my estimation this is a very delicate, but very important matter.

The Native Brotherhood of British Columbia, as stated by Mr. Williams, is non-political and undenominational but perhaps they are not representative of the whole of the Indians of British Columbia.

I call attention for instance, to the brief presented to the committee on the 20th of March, 1947 at page 163, by the Ohamil Indian reserve situated at

Laidlaw, British Columbia. Under "The operation of day and residential schools", it reads "We believe that the present system of education is satisfactory, and no change is desired".

The CHAIRMAN: Is that one of the briefs that have been filed?

Mr. RAYMOND: This is the brief of the Ohamil Indian reserve at Laidlaw, British Columbia.

The CHAIRMAN: It is a brief you are reading from?

Mr. RAYMOND: Yes, as printed in our minutes.

The CHAIRMAN: It is not from one of the witnesses here today.

Mr. RAYMOND: No, it is a brief. I see a little later with respect to the Coldwater Indian reserve of British Columbia, at page 165, "We, the Indians of the Coldwater Indian reserve, do not wish to change any Indian Act".

Then we see the Shulus reserve, on page 166, "I am satisfied with my schools. From here, my children go to Lytton school, Kamloops, and I have a day school. I want more and better education".

On page 167, the Chemainus Bay reserve, "I have nothing against the school if they look after our children right and give good education".

On page 168, with respect to the St. Mary's, Kootenay Indian reserve, "We want our children well instructed in our faith so that they may always serve God as good christians ought to do".

The Kootenay Indian reserve, Columbia Lake, British Columbia, at page 170, "Fourthly, we want our children well instructed in our faith so that they may always serve God as good christians ought to do".

And then on page 171, from the Lower Kootenay reserve band, "At school our children should learn their religion so that they may be good citizens and good christians. We do not want our children sent to non-religious schools".

And so on, it goes like that. I see that on page 174 the Fort Good Hope reserve say this, "We are all Catholics and we want the schools for our children to be of the Catholic doctrine and to be taught by Catholic teachers. Only if the schools could be built closer to our homes we should be glad. The present day and residential school system has given good satisfaction".

I am bringing this up in order that when I get all the facts before me I will know what to do when I have to decide about these things.

Mr. REID: May I ask a question here. Could we not have the official figures? If this question is going to raise its head in this committee, and you have now raised it, I would like to ask if the figures quoted are official? I know the exact situation in British Columbia and in that province we are not concerned with this question at all and it is a matter that I have been endeavouring to keep out of the committee. If there is any possibility of this matter being carried further, then the province of British Columbia should take over the Indians and the running of them. I have been somewhat expecting this to be raised before now. I could tell that it was coming up by the letters I have received, as can every other member. I think we should have the official figures and if Mr. Raymond is going to raise the question British Columbia is going to hear of it. We have never had the problem arise in the province and it would be detrimental I believe if it does arise.

The CHAIRMAN: Well, could we not get on. You see these are references to briefs that have been filed, they are not references to evidence that has been given before the committee. That is one of the drawbacks in having certain witnesses come before the committee rather than have the committee take evidence on the spot.

Mr. RAYMOND: I would like to ask another question. I brought this up in order to ask if the intention was to amend the policy as it exists at the present time.

The CHAIRMAN: We have not been coming to any conclusions, we are just here to hear evidence. When we come to our conclusions the matter will be raised. Now Mr. Farquhar is next.

Mr. WILLIAMS: May I just ask the gentleman, it was the Laidlaw reserve that he mentioned.

Mr. RAYMOND: Yes.

Mr. WILLIAMS: I believe they submitted their brief through Mr. Reid. I sat in on the meeting, I was holding a listening brief, and they did say something about their schools. It is in section 6, and I do not know whether this has been presented to the committee. This is the brief of the Fraser Valley Indians:

> The operation of day and residential schools be brought under provincial jurisdiction, and to the same standard regulations and curriculum properly established, to the same efficiency of non-native public schools and colleges, thus provide an adequate elementary education and proper technical training for native pupils, only by such impartial improvements, will the natives ever attain proper qualifications to the habits and ways of modern civilization.

Now, I may say, to my own knowledge I think the greater percentage of the Fraser Valley Indians are Roman Catholics and they feel very strongly that the schools should be undenominational.

The CHAIRMAN: Mr. Farquhar would like to get along.

Mr. CASTLEDEN: I would like before we leave that, to ask this question. Were the briefs which were submitted to the special joint committee in the evidence of number 5 of this year, received from Indians or were they received from other parties?

The CHAIRMAN: I do not know. Those are the briefs that have come to the committee and they have been filed.

Mr. CASTLEDEN: From whom did they come?

The CHAIRMAN: From the person whose name is at the bottom, in reply to a circular letter sent by Mr. Lickers.

Mr. REID: I presented the petition from the Laidlaw Indians and it has been stated that the meeting was a fully representative one, it was fifty-fifty Roman Catholic. The petition was signed by them all and read out at the meeting.

Mr. CASTLEDEN: At page 163 it shows that it was signed by Mr. Willie George and Ed. Lorenzetto, and there were ten other signatures on the original letter.

Mr. FARQUHAR: Well, if I may continue I would like to ask some questions.

The CHAIRMAN: Yes, Mr. Farquhar go ahead.

By Mr. Farquhar:

Q. I should say that several of the questions I was going to ask have been asked by other members of the committee and they have been answered. Some of the answers however, were not quite clear. On page 2, number 2. "No member should be removed from band membership unless it be by the will of the person and the band concerned". In what other way could one be removed from the band?—A. By being absent from the reserve for a certain amount of time, he could be automatically removed.

Q. Is that a regulation of the department?—A. Yes.

Q. I did not know that. Then again, speaking in connection with the enfranchisement of an Indian. I understand that is a personal matter between the Indian and the department and that the agent has no authority to interfere

further than to give a report when asked to do so by the department. Is that not the way it has been carried out?—A. That is the way it has been carried out. I think all enfranchisements have been through application of the person concerned but as I said there is a chance that improper action might be taken. It has been a threat, with this section, that it could be done.

Q. It could be done?—A. It could be done, yes.

Q. By the agent?—A. The department has two members on a committee. They have a majority of the members. The third member is to represent the Indians.

Q. That is all new information, I did not know that?—A. It is all in the Indian Act.

Q. On page 4, it has been said the Indians are not receiving assistance equal to that received by the white population by way of social benefits such as old age pensions, mothers' allowance, and so on. Would you suggest that the Indian department discontinue the assistance you are now receiving and the department give you the social benefits now given to the white population?—A. That is, if they were to receive what is given to the white people?

Q. Yes.—A. I would certainly say so. If that were available the Indians would certainly benefit by it.

Q. And discontinue the present system the department has of giving hospitalization, relief and such like?—A. No, I did not say that. There is nothing to suggest that.

Q. But I am asking you that question. Would you prefer the Indians receive the social benefits of the white population and discontinue what they are now receiving from the department in the way of hospitalization, relief and charitable amounts?—A. I cannot answer that in a word because you are mixing two principles. You are taking for granted that the Indian is enfranchised. He will be given all the other things and drop his hereditary connection with his people.

Q. Not necessarily that he be enfranchised, but he is already receiving the family allowance, for instance?—A. Yes.

Q. He could receive old age pensions, mothers' allowance and other social relief. What I asked you was would you prefer that the present system be discontinued and the Indian receive the social benefits the white population is receiving?—A. No, I could not answer that in a direct way because you are inferring that he be enfranchised and surrender all his Indian rights.

Q. I am not suggesting that he be enfranchised.—A. It amounts to the same thing.

Q. You would not expect the Indian would continue to receive all the benefits he is now receiving and then also receive all the social benefits the white population is receiving, would you?

The CHAIRMAN: And pay no taxes.

Mr. FARQUHAR: I am mentioning such things as old age pensions, mothers' allowance, family allowance and any other social legislation, the benefit of which the white population may be receiving.

Mr. WILLIAMS: Do you realize that we are not treaty Indians in British Columbia? Other Indians in other provinces entered into a bargain with the federal government for their land which resulted in treaties. The government of Canada has never bargained with the Indians in British Columbia.

Mr. FARQUHAR: I am not suggesting that at all.

The CHAIRMAN: What Mr. Farquhar is trying to do is to get information as to your opinion.

Mr. FARQUHAR: That is what I am trying to do. I am not finding fault with anything that has been done. You have stated you should receive old age

pensions. You are already receiving family allowances, but you should also receive all the other social benefits the white population is receiving.

Mr. Scow: You mean the relief we are getting now? If we receive the benefits spoken of in our brief, will we give up the relief?

Mr. Farquhar: Yes?

Mr. Scow: Yes, we will give up the relief.

Mr. Farquhar: That is what I want to know. You would discontinue the present system you have for relief.

The Witness: We have in subsection (*b*) page 4.

> "If the governments have the right to impose taxation on the Indians, then such social benefits as are enjoyed by the taxpayers of the country should be granted to the Indians."

You are taxing the Indian. You have been taxing him. You have been taking money away from him. You are taxing the Indian to-day and he has no voice in the affairs of the country at all. In the eyes of the law he is a minor.

By Mr. Farquhar:

Q. I understood he was not paying taxes while on the reserve?—A. What can you earn on the reserve so far as we are concerned in British Columbia? There is nothing to be earned on the reserve.

Mr. Case: In other words, all the Indian saves is the land tax. The Indian pays all the other taxes, income, gasoline tax and so on.

Mr. Farquhar: I am not advocating that the Indian be taxed.

Mr. Williams: There are taxes collected from the Indians who are earning on the reserve. For instance, the fishermen who are delivering fish to a plant situated on the reserve are paying taxes the same as other fellows who are delivering to plants outside of the reserve. Furthermore, as I said on the first day I was on the stand, a large number of these fish were obtained from non-territorial waters. There is taxation on the reserve.

The Chairman: Any further questions, Mr. Farquhar?

By Mr. Farquhar:

Q. On page 6, there is a question I was going to ask you. You need not answer it unless you wish. It was in connection with a point you stressed very strongly here, the non-denominational school. You believe all schools should be non-denominational, but, to my mind, you did not give a very clear explanation of just why you advocated it. You did not give the principal reason. You do not need to answer that question unless you wish. There has been a reference made to it already. I thought possibly you had some other reason besides what you stated here.

Mr. Scow: Since you are back on that question now, I should like to clear up one statement I made in regard to the university, the one year my boy has attended the university. The Indian department has paid the tuition fee for the one year.

The Witness: In reply to that question as to why we stress non-denominational schools, we believe it is the only way the Indian will have freedom of expression. He will be under no restraint and no influence whatever. We consider that is of the greatest importance, more important than anything else which might be given in denominational schools. You must have freedom. This country stands for freedom of worship. We believe that is a choice which should be left to the Indian.

In reply to a statement which was made that this delegation is not Roman Catholic, I might say this; we have six district vice-presidents in our organization, three of them are Roman Catholic.

Mr. RAYMOND: I wish to point out I merely asked the question, you see.

The WITNESS: I just pointed this out. The inference seems to be it is a non-Catholic organization, but that is not so. We are non-denominational as the president pointed out. You say here on page 6 in (*b*) that the Indian agent had denied a large number of deserving Indians the right to go to school. I think you answered that and gave the reason why?—A. Yes.

Q. Again on page 8 you refer to the Indian agent refusing to allow Indians to go to the hospital contrary to the doctor's orders. Is it true that an agent can refuse to allow cases to go to the hospital contrary to the Indian doctor's orders?—A. That is to say that the Indian agent can refuse a patient to go to the hospital?

Q. Contrary to the doctor's orders?—A. Contrary to the doctor's orders, yes.

Q. Has he that authority?—A. I was on the board for a hospital where the Indian agent came, contrary to the doctor's orders, and told patients to go home.

Q. Over the head of the doctor?—A. I beg your pardon?

Q. Contrary to the doctor's wish for them to stay?—A. Yes.

Q. That is a very serious matter. You also referred to the agent having the final say in special cases. Now, one more question. Mr. Williams made the statement that the Indian veterans were not receiving the same consideration as the veterans of the white population. I would like to ask in what way do the Indian veterans not enjoy the privileges of other veterans.

Mr. WILLIAMS: By being pushed out of beer parlors; second, under the Veterans' Land Act a veteran other than an Indian can receive up to $6,000. He fought for his rights and the Indian fought beside him; some of them paid the supreme sacrifice. They came back and they are only allowed one-third of that; the unreturnable portion.

Mr. FARQUHAR: I understand the Indian can receive exactly the same amount as the white veteran; is not that right?

Mr. HARKNESS: If an Indian leaves the reserve and assumes white status he can get $6,000.

Mr. WILLIAMS: I am speaking of Indians on the reserve; they are only allowed one-third of the $6,000—the unreturnable portion. That is not fair.

Mr. FARQUHAR: He is allowed one-third—

Mr. WILLIAMS: The unreturnable portion. That is not fair.

By Mr. Matthews:

Q. Some of the questions I wished to ask have already been answered, but there are two or three questions I would like to get some clarification on. That matter of income tax and enfranchisement was of interest to me, and I would like to ask Mr. Kelly this question. He speaks about the lands contiguous to the reserve having been commercialized and exploited with no benefit to the Indians. That would seem to be very unfortunate. Have you any suggestion to make as to how that might be remedied. Those conditions exist, as you say. Have you any suggestion as to a remedy for that?—A. What I had in mind personally along this line was this: I could see a picture of two Indian bands, small bands say of 150 or 200 members close together. Because at one time when the commissioner who was seeing apart Indian reserves came around and he saw fit to grant one band a larger area, and in time they profit from the timber from that area. Another band for some reason was not given the same privilege, and while one band could earn $100,000 from the sale of timber the next band could not get $10—practically nothing in reality. That is what I had in mind. There are these tremendous inequalities running through the reserve system. There should be some uniformity of recompense for the lands taken away from the Indians.

Q. Take the average reserve that you have in mind, for what is it best adapted, farming land, mixed farming, stock raising?—A. On the coast very little can be used for farming. There are small exceptions on Vancouver Island and around the mouth of the Fraser river, but if you take the upper coast we have lots of mountains and lots of rocks and lots of Christmas trees and lots of timber, but the timber does not belong to us.

Mr. CASTLEDEN: Do you say that the timber on the reserve does not belong to you?

The WITNESS: The timber on the reserve does.

Mr. WILLIAMS: There are instances where the timber does not belong.

The WITNESS: That is a point I am glad has been mentioned. From 1912 to 1916 a royal commission was appointed to finalize the reserve question in British Columbia. There was equal representation from the dominion government and the provincial government, and I think the chairman was a county court judge or supreme court judge by the name of Judge Whitmore, as I remember. He came from the prairies. They travelled all over the province, and in some instances new reserves were recommended by them and set aside for the use of the Indians. Now, it has come to the knowledge of the people, I think, for the first time, that in some of those reserves—the new reserves that were set apart—prior to them being set apart somebody claimed the timber on them, and to-day the situation is that the land is an Indian reserve but the timber belongs to some lumber company. Now that is the situation on some of the reserves to-day.

By Mr. Gibson:

Q. Mr. Kelly, in case the timber reverted to the British Columbia Crown, is it made available to the Indian now; is the timber given to them as a part of their reserve? Have you any knowledge of that? It is an interesting point. I do not know whether that has ever occurred.—A. It has not reverted.

Q. A great deal of timber land in British Columbia has reverted to the Crown.

Mr. SCOW: Not to our knowledge.

By Mr. Matthews:

Q. You said that the native Indians should be given equal opportunities with other people for employment in the civil service—the Public Works and other forms of public employment; are they not?—A. Theoretically possibly so—

The CHAIRMAN: Actually?

The WITNESS: Actually, no.

The CHAIRMAN: Actually it is a fact. We have an Indian in this department now.

Mr. CASTELDEN: One out of hundreds.

The WITNESS: Yes.

By Mr. Matthews:

Q. Let us get at that. These positions are advertised and advertisements are stuck up in the post offices, and I do not think you mean to imply that if two Indian young people wished to write the civil service examinations they would be refused to write the examinations; I do not think you mean that?—A. I do not think they would be refused the permission to write, but I think they would be wasting their time.

Q. On what do you base that opinion?—A. I beg your pardon?

Q. On what do you base that opinion, because it is a rather serious matter? —A. Let us be frank about it. I read your records. I read from the record of

the Civil Service Commission saying that all appointments are meritorious. Actually that is not so. I think I read in your minutes where a veteran, Brigadier Martin, states that he applied for a position as Indian agent; a veteran of the first world war, and his application was not even acknowledged. He did not hear from them, according to his statement in the record before this committee.

Mr. FARQUHAR: I did not know that they acknowledged any of them.

The CHAIRMAN: We are encroaching on Mr. Matthew's time.

Mr. MATTHEWS: I do not wish to encroach on anybody's time, I can assure you, Mr. Chairman.

The CHAIRMAN: Would you permit Mr. Hoey to make an answer to that statement off the record?

(Statement by Mr. Hoey off the record.)

The WITNESS: Mr. Chairman, I am sorry to say that according to another instance altogether Brigadier Martin in his statement before your committee pointed out that he referred to an Indian agency, he applied for an Indian agency.

Mr. HOEY: I never heard about that.

The CHAIRMAN: I never heard about that.

Mr. WILLIAMS: He applied for an Indian agency at Hazelton after the first world war.

Mr. HOEY: That is quite a few years ago.

The WITNESS: That is written in your minutes.

Mr. CASTLEDEN: I think there is a misunderstanding there; I think the reference is to his application for another position.

The WITNESS: I hope, sir, that I do not bring before your committee anything that cannot be substantiated.

Mr. MACNICOL: I doubt if I can finish in the course of five or six minutes, so I am not going to ask questions, I am merely going to make statements and if they are not objected to I will assume that the parties concerned agree to what I say. The first one is this, that I understood some of these gentlemen to say that the widow of a white husband should be admitted to the band if she wishes to be admitted. I agree. Was I right in that assumption?

The WITNESS: Agreed. It is the brief.

Mr. MACNICOL: And my next point is that an Indian child of an Indian girl should be admitted to the band if the mother wishes?

The WITNESS: Agreed.

Mr. MACNICOL: I agree to that too.

The WITNESS: It is in the brief.

Mr. MACNICOL: My next point is that the Indians should have representation somewhat after the manner of the Maoris in New Zealand. I agree with what they have in New Zealand. I am very familiar with what they have in New Zealand. I agree with that, but the difficulties in Canada are much different from those in New Zealand, because in New Zealand they are all located in one area. In Canada we would have to have some *modus operandi* whereby there would be a representative for one part of Canada, and another part of Canada, and another part of Canada, but I agree the time has come when the Indians should have some kind of representation. That is something that ought to be worked out.

It was presented very strongly that tuberculosis among the Indians was a terrible scourge. We all agree with that, and we hope some method will be found whereby the effects of tuberculosis can be cut down. I myself have seen that the Indian homes are not constructed properly. They are without base-

ments. Their homes were more or less damp and they were not able to stand the inclement weather. The poor things caught cold and what did they get but tuberculosis. I feel the department will take notice of that and certainly every possible effort should be made to reduce the mortality among the Indians. If that is done then the same results will occur in Canada as have occurred in New Zealand whereby the Maoris have gone up from 30,000 to 80,000 or 100,000 in a short time. If Indian mortality can be cut down there is no reason why the Indians should not go up to half a million in Canada. I think everybody agrees with that.

I would like to have taken time to take up another matter but I will not do it now on account of the hour. I was interested in what Mr. Williams said about the two kinds of chiefs, hereditary chiefs and chiefs by appointment, but at some future time we will get a little further elaboration on that. Two or three mentioned that the Indian was not able to go to the bank and get money. Of course, he has nothing to hypothecate to the bank on the reserve, but I think some means should be found whereby the department itself could act as a bank for the Indians. After an investigation was made and their record found to be good they should be able to get money to start in business.

Mr. BLACKMORE: Hear, hear.

Mr. MACNICOL: I was greatly interested to hear about Chief Scow's son. I might say Mr. Hoey is very warm hearted towards the Indians. He told me privately your son had a fine record. I turned around and asked him why he was not going to school now. He said because of financial reasons. I asked Mr. Hoey if you, who seem to be fairly properous, will put up half the cost of sending him for the rest of the term, would the department put up the balance? Mr. Hoey said he would consider it, I presume favourably, and do something worth while. We are all very interested that the Indians should receive higher education. If Chief Scow cannot find ways and means to help his son I am sure the department will be glad to assist. We would like to see him get through.

Something was said about the civil service. I agree with that. Brigadier Martin was mentioned. I am well acquainted with him. He is doing a fine job in Toronto. He has attained the high position of magistrate in the principal county of all Canada, the county of York, the principal one in population and perhaps in educational facilities and the like. Perhaps he would not give that up now but I hope the department will encourage men like Chief Scow's son and other sons of Indians all over the country to go and equip themselves to take service in the department. Indians are in the department in the United States, and I for one feel the time has come when the Indians should have a large place in the administration of Indians affairs in Canada. Why should they not have a place?

I am just about at the end. I do not think I will bother with the other question I had.

The CHAIRMAN: Thank you. Just one moment. Dr. Moore is here.

Mr. HARKNESS: I have not had a turn. Apparently I sat down in the wrong place. There is one question I should like to ask in connection with Indian veterans. The subject was brought up a minute ago.

Mr. CASTLEDEN: I think there are a number of questions. Could we not have a meeting tonight?

Mr. CASE: We cannot sit to-night.

Mr. MACNICOL: I have been out of the House all afternoon.

Mr. HARKNESS: I do not think we should sit again to-day.

I would just like to ask a question on the matter of Indian veterans in British Columbia. Have they experienced any difficulty in getting the $2,300 grant for the purpose of going into the fishing business or building homes on the reserve?

Mr. WILLIAMS: I do not know where there has been a single case of the $2,300 being obtained and I have been the business agent of the native brotherhood for three years. Some of the boys have come to me and I can do nothing for them so I send them to the commissioner or to the Indian agent. I do not know of a single case or I should say that none of them have reported to me that they have received it. I do know that some of the boys have obtained boats from their gratuities, but as far as the $2,300 is concerned I do not know of a single case.

The CHAIRMAN: Well, we have the departmental officials here who can answer that question and as a matter of interest the answer from Colonel Neary is "No, that is not so".

Colonel NEARY: We have the actual figures here together with the names. There is one from Cowichan, $2,300 for nets and fishing boat. I could give you the names of others.

Mr. CASTLEDEN: How many applications have been made?

Mr. HARKNESS: All I am interested in is knowing whether you have any actual cases in which the veterans have applied for this grant and where it has been turned down.

Mr. WILLIAMS: There is John Jacobson, I believe he is from Ahousat.

The CHAIRMAN: What was that name?

Mr. WILLIAMS: Ahousat, on the west coast of Vancouver Island and he was told that the $2,300 would be used as the final payment but I believe the boat cost him $3,000 or $3,500.

Colonel NEARY: $5,000.

Mr. HARKNESS: His application was not actually turned down. He was told he could get the boat and the $2,300 would be used as a final payment but he had to put up the rest?

Mr. WILLIAMS: In the case of the west coast of Vancouver Island they need $500,000 boats to face the Pacific Ocean. $2,300 just defeats the purpose and I am certain the honourable gentlemen would bear me out.

Mr. HARKNESS: I brought this up because I am interested in ensuring, as far as the committee is concerned, that Indian veterans have ever opportunity of getting and making use of that $2,300, if they can qualify for it.

Mr. WILLIAMS: If they could use it as a down payment it would be a great thing for the Indian veteran. After all he has to reestablish himself. He has been away two, three, or maybe five years.

The CHAIRMAN: Could I ask Doctor Moore a question about this hospitalization? Are you through Mr. Harkness?

Mr. HARKNESS: Go right ahead.

The CHAIRMAN: My question has to do with this five-day limit that we heard about to-day.

Doctor P. E. MOORE: (Indian Medical Services, National Health and Welfare): I would like to say no instruction exists which limits any stay in hospitalization to five days. If there have been any instances of this, it has been done locally, without the knowledge of the department. Only today I reviewed a case where we paid a bill for a woman who had been kept in the hospital for forty-five days. It was a case where her medical condition warranted it. There has been some attempt, we do not encourage it, but there has been some attempt on the part of the Indian agents who know the Indians, and, if they have good earning power, they are sometimes asked to pay some share of the bill. That is on a more or less elective basis. At present we are encouraging Indian women to come into the hospital, particularly for the first baby, the primigenous. We are not, by and large, encouraging them to come to hospitals but we do not discourage them. It is a pure question of economy

and in any case where the doctors can predict any abnormality we instruct them to send those cases to the hospital. If it has been a fact that any agent has so conducted himself, Mr. Hoey will substantiate the fact that he has overstepped his authority. If any question arises then the doctor's decision is final. Then if the Indian wants special foods the agent can order them on the doctor's recommendation.

The CHAIRMAN: Thank you very much, Doctor Moore.

Mr. CASTLEDEN: I think Doctor Moore would admit such a thing might happen without his department hearing of it.

The CHAIRMAN: Doctor Moore said that it could happen.

Mr. FARQUHAR: Why do the Indians not take it up with their members and find out from the member just why these things are being done. The Indians in my constituency take up different things with me. Why do you not encourage your Indians to contact their member who will try to help them in investigating and finding out whether these things are being done.

Mr. Scow: Thank you very much sir, we will have to keep in close touch with Mr. Gibson.

The CHAIRMAN: It is six o'clock, gentlemen, and we have to adjourn. We appreciate very much Mr. Kelly, Mr. Scow and Mr. Gosnell, your coming here. We regret that we have not the time to hear more from you. In this committee we never have time for any witness to exhaust the subject because it is such a vast subject, but we appreciate very much your coming here. I wonder if there is anything else you desire to add, briefly, to what has been presented.

The WITNESS: Does that mean this is the last time you will hear us; this is the end?

The CHAIRMAN: It would seem so. It is the consensus of opinion amongst the committee members we could not meet to-night.

The WITNESS: I noticed in the record, I think roughly 24 of these volumes have been devoted principally to the evidence of departmental officials. I think you should give us a little more time than you have alloted us. You said we would have two days. We have come a long way, and unless we have exhausted all the information we desire to give you, I do not think it would be right to close us off.

The CHAIRMAN: You see, we have been charged with the completion of this work this year, whether we will do so or not I am not prepared to say, but that is the attempt we must make. We have tried to work out something equitable in order to hear from the Indians. We just cannot hear all the Indians from all over the country.

The WITNESS: That is quite true, Mr. Chairman, but it is 80 years since Confederation and this is the first time this has been done. It might be another 100 years before it happens again.

The CHAIRMAN: There may be an election before the Act is revised and then all our work will be for nothing.

Mr. FARQUHAR: Have you other questions or matters you wished to bring up outside of your brief?

The WITNESS: In connection with the questioning, we had other matters we wanted to work in but we have not had time to do so.

Mr. BLACKMORE: How long would these gentlemen be able to stay? Could they stay over until Monday?

The CHAIRMAN: We cannot see them on Monday because we have other witnesses coming before us that day.

Mr. BLACKMORE: I think there is a good deal of virtue in what they say.

The CHAIRMAN: I think that is true. We found the same thing all through the Maritimes. We just did not have the time to stay and hear all the Indians wanted to tell us.

Mr. BLACKMORE: I do feel ashamed of the time we have spent hearing departmental officials.

The CHAIRMAN: If we did not know anything about the subject, why take time talking to the Indians? We had to have some background material.

Mr. CASTLEDEN: Under the circumstances, in view of the fact the delegation express themselves as feeling they have not had a full opportunity of presenting all they desire to present I should like to move we hold another session to-night.

Mr. BLACKMORE: I second that motion.

Mr. CASTLEDEN: Even if all the members cannot be here, we might still go on and give the delegation a hearing. I would be willing to sit to-night at nine o'clock and I guarantee I will be here.

The CHAIRMAN: Is that agreeable to the members of the committee?

Mr. MACNICOL: I might not be here because I have important business in the House. Before leaving, I want to express my personal appreciation of the intelligent presentation these gentlemen have made. We have heard many delegations but I do not believe we have heard many which equalled you and we have not heard any which have surpassed you in your presentation. What the delegation has said, whether they say anything more to us or not, will be carefully digested and we will be able to ask questions of other delegations based on what you have told us which will, perhaps, bring out what you desire to tell us. We have more Indians coming from British Columbia and perhaps we will be able to get more from them.

The CHAIRMAN: I would also point out that we have devoted to this delegation the equivalent of three days. You see, we usually devote two hours a day to committee work, from eleven o'clock until one o'clock. We have devoted to you three two-hour periods, but we can go ahead with further periods if it is the pleasure of the committee.

Mr. CASE: I think Mr. MacNicol's statement is a substantial one. I think the delegation should carry that with them. They have presented a very substantial case. We have not had time, as yet, to digest it all but I am sure it will assist us. I would join Mr. Castleden in coming back at nine o'clock and permitting the delegation to give us any more information they desire to give.

The committee adjourned at 6.10 p.m. to meet again at 9.00 p.m.

EVENING SESSION

The committee resumed at 9 p.m.

The CHAIRMAN: Come to order, gentlemen.

And now, Rev. Mr. Kelly, Mr. Scow, Mr. Williams and Mr. Gosnell, we would like you to feel free to discuss any subject you think has not been covered at the present time. If you would like to make any statement or discuss any subject we will be pleased to hear you. I believe some of the gentlemen of the committee here now are having other duties to perform in the House and they would like to have a limited time for this evening's sitting.

Mr. CASE: I was going to suggest, Mr. Chairman, I do not know what these gentlemen have to present but I wonder if they could cover what they want to bring up in, say, an hour. I was going to suggest that we allow them an hour in which to complete their presentation and then if the members of the committee want to ask any questions after that they may be free to do so.

The CHAIRMAN: Would an hour be sufficient, Mr. Kelly?

Rev. Mr. KELLY: I think so.

The CHAIRKAN: All right, you just proceed then, if you care to.

Rev. P. R. Kelly, recalled:

The WITNESS: Mr. Chairman, and gentlemen, we have just received a communication from British Columbia which we would like to file with you.

The CHAIRMAN: What is it in connection with?

The WITNESS: It is expressing the viewpoints of the different bands from the northern interior of British Columbia as well as the Fraser Valley. After our convention three of our vice-presidents went up through that area and visited those places and this is a result of their visit. It is in support of our brief.

The CHAIRMAN: Is it the pleasure of the committee to accept this material? Would you care to file it with the committee, Mr. Kelly?

Mr. GIBSON: What about reading it?

The CHAIRMAN: I was going to read it for him; or, do you care to read it.

Mr. CASE: We would have it put on the record?

The CHAIRMAN: I was going to read it to the committee, if you want me to, or the Rev. Mr. Kelly could read it. What is your pleasure.

Some hon. MEMBERS: Go ahead and read it.

The CHAIRMAN: This is from the Native Brotherhood of British Columbia. It is dated at Vancouver, B.C., April 29, 1947. It reads as follows:—

President, Wm. D. Scow,
and Mr. Guy R. Williams,
c/o Rev. P. R. Kelly,
Lord Elgin Hotel,
Ottawa, Ont.

Fraternal Brothers:—Find the enclosed letter for Guy, and the following are resolutions from northern interior.

Resolution No. 1: Moved by Mr. B. Russell, seconded by Mr. Jeffrey Johnson,

Be it resolved that our delegation to Ottawa take up the matter of the most necessary boarding school for the districts of Kitwanga, Skeena Crossing, Hazelton, B.C., with the Special Joint Committee of the Senate and House of Commons, Ottawa, and also with the Indian department. Carried.

Resolution No. 2: By Chief Paddy Isaac, Burns Lake, B.C., seconder, Mr. J. Charlie,

We wish to ask the delegation to Ottawa to consult the Indian department as to what right our Catholic priests have with provincial police, as for us natives, we would rather be co-operative with our white brethren as long as intoxicants is not brought into our reserve; the priests get the provincial police to prohibit the white people from attending our social dances, concerts and bazaars, but do not stop the natives from attending dances and picture shows in town, which is most ridiculous. Mr. Andy Paull has already got $300 and over from me (Paddy Isaac) and has never helped me, instead he wants another $25 to take the matter up with Victoria. All Mr. Andy Paull wants is money but I am not giving him any more, so I ask the Native Brotherhood of B.C. to be our representative at Ottawa. Carried.

Resolution No. 3: Stellaco Band, Fraser Lake, B.C., April 21, 1947,

On behalf of my band, I fully approve of the emphasis of the Native Brotherhood of B.C. as reported by Mr. O. D. Peters, we approve and support the brief to be presented to the Special Joint Committee of the Senate and House of Commons, Ottawa; we are not co-operating with any other organization, and will report to my people who are absent from this meeting, and will all join up the next time your delegates tour this district.

Signed CHIEF MOISE ISADORE.

Resolution No. 4: Fraser Lake Band, Fort Fraser, B.C., April 21, 1947,

We fully join the Native Brotherhood of B.C., and on behalf of our children, to attain better education, I want to have day school at our reserve with a good teacher. The reason for asking for a day school, at one time children ran away from the Le-Jack Indian residential school, Fraser Lake, B.C., two have frozen to death while running away, because of the poor care and treatment at the school. We fully support the Native Brotherhood of B.C. brief to Ottawa.

Signed CHIEF MAXIME GEORGE.

Remember that Indian agent Mr. Howe of Vanderhoof, B.C. and Chief J. J. James, Stoney Creek Band, Vanderhoof, B.C. and I also met all the councillors of the Stoney Creek Band and all those above named has never co-operated with Mr. Andy Paull and has no ties or connection with the North American Indian Brotherhood.

And as for the Fraser valley, Chief Joe Hall, Skowlitz Band, Harrison Mills, B.C., is the only one co-operating with Mr. Andy Paull which does not represent the entire tribe of the Fraser valley. The rest of the chiefs are co-operating with the Native Brotherhood of B.C. and are as follows: Chief Felix Williams, Ladner, B.C.; Chief James Point, Musquiem Band, Kerrisdale, B.C.; Chief Alfred Gabriel, Fort Langley, B.C.; Chief James Julian, Gifford, B.C.; Chief James Kelly, Kilgard, B.C.; Chief Henry Stewart, Chilliwack, B.C.; Chief Michael Peter, Chehalis Band, Harrison Mills, B.C.; Chief Harry Joseph, Agassiz, B.C.; Chief John O'Hamel, Ruby Creek, B.C.; Chief Willie George, Laidlaw, B.C.; Chief Harry J. Peters, Squatets Band, Laidlaw, B.C.; Chief Peter Pete, Hope Band, Katz, B.C.; Chief Peter Emery, Yale, B.C.; Chief Paul Michael, Boothroyd Band, Boston Bar, B.C.; Chief Henry James, Spuzzum, B.C.; Chief Raymond Dunston, Lytton, B.C.; Chief Tommy Lick, Cooks Ferry Band, Spences Bridge, B.C.

The two chiefs below are members of United Farmers. The only chiefs I did not write down are Chief John Hall, Sardis, B.C.; Chief Albert Cooper, Cultus Lake Band, Vedder Crossing, B.C.; Chief Albert Louie,Yokyokious Band, Sardis, fully approves of the brief of the Native Brotherhood of B.C.

Be sure to present this to the special joint committee to assure them that Chief Joe Hall, of Harrison Mills, B.C., does not represent the Stahlo, Fraser Valley tribe, but only represents his own little band.

Any claimed representation for the Fraser Valley by Mr. Andy Paull, is all fictitious, also the same goes for the northern interior as the foregone part of this letter, are not co-operating with Andy Paull in any shape or form, and I hope this clarifies all the confusion.

We will be all pulling for the three of you; so good luck,

Most fraternally yours,

(*Sgd.*) O. D. PETERS,
Fraser Valley-Interior
Vice-President

The CHAIRMAN: Now, will you just proceed, Mr. Kelly.

Mr. SCOW: Mr. Chairman, and members of the joint committee, I have here a constitution which I would like to leave with you so that you gentlemen can study it and see the aims and objects of the native brotherhood. This is the constitution that we have alhered to and it has only been recently that we have been called upon by the northern and interior tribes of British Columbia as a result of the newspaper which we have published recently. Our district vice-presidents have touched those points and I know they will become members of our organization.

The CHAIRMAN: Is it the pleasure of the committee to accept this constitution and have it put in the records of the proceedings as an appendix.

Mr. CASE: I so move.

The CHAIRMAN: Carried. (Printed herewith as Appendix "EO".)

Mr. SCOW: Now, with regard to the Campbellfish, commonly known as the Oolachan,—

The CHAIRMAN: What do you call it ?

Mr. SCOW: The Campbellfish or Oolachan.

The WITNESS: O-O-L-A-C-H-A-N.

Mr. SCOW: All our people are concerned with this fish, as it is one of their most important foods. They process this fish into oil and they use it as you would use olive oil. Recently other fishermen, I might call them foreigners, have commercialized this fish and our people would like this committee to establish some protection for the Indians.

Mr. GIBSON: You would like it to be reserved exclusively for the Indian use?

Mr. SCOW: Yes.

Mr. CASE: How large a fish is it?

Mr. SCOW: Smaller than a herring.

Mr. CASE: About eight inches long?

Mr. SCOW: About that. Our fishery officer up there has given fishermen permits and they can fish anywhere they want and the result is that people have come and fished right on the Indian reserve in order to catch them.

Mr. GIBSON: Does this apply to all the rivers in British Columbia or just the Fraser river?

Mr. SCOW: Right in the Fraser, and in other rivers.

Mr. CASTLEDEN: Do you mean to say fishermen come into the reserve and fish there?

Mr. SCOW: Yes.

The CHAIRMAN: Now, gentlemen, you know the rules and the practice. I think we will save a lot of time if you will permit the speaker to present what he has to present and ask him questions later.

Mr. SCOW: This matter was brought up at our convention by the Lake Bay district Indians, the Kwawkewleth. We discussed it at Massett at the convention and upon my return the Indian agent informed that he had taken it up with the department officials here in Ottawa and he got a favourable reply but it was not enough. It was not satisfactory as far as the Indians were concerned. The limits have been moved out to the seine area, at the present time, for conservation. If this seine area is being maintained then the Oolachans would be restricted right to that area.

Mr. GIBSON: You want the Indians to have the privilege of fishing inside the seine boundaries?

Mr. WILLIAMS: For the information of the members of the committee I believe, unless it has been taken up with the fisheries department very recently. there is no regulation for the conservation of this particular fish as far as we have learned. There is absolutely no regulation for it as there is for other species of fish. Just recently, in the past two years, it is beginning to be commercialized on quite a big scale and I believe there are only nine rivers in the entire coast of British Columbia where this fish runs seasonally.

The WITNESS: In addition to that, I would like to say the run of the Oolachan fish does not last long. The peak of the run probably lasts a week, not any more. In order to catch the fish the Indians have narrow-mouthed nets. They are long tubular things and they fasten them to sticks so when the tide goes down the current brings the fish along and they run into the mouth of the net. If there is anything that they do not want they open the bottom and let it out and it has been working most satisfactorily.

The CHAIRMAN: What do you mean by, "anything they do not want"?

The WITNESS: Anything over and above the amount they want. They take a canoe out and fill it and let the rest go. A seine boat with a seine net, coming in to the mouth of a catch or run at the right time would just about clean up the whole run. There would not be very much left of it and it would, I am afraid, exterminate them in a very short time. I cannot stress too strongly the need for conserving this fish. Conservation regulations would prevent the extermination of this fish and I think the committee should take that into consideration.

The CHAIRMAN: Probably the secretary would take a note of this and we will refer it to the agenda committee and probably we might send a communication regarding what you have told us to the fisheries department so that something may be done immediately. Is that agreeable to the committee?

Agreed.

The WITNESS: The run is over for this year. It starts early in the spring but if you were to take steps now it would prevent the occurrence next spring of what we have been discussing.

Mr. CASTELDEN: Is it a provincial licence that is required?

The WITNESS: A federal licence.

By the Chairman:

Q. This photograph that you have presented here, does that show the fish referred to?—A. Yes.

Q. What do you call them?—A. Oolachans.

Q. What do you use the fish for?—A. Extracting the oil out of them.

Q. It is a substitute for olive oil?—A. Yes, they extract the oil and they also smoke them and dry them for food. It is a food that lasts the year round.

Q. In this picture, how many tons of fish would be shown?—A. In that box, probably two or three tons. There is another statement I should like to make in connection with—

Q. Just a moment, would you send us a further written submission on these Oolachan fish?—A. Yes.

Q. I do not see why it is necessary, I think we could refer it to our subcommittee from these notes which we have here, but probably a comprehensive statement by you would be appreciated.—A. We can do that before we leave here and file it with you.

Q. All right, that would be fine.—A. Another matter which we want to stress is hospitals. We refer to hospitals in our brief under the heading, "medical treatment". The statement is at the bottom of page 7 in subsection (*a*). We desire to take a stand in that connection, similar to the one we have

taken in connection with the school question. We feel all hospitals should come strictly under government control.

In British Columbia, along the northern coast, the United Church has three hospitals. They are general hospitals, principally for the Indian people, but they are general hospitals. Dr. Moore, I think will bear me out in that. There is one hospital at Bella Bella, one at Bela Coola and one at Hazelton. The one at Port Simpson has been taken over by the Department of Health and Welfare for the Indians. We feel that, once again, it is not for the church to maintain hospitals. The church came into the hospital work because it was necessary in the early days. Hospitals were established by the churches when no one else was rendering a medical service to the Indians. Of course, more recently, the government has taken over the cost of hospital care for the Indians and a per diem allowance is made for every hospital case.

These hospitals have been practically maintained by these grants from the Indian department. Without those grants the hospitals would not last very long. I think that is a frank statement. I was going to say it is not grudgingly made, either. It is one of the best services which has been rendered. The time has come now, we believe, for these hospitals to be taken over entirely by the federal government under the Department of Health and Welfare. We strongly support that submission.

I have notes here of some comments I was going to make; some of them are couched in rather strong terms. These are personal notes. I am not going to give you the strongest of it, but I will give you some of it.

In connection with the development of our Indian people, we want to substantiate or we want to back up our position in the brief with some of these statements. It has been pointed out by Mr. Gosnell this morning that in Alaska—Metlakatla, Alaska—there is quite an industrial development. This has been stressed a great deal, but that is not the only place where the Indians have developed industries, the salmon fishing industry. For example, a little further north there has been a development around Heidelberg and places such as that.

By the Chairman:

Q. Is that in Alaska?—A. Yes, in Alaska, southeastern Alaska. The Indians have their own business. They have their canneries, they have good sized stores and they maintain businesses just as their white brothers are doing in that part of the country.

I should just like to make this statement. In Alaska, the Indians have outdistanced their cousins to the south of them by leaps and bounds, beyond the expectation of the American government. They were put on their own and they responded to that treatment. In their village life and also living in towns like Ketchikan, they are taking their place with the citizens of that territory in the industrial life as well as the educational life. They are marching everywhere shoulder to shoulder with the other citizens. They realize the value of personal dignity as they have never thought it possible to do before.

I should like to refer to what happens in Prince Rupert, for instance. There, in a theatre, where the price of admission is the same for all, Indian, white or any other race, every Indian who comes into the theatre is given one corner or one section. He is segregated. The effect, psychologically, I think is damaging. Treatment such as that unconsciously breeds an inferiority complex. It seems to be the result of that sort of thing. An Alaskan Indian came into that theatre with his wife. They were very well dressed. He came in and was going to sit down in the body of the theatre. The usher came to him and said, "No, you cannot sit here; Indians do not sit here." He wanted to know why. He was told why. He said, "I appeal to the manager; I am a citizen of Alaska. I have never been treated this way before and I have a right to sit where I please. I

have paid the same admission fee as anyone else." The manager was brought. The manager apologized to him and told him to pick his seat.

Our people have not done that. I was going to say they have been brow beaten to a point where they simply accept those things. I mean to say, personal dignity, somehow, can be just beaten down until it is broken down. I am afraid that sort of thing takes place amongst our people. I have just pointed this out as an instance, but in many ways, in many other things it is revealed again and again.

In my notes I referred to the Philippine Islands where independence was declared in 1946. These people, during the Spanish-American war in 1898 were conquered, but during this short period of time, because they were accepted, they advanced. They were encouraged to do so. The Philippine people proved to the Americans that they had advanced sufficiently to claim their independence. This was granted to them last year. No elective council in the greater part of British Columbia is encouraged. There is none in the whole of the interior of British Columbia. There is not a single council north of Vancouver until we come to the northern villages, none on Vancouver Island. By doing these things, by carrying on their self-government in the villages I believe initiative is developed and encouraged. It is not now encouraged, I think I can truthfully say. It is in the hands of the Indian department to do so. Each Indian agent in each agency has the right to inaugurate elective councils, and among 75 per cent of the native people of British Columbia this is not being done and has not been done.

There is another thing that has been said again and again. I am bringing this out because I believe it does not help the development of one's personality but it acts the other way. I have heard young men and young women who were trying to advance referred to as upstarts and smart-alecks. Even those who were trying to get an education were not always encouraged to go on because they were looked upon as just trying to be somebody that was going to cause quite a bit of worry. Unless one has a very strong character an Indian boy or girl becomes discouraged under such treatment.

Progress has been achieved in commercial and industrial fields because of the pressure of competition. There are many Indians who own their own boats. Some of them are valued as high as $30,000 or $40,000 apiece. These exist in villages like Cape Mudge, Alert Bay, Bella Bella, Skidegat, Massett, Port Simpson and up the Nass river, too. Only by the pressure of competition have they advanced along those lines. Without any aid from outside they have taken their place in the industrial field that way, and yet in matters like having any part in government they are denied the right to have any share in it.

I might go on to say in some places they are organizing themselves. In Bella Coola, for instance, they have an excellent water system. It was installed with the assistance of the Indian department. The money was put up from the band funds of those people. I think the whole of the money was put up from the band funds of those people. It was installed under the superintendency of a qualified engineer supplied by the department. Very strange as it may seem the Indians now supply water to the white community. They sell water to the white people of that townsite, and it is working very well, indeed.

By the Chairman:

Q. Is it piped out? You say they are selling water. It is piped out?—A. Yes, it is piped right into the houses. They laid the pipes down, and they collect a monthly rental or payments for it. It is working out very well. They also have a logging enterprise and a little sawmill, and are doing very well at it. In Bella Bella there is a small sawmill operated on a co-operative basis, and they are doing well.

I am just bringing out these things to show that under pressure of competition and pressure of necessity they have gone ahead, but yet there seems to be

hesitation about giving the many voice in the affairs of the more important things of life.

Once again on the matter of the appointment of Indian agents, an Indian agent has so much responsibility. One man among probably 1,200 or 1,500 or even as high as 2,000 people has the right to say what is or is not to be done. The Indian agent has tremendous responsibilities. Because of that we feel that the choice of those men who go into that office should be made very carefully and should be based on integrity, experience and moral worth as well as academic attainments. He in a measure has the destiny of a people in his hands. He helps to shape them. He either can help them to advance or he can retard their progress. We feel that only those who can submerge their personal wishes and think of the welfare of the people should be appointed to that very important office.

I am probably a little more critical than I need be, or it may appear that way, but these are the things that have been brought up again and again and again in our meetings, at our conventions, and I am simply passing them on to you. There seems to be a theory of a master race over an inferior race which has to be followed. I have heard it said that the Indians cannot think for themselves. Therefore somebody has got to do their thinking for them. I am sorry to say in practice in a great many instances that is borne out. I think I read this quotation some place: "The measure of democracy is the measure of freedom given to the smallest minority group." Unless we hold up that standard among our native people we are not playing fair with them.

Once again in connection with the actual revision of the Indian Act, a great deal of sympathy and understanding will be required for I want to say once more that this will affect the destiny of a race fighting for survival. We feel that where advice is needed, and where the Indian viewpoint can be stressed and interpreted probably a little more clearly we would like to have Indian representation in the work of that committee.

Before this committee, as I said this afternoon, there are twenty-four volumes which contain departmental evidence. It is heavy enough, voluminous enough so it will give you that picure probably with greater clarity than any other picture, the departmental viewpoint. I should like to add my word to what has been said here already by Mr. Williams and others. It might be a good thing to have one come before you who might speak of the defects of that administration, one who has laboured under its handicaps and who has realized that a great deal of improvement is necessary from the viewpoint of an official of that department. I think a viewpoint like that could be very profitably given by an ex-Indian agent or an ex-director of Indian affairs, if one could be brought before this committee. It would be most profitable, I am sure. Before closing this statement I am making I would like to be absolutely fair. It has not always been a dark picture. The department has done some very good work. I do not want the officials here—I do not say it for their benefit—but I do not want them to think that our people are altogether ungrateful. The department in many respects—I mean the Indian Affairs Branch—has done very good work. In my own family the department has assisted by making some grants toward the education of my children as they have done for others, and I am glad to say that one of them who wanted very much to get into the service of this department, but who has not been able to do so—one who has been teaching in Indian schools and in public schools in the province for the last ten years—was approached by the Department of Labour of the provincial government in Victoria, and he has entered the service of the provincial government as an inspector of labour. I am grateful for that. I feel that the department has helped him to attain to a position where he was able to attract notice enough to be offered a position like that. Others, I think, if they would tell the whole truth can say the same thing.

The picture has not always been just as dark as we sometimes lead you to think. There have been some bright spots here and there in the line of development.

Just one more point. You have had some briefs submitted to you—briefs like this one that came to you from the Aboriginal Natives of the Fraser Valley and the Interior Tribes of British Columbia. These briefs were not submitted because the members who submitted these briefs were not members of our organization but because in that letter that was sent out from this committee by Mr. Lickers last year every tribe was invited to submit a brief and that caused a certain amount of misunderstanding; and they began to prepare their local briefs, which was a good thing. It gives you the local viewpoint. This particular brief that was lodged with you—I think it has been written into your record (1947 Appendix BD, page 52)—was approved by our convention and we have given it the stamp of approval because we believe its contents are very good and very useful indeed. We say that about other briefs that have come to you from the members of our organizations. We trust that when you come to deal with them you will deal with them most sympathetically. Now, I think that is all I wish to say, Mr. Chairman.

By the Chairman:

Q. Before we dismiss Mr. Kelly I wonder whether he could tell me something. Mr. Kelly, you remarked on the improvements in the past several years; would you admit there have been any improvements, say, in the last five years?—A. Along just what line?

Q. In the administration of the Indian Affairs branch. Generally, has there been any improvement in the administration and in your relationship with the Indian Affairs branch?—A. I think so. I think there has been an improvement all right. We think there is improvement until an appointment is made that we very much disagree with, as was done recently, and we hope it will not be repeated again. There is nothing against the man, but his experience.

Q. Would you tell me what percentage of the Indian fishermen on the British Columbia Coast are members of the Native Brotherhood—your organization?

Mr. WILLIAMS: I would say about 80 per cent, probably more. Why I say 80 per cent is that they are the paid up members in that organization. You always have members who are in bad standing; otherwise it would come to very nearly 100 per cent.

The CHAIRMAN: Among the fishermen on the British Columbia coast are there any other organizations similar to yours?

Mr. WILLIAMS: There is the white organization.

The CHAIRMAN: Among the Indians?

Mr. WILLIAMS: No, there were some years ago.

The CHAIRMAN: Are there any of the Indians who belong to the white organization?

Mr. WILLIAMS: Very few—just one village which has a branch or a local under the white organization, and that is the Kincolith, near the mouth of the Nass river.

Mr. REID: I wonder if I could ask a question in the light of the statement which we have just heard from Mr. Kelly?

By Mr. Reid:

Q. Mr. Kelly, I am wondering if you have given any thought of the future and whether you think the Indians should be kept as Indians on the reserves or whether you visualize the fusing of the two races, the assimilation into one until we are all one entire Canadian nationality. My own view is that with our policy we have made, what Dr. Jenness calls literally, displaced person camps. We set the Indians off there, and the children off there, and we forbid them to go

here and there, in this theatre or the other. Perhaps that policy has been all wrong. We could go on for another thousand years and be no closer to a proper solution of our problem. I am wondering if you have given any thought to a suggestion how we can break that situation down, because to my mind as long as we do that the majority of the people will say, "That is an Indian; that is an Indian reserve", that division will always be there for the next thousand years unless some different and further step is taken beyond the distance we have gone in the past fifty or sixty years.—A. Well, one must of necessity give a great deal of thought to that. I think the Indian reserves and villages at one time served a very fine purpose; they acted as a protection for the people. I believe the time has come when the Indian of to-day has just marched a little past that. The reason we are stressing so much the necessity of Indians attending the public schools of the land is so that the growing generation will meet with the other children and will compete with them—if that term can be used with regard to school life—and play with them; and will develop with them and will think as they do and see as they do. And as they go up I think they will be prepared to take their place in a far better way than the Indian of to-day. And, also, we have been very badly misquoted. Some organizations, the organization which is to appear before you very shortly, have referred to the Native Brotherhood of British Columbia as championing enfranchisement, and have proclaimed a sort of war-cry against our organization because of that. We do not say that. As our brief points out, we would like the Indian to hold on to his aboriginal rights, and not to take all that away from him at one stroke but extend to him the right of citizenship. Only by so doing do we think that gradually if men will go to them—from what I have seen all men who conduct election campaigns, they go to every place; if the Indian has the vote they will go to him; and not only go to him, but they will see that he is properly treated. Now, he cannot engage in a public work of any kind unless there is no one else to do the job. If there were 1,000 Indians and a half a dozen white people the white people would get the job, but if he has any voice he will be treated with equality, and by so doing we believe his better self will come to the fore and be encouraged until he reaches the full measure of manhood. I believe the time will come if it has not arrived already, the reserve life becomes irksome, that they will not be satisfied with that kind of life. I can think of half a dozen, or more, a dozen probably of the boys from our stock from Skidgate, where I belong, who have left their native village and are now living in the cities and earning their way along because there is nothing offered to them in the reserve. That is going to become more general unless industries are established.

And now, I have said far more than I intended to say in reply to your question, Mr. Reid. I do not know what my fellow delegates will think about that.

The CHAIRMAN: This period as you know is devoted to the time of the delegates. If there is any statement which any other members of the delegation would care to make, any remarks which they would care to make, we would be glad to hear them now.

Mr. WILLIAMS: I would like to make a short statement and it might be better to keep if off the record because it is personal.

The CHAIRMAN: Just one moment; is it the pleasure of the committee to have this off the record?

Some Hon. MEMBERS: Agreed.

(Mr. Williams' statement continued off the record.)

Mr. MATTHEWS: I am sorry, Mr. Chairman, but I have another engagement and will have to leave. May I say that this last hour has given great encouragement to the committee. I appreciate very much what has been said;

and I want to say further that to my mind this matter of the young man having been turned down by the bar of British Columbia should find a place on the record.

Mr. CASE: I was going to say, Mr. Chairman, with due respect, I do think that Mr. Williams statement should have been on the record, for that is good advice for all of us. If there is such a thing as assimilation possible in our association with each other that was a perfect example. You have been quite satisfied with it?

Mr. WILLIAMS: I have been quite satisfied with it. In fact I find pride in the fact that my children are able to mix with other nationals. And may I add, Mr. Chairman, that my girl in a class of 48 on the Christmas examinations came sixth and never has been lower than ninth. My boy has attended three years and his lowest standing has been fourth. It has been mostly second, but he has never made the top grade. I am not saying that my children are above normal Indian children. They are just average children and they are getting on and they are competing in the classroom with other nationals. That should be of benefit to all Indian children. In a short time they emerge side by side with white folks.

Mr. GIBSON: Mr. Chairman, as you know I am from the British Columbia coast. I just want to take the opportunity of expressing to this very distinguished British Columbia Indian delegation who have come down here a word of appreciation for the very able manner in which they have presented the case for the British Columbia coast Indians. I am very familiar of course with all of them. They are all personal friends of mine and I am quite sure that they have given very good representation to the people who sent them down. I want to thank them.

The CHAIRMAN: Thank you, Mr. Gibson. Now, gentlemen of the delegation, is there anything that you would like to suggest to this committee other than what you have already suggested; any recommendations that you would care to make or any impressions which you would care to express at this time. We want you to feel free to make any comment at all. We want you to feel when you go home that you have received a good hearing, a fair hearing and a complete hearing.

Mr. Gosnell back there, have you anything you would like to say? If not, I would like to express on behalf of this committee our appreciation to you for having come here and having helped us in our deliberations with a view to revising the Indian Act. This is the third sitting we have had to-day. It has been rather a full day. We appreciate the effort you have put into the preparation of your brief. We appreciate your having come here and your able presentation of your case. On behalf of this committee I want to express our appreciation, and in closing I want to repeat what was said in 1946 on June 27 at page 418:

> Permit me, in conclusion, to assure all Canadian Indians and everyone interested in their welfare that this committee is doing and will do all in its power to ensure that the forthcoming revision of the Indian Act will, in every sense, be the Magna Carta of the Canadian Indians.

Mr. BLACKMORE: Mr. Chairman, may I ask one question?

The CHAIRMAN: Certainly, Mr. Blackmore.

Mr. BLACKMORE: I will just put this case to these gentlemen. There are two ideas in respect to the organization of the education of the Indian. One of those ideas is that there should be a departmental, or shall we say an Indian departmental organization for the education of the Indians. There should be a curriculum designed by the Department of Indian Affairs at Ottawa for the use of Indians throughout Canada and it should be used. Inspectors would be

appointed by Ottawa to visit the schools which would be maintained by the dominion government.

Now there is another point of approach or another type of approach and I gathered from an expression that was dropped by one of you that you had given some thought to the idea. The idea would be this. In British Columbia your Indians would simply fit in with the British Columbia people and would come under the same curriculum as that of the province of British Columbia and your schools would be under the direction of the province and they would be inspected by inspectors of that province. Now in order to have that brought about you would have to decentralize, or you would have to delegate to the province of British Columbia part of the burden of Indian affairs and that would have to be done with each of the provinces. Now the question I would like to ask of you is which one of these methods of organization would you be inclined to favour; the building up of an Indian curriculum for use all across Canada and the administration of your school system from Ottawa, or, the decentralization of the organization and control or supervision, so that each province would take over the education of the Indians, all operating under the general supervision of Ottawa. Had you given that matter any thought Mr. Kelly?

The WITNESS: We think that however well our system is prepared, that is to say by the Indian department, directed from here, it would still be, in a measure, a segregation.

Mr. BLACKMORE: That is my opinion.

The WITNESS: We think a system worked under the province would help the people to advance more rapidly and we are in favour of that.

Mr. BLACKMORE: You are in favour of that.

The WITNESS: Yes.

The CHAIRMAN: Thank you very much gentlemen, the committee is now adjourned.

The meeting adjourned at 10.15 p.m. to meet again on Monday next, May 5.

APPENDIX EO

BY-LAWS OF THE NATIVE BROTHERHOOD OF BRITISH COLUMBIA

NAME

1. The name of the Association is "The Native Brotherhood of British Columbia".

MEMBERSHIP

2. The membership shall consist of,—

(*a*) All those who are Indians as defined by the "Indian Act", being chapter 98 of the Revised Statutes of Canada, who are now members of that Association known as "The Native Brotherhood of British Columbia", and all such Indians who shall make application for membership in the Association and in a Branch Association, and whose application shall have been accepted, and who shall not have ceased to be members (hereinafter called "Members");

(*b*) Such other persons as the Executive shall admit to membership (hereinafter called "Associate Members").

3. Any person desiring to become a member of the Association shall submit his application for membership to the Secretary in the form approved by the Executive, together with such evidence as the Executive may require of the applicant's qualifications, and accompanied by the annual membership fee for the current year.

4. The annual membership fee shall be Five Dollars ($5.00) and shall be payable to the Treasurer on or before the 1st day of May in each year.

5. Any member of the Association may resign such membership.

6. Any person who ceases to be a member of the Association shall thereupon cease to be a member of any branch thereof.

7. The members in convention shall have power to confer life membership upon any member or associate member, provided that there shall not, at any one time, be more than twenty-five (25) life members. No life member shall be required to pay any annual dues.

8. The Executive shall have power to confer an Associate Membership upon any person who is prepared to join a branch of the Association as an Associate Member, and who has been approved by such branch, if the Executive is satisfied that such proposed member is sincerely interested in the welfare of the Association and its members.

9. The Executive shall have the power to terminate the membership of an Associate Member at any time.

10. Associate members shall have no voting power and shall not be entitled to hold office in the Association.

OFFICERS AND THEIR DUTIES

11. The affairs of the Association shall be carried on by the Executive and those appointed or designated by it for that purpose.

12. The Executive shall consist of the President, the Vice-Presidents, the Secretary, the Treasurer, and the Chairman of the Legislative Committee.

13. The duties of the members of the Executive shall be as follows:

(*a*) The President shall be the general presiding officer, and as such will, when he is present, preside at all meetings of the Executive and at the conventions of the Association, and shall direct the policy and affairs of the Association in accordance with the objects of the Association and the direction and rulings of the Executive and the Association.

(*b*) The Vice-Presidents shall each act as organizer of branches of the Association within the district covered by the group of branches by whom he was nominated, and shall keep the President and the Executive informed of all problems which arise in his group, and the President may appoint any Vice-President to act on his behalf and in his absence, and failing such appointment, the Executive may appoint any Vice-President to act for the President in his absence.

(*c*) The Secretary shall keep all records of the Association, including minutes of all its meetings, and shall attend all provincial conventions and meetings of the Executive.

(*d*) The Treasurer shall keep all financial records of the Association and shall receive all moneys of the Association and shall deal therewith in accordance with the directions and instructions of the Executive.

(*e*) The Chairman of the Legislative Committee shall preside over the Legislative Committee.

ELECTION OF OFFICERS

14. The members of the First Executive, who shall hold office until their successors are appointed, shall be:

President, Alfred Adams, Massett, B.C.

Vice-Presidents, Johnson Russ, Northern Coast District, Greenville, B.C.; Wallace Morgan, Northern Interior District, Kitwanger, B.C.; Caleb Williams, Central Coast District, Bella Bella, B.C.; William D. Scow, Alert Bay District, Alert Bay, B.C.; Frank Assu, Southern Coast District, Quathiaski Cove, B.C.; August Murphy, North West Coast District, Nootka, B.C.; Tom Shewish, South West Coast District, Alberni, B.C.; Oscar Peters, Lower Fraser District, Katz, B.C.

Secretary, Herbert Cook, Alert Bay, B.C.

Treasurer, Timothy E. Moody, North Vancouver, B.C.

Chairman of the Legislative Committee, Rev. P. R. Kelly, Ocean Falls, B.C.

15. Save as herein otherwise provided, the Executive of the Association shall be elected at each annual convention and shall hold office until the election of its successors.

16. Nominees for the offices of President, Secretary, Treasurer and Chairman of the Legislative Committee, shall be made by the delegates at the annual convention. Each delegate may nominate one member in good standing for each office.

17. Each delegate shall be entitled to nominate at the convention for the office of Vice-President of the Association, one member in good standing of the Association who is also a member in good standing of a branch association in

the group of branches or district which includes that branch of which such nominee is a member.

18. The elections for the Executive shall be held in the following order: President, Vice-Presidents, Secretary, Treasurer, Chairman of the Legislative Committee.

19. The number of Vice-Presidents shall be one for each group of branches, and he shall be elected from among the nominees of the delegates representing such group.

MEETINGS AND POWER OF EXECUTIVE

20. The Executive may pass rules and regulations governing its meetings and procedure.

21. The Executive may expel from membership any member or associate member of the Association (including life members) whose conduct is such as, in the opinion of the Executive, is detrimental to the welfare of the Association. Provided, that no member shall be expelled from the Association except after the consideration of his case at a meeting of the Executive, of which such member shall have had at least two weeks' notice. At such meeting the member whose expulsion is under consideration shall be entitled to be heard. Pending such meeting, the Executive may suspend the member from membership.

22. Any member or associate member (including life members) aggrieved by any decision of the Executive expelling or suspending him from membership in the Association, may appeal to the membership at large at the next convention of the Association, and the decision of the convention shall be final.

23. Any five members of the Executive shall form a quorum for the conduct of business.

24. The Executive shall have power to establish one or more Women's Auxiliaries, and the members of such auxiliaries shall have the right to attend the conventions of the Association, but shall have no voting power and no right to hold office in the Association. Any member of a Women's Auxiliary shall pay to the Association an annual fee of One Dollar ($1.00), payable on or before the first day of May in each year.

25. The Executive may pay salaries to the Secretary and to the Treasurer of the Association, but no salary shall be paid to any other members of the Executive, but the Executive may pay such travelling expenses or other disbursements incurred or made by any member of the Executive upon or in connection with the Association's business as they shall see fit.

26. The Executive may employ any persons which they shall deem necessary to carry on the business of the Association and remunerate such persons for services rendered.

27. The Executive, at its first meeting after the convention at which it is elected, may appoint one or more business agents and may fix their remuneration. Such business agents shall carry out such duties as the Executive may direct, and particularly will have power, subject to the approval of the Executive, to negotiate all contracts or agreements to be entered into by the Association on behalf of its branches or any members or associate members thereof.

28. In the event of a casual vacancy occurring on the Executive, the remaining members of the Executive may fill such vacancy, provided that

in the event of an office of Vice-President becoming vacant, the branches comprising the group represented by such Vice-President shall be given a reasonable opportunity to nominate successors to such office, and the Executive shall appoint the successor for such office of Vice-President from among those so nominated, if any.

29. A resolution signed by all the members of the Executive shall have the same force and effect as a resolution passed at a meeting of the Executive duly called.

30. The Executive shall have power to appoint from among the members of the Association such committees as it may deem necessary for the conduct of the affairs of the Association, subject to the supervision of the Executive, and may designate the powers of such sub-committees. The Executive shall as soon as may be after its election, appoint a Legislative Committee of such numbers as they shall see fit. The Legislative Committee may include persons not members of the Association.

31. The President shall ex-officio be a member of all committees.

32. The Executive may borrow or raise or secure money in such manner as they shall think fit.

BRANCHES

33. The Executive may from time to time establish branch associations of not less than twenty (20) members, and may, for administration purposes, group those branches into groups or districts. The first branches of the Association and their respective groups or districts shall be as follows:

Northern Coast District:

Canon City
Greenville
Kincolith
Port Simpson
Port Essington
Kitselas
Kitkatla
Hartley Bay
Metlakatla
Massett
Skidigate

Northern Interior District:

Kitwanger
Skeena Crossing
Hazelton
Kispiox
Morricetown

Central Coast District:

Kitamaat
Klemtu
Bella Bella
Bella Coola
Kemano
Rivers Inlet
Smiths Inlet

Alert Bay District:

Alert Bay
Fort Rupert
Turner Island
Village Island
New Vancouver
Gilford Island
Kingcome Inlet
Quatsino

Southern Coast District:

Cape Mudge
Squirrel Cove
Comox
Kuper Island
Nanaimo
Church House
Chemainus
Duncan
Westholme
Esquimalt
South Saanich
Sechelt
Sliamon

Lower Fraser District:

Sardis
Cheam
Sea Island
Chehalias
Katz Landing

North West Coast District:

Nootka
Ceepeecee
Hesquit
Ahousat
Clayquot

South West Coast District:

Alberni
Dodgers Cove
Sarita
Ohist
Ucluelet

34. The Executive may confer upon a branch association such powers, not exceeding the powers of the Association, as they shall see fit.

35. A branch association shall pay to the Association the sum of Ten Dollars ($10.00) upon receiving its Charter.

CONVENTIONS

36. The Association shall hold a convention at least once in each calendar year, at such time and place as may be designated at the previous annual convention, or failing such designation, as may be designated by the Executive.

37. Each established branch association shall be entitled to send two delegates to each convention, each of whom shall be entitled to one vote in respect of all matters arising at the convention. No member other than a delegate or his proxy shall be entitled to vote at a convention.

38. The names of the delegates shall be delivered to the Secretary in writing not less than seven (7) days prior to the annual convention, and delivered to the Secretary in writing forty-eight (48) hours before the opening of any other convention.

39. The Executive may appoint any member to be the Recording Secretary for the annual convention, and such Recording Secretary shall keep a record of the proceedings and minutes of the convention, and will hold office only during the convention in respect of which he is appointed. In the event of such appointment, the Secretary need not himself keep such record or minutes.

40. The Executive may call a convention of the Association at any time that they think it necessary to do so, and shall call a convention upon the written request of the majority of the Vice-Presidents.

41. Thirty (30) days' notice of every convention shall be given to the members and associate members by posting at Vancouver, British Columbia, written notice thereof to the Secretary of each branch association, and a notice so posted shall be deemed to be duly given to each member and associate member of the Association who is a member of the branch to which such notice is so posted.

42. Delegates representing fifty per cent (50%) of the branch associations and present in person shall form a quorum for the conduct of business at a convention of the Association.

43. Any delegate unable to attend a convention may appoint a member to be his proxy. All proxies shall be filed with the Secretary before the opening of any convention at which they are to be used.

44. Voting at a convention shall be by show of hands or by ballot, as the Convention may decide prior to any vote being taken. Unless otherwise decided the vote shall be by show of hands.

Bargaining Agent

45. The Association, through its Executive, shall have power to enter into contracts on behalf of its branches and its members and associate members, or any of them, covering the terms and conditions of employment of the members and associate members of the Association and the remuneration to be paid therefor, and covering the terms and conditions of the sale or disposal by the members and associate members of the Association of any of their produce and the price thereof, and the members and associate members of the Association shall be bound by any such contracts so entered into by the Association or the Executive on their behalf, and agree with the Association and the other members thereof that they will abide by such contracts and the terms, conditions, remuneration and price fixed thereby.

46. The Association, or any business agent or other person appointed or employed by the Executive of the Association for that purpose, shall be the bargaining agent of the members and associate members of the Association.

Seal

47. The Association shall have a seal, the form of which shall be adopted at the first meeting of the Executive and the seal shall be affixed only in the

presence of such officers as the Executive shall designate for that purpose. Failing such designation, by the President or a Vice-President, and the Secretary. The seal shall remain in the custody of the Secretary.

BOOKS AND AUDIT

48. The Executive shall hold a meeting within seven (7) days of its election and shall appoint auditors for the ensuing year who may be either a firm or chartered accountants or any member thereof, or an auditing committee of not less than three members of the Association who are not on the Executive.

49. The books and records of the Association shall be open to inspection by any member at any reasonable time at the office of the Association, or such other place as the Executive may decide, and such books shall be audited each year as of a date not more than one (1) month prior to the date fixed for the annual convention, and the auditor's report, balance sheet and statement of receipts and disbursements shall be presented to the annual convention and be available for inspection thereat.

ALTERATION OF BY-LAWS

50. By-laws may be altered or added to by any extraordinary resolution as defined by the "Societies Act".

Dated at the City of Vancouver, in the Province of British Columbia, this 8th day of January, A.D. 1945.

ALFRED ADAMS.
FRANK ASSU.
WM. D. SCOW.
ANDREW PAULL.
OSCAR D. PETERS.

OFFICERS OF NATIVE BROTHERHOOD OF BRITISH COLUMBIA ELECTED APRIL 7, 1947

President ..... Chief William D. Scow
Vice-Presidents:
Interior District ..... Mr. Charles Patsy
Central District ..... Mr. Caleb Williams
Alert Bay District ..... Mr. James Sewid
Alert Bay ..... Mr. William Mitchell
South District ..... Mr. Thomas Shewish
Lower Fraser District ..... Mr. Oscar Peters
Pemberton and Lillooet District ..... Mr. William Pascal
North-western District ..... Mr. Moses Smith
Secretary-General ..... Mr. Herbert Cook
Treasurer ..... Mr. Oliver Adams
Recording Secretary ..... Miss Stella Jeffrey
Southern Business Agent ..... Mr. Edward Nahaney
Northern Business Agent ..... Mr. Ivan Adams
Chairman (Legislative Committee) ..Reverend Mr. Peter Kelly

Negotiating Committee:—Mr. Reginald Cook, Mr. Oscar Peters, Mr. Johnson Russ, Mr. Caleb Williams, Mr. Guy Williams.

Legislative Committee:—Reverend P. R. Kelly (Chairman), Mr. William Beynon, Mr. William Scow, Mr. Guy Williams, Mr. Oscar Peters.

Delegation to Ottawa:—Mr. William Scow, Reverend Mr. P. R. Kelly, Mr. Tom Gosnell, Mr. Guy Williams (Unaffiliated district of Province).

Financial Committee:—To be chosen by incoming officers.

SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 18

MONDAY MAY 5, 1947
TUESDAY, MAY 6, 1947

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

MONDAY, 5th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: The Joint Chairman, Mr. D. F. Brown, M.P.

Present—The Senate: The Honourable Senators Fallis, Johnston, Macdonald (*Cardigan*), and McKeen—4.

The House of Commons: Messrs. Brown, Bryce, Case, Castleden, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*) (Vice-Chairman), MacNicol, Reid, Richard (*Gloucester*)—12.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; and Messrs. MacKay, Neary, Phelan, Jones, Patrick; also Reverend Father J. O. Plourde, OMI.; also (From North American Indian Brotherhood): Messrs. J. Delisle, Jr., Caughnawaga, Vice-President; Henry Jackson, Secretary; Telford Adams and Charles H. Canadian; (From Native Brotherhood of British Columbia): Messrs. Scow, Kelly, Williams and Gosnell. Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

The Chairman made a statement in regard to what had been done by the Indian Affairs Branch, in co-operation with the Department of Fisheries with regard to oula-chan fishing on the B.C. coast.

It was reported by the Chairman that owing to circumstances beyond his control (a train wreck) Mr. Andrew Paull, President, North American Indian Brotherhood, could not be present for at least twelve hours to present a brief on behalf of the organization of which he is President and that in the meantime the other accredited delegates of that organization (Chief Tom Jones, Cape Crocker, Ontario and Mr. Norman Saylor, Montreal) did not feel prepared to make any submission to the Committee.

After some discussion, it was agreed that the only alternative was to adjourn until 11 o'clock a.m., tomorrow, Tuesday, 6th May.

HOUSE OF COMMONS,

TUESDAY, 6th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: The Joint Chairman, Mr. D. F. Brown, M.P.

Present—The Senate: The Honourable Senators Blais, Horner, Johnston, Macdonald (*Cardigan*), and Taylor. (5).

88373—1½

The House of Commons: The Honourable Mr. Glen and Messrs. Blackmore, Brown, Bryce, Castleden, Case, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, MacNicol, Matthews (*Brandon*), (Vice Chairman), Reid. (13).

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; B. F. Neary, MBE., Superintendent, Welfare and Training; D. M. MacKay, Commissioner, Indian Affairs, British Columbia; H. M. Jones; C. Roberts; G. Armstrong; D. H. Russell; George Patrick; (From Department of Mines and Resources): Mr. W. J. Ford Pratt; also Reverend Father J. O. Plourde, O.M.I.; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer; (From North American Indian Brotherhood): Andrew Paull, Vancouver, President and Mr. Norman Saylor, K.C., spokesman for Maritime Provinces; (From Sarnia): Kenneth Plain and Telford Adams; (From Caughnawaga): Jos. Delisle, Jr.; Charles Canadian, Andrew Marquis; Tom Laferre; (From Cape Breton Island): Ben Christmas; (From Restigouche, Que): Chief Dan Basque and Jos. Basque; (From Village Lorette): Albert Vincent, Albert M. Sioui, Marcel Bastien; Paul Sioui; Paul E. Picard; (From Walpole Island): Marsin Wrightman; Lalieu Kewayosh; Henry Railwy; Allen Isaacs; Solomon Keyawosh; Corlie Jacobs; Wellington Jacobs.

Mr. Bryce presented the sixth report of the subcommittee on agenda and procedure and moved its adoption. (For text of Report, see Minutes of Evidence).

The Chairman made a statement with regard to the time to be allotted to representatives of the North American Indian Brotherhood.

Mr. Andrew Paull, Vancouver, B.C., President, North American Indian Brotherhood, was called, made a brief statement and introduced Mr. Norman Saylor, K.C., Montreal, who would make a preliminary statement.

The Committee adjourned at 1.00 p.m. to resume at 9.00 p.m., this day.

EVENING SESSION

The Committee resumed at 9.00 p.m.

Presiding: Mr. D. F. Brown, Joint Chairman.

Present: The Senate: The Honourable Senators Blais, Johnston and Taylor. (3).

The House of Commons: Messrs. Brown, Brunelle, Bryce, Case, Castleden, Farquhar, Gariépy, Harkness, Little, MacNicol, Reid, Richard (*Gloucester*) (12).

In attendance (as at morning session), also Mr. D. F. Fulton, M.P.

Examination of Mr. Saylor, K.C. completed and Mr. Saylor was thanked by the Chairman for the assistance he had given the committee.

Mr. Andrew Paull, recalled, made statements supplementing briefs filed previously with the Committe and which have been printed into the record.

Mr. Andrew Paull completed his statement and was thanked by the chairman for the help he had been to this Committee in its deliberations.

The Committee adjourned at 11.05 p.m., to meet again on Thursday, 8th next, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 5, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. F. D. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Could we come to order, ladies and gentlemen, please. Before we proceed with the business of the day I wish to refer to some evidence that was given last Friday by representatives of the Native Brotherhood of British Columbia. There was evidence given by Chief Scow on that date with regard to a certain fish called Oulachan, O-U-L-A-C-H-A-N, and Chief Scow said:

> All our people are concerned with this fish, as it is one of their most important foods. They process this fish into oil and they use it as you would use olive oil. Recently, other fishermen, I might call them foreigners, have commercialized this fish and our people would like this committee to establish some protection for the Indians.

There was other evidence given in connection with this fish.

Mr. REID: What correction are you making there?

The CHAIRMAN: I am not making any correction there but I am making a statement as to what has been done by Departments concerned. I have looked into this matter, and you will remember that I said we would have it referred to the Indian Affairs Branch at once in order that we might do something for the B.C. Indians in the matter of protection of their interests. I communicated with Indian Affairs and I have found the following:

"April 8—A telegram was received from the Indian agent, Alert Bay, B.C. reporting commercial fisherman operating seine net at mouth of river running through Indian reserve at head of Knight Inlet, affecting Indian food supply of Oulachan and seeking establishment of mile inlet for approach of nets to river mouth.

April 9—Departmental memorandum reports an interview with director of western fisheries, department of fisheries.

Result—instructions being telegraphed to fisheries officer at Nanaimo, B.C. to have temporary regulations put into effect preventing further seining for oulachan in questioned area.

April 9—There is a telegram from director Indian affairs to Indian agent, Alert Bay, reporting fisheries department action to prevent oulachan fishing within reasonable distance from mouth of Knight Inlet.

Also on same date there was a letter from department of fisheries to Indian affairs branch explaining action taken to secure telegraphic report on oulachan fishery conditions at Knight Inlet.

April 11—A letter from department of fisheries to Indian affairs branch reports temporary measures taken and permanent proposals being considered to protect oulachan fishery at Kingcome and Knight Inlets.

April 19—A letter from Indian agent, Alert Bay, to Indian affairs branch expresses appreciation for action taken re oulachan fishery at Knight Inlet:

'Your action has had the desired effect and for your information I enclose you, herewith, copy of wire which has been received by the local fishery officer from his department in which you will note commercial oulachan fishing operations ceased forthwith until May 15.'

Further suggestions were offered for review when new regulations are being considered."

I am merely showing what has been done. Apparently this action was not known to the British Columbia Indian delegation when they appeared before this committee on Friday.

Mr. REID: You will remember, when we were discussing the matter of these fish, I suggested the matter was rather involved and if the committee was going into complaints regarding fishing it would be advisable to call some official from the fisheries department. I said at the time that most of the statements made could be answered. I think that we quite rightly decided to let the matter stand over, but later, perhaps, it might be well to call someone from the fisheries department. These questions can all be answered but they appear difficult at first, especially to those who are not aware of the fishing conditions on the British Columbia coast.

The CHAIRMAN: If there is any necessity I think we could have it referred to the steering committee for consideration.

Mr. REID: I myself drew the attention of the committee to the fact that Indians were not restricted in the matter of fishing licences. All Indians in British Columbia can go to the department of fisheries and obtain a fishing licences. The statement was made that they were restricted and you will remember that I said "Well, you do not mean the fisheries department, you mean the canneries will not give you nets". That is a different matter entirely, and that has nothing to do with the dominion government. Any Indian can go to the fisheries department and obtain a licence.

Mr. CASTLEDEN: The fact remains that licences were issued to commercial fishermen for seining, and seining was done along that shore.

The CHAIRMAN: We have this report which shows what has been done to prevent that being done by others than Indians.

Mr. CASTLEDEN: I think it would be well for us to see that the permanent proposals are carried out.

Mr. CASE: I think Mr. Kelly had some knowledge of these steps but they are seeking to correct the matter in a permanent way.

The CHAIRMAN: This memorandum which I have read shows what action the Indian Affairs Branch has taken to stop further activities until at least May 15th. However, this is not what we are here for to-day.

We are here to hear the North American Indian Brotherhood. You will recall that when they appeared before this committee in June, 1946, as a matter of courtesy we said that we would hear them at a later date, although we had devoted two meetings to them last year. We said we would give them an opportunity of preparing their brief and making a presentation at a later date. We are now according them that privilege. We have permitted representation from them to name three delegates to represent the western provinces, the central provinces, and the maritime provinces. We were informed that the representatives would be here to-day. By the way, the North American Indian Brotherhood is an international organization, not solely Canadian. It comprises various members scattered throughout Canada. The accredited representatives are: Mr. Andrew Paull, who is the president, representing the western provinces; Chief Tom Jones, from Cape Croker, Ontario, representing central Canada; and Mr. Norman Saylor, representing the maritime provinces. I should have made it

clear that these three gentlemen represent the members of the North American Indian Brotherhood of the maritime provinces, the central provinces and the western provinces.

Mr. CASTLEDEN: A point of privilege, Mr. Chairman. I believe they call themselves the North American Brotherhood of Canada, as they are a Canadian branch of the North American Brotherhood.

The CHAIRMAN: None of the letterheads state that, and none of the correspondence states that. The letterhead says "The Grand Council of the North American Indian Brotherhood." There is nothing about Canada, and last year, you will remember, they had several representatives from the United States, at our meeting on June 27th.

Mr. CASTLEDEN: This circular which is here indicates that there is a Canadian branch, but perhaps the vice-president might clear that matter up when he appears.

The CHAIRMAN: This is the first indication I have had that there is a branch of the North American Indian Brotherhood which is purely Canadian. However, I do not think it matters very much. My point is that they are representatives of the Canadian members of the North American Indian Brotherhood. Now we regret that Mr. Andrew Paull is not able to be here. I will read a telegram which has been received from him. The telegram is dated May 3, which was Saturday, and it is sent from Calgary.

> Leaving Calgary 8.45 this morning. Delayed twelve hours by freight wreck. Instruct Lickers to contact my colleagues Windsor Hotel early Monday morning. I wanted conference with Jones and Saylor before appearing but if no postponement they can proceed. Wire my train your decision.
>
> (Signed) ANDREW PAULL.

Now apparently Mr. Paull will not be able to be here until this evening so that it will be impossible for him to appear before the committee to-day. We will have a session, however, at 11.00 a.m. to-morrow at which time he will be here.

Now then, we have Chief Tom Jones and Mr. Norman Saylor as the other representatives of the North American Indian Brotherhood.

Mr. CASE: I do not see Chief Tom Jones here. I do not know whether Mr. Saylor is here or not.

The CHAIRMAN: I will also read for the purposes of the record a letter addressed to our clerk from the vice-president of the N.A.I. Brotherhood.

> Due to circumstances beyond control, our President Mr. Andrew Paull, is unable to be here this morning to present a brief on behalf of the North American Indian Brotherhood which brief, by previous official arrangement, was to have been prepared and presented by him this morning.
>
> The Brotherhood, through the undersigned, regrets this unavoidable situation, and it would be generally appreciated if your committee would kindly postpone the hearing of Mr. Paull's evidence until the arrival of Mr. Paull whose train from Vancouver is delayed.
>
> Yours sincerely,
>
> (Sgd.) J. DELISLE, Jr.,
> Vice-president of the N.A.I.B.
>
> (Sgd.) HENRY JACKSON,
> Secretary of the N.A.I.B.
>
> (Sgd.) Executive Officers:
> TELFORD ADAMS,
> WALTER SANDS,
> GEO. A. CREE.

I wish now to read a telegram from the Caughnawaga reserve addressed to the Chairman of the Joint Committee.

> Dear sir, I wish to inform Joint Committee that the Caughnawaga Band of Indians have not authorized anyone other than the Chief Councillor to act as spokesman before Joint Committee.
>
> Also the North American Indian Brotherhood have always in the past tried to act on our behalf so we wish you to know that we do not approve or recognize that Brotherhood.
>
> We can handle our own business.
>
> Kindly inform us a week before time for us to appear before committee.
>
> (Sgd.) MIKE T. MONTOUR,
> Chief Councillor.

Mr. REID: From where is that telegram?

The CHAIRMAN: Caughnawaga reserve, near Montreal. The reason for reading the telegram is to show that the North American Indian Brotherhood apparently does not represent the Caughnawaga band, according to the chief councillor. In fairness to the brotherhood, I do not think it is their intention to represent any one particular band. The brotherhood is composed of various Indians throughout Canada and the United States.

Mr. MACNICOL: Was there not a representative from the Caughnawaga Indian reservation at the meeting last year at the same time as the North American Indian Brotherhood were here?

The CHAIRMAN: I think Mr. Delisle was here, and he is here to-day. He is of the Caughnawaga band, but he is not representing the Caughnawaga band. He is a resident there.

Mr. CASE: He is a member of the North American Indian Brotherhood.

The CHAIRMAN: He is a member of the North American Indian Brotherhood, that is right. Chief Tom Jones, is he here?

Mr. JACKSON: He is not here just now.

The CHAIRMAN: Do you know where he is?

Mr. JACKSON: He is at Cape Croker. He cannot get away from the reserve today. He sent Andrew Paull a wire to that effect. Mr. Jones cannot be here today or to-morrow as he is tied up with business at his own reserve. The treaty money is being paid today and to-morrow.

The CHAIRMAN: We have a telegram from Andrew Paull dated May 1.

> Leaving to-night. Am trying to have Jones there Monday. Many thanks. (Signed) Andrew Paull.

We assumed Chief Jones would be here.

Mr. CASE: Are you substituting for Tom Jones?

Mr. JACKSON: No.

Mr. FARQUHAR: Is there any other representative here from whom we can hear?

The CHAIRMAN: Is Norman Saylor here?

Mr. JACKSON: He is in the city, but he is not here in the room.

The CHAIRMAN: That being the case, what is your pleasure? Is there anything we can do to-day?

Mr. FARQUHAR: Adjourn until to-morrow morning, I guess.

The CHAIRMAN: This raises another point; if we are devoting to-morrow to this hearing, we must have all this evidence presented in one day, because we can hardly meet on Wednesday, for various reasons.

Mr. CASE: I think that would have to be accepted because we cannot prevent the delay.

The CHAIRMAN: Mr. Saylor is in the city, but he is not in this room. I do not know where he is.

Mr. CASE: Mr. Saylor is waiting for this conference Andrew Paull indicates he desires to have with his people before proceeding.

Mr. MACNICOL: What time will Mr. Paull be here this evening?

The CHAIRMAN: Around six o'clock, p.m.

Mr. MACNICOL: Perhaps we could have a meeting this evening.

The CHAIRMAN: It would be difficult due to the fact that many members wish to be in the House of Commons, this evening.

Mr. CASE: I think Mr. Jackson desires to make a statement with respect to the situation in so far as Andrew Paull and the delegates are concerned.

Mr. JACKSON: I do not think anyone here has any authority to appear before this committee. According to the arrangements made at the last convention—

Mr. RICHARD: We cannot hear.

Mr. JACKSON: Arrangements were made at the last convention of the North American Brotherhood—

The CHAIRMAN: Where was that?

Mr. JACKSON: Here, in Ottawa, that Mr. Paull was to prepare our brief. He has it with him now.

The CHAIRMAN: We have something here. Pardon me, it is only a portion of it, which Mr. Paull asked us to distribute. (*See* Appendix "EP").

Mr. JACKSON: None of the delegates in the city know the contents of the brief which Paull is going to present.

The CHAIRMAN: In other words, what the brief contains is what Mr. Paull has prepared.

Mr. JACKSON: Yes.

Mr. CASE: Mr. Paull wants a conference with these people to approve of it before he presents it.

Mr. JACKSON: He will be able to do that soon after he arrives.

The CHAIRMAN: I understand there are some 35 Indians up at the Y.M.C.A. now. Mr. Saylor is there talking to them.

Mr. JACKSON: Yes.

The CHAIRMAN: Is the business of this committee to be held up then while they hold a conference.

Mr. JACKSON: Nothing can be done by us without Mr. Paull.

The CHAIRMAN: So long as you understand that to-morrow, between eleven o'clock and one p.m. is the time allotted to present your brief.

Mr. CASE: You can so advise Mr. Paull.

The CHAIRMAN: You see, the members of this committee, Mr. Jackson, while I know it is not any fault of yours, have devoted to-day and to-morrow to hearing any presentation the N.A.I.B. would care to make which would be of assistance to us in revising this Act. We are most anxious to hear the point of view of all Canadian Indians. We have taken great pains to provide a means of hearing that point of view. We should like you to avail yourselves of that opportunity, but you must understand we have to conduct our business in a somewhat orderly fashion. We just cannot run a committee in a disorganized fashion, hearing delegates whenever they desire to be heard. We have to have some pre-arrangement.

I might tell you that the business of this committee is such that we have no appointments available for hearing witnesses until after the 26th of May. As a matter of fact, just this morning, I had to write to one prominent person who could not accept an appointment on the 26th of May to tell him we would have to consider the matter later and let him know some time in June as to when he could be heard.

Mr. CASE: That is principally for the record, because Mr. Jackson, as you say, cannot help it. However, he could carry that message to Mr. Paull and let him know how pressed the committee is for time. There was time allotted to this delegation and we regret they are not here to-day.

Mr. JACKSON: These are circumstances we cannot control.

The CHAIRMAN: That may be so, but last week we had the Native Brotherhood of British Columbia. They came here on notice not any longer than Mr. Paull received. All western delegations were told on March 26th last to prepare themselves to come here after receipt of a telegram which would be sent to them as soon as we were given the names of their accredited delegates. The Alberta representation came all the way from Alberta and arrived here on time, and so will the Saskatchewan delegation.

Mr. CASTLEDEN: It was not Paull's fault they had a wreck.

The CHAIRMAN: I am not suggesting it is, but I do suggest that Mr. Saylor, who is a representative of that organization and is in the city, should at least have shown to this committee the courtesy of being present at the session.

Mr. CASTLEDEN: It is probably due to the fact they are not prepared.

The CHAIRMAN: Then why is he a delegate?

Mr. CASTLEDEN: Why is he a delegate?

The CHAIRMAN: If he is not prepared. Paull has had over a year to prepare, in fact a very long brief of his has been printed on page 829 of our 1946 minutes.

Mr. CASTLEDEN: It has been pointed out Mr. Paull is bringing the new report. Mr. Saylor probably has no authority to appear in that regard.

The CHAIRMAN: Are we to understand that Mr. Saylor does not know anything about the affairs of the association other than what he is told by Mr. Paull?

Mr. FARQUHAR: Has Mr. Saylor been notified directly by this committee?

The CHAIRMAN: Yes, in the same way as other delegates.

Mr. FARQUHAR: How long is it since he received his notice?

Mr. HARKNESS: I do not think there is any use of us sitting here discussing all this. I think we are wasting our time.

Mr. FARQUHAR: I want to know whether they are going to be here to-day, and if not, when?

Mr. HARKNESS: They are not ready to present their material at the present time. I believe the only thing we can do is adjourn until to-morrow morning when they must be ready to present it. There is no use of our sitting here wrangling over details.

Mr. FARQUHAR: I want to know some of the facts in connection with it as to whether these men are at fault. Possibly they are not at fault at all. We want to know.

Mr. HARKNESS: You are not learning anything here. All we are doing is wasting time.

Mr. FARQUHAR: I think we are entitled to some information about it.

The CHAIRMAN: You have asked a question, Mr. Farquhar. I am trying to get you an answer.

Mr. FARQUHAR: Apparently there is objection to my getting that information.

The CHAIRMAN: On March 26, 1947, a preliminary letter was sent to all delegations; on April 29 of 1947 a telegram was despatched to Andrew Paull, President of the North American Indian Brotherhood.

> Joint committee requests attendance yourself and other two chosen delegates North American Indian Brotherhood be Ottawa meeting committee scheduled Monday May 5th next. Please acknowledge.

On April 29 we have a telegram from Andrew Paull addressed to the clerk of the committee.

> Telegram received please arrange for transportation by wire.

On April 29 there is a wire to Andrew Paull.

> Am wiring your transportation will advise you later where go get it. How about Jones and Saylor? Have you notified them as we assume you did. Answer promptly please.

That is signed by the clerk. On April 29 we addressed a letter to the Canadian Pacific Railway advising them to wire transportation, etc., to Andrew Paull.

Mr. CASE: Of course, it is quite evident that Mr. Saylor knows. He is here. I agree with the chairman that Mr. Saylor might have come up here and advised us as to the situation rather than leaving it to someone who is not an official delegate.

The CHAIRMAN: I am now informed that Mr. Saylor is a lawyer. He is an Indian lawyer?

Mr. LICKERS: He is an Indian lawyer.

The CHAIRMAN: He is a lawyer practicising in Montreal, so he knows the effect of the demand, I might call it, to attend before a parliamentary committee to give evidence. I am told it amounts to the same thing as a subpœna, but I do not suppose we are going to do anything further about it at the moment.

Mr. REID: I think we should be fair in the matter. All organizations are generally speaking under the control of the president. If you have a number of delegates they cannot appear until the president arrives. If the president says that he does not want them to appear until they have a previous conference they are in duty bound to adhere to that. I think we must be fair to the other delegates who are here. They are representing an entire organization. Andrew Paull is the man who speaks for the whole organization. I would take it he was in control of the delegation. I may be wrong, but ordinarily organizations carry on in that way. I think we have to be fair.

Mr. CASTLEDEN: I believe Mr. Delisle, the vice president, is here. I wonder if he might be heard.

Mr. DELISLE: I should like to say a few words. I am familiar with the correspondence between the president of the North American Indian Brotherhood and the committee. In regard to Mr. Saylor, who is a lawyer in the city of Montreal, Mr. Saylor asked Mr. Paull, through me, if he would be kind enough to send him a copy of the brief on the subjects on which he would be speaking. I regret to inform the gentlemen here that Mr. Paull did not send a copy. Probably he did not have time. This was all rather short in a way.

The CHAIRMAN: What do you mean by "short in a way"?

Mr. DELISLE: Mr. Saylor and all the Indian deputies who are here in the city of Ottawa are now asking that we be allowed to meet our president and discuss this.

The CHAIRMAN: Just a moment. You have said it was short notice. What do you mean by short notice?

Mr. DELISLE: I would say that Mr. Paull is several thousand miles away.

The CHAIRMAN: Do you mean the notice given by this committee was short notice?

Mr. DELISLE: I would not say that. I do not blame the joint committee. I think that the fault rests with our president.

The CHAIRMAN: We have given him a year's notice.

Mr. DELISLE: I would ask the chairman if he would grant us a little time to discuss among ourselves until the arrival of Mr. Paull.

The CHAIRMAN: We will be very glad to give you that but we want you to understand the only time available before this committee is to-morrow. We had arranged to let you appear to-day and to-morrow before this committee.

Mr. FARQUHAR: Mr. Chairman, I think the time is not sufficient. You wired on the 29th. That does not give them very much time to be here from the western provinces. I think possibly they are not so much to blame as we are.

The CHAIRMAN: Mr. Farquhar, you understand they knew about this a year ago. They have had their brief prepared for months. And the warning letter went to everybody on March 26 this year.

Mr. FARQUHAR: Yes, but they have some distance to come.

Mr. CASE: Except for the train wreck Paull would have been here.

Mr. FARQUHAR: A message was sent on the 29th.

Mr. RICHARD: Evidently these delegates meant to meet Mr. Paull here, if Mr. Paull had not been delayed by the train wreck. If he is here this evening why can they not have a meeting this evening and again to-morrow? We could adjourn until this evening or to-morrow.

The CHAIRMAN: That is the only day available.

Mr. RICHARD: Then we will hear them to-morrow?

The CHAIRMAN: I want them to understand the presentation has to be completed to-morrow.

Mr. MACNICOL: Mr. Paull cannot help the train wreck.

The CHAIRMAN: Nobody suggests that he can. What I am saying is in view of the fact there is nobody from the organization prepared to give evidence before this committee to-day we only have to-morrow left according to our schedule, and they must complete their presentation to-morrow. Instead of taking two days they will have one day.

Hon. Mr. MCKEEN: If he had got in on time and there had been no train wreck he would have had about two hours for a conference. I understand the train is about ten or twelve hours late. That means they have all evening for conference and the same two hours to-morrow morning, if they appear to-morrow morning.

The CHAIRMAN: They have already asked that they have this evening for a conference on their own.

Mr. CASE: To approve their brief. I move we now adjourn until to-morrow morning.

Mr. REID: Before we rise may I ask this question? My question is can anyone tell us when we will be hearing the American delegates?

The CHAIRMAN: We have had word by telephone only from Mr. MacInnes of the Indian Affairs Branch that Mr. Zimmerman, the Assistant Deputy Commissioner of Indian Affairs for the United States, will be here on Monday next, May 12, at the hour of 11 a.m., unless in the meantime we should get official notice to the contrary.

Mr. REID: Thank you.

The committee adjourned at 11.50 a.m. to meet again on Tuesday, May 6, 1947, at 11 a.m.

APPENDIX EP

THE NORTH AMERICAN INDIAN BROTHERHOOD OF CANADA

The North American Indian Brotherhood of Canada (N.A.I.B.) was organized at the National Indian Convention held in the city of Ottawa, June 5 to 7, 1944.

PREAMBLE

The solemn object and aim of the North American Indian Brotherhood is to give leadership to the Indian Nation within the Sovereignty of the British Crown, a nation, by treaty obligation, under a protective government. It aims to salvage material from the ashes of the past, and thereby awaken the Indian race in the dormant nobility which is, by heritage, rightfully theirs, preserved for them and guaranteed to them by the Proclamation of King George III, 1763. The North American Indian Brotherhood:

1. Will strive to seek national recognition from the Government of Canada of a united Indian Nation as one established body within the Sovereignty powers of the Dominion of Canada.

2. Will extend a welcoming hand to the white race, offering the white race a chance to cooperate with the Indian people in endeavouring to strengthen the bonds of racial unity.

3. Will not by force, violence nor timidity, but peacefully and democratically approach the Parliament of Canada for the establishment of an independent commission to deal adequately and fairly with Indian questions. Therein all Indian recognized constitutional bodies will legally and authoritatively speak and make representations collectively or by individual Indian Communities on any claims or treaty obligations whatsoever as the case may be.

4. Will seek a mediator and arbitrator for any grievance or misunderstanding that may occur or arise between the state and the wards of the state, i.e., the Government of Canada and the Indian Nations of Canada.

5. Will seek to reawaken the pride and dignity of the Indian race, and point out that national unity leads to greater opportunities, greater success, greater achievements, and cultural advancements—surpassing the selfish doctrine of jealousy, prejudice, hatred and individualism which leads to the downfall of a nation.

6. Will seek to restore treaty obligations from the responsible government of the country, entrusted by Royal Proclamation to safeguard the rights and privileges of the North American Indians, reserved under covenant by Royal Consent, the said government to be petitioned for redress for all in full measure, and compensation for all cases of encroachments from the beneficiary Government of the Crown.

7. Will press for amendments or revision or abolition of any portion of the Indian Act where it is necessary for the well being of the Indian Nation of Canada, will press for old age pension to the extent contributed by the Dominion Government. We will also demand the cooperation of the Government of Canada to elevate the living conditions of Canadian Indians, the restoration of trapping, hunting and fishing rights guaranteed by the Proclamation of King George III and subsequent treaties, eliminating as much as possible privation in Indian communities and to assist Indians, economically, physically and spiritually.

8. Will endeavour to organize and establish a national unity across the length and breadth of the dominion, its purpose in unity to serve and advocate progress and advancement for better living conditions and facilities of a better educational system, and a greater degree than heretofore accorded to Indian agriculturists.

9. Will also press the government to provide and erect day schools on Indian reserves where it is necessary so that the 10,000 Indian children in Canada who have no educational facilities will have access to a better chance of attaining higher education and the learning of any of the professions and vocational training to Indian youths who show promise.

10. Will endeavour to promote a greater interest in aboriginal culture. Prove it was never devoid of beauty but always full of respect for life and enriching faith in a supreme and divine Power and principle of truth, honesty, generosity, equity and brotherhood, and the Indian stamped his identity on the very soul and history of the country. The Indian maintains that by denying to him his ancestral heritage and rights the white race is but robbing and cheating itself of a priceless asset to the country as it was made from time immemorial. The Indian is an integral part of the people of Canada.

11. Will steadfastly and earnestly promote the study of ethnology, history, Indian arts, crafts, customs, legends, traditions, music and songs, mythology and teach that there is a life supreme in the great beyond and acknowledge in all science the great mystery of the great Spirit and His supreme dominance over all things.

12. The North American Indian Brotherhood is broad enough in scope to accommodate all requirements of which it was formulated. The uplift of the dispersed, neglected and down-trodden people, the Indian of Canada. This national humanitarian enterprise is on a national scale united in action as one people under one sky. Blessed by one great Spirit in one country to be politically independent and nationally recognized as one people with a will to achieve. With this in view we must stand together, think together, work together, suffer together, as brothers and sisters, and those of us who would serve all that is just and noble we must strive to conquer the many obstacles which may be placed in our way to victory and after we have accomplished uniting a fair representation of our people. Then and only then will the North American Indian Brotherhood of Canada be able to speak authoritatively and become a respected and recognized institution in the Dominion of Canada. It is also true that just as long as the Indian people are contented to sit quietly by and let the dominant white man have all the say they will continue to suffer untold privation, under the economic domination and strangulation of the antiquated and unjust laws of the white man which, if allowed to continue, spell gradual and gentle process of extermination.

13. *Return Soldiers Question*

Your executive committee will demand that the same privileges be accorded to Indian veterans as is given to white people and the said veterans will have the right to the rehabilitation on Indian reserve according to his wishes.

14. Your executive committee oppose a compulsory military service on Indians. We will endeavour at the next session of parliament to have a bill introduced in parliament to exempt Indians in future, should occasion arise for military conflict. We are going to secure the best legal advice for an opinion and from this decision we propose to have a bill passed in the next session of parliament which will definitely exempt Indians in all parts of Canada from the imposition of direct taxation and also indirect taxation.

15. After very serious consideration, having given serious study and investigation to the family allowance legislation of the government, we have sought and received the opinions of legal authorities. We feel that it is incumbent upon us to advise our people that by the provisions of the proclamation of King George III, during the month of October, 1763, and by the provisions of the treaties resulting thereof and also by the provisions of the B.N.A. Act and supported by the decisions of His Majesty's privy council, we do not hesitate to recommend that each and every one of you avail yourselves of the provisions of the Family Allowance Act.

16. We are certain after due study of the law, it will not prejudicially affect our people. We have been given assurances by officials of the government at Ottawa, April 24, 1945, that the family allowance is a contribution by the government which is intended to be in addition to the contractual and legal duty of the crown.

17. We were also given to understand that the beneficiary aids now or to be given to the aged and indigent will be continued as heretofore. Because of the importance of this question we have informed the government of Canada, that irrespective of any action of our people, a final discussion will be conveyed to the government at our forthcoming convention and we have also informed the government that the said convention will ask the government to pass legislation exonerating the Indians of any compulsory legislation in future.

NOTE: Paragraphs 18 and 19 were deferred for consideration until the 1946 convention.

18. We have been advised by competent legal authorities that only nations can make treaties, and that the signators to any treaties are competent and equal one to the other. Because comparable status and the fact that the denial of all rights has hindered and impeded the realization of the rights guaranteed to us by these treaties, it is the desire of our people to be liberated and emancipated so that we can attain the high standard of living.

19. Because of these things and the conditions under which we have lived for many years, we are of the opinion that the time has now arrived when we should demand the full fruits of the British justice promised to our ancestors and that such justice can only be attained by a direct representation to parliament of Canada, by Canadian Indians chosen and elected by Indian men and women in Canada.

20. The Enfranchisement Act of Canada will *not* be applicable to the children of an Indian who becomes enfranchised; for the protection of minors, and the interest of any children whose parents are applying for enfranchisement, the Indian membership of minors be retained until such child becomes of age when he or she can choose their own future status. We are opposed to the enfranchisement of Indians.

The executive committee of the N.A.I.B. wishes to conclude by stating that we verily believe it to be our first duty to secure the comfort, health and well-being of our women whose contributions and sacrifices in this great conflict for justice and freedom deserve great and full consideration.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
May 6, 1947

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: The first item of business is the report of the subcommittee on agenda and procedure.

Mr. BRYCE:

SIXTH REPORT OF SUBCOMMITTEE ON AGENDA AND PROCEDURE

Sessional Program:

Your subcommittee has again given consideration to the schedule of meetings to be held this session.

Unless otherwise ordered meetings will be held as follows:

Tuesday, May 6—North American Indian Brotherhood.

Thursday, May 8, Friday, May 9—Union of Saskatchewan Indians.

Monday, May 12, Tuesday, May 13—U.S. Commissioner of Indian Affairs.

Thursday, May 15, Friday, May 16—Messrs. Neary, Jones, McKinnon, ESO, NWT.

Monday, May 19, Tuesday, May 20, Thursday, May 22, Friday, May 23—Representatives of Ontario Indians: 2 from Six Nations Council; Telford Adams, from Southwestern Ontario; Tom Roy, from Northwest Angle Treaty Indians; Henry Jackson, from far Northern Ontario; 1 representative from Manitoulin Island.

Tuesday, May 27—Delegation representing Roman Catholic Church, headed by His Eminence Cardinal McGuigan.

Thursday, May 29—Delegation from United Church of Canada.

Tuesday, June 3—T. F. McIlwraith, Professor of Anthropology and Head of Department, University of Toronto.

Thursday, June 5, Friday, June 6—Indian Association of Manitoba.

Last session your committee held 25 meetings. Our meeting today is the 27th held this session.

It was stated by a delegate at our meeting on Friday last, that 24 of our minutes had been devoted to the hearing of departmental officials. As a matter of fact, those reports contain 68 appendices, most of which are briefs from Indian bands from one end of Canada to the other. Further, our order of reference instructs us "to investigate and report upon Indian administration in general", and that could only be done by hearing from the officials charged with that administration.

All of which is respectfully submitted.

I move the adoption of that report.

The CHAIRMAN: Any comments?

Mr. CASTLEDEN: I should like to ask a question. Does this complete the schedule? This is not intended as the complete schedule?

The CHAIRMAN: No, it can be varied later on.

Mr. CASTLEDEN: It is just up to the 6th of June?

The CHAIRMAN: We do not intend this to be the end of the sessions.

Mr. CASTLEDEN: Thank you.

The CHAIRMAN: Any further comments? All in favour?

Carried.

We had devoted yesterday and today to the hearing of the North American Indian Brotherhood. You will recall that last year the North American Indian Brotherhood attended Ottawa at the time of their convention, and as a matter of courtesy we extended to them the privilege of appearing before our committee for two sessions.

At that time we advised them that we would be pleased to hear them this year for the purpose of presenting their briefs. On the 26th of March we sent them a further notice of the sessions of the committee and advised them when they could be heard. I should say first that the committee decided that in order to get representation from various parts of Canada that the North American Indian Brotherhood would be requested to have a delegate attend from the western provinces, one from the central provinces, and one from the maritime provinces. In other words, we will hear three delegates. The delegates have been appointed by the North American Indian Brotherhood, namely, Mr. Andrew Paull representing the western provinces, Mr. Tom Jones representing the central provinces, and Mr. Norman Saylor representing the maritime provinces.

In addition to the presentation which they are making today we have their brief which will be found at pages 829 to 844 of the minutes of proceedings of last year. The members of the committee may want to refer to that. Unfortunately yesterday the president of the North American Inidan Brotherhood was not able to be here because of a train wreck en route. None of the other delegates were in attendance although later after the meeting had adjourned and most of the members had departed Mr. Saylor did come. He may want to say something today about that. If it is your pleasure I will call on Mr. Andrew Paull to introduce the delegates.

Mr. PAULL: Mr. Chairman, and hon. members of the committee: I want to express my personal regret for the inconvenience caused to the hon. members of this committee by my absence yesterday when I should have been here. I wish you would be kind enough to excuse me from any blame and blame it on the Canadian Pacific Railway system. Because of that, and because of the importance of the matters which I wish to present to this committee, I hope you will allow me sufficient time. I have been studying the Indian question since 1907. Last year you were kind enough to allow me to appear before your committee and speak to you in general terms. I was promised orally and by letter that this year I would be permitted to present arguments, evidence, and so on, and particularize on different subjects. I do not want us to be penalized because of an accident that happened and be reduced to one session.

I understand that your original program was to hear the North American Indian Brotherhood speakers yesterday and today. If you can give us that amount of time I think that is the time that we will require.

I wish to have a name corrected in the report submitted by Mr. Bryce. He has the name there as "Robert Jackson." It should be "Henry Jackson." Will you please have that corrected in your report?

Chief Tom Jones, who was to speak for the North American Indian Brotherhood representing the Indians of central Canada, is unavoidably absent because of the fact the Indian department is paying out the semi-annual treaty money tomorrow. He runs a general store, and he is the chief of those Indians receiving that money. He has to attend to his own personal business. He has to be there.

I make a sincere appeal that Chief Tom Jones be heard at the same time that the Ontario delegates are heard commencing May 22nd. He is from Ontario and he would be together with the other delegates from Ontario.

At this time I am going to introduce Mr. Norman Saylor, a member of the Iroquois nation of Indians, and a member of the Quebec bar. I am going to ask him to speak first. When he is finished then I will present my evidence. I do wish that you will give me sufficient time so that I can faithfully perform my duties to the Indans who rely on me to speak for them. At this time it is my pleasure, hon. members, to introduce to you an Iroquois who is a member of the legal profession in the province of Quebec Mr. Norman Saylor.

The CHAIRMAN: Thank you very much, Mr. Paull. Just one moment, Mr. Saylor. The practice has been that we have divided a stated amount of time so that we may have some order in the presentation. What do you recommend?

Mr. SAYLOR: From my experience in reading the reports I think twenty minutes is allowed to each speaker. Is that correct?

The CHAIRMAN: Not necessarily. We vary that to suit your convenience. We would like to have some order so that members of the committee may have an opportunity to ask questions. How many witnesses will you have?

Mr. PAULL: Just Mr. Saylor and myself.

The CHAIRMAN: Could we say half an hour each?

Mr. PAULL: No, I will take more than that.

The CHAIRMAN: Then what is your pleasure?

Mr. SAYLOR: I will take about an hour depending on the questions.

The CHAIRMAN: I will put it this way. It may be the pleasure of the committee to have a session this afternoon. Usually we have taken the first session for the presentation of briefs and the second session for the answering of questions put by the members of the committee. Is that agreeable to the members of the committee? Any comment?

Mr. CASE: I certainly think we should hear their briefs first, and the question period can be restricted.

The CHAIRMAN: We do want to be fair also to the members of the committee in asking questions. As you remember at the last session we had we allotted only ten minutes each to the members of the committee and we ran two hours, and there were not as many in attendance as there are to-day.

Mr. REID: I should like to draw to the attention of the members of the committee that it might be advisable to meet tonight rather than this afternoon, bearing in mind that this afternoon the debate starts on the budget with the leaders of the opposition parties speaking. That might detract from the attendance of the membership of this committee in the afternoon.

The CHAIRMAN: Of course, we must also realize from 8 till 9 there are private bills which are being watched by some members of the committee.

Mr. BLACKMORE: I think we should give these gentlemen all the time they need to present their case.

The CHAIRMAN: Tell us how it can be done then.

Mr. BLACKMORE: Let them take their time and we will see if we can devise ways and means.

The CHAIRMAN: We are limited to to-day. We have this morning until 1 o'clock. We have this afternoon. It has been pointed out that the leaders of the various parties will be speaking in the House. Is it you pleasure to meet this afternoon under those circumstances?

Mr. HARKNESS: Personally I am not likely to be here this afternoon ,and I think a large number of other members are in the same situation.

Mr. MATTHEWS: I do not think we should have a meeting this afternoon.

Mr. CASE: How about from 9 to 11 to-night?

Mr. HARKNESS: Agreed.

The CHAIRMAN: Then it is necessary to divide the time to give every member of the committee an opportunity to ask pertinent questions and also give the members of the delegation time. Would you care to allot the time? Shall we say this morning for briefs and this evening for questions?

Mr. PAULL: Mr. Chairman, the Maritime Indians and the Quebec Indians had asked me to instruct Mr. Saylor as to what kind of brief he should present. I did not do that because I wanted Mr. Saylor to speak from his own experience and knowledge and so on. I wanted to leave him free to say what he wanted to say so I did not time him down in the matter of presenting a brief. As far as I am concerned I have insufficient copies of my biref. I have just given it to the stenographer and I will not have it until this afternoon at about 4 o'clock.

The CHAIRMAN: I am awfully sorry, but we are faced with getting the presentation in within a certain allotted time. We gave you that opportunity yesterday. You had months' notices, not a month, but months' notice. We will give you from now until 1 o'clock to present your briefs and from 9 until 11 o'clock to-night to answer questions. That is all the time we can allot to the delegation. We would have allotted all day yesterday but Mr. Saylor was in the unfortunate position of not knowing what he was to present. He will have something to say on that. We cannot help that.

Mr. CASE: With due respect I say to you that we must hear the briefs whether or not we ask them one question.

Mr. BRYCE: Let us go ahead with the briefs.

The CHAIRMAN: Shall we exhaust the briefs first?

Mr. CASE: And if there is any time left we can ask questions.

The CHAIRMAN: How do we divide the time left among the members present?

Mr. CASE: We will find a means.

Mr. SAYLOR: Perhaps I might say something that might help in deciding this matter. What I would like to speak upon, with the permission of this committee, is general matters. I have no written brief to present to you. I have been practising law for twelve years now. Prior to that I was dealing with questions on the Indian Act, and if I may be permitted I should like to convey to you my experience in connection with the application of the Indian Act as it stands today.

Mr. REID: That is important.

Mr. SAYLOR: I have not a written brief.

Norman Saylor, called:

The WITNESS: Mr. Chairman and hon members of the committee: I feel a little bit shy appearing before you this morning. I feel that I was responsible to a certain extent for the unfortunate misunderstanding which occurred yesterday morning. Without going into detail I know that as far as the committee was concerned they expected somebody to be here, and that somebody included myself. That misunderstanding resulted from a lot of other misunderstandings, but I am not going to bore you explaining why it happened. I am sorry for yesterday, and I trust you will accept my apology.

As I have stated in my preliminary remarks I have been dealing with the question of the application of the Indian Act for a considerable length of time.

I started as a student becoming very interested in the Act because I was born on a reserve and still live on a reserve. I have lived amongst the Indians, played hockey, lacrosse, and everything.

During the course of my practice I have found a lot of conflict between the provisions of the Indian Act which, as you know, is federal legislation and the provisions of the provincial laws. One of the important things that occur to me in connection with the administration of the affairs of Indians is the matter of the estates of deceased Indians. Under the laws that exist today the estate of a deceased Indian is administered by the Indian Affairs Branch at Ottawa.

If an Indian dies intestate the superintendent general is the sole and final judge as to who should share in the property of the deceased Indian. At the present time there are difficulties, because not only under federal legislation does the deceased Indian's estate have to make a succession duty declaration but also under provincial law to the province concerned. If it is the province of Quebec you have got to make a succession duty declaration to the Quebec authorities, and so on and so forth throughout all the provinces of Canada.

The question of taxation enters into the matter. Naturally, as you gentlemen no doubt know, the reason why you make a succession duty declaration is for the authorities to find out if the property is sufficiently valuable that the estate may be taxed.

I had an unfortunate experience in the case of an Indian estate where the deceased Indian had a considerable amount of money. It was his own money, his own earnings during his whole lifetime. He was an old man. He had all his money in the bank which was off the reserve because there are no banks on reserves. He had to make a succession duty declaration. The provincial authorities wrote back and said that the estate owed $6,000 in taxes. In other words, it was absolutely impossible for that estate to get the money out of the bank unless and until the $6,000 was paid to the government. In my humble opinion I contended at the time that he being an Indian he was not liable to taxation, and it being the estate of a deceased Indian jurisdiction rested with the superintendent general of Indian Affairs.

By Mr. Reid:

Q. Would you mind citing the province?—A. Quebec. As you are probably aware before any money is obtained from the bank or from the proceeds of an insurance policy provincial succession duty releases must be obtained. Otherwise the bank will not give you the money. The insurance company will not give you the money. No trust company will give you the money in case the Indian has money there. That is one of the cases that cropped up in connection with the estates of deceased Indians. I submit, gentlemen, that if parliament intends that an Indian should pay taxes to the provincial government it should be definitely stated in the law. If parliament does not intend that the Indian should pay any taxes I think it should be clearly stated in the law. The Indian does not really know where he stands.

There is a general law in the Indian Act stating that no Indian shall be taxed for real or personal property but despite that the Indian not only in Quebec but throughout all the provinces of Canada has been paying all kinds of taxes including succession duty tax, sales tax, luxury tax. I am not arguing about the other taxes which are included in the sales tax. We have in Canada here in the various provinces legislation regarding the sales tax. There again the Indian is obliged to pay taxes to the provincial government. Although frankly, my own experience on the reserve from which I come, if an Indian buys for instance a package of cigarettes he pays 33 cents; and to that extent the government has recognized that the Indian should not pay the sales tax put in force by legislation in Quebec and the other provinces, but if he goes outside the reserve he is taxed.

Further in connection with the question of estates of deceased Indians, I find that the Indian can make a will just like anybody else. It is provided for in the Act, that he can make a will just like any other person. The procedure is to forward the will with an application for letters of administration to the Department of Indian Affairs, or I should say the Indian Affairs branch, which will either approve or disapprove. If the witness approves an administrator is appointed by the Indian Affairs branch, someone is appointed as administrator upon instructions of the Indian Affairs branch. My experience in estates, and I am not casting any reflections on anybody, and as a matter of fact—I don't know what the reason is, but whatever the reason is it should be remedied—this is what I have to say: I have handled estates of deceased Indians since 1935. That is twelve years. Generally the Indian is very, very poor and needs his money if there are any funds in the estate. He has to wait quite a number of years before he can get any funds out of the estate. As I said before, I do not know what the reason is personally I believe the Indian Affairs branch is deplorably understaffed with consequent delays in handling the estates of deceased Indians. You can appreciate in what state the administrative staff of the branch must be when I tell you that there are a number of estates which have been pending for quite a number of years and at the present time they do not seem to be any nearer solution than at the time the Indians died. How long it is going to continue on that way, I do not know. The poor Indian would have come to me and said, when am I going to get my money? I am helpless. I have my own copies of letters on file, but I get no results. As I said before, and I want to make it clear for the purposes of the record, I am not criticizing anybody; but it is the system which should be criticized more than anything else. I think a lot of that could be alleviated by putting a provision in the Indian Act whereby an Indian if he makes a will and if he is in close proximity to a city for instance or a town where there is a judicial district, that the Indian should be able to make a petition to a court in his district to have the will probated. From my experience of the time for probate the necessary authority to proceed would be received back in about three days; however long it took, I can guarantee that it would not take twelve years to work out a disposition of that Indian's property.

Now, regarding that, as I said before, I do not know what you gentlemen think; you are a fact-finding body and eventually you reach the point of submitting a draft revision of the Indian Act. But I submit it is a very, very important matter because of its scope and because of the many Indians throughout this country from east to west. Each province has its own laws, but as regards the estates of Indians, that is governed by the Indian Act; and that would have effect in Quebec, in Ontario, and in all the rest of them. Naturally the Indian who is living out in the woods of the back country does not know anything about succession duties. I do not think that an Indian should be obliged to make a succession duty declaration. I think that it should be within the jurisdiction of the Superintendent General of Indian Affairs in order to centralize the administration of the law with respect to Indians.

There are many other instances where insurance policies are involved in the assets of the deceased. There again the same problem arises. The insurance company says to the estate, well you bring in the release and we will give you the proceeds of the policy. The provincial authorities will say, you must pay taxes. The Indian has to pay taxes. He tries to get the proceeds of his insurance policy and nothing happens. Eventually he is obliged to pay the tax in order to get the proceeds of his policy The same principle applies to any other assets which may be outside the reserve, let us say, cash or bonds in the safe deposit box of a trust company or an insurance company.

The result of this question is probably not important for the other provinces of Canada but it is important for Quebec. There is in Quebec what is known under the Civil Code as community of property; that is, when a man marries a woman they are in a regime of community of property. That is under the laws of Quebec. In the other provinces that law does not exist; I understand if they marry (in the other provinces) without a contract they are separate as to property, but in Quebec the Indian who marries another Indian is subject to the regime of community of property. There again there is absolutely no provision in the Indian Act regarding estates or the matrimonial regime of the Indian of Quebec.

The CHAIRMAN: Might I interrupt you just one minute?

The WITNESS: Yes.

The CHAIRMAN: Mr. Lickers, our counsel, calls my attention to the fact that in Ontario all property is subject to the right of dower, that is not a matter of contract.

The WITNESS: That is a little different, there we are on community of property. We have dower in Quebec, also community of property.

The CHAIRMAN: I understood you to say there was no right of the widow. I did not just get what you did say there.

Mr. BRYCE: Let's keep clear of lawyers' arguments or we will never get anywhere.

The CHAIRMAN: You mean we would get somewhere but we won't know it.

The WITNESS: What I am trying to get at, gentlemen, is this; I am inclined to agree that probably on the reserve one is in a different position if that title is vested in the Crown according to the Indian Act; and I am inclined to agree that a real property on the Indian reserve does not fall under community of property for the simple reason that the title is vested in the Crown. But an Indian can acquire let us say a $10,000 home on the reserve and title to that home definitely does not vest in the Crown. As I see it that $10,000 home which he has built on the Indian reserve according to his marriage status, having been married in Quebec, that home is subject to the community of property law. In other words, one-half that home belongs to the wife and the other half belongs to the husband, but the husband is the administrator of community property, as you know. Now, the situation is different with respect to moveable property; take for instance money or securities or insurance. Property of that type, property which is moveable falls under this rule of community of interest. Now, let us suppose that an Indian living in the province of Quebec makes a will, which he is allowed to do under the laws of Quebec, by virtue of the law of community of property he would not have the right to bequeath by will any more than his share; in other words, a fifty per cent interest. The other fifty per cent interest would belong to the surviving consort. In the administration of the estates of deceased Indians the officials of the Indians Affairs branch, probably rightly so—it is a question which is debatable—have decided that community of property does not exist on the Indian reserve. As I said before, it might exist in so far as it pertained to land the title of which is vested in the Crown, but to my way of thinking it certainly would apply to other properties of the Indian title of which is not vested in the Crown. Gentlemen, you can readily see how important that is. If an Indian has $20,000 in his estate and he can only give his share away under the community of property law, that is all right; but if he is not under any community of property law he could give away the $20,000 to anybody else and his widow and his children are not protected. If the ruling goes through and if the Indian estate is governed by the ruling that there is no community of property then I say there is no protection for the surviving consort and the children of that Indian.

Now, of course, that would be going into the legislative authority of the province and the legislative authority of the dominion government, which is a very touchy subject these days, I understand; but that is the situation which arises, at least as far as Quebec is concerned. Now, whether the dominion parliament would have legislative authority to say to the Indians you are going to be separate as to property; that I am not prepared to state at the present time, but it would appear to me that under section 91 of the British North America Act that since the dominion parliament is given legislative authority to legislate concerning Indians on Indian lands I think it might have the right to do so. There is a very interesting decision in connection with the powers of the province and the dominion. The question of law is to this effect; that the Indian is governed by the provincial laws in so far as the dominion parliament has not removed him from the scope of provincial legislation.

The CHAIRMAN: Could we have the citation on that?

The WITNESS: I am sorry, Mr. Chairman, I have not got it with me, but I can certainly supply it to the committee.

The CHAIRMAN: Is that the judgment in the Shawinigan Water Power company case? I wonder if you could give us the citation for the purposes of our record?

The WITNESS: Yes, I will do that, Mr. Chairman.

The import of that decision, gentlemen, is very important.

I come now, gentlemen, to the question of provincial legislation concerning hunting and fishing. As we all know, the provinces have passed legislation concerning hunting and fishing under which they have imposed the obligations on the Indians to obtain licences before they can either hunt or fish. The import of the decision, the citation of which I undertake to supply, is to the effect that the dominion parliament has a right to remove an Indian from the scope of provincial legislation. If that decision is well-founded, and I submit that it might be, it is section 91 of the British North America Act, then I submit that parliament should enact legislation removing the Indian from the scope of provincial laws relating to the payment of licences for fishing and the payment of licences for hunting and any other provincial legislation imposing an obligation upon the Indian to pay tax or to do a certain thing.

Mr. FARQUHAR: Would that be on and off the reserve?

The WITNESS: Anywhere. Now, gentlemen, I don't want to wander, but there are other provisions of the act; for instance, in connection with estates, where the Superintendent General is the sole judge as to the moral character of the widow of the deceased. That is in the case where an Indian dies and leaves his widow and she desires to share in his estate—I think there is a provision in the Act which says, where a widow is of bad moral character she will not get it. There is section 26, too, of the Act which says the Superintendent General, that is the minister, shall be the sole and final judge of the moral character of the widow of any intestate Indian. Gentlemen, I do not know whether you want to leave that power to decide as to the moral character of the widow in the hands of the Superintendent General or within the judgment of the council. My own opinion is this, that the council is closer to the Indian, the council living there is closer and more conversant with the affairs and the difficulties and the troubles and the problems of the Indians.

Mr. FARQUHAR: You mean the Indian council?

The WITNESS: The Indian council. I do not suggest that the minister would render a rash decision. I do not say that. It is simply that there is possibility because of the power given to him, there is a possibility of a decision being rendered not being fair and just. There is the possibility, I think it might b-

assumed that there is always that possibility. And once that decision is rendered there is no alternative, there is no appeal. In other words, the surviving widow is branded a woman of immoral character for the rest of her life. I thought I would mention that in passing. One of the delegates questioned here to-day mentioned it to me, he told me about a typical case, and I decided right away that that was one of the things to which I would draw your attention; the section under which these decisions are made, and the section under which the decision was made concerning the particular lady which he had in mind; although he told me in that case this widow had happened to build a $8,000 home, which after all showed that she was at least industrious; whatever else she was, I do not know, that is her own private affair.

Regarding the question of enfranchisement which has been discussed so often here my opinion is this; from my experience in dealing with Indians I find that they object to any form of compulsory enfranchisement. They prefer to leave the question of enfranchisement to the will of the individual Indian. I think that is a sound policy myself, for the simple reason that in my experience, in my dealing with Indians, compulsion in any form is very bad. I propose to speak to you about compulsion in connection with other matters. I think probably better results could be obtained if we leave the element of compulsion out.

Hon. Mr. GLEN: What evidence have you of that, other than your own opinion?

The WITNESS: I have stated merely my own impressions from my own experience and observations from my dealings with the Indians. That is all I have quoted. I have not gone any further than that.

The CHAIRMAN: There is no evidence that there has been any involuntary enfranchisement, is there?

The WITNESS: Now, I want to come to the question of the provisions of the Act relating to the supply of liquor to the Indians—

Hon. Mr. GLEN: Before you leave that question of enfranchisement, is that based on your own general opinion? You have brought the matter up, and I want to know whether you are speaking from your own observations. Have you ever been in meetings where that question was discussed and where that opinion was expressed?

The WITNESS: I have.

Hon. Mr. GLEN: Why didn't you say so then.

The WITNESS: I thought—

Hon. Mr. GLEN: You said, from your own observations.

The WITNESS: I stated, sir, in my opinion, in my dealings with Indians in connection with their various troubles I have come to the conclusion and I have stated that they are against compulsory enfranchisement.

Hon. Mr. GLEN: What I asked you was, had you been at any meetings where that question was discussed and where that opinion was expressed?

The WITNESS: Yes.

Hon. Mr. GLEN: And the decision arrived at by the Indians—?

The WITNESS: That is right.

Hon. Mr. GLEN: Have you done that?

The WITNESS: I have done that.

Hon. Mr. GLEN: Then, that is what you should say.

The WITNESS: Certainly. Now, in connection with the council; I have been dealing with the powers of the council to a certain extent in so far as the character of the widow is concerned. I also believe that other powers should

be given to the council for the better administration and control of local affairs on the various reserves, and for the simple reason again that the council of the band is closer to the people than any other body. There are provisions in the Act giving certain powers to the council, but from my experience none of those powers has ever been exercised and the reason for that is—frankly, I don't think I want to venture to give an opinion on it.

Mr. CASE: Did you say "exercised" or "recognized"?

The WITNESS: Exercised. But I know this, that motions are made by council and at various times such motions have been inoperative, they cannot go into effect unless they are approved by the Superintendent General. If the motion happens to be one that does not receive approval by the proper officials, the proper authorities, then the motion becomes invalid and they cannot proceed under such a motion. That I think is the case of almost every motion, so far as I know; until it has received the approval of the proper authorities in Ottawa it is of no effect, and it only becomes effective when it receives such approval at Ottawa, and I think that the difficulty arises from that, gentlemen; the delay in getting approval to the motion whether it is right or wrong. I do not know what the reason is, but motions are not approved.

Mr. GARIEPY: Can you give us a concrete case?

The WITNESS: No, I am sorry, I cannot.

Regarding the question of control of the council over either the principal or interest; I think that if I could give this example—

By Mr. Harkness:

Q. You mean band funds?—A. Band funds. I think I can give you an example. If a man has money in the bank, and I assume most of you have, you can issue a cheque and the bank will honour that cheque. In other words, the bank recognizes that is your money. I would not be prepared to state that as regard the principal of any band fund, but I think the council should have control and discretion as to the spending of any interest which might accrue from the principal held in trust for them.

I should now like to deal very briefly with the question of education and training of Indians, not in the kindergarten stage but at the stage where Indian boys and girls are from 13 to 18 years of age. That is a serious age. That is a very important age. On all the reserves that I have visited—and I have visited quite a few in Quebec and one in Ontario—I have found that there is absolutely nothing to occupy the minds of the young Indian boy and young Indian girl at that age. There is no recreational centre. There is no sports activities. There is no special activity on the reserve. The result is that the evenings are very long, and sometimes boys and girls of that age wander off in various directions and end up in an unfortunate state of affairs. I believe that as a part of the training of Indian boys and girls of Canada a recreational centre of some sort should be included as part and parcel of their school education. School should not end at 3 o'clock in the afternoon and begin the next morning at 9 o'clock. I think education should be supplemented by establishing centres where young Indian boys and girls could go and thereby avoid the various pitfalls which you gentlemen know exist today.

I do not want to be too long. I think I have covered the main grounds but I certainly would welcome any questions that I am in a position to answer.

By Mr. Bryce:

Q. You started to talk about the liquor problem. Would you mind touching on that?—A. In connection with the liquor problem I feel that all you have to do is read the sections of the Indian Act itself. You will find

out for yourselves that it is the law itself which makes the distinction. I think the provisions of the Act prove conclusively that the Indian is put on an inferior plane. I think the sooner those provisions are removed the better. I have one example in mind where a very decent Indian lad and his wife, a lovely girl, went out for an evening with their friends on a Saturday night. They went to a hotel. The ladies had a glass of wine and the men had a glass of beer. They had not finished when the mounted police entered and placed this man and his wife and the other man and his wife under arrest. They had to pay a fine and costs amounting to $13.50. Here were two respectable decent Indian couples going out for a social evening. Because of the rigorous application of the law these people were arrested and had to pay a fine. I think when the law has that result there is something wrong with it and it should be removed. That is my frank opinion of it.

By Hon. Mr. Horner:

Q. You think they should receive the same treatment as any other man?—A. That is what I believe.

The CHAIRMAN: Thank you very much, Mr. Saylor. If you would stand aside for the time being we will hear Mr. Paull. As you know it is the practice of the committee to hear the presentations first and then the questions.

Mr. CASE: I wonder if it would not be well to vary that a little since their briefs will be entirely different. Mr. Saylor is dealing with the law. I wonder if we might ask him a few questions to clarify some points, not to wander away.

The CHAIRMAN: That is entirely within the province of the committee. If the committee decides they want to do that now that is perfectly all right. How many minutes shall we say for each member?

Mr. CASE: I have only two questions that I would like to ask.

The CHAIRMAN: It is not a matter of questions. It is how long, because one question can take half an hour.

Mr. CASE: I offer that as a suggestion.

The CHAIRMAN: What is the pleasure of the committee? How long will we devote to the questioning of Mr. Saylor and how long will be allotted to each member?

Mr. CASTLEDEN: I suggest five minutes if they need it.

Mr. MATTHEWS: I thought this was just for two questions to be asked by Mr. Case.

The CHAIRMAN: That will take us an hour and fifteen minutes. We have to be fair in these matters. I think we should put the matter to a vote as to whether we will examine Mr. Saylor now or when the briefs have all been presented. If five minutes is allotted to each man now it will take an hour and fifteen minutes.

Mr. FARQUHAR: How many briefs have we to hear?

The CHAIRMAN: Two, one more. All those in favour?

Mr. BLACKMORE: Before you vote it might be well for the committee to bear in mind Mr. Paull has stated his brief is in the hands of his secretary and therefore he is not ready to speak to the best advantage. Therefore it might be wise to question Mr. Saylor.

The CHAIRMAN: Are you prepared to go on now, Mr. Paull?

Mr. PAULL: Yes, sir.

Mr. BRYCE: Perhaps you could find out how many questions are in the minds of the members.

The CHAIRMAN: When you start questioning one question gives rise to another in somebody else's mind.

Mr. FARQUHAR: I think we had better stick to our procedure and hear the briefs first.

The CHAIRMAN: All those in favour of proceeding with the briefs in the usual manner raise their hands. All those in favour of examining Mr. Saylor now raise their hands. I am afraid the briefs have it.

Mr. CASTLEDEN: That is quite satisfactory.

Andrew Paull, called:

The WITNESS: Mr. Chairman and hon. members of the committee: I am going to try my very best not to waste your valuable time. I am going to try to deal with matters that are pertinent to this important question that is now before you. I ask for your patience in listening to what I have to say.

I should like you to permit me to inform you that I was chosen by my people to do this work when I was a youngster about 7 or 8 years old. They built a school and put me in there so that I might be their eye, ear and mouth. In the year 1907 I came out of school and from then on until the year 1911 I received my Indian education from the chiefs. Then I was brought before the Indian agent and sworn on the bible that I would always work for the interests of the Indians. Then I became secretary of an Indian organization in British Columbia. The chairman of that organization was the late revered and very esteemed friend of the Indians, Rev. C. M. Tate, at that time a Methodist minister.

Later on I became recording secretary and later on secretary for the allied Indian tribes of British Columbia. The chairman of that organization was my friend, the Rev. P. R. Kelly. I have been interested in Indian work since that time.

I am going to try to deal with British Columbia. The province of British Columbia is in a very unique position because no treaty was made with the Indians of that province. That is one point I should like to lodge in the minds of this august tribunal.

Another thing I should like to say is that a system by which reference of the Indian land question could be submitted to the courts was submitted to the Indians in the year 1914. The terms and conditions of that order in council were refused by the Indians of British Columbia because they wanted to reserve the right to choose their own counsel, and so on.

Another thing that is paramount in this question before this body is that while the British North America Act says that the Dominion government will have charge of the Indians and the lands reserved for Indians yet there are many things that are beyond the control of the Dominion government and which are in the control of the provincial governments. In the province of British Columbia the province controls water for irrigation purposes, grazing lands, trapping, and so on. These things are important to the very existence of the Indians.

I am going to ask that this committee recommend that the Indians be permitted to refer some of these questions for decision of the courts. I say, gentlemen, the Indian Act prohibits the Indians from submitting some of their questions to the courts. You have heard Mr. Saylor mention some of them. I will take the case of water for irrigation. When an Indian reserve was allotted in the dry belt a stipulated number of inches from adjacent creeks or lakes, or creeks and lakes within the reserve, were allotted to these different reserves. The schedule of Indian reserves stipulates that the Indians residing on those reserves which were allotted for the Indians would have the privilege of securing a certain amount of water from these creeks.

We say that the timber, water, and so on, on these reserves that were allotted for the Indians are part and parcel of the lands, timber, water and everything that were allotted for the use and benefit of the Indians. Different courts have decided that the Indians have a usufructory right of occupation of these lands, but the situation today is that the provincial governments control the water that was formerly allotted to the Indians in the dry belt of British Columbia.

This question of irrigation was before a Royal Commission on Indian Affairs. It was before a joint committee of parliament in the year 1926 which considered the claims of the allied Indian tribes of British Columbia. In the year 1912 an agreement was entered into between the province of British Columbia and the Dominion of Canada whereby a royal commission was to be appointed to inquire into Indian lands, and so forth, in the province of British Columbia. The royal commission worked from 1913 to 1916. It is included in their report that they could not find any authority anywhere in the records of the governments, both of the Dominion of Canada and the province of British Columbia, to allot water for the use of the Indians. They did not do anything but they put that on record and they said "whatever authority there may have been for allotting this water we do not do anything which will reduce the power of that authority for allotting that water".

The white people in the dry belt of British Columbia are perhaps smarter than the Indians. By means best known to themselves they spread the propaganda amongst the Indians that they must not use this water because it would prejudicially affect their Indian rights. Of course, the Indians being illiterate and so on believed that kind of propaganda that was spread among them. The white man knew very well that the provincial government says, "If you use the water you will have the water. If you do not use it then you will not have the water. The white man will have the water." There was a fear created in the minds of the Indians that if they did at that time utilize the water with the assistance of the Department of Indian Affairs that perhaps it would do something which would prejudicially affect their aboriginal Indian rights. The result was that despite the efforts of the Department of Indian Affairs to get the Indians to utilize the water they did not do so. Only in some cases were irrigation schemes installed in British Columbia. I have been travelling around British Columbia and telling these Indians that there is nothing to fear, that they would not hurt their aboriginal rights if they allowed the department to install an irrigation water system.

The time is now coming and it is coming late. People are settling there and it is necessary to regiment this water for the benefit of the Indians now. I think a lot of the Indians who entertained that fear have gone to their eternal reward, and the Indians of today are more modern and are ready to go to the soil to earn their living.

In the dry belt it is impossible to grow anything without water. We will take as a specific instance the case of the Kamloops reserve. If you want we could find the record in the schedule of Indian Affairs where a certain amount of water was allotted for the Kamloops Indian reserve. Perhaps some of you have been in the city of Kamloops. I know Mr. Reid has and I am sure the Hon. Mr. Stirling has. Let me try to give you an oral picture of the situation. There was a lake on the top of the hill there, and from there a creek ran down through the Indian reserve. It gave natural irrigation to the Indian reserve. The Indians were able to grow vegetables and all kinds of grain. They had enough for their own use and sold plenty to the city of Kamloops. Then a big farming scheme was commenced and they blocked this water. They stopped the creek and ran the Indian reserve dry. That ranching company was called the Harbour or Harker ranch company. I hope you will excuse me for saying this but I cannot help but put the situation before you as I think it actually exists.

The big ranching company had more influence with the provincial government than any influence the Indians could exercise so this natural creek which was given to the Indians by God was blocked off and the water shut off. Now that reserve is as dry as it could be. I was there a few weeks ago. You cannot do anything there now.

I have discussed this matter with the Indian commissioner. He is here to speak on it or correct me if I make any mistake. We talked about it before the joint committee in 1927, not only as to the Kamloops reserve but other reserves which required water for irrigation. The decision of that joint committee was that the Indian department and the provincial water board should continue to work hand in hand to give water to the Indians who wanted it.

Perhaps some of you have read that report. The Speaker of the Senate was on that committee, the Hon. Mr. Bostock. The Right Hon. R. B. Bennett was on that committee, and also H. H. Stevens, Wellington Hayes, the late Hon. Charles Stewart, and men of that type and high character. They made that recommendation. It seems that this question of the water was left to the courts for decision in British Columbia. At that time it was without the knowledge of the Indians. The Indians did not know that this matter had been referred to the courts of British Columbia for adjudication. I say to you, hon. members of this committee, that action was wrong. The Indians should have been represented there. They were probably represented through the Indian department but that is not good enough.

I will try to make my point clear this way. Some years ago there were three brothers called the George brothers who had killed two constables. They were brought to trial. The late Hon. Mr. Justice Dennis Murphy was presiding at the assizes. When court opened a gentleman got up and said, "I have been appointed by the Department of Indian Affairs as counsel for these Indians." Another gentleman got up and said, "I have been appointed by the accused to be their counsel." There was a clash there. The learned justice decided it was the privilege of the Indians to appoint their own counsel and he would recognize the late Stewart Henderson who was appointed by these Indians to be their counsel at their trial. Therefore, the counsel who had been appointed by the Indian Department just sat there and held a watching brief. He was put out of court. I am not reluctant to say that, because of that decision, this matter of the water was referred to the courts. The Indians should have been represented by counsel appointed by themselves, a counsel whom they could have instructed.

The decision of the court was against the Indians. It was decided the province had jurisdiction over the administration of the water. This matter is too important. I stand before you now and I ask that the Indians be permitted to appoint their own counsel, nominate their own counsel, instruct their own counsel and that this matter be again referred to the court for adjudication. If the court decides in favour of the Indians, this matter will have to be based on the aboriginal title. I do not think the Deparment of Indian Affairs would, at any time, instruct any solicitor to represent the claims of Indians in a question such as that, based on aboriginal title. I do know this, if the Indians appointed and instructed their barrister, they would instruct him to argue their case based on aboriginal title. Therefore, before you can get all the facts of the case before the courts for adjudication, the lawyer representing the Indians would have to argue this question based on the aboriginal title.

The brief* which I am going to submit to you will deal with the constitutional and legal position of the aboriginal claims of the Indians in British Columbia. I am doing that to support my plea to this committee that the matter be facilitated for a reference to the courts in this matter of water for irrigation purposes on the Indian reserves in British Columbia.

*See Appendix "ER".

Now, if the courts should decide in favour of the Indians, then the Indians would have a greater voice in deciding who should have this water. Instead of the white people paying the money to the province, then they would have to pay the money to the Indians. It is an important matter. Since this water was allotted to the Indians in the first place by the Indian Reserve Commissioners, the Indians believe this water belongs to them. If the Indians are right and it was given to them, as they understood it was given to them, then they are the ones who should be getting the revenue from the water instead of the provincial government. That is how important it is. The Indians must receive adequate compensation.

During the month of February, I had the privilege of attending a conference with the Cabinet of the government of British Columbia. I attended with the Honourable John Hart and the members of his cabinet. I discussed this matter with him. In order to go into the matter more fully, he suggested I discuss it with the Minister of Lands and Forests, Mr. Kenney. I did discuss this matter with Mr. Melrose, the new deputy minister of lands and he said he would look into the matter and write to me. He wrote to me. I have the letter somewhere. He told me this matter had been examined some years ago and the Indians did not say anything. This ranch company was allowed to go in there.

I do not see how or by what system the Indian Department did not make known the objections of the Indians to the provincial government. There was an error committed by the Department of Indian Affairs at that time. I think, perhaps, this occurred when the Indian agent who was at Kamloops was sick; that is the only explanation I can find for it from the office of the Indian commission. I asked the Indian agent last fall if he knew anything about it. He looked in the records he had and there was no record of it. He told me it was possible the Indian commissioner had a record. I went to the Indian commissioner but we could not find what we wanted. Major MacKay concluded these events occurred during the time the Indian agent was sick and not attending to his work. There was an error committed there somewhere. This question is so important to the Indians in the dry belt, it should be referred to the courts for a decision.

I shall give you another reason why this matter should be referred to the courts for a decision. Under the thirteenth article of the terms of union between British Columbia and Canada, it was agreed that the charge, trusteeship and management of the Indians' lands, reserves and all Indians should be assumed by the dominion government, with a policy as liberal as that hitherto pursued by the colonial government to be pursued by the dominion government, and that the province would convey to the dominion the lands for the Indian reserves.

You all know when British Columbia entered Confederation. It was the year 1871. From official information conveyed to me by the Indian commissioner, the province of British Columbia did not convey these Indian reserves in the province of British Columbia until the year 1938. Now, there was an action on the part of the provincial government contrary to the provisions of the thirteenth article of the terms under which that province entered Confederation. I think that was a major violation of a contract entered into between the province and the dominion.

Some time after that, the dominion government re-conveyed the lands in the dry belt to the province for administration. The dominion government again made a serious mistake when it did not protect the Indians' interests in so far as trapping and water was concerned. We will deal with water. They conveyed lands in the railway belt holus bolus, with the exception of Indian reserves. In that conveyance was included the administration of the water by the province. Now, the dominion government and the Indian department should at that time, have refrained from conveying the administration of water which had been allotted to the Indians.

This is an additional reason why this matter should be adjudicated by the courts, unless you can persuade the provincial government to turn back this water to the Indians. I fear the province would not do so. It is for this reason I suggest you recommend to the Government of Canada this matter be referred to the courts and the Indians be allowed to appoint, nominate and instruct their own counsel. The dominion government, as trustees for the Indians has made many mistakes in connection with the matter of water for irrigation purposes. There is much land in the railway belt badly in need of water.

I should like to see the Indian department appoint the inspector of Indian agents, Mr. James Coleman as an outside man to travel around British Columbia and decide where irrigation systems should be installed and so on. He would be of greater service to the government of Canada and to the Indians if he were allowed to go out in the field, travel among the Indians and enquire into the question of water for irrigation purposes, trapping and so on. He would be of greater service to the country and to the Indians if he were allowed to do that. I make that recommendation for your sincere consideration, that an outside man be appointed, and Mr. Coleman, having been a provincial policeman, knows the country well. I think he is the right man for that job.

Now, I wish to go from the question of water for irrigation purposes to the question of trapping. I have travelled throughout the interior of British Columbia, not only this year, but last year as well. I have visited many Indians in the Williams Lake Agency, the Kamloops and Okanagan area. I was fortunate enough to make a motor trip which enabled me to visit the Indians in their homes, on the reserves and so on, last year.

From time immemorial, the Indians in the northern interior of British Columbia and also in the southern interior, had certain areas which were recognized as belonging to certain Indian families. The ownership of that trapping area was regarded by all the other Indians in the district, and it would be regarded in the same manner as you would regard the ownership of a farm. This trapping area belonged to you so the other Indians must keep away from it. The time came when the province of British Columbia enacted a trapping law. They attempted, and the purpose of that law was, to preserve and guarantee a continued occupation for the people who had been trapping in these areas. This was the intended purpose of the trapping law of British Columbia. Now, do you understand me? Have I made myself clear? It was intended, by means of this provincial law, that those Indians or white people who had been in the habit of trapping those certain areas would continue to do so, provided they registered their names as the owners of those trapping areas with the Game Board of the province of British Columbia.

At that time, there were many more Indians than there are today who were illiterate. They did not know of this law and, therefore, they did not register. Now, what should have happened in this case? The Indian agent should have registered all those trap lines without waiting for the Indians to register. The Indian agent did not do that. You must have some conception of the value of a trap line. This is the only occupation in which some of the Indians can engage in various parts of the northern interior of British Columbia. There are no industries and they rely on trapping for their very existence.

Many, many Indians did not register because they did not know of the law. They were illiterate. I charge the Department of Indian Affairs with having failed in its duty to protect the Indians' interests. The Indian agent should have registered those trap lines, but he did not.

Now, I will cite a particular instance in this connection. I have been asked by the Indian concerned to make this known to the proper authorities. I have done so, but got nowhere. There is an Indian called Wallace Morgan, Chief Wallace Morgan. His father, grandfather and all his ancestors had been in the

habit of trapping a certain area. I think it was along the shores of Cedar Creek. I am not sure of that name, but I think that is the name. Year after year, they were trapping there. They had shacks there. There was an Indian chief buried along the trail and other Indians were buried there because they had been in the habit of trapping in this particular area almost from time immemorial. One day, the Indian agent said to Wallace Morgan, "You must register this trap line." The Indian said, "Why do I have to register it? I have been going there all the time. Everybody knows we own the trap line, my family owns that trap line." The Indian agent said, "No, you must register in order to continue to hold it." Finally, the Indian did register with the Indian agent. The Indian agent told him it was all right to go back this winter to his trap line. He was to come back in the spring and the Indian agent would have the papers for him. So, Wallace Morgan and his friends and family went away. When they came back they went to the Indian agent to procure their papers from the government for this trap line. The Indian agent told him, "I am sorry, but you have not got a trap line any more. Two white men now have your trap line." Although he had registered, he has not had that trap line since that time.

There is an example of gross injustice. This trap line must be restored to that man as from this day forward if there is any semblance of justice in the administration of Indian affairs. Wallace Morgan came to me not so many years ago, about two years ago and said, "Is this what my boys are fighting for?" He had two sons overseas.

Now, I ask you gentlemen to cross-examine the commissioner on that. We can get nowhere. We have tried, the commissioner and the inspector have tried, and we cannot get any place. The inspector of Indian agents, Mr. Coleman, told me the only way we can get the trap line back for Wallace Morgan is to buy it back from these white men who are now in possession of it. However, the white men do not want to sell. Some action will have to be taken to restore that particular trap line to Chief Wallace Morgan because he obeyed the law. He registered and when he came to claim his papers, he was told he had no trap line. Although he registered, he has not had his trap line for a number of years.

Mr. MATTHEWS: How many years, do you know?

The WITNESS: I think about twelve. We have appealed to the provincial government and can't get anywhere officially in British Columbia. We have tried but we can't get anywhere. Now, in the Babine reserve—up around Hazelton, Brown Rock and Smithers—the Indians in that district must rely on trapping for their living. There are many, many Indians who have been denied the whole hereditary family trapping area. I have stacks of letters from these people. I do not know what to do with them because there is no place I can go to get these trap lines restored. I have spoken to the departmental officials and I cannot get anywhere. This thing is disturbing because it denies the Indians very existence. I have come to this conclusion, that the dominion government and the provincial government should appoint a board to inquire into this trapping question as it affects the Indian and if possible put an Indian on this board, an Indian from that district, so that he can convey the opinions of the Indians to the board as to exactly what their claims are and so on, and if possible restore these old trapping areas to the Indians and put the whites out, the white men who are there now. I think that is the only way in which to deal with the trapping question.

And I would suggest also that the great success which the Department of Indian Affairs had made in the propagation of muskrat and beaver in Manitoba, Saskatchewan and other places be extended to British Columbia. We have a wonderful country there for such an undertaking. I think with the assistance of the Indian department and the provincial government Indian department

the old prosperous trapping areas could be restored to a very productive basis again, but that would require the co-operation of both governments. I can assure you that the Indians will co-operate. I think it is a big question and one which both governments should look into.

And now, another matter which I would like to bring to the attention of this committee now is the question of roads. You are familiar with the Indian Act. Under the Indian Act the Superintendent General can force the Indians to fix the roads and he can force the Indian band to use band funds for road maintenance on Indian reserves. Now, the other day when I was appearing before the honourable the premier of British Columbia and his cabinet I made it known to him that the Indians in British Columbia as well as the Indians in other parts of Canada are paying all the taxes the white man pays, with the exception of the direct land tax; and I said to Hon. Mr. Premier that I am in the position as you were when you appeared before the Right Honourable William Lyon Mackenzie King asking for more money for British Columbia; I submit to you that the Indians are paying taxes to your government and to the dominion government which amount to considerable sums, and some of this revenue should come back to the Indians. I said, further, the Indian Act requires band funds to bear the cost of maintaining roads on reserves but you are selling car licences to a lot of people who are using these roads on these reserves; to merchants, tourists, government officials and so on. I am speaking of the roads running through the Indian reserves. They are also used by the merchants, and those roads in time become very dilapidated, and when they are in a dilapidated condition the Indian Act says that the Indians must fix them by voluntary labour or out of band funds, that is band funds must be used to fix those roads. And now, gentlemen, let me try to put the position in a very extreme way in order to make my point. As I said, these roads are used not only by provincial government officials, but they are used by the merchants of the district and others who pay car licences and truck licences to the provincial government. Suppose, I said to him, for purposes of illustration, the provincial government is using these roads on the Indian reserve which have to be kept up by Indian band funds or by Indian labour as required by the Indian Act. Now, I think that is not fair. The Indian band fund is not large enough, does not have sufficient revenue to meet that requirement. You people are using these roads. Many of these roads were put through the Indian reserve by the provincial government without the knowledge or consent of the Indians. Timbers from the Indian reserves were used to build bridges. After they are put in the province expects the Indians to maintain these roads in good condition. And now, I think my good friend, the hon. Mr. Reid, will agree with me that roads through Indian reservations are in a very dilapidated state. We agree on that point, Mr. Reid?

Mr. REID: I certainly will agree with you on that.

The WITNESS: Certainly, he agrees with me on that. Now, there is a matter for your consideration, hon. members of this committee; and it is a matter which I wish you would look into because band funds are not sufficient to keep the roads in the condition in which they should be. And certainly the days of slavery are far past and I suggest that the Superintendent General of Indian Affairs should no longer have the power to compel Indians either to work on the road or to keep those roads up. With all respect I say this, if the Hon. Mr. Glen here were to ask me to fix a road I can tell this committee that I would have to refuse. I know there are many who will criticize me for even suggesting that I would refuse to obey an order of the Superintendent General of Indian Affairs; but I certainly would refuse to keep a road in condition for the use and benefit of the provincial government or anybody else.

I have some more to say, gentlemen, but I have yet to prepare my submission. Do you want me to answer questions now?

The CHAIRMAN: Would you like more time in which to prepare the balance of your brief? Maybe we had better call it one o'clock.

Mr. HARKNESS: I think we had better bring back Mr. Saylor and question him now.

Mr. Norman Saylor, recalled:

The CHAIRMAN: Now, gentlemen, I think our counsel here, Mr. Lickers, has some questions he wants to put to the witness.

By Mr. Lickers:

Q. In connection with estates on reserves would your opinion be that they be administered through local surrogate courts in the provinces?—A. In view of the difficulties which I explained to this committee I would say, yes; unless these difficulties and delays were definitely removed.

Q. I presume that in Quebec you have what is known a descent of property; would your opinion be that in connection with the descent of property the reserves in any province should be governed by the laws of the province in which the reserve is situated.—A. No, for the simple reason that the laws regarding estates are different in the various provinces and the Indians have been living in the various provinces and the laws regarding them definitely have to be centralized. I think that if estates were governed by provincial laws it would lead to confusion.

Q. If the estates were put through the local surrogate court?—A. Well, in connection with the probate of a will; yes.

Q. If the will is probated by the surrogate court and still remains under the laws of descent?—A. That is right, under the Indian Act.

By the Chairman:

Q. Would you not be in difficulty and conflict right there?—A. I myself believe that the application for approval of a will of an Indian is the main thing, the petition for the probate of a will to the courts.

Q. Yes, but if you are going to make application for probate you are going to have to pass accounts in the same court.—A. I think that could authorize any petition that might be made for the probate of a will of a deceased Indian and leave it in that form until it is approved by the Superintendent General; then, if he approves, you could proceed to make your application in any judicial district.

The CHAIRMAN: I can see a great many difficulties and pitfalls in the adoption of a procedure of that kind.

Mr. CASE: In any event, there is your opinion.

The CHAIRMAN: You realize, of course, that there is no charge made by the department, and if it goes to the provinces the lawyer gets his fee and the executors get their fees.

The WITNESS: If they can settle it, but if it is going to take twelve years and the Indians have to keep coming down to Ottawa here with their delegations, that alone is going to cost them much more than the other procedure.

The CHAIRMAN: I agree with you as to that, but assuming a more efficient administration, better staff, and a stepped-up procedure?

The WITNESS: Yes. I was thinking of the Act rather as it stands at the present time.

By Mr. Lickers:

Q. You are speaking now, you would maintain the provisions of the Indian Act as to descent, and if you could get around the additional cost of putting the estate through the surrogate court you would be in favour of having the department officials handle it? What do you say as to having departmental officials with judicial authority visiting the different agencies, let us say once a month, to approve of applications for probate of wills?—A. Anything along that line would certainly alleviate the delays. I think it would be a very good idea.

Q. Now, just while we are on that, and more particularly in connection with the powers of the council; would you be in favour of giving to the band or the council of the band the same authority say as a municipality has in a province? A. You mean the authority which a municipality has in accordance with provincial law?

Q. In accordance with the needs of their own local affairs?—A. I would say yes; but I would qualify my affirmative answer by stating that that control would depend on the council itself.

Q. Now just one other thing in connection with Indian administration; from your experience in dealing with Indians is it your opinion that they would like to have their affairs administered by Indians themselves?—A. Yes, I believe that is so; and I think possibly more Indians would be encouraged if that were arranged.

Q. Then I have just one more question, Mr. Chairman; this may be a little personal, have you at any time applied for a position with the Indian department?—A. Yes, I have. As a matter of fact in 1936 I made application—my law practice was very much on the rocks, I was just starting out—I was very much disturbed—but I did make application for a civil service job. I was a lawyer at the time, but I apparently did not succeed because I did not get the job.

Q. What sort of a job was that?—A. That was in connection with the inspector of Indian agencies.

Q. In the province of Quebec?—A. In the province of Quebec.

Q. And in connection with the appointment of personnel, I understand that is done at the present time through local boards, would you be in favor of enlarging that procedure provincially?—A. Yes.

Mr. LICKERS: I think that is all I have at the present time.

By the Chairman:

Q. Are you familiar with section 33 of the Act, Mr. Saylor?—A. Yes.

> 33. Notwithstanding anything in this part, the courts having jurisdiction in the case of persons other than Indians, with but not without the consent of the Superintendent General (minister), may grant probate of the wills of Indians and letters of administration of the estate and effects of intestate Indians in which case such courts and the executors and administrators obtaining such probate, or thereby appointed, shall have the like jurisdiction and powers as in other cases, except that no disposition shall, without the consent of the Superintendent General (minister), be made of or dealing had with regard to any right or interest in land in a reserve or any property for which, under the provisions of this part, and Indian is not liable to taxation.

A. I was conscious of the existence of that section.

By Mr. Case:

Q. Coming back to the question of enfranchisement; do you know of any case where there has been involuntary enfranchisement?—A. No, I do not.

Q. You mentioned that the Act provides certain authority for councils but it is not exercised and I interrupted you at that time; I think what you meant was that it was not recognized; it is exercised by the council but it is not recognized by the Department of Indian Affairs.—A. That is what I tried to convey when I stated that any motions made had to have the appeal of the Superintendent General.

Q. Yes; in other words council presently exercise that right but it is not recognized.—A. They are trying to exploit the powers given to them under the Act but because of lack of approval of motions they really do not exercise those powers.

Q. They do not exercise them because they know they will not be recognized. —A. That is it.

Q. So the council is really not functioning?—A. That is right.

Q. Coming to the liquor provision; I understand that there is some provision in the United States where there is no liquor allowed to be sold on the reserve but when they are off the reserve where the facilities are available Indian people can obtain liquor?—A. Oh, yes.

Q. Have you any other observations to make on that; in other words, would you be in favour of making liquor available on the reserve; that is the way I would put it?—A. Yes I would, sir; within certain limits of course.

Mr. CASE: Yes. That is all I have, Mr. Chairman.

By Mr. Bryce:

Q. I want to get back to the dominion-provincial law. I find that in the province from which I come Indians conscientiously believe that they should not pay a tax on fish, and in taking the matter up with legal people in my own province they conscientiously believe that the Indian should be taxed. Tell me, what do you think about that, because I am between the devil and the deep blue sea. I want to try to find out who is right.—A. You are placing me in a very difficult position.

Q. You have the advantage of a legal training which I have not.—A. In provincial—

The CHAIRMAN: I am told you are not "between the devil and the deep blue sea", but "between the devil and the deep K.C."

Mr. BRYCE: I see, but I would not say an unkind thing to a friend.

The WITNESS: My opinion frankly is this; in provincial legislation, naturally the provinces have no power to legislate concerning Indians. In other words, they have legislation which applies to everybody without any mention at all of the fact that the Indian shall be exempt. There is nothing in the Indian Act regarding that, so naturally these people from whom you obtained the opinion that the Indian should pay the tax, I presume they arrive at the conclusion that because of the absence of any exceptions regarding the Indian in the provincial act that he should pay his tax.

By Mr. Bryce:

Q. Do you think the dominion government made a mistake when they handed these rights over to the provinces without protecting the Indians in the agreement?—A. I do.

Mr. MATTHEWS: I have no further questions to ask the witness but I would like to remark that I was impresed by the fairness of the presentation which this witness has made.

The WITNESS: Thank you.

By Mr. Castleden:

Q. I have a couple of questions here. Has the Indian any appeal from any decision of any departmental official?—A. I do not know.

Q. They have no recourse of appeal and they have to submit to a decision?—A. That is right, unless the official who made the decision decides to reverse his own decision.

Q. Of course, it might go from the agent up to the Superintendent General?—A. Yes.

Q. What do you suggest as a remedy to that situation?—A. Well, you have two groups of powers in the Indian Act, I submit. I think you will find that there are provisions contained in the Act which are administrative on the one hand and judicial on the other. I think that in cases where decisions are made in virtue of the judicial power vested in the authority there should be some means of appealing, because in any court in a democracy as you know—that is why we have appeal courts, that is why we have supreme courts. I think some one-man board, or a three-man board, or whatever it is should be created; some board should be created to hear appeals from decisions which pertain to judicial matters.

Q. You think that a good many powers are left to the decision of an agent which might much better be left to the Indian band council, wherein the Indians have the right to choose their own band, and a lot of decisions in a great many of these cases must be settled by this council rather than by an official?—A. Yes.

The CHAIRMAN: Gentleman, I call it one o'clock. We will meet again this evening at nine o'clock.

The committee adjourned at 1 p.m. to meet again at 9 p.m.

EVENING SESSION

The committee resumed at 9.00 p.m.

The CHAIRMAN: Could we come to order gentlemen, please.

Mr. REID: Mr. Chairman, before you begin, I should like just a minute of the time of the committee before we begin the night's proceedings. If you look over the evidence that has been submitted to the committee you will find that almost every recommendation which we have had before the committee has contained a recommendation that the old age pension be granted to Indians. In view of the fact the minister has before the House a resolution and he is going to introduce a bill shortly, I am going to move, and I ask this committee to support my resolution that this committee give immediate consideration to the advisability of granting the old age pension to Canadian Indians.

Mr. CASTLEDEN: Will there be any difficulty about discussing that in the House if the committee is sitting? I think it is a very good move, but it is one of the more than sixty things we should do.

Mr. FARQUHAR: Could we have a seconder for that?

The CHAIRMAN: When we submit this or when it is before the House it can be spoken to but we have no authority beyond submitting it.

Mr. CASTLEDEN: What I was going to say is this. In our discussions on this report we will have to confine ourselves entirely to that one phase.

The CHAIRMAN: You heard the motion, and it has been seconded by Mr. Bryce.

Mr. BRYCE: I just want to say I am entirely in favour of this. It is something I have advocated since I first became connected with Indians in 1944, when I made my first speech in the House with regard to the Indian situation. Therefore it gives me great pleasure to support Mr. Reid in this because being

in the opposition I do not sit on the government side where he does. I know that it would be dynamite for me to do anything like that, I could not get anywhere, but it does give me great pleasure to support this attempt to get the old age pension for the Indians.

Mr. CASTLEDEN: I think in all fairness I should say that Mr. Harkness brought up a similar resolution in the House last year.

The CHAIRMAN: Will you just let me put this motion before the committee.

Mr. CASE: You have the motion before you, but I should like to speak to the motion.

The CHAIRMAN: Well, I am just going to read the motion.

Mr. CASE: All right.

The CHAIRMAN: The motion is, "That this committee give immediate consideration to the advisability of granting the old age pension to the Canadian Indians."

Now would you like to speak to the motion Mr. Case?

Mr. CASE: While I am heartily in favour of the motion made by Mr. Reid, I am anxious to know if we will be restricting ourselves if the government fails to accept this resolution. We are only asking them to give consideration to it.

The CHAIRMAN: That is right, that is all a committee can do.

Mr. CASE: If they leave it out, there is nothing we can do.

Mr. REID: I would not at this time have proposed this step, but I think many of the members are in agreement with me, that in view of the fact the bill is coming down this committee's view should be known to the minister in charge.

The CHAIRMAN: As you know, in view of the fact this is a money measure, a measure for the expenditure of money, all any committee can do is recommend to the government the advisability of the step and the government must weigh all the points and come to a decision themselves. We have no authority to spend money.

Mr. MACNICOL: I would like to say that I am fully supporting Mr. Reid's suggestion.

Mr. CASE: It should have some significance if we are unanimous on it.

The CHAIRMAN: I was coming to that.

Mr. MACNICOL: I just want to say that I support the motion made by Mr. Reid and I would at the same time just add that the Moravian band of Indians in Kent County have already sent to me a resolution by their Council, to the effect that in their opinion the old age pension should be extended to Indians. I agree with them and I agree with Mr. Reid.

Mr. FARQUHAR: If I might just say while we are speaking, I am very much in favour of that resolution. I have asked the question on several occasions and I feel very strongly that the old age pension should be granted to Indians, and I just want to express myself here.

The CHAIRMAN: Now you have heard Mr. Case's comments and I think it would be rather significant if this committee would unanimously recommend this resolution to the House. Shall I put the question? All those in favour? All those to the contrary?

The resolution is carried unanimously.

The report will be then that this committee unanimously recommends that the government give immediate consideration to this matter.

Mr. FARQUHAR: There is one question I should like to ask before we go on with the questioning. In the report from the steering committee I notice there are four days given to the hearing of the Indians from Ontario, different parts

of the province, Monday, Tuesday, Thursday and Friday, May 19, 20, 22 and 23. I should like to know just what day or days of those four will be given so that we may notify the Indians of Manitoulin Island as to when they are to come?

The CHAIRMAN: My understanding was, Mr. Farquhar, that the Ontario Indians were coming Thursday and Friday, the 22nd and 23rd of May.

Mr. FARQUHAR: It doesn't say so here. It says Monday, Tuesday, Thursday and Friday, representatives of Ontario, two from the Six Nations Council, Telford Adams from southwestward Ontario; Tom Roy, from northwest Angle Treaty Indians; Robert Jackson, from far northern Ontario; and one representative from Manitoulin Island.

The CHAIRMAN: I think it was intended that the 19th and 20th would be clear in order to clean up anything that is outstanding before the committee. There was to be another report heard, Dr. Moore's report.

Mr. LICKERS: I think the notification has already gone out to the Six Nations to be here on the 19th.

The CHAIRMAN: Shall we say that the 22nd and the 23rd are clear? It is not, as Mr. Farquhar points out, fair that Ontario would have four days and the other provinces only two days.

Mr. FARQUHAR: That is not the point, I want to know on what day the Manitoulin Island Indians might come in order that I may get in touch with them and allow them to make the necessary arrangements.

The CHAIRMAN: My understanding is that on the 19th and 20th we are to hear the Ontario Indians. The 22nd and the 23rd I understand are to be clear days. Have you anything to say about that, Mr. Bryce?

Mr. BRYCE: No, the way I read the thing I just decided it was four days.

The CHAIRMAN: I think, if it is your wish, we could amend the sixth report of the subcommittee to call for the six Ontario Indians to attend on the 19th and 20th of May and that the 22nd and the 23rd should be left clear.

Mr. CASE: Mr. Chairman, would you accept the suggestion that it be the 20th and the 22nd, because they might not travel as easily on Sunday and Monday is not a good day for us.

The CHAIRMAN: That would leave them with Wednesday a clear day and they are only paid for two days.

Mr. FARQUHAR: I would like it to be set for the 22nd and the 23rd because it will take some time to get those different bands together in order to make arrangements for a representative.

The CHAIRMAN: There is a point that I should mention. The 24th is a day of celebration in the Dominion of Canada and it may be that many of the members may want to be away on that particular day.

Mr. REID: I should like to make a further suggestion to the effect that the name of Dr. Moore be added to those names appearing here on the 15th and 16th, namely Messrs. Neary, Jones, MacKinnon. I should like to see his name added.

Mr. CASE: I would second that.

The CHAIRMAN: Is that agreeable, Mr. Bryce?

Mr. BRYCE: Yes.

The CHAIRMAN: Is that Dr. P. E. Moore?

Mr. CASE: Mr. Chairman, I should like to say a word.

The CHAIRMAN: Let us clear up one point at a time. The first is in connection with the Ontario representatives.

Mr. CASE: I was going to ask whether the steering committee would give consideration to Mr. Paull's suggestion that Tom Jones be allowed to come with the Ontario Indians as he is unable to be present now. You would merely be paying his expenses at that time instead of at the moment.

The CHAIRMAN: I think we would be glad to get him in some time, but when you have already got six delegates coming down from Ontario and you add another it is going to make it seven. Would it not be better to leave that until sometime in June?

Mr. MACNICOL: Have you made the selection, Mr. Chairman, of those coming from Ontario?

The CHAIRMAN: You will notice the report shows representatives of Ontario Indians, two from Six Nations council; Telford Adams, from southwestern Ontario; Tom Roy, from Northwest Angle Treaty Indians; Henry Jackson, from far northern Ontario; and one representative from Manitoulin Island.

Mr. MACNICOL: You said southwestern Ontario?

The CHAIRMAN: That is right.

Mr. MACNICOL: Who is that?

The CHAIRMAN: Telford Adams.

Mr. CASTLEDEN: Are there any Indians coming from Rainy River?

The CHAIRMAN: Mr. Castleden asked about Rainy River. That is Tom Roy. If it is agreeable we will have the Ontario representation on the 19th and 20th.

Mr. FARQUHAR: Could you not make that on the 22nd and 23rd?

The CHAIRMAN: I will leave that to the members of the committee. If they will be here on the 23rd so that this committee generally will be represented on that day I am quite content. I will put it to a vote. All those in favour of the 19th and 20th raise their hands. All those in favour of the 22nd and 23rd raise their hands. I assume we will have the Ontario Indians on the 22nd and 23rd of May and the 19th and 20th will be left free. Let us get along, gentlemen, with the examination of the witnesses, Mr. Saylor and Mr. Paull. Do you want to make a statement? Do you want to continue your brief?

Mr. PAULL: Mr. Chairman, with your permission, and if it is the wish of the hon. members of the committee, I should like to submit Mr. Norman Saylor for cross-examination if it is so desired by the committee. He has a case in court in Montreal tomorrow and he wishes to leave as soon as possible this evening. If there are any questions to be asked of him I suggest that he be asked them now. If there are no questions I will proceed.

The CHAIRMAN: Thank you very much, Mr. Paull. I might remind the members of the committee in asking questions of Mr. Saylor we have from now, 9.15, until 11 o'clock at which time the hearing will be terminated. Would you care to state the time you will need for the examination of Mr. Saylor?

Mr. CASE: We are down as far as Mr. Castleden now.

The CHAIRMAN: Shall we say until 9.30? Mr. Castleden, have you any questions?

Mr. CASTLEDEN: Just a few.

Mr. Norman Saylor, recalled:

By Mr. Castleden:

Q. I should like to ask Mr. Saylor how the Indian agents treat infringements of regulations on the reserve? Suppose an Indian breaks a regulation. What is the procedure?—A. The procedure, of course, is governed by the provisions of the Indian Act. If it is an infringement regarding the possession of liquor

or intoxication or anything like that he is arrested by the mounted police. It is the mounted police who have charge of the enforcement of the Act. He is brought to trial before the Indian agent who has the powers of two justices of the peace under the provisions of the Indian Act.

Q. He has the powers of two justices of the peace?—A. Yes.

Q. That gives him the power to do what? What length of sentence can be give?—A. That is provided by the particular section under which the accused is charged. It goes up to three months. There is a penalty and costs, and in default of payment of the fine and costs he is usually given a jail sentence.

Q. Do you think that the agents are qualified to do that type of thing? —A. I am not familiar with many agents, but I might say that there are many penal provisions in the Indian Act. For instance, it says that if an accused is arrested in connection with such and such a charge he shall be tried on summary conviction. I do not know whether or not the agents know what summary conviction means, but it really means the summary provisions of the penal code of Canada relating to summary convictions. I doubt very much—and it is quite understandable—whether most agents would know the provisions of the Criminal Code in connection with summary convictions. They are not lawyers. I do not suppose they are expected to know the provisions of the Criminal Code regarding summary convictions.

Q. You feel then that the qualifications of an Indian agent—

The CHAIRMAN: At this point I should like to say that I think it would make it much easier for all members of the committee to hear if you will address the chair. Then we can all hear what you are asking. We are interested and we would like to know what it is.

Mr. CASTLEDEN: I was asking him if he thought Indian agents were qualified to do that kind of work where they have this power over the Indian.

By Mr. Castleden:

Q. When an Indian comes into that court has he recourse to legal counsel to defend him?—A. That is entirely up to him whether or not he wants to engage counsel. In cases like that of a summary conviction nature he usually either engages counsel or does not, depending on whether or not he can afford it.

Q. What appeal has the Indian got?—A. He has an appeal to the court in Montreal in connection with cases arising in Montreal, but he has an appeal under the provisions of section 750 and 749 of the Criminal Code which deals with appeals from convictions on summary conviction.

Q. What court would hear that?—A. I would not know what court it would be in the other provinces but in Montreal it would be the Court of King's Bench that would hear summary conviction appeals.

By Mr. Farquhar:

Q. Mr. Saylor, you said that the Indian council should have the use of the interest on their band funds. Does the council not have the right to use the interest on their band funds for any purpose to improve the condition of the Indians generally? I understood they had that right.—A. I would not be able to answer that because I do not know. I merely mentioned this morning in the event that Indians have funds held in trust for them they should have the privilege of using the interest. I do not think I stated that they did not have the right to use it.

Q. I thought you inferred they did not have the right. My understanding was that they would make a recommendation to the department and the department would use the interest for improving conditions in any way on the reserve, such as health, or in any way they wished to use it. That was my understanding. I thought probably you had some further information.—A. No, I have not.

The CHAIRMAN: Might I again request members of the committee to address the chair so we can hear what is going on.

Mr. FARQUHAR: We would also like to speak to the man we are questioning.

The CHAIRMAN: You do it through the chair.

Mr. FARQUHAR: All right; I will abide by your wishes.

By Mr. Farquhar:

Q. Do you believe that it would be in the interests of the Indians to become enfranchised and receive all the benefits and privileges of the white man?—A. At the present time I would say that the Indian needs more education than he actually has in order to compete outside, and in order to understand the various problems arising in the country.

Q. We all believe that the one important question is education, that if the Indians had sufficient education that would solve many of their problems. I should like to ask you if you have any suggestions to make as to how we could improve the educational facilities of the Indians?

The CHAIRMAN: May I ask what the last part of that question was?

Mr. FARQUHAR: I asked him, have you any suggestions to make as to how we can improve the education facilities of the Indians.

The CHAIRMAN: I didn't get the word "facilities."

The WITNESS: There is one thing which occurs to me in connection with that question. I really believe that if the Indian was guided and given a little lift when he leaves either the public school or high school, wherever he goes in connection with any position which he might take, I think that if the other members of the reserve, or from the reserve to which he belongs, if they saw him improving himself, I think they will follow suit and try to achieve further education. He would set an example to them, I think, if he were given opportunity to place himself, to get a job, to get a fairly responsible job worthy of his education. I think other Indians would be induced by that example to try to improve themselves.

By Mr. Farquhar:

Q. You think the school facilities are adequate?—A. No, frankly, I do not; for the simple reason that as far as I know—and I do not know all the schools throughout the dominion—but as far as I know the Indian goes to school until he is fifteen or sixteen years old; certainly he is not in a position to go out and assume a responsible job, and the result is that he goes out and gets a job in a shop or whatever job is available, possibly; if, on the other hand, there were other Indians who had responsible positions and were able to gain recognition I think they would probably go ahead instead of going to work and probably try to obtain higher education.

Mr. FARQUHAR: That is all, Mr. Chairman, thank you.

By Mr. Reid:

Q. I have one question, Mr. Chairman. You spoke about insurance policies, and my question is, have the Indians any difficulty in obtaining their insurance policies; and, if so, are there any difficulties in the event of the Indian dying to his beneficiary obtaining the benefit of the policy—A. On life insurance policies I would say there is no difficulty in obtaining a life insurance contract. The only difficulty is in connection with fire insurance policies. Many Indians have valuable homes, valuable in accordance with the means of the particular Indian. I would say that Indians would have property, homes worth anywhere from $3,000 or $4,000 to $5,000 or $8,000. Because of lack of fire facilities on the

reserve the fire insurance companies are very reluctant to place fire insurance on them, and I find that Indians generally who have homes of any value at all are naturally like anybody else, anxious to insure their properties.

Q. What about life insurance in the event of the Indian dying; where would the money go? Say he left the money to his wife or next beneficiary; where would that money go, to that beneficiary or to the band funds—A. No, to the beneficiary.

Q. Direct—A. Yes, direct.

Q. There is no difficulty?—A. There is no difficulty.

Mr. LICKERS: I was just going to qualify that. The Indian making application for life insurance on any policy with which I have dealt—as a matter of fact I have dealt with some five or six companies, and I have found this; that one of their regulations is that they would not insure an Indian without a physical examination but as far as the ordinary white is concerned they would insure him for an amount up to $1,000 without any physical examination. That is the only discrimination of which I know.

Mr. CASE: I might offer this explanation about that, Mr. Chairman. I happen to be in the insurance business.

The CHAIRMAN: No advertising here, please, Mr. Case.

Mr. CASE: It is not because of any incapacity of the Indian, but we have means other than the medical examination for checking up on white people which are not available to us with respect to Indians.

By Mr. Harkness:

Q. In connection with the matter you brought up of leaving it to the department to determine whether or not a widow is of good moral character, do you know of many cases in which widows have been cut out of what they otherwise would have received by way of inheritance in that way?—A. No, I do not.

Q. Have you heard of any such cases?—A. Just one, and that is hearsay.

Q. But you actually know of no cases?—A. I do not know of any cases of that kind of my own knowledge.

By Mr. MacNicol:

Q. Mr. Chairman, I would like to ask Mr. Saylor a question or two. The longer this investigation goes on the more I am convinced that education is important, that education among the Indians will do more for them than any other single thing that we can do. Now, have you any suggestions as to how we can bring all Indian schools across Canada up to the same standard as those on the Six Nations reserve, at Muncie, in the north, at Walpole Island and that other place in the north you mentioned the other day, in British Columbia—what we should have on all the reserves is schools something like those where they seem to be just as efficient as the best schools we have say here in the city of Ottawa. Have you any suggestions to make as to how we can bring the Indian schools up to that general standard of efficiency?—A. That presumably would be a matter of administration and I think probably others would be more capable of answering that question than I would be of rendering any opinion on it.

Q. The department itself will lay out the curricula and they lay out the administration of the Indian schools, but they should be up to the standard which they have on the Six Nations reserve and elsewhere. That would be very valuable. How can that be brought about?—A. I think it can be brought about by increasing the classes, by increasing the grades in the schools; and I think it can be brought about—

Q. By employing better teachers?—A. Better teachers.

Q. Paying them more money to get them to stay there?—A. That is right. I think they are very much underpaid these days. It is a matter of discussion among teachers to-day. They are threatening to strike, and so on and so forth. The general opinion is that teachers are very much underpaid.

Mr. MACNICOL: In my observation, Mr. Chairman, I have visited many schools on many reserves, I have seen woeful differences in the efficiency of schools. We should bring the schools up to the same high standard and the Indian would be able to go forward much faster.

By Mr. Lickers:

Q. Under the provisions of the Indian Act in connection of descent of property it is set out there that one-third of the property is to go to the widow, and they limit the descent to collateral. Do you not think it would be a good provision to have that descent on the same basis as the laws of the province in which the reserve is situated?—A. Frankly I think it would, because the provisions regarding estates and essential property to my mind is very antiquated. For instance, I can think of one provision where an Indian dying intestate, without issue, and leaving a widow, all his property would devolve to her. In other words, there is the case where the Indian might have brothers and sisters or he might have a father and mother, and in both cases where there is no issue all his property will go to the surviving consort. I think particularly in cases such as those where the father and mother are living, and where the brother and sister are living that under the provincial law they would share in the estate.

The CHAIRMAN: Mr. Saylor, I understand that you want to get away. I want again to thank you on behalf of this committee for your attendance here and for your assistance to the committee, and we hope that by reason of your suggestions and recommendations that we may profit something in the revision of the Act when that revision takes place.

The WITNESS: The only thing I would like to say, Mr. Chairman, and honourable gentlemen, is this, that I certainly appreciate having had this opportunity to-day, and I certainly deem it an honour and a privilege to have been here at this important meeting. Thank you very much.

The CHAIRMAN: Now, Mr. Paull, would you care to continue with your brief?

Andrew Paull, recalled:

The WITNESS: Mr. Chairman, Honourable Members of the committee, I have filed a brief concerning British Columbia with the committee. I was going to read it, but in view of the short time I have before your body, I am going to ask that it be printed in the records of the proceedings of your tribunal.* I do hope you will agree with that, Mr. Chairman. I would speak to it, shortly. The brief is rather long. It deals with constitutional matters concerning the Indians in British Columbia. Many of the things for which we are asking are based on aboriginal titles, concerning such things as grazing lands, water rights, trapping rights and so on.

Another reason for placing this constitutional argument before you on behalf of the Indians in British Columbia is this; in the year 1927, there was a joint committee of parliament set up to consider the claims of the Indians in British Columbia. This committee made a report. It was written by the then deputy superintendent general of Indian affairs. The Indians who appeared before that committee included myself and the Reverend P. R. Kelly. We did

* Appendix ER.

not have a chance to see the report of that committee until it appeared in *Hansard* and had been adopted by parliament. I consulted with my friend the Reverend P. R. Kelly today and he agrees with me that I should launch, on his behalf and on behalf of the Indians in British Columbia, a most emphatic protest against one portion of that report. This concerns a matter of great importance to the Indians in British Columbia and I do say, willing and as bravely possible, that this report of which I complain—

By the Chairman:

Q. Which report is that, Mr. Paull?—A. It is the report of the joint committee of parliament which considered the claims of the allied Indians of British Columbia in 1927.

Q. Is that the 1926 committee to which you are referring?—A. The petition was launched in 1926 and was considered by a joint committee of parliament in the year 1927. My book containing the report is a little bit tattered, but you will find one in the library.

Q. If you will let me see it, I will give the citation:

> Appendix to the journals of the Senate of Canada: first session of the 16th parliament, 1926-27. Special joint Committee of the Senate and House of Commons appointed to inquire into the claims of the allied Indian tribes of British Columbia as set forth in their petition submitted to parliament in January, 1926.

This is the report and evidence. Are you referring to any particular part?—A. I am referring to the report of the committee and, in particular, one paragraph of that report which states the refusal of that committee to allow our claims was due to the fact the committee said the Indians in British Columbia had been conquered by the British. Now, that is historically incorrect. It is that which I wished to say to this committee. I wish to launch an emphatic protest on behalf of the Indians in British Columbia. I have Mr. Kelly's permission to say so and to ask this committee that whatever Mr. Kelly and myself said in support of the claims of the Indians in British Columbia in the year 1927 before that committee be embodied in the representations which we are making before this committee now.

By Mr. MacNicol:

Q. The Indians were never conquered in British Columbia?—A. No, they were not.

By Mr. Richard:

Q. How does that paragraph read?—A. Will Mr. Lickers read this paragraph? He has better eyes than I have.

Mr. LICKERS: I am reading now from page 7, the part in italics.

> It is claimed that no conquest had ever been made of the territory of British Columbia. The historic records would seem to indicate that this is not accurate. All the posts of the Hudson's Bay Company were fortified and the officers and servants of the company were prepared to resist hostile attacks. When a fort was established at Victoria a band of Cowichan Indians under Chief Tzouhalen seized and slaughtered several animals belonging to the whites. The official in charge, Roderick Finlayson, demanded payment for the animals, which was peremptorily refused. In this action Chief Tzouhalen was upheld by Chief Tzilatchach of the Songhees and the Indians attacked the fort, but were easily over-awed by artillery and later approached the fort to sue for peace. The historic records contain numerous other like references. The fort just mentioned was established at Victoria in 1848, and in 1849 Vancouver was made

a Crown Colony. British Columbia (the mainland and Queen Charlotte Islands) was made a Crown Colony in 1858, and the two colonies were united in 1866. British Columbia entered Confederation on the 20th July, 1871.

By Mr. Richard:

Q. That is the conquest, is it?—A. That is where they say we were conquered.

Now, the brief which I have prepared is in support of our claims to aboriginal title because the Queen, in a despatch, stated the Indians must be compensated for the land which they have been taught to regard as their own. The Minister of Justice in 1875, said he wanted to see the white people live up to the policy of the British to extinguish native title. Native title has never been extinguished by agreement, treaty or otherwise in British Columbia. What I have said now is supported by the brief which will be printed in the record.

I think I will leave it at that and you can read the statements in the brief. I now wish to take up as my next subject the matter of education.

By Mr. Lickers:

Q. Just before you continue, have you any knowledge of a land sale in British Columbia which I saw reported in the newspaper some three weeks ago in which part of the land was purchased by the federal government. A certain amount was paid to the provincial government and a certain amount paid to the Indians?—A. I certainly have knowledge of that. I am the man who handled the Kitsilano reserve deal for my tribe. I can tell you all about that from start to finish.

Q. Was that part of the reserve?—A. That reserve was arbitrarily taken by the then Attorney General for the province of British Columbia.

Q. How long ago?—A. In the year 1911. The Lands Act of the province provides that when an Indian tribe becomes extinct or a reserve becomes vacated, that reserve will revert back to the provincial Crown.

By Mr. MacNicol:

Q. That land?—A. That land will revert back to the provincial Crown in British Columbia. This Lands Act was disallowed by the Minister of Justice in 1875. The legislature of the province of British Columbia was asked to repeal that Lands Act, that portion of the Lands Act. They did repeal it, and, in the next session of the legislature of the province it was re-enacted and it is there yet.

The then Attorney General believed he had a sympathetic Minister of Indian Affairs in Ottawa. He caused the removal of the Indians residing in the Kitsilano reserve, twenty of them, by giving them $11,500 each. The Indian department did nothing to stop that or to protect the Indian interests. The government of that day was criticized in two hot sessions of debate in the House of Commons. The government of the day was criticized for their inaction in not protecting the Indian interests.

I fought the legality of that sale for fourteen years. I was tossed out of Ottawa several times. I was told I had nothing to do with it, but I guess I am crazy. I persisted and after fourteen years I got that Indian reserve back. We are selling it again.

By Mr. Lickers:

Q. What I was interested in was as to whether, in connection with the surrender by the band, they had title to it or whether their claim was based on the Aboriginal title?—A. The claim I am submitting in that brief is the title

by the Aboriginal rights. Let me get acquainted with it. In Canada people think that all the Indians are the same. That is not the case. There are different nations of Indians, such as the Iroquois and the Hurons. In British Columbia on the west coast of Vancouver Island there is a nation of Indians called the Aht living on the west coast of Vancouver Island. On the east coast there is another nation of Indians, the Kwawkeulth from Cape Mudge. Up where my friend Mr. Williams comes from there are the Tsimshian Indians and there are the Haida's, and the Carrier nation of Indians, and so on. Now, we say that the government has not bought the territories over which these nations of Indians were the sovereign power when the white man went there. If they defeated one or two Indians in Victoria because they killed a cow that does not mean that they conquered all the Indians of British Columbia. They did not conquer all the other nations of Indians.

Now, the next subject I would like to deal with is education. The Hon. Mr. Crerar in a conference I had with him asked me if I had any solution to settle these Indian problems and I told him that I had. I said, "Hon. Mr. Crerar, I can give you the answer in one word: education." Because if the Indian is educated he can fight himself out of his difficulties. He will not feel an inferiority complex. If he has education he would feel that he was equal to anybody. That was the answer I gave to Hon. Mr. Crerar.

I wish to place this letter in the preamble of my discussion on the question of education. This letter is addressed to honourable members, Indian Act Committee, House of Commons, Ottawa, Ontario, and it reads as follows:

> We, the undersigned, hereby certify that clause 6 of our brief presented last year is contrary to the decision of the Convention, the amended clause was not inserted because of our haste to have it printed.
>
> We certify that the decision of our 1946 Convention was in favour of continuing the denominational schools, but that the government should give a greater per capita grant for all the children in the residential schools.
>
> Respectfully yours,
>
> ANDREW PAULL—President,
> J. DELISLE, Jr.,—Vice-President,
> HENRY JACKSON.

By Mr. Lickers:

Q. Is that an amendment to the brief?—A. An amendment to clause 6 of the brief we filed last year.

Mr. CASTLEDEN: It was corrected last year also.

The WITNESS: Yes. Now, gentlemen, this matter of education is a very important question. Perhaps you will permit me to go into the fundamentals of this question. The education of Indian children is the responsibility of the father and mother of that child. It is the responsibility of the father and mother to give proper education to their child. It is ofttimes impossible for the parents to give proper education. Now, the best kind of education, in my opinion, is that kind of education that can be given to an Indian child with some teaching about christianity. Separating denominational schools from the Indians is a form of intolerance that is not even deserving of the name of fascism. We had many Indians over there fighting against fascism. We shall not allow anyone to determine what church the Indian child shall belong to. Now, I take issue, with all the respect I have for the director of Indian Affairs, Mr. Hoey, when he made a recommendation to this committee, in his original speech to this committee, that where a dispute arose—where there was a dispute between the father and mother of a child, and it was impossible to decide what school,

whether Protestant or Catholic, that child should go to, Mr. Hoey recommended, and he says he feels strongly on the matter, that an official appointed by the superintendent general should determine to what kind of school that child should go. I stand before you, honourable members of this committee, and I say to you that not even any man appointed by the superintendent general with all the respect I have for the Hon. Mr. Glen—that no one man shall have that authority to determine that issue. That is a matter that belongs to the father and mother. Britain fought against religious control control in the Old Country and so did many Indians; and with the vigour and energy that those Indians went over with to fight against that kind of fascism I stand here ready with as much courage as those boys that went over to fight against that. Now the constitution of the United States is based on the teachings of Christ. All our laws are based on the Ten Commandments. So why deny the Indians a chance to learn about christianity?

The CHAIRMAN: Mr. Paull, might I interrupt for a moment? If you will refer to page 16 of the minutes of evidence of Mr. Hoey, you will see that in the first paragraph he says: "My personal opinion, and I hold this opinion strongly, is that when such disputes arise the religious status of a child should not be decided by departmental officials, as is now the case, but by an independent officer or officers appointed by the minister."

The WITNESS: I object to that. I say that not any minister should appoint any man to decide what religion that child should belong to.

The CHAIRMAN: All right.

The WITNESS: That is what I am trying to say.

Mr. RICHARD: When the father and mother both disagree whom do you suggest shall decide the issue?

The CHAIRMAN: Let us not question the witness at the moment.

The WITNESS: Now, that question is generally decided previous to the time that this argument arises. So, if any provision is made then there should be no occasion for anyone to have to decide. I do not think that it is right and proper for any government to legislate or to appoint any official no matter how good he is—and I have a lot of respect for Mr. Glen—but there is no guarantee of his eternal existence.

Now, in the case of British Columbia there was the sum of $100,000 that is to be voted annually to help Indians in British Columbia. Mr. Kelly and myself in 1927 told the department that we thought it was an antiquated system to give Indians $4 or $5 a year; we thought it was better to take that $100,000 a year and give the Indians assistance in agriculture or in education, and I agree with that. In 1927 they were asked for better education. That committee agreed that the Indians should have better education, and they included in the reports that the Indians must have better education. If you examine their report you will see that they agreed this money would be used for Indian study. After 1927 several Indians went to technical schools. They learned various things, such as flying, and some of them went to normal school and some of them went to university. They went through their courses with flying colours. Then the Indian education department shut the door and would not let anybody else go.

Mr. MACNICOL: Would not what?

The WITNESS: Would not let any more Indians go to technical school, normal school, or to the university.

Mr. FARQUHAR: What reason did they give for that?

The CHAIRMAN: Will you confine yourself to making a record of your questions so that we may cross-examine later in the proceedings?

The WITNESS: I am sure that those Indian agents with whom I had trouble did not give any reason. Now I know four boys particularly, members of my own tribe, that were highly recommended by the principal of their school, that were fit and qualified to go to technical school and learn a trade, engineering, to be electricians or something like that. According to the system the Indians had to get the consent of the Indian agent. That Indian agent refused to give his consent and so those four boys could not go to learn something better than their ancestors knew. He persistently refused. The result is those four boys are doing the same kind of work as their illiterate fathers are doing, longshoreman work, fishing and so on.

Now I say this, honourable gentlemen. The Indian has no recourse, nobody to whom he can appeal. Now let us not have the same thing happen again. I make this very sincere recommendation to the members of this committee, that there should be a board in every province to whom the Indian could appeal against the decision of the Indian agent or the commissioner, or the inspector of Indian agencies.

Some hon. MEMBERS: Hear, hear.

The WITNESS: Now I have been a long time in this work by the will of my people, by the will of the Indians from British Columbia and the Indians of Canada. I have visited many Indians and many Indian reserves, to a greater extent than any other Indian in Canada. I have found this, that when the Indian agent, the commissioner and the Indian chiefs co-operate and work together the result is good government of the Indians.

The CHAIRMAN: Just one minute, Mr. Paull. May I interrupt you for a moment?

The WITNESS: Yes, sir.

The CHAIRMAN: We have found that for the benefit of the Indians generally, and usually the particular delegation before the committee, that much valuable information is obtained by permitting the members to cross-examine the witness or to interrupt the witness on pertinent subjects. Now if that is being done tonight it will only permit each member to have five minutes. Now I am suggesting to you that you might feel inclined to permit the members to bring out the various points that they have in mind and to answer their questions for the next hour. We only have one hour and I am suggesting to you if there is nothing more of a vital nature that you would like to present in your brief that it might be well for the sake of the Indians generally if you would permit questioning at this time. What is your opinion?

The WITNESS: I have many more subjects to present, Mr. Chairman, many more weighty subjects to bring before the committee. I am at your mercy, but I am quite willing to be interrogated, cross-examined, or interrupted at any time. But I would like to have a chance to bring to your attention these things which I have.

May I say this, gentlemen, I am perhaps the only Indian in Canada who has more experience than any other Indian and I have a wealth of information that would be very helpful to this committee.

The CHAIRMAN: Now we appreciate that Mr. Paull. We know it was not your fault that you were not here yesterday but a great deal of time has been taken up today in cross-examining Mr. Saylor. Mr. Saylor could have been well posted as to the material he was to present and could very nicely have given it to us yesterday and that would have saved a lot of time. Now we are faced with the position that we have but one hour left.

Mr. BLACKMORE: Mr. Chairman, I would like to see Mr. Paull use all the time he wishes. I think he will be more satisfied and so will we if he goes ahead and tells his story.

Mr. FARQUHAR: I feel that we should ask questions on matters that he is not clearing up as he goes along.

The WITNESS: Any time you want.

Mr. FARQUHAR: We have not seen the brief, but does not the brief cover the subjects you wish to speak on?

The WITNESS: Not the subjects I am discussing now.

By the Chairman:

Q. Why does it not cover the subjects?—A. Many of these things, such as education, are based on the Aboriginal title. That is taken care of by the brief but these fundamental things cover all issues, education and everything that comes afterwards.

Q. Let me put it to you this way. It will be in order if the members ask questions on subjects that they feel you are not clearing up as you go along.—A. I am willing to be cross-examined or interrupted at any time.

Mr. CASE: Take, for instance, his point on education. I would certainly like him to clear up these church school things we have heard about. Other representatives from British Columbia spoke to us with respect to church schools and I just cannot quite follow Mr. Paull. He says he is opposed in one way to the selection of the religion but he wants to have church schools and then he says the British fought for religion and we should not force religion on the children. I would like to know whether you are in favour of church schools or public schools?

The WITNESS: I am in favour of denominational schools. Now there should be residential schools where the Indians are nomadic, but there should be day schools where the Indians are stabilized in a particular reserve such as the Six Nations. In Kamloops the Indians are farmers and the children are attending day schools there, but the children should be taken out of the day schools and put into a residential school in that area.

Mr. CASE: Are the day schools to be denominational?

The WITNES: The schools should be denominational, yes.

Mr. CASE: You are in favour of day schools being denominational?

The WITNESS: Yes, sir.

Mr. MACNICOL: Were we not advised the other day that in British Columbia they did not have denominational schools but that all the schools were public schools?

Mr. CASE: No, we were advised that it would be best.

Mr. HARKNESS: That is what they advocated.

Mr. MACNICOL: I understood Mr. Reid to say the other day something about the Indians in British Columbia being under the public school system.

Mr. REID: I was speaking of the general education of the children there. We have no separate schools in British Columbia and we probably won't have any for some time to come, but the Indians are different. If you are speaking of the Indians, of course there are denominational schools for the Indians under the auspices of the Roman Catholic Church, the English Church, the Presbyterians and the United Church, the latter two particularly. The province as a whole, however, has only one school system.

By Mr. Farquhar:

Q. I would like to ask you a question in connection with what you said about the agent refusing to give an Indian child higher education. That is a very serious matter in my opinion. What was the reason? You said you did

not know what his reason was, but have you any reason why he should not have permitted it?—A. I tried to explore the reason and the only reason that was given to me some years afterwards by the Indian commissioner was that there was a depression and that they were using most of this money to feed the Indians. The reason the Indian agents have given is that there was no money, but I know in this case that there was money. There was $100,000 a year.

Q. In a matter of that kind could not the council take the matter up directly with the department?—A. No, and I will tell you why. Again I will have to call on my friend Mr. Lickers because of my poor eyesight to read this letter.

The CHAIRMAN: Who is the letter from?

Mr. LICKERS: It is a copy of a letter from Harold W. McGill, Deputy Superintendent General, dated at Ottawa, March 15, 1933.

The CHAIRMAN: 1933?

Mr. LICKERS: Yes.

Department of Indian Affairs,
OTTAWA, March 15, 1933.

Dear Sir:—For some time there has been a progressive increase in the number of letters received direct from Indians on reserves, both by the Honourable the Superintendent General and at this office, concerning matters which should come before the Indian Agent in the first instance. This practice of Indians attempting to deal directly with the department is undesirable as it involves unnecessary waste of time and interferes with despatch and order in the conduct of official business.

Our Indian agency organization is the basis of our administrative system. The Indians should be instructed to bring matters that concern them to the attention of the agents. A preponderance of the letters above mentioned, deal with matters that could be disposed of by agents without reference to the department. Where it is necessary that any matters should be brought to the attention of the department, the proper channel of communication is through the agent.

Henceforth except in special cases, or where the Indian writing is not living on the reserve, all these communications will be returned to the agent concerned, for his files, and for his information and necessary action.

It is essential in every case that the agent inform the Indian correspondent that his letter has been received at the department and transferred to the agent for his reply and action, and furthermore, the Indians should be instructed that in future no communications sent direct to the minister or the department will be acknowledged to the Indian correspondent, but will be referred to the agent.

In instances where special circumstances require that an answer be made direct by the department, a copy will be sent to the Indian agent.

Yours very truly,

(*Sgd.*) HAROLD W. McGILL,
Deputy Superintendent General.

Sent to all Agents
and Inspectors, also
Asst. Commissioner Perry.

By Mr. Farquhar:

Q. What is the reason when you have difficulties of this kind, or any serious difficulty that you do not go to your federal member with it? Your federal member can always intercede for you with the Department of Indian

Affairs. The Indians in my riding do that quite often. I am working with the department very often in connection with Indian matters. I should like to know why you do not take those matters up with your federal member?

The CHAIRMAN: I am sorry, but I do not hear.

Mr. FARQUHAR: I can talk louder.

The CHAIRMAN: If you will just address the chair the chair will be very glad to convey it to the speaker if he does not hear it.

Mr. PAULL: The question was why do the Indians not appeal to their member of parliament in that constituency. The answer to that is in what is in that letter. That letter says that any letter an Indian writes will be sent to his Indian agent for the necessary action. Let me give you a very glaring illustration. I wrote to the Hon. R. B. Bennett when he was Prime Minister of Canada. I complained against the action of our Indian agent. That letter which I wrote to the Prime Minister was in the hands of the Indian agent on our reserve and he said, "I am the man who is going to answer this letter which you wrote to the Prime Minister."

By Mr. Richard:

Q. Do you mean to say the letter says that if an Indian has any complaint about a decision made by the agent that the department requests that complaint should be lodged with that agent?—A. That is what it says.

Q. To be dealt with by the agent?—A. Yes. I have complained time and time again against that.

Q. I do not think the department is going to be unreasonable to that extent. —A. They were for many years.

By the Chairman:

Q. You say "for many years". Have you noticed any improvement over the past several years?—A. Since Mr. Hoey came in there has been a great improvement. I was asked the question why I did not appeal to the Indian department against the decision of the Indian agent refusing to allow these children to go to a higher school. My answer was that letter. If I had written to the department the department would have sent my letter back to the Indian agent against whose actions I was complaining. That is the most bureaucratic system there is.

Q. Have you had that occur since 1933? Has that occurred since 1933? Has any similar occurrence happened?—A. It occurred all the time while Mr. McGill was deputy superintendent general.

Q. When did he leave the service?—A. I answered the question. That is why this thing came up.

Q. Do you know when he left the service?—A. Yes, 1944.

By Mr. Case:

Q. I did not hear the answer to Mr. Farquhar's question. Why do you not approach your local member of parliament?—A. The same reason. Even recently the Indians wrote to Mr. Little from Timagami. Mr. Little evidently went to the Indian department for information, and the Indian agent replied for Mr. Little to the Indians. The Indians were complaining against the action of their Indian agent to their member of parliament, and their complaint was answered by the very Indian agent against whom they were lodging the complaint.

By the Chairman:

Q. Is that the Bear Lake matter?—A. Yes.

Q. Mr. Little did take that up with me. I got a lot of information on the matter and gave it to Mr. Little. Is that about the school? They wanted to build a school up there?—A. It was about a new reserve.

Q. That was all done by the members of parliament.

Mr. CASE: He said that the department replied.

Mr. CASTLEDEN: The agent replied.

The CHAIRMAN: I know I replied to Mr. Little and Mr. Little replied. I replied to the Indians there and had some correspondence with them.

Mr. FARQUHAR: That has not happened in my constituency. There were matters came up against the agent when I first came down here to this House, and I went so far as to have him removed from office. They did not write to the Indian agent at all. We arranged to have the office opened and we got a new appointment made.

Mr. BLACKMORE: I would say from my own experience the report which Mr. Paull has given is only too true.

Mr. CASTLEDEN: I would endorse that as well.

Mr. BLACKMORE: There may have been exceptions, but when I first became a member of parliament that was true.

The CHAIRMAN: How long ago is that?

Mr. BLACKMORE: In 1935, when I first became a member of parliament I had experiences which serve as the basis for my remark.

The CHAIRMAN: In Alberta?

Mr. BLACKMORE: Alberta, but it was down in Ottawa. I would suggest that the witness proceed.

The WITNESS: I am glad the question was asked. Thank you, Mr. Farquhar. I am just going to mention this matter of income tax. I have a long brief on that. I hope you will be good enough to read it. It is in No. 21 of the records of last year's proceedings. As to the electric tax imposed by the province—

By Mr. MacNicol:

Q. What tax?—A. The tax on electricity on Indian reserves imposed by Quebec province, and by the dominion. I think I should speak a little about enfranchisement. I think the law should remain as it is. Let it be the liberty of the Indian to become enfranchised if he so wishes.

By Mr. Case:

Q. Have you some thought there will be a change in enfranchisement?—A. In enfranchisement?

Q. Yes.—A. It is physically impossible to give the Indians the franchise. I have not had the privilege of casting a ballot myself because I am not enfranchised, but I understand that you go into a booth and there you have a ballot paper and you mark a cross on the candidate you wish. How are we going to put illiterate Indians in that booth?

Q. My question is do you think there is going to be some change? I have not heard of any change.—A. Well, I am not a prophet and I do not know. I have not heard of any.

Q. Other than voluntary methods?—A. No. While we are on that question I would like to place on the record a decision of the Supreme Court in the United States. I understand that you are going to have a man from the United States come here. This relates to the matter of advertising and I would like to read

a very short extract from a decision of the Supreme Court of the United States; and, I quote:

By the Chairman:

Q. What is the case, Mr. Paull?—A. The Supreme Court of the United States.

Q. What is the name of the case?—A. I am sorry the case is not quoted here.

Q. Is it referred to in the brief here?—A. No, not in that brief; it will be referred to in a brief which will be presented toward the end of the month.

Q. Is that McCandless vs. the United States?—A. I do not know, I am sorry; I do not have the case cited here.

Q. That is all right. That will be fine.—A. I quote:

> Such usage is not incompatible with the continued existence of joint guardianship and it may be that the law completely emancipated the Indians or places them beyond reach of congressional regulations adopted for their protection.

I think if you will bear that in mind in making your recommendation it will be of great assistance. That is all I have to say on that.

As to white people on the reservations; I think they should be put off every Indian reservation. They cause a lot of trouble. They try to dictate the policy of the Indians on that particular reserve. They should be put out as soon as possible from all Indian reserves, all the whites who are there, because of the fact that Indian reserves were set up for the sole use and benefit of the Indian, not for the use and benefit of the white man.

By Mr. MacNicol:

Q. I would like to ask you this, how do whites get on the reserves?—A. Well, sometimes the Indian agent allows them there; sometimes the Indian department lets them in there; they get in by peaceful penetration, I guess that's the word. Now there are a lot of white people on the Caughnawaga reserve who went in there and got property, the excuse there was the housing shortage. They are trying to dictate the policy on the Caughnawaga reserve and they cause trouble and should be evicted tomorrow.

Mr. MacNicol: I agree with you there, the whites should get out of that.

Mr. Farquhar: I can answer that question. When an Indian becomes enfranchised he gets a deed to his property and he can then sell it. I know of cases where whites got into Indian reserves in that way, by the purchase of Indian property.

Mr. MacNicol: What is that?

The Chairman: What Mr. Farquhar says, as I understand it, is that the Indian applies for enfranchisement, and when he becomes enfranchised the department gives him a plot of ground and he can dispose of that ground in any way he sees fit. If the title has become vested in the Indian then the Indian can deal with it as he sees fit.

Mr. Farquhar: I know cases of where they sold property to whites who have gone in there and started in business.

Mr. Hoey: The Indian enfranchised at the present time, at any time since I have been director, if they hold property on the reserve have to dispose of it to a member of the band.

Mr. Farquhar: That has not always been true.

The Chairman: Would Mr. MacInnis care to speak on that?

Mr. MacNicol: All right, let us hear Mr. MacInnes then.

Mr. MacInnis: The act still provides for the enfranchisement of an Indian and giving title to his land, but as a matter of policy we don't do that

because obviously it would create an island in the reserve not under our jurisdiction and the situaton would be difficult. It is only done in cases where it is practical to do that, that is for instance if the land in question is on the boundary of a reserve adjacent to a white township; then, obviously there would be no problem. But the number of instances where land on a reserve was deeded to the Indian in fee simple is very, very new, there are only three or four.

Mr. REID: Mr. MacInnis, is the situation different in other provinces than where I come from, because where I come from any white man who wants to get on an Indian reserve to purchase land can only do so with the approval of the whole band; and not even the agent can do it, it can only be done with the consent of the Indians when a white man goes on. If it is different in the other provinces I would like to know why it is. In my district for fifteen years we have been trying to get a piece of beach but the Indians have said no. No pressure has been brought upon them and the white man not only cannot go on but he can be put off. I am surprised if it is any different in other provinces, because I know where I come from the Indian has all the say as to whether any person gets on the reserve or not. No Indian agent would force an Indian to allow a white man to get on.

Mr. CASE: Mr. Chairman, the witness is complaining about the province from which Mr. Reid comes.

Mr. REID: I am telling you the facts, where I come from, just what conditions are.

Mr. FARQUHAR: Mr. MacInnis has a statement he wants to make.

Mr. REID: That is a matter which will have to be threshed out later.

Mr. MACINNIS: I was just trying to say that there are two ways in which an Indian gets land. When he is enfranchised and he gets a plot of land deeded to him and he has complete control of it and can do what he likes. The other case is where a band surrenders a piece of land for sale.

Mr. MACNICOL: Mr. MacInnis, if an Indian wants to dispose of his land which he owns, could he not be compelled to sell it back to the band? Why should it be sold to a white man?

Mr. CASE: Because he is the owner.

Mr. MACINNIS: That is the policy of the department, to have it bought back by the band.

The CHAIRMAN: That is the policy of the department. All right, Mr. Paull, if you will carry on.

The WITNESS: Honourable Mr. Chairman, and honourable members of the committee, I ask you to recommend to parliament to delete from the Indian Act that section which authorizes the Indian agent to be a magistrate. No Indian agent should exercise the powers of a magistrate.

Mr. CASE: You would let the Indians have access to the regular courts?

The WITNESS: Yes. The Indian agents act in so many capacities in the internal affairs of the Indians that they should not be magistrates. A man in that position should not act in the capacity of a magistrate.

By Mr. Richard:

Q. You mean he is not in a position to be impartial?—A. No.

By Mr. Lickers:

Q. Are there any instances of that in B.C. at the present time?—A. I will give you an instance in Vancouver. An Indian woman came to my home in North Vancouver on Sunday and told me that her husband was in jail in

Vancouver, that they came over there and tried to get him out because he was the skipper of a seine boat and he had to go out the next day. I went over there and I found that I could not get him out on bail because he was held for the Royal Canadian Mounted Police. Then I went over to the Royal Canadian Mounted Police and asked them what the bail was and they said they could not set bail because the Indian agent had to be consulted. The Indian agent was at his summer camp. I asked if he would let the commissioner set bail and he said no. I asked him if he would let the inspector of Indian agents set bail and he said no. The next day was Labour Day. It was Tuesday before I found there were four or five Indians who could not get out from the Saturday until the following Tuesday because the Indian agent was away. One of them had just got off the train after being overseas for two or three years. He had been wounded quite badly. He bought himself a bottle. The Indian agent found him on the street and arrested him. He was put in jail. This was a nice how-do-you-do for me to try to overcome.

I am not a lawyer, but I ask any lawyer in this House to show me any law whereby anyone who is arrested can be held for the R.C.M.P. and not be able to get bail.

By Mr. Richard:

Q. You must go to the magistrate who arrested him to have bail, and the same thing applies to the white man as well as to the Indian.—A. It was the Indian agent.

Q. The white man would have to go to the magistrate the same as the Indian?—A. But the white man has no Indian agent.

While we are on this subject may I say you know, as a man learned in the law, that part of the Indian Act which says an Indian shall be arrested while he is in a state of intoxication. I am sure you, Mr. Chairman, a man learned in the law, would know the legal definition of those words, "In a state of intoxication".

The CHAIRMAN: I have had no practical experience recently.

The WITNESS: We do not have to have practical experience. I suggest we experience that happy feeling to-night, if someone will provide the necessary ingredients. An Indian can be arrested for intoxication just because a policeman smells his breath. An Indian can be walking straight, but because his breath smells of liquor he is arrested and he is fined. Just because an Indian's breath smells of liquor, he is not in a state of intoxication according to the legal definition of those words. Now, a man who is in a state of intoxication is a man who is full of enthusiasm. He may stagger a little bit, but he can navigate.

There is another section of the Act which says an Indian shall be penalized if he is drunk. When a man is drunk, he is absolutely incapable of movement. He is lying in the ditch or some place. He cannot move. I should like to get this committee to have the legal definition of those words, "In a state of intoxication", made known to all the magistrates in Canada.

By Mr. Richard:

Q. The white magistrates too?—A. Because many Indians have been fined when they have not broken the law.

By Mr. Lickers:

Q. Just on that point, are you then in favour of abolishing the provisions in connection with liquor as they are set out in the Indian Act, thus affording the Indian on the reserve the same rights and privileges as anyone in the province so far as the liquor regulations are in the province?—A. I throw that right in the lap of the government of Canada. That should be a matter of policy

for the parliament of Canada. I will convey this information to you; I have asked men in all walks of life, magistrates, policemen, chiefs of police, men of all sorts, and they say, "Let the Indians have their liquor." They say if he abuses the privilege, then prohibit the sale to him the same as is done in the case of a white man. I asked a man who was learned in the law and he said, "The government should first try to reform the white man before trying to reform the Indian."

By the Chairman:

Q. Now that you have said that, would you care to answer the question Mr. Paull?—A. The question, I am ready for it.

Q. The question was asked by Mr. Lickers.—A. The question is, am I in favour of deleting this section of the Indian Act?

Q. Are you in favour of applying the law of the province?—A. To the Indians, the liquor law?

Q. Yes.—A. Yes, that is my personal opinion.

By Mr. Richard:

Q. You mean to say the same rule should be applied so far as intoxication, drunkenness is concerned, as applies to the white man?—A. Yes, my personal opinion would be the Indian should have his liquor the same as anyone else.

By the Chairman:

Q. As provided by the law of the province?—A. As provided by the law of the province. I think it is significant that last year there were nine Indians charged either with murder or manslaughter. I assisted in the defence of three of them who are out, and the rest are in jail. This is an example, gentlemen, nine cases out of a population of 25,000 charged with either murder or manslaughter. Now, there were not nine white men charged with these capital offences in British Columbia. These cases happened in the interior of British Columbia where they did not have access to beer parlours. They could not procure good liquor as easily as the Indians on the coast. I am not going to try to tell you something out of school. I must try to place the facts before you. Those cases happened in the interior of British Columbia where they secured lemon extract, rubbing alcohol or something like that, whereas the Indian who could sneak into the beer parlour or the liquor store and so forth, drank more beer, but there was no crime amongst those people. Of course, we were breaking the law on the coast, but we got by somehow.

A policeman told me that if the Indian got his liquor permit and was able to purchase liquor the same as a white man, a lot of white men would have to go to work.

Now, I concur with Mr. Saylor that the Indian should be allowed to appeal to the courts. I will give you an illustration of a case which happened in British Columbia last year. There was an Indian woman who had been willed property on one of the reserves by her grandfather. The will was approved by the Department of Indian Affairs. Later on, a rifle range was built on this reserve on the property of another Indian who had about twelve dairy cows. A place had to be found for him. The Indian agent thought this, "Well, now, this Laura James is a trespasser here; she has no right to be here under subsection (3) of section 25 of the Indian Act." He put her in jail. He told her to get off the reserve and she refused because that was the only home she had, this home which was left to her by her grandfather's will which was approved by the department. She refused to go. She was intimidated and everything like that. Finally, they threw her in jail.

The case went to court. Counsel for the defence argued this case should have been proceeded with according to the provisions of section 36 of the Indian Act which required the consent in writing of the superintendent general. Only on the consent, in writing, of the superintendent general, could this woman have been evicted. Counsel for the prosecution argued that she was being evicted under sections 115 and 116 of the Indian Act. Counsel for the prosecution further contended that section 36 did not apply at all. It had nothing to do with this case. The lawyer for the defence argued the other way, that section 36 was the provision which should have been used. The magistrate in Chilliwack who heard this hesitated. He said, "I am going to find you guilty under section 115." Counsel for the defence reached down in his pocket and said, "I am going to pay the $5 fine under protest." The lawyer for the prosecution got up and said, "No, you cannot find her guilty under section 115, you must find her guilty under section 36." Then, the judge did what the lawyer for the prosecution told him to do, he found her guilty under section 36 under the provisions of which there is no appeal.

Now, this woman has been thrown on the street. There is no place she can go. The Indian agent has thrown her on the street. We have no court to which we can go. I am appealing to this honourable committee to have this woman put back on her property on which she was supposed to be according to the will of her grandfather. The money which is there now should be given to this woman as rent, not as the purchase price of this land. The Indian agent said her land was only worth $30 an acre. It was to be bought for $30 an acre yet, in cross-examination he admitted it would take $100 to $200 to acquire that very spot. He exercised the authority of his office to try and force this woman to try and sell her land for $30 an acre. I say to you honourable gentlemen such a situation should not exist in Canada, and I appeal to this august tribunal to see that justice is done to this woman. She is in a bad predicament now; she has got no home; she is running around; she cannot go on the reserve because she will be thrown into jail again. I ask in the name of justice that this woman be put back and the money, amounting to about $1,300, be paid to her as rent.

By Mr. MacNicol:

Q. Are any of the particulars in the hands of the department here?—A. They are.

Q. And the name of the woman?—A. I have the file of the whole case right here if anybody wants to look at it.

Mr. BLACKMORE: How long ago was this done?

Mr. MACNICOL: Let us get the file number on the record.

Mr. LICKERS: This was held on May 3, 1944. The case is Rex vs. Laura James, and it was heard in the municipal court of Chilliwack before the presiding magistrate, Mr. P. H. Wilson.

The CHAIRMAN: Are you going to give a reply, Mr. Hoey?

Mr. HOEY: No, it has not come before me.

Mr. LICKERS: This is rather long, but I can read it to you. This is the statement by the court:—

> Court: Considerable has been mentioned about procedure, about the warrant. However I feel that if the accused came before the Court my only duty is either to convict or dismiss on the evidence before the Court.
>
> These Indians of course, as we know and recognize, are wards of the government. Reserves have been set aside for their benefit, allotted for the different bands and the accused Laura James is certainly a member of the Squiala Reserve and Squiala Band by reason of her

marriage (Sec. 15 of the Indian Act). Much has been said about Tzeachten not being a reserve. It is certainly recognized as a reserve. It has been allotted a number, 13, according to the evidence, and a separate account for the benefit of these Indians on the Tzeachten Reserve is kept at Ottawa so that I can only recognize it myself as being a reserve.

Evidence of course has been produced that Laura James was residing on this Tzeachten Reserve, and I may say further, too, that I am not concerned about the sale of the land or the price arrived at. The only question is the trespass of this woman, Laura James, on the Tzeachten Reserve. And she, being a member of the Squiala Reserve, I can only adjuge her guilty of this offence.

Penalty first set under Sec. 115 of the Indian Act; changed to Sec. 36. Imprisonment for one day, the time already served. Costs to be borne by the department. Permission given, on mutual undertaking, to take Exhibits out, same to be brought to Court if Appeal made.

By Mr. Richard:

Q. Do you find that the Indians have difficulty procuring counsel to fight their rights in court?—A. Yes, sometimes they have; especially on capital charges they have to appeal to the Indian department, and they sometimes secure counsel from the Justice Department for murder cases only. They will not secure counsel on a lesser charge, only a capital charge. Now there is some dispute going on between the dominion and the province as to who is to pay for these counsel that Indians get. If you will ask Major MacKay here he will tell you about that. Is Major MacKay here?

Mr. HARKNESS: I suggest, Mr. Chairman, that we hear the witness. He has only got about twenty minutes left, and we can hear Major MacKay later. I do not think the witness realizes that his time is so short.

The CHAIRMAN: I might also tell you that Major MacKay is leaving on Friday of this week and we will not hear him unless we devote some time now.

The WITNESS: This is a rather important question about who is to pay counsel for the Indians, and it is a big enough subject to deserve the attention of this committee and I think you should hear Major MacKay.

Major MACKAY: Mr. Chairman and gentlemen, as I understand the matter, the Indian is in the same classification as a white before the courts. In other words, if an Indian appears before a court and if he has not the funds to pay for counsel the province is responsible for providing such counsel. I believe the only exception is in the case of a murder charge. Not long ago there was a case before the Supreme Court of British Columbia, and the presiding judge complained that the Indian was not represented by counsel and intimated that it was the responsibility of the Department of Indian Affairs to provide counsel. He wrote me in connection with the matter and I communicated with the department and they gave me the policy as they understood it. I believe that the policy was set out by the Department of Justice. Now, Mr. MacInnis is here and he can elaborate on that information; but the position the department has taken, in so far as I am concerned, is that Indians before the courts are in the same position as whites in similar circumstances; in other words, whites or non-Indians who are not able to pay the costs. Probably Mr. MacInnis can tell you something about this.

The CHAIRMAN: Probably we could hear Mr. MacInnis at some other time. We had better permit Mr. Paull to continue.

The WITNESS: Yes. I appreciate very much the improved efforts of the Department of National Health and Welfare concerning the health of the Indians. Now, we had some serious trouble in that regard a few years ago.

Indian women were refused admittance into hospitals at the time they were giving birth to children. I hope we can be assured that that kind of condition will not happen again, because many Indian women died, especially on the west coast, because they were not hospitalized.

By Mr. Castleden:

Q. How long ago was that?—A. Within two or three years. There was an Indian woman brought to the hospital and when she went to the hospital she was told that the Indian agent had given instructions that no Indian was to be admitted to hospital as an emergency case.

By Mr. MacNicol:

Q. What Indian agent?—A. Of the west coast agency. Do you want his name?

Q. Yes.—A. P. B. Ashbridge. He is not in the service now. He is superannuated. I do not want these things to happen again anywhere in Canada. That is why I thought it was my duty to mention this. This woman went to a rooming house and delivered one child in a room all by herself. She was in great pain. She went outside into the corridor, crawled out and she was assisted by two loggers to deliver the second child. Luckily those two children are living today. I have another case about two young women who were having their first child. They were advised by their people to go to the hospital. Her people feared that they were going to have trouble. They came from Nootka to Port Alberni, which is two hundred miles by fishing boat, and when they arrived they were refused to be taken into the hospital. They went back and as the Indians suspected, these two girls died.

By the Chairman:

Q. When was this?—A. Within the last two or three years.

Q. When was the first case?—A. I mentioned that in the complaint which I lodged with Major MacKay.

Q. When?—A. Within two or three years, and when Dr. Moore was there I asked for an investigation on this matter. The doctor in question quit rather than face the investigation. Now, these things have happened recently, within two or three years, and the situation has been improved, but I do not want such a situation to happen again to any Indian woman anywhere in Canada.

Now, this same doctor attended an Indian woman in a wigwam and he was in a hurry. He would not take her to a hospital; he looked after her in a wigwam, and he used his hands to force the child out, and he was in such a hurry to get away that he put his knee on her stomach to force the afterbirth and when she hollered in pain he slapped her on the face.

By the Chairman:

Q. Were you there at this time Mr. Paull?—A. I beg your pardon?

Q. Were you there in attendance at the time?—A. Certainly not, how could I be there?

Q. Well, how do you know?—A. The Indians have complained to me.

Q. Somebody has told you?—A. Yes. They told me, and they laid complaints with the proper authorities, with the Indian commissioner. They asked for an investigation.

Q. When was that?—A. I have not got a copy of my letter, it is lodged with the Indian commissioner in Vancouver.

Q. All the complaints are in that letter?

Mr. FARQUHAR: Did you get an investigation?

The WITNESS: No, the doctor quit and they never had the investigation. Now Indian women are not deserving of that kind of treatment on the West coast or anywhere in Canada and that is why I want the sympathy of this committee in order that such instances do not happen again.

The CHAIRMAN: Might I ask a question? Dr. Moore is in attendance, and Mr. MacKay. Do you gentlemen know of these cases?

Mr. MACKAY: I have not any recollection of a case of that kind ever coming before me. If it has occurred, certainly the facts will be on the file in the department. If Mr. Paull would be a little more specific mentioning names and dates, we could probably trace the file and place it before the committee for consideration.

The CHAIRMAN: Do you know anything about this Dr. Moore?

Dr. MOORE: I know there were some complaints about our medical service and I have some recollection of this case.

The CHAIRMAN: You could tell us about that later.

Dr. MOORE: Yes.

The CHAIRMAN: Would you care to continue, Mr. Paull?

Mr. FARQUHAR: The fact that the doctor left would not prevent an investigation.

The WITNESS: I asked for an investigation and Mr. Moore was in the office of the commissioner. I made my appeal for an investigation to both Dr. Moore and the Indian commissioner, Major MacKay, at the same time. Both of them were there and I handed each of them a copy of my letter and that letter will be available in Vancouver. Mr. Moore might even have it here.

Mr. MACKAY: I am not suggesting that the complaint is not valid but I cannot recall the details. Certainly I cannot recall a case of that character, but Dr. Moore says he recalls that a complaint was made to him, but just what the nature of the complaint was I cannot recall.

The CHAIRMAN: Could you give us the names Mr. Paull?

Mr. PAULL: I would have to refer to the letter.

The CHAIRMAN: You could give us that by correspondence.

Mr. CASTLEDEN: What was the doctor's name?

The WITNESS: The doctor's name was Jones. There was a prior complaint on that which brought to the city of Port Alberni the medical superintendent of the Department of Indian Affairs. That doctor's name was McQuarrie, Alex. McQuarrie. There was a large meeting of Indians and I was called there. The Indians complained about the treatment given to this Indian woman who died in this wigwam. Dr. McQuarrie just defended the other doctor and we did not get anywhere with the complaint. Although the woman died we could not get anywhere. The reason I mention these things here is because we do not want such things to happen again anywhere in Canada.

Now, as you have told me, Mr. Chairman, I have only ten minutes. Do you want me to carry on or do you want to cross-examine me?

The CHAIRMAN: That is entirely up to you, Mr. Paull.

Mr. BLACKMORE: Suppose we let the witness decide if he wants us to ask questions.

The CHAIRMAN: Well, he has asked us that. If any member of the committee wishes to ask questions it will be in order.

Mr. CASTLEDEN: There are one or two things that I would like to ask before the witness closes. The first is with respect to the Brotherhood. Is this organization which you represent, of which you are the head, the North American Brotherhood of Canada or the Canadian branch of the North American

organization? Would you clear that up? There was some question raised about it the other day.

The WITNESS: We are independent of any other national organization. We are the North American Indian Brotherhood, in Canada. We are affiliated with any organization in the United States, nor with any national organization. I have been advised by my legal advisers to try and conduct this organization along the plans of the British Commonwealth of Nations and I have been advised by my legal advisers to try and make our organization a commonwealth of Indian nations of Canada. There is no dispute among the Indians that is created because of religion. We do not want anything like that. We have Indians in different denominations in our organization. We do not want anyone to try to split us up because of religion, and so forth. That sort of thing does not enter into the mind of the Indian at all.

By the Chairman:

Q. I note your letterhead has on it, "Grand Council, North American Indian Brotherhood." Is that not correct?—A. That is right.

Q. Is it Grand Council, North American Indian Brotherhood of Canada?—A. Of Canada. Mr. Castleden asked me if we were affiliated with organizations in the United States, and I said, "No".

Q. He did not say the United States. He said an American organization.—A. He mentioned the name of an organization in the United States.

Mr. CASTLEDEN: No, there was a question raised yesterday. It was stated this was the North American Indian Brotherhood and it was said it had offices in the United States. I wanted to clear that up so that the committee would know yours is a purely Canadian organization.

The WITNESS: Unfortunately some of the relatives of the Six Nations and the Indians living across the border have friends on the other side of the line which the white people put between the Indian and the Indians did not make. There are some international problems. There is the money due to the Indians in Canada and in the United States under the Pottowatomie treaty. Because of the effort of the Indians in Canada and their relatives in the United States to try to obtain fulfilment of the payment of treaty moneys under the Pottowatomie treaty we have some of these Indians on the other side of the line.

By the Chairman:

Q. I also notice on the executive board you have two members who live in the United States, Angus Horn and Chief Blue Cloud.—A. Angus Horn is a member of the Six Nations.

Q. He is on the executive board of your organization?—A. He is on the executive board of our organization.

Q. Then some of your members are residents of the United States of America?

Mr. BLACKMORE: He is explaining that now.

The WITNESS: I am explaining that Angus Horn is a member of the Six Nations. He was nominated on our executive by the Six Nations hereditary grand council.

By the Chairman:

Q. That does not answer my question. You have members in the United States and Canada. I think that is the point.—A. He is an Indian who is working in Detroit. That is where he gets his mail. That is why his address is given as Detroit. That is where he receives his letters in case anybody wants to write to him.

Q. He is a United States citizen?—A. No, no, he is a Canadian citizen working in the United States.

Q. He lives in the United States?—A. Yes.

Q. Chief Blue Cloud lives in the United States?—A. He is an American Indian, but Angus Horn is a Canadian Indian.

Q. I do not think we need to pursue that any further.

Mr. CASE: It does not weaken your organization at all.

By Mr. Castleden:

Q. The other question I want to ask is whether you have a constitution for your organization?—A. Unfortunately I spent a lot of time and hired a lawyer to prepare our constitution, but my legal adviser, Mr. Murdock, told me "Do not have any constitution. The greatest organization in the world, the British Commonwealth of Nations, has no constitution. Do not have any constitution." That is what Mr. Murdock advised me so we have no constitution. We have been advised by our legal advisers to pattern our organization along the lines of the British Commonwealth of Nations.

By the Chairman:

Q. Is Mr. Murdock a lawyer?—A. Yes, he is. He appeared before the Privy Council recently.

Q. Of what bar is he a member?—A. Ontario.

Q. I do not think he is a member of the Ontario bar.

Mr. CASTLEDEN: He used to be.

Mr. HARKNESS: It does not matter whether or not he is.

Mr. BLACKMORE: Let us hear the witness.

The WITNESS: Another matter that I have been asked to bring to the attention of this committee is the difficulty that the Indians of Nanaimo have been experiencing for many years.

In the year 1927, Duncan Campbell Scott, then Director General of Indian Affairs, told Mr. Kelly and myself in his office, watch out for the Nanaimo Indians, they have a lot of money coming to them. They were supposed to receive royalties from the coal which is dug out of their reserve—they had lots of money coming to them and you want to see that they get their money. These Indians and myself have been trying to have an investigation into this matter for years but we can't get anywhere. We have tried to get a lawyer, we tried to pay a lawyer out of band funds. The Indians came to me only two weeks ago and asked me to go to Nanaimo, and they said that the officials of the Indian department had hindered them in their efforts to get the services of a lawyer. Those complaints that I had made to me, it is difficult sometimes to get a lawyer. These Indian agents have hindered their efforts. Now, the railroad built through this reserve up to this coal mine. The Indians never consented to this railroad. I have letters here dealing with that. It would take a long time to go into it. The reason that I mention that, that the Indians have been hindered by the officials of the Indian department in getting a lawyer—now, what can we do? We can't get a lawyer. We go to get the band funds. Gentlemen, I appeal to this committee to try to open the door in some way so that we could go to some tribunal and get justice. They claim they have lots of money due them as royalties. They claim this railroad is in their reserve for the benefit of this company, that it is put in there without their consent, that it went through their gardens, smashed their fences, and so on; and they haven't got any money out of it from this railroad.

Mr. MACNICOL: We will inquire into that, now that we have the evidence.

Mr. CASTELDEN: How does he mean, the department stopped them?

The WITNESS: Mr. MacKay can tell you that.

Mr. BLACKMORE: I suggest that the witness proceed.

The WITNESS: If you will help these poor Indians they will appreciate it very much. And now, the last time I was in Ottawa, just before I left the band, the Indian agent addressed the council at the Squamish reserve, that is where I live, and he said, I have a circular letter from the Department of Indian Affairs instructing me to admit all illegitimate children. My brother who is a member of the council asked him to produce that circular letter. He said that there were other things written on it and he had not brought it with him. I asked Mr. Hoey if such a circular letter had gone out to all Indian agents. Mr. Hoey replied that he had no knowledge of it and told me to go and see Mr. MacCrimmon, the man in charge of records. Mr. MacCrimmon looked through all his files for my tribe and there were no copies there, and I understand from the department here in Ottawa that no such letter had gone out. Well, that Indian agent admitted some illegitimate children to our tribe and there are lots of other illegitimate children there but we do not know why they did not get in. I think it is the lowest type of trick. The Indian agent had no such letter to tell a properly constituted Indian council, a council constituted under the Indian Act, that he had received an official document from the department here at Ottawa commanding him to admit illegitimate children. Now, because of this statement some of these illegitimates have been admitted and are now members of the band, receiving distribution money and all the benefits of the tribe. There are other illegitimate children who haven't got in. I think there should be an investigation among the tribes not only in British Columbia but throughout the whole of Canada. I believe there should be an investigation every ten years for the same reason that you take a census of the people of Canada every ten years. I think it is a very necessary thing because the Indians who are admitted into the tribe receive all the benefits from the band fund if that band has any fund. We say no Indian agent has the authority, on his own, to admit anyone into membership in the band. This right should remain vested in the majority of the band; that is the way all the Indians in Canada want it. This authority should not be conferred upon an Indian agent and no Indian agent should usurp that authority. I ask the members of this committee to take particular note of that Indian agent in saying he had received a letter which was never written.

The CHAIRMAN: Do you wish to ask a question, Mr. Reid?

By Mr. Reid:

Q. I should like to ask how many members are in Mr. Paull's organization in British Columbia or in Canada. I think it is important to know that in view of the representations made by the Native Brotherhood.—A. In British Columbia, I think before the end of this month we will indicate to you there are about 15,000 Indians in British Columbia who are looking to my organization for guidance, leadership and so forth.

By the Chairman:

Q. Are they paid up members?—A. They are paid up in British Columbia. We have organizations co-operating with us. They are organizations by themselves and then they co-operate with us. We do not deal with some of the people as members, we deal with them as organizations, you see.

The CHAIRMAN: It is now eleven o'clock, gentlemen, and I am afraid we will have to bring this hearing to a close. Mr. Paull, on behalf of this committee, I wish to extend to you our appreciation for your attendance here. We regret very much that you were not able to be here yesterday to be heard. We have extended

to you this extra session to-night from nine until eleven o'clock which is the same as an extra day. We appreciate there are many other things which you wish to tell this committee, but I do not think it would be of assistance in the revision of the Act. We have the brief you presented last year and the brief you have presented this year. We feel sure they will be of great help to us in revising the Act. I should like, on behalf of this committee, to extend to you our appreciation for coming here.

The WITNESS: Honourable Mr. Chairman, before I close my remarks, I wish to say this; I have been asked by the Indians of Ontario to remain here, to be with them and listen to them when they present their evidence, so I will be here. If this committee in its wisdom thinks I can be of any assistance at that time or any time while I am here, I will be pleased to give any evidence or information you desire. I have many more things to say, and I am more than angry at the Canadian Pacific for making me lose one day here. I appeal to you, if you can find the time, to let me appear before you again; I would certainly appreciate it.

The CHAIRMAN: You understand our position, Mr. Paull. We have Saskatchewan Indians coming on Thursday and Friday. We have no time left, at the disposal of the committee, for hearing anything further from the North American Indian Brotherhood. We regret it very much, but there is nothing we can do about it.

The WITNESS: I thank you very much for the time you have given to me.

The committee adjourned at 11.05 p.m. to resume on Thursday, May 8, 1947, at 11.00 a.m.

APPENDIX EQ

GRAND COUNCIL

NORTH AMERICAN INDIAN BROTHERHOOD

Office of Executive Board Member

August 19, 1946.

To the Special Joint Committee of the Senate and the House of Commons, appointed to examine and consider the Indian Act, House of Commons, Ottawa, Ont., Canada.

HONOURABLE GENTLEMEN:

Re: Irrigation and Grazing Lands in B.C.

I take the liberty to place this important matter of irrigation and grazing lands before your honourable committee in a preliminary way, as our President Mr. Andrew Paull will place the matter before you when he next appears before your committee.

A grave injustice has been imposed upon the Indians, by the manner in which we have been gradually denied the use of water and grazing lands, as we had formerly enjoyed in the past.

Before the coming of the white men, game abounded in these grazing areas, as well as berries and roots which provided us with food.

When these disappeared my grandfather had stock which grazed on these areas, to replace the wild game that were then depleted, and my family have had stock for the last 60 or 70 years.

When our Indian reserves were allotted by the Joint Reserve Commissioner, representing the two governments, the use of water from adjoining streams or those that flowed through our lands, were especially allotted to us, in the same way as the Indian Reserves were allotted to us.

We have not received the protection from the Indian Department in maintaining these waters, in the dry belt of B.C.

When the Government of Canada transferred the natural resources to the B.C. Government within the Railway Belt, they transferred with it the waters that had been guaranteed to us, and reserved for us; and now B.C. administers these waters and also the grazing areas.

This grave injustice is a violation of our inalienable natural and civil rights as human beings, which also contravenes the dignity, the sanctity and eternal destiny of human beings, which no one, no matter how powerful, can violate without inflicting a grave injustice.

When British Rule was first established in B.C. Her Late Majesty Queen Victoria decreed in an official despatch to Governor Douglas, to the effect,

> That when the advancing requirements of colonization encroach upon lands occupied by that race, measures of liberality and justice should be persued in compensating them for the lands which they have been taught to regard as their own.

These lands which we regarded as our own have been taken away from us, as well as the water, because nothing can grow in our country without water,

which has been gradually taken away from us by the rapacious hands of the white men, who ever seem to advantage themselves while the Indian Department fails to act in the protection of our legal rights.

A decision of the Supreme Court of B.C. was rendered, against our rights to the water, but again we were dealt an injustice when we were not privileged to be represented at the hearing to decide our water rights. This is a violation of British Justice, when a court is held in the absence of the principals. Mr. Paull will deal with matter more fully when he appears before you.

When the Indian Reserves in the dry belt were allotted about the year 1877 and the years that followed, it was even then recognized that water was needed for the very existence of the Indians, as without water, nothing can grow. The white men depleted our wild game; then we had to raise stock, and plant vegetables for our very existence; then the white men came along and took the water which had been guaranteed to us by the two governments in the first place. Our very existence for the future is endangered, as our country becomes populated until by their greater numbers, we will eventually become extinct through T.B. and other diseases.

My late father Chief Batiste George in the year 1911 with other Chiefs visited the Government of B.C. in Victoria on the Indian land question, also the Indian Commissioner when he asked that the water be regimented so that the Indians can farm their lands.

When the Royal Commission on Indian Affairs (1913-1916) went through our country the Chiefs and delegates asked for the water to be brought to their farms. I myself have been asking the Indian Commissioner for the last thirty years to instal irrigation schemes on the reserves. He always told me, "Alright, next year" but next year never came. That was the late W. E. Ditchburn.

When Mr. James Coleman was our Indian Agent he asked for the water but Mr. Ditchburn told him, not to ask for the irrigation schemes. While the Chief's have been asking the Indian Department officials for the installation of irrigation schemes, the white settlers were busy telling the Indians not to have the irrigation schemes installed on their reserves, as it would prejudice their Aboriginal Rights. Much trickery was used to prolong action by the Indians.

By this delaying action, the white people then went to the B.C. government and said, "The Indians are not using the water, so let us white people use the water that was formerly allotted to them."

It was only when I threatened to go to Ottawa that a start was made to bring the water to my reserve, but the work is not yet finished, but lots of excuses are advanced for the delay, including the complaint that my Indians did not want to work. Of course they could not move the big boulders.

There is a big irrigation ditch going through my reserve for over five miles for which no rent is paid. Just before it reaches the city of Oliver B.C. there is a spillway, from which water escaped naturally, but these have been sealed so that my cattle cannot get water even to drink.

I asked the Irrigation Agent if I could put a flume to this spillway long ago to irrigate about forty acres of my land. He gave me permission and I spent nearly $600 to build a wooden flume. But another Irrigation Agent came, and he wanted to buy this forty acres. I told him I needed the hay badly and could not sell it. Because of this he sealed the spillway, and now my flume is going to rot, my forty acres are not producing any hay.

Many Indians have been tricked of their water, so now they are permitted to only use the excess water if there is any. It would take too long to tell the many things that have been done to stop the Indians from using the water,

so that no irrigation scheme would be installed. There is lots of trouble about this water being taken right from within the reserves, and piped to white men's farms, often without the consent of the Indians.

We could tell you lots of how we have been fooled and denied the water which we have been asking the Indian Department officials for over thirty years, but all we got was promises.

This whole matter should be investigated, with the Indians given a chance to make the necessary information available, and they should be represented on any board making the investigation.

I recommend that the sum of $50,000 be spent in each year for the next five years for the installation of irrigation schemes, and salvage what may yet be available, without any loss of time, before it is impossible to get any water, as many settlers are coming into the country.

The white people say that we do not make use of our lands, and that these should be taken away from us. Well we cannot grow anything without water, and the trickery of these very same white men have stopped us from getting the water to make use of our lands.

When the Indian Reserve Commissioner was alloting the water and the land, he told the chiefs, that in time there would be no more game, berries and roots for the Indians to eat, so he was going to give them water as well so that they could do as the white people will be doing, and use the water to plant their food on their lands.

But in many cases the white people have now diverted the streams that formerly flowed through our reserves, and there is no more water that gave natural irrigation to our lands, and it is impossible to find drinking water for our stock, because the streams that formerly flowed through our lands are now dry, because the white people have diverted the water to their own land, under the administration of the Government of British Columbia and this is criminal because it denies the Indians of the very rights of human beings to exist and live in their own country.

Our grazing lands have gone the same way. These have been acquired by rich people who have bought the land from the government, and who pay the government for the grazing rights. When they acquire the grazing rights, they chase our cattle away from the lands which Queen Victoria spoke of as "Lands that we have been taught to regard as our own".

Many Indians do not understand why they must pay a grazing fee for the use of the territories which they have never surrendered to the Crown, in the same way as territories which were surrendered by the Indians by a Treaty for which they receive annuities.

Because of this difficulty, I recommend that you bring into action the recommendation of the Indian Commissioner to the Indian Department, that the sum of $1,500.00 in each year be taken from the Special Grant and paid over to the B.C. Government for the grazing privileges of the Indians.

We have an inherent right to these grazing areas. We as human beings, and aboriginals of the country are inseparable from the grazing areas and the water for irrigation purposes, because of the very character of the country.

Why should a government remain inactive as our trustees, and allow these requirements to be taken away from us.

Why should a government, or two governments legislate that some of the people in this area can have water while some must not have any water or grazing lands.

We have been pleading and pleading for these things for many many years. When we ask the Indian Department officials here, why the Indian Department does not do anything, they tell us that the Indian Department officials at Ottawa KNOW NOTHING about irrigation and grazing, and because they do not understand these things, is because they do not think that we need it.

The scope and success of a stock raiser in this country is limited to the area he has as a grazing land. We are hemmed in and surrounded in many places by rich men who have bought the grazing lands that our efforts are now very limited, because we have not enough grazing lands.

Water for domestic purposes is badly needed, and assistance in the fencing of the reserves is also needed.

On behalf of the Indians residing in the dry belt of the province of B.C. I most sincerely pray that your honourable committee will take the necessary action without loss of time to bring about a proper adjustment of the injustices that have now been imposed on our people, and to this we will ever pray.

Respectfully yours

Chief Narcisse B. GEORGE
Executive Board Member
North American Indian Brotherhood.

P.S.—We have tried to be good people, during the last war my father bought $21,000 of Victory Bonds to help our white brothers in the war.

APPENDIX ER

INDIAN AFFAIRS IN BRITISH COLUMBIA

The native Indians of British Columbia are in a different position than the rest of the Indians in Canada in that no treaty was signed between the Indians and the Crown, and because they have not surrendered their aboriginal rights. Before the coming of the white man there were many sovereign powers represented by a number of tribes in certain well defined areas.

During the month of October in the year 1763, King George III issued an Imperial Proclamation defining the manner by which the Crown was to take possession of the country east of the Rocky Mountains. Despite executive and legislative action by the Governments of Canada and that of the Province of British Columbia, they have failed to extinguish the native title to the lands in British Columbia as declared by her late Majesty Queen Victoria.

The policy to be pursued by the Colonial Government was contained in an official despatch under date of July 31, 1855, which we quote:—

> 3. I have to enjoin upon you to consider the best and most humane means of dealing with the Native Indians. The feelings of this country would be strongly opposed to the adoption of any arbitrary or oppressive measures towards them. At this distance, and with the imperfect means of knowledge which I possess, I am reluctant to offer, as yet, any suggestion as to the prevention of affrays between the Indians and the immigrants. This question is of so local a character that it must be solved by your knowledge and experience, and I commit it to you, in the full persuasion that you will pay every regard to the interests of the Natives which an enlightened humanity can suggest. Let me not omit to observe, that it should be an invariable condition, in all bargains or treaties with the natives for the cession of lands possessed by them in some other shape and above all, that is the earnest desire of Her Majesty's Government that your early attention should be given to the best means of diffusing the blessings of the Christian Religion and of civilization among the natives.

In Colonial days the title of the Indian Tribes was fully recognized by the Imperial Parliament, by the Imperial Government and by the Colonial Authorities, as is shown by the following facts:

> In Accordance with the Proclamation issued by King George Third in the year 1763, the Imperial Statutes by which the Colonies of Vancouver's Island and British Columbia were established (12 & 13 Vict. C. 48 and 21 & 22 Vict. C. 99) describe the territories included in the Colonies as being parts of the "Indian Territories".
>
> On 6th February 1861 the House of Assembly of the Colony of Vancouver Island addressed to the Secretary of State for the Colonies Petition relating to the purchase of the lands of the Indians, from Which the following words are quoted: "That the House of Assembly respectfully considers that the extinction of the aboriginal title is obligatory on the Imperial Parliament".
>
> From the Despatch of Secretary of State for the Colonies replying to that Petition dated 19th October 1861 the following words are quoted: "I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island".

In the month of January 1870 the Government of the United Colony of British Columbia deliberately decided to adopt a report then issued and announced the policy of denying that the Indian Tribes of the Province have any title and thus seizing all the lands of the Province without treaty or compensation. By this Report was commenced the Indian land controversy which has been the cause of great and ever increasing trouble.

When in the year 1871 British Columbia became part of Canada, the territorial land rights of the Indian Tribes were, as is submitted expressly preserved by the provisions of the British North America Act and thus became part of the Constitution of the Province of British Columbia. Under Section 109 of the Act the lands of the Province "subject to any trust existing in respect thereof and to any interest other than that of the Province in the same." Under Section 146 of the Act Article Thirteen, being one of the "Terms of Union" and dealing with the matter of lands to be reserved for the use and benefit of the Indians, became subject to all provisions of the Act.

Notwithstanding these facts, which, as is submitted should have been regarded as alone quite conclusively establishing the land rights claimed by the Indian Tribes, the attitude of local Governments continued to be that which had been announced by the Report of January 1870.

This attitude of local Governments was vigorously and persistently opposed by the Dominion of Canada. In the year 1874 the Minister of Interior sent to the Government of British Columbia communication demanding recognition of Indian land rights. From that letter the following words are quoted:—

> The policy foreshadowed in the provisions of the 13th clause of British Columbia Terms of Union is plainly altogether inadequate to satisfy the fair and reasonable demands of the Indians to satisfy these demands, and to secure the good will of the natives, the Dominion and local Governments must look beyond the terms of that agreement—and be governed in their conduct towards the aborigines by the justice of their claims and by the necessities of the case.

From the Report of the Minister of Justice relating to the Land Act of British Columbia, which was made on 19th January 1875 and was adopted by the Governor General in Council on 23rd January 1875 (Dominion and Provincial Legislation—Hodgins—p. 1024 to 1028) the following words are quoted:—

Considering then these severral features of the case that no surrender or cession of their territorial rights, whether the same be of a legal or equitable nature, has ever been executed by the Indian Tribes of the Province, that they allege that the reservations of land made by the Government for their use have been arbitrarily so made and are totally inadequate to their support and requirements and without their assent, that they are not averse to hostilities in order to enforce rights which it is impossible to deny them and that the Act under consideration not only ignores these right but expressly prohibits the Indians from enjoying the rights of recording or pre-empting lands, except by consent of the Lieutenant-Governor, the undersigned feels that he cannot do otherwise than advise that the Act in question is objectionable as tending to deal with lands which are assumed to be the absolute property of the Province, an assumption which completely ignores, as applicable to the Indians of British Columbia, the honour and good faith with which the Crown has in all other cases since its sovereignty of the territories in North America dealt with their various Indian Tribes.

There is not a shadow of doubt that from the earliest times England has always felt it imperative to meet the Indians in Council and to obtain surrender of tracts of Canada, as from time such were required for the purposes of settlement.

In the year 1876 Lord Dufferin, Governor General of Canada, made at Victoria a famous speeech in the course of which he declared that the Indian policy of British Columbia was an "initial error" and warned the people of the Province that to persist in refusing to recognize Indian title might bring upon them grave consequences.

In course of Report above mentioned the Minister of Justice declared that the title of the Indian Tribes is an interest in the lands of the Province of British Columbia under Section 109 of the British North America Act. This view of the Minister of Justice has been confirmed by the various judgments delivered by the Judicial Committee of His Majesty's Privy Council in Canadian cases relating to Indian Title. The words of Report of the Minister of Justice dealing with this particular subject are the following:

The undersigned would also refer to the British North America Act, 1867, Section 109, applicable to British Columbia, which enacts in effect that all lands belonging to the Province shall belong to the Province "subject to any trust existing in respect thereof, and to any interest other than that of the Province in the same."

That which has been ordinarily spoken of as the 'Indian title' must of necessity consist of some species of interest in the lands of British Columbia.

If it is conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation or possession of the same for their own use, then it would seem that these lands of British Columbia are subject, if not to "trust existing in respect thereof," at least to an "interest other than that of the Province in the same".

We further contend that that opinion given in 1875 has been supported by a decision of the Privy Council in the case of the Attorney General for the Dominion of Canada, Appellant, vs. Attorney General for Ontario. Respondent, and the Attorney General for Quebec, Appellant, vs. Attorney General for Ontario, Respondent. This is (Appeal cases) 1897, at page 199. In this case sections 109, 111 and 112 of the British North America Act were dealt with, but for the purpose of our case, we refer only to Section 109 as their lordships dealt

with it. We now quote an extract from the judgment of their lordships, delivered by Lord Watson, at page 210, last paragraph:—

> The expressions "subject to any trusts existing in resepct thereof" and "subject to any interest other than that of the province" appear to their lordships to be intended to refer to different classes of right, their lordships are not prepared to hold that the word "trust" was meant by the legislature to be strictly limited to such proper trusts as a court of equity would undertake to administer; but, in their opinion, it must at least have been intended to signify the existence of a contractual or legal duty, incumbent upon the holder of the beneficial estate or its proceeds, to make payment out of one or other of these, if the debt due to the creditor to whom that duty ought to be fulfilled.
>
> On the other hand, "an interest other than that of the province in the same" appears to them to denote some right or interest in a third party, independent of and capable of being vindicated in competition with beneficial interest of the old province.

We contend that that decision supports the decision of the Minister of Justice, in 1875.

In pursuance of recommendation contained in Report made by the Minister of Justice and adopted as above stated, the Land Act of British Columbia was disallowed by the Government of Canada. British Columbia however, persisted in carrying out the policy of ignoring and denying Indian title, and in the following year the Land Act was re-enacted. The issue regarding the claims of the Indian Tribes of British Columbia thus raised has never been determined.

The foregoing despatch and the other correspondence between the Colonial Government and the Imperial Government are to be found in the Sessional Papers of the first legislature of British Columbia and in a book entitled "Indian Land Question of British Columbia, 1850-1870". Also in the report of the proceedings of a Joint Committee of Parliament appointed to enquire into the claims of the allied Indian tribes of British Columbia in the year 1926.

A despatch from Lord Carnarvon to Sir James Douglas under date of 11th of April, 1858, instructed the Colonial Government to purchase the lands that they required from the native Indians, and we quote the following despatch:—

> I am glad to perceive that you have directed the attention of the House to that interesting and important subject, the relation of Her Majesty's Government and of the Colonies to the Indian race. Proofs are, unhappily, still too frequent of the neglect which Indians experience when the white men obtain possession of their country. Their claims to consideration are forgotten at the moment when equity most demands that the hand of the protector should be extended to help them. In the case of the Indians of Vancouver Island and British Columbia, Her Majesty's Government earnestly wishes that when the advancing requirements of colonization bear upon lands occupied by members of that race, *measures of liberality should be adopted for compensation to them* for the territory which they have been taught to regard as their own.

On receipt of this edict in a final communication Sir James Douglas asked the Imperial authorities for a loan of £3,000 so that he could purchase some parcels of land from three tribes on Vancouver Island, under date of March 25, 1861, and we quote:—

> I have the honour of transmitting a petition from the House of Assembly of Vancouver Island to your Grace, praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in this Colony; and setting forth, with much force and truth the evils that may arise from the neglect of that very necessary precaution.

2. As the native Indian population of Vancouver Island have distinct ideas of property in land, and mutually recognize their several exclusive rights in certain districts, they would not fail to regard the occupation of such portions of the Colony by white settlers, unless with the full consent of the proprietary tribes, as national wrongs; and the sense of injury might produce a feeling of irritation against the settlers, and perhaps disaffection to the Government that would endanger the peace of the country.

3. Knowing their feelings on that subject, I made it a practice up to the year 1859, to purchase native rights in the land, in every case, prior to the settlement of any district; but since that time in consequence of the termination of the Hudson's Bay Company's Charter, and the want of funds, it has not been in my power to continue it. Your Grace must, indeed, be well aware that I have, since then, had the utmost difficulty in raising money enough to defray the most indispensable wants of Government.

4. All the settled districts of the Colony, with the exception of Cowichan, Chemainus, and Barclay Sound, have been already bought from the Indians, at a cost in no case exceeding £2 10s. sterling for each family. As the land has, since then, increased in value, the expense would be relatively somewhat greater now, but I think that their claims might be satisfied with a payment of £3 to each family; so that taking the native population of those districts at 1,000 families, the sum of £3,000 would meet the whole charge.

5. It would be improper to conceal from your Grace the importance of carrying that vital measure into effect without delay.

6. I will not occupy your Grace's time by any attempt to investigate the opinion expressed by the House of Assembly, as to the liability of the Imperial Government for all expenses connected with the purchase of the claims of the aborigines to the public land, which simply amounts to this, that the expense would, in the first instance, be paid by the Imperial Government, and charged to the account of proceeds arising from the sales of public land. The land itself would, therefore, be ultimately made to bear the charge.

7. It is the practical question as to the means of raising the money, that at this moment more seriously engages my attention. The Colony being already severally taxed for the support of its own Government, could not afford to pay that additional sum; but the difficulty may be surmounted by means of an advance from the Imperial Government to the extent of £3,000, to be eventually repaid out of the Colonial Land Fund.

8. I would, in fact, strongly recommend that course to your Grace's attention, as specially calculated to extricate the Colony from existing difficulties without putting the Mother Country to a serious expense; and I shall carefully attend to the repayment of the sum advanced, in full, as soon as the Land Fund recovers in some measure from the depression caused by the delay Her Majesty's Government has experienced in effecting a final arrangement with the Hudson Bay Company for the reconveyance of the Colony, as there is little doubt when our new system of finance comes fully into operation that the revenue will be fully adequate to the expenditure of the Colony.

I have, etc.,

(Signed) JAMES DOUGLAS.

The reply to this request was sent by Lord Newcastle, October 19, 1861, refusing the request for a loan, as follows:—

The Secretary of State for the Colonies to Governor Douglas, C.B.

Downing Street,
October 19, 1861.

Sir,—I have had under my consideration your despatch No. 24, of the 25th of March last, transmitting an Address from the House of Assembly of Vancouver Island, in which they pray for the assistance of Her Majesty's Government in extinguishing the Indian Title to the public lands in the Colony and set forth the evils that may result from a neglect of this precaution.

I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island; but the acquisition of the title is a purely colonial interest, and the Legislature must not entertain any expectation that the British taxpayer will be burthened to supply the funds or British credit pledged for the purpose. I would earnestly recommend therefore to the House of Assembly, that they should enable you to procure the requisite means, but if they should not think proper to do so, Her Majesty's Government cannot undertake to supply the money requisite for an object which, whilst it is essential to the interests of the people of Vancouver Island, is at the same time purely colonial in its character, and trifling in the charge that it would entail.

I have, etc.,

(Signed) NEWCASTLE.

Having failed to secure the necessary loan from the authorities, Governor Seymour had a meeting with 2,000 Indians and 60 chiefs when he notified the Indians that because they were without the necessary funds to purchase their lands, the Government would sell the same with the promise that a third of the money realized would be sent to the Queen, one-third to be set aside for the Indians of British Columbia, and the balance to be used in administering the affairs of the Province. This information has been handed down by the Indans, and they record it as a sincere promise given to be eventually fulfilled, but in the years that followed when these promises were not carried out, many chiefs and leading Indians of British Columbia took steps asking for the fulfillment of this promise. Because of these efforts of the early days, exhibitions of power and authority were administered in an effort to silence the requests of the Indians.

Chief Joe Capilano, who had been appointed by the Indians in British Columbia to lead them in their efforts to secure justice, was put in jail by the then Attorney-General of the Province because of his activties concerning the Indian land question of British Columbia. But he nevertheless headed a delegation to England in the year 1906 when he placed the petition of the Indians before his late Majesty King Edward VII.

After the first session of the Provincial Legislature the Minister of Justice gave an opinion disallowing the Land Act of the Province because, and among other reasons, the Act prohibited the Indians from pre-empting land. We quote the following words from this opinion:—

That which has been ordinarily spoken of as the "Indian title" must, of necessity, consist of some species of interest in the lands of British Columbia.

If it is conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation or possession of the same

for their own use, then it would seem that these lands of British Columbia are subject, if not to a "trust existing in respect thereof," at least "to an interest other than that of the province alone."

The undersigned, therefore, feels it incumbent on him to recommend that this Act should be disallowed, but suggests that such disallowance be postponed until the last day at which such can take place, with view of communication on the subject with the Lieutenant-Governor of British Columbia.

The Indians continued to press their claims before the Governments which resulted in an Order in Council being passed by the Government of Canada, as follows:—

Privy Council "A"
Canada P.C. 751

Certified Copy of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor General on the 20th June, 1914.

The Committee of the Privy Council have had before them a Report from the Superintendent General of Indian Affairs, dated 11th March, 1914, submitting the accompanying memorandum from the Deputy Superintendent General of Indian Affairs upon the Indian claim to the lands of the Province of British Columbia, in which he concurs.

The Committee, on the recommendation of the Superintendent General of Indian Affairs, advise that the claim be referred to the Exchequer Court of Canada with the right of appeal to the Privy Council under the following conditions:—

1. The Indians of British Columbia shall, by their chiefs or representatives, in a binding way, agree, if the Court, or on appeal, the Privy Council, decides that they have a title to lands of the Province, to surrender such extinguishment of title in accordance with past usage of the Crown in satisfying the Indian claim to unsurrendered territories, and to accept the finding of the Royal Commission on Indian Affairs in British Columbia as approved by the Governments of the Dominion and the Province as a full allotment of Reserve lands to be administered for their benefit as part of the compensation.

2. That the Province of British Columbia by granting the said reserves as approved shall be held to have satisfied all claims of the Indians against the Province.

That the remaining considerations shall be provided and the cost thereof borne by the Government of the Dominion of Canada.

3. That the Government of British Columbia shall be represented by counsel, that the Indians shall be represented by counsel nominated and paid by the Dominion.

4. That, in the event of the Court or the Privy Council deciding that the Indians have no title in the lands of the Province of British Columbia, the policy of the Dominion towards the Indians shall be governed by consideration of their interests and future development.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

The Indians were advised to refuse to accept the proposal and we again reaffirm that refusal because the terms and conditions were in contravention of the British justice promised to the Indians of British Columbia.

Having failed in their efforts with the local governments a petition was launched with His Majesty's Privy Council but the Judicial Committee of His Majesty's Privy Council refused to consider the case of the Indians because of the consent of the Government of Canada, which was never given, and because of this refusal the Privy Council could take no further action. We quote the official letter:—

Copy 59, 335-4A

16 December, 1918.

Gentlemen.—Referring to your letter of the 27th May last, on the subject of certain claims of the Nishga Tribe of Indians in British Columbia, I am directed by the Lord President of the Council to state as follows:—

1. One of the matters in dispute is set out in the Petition lodged by you on the 21st May, 1913, as "the nature and extent of the rights of the said Nishga Nation or Tribe in respect of the said Territory." The other is the question whether the Land Act of British Columbia is ultra vires of the Legisature of that province.

2. If the contention of the Nishga Indians is, as it appears to be, that they have suffered an invasion of some legal right, the proper course would, in His Lordship's opinion, be for them to taks such steps as may be open to them to litigate the matter in the Canadian Courts, from whose decision an appeal in the ordinary way can come to the Judicial Committee. It would seem that any intervention by the Crown by referring the matter specially direct to the said Committee would be an unconstitutional interference with the local jurisdiction.

3. If, however, the claim of the Indians does not rest on any legal basis, but is, in effect, a complaint of the executive action of the Provincial or the Dominion Government, it would appear that, in accordance with constitutional principles governing relations between the Crown and the Colonial Governments a special reference to the Judicial Committee to consider the action of the Dominion or Provincial Government could only be ordered on the recommendation of the Secretary of State for the Colonies, and that he would only advise such a reference after consulting, and in accordance with the advice received from the Dominion Government.

In these circumstances His Lordship cannot see his way to take any further action on the Petition.

I am, etc,

(*Sgd.*) ALMERIC FITZROY.

When the Indians failed in their appeal to the Privy Council their petition was launched in the Parliament of Canada in the year 1926, which resulted in the appointment of a Special Joint Committee of the Senate and House of Commons appointed to enquire into the claims of the Allied Indian Tribes of British Columbia in the year 1927.

Many Indians testified before this Committee as well as those advising them, but the crucial point of their decision was based on their findings that the Indians in British Columbia had been conquered by the British; but, despite this decision, which is historically not correct, they decided to give to the Indians the sum of $100,000 in each year in lieu of annuities. This money was to be used in assisting the Indians in every way, but the manner of the expenditure has not been made known to the Indians and they have had no voice in the manner in which this money, now aggregating $2,000,000 has been spent.

By decision of this Committee, Indian pupils who showed promise were to be assisted in the attainment of higher education and for the purpose of studying any of the professions. Although a few Indian pupils were assisted in the original many Indian pupils were refused this privilege by Indian agents until about the year 1944, as a result of further representations to the Indian Commissioner.

In many parts of the Province lands allotted to the Indians are altogether inadequate as to quality and area. During the years 1913 to 1916 a Royal Commission was appointed by the Governments to adjust the land areas with powers to cut off portions of an Indian Reserve and to add to these Indian Reserves, but only from Crown lands which, even at that time, did not exist as Crown lands.

The Indians petitioned the Government of Canada not to adopt the report of the Royal Commission because the lands that had been cut off were lands that had been cheated by the white people and the new lands given to the Indians were generally described as poor lands because arable lands were not then under the category of Crown lands; but despite these appeals the two Governments passed similar enactments adopting the report of the Commission.

WATER RIGHTS

When the Indian Reserves were allotted to the Indians residing in the dry belt of the Province a stipulated number of inches from lakes or streams within or adjoining the Reserves, were allotted for the Indians by the same Joint Commissioners representing the two governments which allotted these Reserves.

When the Government of Canada transferred the natural resources of the Province within the boundaries of the Railway belt they contravened the legal rights of the Indians when they included the waters which had been allotted to the Indians in that conveyance. It was then understood that Indians had equal rights with the white people to the use of these waters as long as they made use of it, but actions by neighbouring white people with ulterior motives, advised the Indians not to use them because it would prejudicially affect their aboriginal rights.

The Courts have decided on many occasions that the Indians has a usufructory right of occupation to the lands reserved for them. The action of the Government in transferring the authority over these waters to the Provincial Government is ultra vires of the British North America Act.

GRAZING LANDS

In the interior parts of the Province the Indians attempt to go into the business of stock raising, but the business of stock raising is limited to the availability of grazing lands. As in the case of the water, grazing lands are now administered by the Province and many of these areas are now used by white settlers to the exclusion of the Indians.

We recommend that the Government of Canada put into operation the recommendation of the Indian Commissioner for British Columbia, that the sum of $1,500 be taken each year from the Special Grant and paid over to the Provincial Government so that the Indians could have adequate grazing lands.

TRAPPING

The B.C. Government trapping laws were intended to preserve certain trapping areas for the people who had formerly trapped those areas, but the Indian Agents failed in their duties to protect the Indian interests.

We ask that Indians be permitted to appeal to the Courts.

Presented by Andrew Paull, President, North American Brotherhood, to Joint Committee on 6th May, 1947.

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SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 19

THURSDAY, MAY 8, 1947

WITNESSES:

Major D. M. MacKay, Commissioner, Indian Affairs, British Columbia;

Mr. John B. Tootoosis, President, Union of Saskatchewan Indians;

Chief Joseph Dreaver, former President, Saskatchewan Indian Association;

Chief John Gambler, former President, Protective Association for (Saskatchewan) Indians and their Treaties;

Reverend Ahab Spence, Teacher, Little Pine Reserve, Saskatchewan.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

THURSDAY, 8th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such matters as have been referred to the said Committee met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Blais, Dupuis, Fallis, Johnston, McKeen, Robicheau and Taylor—7.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Little, Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol, Raymond (*Wright*) Reid—18.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; D. M. MacKay, Commissioner, British Columbia; J..P. B. Ostrander, Inspector, Saskatchewan; T. R. L. MacInnes, Secretary; B. F. Neary, MBE., Superintendent, Welfare and Training; H. M. Jones, Supervisor, Family Allowances; G. Patrick, V.L.A.; G. Armstrong, Welfare Division;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Major D. M. MacKay, Commissioner, Indian Affairs British Columbia, was called, and made a statement in reply to some matters raised before the Committee by Mr. Andrew Paull, President, North American Indian Brotherhood, and was questioned thereon.

Mr. Castleden, M.P., introduced a delegation from Saskatchewan, comprising Mr. John B. Tootoosis, President, Union of Saskatchewan Indians; Chief Joseph Dreaver, former President, Saskatchewan Indian Association; Chief John Gambler, former President, Protective Association for Saskatchewan Indians and their Treaties and the Reverend Mr. Ahab Spence, Indian School teacher, Little Pine Reserve.

Discussion followed as to this representation.

The Chairman read into the record a submission and brief from Mr. Arthur Favel, Poundmaker Reserve, Saskatchewan, in behalf of the "Queen Victoria Treaty Protective Association".

Mr. John B. Tootoosis, called, presented "Submission of The Union of Saskatchewan Indians", which is printed herewith as Appendix ES.

He also read into the record "Statutory Declarations with respect to the Brief of the Duck Lake Indian Agency", and other correspondence in connection therewith. (*See* Minutes of Evidence).

The Committee adjourned at 1 o'clock p.m., to meet again at 4 o'clock, p.m., this day.

AFTERNOON SESSSION

The Committee resumed at 4 o'clock p.m.

Presiding: The Joint Chairman, Mr. D. F. Brown, M.P.

Present:

The Senate: The Honourable Senators Blais, Dupuis, Horner, Johnston, Macdonald (*Cardigan*), McKeen, Robicheau and Taylor—8.

The House of Commons: Messrs. Brown, Bryce, Case, Castleden, Charlton, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*), Raymond (*Wright*), Reid, Richard (*Gloucester*)—11.

In attendance: as at this morning's session, also Mr. Max Campbell, M.P. (*The Battlefords*).

Mr. D. McIvor, M.P., by leave of the Committee, made a brief statement welcoming Messrs. Dreaver and Gambler, two of his former athletic pupils.

Mr. J. P. B. Ostrander, Inspector, Indian Agencies, Saskatchewan, made a statement with regard to the representation of Saskatchewan Indians.

Mr. John B. Tootoosis, recalled, made a statement with regard to the preparation of the brief of the Union of Saskatchewan Indians, and completed his summary of that brief.

Chief Joseph Dreaver called, read a message of greeting to the Honorary Chief "Wise Counsellor" (The Right Honourable W. L. M. King, P.C., Prime Minister of Canada) and made a statement with regard to the brief presented by Mr. Tootoosis.

Chief John Gambler, called, made a brief statement.

The Reverend Mr. Ahab Spence, called, made a brief statement, but asked to be allowed to make a more complete statement tomorrow; in the meantime the Committee agreed to question him with regard to his experience as an Indian school teacher.

The Committee adjourned at 6 o'clock p.m., to meet again to-morrow, Friday, 9th May, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 8, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Could we come to order, gentlemen?

First I would like to say that we have had Major MacKay here with us for the past week. We have not as yet had an opportunity of hearing from him and as you will recall, at the last meeting we had to double up a little bit in view of the fact the British Columbia delegation was not prepared to make its presentation on the first day and they carried over on the second day. Now, if we could devote a few minutes this morning to Major MacKay I think it would be well, because he has to leave tomorrow whether we hear him or not.

Mr. REID: As far as I am concerned I think it is splendid to hear Major MacKay but I personally would like to have at least half an hour sometime today off the record. Many of these men are officials and they hesitate to tell us the whole picture. I think if Major MacKay is going to be heard it would be well if he would speak at least part of the time off the record.

The CHAIRMAN: There are some things that we would like to have on the record.

Mr. REID: I agree.

The CHAIRMAN: Could we take that part of the evidence which we want on the record and then later in the day take some of his evidence off the record.

Mr. CASTLEDEN: Before this is decided I would like it understood that these two days have been set aside to hear the Saskatchewan Indians and I hope no time will be deducted from their hearing. They have a long brief and a lot of material to present.

The CHAIRMAN: As you know, Mr. Castleden, we have put ourselves out a great deal to hear all Indians and we will do so in order to hear this group. I am sure that all the members of the committee feel the same way and they will do everything possible to hear what these Indians have to present.

Mr. CASTLEDEN: And would that include giving us an opportunity for questioning as well?

The CHAIRMAN: Yes. As you know, there are two periods devoted to the Indians, from 11.00 a.m. until 1.00 p.m. today and from 11.00 a.m. until 1.00 p.m. tomorrow. Now, if we find it is going beyond that length of time we have adopted the practice of holding special meetings of this committee and I think that there is no doubt but what that will be the case with this delegation.

Mr. CASTLEDEN: As long as that is understood I am agreeable.

The CHAIRMAN: It is not what I think.

Mr. CASTLEDEN: I said, "As long as it is understood I am agreeable."

The CHAIRMAN: That is what has been done in the past but it will be entirely up to the committee to decide what will be done in the future.

Now is it your pleasure that we hear Major MacKay for a few moments.

Some hon. MEMBERS: Right.

The CHAIRMAN: Mr. MacKay, will you come forward, please?

D. M. MacKay, Commissioner Indian Affairs Branch, British Columbia called:

The WITNESS: Mr. Chairman, and honourable members of this committee. I do not propose to take a great deal of time this morning, but having listened to some of the representatives from British Columbia I feel that there are one or two things which require clarification. In the submission made by Mr. Williams, he referred to plots of land which have been set aside in British Columbia and I think he left the impression that the areas which the Indians of that province have today are by no means sufficient for their requirements. There are over 1,600 reserves in British Columbia with a total area in excess of 800,000 acres. It is true that on the coastline the parcels set aside for Indians are small but, nevertheless, there are very extensive areas in the interior and it has been my experience that a good many of the areas in the province are not being used at the present time to the fullest extent. Mr. Williams made reference to the fact, or at least he said, that on Vancouver Island there was not an organized council of Indians. We have had organized councils of Indians on Vancouver Island for over fifty years. As a matter of fact, the Cowichan tribe has been under the part two advancement section of the Act since 1885 and I attended a meeting of that council two years ago when they were nominating men for the council and I was also present when they cast their ballots for the new council. There were nine nominations for five positions and on the day of the election the Indians filed in and cast their ballots in the same way that we might do in municipal, provincial, and dominion elections. It was also gratfying to find out that there was not a single spoiled ballot. I should, therefore, not like it thought that this matter of municipal government on the Indian reserves in British Columbia has not made some progress. Apart altogether from the Cowichan reserve there are other reserves on the island which have councils but the Cowichan band is the only one which is under part two. The Nanaimo and other reserves are under part one where the election is held every three years instead of every year.

Mr. Gosnell, in his submission, referred to a lack of domestic water systems on our reserves in British Columbia. Mr. Gosnell comes from Port Simpson. The population of that reserve is almost 700. He failed however, to advise this committee of the fact that the people of Canada installed in that village one of the most expensive water systems that we have. It cost the people something like $18,000. The difficulty has been to get the Indians to accept responsibility in the matter of proper care and maintenance of the system. Surely, when we go to the extent of providing these systems we can expect the Indians to make some contribution in the matter of maintenance and care. We have water systems on a number of the other reserves on the coast. We have one at Bella Coola, where the water is sold to the white users in the vicinity of the village. We also have systems at Bella Bella and Kitimat and other projects are contemplated. It should not be overlooked that during the period of the war there was very little in the way of funds provided for the extension of such things on the reserves.

Mr. CASTLEDEN: What have you to say about the water reserves in the interior, in the dry land areas?

The WITNESS: I will come to that in a moment, Mr. Castleden.

Mr. Paull, in his submission on Tuesday, referred to irrigation. Now, this committee has in its membership the Honourable Mr. Stirling who comes from the dry belt area and I am sure he is well acquainted with the problem confronting those who dervie a living in that area and are required to use irrigation. Mr. Paull specifically referred to the Kamloops Indian reserve. I think, whether it was intended or not, he left the impression that area was dry and that the Indians had lost all their rights and in addition, at the moment, the reserve was,

from the point of view of agricultural development, pretty well worthless. The reserve was set aside in 1878 and was surveyed the following year and the area of the reserve is something like 33,000 acres. Before the reserve was surveyed and before it was set aside, as a matter of fact, there were two lots in the area, lots 1 and 2, and those numbers give an indication of the early period in which those parcels were pre-empted or homesteaded. In other words those parcels were there before the reserve was set aside and before the reserve was surveyed. There were certain water rights went along with those parcels and when the Indian reserve was surveyed certain water rights were granted for the land of the reserve. In 1925, the superintendent general, on behalf of the Indians, and the owners of the Harper ranch, as it is called, or the Western Canada Ranching Company, entered into an agreement whereby the water from Paul Creek or Paul Lake would be equally divided. That water was taken down by a channel to a "Y" on the reserve and it is divided there. Half of it had to go to the Harper ranch or the lands of the Western Canada Ranching Company and the other half was to serve the lands of the Indian reserve. We have water records on that reserve covering 800 acres of land. Our difficulty has been and continues to be to get the Indians to make the proper use of the water they have.

Mr. Paull referred to aboriginal rights. I am not going to discuss the claim of the Indians under that heading, but the fact remains that we must operate under the law that exists whether we like it or not. If we have prior licences on a stream why we have prior rights over others that have not those rights, but in a good many cases in British Columbia, as the Hon. Mr. Stirling knows, the streams are over-recorded. In other words, there are more records for the streams than there is water.

In addition to the gravity system on the Kamloops Indian reserve we have three pumping plants on the reserve, two of them in good condition today. The third was undermined by the river last year, the action of the river undermining the foundation, and it requires replacement. The supply of water by power is expensive. It costs anywhere from $7 to $15 an acre depending on the crops raised, but at no time have we stood in the way of the use of these pumping plants even at the expense of the Crown itself in order to facilitate the use of the lands by our Indians.

Conditional water licences are issued, and as the term suggests there are conditions set out there. If those conditions are not observed and adhered to the water user faces the cancellation of his rights. In British Columbia in the areas of the dry belt there are a good many people just watching for the cancellation of rights so that they may secure them themselves.

I will give you one or two examples in connection with the importance of the department exercising the greatest possible care in the matter of irrigation systems. We installed in a part of British Columbia a system costing $35,000 only to find that the Indians made very little use of it. A very small acreage was brought under cultivation, and that system today has gone out of use. The licence was cancelled and it was a poor investment. We should be very careful, in the installation of irrigation systems, not to go very much beyond the capacity of the Indians to use the works.

I recall another system we installed not long ago. It was necessary. There was every evidence that the Indians required water if they were going to produce crops. We put in a system. The first year the Indians, intrigued by this new method of providing moisture for the earth, did very well and reaped a good harvest and extended their lateral system so that more acreage could be brought under cultivation. The second year there was a decline in output. The third year the decline was so great that I felt I should make an investigation. I found that the Indians had come to the conclusion that the works we had established required a whole lot more labour and attention on their part than was necessary in the day when the government of Canada supplied the

food for stock. So they came to the conclusion that it was a poor bargain, that they could have received all the assistance that was necessary without any effort on their part, and that the system in so far as they were concerned required attention and labour that they were not happy to give.

By Hon. Mr. Stirling:

Q. Is that the Okanagan agency?—A. That is the Kootenay agency at Cranbrook. That illustrates the importance of proceeding carefully in those matters where large amounts of public funds are involved. Every year the officials of the branch appear before the water controller in British Columbia and review the conditional licences which are before him at that time for examination. We are given a period to do the work, and if we do not do it we have to justify our holding the licence. Otherwise we face cancellation. It has not been the easiest thing in the world to maintain our place because of the indifference sometimes of the Indians themselves in the matter of looking after the system.

I want to make a brief reference to the British Columbia special vote. There was a suggestion made here that an accounting in connection with that vote had not been made. It is possible that the Indians were not informed in detail as to how expenditures were made, but nevertheless that information is always available through the proper channels. I could never see myself why the Indians should not be given every bit of information with respect to expenditures. In my own experience we have never in any way stood in the way of giving them every bit of information in that respect. I think the British Columbia special vote has been dealt with here already, and I do not wish to dwell on it any further than to say that the divisions of that vote are irrigation, agriculture, medical services and technical education.

In the matter of assistance to Indian children who show aptitude for higher education I will say that I do not recall a single instance in my experience where the department refused to extend aassistance where the necessary conditions were met. There are some Indians, of course, who would like their children go forward, but if the child does not pass grade 7 it cannot be expected that he will go on to grade 8, and so on. In the days of the war and the years when funds were difficult to secure it is just possible that limited funds stood in the way of children who wanted to go on to the higher grades, but certainly in recent years I know that every encouragement has been given to Indian children who wish to go forward to high school, and so on.

You may be interested to know that feeble-minded Indians in British Columbia are cared for very well. We have just 35 in the institution which, of course, is a provincial institution. We have only 35 out of a population of 26,000 Indians. We pay the province so much a day for their care. The provincial school for the deaf and the blind is also open to our Indians, and the principal has shown every interest—that is Dr. McDonald—in extending assistance to those of the Indian population so handicapped.

Some mention was made by Mr. Williams of shacks. Of course, there are a good many Indian shacks in British Columbia. I should say that the majority of the homes are quite poor, but during the war years we had an average appropriation of $7,000 a year for looking after something like 4,000 homes. You can conclude from that how impossible it would be to do very much in the way of improving the homes of the Indian people. In recent years the amount set aside has increased considerably, and we hope as a result of the investigations of this committee more funds will be available for the improvement of that service to the Indian people.

We have three sawmills in operation in British Columbia for the Indians. Those mills were provided by the department to facilitate the production of lumber. Of course, referring to shacks, there can be comfort, happiness and cleanliness even in a shack.

There was some mention of timber. I think it is important that control be exercised in the matter of the sale of timber because timber is a resource belonging to the band as a whole, including the little children, and their interests must be safeguarded.

Going back for a moment to the land. I think perhaps a mistake was made in not giving an opportunity to Indians in the early days to preempt land. At the present time the Indians are not permitted to preempt or purchase land under the Land Act of the province. I think it would have facilitated assimilation if the Indians had been permitted, from the beginning, to go out and preempt land. This would be in addition to the reserves which were set aside. Although, from time to time, the Indians were able to buy additional land from the province, the Act does not provide for the preemption of land by the aboriginees of the province.

Mr. Paull mentioned something about trap lines.

By Mr. MacNicol:

Q. About what?—A. Trap lines. In my submission to you a year ago, I went into that subject very thoroughly, at least, I thought so. I do not know that I should take much time on it now, other than to say that about fifty per cent of the trap lines in British Columbia belong to Indians. It is true that when the system of registration was instituted in 1926, some of the Indians failed to register their lines and white applicants were given the territory. I am not absolving the Indian agents from blame in connection with that because I feel they should have taken steps to register the lines where an Indian was not interested in registering or refused to do so. It was possible for the Indian agent at that time to render that service to the Indian people.

By Mr. Gibson:

Q. How do you think the Indian agent might have known of this?—A. He has a record or should have a record of all the trap lines in his agency. All trap lines in British Columbia were cancelled, as it were, and had to be re-registered under the new Act.

By Mr. Castleden:

Q. The agent would know the Indians would suffer if he failed to register the trap lines?—A. Oh yes, they would lose their trapping rights.

By the Chairman:

Q. If there is nothing further you wish to say, Major MacKay, we have the Saskatchewan delegation here and we want to give them an opportunity— —A. I am just about to close, Mr. Chairman.

Q. I thought you were finished, I am sorry.—A. From listening to the submissions made here by the Indians from the western part of Canada, I think it is apparent we should endeavour to prevent, on the one side, the Indians living in self-pity and resentment which appears to be evident, and, on the other side, our own people living in self-righteousness and fear of contamination.

I think the Indians could be assisted in obtaining a better standing of living to a very great extent by the extension to them of many of the rights and privileges enjoyed by the white race and by a recognition of the responsibility in the matter of Indian administration by the citizenry of Canada who, after all, are the trustees of the Indian people. I thank you.

The CHAIRMAN: Thank you very much, Major MacKay. We will have Major MacKay back a little later, I will not dismiss him at this time. If you do not mind, we will probably have a closed session later.

Mr. CASTLEDEN: There may be some questions the members would have liked to ask Major MacKay on the record.

The CHAIRMAN: If there are questions the members would care to put to Major MacKay now, I would ask the members to be brief because we are devoting this period, as you know, to the Saskatchewan Indians. I would suggest if you have any questions, they be as brief as possible.

By Mr. Reid:

Q. I have three direct questions I should like to ask him. They will not take up a great deal of time. First of all, what is paid to the provincial government for feeble-minded Indians in institutions?—A. $1.35 a day.

By Mr. Castleden:

Q. By the provincial government?—A. Paid to the provincial government; that is the rate they ask us to pay.

By Mr. Reid:

Q. From your knowledge, what would you have to say regarding the statement made here that no Indian agent should be a magistrate?—A. My experience suggests to me our agents are not anxious at all to act in that capacity. They feel they should be relieved of that responsibility.

Q. The other question has to do with the land you spoke about. You said the Indians generally are not using their land. Has any survey been made as to the proportion of the land in use by the Indians compared with the 800,000 acres available?—A. Of the 800,000 acres we only have, actually under cultivation, some 35,000 acres which is a very small proportion of the total acreage. Of the 800,000 acres, of course, a large amount is mountainside, hillside, not suitable for agricultural development. We have a fairly good estimate of what may be suitable for cultivation. I think that is listed in the annual report of the department.

By Mr. Harkness:

Q. In connection with this matter of the land, the 800,000 acres, that actually amounts to about 30 acres per Indian. As you have said, a great deal of it is useless land. In your opinion, is there sufficient good land to meet the needs of the Indians for agricultural purposes?—A. I should say there is at the moment, but it is doubtful if there is enough to provide for extensive expansion or a heavy increase in population.

Q. Is the situation then, that the land is badly distributed, that is, there are 13,000 acres in the Kamloops reserve but that is no good at all to the Indians on the coast, for example?—A. No, but of course, the Indians on the coast are mostly fishermen and lumbermen. They do not use the land for agricultural purposes to any extent. There are something like 195 Indians on the reserve at Kamloops.

Q. My general question is this, is the land reasonably well distributed to meet the Indian's need. Perhaps the example I took of the Indians on the coast was not a good one, but there might be a band of Indians in the Kootenays, who did not have enough land.—A. I do not think the land is properly distributed and that stems from the power the chief had in the old days to allot lands to certain members of the tribe. They have continued to hold lands, in many cases, when they were not in a position to use them. Although the other members of the tribe have a common interest in the land, they have not access to these particular areas.

Q. Is the situation then, that a considerable number of Indians cannot get land?—A. That is true, yes. The information comes to us through leasing. Of course, leasing, to any great extent, sets up a sort of loafer landlord system on the reserve. The lessor gets the returns from the leases, frequently to the disadvantage of the young Indians who would work the land if they had a right to get hold of it.

Q. Has the department been taking steps to try to secure more land in areas where land is deficient?—A. Yes, they have. Over the years, as we receive applications from Indians, we approach the province of British Columbia and the province has been quite generous in that respect in recent years.

Q. I have one other question in connection with trap lines. Has the department been buying back the trap lines which were lost through failure to register and, if so, who is paying for that?—A. We have bought back a number of trap lines in recent years in British Columbia at the expense of the Crown.

Q. Is that policy to be continued? Are you buying them back every year now?—A. As they are offered, yes. We submit the matter to the department and in every instance the department has approved the purchase.

Q. If the white man who holds what was a hereditary Indian trap line which has become alienated through failure to register is unwilling to sell, is there any means by which you can take expropriation proceedings?—A. No, sir, because control is within the province; the registered owner of the trap line is protected by the provincial Game Act.

Q. You have no means of getting back those trap lines which the white man won't sell?—A. No.

By Hon. Mrs. Fallis:

Q. I just wish to ask one question of the commissioner. He spoke of the poor conditions of the homes and that has been a subject of discussion many times. There has been a good deal of criticism about it. I should like to ask if it is your experience that the Indians leave the improvement of their homes entirely to the government agents and to the money the agents spend, or do they show any interest or willingness on their own part to improve their homes if they are given help?—A. They do, but the lack of social services to the reserve has stood in the way of improvement in that direction.

Q. I had in mind, perhaps particularly, material things, that is in the way of improving the appearance of their homes. Do you find them willing and anxious to improve their own homes?—A. I would say in the majority of cases, if we provide the materials, assistance and guidance, the Indians co-operate.

Q. And that should be encouraged as much as possible?—A. It should be encouraged, yes.

By Mr. Gibson:

Q. Major MacKay, Mr. Gosnell who was here stated that the canneries in British Columbia and the fishing companies were inclined to pursue a policy of keeping the Indians in debt if they could. Do you feel that is a fair statement? —A. Well, I am not familiar with the workings of the canneries, Mr. Gibson. I do not know what their purpose would be in that action, unless it would be to keep certain men in employment upon whom they could depend from year to year. Information to that effect has not come before me in the years I have been commissioner.

Q. You found a good Indian fisherman could always become the owner of his own boat with financial assistance from the canneries if he was willing to work?—A. I think the record would support that.

The CHAIRMAN: I wonder if, at this point, in connection with that question you would permit me to quote a letter I have received. It is from the Minister of Fisheries and carries a copy of a letter forwarded to him. Apparently on May 3 there was an article in the Vancouver *News Herald,* headlined, "Firms keep Indians in debt MP's told." It is reporting the evidence of Mr. Gosnell. I do not think I should read all of the letter but here is one paragraph, if I might read it for you. It is from the Canadian Fishing Company Limited. I do not know anything about the company; is it a large company?

Mr. GIBSON: Yes, it is a large company.

The CHAIRMAN: This paragraph reads:—

> The enclosed item appeared in this morning's Vancouver *News Herald* and we are wondering if the matter was referred to you because the statements reported are full of inaccuracies.
>
> There is no salmon packer that I have ever heard of who makes a practice of keeping Indians or anyone else in debt to them. Every canning company is fighting all the time to avoid making advances either in the way of cash or supplies to any fisherman, regardless of whether he is an Indian or a white man and the fact that the packers are forced to make advances is because the fishermen themselves demand it.

By Mr. Lickers:

Q. Mr. Chairman, I was going to ask one or two questions. Are the Indians themselves doing anything in connection with improving their conditions, I mean is anything being done for them by the bands; are the band, or councils I think you call them out there, doing anything to improve housing conditions on the different reserves in British Columbia?—A. Yes, on some of the reserves they are encouraging improvements.

Q. I was just wondering because on our own reserve we have agricultural societies which have been operating for the past five or six years, and we have home improvement plans with prizes for the person who makes the greatest improvement during the year; in other words, cleaning up, painting, fixing fences and generally improving the whole site. I was just wondering whether any of the councils or societies on the reserves out in British Columbia have any similar projects?—A. They have that in mind with a view to assisting Indians generally, and we find that the Indians are responsive.

Q. Do they have any agricultural societies out there?—A. Well, they have agricultural groups and farm institutes. There are quite a number of Indians who belong to local potato-growing associations, they grow special brands of potatoes, and they are doing very well. There is a representative of the council on the potato-growing organization.

Q. Have you any competitions among the Indians themselves to encourage improvements; for instance we have a program often carried on on our own reserve by ourselves with let us say the chap who has the best five-acre plot of potatoes, the best oats crop and the things like that.—A. The department provides funds for that purpose.

Q. Are they taking advantage of that opportunity?—A. They are, yes.

By Hon. Mr. McKeen:

Q. Mr. MacKay, I understand that they have some very fine houses on some of those reserves; are they given assistance in the building of those houses? I had in mind Cape Mudge particularly.—A. That is an enterprise on the part of the Indians themselves. There is very little assistance given by the government. It is not necessary. The Indians took an interest in improving their own holdings and they are doing the building from their returns from fishing. That is also true of the village at Bella Coola; those two places constitute an example of what Indians are in a position to do if they have the right leadership on the reserve and if they have an opportunity for steady employment.

Q. They are modern houses?—A. They are modern houses. I think that most of them have modern conveniences. I think they are very much better in that respect than the homes of their white neighbours.

Mr. GIBSON: But fishing opportunities are much better around Cape Mudge than at other places along the coast, quite substantially so, are they not?

The WITNESS: I do not know whether that is correct or not. Those who are engaged in fishing can give you an opinion on that which would be more adequate.

Mr. CASE: Mr. Reid would not care to have that remark apply so far as the Fraser river is concerned.

The CHAIRMAN: I do not think we should have any conflict as between British Columbia members on the committee here.

Mr. GIBSON: I was just trying to point out that it was a matter of individual initiative.

The CHAIRMAN: You also know, Mr. Gibson, that advertising is not permitted before the committee.

Mr. CASTLEDEN: Where you have the opportunity of good economic conditions, where the Indian has an opportunity of making a living, you usually find that that is reflected in good homes and improved conditions?

The WITNESS: Yes.

Mr. GIBSON: My point was that you find the same thing all along the British Columbia coast. They have good opportunities but there is a great disparity in homes even in areas or reserves which are adjacent to one another.

Mr. CASTLEDEN: That is the point I was making, it depends generally on local economic conditions; but speaking generally I would say you find that where the Indians' economic conditions are good that is reflected in better homes.

The CHAIRMAN: Now, gentlemen, while you are discussing and deciding this economic problem we have the Saskatchewan Indian delegation waiting here.

Mr. REID: I have a matter here which I would like to have put right on the record, and I would like to bring this to the attention of Mr. MacKay for that reason while he is here. A statement was made the other day which I think requires a slight correction. It was said that the Metlakatla Indians removed from British Columbia went to Alaska because of trouble with the dominion government, with the Department of Indian Affairs. My information, having read the history of that band, is that the trouble was with the church, not with the government. It was due to a split between Rev. Duncan and the Church of England that they moved the Indians up to Alaska. I do not know whether Mr. Hoey or Mr. MacKay should make a statement on that so that the record will be straight. This record is going to stand for a long time and I think it should be correct.

Mr. CASTLEDEN: They were Canadian Indians from British Columbia who were removed to Alaska?

Mr. REID: Yes, but the point I make is this; the trouble was with the Church of England, not with the department or the government.

The WITNESS: I think Colonel Neary referred to that. I might add that a great deal depends on leadership. Where you have good leadership you find the Indians improving their homes. Economic conditions might be quite satisfactory in an area but unless you have the right kind of leadership on the reserve, the right type of supervision and assistance, progress is not very good.

Mr. MATTHEWS: Do you not think that the attitude of the Indian has a good deal to do with his economic condition?

The WITNESS: Yes.

By Mr. Lickers:

Q. Do you not think that if they were given more control over their local affairs that they would get that leadership?—A. There is opportunity there now for control of local affairs, with limitations.

Q. But if they were given more control so that the best men on the reservation would be encouraged to take an interest in the council and to see that the same methods were applied to the band generally as have proved successful in

their own personal affairs; they would give guidance to the other Indians.—A. I should say that responsibility and control go hand in hand. It would not do to give control to irresponsible people.

By Mr. Case:

Q. I was going to ask you about the number of traplines that were lost when the new regulations came into effect; could you tell us anything about that?—A. I have only knowledge of six or eight.

Q. Since that time how many of them have been returned?—A. Some have reverted to the Crown and were given back to us, others we purchased; and there are some today still held.

Q. How many?—A. I should think four or five; that is, of the number which have come to my attention.

By Mr. Castleden:

Q. You referred to requests received by the department for higher education for Indians, and I think you had in mind those that came to your own personal attention; do you know how many have come to the attention of the individual Indian agent? How many have been refused?—A. Where the application was made to me I cannot recall a case which the department has refused.

Q. It is maintained that the agents themselves have refused applications, recommendations for a higher education.—A. Of course, where the child did not have the recommendation from the school teacher and the inspector of schools the agent would simply advise the parent to that effect and there would be no reference to me.

Q. One other question; you mentioned that there were three Indian sawmills?—A. Put up in the last year.

Q. Just within the last year?—A. Just within the last year, yes.

Q. And there are a number off the reserve, how do they stand?—A. That is a provincial matter, an agreement with the province. Sometimes the province grants permits to Indians. I do not know of any case that has been refused that has come before me.

Q. What is the procedure? Does the agent or the Indian make application to have lumber cut?—A. The Indian sometimes makes application to the agent to cut on provincial Crown lands, and if the opportunity exists I think the province would—

Q. I mean on the reserve. I am talking about lumber on the reserve.—A. The agent issues permits, yes, on the approval of the department.

Q. Then do they make arrangements with some other lumber company to come in and cut lumber on the reserve?—A. That is under licence. There are two ways of dealing with timber, one by the issue of a permit to an individual Indian or group of Indians to cut. In that case the stumpage value of the timber plus royalty goes to the deposit of the band account for the benefit of the band as a whole. In the other case the timber is advertised and sold and a licence issued to the successful competitor.

Q. Do the Indian bands and councils have any say in regard to that?—A. They have nearly all the say. The timber must be surrendered first. I think you mentioned cutting off the reserve. We have quite a development at Bella Coola. The Indians there handle not only their own timber but are hired by companies such as the Ocean Falls Pulp and Paper Co. to remove timber from the limits of the company.

By Mr. Bryce:

Q. Two of my questions have been answered already. I want to know if on any reserve in British Columbia you have started to build houses for the aged Indians? I mean the man or woman who is over 70 years of age and cannot provide for themselves.—A. Yes, in a number of cases. Assistance was given last year in the construction and repair of 94 houses in British Columbia.

Q. Was the lumber cut by the Indians, sawn by the Indians and the houses built by the Indians so that the band can have the right to those houses and have some say in operating them?—A. The lumber has not been sawn and produced by the Indians, no, not in those cases. It was purchased by the department from lumber dealers, but the Indians have assisted in the construction and improvement of the homes.

Q. Would it be the intention of your department in British Columbia to have the Indians cut their own lumber, saw their own lumber, provide work for the Indians and provide these houses in the future?—A. That is the policy.

Q. Mr. Gibson and Senator McKeen asked you about some Indians who are doing very well and have good houses. Is that a cooperative enterprise? —A. The village of Bella Coola is an example of a cooperative development. The Indians there operate their own mill and own their own equipment through assistance originally given by the department. The proceeds of the sale of timber and their earnings have been used in improving their homes. It is not so at Cape Mudge where individual effort has produced the improvements that exist there.

Q. In the one case it is a cooperative enterprise?—A. More or less.

By Mr. MacNicol:

Q. Do you think that the Indian agent should be out around the reservation more during the summer season when he can get around rather than stay around his office at headquarters?—A. Yes, I do, but it is impossible with the small staff we have. In British Columbia we only have 56 employees for 26,000 Indians, which is one employee for every 500 Indians approximately, and of the 56, 26 are stenographers and clerks.

Q. But the Indian agent should be out more among the Indians than he is? —A. He should, but as I said it is almost impossible under the conditions that exist.

Q. You are Commissioner of Indian affairs for the Indians of British Columbia?—A. Yes.

Q. Are there any other commissioners for the other provinces?—A. Not that I know of.

Q. You are the only commissioner?—A. Yes, sir.

Q. In northern Ontario the Indians have reported to me that white men have chased them away from their trap lines. Vigorous, boisterous white men have chased them away from the trap lines. What is the penalty in a case of that kind? What protection has the Indian?—A. The trap line of the Indian in British Columbia is secure inasmuch as it is registered. That registration gives him possession of the line. He cannot be deprived of the area unless he is delinquent in meeting conditions. The Indian in British Columbia does not pay a licence fee. If he wishes he can take out a $2.50 licence which perhaps gives him a better hold, but it is really not necessary. We encourage the $2.50 licence because we feel after all the province is looking for revenue, and if the Indian assists in the production of that revenue he will be more on an equal footing with his white neighbours.

Q. In this case white men chased the Indians off the trap lines.—A. The only instance I know of in British Columbia where there was any chasing was when the Japanese were in charge of the fishing grounds. They succeeded in chasing most of the Indians off the fishing grounds, but I do not know of any cases where whites have chased the Indians off the trap lines.

By Mr. Farquhar:

Q. Should the government approve of the recommendation made by this committee yesterday in reference to the granting of the old age pension to the Indians do you know of any way whereby we can find out the age of the Indians? Is there any record?—A. In a good many cases there are records. The church maintains a record. We have a very good system now, of course,

of registration of vital statistics. The early records are by no means complete, but I do not think that would present much difficulty in the matter of determining age fairly accurately.

Q. I am glad to know that because as to most of the Indians in my constituency no one seems to know how old they are.

By Mr. Matthews:

Q. I think you said that the Indians in British Columbia cannot preempt land?—A. That is correct.

Q. Did you say that they could not purchase land?—A. They cannot purchase or preempt land under the British Columbia Land Act.

The CHAIRMAN: Thank you, Mr. MacKay. I would appreciate it if you would stand aside so that we can get on with the Saskatchewan delegation. Mr. Castleden, would you care to introduce the Saskatchewan delegates?

Mr. CASTLEDEN: I am very pleased to introduce the Saskatchewan delegation which arrived this morning. The four gentlemen are over there at the other table. The president is Mr. John Tootoosis. Would you rise, please? He is the president of the Union of Saskatchewan Indians. Then we have Chief Joseph Dreaver, from Leask, Saskatchewan; John Gambler, who is vice-president of the Union of Saskatchewan Indians, and the Rev. Ahab Spence, who has come along with the delegation. He is teaching now on the Little Pine reserve. These gentlemen have a brief to present to the committee. We are very glad to give them this opportunity to present that brief.

Mr. MACNICOL: Are any of these Indians from the Poundmaker or Big Bear bands?

Mr. TOOTOOSIS: I am a Poundmaker.

Mr. CASTLEDEN: The president is from the Poundmaker band.

Mr. MACNICOL: Near Battleford?

Mr. TOOTOOSIS: Right

The CHAIRMAN: Which one represents the Union of Saskatchewan Indians?

Mr. TOOTOOSIS: I do. We all do.

The CHAIRMAN: Which one represents the Protective Association for Indians and their Treaties?

Mr. CASTLEDEN: John Gambler, would you give your position with regard to the Protective Association?

Mr. TOOTOOSIS: May I explain this to you? In February, 1945, we had a convention—

The CHAIRMAN: Just a moment. We had arranged that a delegation would come from certain organizations in Saskatchewan. There is the Union of Saskatchewan Indians. That is one organization, is it not?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: Then there is the Protective Association for Indians and their Treaties? That is another organization?

Mr. GAMBLER: Mr. Chairman, will you allow the president to explain it?

The CHAIRMAN: There are three organizations to whom we gave representation. I want to see they are here. What is the other one?

Mr. TOOTOOSIS: May I explain?

The CHAIRMAN: The Saskatchewan Indian Association. Who represents the Union of Saskatchewan Indians?

Mr. TOOTOOSIS: May I explain this?

The CHAIRMAN: Yes.

Mr. TOOTOOSIS: We were three groups in Saskatchewan—the Protective Association, the Saskatchewan Indian Association, and I was representing the Native American Indian Brotherhood in a certain part of the province, but in February, 1945, we amalgamated into a union organization which we call the Union of Saskatchewan Indians. There are not now three organizations in the province of Saskatchewan. That has been the misunderstanding here. There is only one.

The CHAIRMAN: We addressed a letter to Miss Gladys Dreaver, Secretary Treasurer of the Union of Saskatchewan Indians, on March 26, 1947, reading as follows:

> The Joint Committee of the Senate and the House of Commons dealing with Indian Affairs is now in session and has agreed that immediately after the Easter recess of parliament the committee will hear representatives from the organized Indians in Canada.
>
> It has been agreed to hear three representatives from each province. The Saskatchewan representatives are to be chosen as follows:
>
> One from the Union of Saskatchewan Indians.
>
> One from the Indian Association of Saskatchewan, and
>
> One from the Protective Association of Indians and their treaties.
>
> Your representative must be prepared to come here on receipt of a telegram informing him of the date on which he will be heard.
>
> It is hoped that you will find it possible to send a written brief of the submission, which you are making to the committee, to me as soon as possible so that we may have it mimeographed for the use of the committee. Please acknowledge receipt of this letter by telegram.
>
> Yours very truly,
>
> T. L. McEVOY
> *Clerk of Joint Committee.*

Then on the 5th April there was a telegram received:

> Your letter of March 26, 1947, acknowledged by all parties concerned. (signed) Union of Saskatchewan Indians, Gladys Dreaver, Secretary-Treasurer

A telegram was sent to Miss Gladys Dreaver on April 16:

> Thanks your wire April 5th Please wire me collect by return if it is possible for delegates Saskatchewan Indians appear before joint committee on April 28th next at 11 o'clock a.m. Wire names of delegates and send your brief airmail immediately. Thanks.

That is signed by the clerk of the committee.

Mr. CASTLEDEN: On a point of privilege, I wonder if I might be able to shorten this. In the introduction to the brief of the Union of Saskatchewan Indians it states clearly in the second paragraph:

> Mr. John B. Tootoosis is president of the Union of Saskatchewan Indians, Chief Joseph Dreaver is a veteran of two wars, and was president of the Saskatchewan Indian Association before that organization united with the Union; Chief John Gambler is vice-president of the Union and president of the Protective Association for Indians and their Treaties, which also has united with the Union; and Rev. Ahab Spence is a minister of the Anglican church and a teacher at the Little Pine Indian reserve.

These groups got together in 1946 and agreed to unite as one union. They have chosen these representatives including presidents of the other organizations and we wish to speak with one voice.

The CHAIRMAN: That is what we are trying to encourage as much as possible, but we had knowledge of these three Saskatchewan Indian organizations, and we have objection to some of the representations being made here. At this point I might give you a brief that has been forwarded from the Poundmaker reserve, Paynton, Saskatchewan, dated May 2, 1947. It is addressed to the secretary. Who is president of the Queen Victoria Treaty Protective Association—Arthur—

Rev. Mr. SPENCE: Favel.

The CHAIRMAN:

Poundmaker Reserve,
Paynton, Sask.,
May 2, 1947.

T. L. McEVOY,
Sec. of the Joint Com.
Ottawa, Ont.

Dear Sir:

We have an organization of our own here in Saskatchewan. We called it, "Queen Victoria's Treaty Protective Association." It is purely an Indian organization formed by Indians themselves.

This organization originated in Poundmaker reserve. It was formed because we did not like the briefs made by the Union of Saskatchewan Indians and because we don't like the Union as it was formed by the C.C.F.

We have made our own briefs to be sent to the meeting in Ottawa, or much better, we would like to send representatives to support our briefs.

We would also like to sit in the meeting with the Union of Saskatchewan because we do not want John Tootoosis (Poundmaker res.) to represent our reserve in any way.

We are unable to send representatives to represent our reserve or our briefs, due to shortage of money and as we have such a short notice of your meeting in Ottawa.

We would like you to consider our briefs and hope to be presented to the joint committee.

We are sure we can tell you more in person that we can by mail. Sorry we cannot send representatives from our organization as we sure would like to sit in the meeting with John Tootoosis as he is from our reserve.

This is all we can say. Hope you give your consideration on our briefs.

Yours truly.

President—ARTHUR FAVEL of the organization.

Then there is an appendix.

Briefs concerning only the Indians of Poundmakers reserve—Improvements, Living Conditions, etc.

1. We need a bridge for the creek running through our reserve. We desire that the gov't grant us materials to make a bridge.
2. We desire that a better road or highway be built or constructed through our reserve for the use of the Indians.
3. We desire the department to supply our reserve (with) a tractor or two and a full line of machinery.
4. We desire that the department grant us pigs for our own use.
5. We desire our band money to stay in Ottawa and only a small sum ($500) be sent to be kept at the farm instructors' for our emergency use.

6. That old age people and the disabled be supplied with wood at all times. Cutting and hauling to be paid for by the department.

7. That women should be given aid in their W. A. workneedles, sewing machines, thread, etc.

Mr. FARQUHAR: Have we all a copy of that?

The CHAIRMAN: No. I will file that for printing in our minutes. We have John Tootoosis, President of the Union of Saskatchewan Indians; Chief Joseph Dreaver, President of the Saskatchewan Indian Association, and Chief John Gambler, President of the Protective Association for Indians and their Treaties. Have you any order of presenting this brief?

Mr. CASTLEDEN: I believe the president, John Tootoosis, will present it.

Mr. REID: May I ask how many briefs in all we will get from Saskatchewan, just this one or will there be others?

The CHAIRMAN: How many briefs are you presenting, one or more than one?

Mr. CASTLEDEN: Just one.

Mr. REID: I mean are there other briefs coming from other organizations? That is my question.

The CHAIRMAN: We have some here on file and already in the record. They represent individuals and reserves. They will all be printed in the record.

Mr. REID: Probably I was not listening but may I ask this question? Do I understand these four men represent one organization in Saskatchewan and they are presenting one brief?

The CHAIRMAN: They are presenting one brief. Apparently there were three organizations which we asked, and those three are now united into one organization. I believe they are all officers of one organization.

Mr. REID: Four men are here but three will be official delegates.

The CHAIRMAN: That is right. The Rev. Ahab Spence is not an official delegate.

Mr. HARKNESS: The result is we have no representative of the unaffiliated Indians of Saskatchewan.

The CHAIRMAN: That is why we asked these three organizations to send delegates, and we have so asked them.

Mr. CASE: I think there was some exception made in Saskatchewan to the usual rule because of the various organizations. In the other province we asked for three, two from the provincial organization, who were also allowed to choose one extra to represent Indians in that province not affiliated with the provincial group.

Mr. REID: My chief reason for asking is that I do not want myself personally, or the committee, to be accused later on of overlooking any section of any province.

The CHAIRMAN: I did not hear you.

Mr. REID: My particular interest at the moment is because I do not want us to be accused later on of overlooking certain groups of Indians. A committee of this kind probably will not be appointed for another twenty-five years, and before we are finished we may be accused of not hearing certain groups.

Mr. BRYCE: You will not be here twenty-five years from now.

Mr. REID: Nevertheless I would like the record to be clear whether or not I am on this earth.

The CHAIRMAN: We did ask the three organizations, as agreed on March 21, to represent the Indians of Saskatchewan. These are the three representatives they have sent here.

Hon. Mr. McKEEN: I should like to ask whether there were three organizations existing at the time we asked them.

The CHAIRMAN: Can you answer that, Mr. Tootoosis?

Mr. TOOTOOSIS: In 1946 we amalgamated three organizations into one union.

The CHAIRMAN: What date was that?

Mr. TOOTOOSIS: February 23 and 24, 1946.

The CHAIRMAN: Then have these other organizations carried on since that time?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: They have?

Mr. TOOTOOSIS: Yes, but we have worked as a union since.

The CHAIRMAN: On March 26 there were not three organizations?

Mr. TOOTOOSIS: We were, before that meeting.

The CHAIRMAN: When did they dissolve? When did they cease to exist? For instance, taking it chronologically, did the Union of Saskatchewan Indians exist in February, 1947?

Mr. TOOTOOSIS: 1946—eh?

The CHAIRMAN: The Union of Saskatchewan organized in February, 1946?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: Is it still in existence?

Mr. TOOTOOSIS: The union?

The CHAIRMAN: Yes.

Mr. TOOTOOSIS: Oh, yes.

The CHAIRMAN: Take the next organization, the Saskatchewan Indian Association. Was it in existence in February? Was there such an organization in February?

Mr. TOOTOOSIS: Before the meeting there was, but we amalgamated at the meeting into one union.

The CHAIRMAN: Just a minute. On March 26 had the Saskatchewan Indian Association ceased to exist? Had it been merged with the union?

Mr. TOOTOOSIS: Yes, amalgamated.

The CHAIRMAN: Then it did not exist as a separate entity when we sent this out? Is that right?

Mr. TOOTOOSIS: Yes.

Hon. Mr. McKEEN: The point I want to raise is why was the committee not told that there were no longer these three organizations, that there was just one?

The CHAIRMAN: That is what I cannot understand.

Mr. CASTLEDEN: I did my best to explain that at the time. I said that this organization was an effort on the part of the Indians from all the organizations of the province to unite with one voice.

The CHAIRMAN: We were not told by any one at that time that the Saskatchewan Indian Association did not exist.

Mr. BRYCE: That was explained by Mr. Castleden. Look up the record. He told you there they had formed into one union.

Mr. CASTLEDEN: I did not say they did not exist. I said it was an effort to join the three together.

Mr. BRUNELLE: For the purpose of coming before this committee?

Mr. CASTLEDEN: No.

The CHAIRMAN: What we are trying to do is to get full and complete representation from all phases of Indian life in Saskatchewan. When this matter came up for discussion it was decided first that the Union of Saskatchewan Indians should send two representatives and the unaffiliated Indians one representative. There was some considerable discussion on the matter at pages 241, 242, 243, 244, 245, 246, 247, 248, 249 and 250 of our minutes. I asked:

> Could you tell us how many there are in the Protective Association for Indians and their treaties?
>
> Mr. CASTLEDEN: I do not know.
>
> The CHAIRMAN: Do you know how many there are in the Union of Saskatchewan Indians?
>
> Mr. CASTLEDEN: No, I would not know the numbers there.
>
> The CHAIRMAN: Do you know how many there are in the Indian Association of Saskatchewan?
>
> Mr. CASTLEDEN: No.
>
> The CHAIRMAN: Apparently nobody knows. How are we going to find out? Will those in favour of the motion I just put please indicate?

Mr. CASTLEDEN: Would you also read at the bottom of page 243 where I wanted leniency in regard to the rights of these people to come here to present their case?

The CHAIRMAN: Where?

Mr. CASTLEDEN: At the bottom of page 243 and on page 245.

The CHAIRMAN:

> The CHAIRMAN: A commission was appointed by the government last fall which did visit the east and will shortly be making a report.
>
> Mr. CASTLEDEN: Under those circumstances it would appear to me it would only be fair to extend a little more leniency in regard to the rights of these people to come here to present their case if there are Indians who are not in organizations to which you have given representation.

That has nothing to do with the motion.

Mr. CASTLEDEN: On page 245 I explained what the Union of Saskatchewan Indians was. "The Union of Saskatchewan Indians was an effort on the part of a number of people to get the Indians organized. They held meetings"—

The CHAIRMAN: We are not getting that down.

Mr. CASE: If I might have a word, it would appear there has been an effort to bring representatives from these former organizations. I am wondering if it might clarify the situation if we were to endeavour to find out the reserves these gentlemen represent so that we may then determine if Saskatchewan Indians are fairly representative geographically. I should like to know from what parts of Saskatchewan they come. Would you take that under consideration, Mr. Chairman, and try to ascertain what reserves they are from and where the reserves are located so we will know if they are really geographically representative.

The CHAIRMAN: I am trying to find in the records the motion that was made on this date, and how it was determined that representation from the Indians would be obtained.*

Mr. BRYCE: There is one of these gentlemen from each of these associations that were in existence before. Is that not the case? I cannot remember the names of the associations but there were three associations mentioned, and there is one of these gentlemen from each of these associations.

* See Minutes of Proceedings, page iii, 21st March, 1947.

Mr. CASTLEDEN: The president of each.

Mr. BRYCE: The president of each of those associations, but they are presenting only one brief.

Hon. Mr. McKEEN: The point I am trying to raise is that this committee decided to have three representatives representing different groups in the province. These men are representing themselves as being from different groups and precluding anybody else from appearing here before the committee. What we now have is one organization with three delegates. The same thing came up as to British Columbia. We questioned the right of a man who belonged to one organization to represent the unaffiliated Indians. I think this thing should have been made clear to the chairman when this invitation went out that these other organizations no longer exist, that they have now combined. I imagine when the combination took place there were probably quite a number who did not go in because I have never seen any organization where there are not some people who do not agree with the one organization. I think there should be representation from all parts, whether or not it is geographical. That is the point I am trying to raise. I am not saying these men are not proper delegates to give evidence before this committee. I think they are, and I think their experience is valuable, but I do not want to shut out any other opinions that might be held or might be presented to this committee.

Mr. BRYCE: Have you any other applications?

The CHAIRMAN: We have had many other briefs presented by agencies and reserves, and by individual Indians. They are all on file, or printed as appendices.

Mr. BRYCE: But what I mean is this, has any other organized group of Indians made an application to be heard?

The CHAIRMAN: Not until this morning. We invited these people and it was understood that there would be a representative from each of three different organizations. Now we were not told at that time, or upon receipt of wires, that they were not three organizations, that there was only one organization.

Hon. Mr. McKEEN: You have a letter from other Indians stating that they could not come down because of the lack of funds.

The CHAIRMAN: That was the original intention, Mr. Bryce; that we should have representatives from three different groups. We are faced here with three representatives from one group only; we may be hearing from one side of the picture only.

Mr. BRYCE: Well, Mr. Chairman, I say let us hear what Mr. Lickers has to say. That is what we are paying him for, looking after these things.

Mr. FARQUHAR: Was it not understood that there would be one representative from the unorganized Indians?

The CHAIRMAN: No, that we would have representation from three different organizations in Saskatchewan.

Mr. HARKNESS: When it comes to the general plan which we were to follow, according to the resolution adopted, the recommendation by the "steering" committee to the main committee was that each of the western provinces in which there was organization would be represented by two Indians from the organized group and one Indian from the general following of the unorganized group, the unaffiliated Indians.

The CHAIRMAN: That is right, but an exception was made with respect to Saskatchewan.

Mr. HARKNESSS We had that type of representation from Alberta but when British Columbia came down all their representatives belonged to the Native Brotherhood of British Columbia which I thought was wrong. One of these

men, Chief Williams, was supposedly representing the unaffiliated Indians, but actually he belongs to the Native Brotherhood of British Columbia; so we did not get what we asked for in that case. We are faced with somewhat the same situation here; we have three representatives of the Union of Saskatchewan Indians and no representation for either the other organizations in Saskatchewan or the unaffiliated Indians. A large block of Indians in Saskatchewan are left without representation and the result is that we have not proper representation from all that province.

Hon. Mr. McKEEN: Did we not have Chief Andrew Paull before us also?

The CHAIRMAN: He did not represent the Native Brotherhood but rather the North American Indian Brotherhood. Now, if there are no further questions on this subject I propose that we proceed with the hearing. I think, by the way, that Colonel Harkness is substantially correct; that the British Columbia delegation did not actually include any representation from the unaffiliated Indians. They were all members of that group, the Native Brotherhood of British Columbia.

Hon. Mrs. FALLIS: We are still faced with the situation, as you read from the brief there, that groups of Indians are prohibited from giving representation here because of the fact that they have no money with which to send a representative down here, yet we have three representatives whose expenses are paid coming from one organization. That is an injustice and something into which I think we should look.

The CHAIRMAN: I think, Mrs. Fallis, if you look at the Minutes of Proceedings you will find that we dealt with it at length, and apparently unfavourably.

Mr. MacNICOL: There was the letter you read a few moments ago from one band of Indians, from one reserve, in which it was stated they had no representative here because they hadn't got enough money to send one down, yet that was from one of the big reserves. For my part, I would say, go ahead with the gentlemen you have here, the three representatives from the one organization.

Mr. CASTLEDEN: Mr. Chairman, I would not like the impression to go out that these gentlemen did not properly represent the Union of Saskatchewan Indians. They represent the largest group of organized Indians in the province of Saskatchewan. They held a representative organization meeting and they also held meetings on different agencies and reserves. They appointed a committee to assume responsibility for the preparation of the brief to be submitted here. That committee proceeded with its work and every recommendation it made was accepted and the result of their work is here. I think that since this organization has been in effect for some time, and since they fairly well represent the Indians of the province they should be heard. Lack of organization among the Indians is the great difficulty in this whole problem, and I think it is going to be even worse when the provinces of Ontario and Quebec come before us; their lack of coordination. I submit that these gentlemen do represent a very large group of the Indians of Saskatchewan.

Mr. FARQUHAR: When this thing was agreed upon was it understood that these three organizations represented all the Indians in Saskatchewan?

The CHAIRMAN: Well, not exactly all.

Mr. FARQUHAR: I mean practically all.

The CHAIRMAN: They represent by far the large majority of the Indians of the province; and at page 247 of our Minutes of Proceedings you will see that was what I said:

> "The CHAIRMAN: Can we not come to a compromise here? Could we not do this, in order to get representatives of these organizations? Could we not say there will be a representative of the Union of Saskatchewan

Indians, a representative of the Protective Association for Indians and their treaties, and a representative of the Indian Association of Saskatchewan? That would give you your three provincial representatives. The North American Indian Brotherhood is already taken care of by this report of the subcommittee which permits them to have three representatives from all over Canada, one from the west, one from the central part and one from the east.

Hon. Mr. JOHNSTON: There are three separate organizations and then this union.

The CHAIRMAN: Of those three there is one of those, the North American Indian Brotherhood, which is represented otherwise.

Hon. Mr. JOHNSTON: All right.

The CHAIRMAN: Would that be satisfactory?

Mr. CASE: I think that is fair".

Mr. REID: I would suggest that we proceed with these gentlemen.

The CHAIRMAN: Is that agreeable to the committee, that this delegation will appear before this committee on behalf of the Saskatchewan Indians?

Mr. HARKNESS: No.

Mr. REID: I had not finished, Mr. Chairman; what I had in mind was to hear the Indians who are now before us and at a later stage in our proceedings the matter can be taken up again, after they have finished.

Mr. FARQUHAR: Can you tell us the percentage of the other Indians in Saskatchewan?

The CHAIRMAN: No, I haven't got that information.

Gentlemen, everybody is talking and nobody is talking; could we have one at a time, please.

Mr. BRYCE: I move that we hear Mr. Lickers.

Mr. LICKERS: I will check on the different reserves, go through the lists and find out those who are included in this organization, then find out the others who are not represented, and then make a report to the committee.

The CHAIRMAN: Which all goes to show that the best plan was the plan we adopted last fall, going directly to the Indians and letting them all come into our meetings.

Mr. HARKNESS: I would just like to say this further word with respect to Mr. Castleden's question of privilege. The question was asked a moment ago whether or not we were willing to accept these Indians as representing all the Indians of Saskatchewan. I am quite prepared to accept these Indians who are present as representing a considerable number of the Indians of Saskatchewan, but I am not prepared to accept them as representing all the Indians of Saskatchewan by any means, and I think this committee should have at least one representative from Saskatchewan Indians who do not belong to this organization; and until we have had that I do not think we will have given the Indians of Saskatchewan a fair hearing.

The CHAIRMAN: We will hear from Mr. Lickers at the next meeting and then decide whether we will call somebody else from Saskatchewan or not.

Now, Chief, would you care to proceed with your brief.

Chief John Tootoosis, called:

By the Chairman:

Q. Let me ask you a few preliminary questions: you are presenting to us a brief of 78 pages, is it your intention to read all of this brief?

Let me say, Chief Tootoosis, that we want you to feel perfectly at ease before our committee, we want you to feel free to discuss all matters freely and easily, because you are among friends here.—A. I know; I feel that I am among friends here to-day; but we have been here two or three hours now and we have not started and we are not going to have very much time; I would not have enough time to read all this brief.

Q. I think you cannot blame all of that on the committee.—A. Well—

Q. I think you will agree that all this delay has not been the fault of the committee. If the request that we made had been carried out I do not think we would have had all this discussion. However, I again want to assure you that you will be given every opportunity of being heard before this committee. I want you to feel free to present your brief easily; but be as brief as possible and be prepared to answer questions as they are put to you by members of the committee after you have presented your brief. Now, would you like to proceed?—A. Yes.

By Mr. Case:

Q. Just before you proceed, may I ask you one question?—A. Yes.

Q. Where was this brief prepared?—A. This brief was prepared in Regina.

By the Chairman:

Q. Where?—A. In Regina.

Q. Who prepared it?—A. Who prepared it?

Q. Yes.—A. Mr. Shumiatcher.

Q. He is secretary or legal adviser to the prime minister there, isn't he?—A. Yes.

Q. Is it your intention to read this brief?—A. He prepared the brief for us.

Q. Is it your intention to read this brief, or do you just want to make a general statement?—A. I could go on now and make a few remarks regarding this brief—

Q. Could we say this; you can file the brief with us and you can make your statement based on the brief; and then when any questions are asked you can refer to the brief and point out the citations relating to the point under discussion. Would that meet with your approval?—A. I think so.

Mr. CASE: The brief has been passed on by the various organizations you represent?

The WITNESS: Yes. In the first place, I am very pleased to be here before you ladies and gentlemen—

The CHAIRMAN: Did you answer Mr. Case's question?

The WITNESS: That is what I am coming to. Ever since we organized the Union of Saskatchewan Indians I have travelled to different parts of Saskatchewan explaining the objects and purposes of the Union of Saskatchewan Indians. This winter I travelled, up to the last few days, all over the province explaining to the Indians of every band what the purpose of the organization was, what we intended to submit in this brief, what was in the brief. I have explained the brief in our own language to them.

Mr. CASE: And they have agreed?

The WITNESS: They were satisfied in every case which I know.

By Mr. Reid:

Q. Did you cover any other organizations in Saskatchewan outside of the Union of Saskatchewan Indians?—A. Except a new organization which is just started.

Q. I was just wondering if any of the others are members of the union?—A. Well—

The CHAIRMAN: Sorry, Mr. Reid; we can't get it.

Mr. REID: The other organizations, some of them, belong to the Canadian Brotherhood; I am just wondering if they are members of your Union, some of them, and also members of the Canadian Brotherhood?

Mr. HARKNESS: You mean the North American Brotherhood?

Mr. REID: Yes.

The WITNESS: Well, in the first place, I used to be one of the executive of the North American Indian Brotherhood and when I was in Regina I told them I would resign.

The CHAIRMAN: You what—?

The WITNESS: Told the North American Brotherhood I would resign.

Mr. REID: Told whom?

The WITNESS: The members of the Union of Saskatchewan Indians.

The CHAIRMAN: So you are not now a member of the executive of the North American Indian Brotherhood?

The WITNESS: No.

The CHAIRMAN: I see.

The WITNESS: Certain people had objected, and I did not want them to have any grounds for objecting—I did not want the Indians from any of our organizations to have any grounds for objecting to my belonging to another organization.

Mr. CASE: Are the Saskatchewan Indians affiliated with the North American Brotherhood?

The WITNESS: No, that is a position that we cleared up at our last meeting.

Mr. FARQUHAR: I think we should let the Chief proceed.

The CHAIRMAN: If you care to continue, go ahead.

The WITNESS: In the first place, in all my time in our Indian organizations since 1932, I have been leading organizations and I feel that I am safe in saying that I have met practically all bands and they have been at our meetings, our local provincial meetings and meetings in the province of Saskatchewan. I found them always willing to cooperate in grouping into one organization, to be all in one. That was their aim at every meeting to which I have been. I had certain followers in the previous organization to which I belonged in 1932, the North American Indian Brotherhood—no, it was the League of Indians of Western Canada. That was in 1932.

The CHAIRMAN: It was called what?

The WITNESS: The League of Indians of Western Canada. Since 1932 I went out for that organization and held meetings, and finally here about four years ago we joined the North American Indian Brotherhood; and as I mention in the brief at the meeting of February 23 and 24 we amalgamated into the one organization known as the Union of Saskatchewan Indians. I had a meeting with my followers and that took place, and they came to the decision that they would join these other three groups in Saskatchewan into one provincial organization which came to be known as the Union of Saskatchewan Indians. That was the situation. They amalgamated into one group. We would be better organized if it were not for interference from certain people in the province of Saskatchewan. We have the facts to prove that there has been interference, that there is interference to prevent us from organizing in the province of Saskatchewan. My followers are always well organized. However, there are certain groups starting in the southeastern part of Saskatchewan—I come from the northwest, and my friend here comes from Prince Albert.

The CHAIRMAN: Where is that situated in the province, Prince Albert?

The WITNESS: That is in the northern part. This interference has come mostly since the Indians started to try to organize into one body so that they

would be able to speak with one voice, so that they would be able to bring their grievances properly before the department or any other body—it was then that this interference started to divide up the Indians and keep them from organizing.

Mr. HARKNESS: To whom are you referring, to what interference?

The WITNESS: It is in the brief here—

Mr. BRYCE: I think the witness should be allowed to continue his statement.

The CHAIRMAN: I want to be as lenient as possible with the committee.

Mr. BRYCE: I want you to get a square deal and I want you to get your brief in. I think questions should be held over until this gentleman has completed his presentation.

Mr. HARKNESS: I agree with what you say, but my point is that the witness has made the statement that there has been interference preventing them from organizing.

Mr. BRYCE: Why don't you ask your questions after the witness has completed his statement?

Mr. HARKNESS: There was a reference by him to a matter of interference.

The CHAIRMAN: I think I was perhaps negligent in not having rapped my gavel. I think Mr. Harkness will agree that we should hear the Indian representatives and then any questions can be put to the witnesses; is that agreeable?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Have you anything more you would like to add?

The WITNESS: I would like to explain about this interference. When we started to organize on my own reserve we met interference. We deal with the matter of interference in our brief. May I read it?

Mr. BRYCE: What page is that?

The WITNESS: It reads:

STATUTORY DECLARATIONS WITH RESPECT TO THE BRIEF OF THE DUCK LAKE INDIAN AGENCY

We, Angus Baldhead, of the Duck Lake Indian agency, and Harry Bighead of the Duck Lake Indian agency, in the province of Saskatchewan, jointly and severally do solemnly declare:

1. That on or about the 26th day of March A.D., 1947, Chief Don E. Gamble of the Beardy's Band at Duck Lake agency called a meeting of all of the Indians of the band for the purpose of writing a brief for the Indians of the Duck Lake agency, and that we were both present at the meeting on that occasion;

2. That there were four bands represented at the said meeting, being the following, viz., One Arrow, Beardy's, John Smith and James Smith bands;

3. That approximately 30 persons were present, and that included among them, and sitting at the head table was Mr. N. J. McLeod, Indian Agent, and Chief Donald Gamble;

4. That before the meeting started, Mr. McLeod asked Joe Gamble, son of Chief Donald Gamble to act as chairman and although Joe Gamble suggested that a chairman be elected, Mr. McLeod insisted that Joe Gamble act as chairman;

5. That present also, and acting as clerk was the Indian agent's clerk, Mr. Victor Heidegurgen, or of some similar name, and he made notes of the discussions and compiled the brief;

6. That shortly after the meeting opened, John Henry Eyahpaise, a band member, asked for an explanation as to how this brief was to be prepared and suggested that some reference be made to the draft brief

of the Union of Saskatchewan Indians, and following a discussion, Mr. McLeod said that those who are in favour of the Union of Saskatchewan Indians or are connected with that CCF outfit had better pack up and go;

7. That shortly thereafter, we left the meeting and a great many other band members left the meeting leaving no more than 10 to 15 members present at the meeting.

8. That we left the said meeting on account of Mr. McLeod's remarks and because of his domination of the said meeting, which we regard as improper.

And we make the declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath in virtue of the Canada Evidence Act

Declared before me at the
City of Saskatoon, in the
Province of Saskatchewan, this
28th day of April, A.D., 1947

Sgd. ANGUS BALDHEAD

Sgd. HARRY BIGHEAD

(SEAL)

Sgd. MORRIS C. SHUMIATCHER
A NOTARY PUBLIC IN AND FOR THE PROVINCE OF SASKATCHEWAN

The CHAIRMAN: Well, now, so far as we are concerned there has been no politics introduced at any time into the discussion of this committee, up to the present time, and I think that members should keep that in mind. We certainly will not permit it to enter at this stage. Then, what else have you?

The WITNESS: There is a letter here given to me by that band.

By the Chairman:

Q. What band?—A. Duck Lake.

Q. Yes; what is the date of it?—A. It is the same date as the meeting. I do not see any date in here. It reads:

We, the undersigned, members of the Beardy's band, are not in favour of this Duck Lake agency's brief that has been forwarded to Ottawa recently, to the committee of the Senate and the House of Commons, we feel that our leaders, Chief and councillors had not played the just right to their band of Indians.

We also feel that an Indian agent and his clerk should not have the right to be present, and direct such a meeting of great importance, and also we do say that our briefs and interests should be left entirely to such band of Indians to direct their own private meeting especially for the purpose of presenting our briefs.

We, the members, are strongly in favour of the Union of Saskatchewan Indians and we are also presenting to the Union our trust of confidence.

We feel also that it consists 100 per cent Indian organization.

We are now presenting the following names of members that are with the Union.

Q. Do you want to file the letter with me here?—A. If you wish, Mr. Chairman. Now I have another letter to read here, if you permit me.

Q. I did not hear what you were saying.—A. I want to read this letter concerning the matter from Duck Lake.

Q. Well, you are making the presentation.—A. It reads:

Beardy's Reserve,
Duck Lake, Sask.
May 4th, 1947.

The President of Union Saskatchewan Indians,
John B. Tootoosis

Dear Sir,

We solemnly declare that the writer of this letter, Harry Bighead, has obtained permission from the Chief, Donald Gamble, to report to you the president of our organization, the opposition we had concerning this Union of Saskatchewan Indians, and also what is being reported in this letter was witnessed and is the truth.

A meeting was held at the Duck Lake Indian residential school which was arranged by the principal, Rev. Fr. G. M. Latour, who addressed the people by advising them to do away with this Union of Saskatchewan, he said it was connected with the C.C.F. political party. Furthermore he persuaded the band to have their own agency brief.

On the 26th of March another meeting took place at this same place and this time our Indian agent, Mr. N. J. McLeod and his clerk Victor Heidegerken were present. The brief was made without the band's being given a chance to say what they thought of it. One member tried to protest to be given fair justice to the people, and have the Union of Saskatchewan be explained first, before anything else be done, but Mr. McLeod replied, "If someone is in favour for Union of Saskatchewan which is in connection with the C.C.F. you had better pack up and go."

Many of us left for home before the brief was finished as we did approved of it but was given no chance to say so.

This brief was signed by the Chiefs and councillors of the three reserves, John Smith, James Smith, Beardy's reserve, and later was submitted to the Joint Committee of the Senate and the House of Commons, without the approval of Beardy's Band.

You will find the copy of this brief enclosed belonging to our Councillor Joe Gamble. I was given permission to submit it to you.

May this document be of help to both you and us. And may this all stay united in one strong union.

Yours sincerely,

(Sgd) HARRY BIGHEAD.

Witnesses: (Sgd) JOHN EYAHPAISE

(Sgd) ANGUS BALDHEAD

(Sgd.) MIKE BIGHEAD

The CHAIRMAN: Gentlemen, it is now one o'clock. We will meet again at four o'clock this afternoon.

The committee adjourned at 1 p.m. to meet again at 4 p.m.

AFTERNOON SESSION

The committee resumed at 4 p.m.

The CHAIRMAN: The member of parliament from Fort William, the Rev. Dan McIvor, is here and would like to say a word to this committee if you will permit him to do so.

Mr. CASE: Could we not hear him when the Indian delegates are not here?

The CHAIRMAN: He is an honorary Indian chief in his own right and there are some of the representatives from Saskatchewan whom he knows. If it is your pleasure we will have him say a word.

Mr. BRYCE: Two minutes.

Mr. McIVOR: I appreciate this opportunity very much. It knocked thrills out of my diaphragm when I found out that two of my former pupils in Regina were here today. The industrial school football team came down and knocked the spots off the Regina civic team. These boys were honest. They were truthful, and they would kick like Sam Hill when they had something worth kicking against. I can tell you anything they say will be worth hearing and they can back it up with good common sense and experience. I thank you very much for this opportunity. I refer to John Gambler and Joseph Dreaver.

Mr. CASTLEDEN: I should like to endorse that.

The CHAIRMAN: There was some question brought up as to whether or not the Indians of Saskatchewan are fully and properly represented here. If it is your pleasure we will ask Mr. Ostrander, who is the inspector of Indian agencies for that province, to say something on that.

Mr. REID: What is his first name?

Mr. OSTRANDER: James.

The CHAIRMAN: James Ostrander, Inspector of Indian Agencies for the Province of Saskatchewan. If it is your pleasure I will ask Mr. Ostrander to tell us if there is any way to get better representation from the province of Saskatchewan than what we have.

Mr. OSTRANDER: Thank you, Mr. Chairman. I have no hesitation in saying that these four gentlemen can properly represent the Indians of Saskatchewan as far as it is possible to do so. I took all the trouble and time I possibly could to be sure that the representations of the Indians of Saskatchewan were put fairly and justly before this committee, and I have no hesitation in standing behind these four men as being fully capable and fitted to make representations to you.

The CHAIRMAN: Thank you very much. Shall we proceed with Mr. Tootoosis.

The WITNESS: Mr. Chairman, and members of the committee: I should like to correct a misunderstanding that arose before dinner. The members of the delegation pointed out to me after we left here that some serious misunderstanding might result from my answer to the question asked me this morning as to who prepared the brief. I want to make it clear that the brief was prepared by the Indians as a result of many meetings held by them. Mr. Shumiatcher assisted by having the brief printed at Regina. I am making this statement to make it clear it is our own brief, and that Mr. Shumiatcher helped by having it printed for us.

The CHAIRMAN: Very well.

The WITNESS: I wanted to make that very clear.

By Mr. Case:

Q. Who was present during the preparation of the brief?—A. If you will allow me I will read this to you.

UNION OF SASKATCHEWAN INDIANS

Minutes of a meeting of the committee to prepare a brief for presentation to the Federal Legislative Committee on Indian Affairs.

REGINA, May thirty-first, 1946; June first, 1946.

Present: Chief John Gambler, Emil Dubois, John Keewatin, Hector Brass, John Pelly, William A. Bear, Joe Ironquill, Ernest Goforth, Henry John Ajicoutay, Members of a committee established for the above purpose at Lebret on May 5, 1946.

Also present were: Alfred Peegan, Qu'Appelle; Ed Stonechild, Qu'Appelle; Alec Bear, Pelican Narrows and Horace Seewab, Pelican Narrows. Dr. M. C. Shumiatcher acted as legal adviser.

The committee meeting convened in the Legislative Building at 2.30 p.m. on Friday, May 31, 1946.

In the absence of John Tootoosis, president of the Union, Chief John Gambler, vice-president, took the chair.

Upon the motion of William Bear, seconded by Hector Brass, Ernest Goforth was appointed secretary of the committee.

The general problems arising from the submission of a brief from the Union of Saskatchewan Indians to the legislative committee at Ottawa were discussed, and it was decided that the brief should follow the terms of reference set out in Hon. J. A. Glen's resolution to the House of Commons of May 13, 1946, and that agreement should be reached as far as possible with the Indian organizations of British Columbia, Alberta and Manitoba in sending a single brief to Ottawa for these groups.

The contents of the brief were then discussed in detail under the following headings:

1. Treaty rights and obligations.

2. Band membership.

The meeting adjourned at 5.30 p.m. and reconvened at 8.30 p.m., and further questions under the above headings were discussed and settled. Also discussed was head 3:

3. Liability of Indians to pay taxes.

The meeting adjourned at 11.00 p.m., and reconvened on Saturday, June 1, 1946 at 10.30 a.m. The following subjects were discussed and the contents of the brief settled under the following heads:

4. Enfranchisement of Indians both voluntary and involuntary.

5. Eligibility of Indians to vote at dominion elections.

6. The encroachment of white persons on Indian reserves.

7. The operation of Indian day and residential schools.

8. Other matters pertaining to the social and economic status of Indians and their advancement.

Dr. Shumiatcher was then requested to incorporate the terms of agreement reached by the committee in a draft brief to be submitted to the members of the committee for approval, whereupon it would be re-typed and forwarded to Ottawa with the delegation. In the meantime, it was hoped that agreement might be reached on these points with the Indians of other western provinces.

Upon the motion of E. Goforth seconded by John Keewatin, it was resolved that delegates be sent to the Manitoba Indian conference to be held at Winnipeg in June 11 and 12, 1946, and chief John Gambler was nominated as a delegate. Upon the motion of William Bear seconded

by Joe Ironquill, Chief Joe Dreaver was nominated a delegate. Both were unanimously elected to represent the committee at the Manitoba meeting.

Upon the motion of Hector Brass seconded by Joe Ironquill, the meeting was adjourned at 1.30 p.m.

Certified correct:

JOHN GAMBLER
Chief John Gambler, Chairman

E. GOFORTH
Earnest Goforth, Secretary.

Mr. CASTLEDEN: On a point of privilege, due to the fact that press reports have gone out, I understand, to the effect that this brief was prepared by Dr. Shumiatcher I would request that this committee ask the press to give equal publicity to the explanation given this afternoon.

The CHAIRMAN: Thank you. Would you care to continue, Mr. Tootoosis?

The WITNESS: I have certain matters I should like to take up. From my experience in the past I should like to present the picture of a number of complaints we have in the brief of the Union of Saskatchewan Indians. In 1920 the department tried to lease a part of our reserve under subsection 3 of section 93.

By Mr. Harkness:

Q. Which reserve is that?—A. Poundmaker. It happened we had money. It was lucky it was not held by the department. We started to build a pasture which we still use. We built a hall and bought cattle out of the moneys received from this pasture. At the time Mr. Graham was Indian commissioner at Regina and he was told this land was vacant and was not used by the Indians although we were using a part of it, the good flats on the east side of the creek where we had our hay lands. Mr. McDonald, the Indian agent at that time, said that this land was vacant and not used by the Indians. My father was the leader at that time. Mr. McDonald came down and told him that this land was leased to this sheep man. I forget his name. He was a sheep man who was coming on the reserve. Mr. McDonald said, "It is leased. You cannot hold it back."

We went to work and went to see a lawyer as to what we could do, and we decided to build a pasture. We started to build a pasture. I worked there all that spring planting pickets to build a pasture. We had several miles planted. A fellow by the name of Bear was working with me. He was hired by the band. After we had these pickets planted for a certain number of miles on that reserve the Indian agent came and said, "The Indian department says Mr. Graham will make you take those pickets up. You are wasting your time." But we kept on building the fence and we are still using that pasture today. That is one difficulty we have had. If we had not had that money at that time in our hands it would have been leased for a very small rental.

The Indians of Saskatchewan are treaty Indians. We made a treaty with Great Britain in the first place, and the trust was given to the Canadian government to live up to our treaties. Ever since the first treaties the Indians have felt that the officials have not complied with those treaties. This was the attitude of the officials. In 1924 we were having a meeting with the Indian agent, Mr. S. L. McDonald, to surrender a piece of road from Paynton to Cut Knife through Poundmaker and part of Little Pine reserves. One of the members, Kasokegon, mentioned the treaty. That was like a slap in the face to the Indian agent. He said, "Do not mention that again. That is of no more use." He said, "I could even put you in jail for it."

In 1930 I reported the farm instructor of Little Pine reserve to the Hon. Mr. Murphy, Superintendent General of Indian Affairs, for collecting 1 cent per pound more for twine than what it was worth at that time. At that time twine was worth $14.75 per hundred. The twine agent came around in treaty time to take orders as to how much twine we were going to use that fall, as usual, and my understanding was that we would pay for this twine after threshing.

Mr. W. D. Taylor, the farm instructor at that time came around and told me he had orders to collect all Indian debts, what the Indians owed. He came over and told me that. I said, "Whenever did you give me an order to get anything on time." He has given orders for some members for certain things, and he collected a cent a pound more than what the twine was worth. I sent a complaint to the Hon. Mr. Murphy who was Superintendent General of Indian Affairs. Mr. A. G. Hamilton, the inspector of agencies at that time, who is in Manitoba now, came over to inspect my complaint.

By the Chairman:

Q. Would you speak just a little more slowly so the reporter can get it down? —A. On January 14, 1931, he made a piecemeal inspection with W. D. Taylor interpreting for him, and also the agent, Mr. S. L. McDonald. You pretty nearly had to yell your head off to make him hear. He was awfully hard of hearing. He had this man as an interpreter for him. He did not hear. In the month of February, 1931, I obtained the report of Mr. A. G. Hamilton, which I still have, and I was going to report the whole three because the evidence given them by the Indians was as much different as black and white. The farm instructor was a man in whom the Indians had no confidence. They could not believe what he said. That man was there until he got his superannuation. That is the man I was reporting, but that is the trouble. When the Indians have made complaints in the past they have never had any hearing.

In 1934 I was called to Lesser Slave Lake agency by Mr. Pat Lalond. When I arrived at Edmonton the Indian agent, Mr. Laight of Winterburn, had received a wire to warn me that I would be prosecuted as soon as I landed on the Drift Pile reserve. I had never been there before. On a Monday taking my train there was the R.C.M.P. in the doorway of the car. They stopped me and gave me the same warning that I was to be prosecuted as soon as I landed at Lesser Slave Lake on the Drift Pile reserve, but I kept on going knowing that the day would come when Indian conditions would have to be changed if the Indians would keep on hammering away for better health conditions, better education, which is needed more among the Indian people to-day than any other people in Canada.

In 1936 I came to Ottawa alone to speak for my people. Previous to that I had already been in with an Indian organization, the League of Indians of Western Canada, for four years. When I came to the Indian department my first contact was with Mr. MacKenzie, the secretary of Indian Affairs. After a little conversation and answering certain questions he asked me when these resolutions were passed. I said, "In the last five years." He threw the whole set of resolutions on the side of his desk. He said, "Here is what I do with the stuff when it comes here." Then I jumped up and had a tongue battle with him. Then Mr. MacInnes, the present secretary, came in from the next room. He said, "The gentleman was here yesterday and handed me these resolutions." He said, "Everything written here is good for the Indians." Mr. MacKenzie cooled off. That is the way I have been used in the past when I was trying to help my poor Indians. Mr. MacInnes said, "Everything that is written here is good for the Indians but it is up to the department to work so that the government will give them to them. I do not mean to say that we will get the results to-morrow, but some of these matters can be adjusted now and some later in the years to come."

Here we are to-day from all over Canada to present our views and desires as to what is good for the Indians. I sincerely request the committee to thoroughly study our brief from Saskatchewan and all Indian briefs because we Indians are the people affected by the present administration ever since it has existed as far as I have learned from the Indian people.

We have certain Indian reserves which have disappeared. We would like to know what became of them. One reserve was mentioned to me when I had a meeting with the Ochapawace band on the Crooked Lake agency, the Chakachass reserve. This chief had lived there for a number of years. One day Chief Chakachass went over and told Chief Almighty Voice, who was the chief of that band at the time, that he was going to the United States, and leaving his people to this Chief Almighty Voice. The band is going now by the name of Ochapawace reserve. Some of the people of Chakachass went to live with the Ochapawace band. Consequently this reserve was taken up by the white people, as I was told by this band, and I had a meeting with them at the chief's house on November 19, 1946. These people claim that they should have owned the reserve by rights.

Then there is the Keeseekoose reserve on the Pelly agency. There was a meeting on December 18, 1946. That reserve extended to the west side of the Assiniboia river. So these people, as I understood, never had any hay and sufficient for their requirements and they saw some good hay land at Duck mountains and reported to their Indian agent, and they were told that the matter would be taken up with the department. So a few weeks later they were told that trade of land was considered and the west side was no longer their land, and they wintered cattle at Duck mountains for a few winters, and some years later that land was taken up by the white people, and so was the land on the west side of the river. So both the lands are occupied by the white people.

There are a number of cases in the province of Saskatchewan where the Indians have lost land. Therefore, I request this committee to look into this matter and see what can be done about it. The Indians claim this is their land.

Hon. Mr. HORNER: Was the land not sold and placed to your credit?

The WITNESS: They never got anything for it. They do not know.

The CHAIRMAN: Have you finished what you would like to say?

The WITNESS: Yes, for this time.

The CHAIRMAN: Well, we will hear from Chief Joe Dreaver.

Joe Dreaver, called:

By the Chairman:

Q. May I ask you where you live?—A. At the present time I am living on the Mistowasis reserve.

Q. What part of Saskatchewan is that?—A. West of Prince Albert fifty miles.

Q. Is that north and west?—A. In the province of Saskatchewan—probably about the central part of the province of Saskatchewan.

Q. The western central part?—A. Prince Albert is almost the central point, I think.

Q. What band are you connected with? To what reserve do you belong?—A. The Carlton agency, which I believe is one of the biggest agencies in the province of Saskatchewan.

Q. What reserve do you live on?—A. Mistowasis.

Hon. Mr. HORNER: How many reserves does the Carlton agency embrace?

The WITNESS: I believe Mr. Ostrander would know the answer better. I asked the Indian agent when I was leaving how many points or reserves there were where Indians were located.

The CHAIRMAN: We can get that from the department.

The WITNESS: I am referring to Mr. Jones, our Indian agent. I asked this particular question you asked me: How many reserves are there on this particular agency? Well, as far as I know there are thirteen large reserves and different bands are broken up into little groups that live on different points up north, and the Indian agent, I think, has the care of probably around twenty-four different reserves.

By The Chairman:

Q. What is your age, approximately?—A. Fifty-five.

Q. What is your business?—A. I would say farming at present.

Mr. BRYCE: He has been a soldier most of his time—a soldier in two wars.

By The Chairman:

Q. Yes. I notice from the buttons you are wearing that you were a member of the armed forces during World War I and during World War II. What military service did you have?—A. During the first great war I served in France and Belgium and I was in Germany for a couple of months after the armistice was signed.

Q. How many months were you in the services altogether?—A. I was in the army nearly four years.

Q. That is in the first war. How long were you in the second war? —A. Approximately four years.

Q. And did you serve overseas in the second war?—A. Not in this war. I tried to go over but there were many younger men who could do the work better than I could.

Mr. HARKNESS: You were in the Veterans Guard, were you not?

The WITNESS: Yes.

By Mr. Case:

Q. Are you the chief of your band?—A. Yes.

Q Are you elected to that offce?—A. Yes.

The CHAIRMAN: If there are no further preliminary questions will you proceed, please?

The WITNESS: Before I go on with the main part of my evidence I would like to read a message of greeting.

The CHAIRMAN: Thank you.

The WITNESS:

> Mr. Chairman and other Members of the Joint House Committee: On behalf of the Indians of the prairie provinces we bring greetings to our Honorary Chief, Chief "Wise councillor", the Right Hon. W. L. Mackenzie King. To our knowledge this is the first time the government of Canada has asked Indians to come and make representation in Ottawa. We wish to thank the government of Canada for this privilege.
>
> We wish to thank Chief Wise Councillor, whose wise counsel and leadership has helped to make it possible for the voice of the Indians to be heard at this time. We wish also to thank his minister, the Hon. Mr. Glen, for the part he played in bringing about this hearing.
>
> We, members of this delegation, would appreciate it if the joint House committee would convey these few words of greeting and thanks from the Indians of the prairies to their Honorary Chief.

The CHAIRMAN: Thank you very much. I am sure the Phime Minister will be vehy happy to have that greeting.

The WITNESS: First of all I wish to add my thanks to the members of the special joint committee for the privilege extended to the Indians of Saskatchewan to have their delegates appear before you to-day and also for the financial assistance extended to the Indian delegations, especially for the assistance given to this delegation of which I am a member—because, owing to the very poor economic condition of our Indians, the financial standing of our organization is not as good as it should be—so your kind assistance was sorely needed, and is greatly appreciated. I wish some of you gentlemen could have been at our recent meeting and heard the cheer of approval that went up when the Indians learned that the expenses of three delegates would be wired to them.

In presenting this brief we do so in the sincere hope that we will not hurt or antagonize anyone who is interested in the future advancement of our people. We present this brief with the sincere hope it will help all interested parties to formulate a plan or policy whereby the status of the Canadian Indian will be improved, and may the day soon come when the Indian will lift his head, knowing that he can meet his fellow countrymen as man to man, knowing that his rights will never be molested, knowing that he can enjoy not only some but all benefits of true democracy in this country—the land of his birth. We represent an organization that is non-political and non-sectarian. We will work in harmony and in cooperation with any body, party or organization that is interested in the welfare and advancement of the Indians of Canada.

But surely, in this modern age, and in this land where we believe the true democracy we helped to fight for still rules, we should not be expected, nor asked, to promise cooperation blindly. The Indians do not know the ultimate aim of the Department of Indian Affairs. Any plans or policies formulated by the department in order to achieve this aim are not revealed to the Indians. We recognize the need of secrecy in warfare, but the department has not declared war on the Indians and so we question the necessity of being kept in the dark.

If the policy of the department was to exterminate the Indian, or if they intended to make the living conditions on the reserves so unbearable that the Indians would in time be forced to disperse and abandon their heritage, then there would be good reason for secrecy.

Without the enlightened cooperation of the Indian himself, very little, if anything, can ever be accomplished in the way of helping him to rise from the position he is in now.

Our greatest need to-day is proper education. We are being forced by changing conditions to adopt the white man's way of living, but before we can adapt ourselves to your way of living we must have education. We believe that we are entitled to free education. We base this belief on the promises made to our forefathers when the treaties were signed. Then if we are right in assuming that free education is ours by right, we should not be placed in the undignified position of having to depend on charity or charitable institutions in order to obtain an education.

We believe that we have a right to free medical care. Therefore we beg to draw the attention of your committee to the need of proper medical care. The average Indian doctor has too much territory to look after. The impression I got from conversations with different doctors on the reserves was that they would like to do more for the Indians, but that they had to keep expenses down.

The housing conditions on our reserves are, to say the least, deplorable. There is a definite need for a housing program.

The scarcity of good water on some reserves is something that needs investigation.

Something should be done to improve the lot of the Indian veteran. The amount of grant granted to them is insufficient to establish them properly, due to the high cost of living today.

The expropriation of Indian lands on reserves should be discontinued.

The Indian agents who were overworked before the Veterans' Land Act was brought into force now have the added burden of administering the affairs of the Indian veterans.

I maintain that a lot of the misunderstanding that exists on the reserves could be cleared up if the administration was sufficiently staffed. I believe that some of the Indian veterans themselves could give very valuable assistance if taken on the staff.

Hoping that you will give these matters your full and sympathetic consideration. I thank you.

The CHAIRMAN: Chief John Gambler, have you anything you would like to say? Would you answer a few preliminary questions? The acoustics are bad in this room and it is difficult to hear.

Mr. CASE: He wants to make a statement on procedure.

The CHAIRMAN: Would you like to say something about procedure?

Chief GAMBLER: It was arranged that I should appear before the committee tomorrow and at this stage I am not ready with the material which might assist me in presenting my case.

The CHAIRMAN: I wonder if you would answer a few questions. What part of Saskatchewan are you living in?

Chief GAMBLER: Fort Qu'Appelle in Saskatchewan.

The CHAIRMAN: Where is that?

Chief GAMBLER: That is thirty-five miles northeast of Regina, between Melville and Regina.

The CHAIRMAN: Is that in the southern part of Saskatchewan?

Chief GAMBLER: Yes, pretty near the southern part of Saskatchewan.

The CHAIRMAN: What is your business?

Chief GAMBLER: I am engaged in mixed farming and everything else.

The CHAIRMAN: What is your reserve?

Chief GAMBLER: Muscowpetung, the Qu'Appelle agency.

The CHAIRMAN: Are there any preliminary questions?

Mr. CASE: Are you the chief of the band?

Chief GAMBLER: Yes.

Mr. CASE: And you are elected to office?

Chief GAMBLER: Yes.

Mr. CASTLEDEN: Are you related to the Gambler who helped to sign the treaties?

Chief GAMBLER: Not at all, Mr. Castleden.

The CHAIRMAN: Thank you very much, Chief Gambler, we will hear you tomorrow.

Now we have with us the Rev. Mr. Spence.

Rev. Mr. SPENCE: Mr. Chairman, I would like to make a statement before you ask me any preliminary questions. I also wish to make my presentation tomorrow, but I am the youngest member of this delegation and was put on the list just two days before we received your wire—the day we received your wire, as a matter of fact, I was elected as a delegate. Previous to that time I was under the impression, as many of us evidently are, that this organization was a C.C.F. organization, and I wanted to make sure for myself before I became affiliated with it. Now, I am sure it is not a C.C.F. organization; therefore, I am one of its delegates. I wish to present my case tomorrow, if that is possible.

The CHAIRMAN: The only difficulty we have, Mr. Spence, is that tomorrow is Friday and many of the members will not be here. It is a busy day for

members. They have other duties which they must perform and they cannot attend the sessions of this committee, so that if you could accommodate us by giving us whatever is available today and then probably tomorrow you will be in a position to give answers to questions. I do not want to inconvenience you. I think the delegates generally have found they had a lot of notice before this hearing.

Mr. FARQUHAR: I think it is grossly unfair to Mr. Spence if he were asked to go on now. We gave them two days and I suppose they have arranged for two members of their delegation to be heard today and the other two tomorrow. I do not know that there should be many away tomorrow. If he is not ready I do not think we should insist on his presenting his submission now.

Mr. CASE: My thought, Mr. Chairman, is that we could go ahead and examine the two witnesses who have been heard today.

Mr. HOEY: My suggestion to the committee, Mr. Chairman, is that this witness (Mr. Spence) has had something to do with the operation of Indian residential schools. That is a matter in which the committee is particularly interested and I would suggest that in Rev. Mr. Spence we have an Indian who has had experience in the operation of the Indian day schools, one who can give us valuable information by question and answer, apart altogether from his submission. Far be it from me to even appear to dictate to the committee with respect to procedure, but I think that we can spend the next hour very profitably in questioning not only these two who have made their submissions, but Mr. Spence as well, keeping in mind particularly the fact that Mr. Spence is an experienced educationist in the Indian field.

The CHAIRMAN: Would that be agreeable to the committee; or, if you would like to make a short submission and then you can present your brief tomorrow.

Rev. Ahab Spence, called:

The WITNESS: I would just like to say this, Mr. Chairman and honourable gentlemen—

By the Chairman:

Q. If I might interrupt you, I suppose we should ask you a few preliminary questions just so that we get well acquainted in here. You are a resident of what town or village or community?—A. I am at present a resident and a missionary teacher at Little Pine Indian school, at Paynton, Saskatchewan.

Q. What part of Saskatchewan is that in?—A. That is in the Battleford agency.

Q. And that is in the northern part of Saskatchewan; and you are a clergyman, are you?—A. I am a clergyman of the Anglican church; of the Church of England in Canada.

Q. Yes; and would you mind telling us what your age is.—A. I am thirty-four.

Q. Where did you go to school?—A. I have been to several schools in my day. I started—

Q. You don't think you have ended your day yet?—A. I started school at Mackay boarding school at The Pas; and at the present time I am a member of that band in good standing; and from there I was transferred—incidentally may I say that I did not come here to talk about myself.

Q. We are asking you that as a foundation.—A. At the age of sixteen I had the privilege of going to a white school at Mortlach, Sask. The clergyman who took me there was the Rev. H. C. M. Grant.

Mr. HARKNESS: You are a considerably younger man than I am.

The WITNESS: Perhaps I am. I entered the public school there, the high school; incidentally, I was the only Indian at that school and was the pet of everybody.

By the Chairman:

Q. And after you got out of high school?—A. After I got out of high school at Mortlach I went to the Elkhorn residential school, I boarded there and went to high school in the town of Elkhorn, the Elkhorn high school. From there I went to Prince Albert, to St. George's college in Prince Albert; from there I went to Saskatoon, to Emmanuel college for four years and graduated in 1937.

Q. Did you have your Arts degree?—A. No, I have not sir. I am trying to get it.

Q. Are you working on that now?—A. Yes, sir. I have a degree in theology, L.Th.

The CHAIRMAN: Are there any questions members of the committee would like to ask as a preliminary?

Hon. Mr. DUPUIS: Are you an ordained priest?

The WITNESS: I am an Anglican clergyman, ordained in 1937, and still in good standing and paid by the church to take services.

The CHAIRMAN: Now, what would you care to say, if anything, before we ask you some questions?

Mr. HARKNESS: Might I ask one question before he proceeds, Mr. Chairman?

The CHAIRMAN: Certainly, Mr. Harkness.

Mr. HARKNESS: Have you had any teacher training in addition to your theological training? I understand you are now teaching.

The WITNESS: No, I did not.

By Hon. Mr. Dupuis:

Q. You are teaching, in what kind of a school?—A. I am teaching in a Grade I school at Little Pine. This is my fourth year at Little Pine.

Q. Are there many other teachers?—A. I am the only teacher. There are twenty-eight pupils.

Q. Are they all Indians?—A. There is one non-treaty Indian.

The CHAIRMAN: Would you like to say something now?

The WITNESS: Well, Mr. Chairman, I don't quite know how to start I have made notes on the train and they are all over the page, but I hope the opportunity will be presented to me to make any corrections later on tomorrow. If I make any mistakes today I hope an opportunity will be presented to me to correct them.

Mr. CHARLTON: I suggest it would be better to let him wait until tomorrow.

The CHAIRMAN: What I had in mind was that he might present his brief tomorrow but that in the meantime he might have something to say. Would you care to answer some questions now, Mr. Spence? Some members of the committee might be prepared to ask you questions now along the lines suggested by Mr. Hoey.

By Mr. Harkness:

Q. Have you any experience with residential schools or day schools?—A. Not as a teacher, no.

Q. As a pupil?—A. As a pupil, I have.

Q. What school was that?—A. The McKay Boarding school at The Pas.

Hon. Mr. DUPUIS: Have you any suggestion to make on the improvement of the system of education?

The WITNESS: I will bring that up tomorrow on the question of Indian education as a whole.

By Mr. Case:

Q. Are you familiar with this brief—A. I have read it over and digested it. As I said, I would not have joined the delegation had I thought it had been prepared by the C.C.F.

Q. That is a personal matter, never mind. I see that you have devoted considerable space to the subject that religious education should not be the principal object of school. Would you like to speak to that for a moment? —A. Where is that?

Q. Article 15. Religious instruction should not be the principal object.—A. Oh, yes, if I may I will read the whole section:

15. *Religious instruction should not be the principal object.*

> Educational should be upon a high and impartial basis, with academic learning as its principal object rather than religious instruction. This organization is of opinion that religious instruction for Indians should be upon a basis as voluntary as it is at present for other groups, in order that the Indians may be permitted to choose according to their conscience, the religion which they desire to embrace. Though parochial schools have contributed much to the education of Indians, the time has now come when it is necessary to separate education from religion, in order that the fullest time and energy may be devoted to the former, and in order that the principle of freedom or religion and the conscience, may become meaningful for the Indian. Abolition of parochial schools is therefore recommended, and public schools interdenominational in character would replace the existing institutions.

Now, in connection with that I would like to make a statement. I am not here representing the church. I am here to speak as a treaty Indian, and I am going to speak accordingly. Furthermore, I am not here to embrass any political party or any member of the Indian party. I am here to tell my story and I am going to tell my story in the way that I, as an Indian, see things. In this brief Mr. Tootoosis is talking about, he refers to religious organizations and he calls attention to the same section as the one I have read. Indians do not want religion in their schools. This is a matter which was headlined recently in the *Star-Phoenix* a Saskatoon paper, and one of the articles in that paper featured this particular point of religion in the schools. I think I should explain, with respect to the member of this organization, that they do not object to Christian teaching being carried on in their schools. You know, you go through the different reports and sometimes the statistics, sometimes the facts, are not as reliable as they should be. For instance, you look at these statistics with respect to the different denominations in the province of Saskatchewan and in that province it says that 8.8%—correct me if I am wrong, because I am just quoting this from memory—are of aboriginal faith; in other words they are not Christians, they are heathen. As far as the Little Pine Indian school is concerned, I spend approximately one hour of each week on religious study; and in that school I have Roman Catholic children and Protestant children and also members who do not belong to any white man's religion. I give that instruction. After all, I think you must agree that Christianity is what they should be taught; at least, that is my firm belief.

So, for that reason, we are now trying to do away with the teaching of religion in our schools. Certain denominational schools may perhaps devote more school time—I am subject to correction at any time, Mr. Chairman—I am quoting this, as I say, I am not quite prepared—but I have argued this out with these gentlemen as they will tell you, and they gave me authorization

to have Christianity taught, that that is quite all right; but religious teaching can be overdone, and consequently other parts of the curriculum which is supposed to be followed are proportionately neglected. Ever since I have been at Little Pine I have tried to follow the curriculum laid down; otherwise, it would leave that much less time for the other subjects.

By Mr. Harkness:

Q. Before you leave that particular point, we had evidence here from other Indian representatives that there were a considerable number of Indians who held to a large extent to their aboriginal beliefs and that what Christian religion they professed was largely for the purpose of obtaining the benefits of denominational schools for their children; and that the Indians who adhere to a large extent to their aboriginal beliefs have no school of their own, and that as a result there is not freedom of religion. Is there anything you have to say in connection with that; is that correct, or do you disagree with it?—A. I would not say yes or no, but I will make this statement; there is so much in the Indian religion that is essentially Christian that you cannot expect people to renounce everything they have been taught from childhood. You know how it is, anything that we are taught by our parents as we are raised is apt to stay with us. Whether fortunately or unfortunately, my father and mother were Christian Indians and I was raised just about as strictly as children in the Presbyterian church and you know what that means.

Mr. CASE: In this brief there is a section relating to the same subject matter; section 30, on social welfare and religious freedom. I think if you were to read that section into the record you would have your reference to religion complete.

The WITNESS: Section 30, oh yes, that deals with social welfare and religious freedom:

D—SOCIAL WELFARE

30. *Social Welfare and religious freedom*

This organization is familiar with, and appreciates the contribution which religious organizations of various denominations have made to the welfare of the Indian people. It must, however, censure the practice of such organizations who make the granting of benefits contingent upon the acceptance of one or another of the white man's faiths. In order that complete religious liberty may be enjoyed by the Indian, and that he may have freedom in the choice of the religion which can best satisfy his conscience, it is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis, and that the Indian be afforded the same freedom of choice in the matter of religion, as white men in Canada.

Mr. REID: Do you mean to say that you must confess some certain faith before you get any benefits; that benefits are contingent upon the acceptance of one or the other of the white men's faiths? I just wonder what you mean by that.

Mr. LICKERS: That may mean this—

Mr. REID: Are there any cases where the Indians have been denied benefits?

Mr. LICKERS: That may mean this. I am only going by my own experience on the reserve, that any church, say a Baptist church, may be assisted by another Baptist church in the city of Brantford. It might take under its wing one of the Baptist churches on the reserve. At Christmas time they send down boxes of clothing and other enjoyments for the children. That is usually done by the members of the Sunday school of that particular church.

Mr. REID: May I ask the witnesses from Saskatchewan? They must have had something in mind when they put that there. They must have had more in mind than an isolated case of a little clothing. This reads:

> It must, however, censure the practice of such organizations who make the granting of benefits contingent upon the acceptance of one or another of the white man's faiths.

Is that the practice in Saskatchewan, that the Indian is denied benefits if he does not join this faith or that faith? Is that what that means? I am asking for information. That is a terrible state of affairs if it is so. I think this committee is entitled to know if that is the case. We are here to get information, and I am asking the witnesses. That is an astounding statement.

Mr. CASE: The second sentence reads:

> It must, however, censure the practice of such organizations who make the granting of benefits contingent upon the acceptance of one or another of the white man's faiths.

Can you give us an example where that has been a condition of the granting of a consideration or favour?

Mr. MATTHEWS: First of all may I ask what is meant by the granting of benefits? The granting of benefits by whom?

Mr. CASE: These organizations.

Hon Mr. DUPUIS: I do not think it is fair to ask the witness that because he is not responsible for that brief.

The CHAIRMAN: All we are asking is what he knows or any other members of the delegation know.

Mr. REID: I am asking someone who is responsible. This brief is placed before us. This question was raised a few minutes ago. He read it out from this brief, and I am asking who is responsible for that statement?

The CHAIRMAN: What page is that on?

Mr. REID: Section 30.

The CHAIRMAN: "It is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis, and that the Indian be afforded the same freedom of choice in the matter of religion, as white men in Canada."

Mr. CASE: That is a part of it. The sentence under debate is the second sentence.

The CHAIRMAN: "It must, however, censure the practice of such organizations"—to what organizations does that refer?

Mr. CASE: The organizations referred to in the first sentence.

Mr. REID: The way I look at it—and shall I say I am speaking as a Presbyterian—there can be no Christian charity in that if any religious organization denies benefits to a man when he and his family need them. No wonder the Indians look askance at us and wonder what we are trying to bring them to. I should like clarification of it. I think that if that kind of thing is going on this committee should know it.

Mr. GAMBLER: I will make an attempt to answer that. You will have noticed in the minutes of the meeting that were submitted to the committee there were several men there to draft the brief. If we fail to answer any questions to your satisfaction we can only say that we regret the other men are not here. There were several men who were there to draft the brief.

Mr. REID: Could we have the explanation later? That is a fair enough answer. I am not demanding it right now but could we have an axplanation?

The CHAIRMAN: What we are trying to get is information, and if you can help us with any information on that point, it would be appreciated.

The WITNESS: This might help to answer that particular section. As you know there are residential schools sponsored by different religious faiths. For example, there is the Presbyterian church, Anglican church, Roman Catholic church. I am speaking from my own experience because anything I say I can back up. I hope the people back home do not think that their pastor went to Ottawa to talk about himself. After I went through public school and went through entrance it was the Anglican church that took an interest in me and, of course, being an Anglican I was put in the Anglican institution. Does that answer your question? For example, if there was a Presbyterian boy who was going to make good, or whom the Presbyterian church hoped would make good, naturally the Presbyterian church would take an interest in that man, would they not?

Mr. CASE: I think you are citing an example where it would be reasonable for them to take that position. I want to know if anyone is denied hospitalization.

The WITNESS: I do not know anything about that.

Mr. REID: If I may pursue it further if you read the balance of that paragraph you will see that it goes a little deeper because it says:

> In order that complete religious liberty may be enjoyed by the Indian, and that he may have freedom in the choice of the religion which can best satisfy his conscience, it is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis.

There you have social work, educational work, relief, etc., following the statement made that they have been denied by certain church organizations. I may be wrong but that is the way I read that part, and I would ask that tomorrow we be given a fuller statement.

Mr. CASTLEDEN: Reading the last sentence it says:

> It is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis.

For instance, if there is a denominational residential school in that section that is the school to which the Indian goes. If he does not go to that school he does not receive that education.

Mr. CHARLTON: Has an Anglican child, for instance, on a reserve been refused permission to go to a Presbyterian school or has a Roman Catholic child been refused permission to go to an Anglican school? Is that what they are trying to say?

Mr. DREAVER: I can remember one case in particular which happened to my brother who was a veteran of the first great war. On his reserve we have a Presbyterian mission. At the time that he sent his children to school there was no Presbyterian school close to our reserve so he sent his children to the Anglican school at Onion Lake, Sask. Later on he decided he would have them moved to the United Church school at File Hills. He got in touch with the agent, the inspector and everybody concerned, the principals of both schools, and could not do anything to have them transferred to a school that would be better for his children. I do not remember the year, but Duncan Scott, who was an official of the Department of Indian Affairs, was passing through our reserve. My brother had an opportunity to speak to him and he brought this particular subject up. Duncan Scott wrote out a note to him and gave him authority to move his children from Onion Lake Indian school to the

File Hills residential school. They were there probably about three months. Then he got word that his children had to be taken right back to the Anglican school because they had been confirmed in the meantime in that particular faith.

There is another matter I should like to draw to your attention while I am on my feet. That is the fact, as Mr. Spence pointed out, that there are many Indians who do not profess to belong to any of the white man's religions. They have their pagan beliefs. Whenever any of these people want to place their children in an Indian school the first thing they are asked is, "What denomination?". I should like to ask this question. Is there a school anywhere in Canada where Indian children of pagan religion can be taken in?

The CHAIRMAN: I do not think there is. The reason for that is that apparently the residential schools are maintained by religious denominations who obtain contributions from members of that particular denomination for the building and the upkeep of the school.

Mr. FARQUAR: I think the Act clears up that question and puts it very clearly. It says:

> 10 (2) Such school shall be the nearest available school of the kind required, and no Protestant child shall be assigned to a Roman Catholic school or a school conducted under Roman Catholic auspices, and no Roman Catholic child shall be assigned to a Protestant school or a school conducted under Protestant auspices.

Hon. Mr. DUPUIS: That does not take in pagans. It does not take in those who profess the Indian religion.

Mr. HARKNESS: As Teddy Yellowfly said when he was here the Indian had to profess some form of Christian religion in order to get his children educated, and that was one of the things to which he was objecting. He maintained that destroyed the Indian's freedom of religion because he had to adopt the Roman Catholic church, Anglican church, Presbyterian church or United church in order to get his children educated.

Mr. REID: I do read that very thing in the Act as Mr. Farquhar points out, but all it mentions are two religions, Protestant and Roman Catholic. We have had a case drawn to our attention now where amongst the Protestant churches there was objection raised because the children went from one denomination to the other. I think this committee would be well advised to look further into the matter. If the Indians are being denied the right to relief, education and being looked after unless they join a certain church I say it is not right.

Mr. DREAVER: I should like to say a few more words. When these Indians who do not belong to your religions want to put their children in a school as I said the first question they are asked is, "What denomination?". Therefore, we have people on the reserves today who are marked down as belonging to different faiths, white man's faiths, and yet when the Indians hold their tribal ceremonial dances those same Indians are taking part in the ceremonial dances.

Hon. Mr. HORNER: You want to receive a non-sectarian education and also choose your own religion. That is your idea?

Mr. DREAVER: That is my idea. One of our Indians at the meeting held in Saskatoon pointed out although he belonged to the Roman Catholic faith he had friends and relatives on many different reserves in that territory whose children were being taught in schools run by different denominations. He said that when those children come out of school they do not mix well. He said, "Why should that be? Why can we not have a school where our children would be brought up together so that there would not be any feeling between the various churches on the reserve?" and so on.

Hon. Mr. DUPUIS: Do you belong to any Christian religion yourself?

Mr. DREAVER: I do not know what standing I have in the church, but I am supposed to be a Presbyterian.

Hon. Mr. DUPUIS: May I ask a question to clarify the situation a little bit. May I know from someone the number of Christians and the number of pagans in our Indian bands?

The CHAIRMAN: Taking Saskatchewan, which we have here, there are 4,800 odd Anglicans. There are about 1,500 United church, about 163 Presbyterians, about 7,000 Roman Catholics, about 42 other Christians, and about 716 aboriginals in Saskatchewan. That is according to the 1941 census.

Hon. Mr. MCKEEN: I should like to ask a question. They say this should all be done on a non-secular basis. Do they mean by that that the church organizations should not be allowed to do any social service work on these reserves or amongst the Indians?

Mr. DREAVER: No, sir, we think that they should continue that wherever the Indians want it. They have a right to freedom of religion like anybody else.

Hon. Mr. MCKEEN: You do not say you do not want them to do it?

Mr. DREAVER: We are not saying that.

Hon. Mr. DUPUIS: As I understand you you do not want it in the schools.

Mr. DREAVER: Not in the classroom.

Hon. Mr. MCKEEN: I think the phrase "ameliorative work" includes more than schools.

Hon. Mr. DUPUIS: You have no objection to missionaries of any Christian denomination going to your bands and teaching the Christian religion to you or your children?

Mr. DREAVER: No objection whatever.

Mr. CASE: You want it more like the public school system?

Mr. DREAVER: We maintain what is good for the white man in the line of education should be good for the Indian.

Mr. CASE: I presume these gentlemen know that in our school system we recognize Christian religion whether it is Roman Catholic or Protestant. We do not teach paganism. I mention that because he said, "What is good for the white man is good for the Indian."

Hon. Mr. DUPUIS: I suppose he means freedom of religion.

Mr. BRYCE: Worship God any way you like.

Mr. CASE: May I go on now to—

Mr. TOOTOOSIS: May I say a few words? In my travels amongst bands in my part of Saskatchewan . . .

Hon. Mr. DUPUIS: What is your name?

Mr. TOOTOOSIS: John Tootoosis.

Hon. Mr. DUPUIS: You are in Saskatchewan?

Mr. TOOTOOSIS: President of the Union.

Mr. CASTLEDEN: What is your faith?

Mr. TOOTOOSIS: I am a Roman Catholic. In my experience trying to organize the people in every band I go to I insist on having a meeting with them, and in each band where there are two denominations and one school they have an awful time to get together. There is a difference there because they are brought up in different schools. It seems like the preachers and the Catholic priests are pulling me this way and that way. They make us fight. That is the chief difficulty in getting co-operation amongst the Indians. With proper co-operation you will get better living conditions because they will co-operate in every scheme they want to take up. If there are three religions in one reserve there are three divisions.

Mr. CASTLEDEN: You think then if their education was made non-denominational that it would tend to create greater unity amongst the Indians?

Mr. TOOTOOSIS: Yes, because the children will be brought up together. I was brought up in a boarding school. Every time I meet my school mates they are just like my brothers even right today.

Hon. Mr. HORNER: I agree with you. It would make for greater unity with the rest of us, too.

Hon. Mr. DUPUIS: Was the school where you went a Catholic school?

Mr. TOOTOOSIS: Yes.

Hon. Mr. DUPUIS: Do I understand you object to the Christian religion being taught in the schools?

Mr. TOOTOOSIS: No. I have no objection to them coming on the reserve and teaching their religion, but it is in the school.

Hon. Mr. DUPUIS: In the school you have an objection?

Mr. TOOTOOSIS: Yes.

Mr. CASE: May I turn now to section 14. It reads:

> This commission should investigate the adequacy of school accommodation for Indian children. The Indians of this organization assert that about 1,000 Indian children in this province are without schooling at present.

Is that a statement of fact?

The CHAIRMAN: From where are you reading?

Mr. CASE: Section 14.

The WITNESS: Shall I start with section 13?

Mr. CASE: All right.

The CHAIRMAN: Would you like to read that into the record?

The WITNESS: Yes.

13. *Commission to study the needs of Indian education*

> A commission should be set up immediately to study the needs of the Indian Educational system. This commission should include as members: people experienced in Indian education and familiar with conditions upon the reserves; people trained in modern methods of psychology, educational theory and practices, and finally people who can adapt these newer types of instruction and techniques to the special abilities and needs of Indian students. Furthermore, the members of this commission should possess the confidence of the Indians and have a complete understanding of their attitudes and psychology.

This commission should investigate the adequacy of school accommodation for Indian children.

> The Indians of this organization assert that about one thousand Indian children in this province are without schooling at present. This is due partly to the aversion of Indian parents to send their children long distances from home but chiefly to the fact that there is insufficient school accommodation. Most schools are overcrowded and operating above capacity. If treaty promises are to be respected, it is imperative that additions be made to many of the existing schools without delay.
>
> This commission should be empowered to visit any or all reserves, recommend changes in curricula so that a curriculum in line with modern standards and adaptable to the needs of all sections of the country may be established.

The elementary curriculum should be on as high a standard as those in non-Indian public schools, but should be modified to include Indian lore, customs, handicraft, vocational training and cultural activities. The language, tradition and culture of the Indian must not be denied free expression, but rather must be developed to the fullest extent so that Canada's first people might be able to contribute to the culture of the nation on a much larger scale than has been possible in the past.

The elementary curriculum should be on as high a standard as those in non-Indian public schools, but should be modified to include Indian lore, customs, handicraft, vocational training and cultural activities. The language, tradition and culture of the Indian must not be denied free expression, but rather must be developed to the fullest extent so that Canada's first people might be able to contribute to the culture of the nation on a much larger scale than has been possible in the past.

As far as the question you asked about the number of children without schooling I can only speak for Little Pine reserve. Little Pine is well looked after. The school there is accommodating all the children who are of school age. Incidentally while I am on my feet I should like to correct a statement that Mr. Max Campbell, M.P., made when he was a witness before this committee. I think he made the statement there was a day school at Little Pine, Poundmaker, Moosomin and Red Pheasant reserves. There is no day school at Poundmaker reserve and there is no day school at Moosomin reserve. I think that is correct.

By Mr. Case:

Q. Do you believe there are 1,000 children of school age who are at the present time not receiving any schooling?—A. I think that is quite right. When you consider all of the children up in the north country I think that statement is correct because after all just because they are in northern Saskatchewan does not say they should not be included in some school district.

Mr. HOEY: Our records, according to the superintendent of welfare and training, show that there are 909 children without educational facilities.

Mr. MATTHEWS: I was going to suggest it would be in order for you to make an observation along that line.

Mr. HOEY: Thank you.

Mr. CASE: That brings me to a very important point I did not know about before. Under section 34 in the third paragraph you say:

> Family allowance benefits have been extended to the Indians only partially. For nine years of his life the Indian child receives no benefits because he is presumably in the residential school, and so on.

The CHAIRMAN: What page?

Mr. CASE: Section 34. He says that all children are presumably in the residential school.

The WITNESS:

> Family allowance benefits have been extended to the Indians only partially. For nine years of his life the Indian child receives no benefits because he is presumably in the residential school. However, on many reserves some children cannot go to school because of inadequate school accommodation and in practice these children are still ineligible. The family allowance benefits must be administered more efficiently and consideration must be given to such local factors if unfair discrimination is to be removed.

The only thing that I know about family allowances in my experience as an Indian school teacher...

By The Chairman:

Q. Are you married, by the way?—A. Yes.
Q. Have you a family?—A. I have two children.
Q. Do you get the family allowance?—A. Yes, sir.

Mr. CASE: You say up to nine years of age they do not get the allowance.

The WITNESS: I was going to say, Mr. Chairman, to continue with family allowances; as far as the Indian department is concerned I am required by the Indian department to send a report every month whether a child has been ill for 20 days, or whatever it was that particular month. And if he is absent I put down the number of days of absence for the month, and I have to do that every month. The only suggestion I would like to make regarding family allowances, it is a point of privilege with me, but I think it would not be out of order to ask a question. Mr. Jones is administrator of family allowances and I wish to ask this question, if I may. May I ask a question of the Indian department officials here?

The CHAIRMAN: Sure, go ahead.

The WITNESS: Do you ever give any consideration to the fact that some of these Indians on the reserve find it very hard to keep their children in school—I am referring to them as people because after all they are people—some of these chaps who have children at school have to go out and work on the farms, and there are times when they are not economically secure enough to make arrangements for their children to stay in town at an Indian house. At the present time the regulations state that the Indian child cannot absent himself from the day school more than five days a teaching month. I would like to ask a question and I would like the Indian department to give it consideration. I have asked it of my agent, Mr. Bell, and he forwarded it to the Indian department; and he tells me that if they want to go and work they have to see that their children can go to school just the same; but in nine cases out of ten when a man goes to work, sometimes he will be out threshing for a couple of months in the fall—he has not got the financial means to make arrangements for his child or children to board at an Indian house and he takes the children along, tent and all.

The CHAIRMAN: What is the question you wanted to ask, Mr. Spence?

The WITNESS: I was wondering this, if it is still against the rules and regulations of the Indian department that that child should, if he does not attend school, lose the family allowance as well.

The CHAIRMAN: What you want to know is, do the rules and regulations provide for the family of that child receiving family allowance under such circumstances; is that right?

The WITNESS: Yes.

The CHAIRMAN: Mr. Hoey, could you tell us about that?

Mr. HOEY: We have had a very few complaints about the administration of family allowances. I think I should say to the committee that we have a particularly good official in charge of family allowances. He is in deep sympathy with the Indians and their aspirations. Now, Mr. Spence, if you studied the Indian Act—I would like for you to turn to section 10, paragraph (5); and you will read:

> 5. No parent or other person shall be liable to such penalties if such child

(*a*) is unable to attend school by reason of sickness or other unavoidable cause;

(*b*) has passed the entrance examination for high schools; or

(*c*) has been excused in writing by the Indian agent or teacher—

You have the right yourself.

"—for temporary absence to assist in husbandry or urgent and necessary household duties.

You, yourself, are not living up to section 5 if it would impose a hardship particularly on an Indian whose economic conditions compel him to put his child to work now the family allowances are always paid when no educational facilities are available without exception. Then parliament has—I think I can say this to the committee seeing that nobody is here but ourselves—because parliament itself has passed a bill; parliament, these men here, said to us that you cannot pay the allowance to a child domiciled in an institution; so that when the child enters an institution the officials carrying out the will of parliament are compelled to suspend the payment of the allowance until he returns from holidays when payment is again resumed.

Mr. REID: Is it not true that the family allowance itself is given to the parents to help have the child educated? If he goes to an institution that is quite a different thing because there the parent is freed from responsibility for the care of the child and also the state is contributing to the upkeep of the child in the school. That applies to white children as well as to Indians.

Mr. HOEY: Yes.

The WITNESS: I would like to follow up that question, if I may. Mr. Hoey, you say that I should give permission in writing?

Mr. HOEY: I did not say that, the Act says that.

The WITNESS: Well, the Act says that; and if it is quite in order for me then to give permission in writing if I am satisfied that these children should be away from school, if I am satisfied that the Indian needs to work?

Mr. HOEY: The Act says so. In actual practice, Mr. Spence, if I were in your position, and to avoid being imposed upon, it is a matter that should be discussed either with the farming instructor or with the Indian agent, both of whom may be more familiar with the economic condition of their particular families than you are.

The WITNESS: I have done that, and the answer given me was no.

Mr. HOEY: You show them the Act.

Mr. LICKERS: What you are wanting then is this; I suggest that you follow that up and see what you are asked for, that is as to qualifiying for family allowance, does that not come within the scope of subsection (5) of section 10 of the Indian Act so far as Indians are concerned.

The WITNESS: I haven't got the Act here.

Mr. LICKERS: And it says:

No parent or other person shall be liable to such penalties if such child

(*a*) is unable to attend school by reason of sickness or other unavoidable cause;

(*b*) has passed the entrance examination for high schools—

And so on and so forth; you want that to apply to children eligible for family allowances?

The WITNESS: "Other unavoidable cause"; in this case it is unavoidable for the man to go out threshing for a couple of months, and I want to make arrangements for these children to continue receiving the family allowance under those conditions.

Mr. LICKERS: That is what I am saying. What you want then is this provision in the Family Allowance Act.

The WITNESS: Yes.

The CHAIRMAN: Could you shed any light on that, Mr. Ostrander?

Mr. OSTRANDER: I think perhaps there has been some misunderstanding. I did not know that this would be coming before the committee. I did not know that such cases had arisen on the Little Current reserve or it would have been cleared up before this. I have heard of no difficulties there. As Mr. Hoey has pointed out, the rules are very clear. Certainly where any Indian finds it necessary to go further than two and a half or three and a half miles from school to earn his living, naturally his children are not compelled to be in school and that does not deprive them of the famiy allowance.

Mr. CASTLEDEN: Did you say that you tried to grant permission to some students to be absent from school, in writing?

The WITNESS: No, I did not. I asked verbally of Mr. Bell.

The CHAIRMAN: Who is Mr. Bell?

The WITNESS: He is the Indian agent at the Battleford agency and he often drops around to my school. I never know when he is coming. That is what he said. I have asked him verbally if he would say when the children were not in school because the parents were away working—could the Indian take his children with him without losing his family allowance. He says they will have to make some arrangement for the children to go to school and board.

Hon. Mr. DUPUIS: Do I understand that the teacher has the right to grant exemption so that he can be allowed to have the family allowance?

The CHAIRMAN: No.

Mr. HOEY: There might be a misunderstanding there. When this law was passed there was no family allowance. This applies to husbandry or working on the farm. I do not know the Family Allowance Act. I would have to study it. I do not know that it would permit us to do what we are doing here in the case of children working. Have you any cases like that, Mr. Ostrander?

Mr. OSTRANDER: Only this, sir, and Mr. Chairman; that the agent in the final analysis is the one who recommends payment of family allowances and he has the right to continue allowances in cases where hardship would result. If it is an economic necessity for the family to move away from where school facilities are available to a point where none are available the Indian can continue to receive family allowances.

Mr. JONES: May I say something, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. JONES: I have seen that identical paragraph twice, Mr. Chairman; once in the brief submitted by the Alberta Indian Association and again in this submission. I have read it over several times and it puzzles me. I do not know the meaning of it. We have made it clear from the very start that where school facilities are not available the family allowance is paid. For that reason I am at a loss to understand that particular paragraph in the brief.

The CHAIRMAN: But where facilities are available and the family does not have to be away because of economic reasons and the child is absent from school the family allowance is cut off.

Mr. JONES: The inference there is, sir, as I read it—I may be wrong—that where children are going to a residential school and because the school is over-

crowded they are in theory cut out of the allowance; but if there is not sufficient accommodation at the residential schools to take in all the pupils the pupils who cannot get in are not deprived of the family allowance.

Mr. CHARLTON: It refers to accommodation, it does not state the type of school; it says "school accommodation"; it says if there is inadequate school accommodation—it does not matter whether it is a day school or a residential school.

Mr. JONES: Except in the province of Alberta where they are all residential schools, with the exception of one small day school. That is what appeared in the Alberta brief, and it is not in keeping with our instructions in that regard.

Mr. CASE: It is hardly fair then to say that the teachers may grant the privilege of being absent to assist in husbandry and for other reasons as well and continue to draw family allowances?

Mr. JONES: That would rest with the agent, but if the teacher in making his monthly report, to which Rev. Mr. Spence referred, recommends extenuating circumstances, it is up to the agent to investigate, and it is his privilege under the Family Allowance Act to continue family allowances for that family where they have to move away for economic reasons, in cases of economic necessity.

The CHAIRMAN: What was your question again, Mr. Case?

Mr. CASE: It is also his privilege to refuse them that benefit?

Hon. Mr. DUPUIS: How could he do that?

Mr. CASE: The Colonel says it is; he can also say, I won't allow it.

Mr. JONES: If there is any question, Mr. Chairman, the agent considers the recommendation.

Mr. HARKNESS: In other words, the agent can override the teacher.

Mr. JONES: That was the point because the agent is in charge of the reserve.

Hon. Mr. DUPUIS: Can the teacher appeal from the decision of the agent to the Indian Affairs branch here?

Mr. JONES: Certainly.

Mr. CASE: In the case of the Rev. Mr. Spence he claims that is was hard for the children because the father could not leave the children alone while he was going away to work on the farm. After he appealed to the Indian Affairs branch what was his situation if the agent refused?

Mr. JONES: In any case I would refer the matter to Mr. Ostrander as inspector and ask his opinion on it.

Hon. Mr. DUPUIS: Anyway, there is an appeal for the teacher to the Indian Affairs branch.

The CHAIRMAN: Now, Rev. Mr. Spence, do you know of any child of nine years of age who does not enjoy school facilities and who is not getting the family allowance?

The WITNESS: At the present, I do not.

The CHAIRMAN: Do any of the others know of any such cases? Do any of you other gentlemen know of such cases?

Chief John GAMBLER: I have my own child who is twelve years old and she is not attending school and does not enjoy any family allowance.

The CHAIRMAN: Is there any school near there?

Chief GAMBLER: Yes, there is one school of my faith which is the only one I can put her in. She is a girl.

(Discussion continued off the record.)

The CHAIRMAN: Shall we call it six o'clock, gentlemen?

Hon. Mr. DUPUIS: Before we adjourn I would like to refer to the previous question and ask Chief Tootoosis or Chief Gambler who was in charge of the school to which he referred?

Chief Tootoosis: That would be Father Bouchard.

Mr. Dupuis: Did you speak to Father Bouchard about this matter of getting your girl into the school?

Chief Tootoosis: I did not wish to invite an argument.

Hon. Mr. Dupuis: You do not agree with it?

Chief Tootoosis: No, I do not. I am in favour of boys and girls being in the day school for this reason, if you will pardon me, because the Indian department spend considerable money in trying to put the Indians on their feet and on trying to bring them up. Here is the point. The Indian child in the boarding school is brought up, he is put in a room there and he does not have any contact with the outside world. When he is through the door is opened and he walks out into the outside world about which he knows nothing. It is different at the public schools. I have my boys in the public school and I find that they are much more obedient and show a greater respect to their parents; in other words the discipline is better in the day schools. When the children come back from the residential schools I have an awful time with them compared to those I keep at home. The children whom I have not kept at home, who are at these residential schools, have no respect or regard for their parents at all. I know that for a fact. There are many, many parents who will bear me out in that statement.

Mr. Castleden: Do you think that that is general in Saskatchewan?

Chief Tootoosis: Yes, not only in Saskatchewan, but all over.

Mr. Lickers: It is not only Saskatchewan, it applies to other provinces as well.

Chief Tootoosis: The day schools are more desirable because they bring up the children better I believe where you have day schools your children get better discipline and they are better able to carry on afterwards. The boarding schools is really a handicap, you are making farmers out of them. It is just a waste of money to have them brought up that way.

Hon. Mr. Dupuis: Then a lot of white people are backward because a good many white people send their children to boarding schools.

Chief Tootoosis: I am referring to Indian people.

Mr. Charlton: I take it from what you say then that your opinion is that the discipline in residential schools is not good?

Chief Tootoosis: No. It may be all right while they are in school, but after they come out they don't have that.

By Mr. Castleden:

Q. On page 15 of your brief you say, "no child can develop as he should without the care and affection of family life." Do you believe that applies particularly to the Indian child?—A. Yes.

Q. Are you of the opinion that special educational facilities should be given to the Indian child due to the fact that he is an Indian, different home environment and he has to make his living in a society with which he is not familiar? Do you think for that reason there should be more training given to the Indian child than to the white child?—A. Yes.

Mr. Charlton: Are we to continue this questioning to-morrow, Mr. Chairman?

The Chairman: I presume so, if it is your pleasure. We will meet tomorrow morning at eleven o'clock.

The committee adjourned at 6 p.m. to meet again the following day, May 9, 1947, at 11 a.m.

APPENDIX ES

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS APPOINTED TO EXAMINE AND CONSIDER THE INDIAN ACT

SUBMISSION OF THE UNION OF SASKATCHEWAN INDIANS

MAY 8, 1947.

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INTRODUCTION

To the Joint Committee of the Senate and the House of Commons appointed to examine and consider The Indian Act:

The Union of Saskatchewan Indians expresses its appreciation to the Senate and the House of Commons for their interest in Indian affairs as evidenced in the appointment of a Joint Committee to examine and consider The Indian Act, and to hear representations from the Indian nations of Canada, of which this brief forms a part. The Union hopes that the deliberations of the Committee will result in changes which will remove the serious handicaps under which the Indian people now live. It hopes that the conclusions of the Committee will be marked by a spirit of humanity, and that much-needed revisions to The Indian Act, and to its administration will place human values and human welfare above monetary considerations and expediency of administration.

We pray that the Committee will hearken to the words of our delegation to Ottawa. Its members are outstanding persons of the Province of Saskatchewan and truly represent all aspects of Indian life in the province. Mr. John B. Tootoosis is President of the Union of Saskatchewan Indians; Chief Joseph Dreaver is a veteran of two wars, and was president of The Saskatchewan Indian Association before that organization united with the Union; Chief John Gambler is vice-president of the Union, and president of The Protective Association for Indians and their Treaties, which also has united with the Union; and Rev. Ahab Spence is a minister of the Anglican Church and a teacher at the Little Pines Indian Reserve.

The Union takes this opportunity to indicate that it is the only organization which purports to represent all of the Indians of Saskatchewan. Prior to its creation in February of 1946 there existed other small organizations, but at that time, all agreed to unite behind a single Indian movement which then became known as The Union of Saskatchewan Indians. It is a union of all Indian people whose policy is independently created and whose affairs are administered by Indians in the interests of Indians. We wish to make it clear at the outset, that we are not a white man's organization, nor are we dominated by any white men, as has been suggested by some. Our representations make it clear that we are not interested in saving the face of any white man or any group of white men; we speak clearly and bluntly, and our thoughts and aims are the thoughts and aims of the great majority of Indian people in Saskatchewan.

While the Union is an all-Indian organization, it has received assistance from many friends who, while not being members of the Indian nations, have given of their thought, time, and effort in the interests of our people. The names of those who have assisted us are too numerous to mention, and they include Mr. J. P. B. Ostrander, Inspector of the Indian Affairs Branch in Saskatchewan who attended several meetings of the Union, Indian Agents on our Reserves, and representatives of the religious organizations in the province. The Union expresses its appreciation to Honourable T. C. Douglas, Premier of Saskatchewan, who made our organization possible, to Dr. M. C. Shumiatcher, our legal adviser, who has worked in close co-operation with us, and to Mr. G. H. Castleden, M.P., a member of the Committee, whose friendly interest has been of great value to Indians of the province.

This brief is submitted in a spirit of co-operation and friendliness, with confidence that it will be sympathetically considered, with the feeling that its recommendations are feasible, and with the hope that its proposals will be implemented before the conditions of the Indian people deteriorate further.

THE UNION OF SASKATCHEWAN INDIANS.

I—Rights Under the Indian Treaties

A. General

1. *Reinstatement of Treaty Rights necessary*

This Organization submits that a reinstatement of the status of the Indians in Western Canada under the Treaties affecting them is urgently required in order that matters pertaining to education, health services, self-government, compulsory military service, liability of the Indians to taxation and matters relating to other fields may generally be clarified and re-enunciated to the satisfaction of all concerned.

Assurance that all the rights granted to the Indians under their Treaties will be guaranteed to them for all time is necessary, since there exists a growing feeling amongst Indians today that treaty obligations are not being discharged *bona fide* by the Government of Canada and that the rights of Indians are being curtailed in matters relating to their physical and spiritual development and relating also to their rights over property and with respect to self-government.

The members of this Organization derive their rights from five principal Treaties which are as follows:—

North West Angle Treaty, No. 3,
Qu'Appelle Treaty, No. 4,
Carlton Treaty, No. 6,
Black Feet Treaty, No. 7,
Treaty No. 8.

Attached to this submission is a text of these Treaties together with the conversations that preceded their conclusion. The conversations are of extreme importance in interpreting the Treaties and establishing Indian rights. The Treaties should not be legalistically interpreted for they were concluded by the representatives of groups who were not only themselves unequal but who represented widely divided cultures, attitudes and understandings. Furthermore, the Indian Treaties should be read not separately, but together in order that the general policy of the Government of the day may be ascertained, and the understanding of the Indians throughout Western Canada, of the purport and object of the Treaties may be perceived. They all form a part of the pattern of the process of civilization and the westward march of the white man. His relations with Indian bands cannot be isolated or viewed in a vacuum. The picture is a single one, and the rights of Indians generally must be determined according to the general conditions and attitudes obtaining during the latter part of the nineteenth century.

2. *Purpose of Treaties to promote progress*

Lieutenant-Governor Morris, in negotiating with the Indians at Fort Carlton stated as follows:—

> I see the Queen's Councillors taking the Indians by the hand saying we are brothers, we will lift you up, we will teach you, if you will learn, the cunning of the white man. All along that road I see Indians gathering, I see gardens growing and houses building; I see them receiving money from the Queen's Commissioners to purchase clothing for their children; at the same time I see them enjoying their hunting and fishing as before, I see them retaining their own mode of living with the Queen's gift, in addition.
>
> (*Morris, "The Treaties of Canada"*, p. 231.)

Thus as early as 1833, in Canada the Crown applied the concept of Brotherhood of Man to the Indians living among the whites. The Indian was to be elevated from the status of a serf and was to be educated so that he might be able to compete on equal terms with the white man.

3. *Fulfilment of Treaties promised*

Lieutenant-Governor Morris states, in his book in Chapter XII as follows:—

> I remark in the first place that the provisions of these Treaties must be carried out with the utmost good faith and the nicest exactness. The Indians of Canada have... an abiding confidence in the Government of the Queen, or the Great Mother, as they style her. This must not, at all hazards, be shaken.
>
> (*Morris, "The Treaties of Canada"*, p. 285.)

His parting statement upon conclusion of the Treaties was as follows:—

> Let us have a wise and paternal Government faithfully carrying out the provisions of our Treaties, and doing its utmost to help and elevate the Indian population who have been cast upon our care, and we will have peace, progress, and concord among them in the North-West; and instead of the Indian melting away, as one of them in older Canada, tersely put it, "as snow before the sun", we will see our Indian population, loyal subjects of the Crown, happy, prosperous and self-sustaining, and Canada will be enabled to feel, that in a truly patriotic spirit, our country has done its duty by the red man of the North-West and thereby to herself.
>
> (*Morris, "The Treaties of Canada"*, pp. 296-297.)

It was then clearly the objective of the Indian Treaties to promote progress among the Indians and make them self-sustaining, loyal citizens of the Crown and, to these ends, to faithfully administer the treaties.

4. *Right to expect redress of grievances assured*

Lieutenant-Governor Morris, in the course of negotiating the North-West Angle Treaty, said:—

> The ear of the Queen's Government will always be open to hear the complaints of her Indian people, and she will deal with her servants that do not do their duty in a proper manner.
>
> (*Morris, "The Treaties of Canada", p. 72.*)

The right to be heard by the highest authorities and the right to expect the redress of grievances by those authorities were conditions upon which the Indian Treaties were signed. These are rights which this Organization asserts on behalf of the Indians of Canada to-day and, which it is submitted, the Government of Canada is duty-bound to honour.

5. *Treaty rights are inviolate; changes without consultation should not be made*

The rights given by Treaties stand inviolate and above all other relationships between the Crown and the Indian people. Although their precedence over any other enactment was understood between the parties when the Treaties were signed, legislation passed by the Parliament of Canada without the concurrence of the Indians has, in practice, taken precedence. The Indian Act was passed without consulting the representatives of the Indian people of Canada and, in some cases, Treaty rights have been abrogated. The Indian people object to any enactment by legislation having the effect of decreasing their Treaty rights and have explicitly set out in Part II of this submission the changes necessary in the Indian Act if all the Treaty rights are to be reinstated

and the spirit of Treaty negotiations maintained. Furthermore, the Indian people believe that any change in legislation affecting their status, directly or indirectly, should be made only after proper representation of their interests.

B—Status of Indian Chiefs and Councillors

6. *Affirmation of Indian loyalty to the Crown*

The Indians submitting this brief wish to re-affirm their loyalty to the British Crown and to re-assert their duty to obey and abide by the law between themselves and other tribes of Indians and between themselves and other of His Majesty's subjects, whether Indians or white persons now inhabiting or hereafter to inhabit any part of Canada. They affirm their covenants not to molest the personal property of any inhabitant of Canada or the property of His Majesty the King or to interfere with, or trouble, any person passing or crossing through the country or any part thereof, and they further affirm their covenants that they will aid and assist the officers of His Majesty and bring to justice any Indian offending against the stipulations of the Treaty or infringing upon the laws of the country.

7. *Indian Agents have in many cases acted arbitrarily*

The Indians realize that the Treaty rights granted them by the Queen cannot be administered directly by the Crown, but that the duties and obligations of the Crown must be discharged through officers or agents on its behalf. However, the Indians are of opinion that the agents appointed for these purposes have acted, in many cases, arbitrarily and without indicating the degree of responsibility which should be placed upon any one administering policy for the Government of the Crown. There, therefore, exists the necessity of changing the status and the attitudes of Indian Agents and it is felt that this should be done in two ways; first, by permitting a larger measure of self-government by the Indians themselves and, secondly through a change in the status and purpose of the Indian Agent.

8. *During Treaty negotiations, Indian Chiefs and Councillors were recognized as capable of handling the affairs of the tribes*

It is significant that at the time the Treaties were concluded the white man representing the Crown treated the representatives of the Indians, their Chiefs and Councillors, as capable of dealing with their own affairs to the extent of surrendering their rights to large tracts of land, and also to the extent of accepting certain benefits which have been granted under the treaties. However, it appears that once the Treaties were concluded the attitude of the white man toward the Indian Chiefs and Councillors was radically changed and they no longer were regarded as capable of dealing with their own affairs or of meeting with representatives of the Crown for the settlement of differences which might exist between them.

9. *Indian Chiefs and Councillors should be able to revert to the status they enjoyed at the signing of the Treaties*

Such undemocratic attitudes should not be permitted to continue, and the Indian Chiefs and Councillors should be able to revert to the status which they enjoyed at the time of signing of the Treaties.

10. *Larger remuneration should be paid to Chiefs and Councillors to encourage efficient performance of duties*

In order that Indian Chiefs and Councillors may be able to perform their duties in a wholehearted and efficient manner, this Organization submits that an increase in remuneration be provided them.

The Indian Treaties provide that each Chief recognized as such, shall receive an annual salary of twenty-five dollars per annum and that "each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum" and also, that each Chief and subordinate officer should also receive "once in every three years, a suitable suit of clothing" and that each chief shall receive in recognition of the closing of the Treaty, a "suitable flag and medal". This remuneration is not sufficient when the nature of the duties—as outlined in the Indian Act—is fully comprehended. On many reserves, the duties of a conscientious Chief and those of the Councillors interfere seriously with the work on their farms, traplines and nets. Performance of such duties frequently brings criticism from members of the band, and often considerable resentment is expressed against such persons.

Furthermore, the above remuneration is wholly inadequate if the Indians are to be given every opportunity to govern themselves and direct their own affairs in a responsible manner. Persons occupying similar positions of responsibility in other spheres of activity are generally paid a salary greatly in excess of these amounts.

The orignal role of chiefs and councillors was recognized and was satisfactory to all. But this type of administration has lost much of its meaning and respect, and in order that it may be revived, having regard to the needs of modern society, it is the desire of this organization that chiefs and councillors receive remuneration which more closely corresponds with their duties and responsibilities. It is therefore recommended that chiefs be paid at the rate of $1,000.00 per annum, and that councillors be paid at the rate of $500.00 per annum. These sums should be paid, not out of band funds, but by the government itself, as a part of its obligation to the Indian people.

11. *A changed status for the Indian Agent*

This Organization also submits that there should be a change in the status and purpose of the Indian Agent. His role should be that of assisting and encouraging the Indian to govern his own affairs rather than that of personally directing those affairs without due regard to the will of the Indians.

Those persons chosen to act in behalf of the Crown should have certain minimum qualifications. These should be:—

(*a*) A broad understanding of and sympathy towards Indians and Indian problems.

(*b*) A thorough knowledge of statutes and regulations relating to Indians in order that he may advise them upon their rights.

(*c*) A good technical knowledge of the functions on a reserve such as farming, trade, education, social welfare and the conditions necessary to fulfil them.

(*d*) Amenability to advice and anxious to solicit advice from the Indians with whom and for whom he must work.

(*e*) Ability and initiative to act upon recommendations put forth in a democratic manner.

In the past, the Indian Agent has often regarded himself or has been regarded by the Indian as an autocrat or tyrant—the owner and ruler of the reserve. The Indian Act has, to a large extent, fostered this spirit by endowing him with unnecessarily wide powers and opportunities for arbitrary rule. To limit his powers and set up a series of checks and balances which will assure Indians of reasonable and benevolent assistance from the Indian Agent, specific amendments are recommended in Part II of this submission which relate to the Indian Act. But—and of even more importance—it is here recommended that the general attitude of administrators towards the Indian be altered, in order that it be made to coincide with the present-day concepts of free expression and democratic action.

C. Education

12. *The Government promised education as a treaty right*

This Organization realizes the urgent need for a progressive program of education and technical training among Indians, for only by fitting themselves to discharge the responsibilities of modern civilization can they hope to take their place in society to-day. Under the treaties, the Crown promised to provide schools for Indians. Lieutenant-Governor Alexander Morris, stated:—

> The treaties provide for the establishment of schools, on the reserves, for the instruction of Indian children. This is a very important feature, and is deserving of being pressed with utmost energy. The new generation can be trained in the habits and ways of civilized life—prepared to encounter the difficulties with which they will be surrounded, by the influx of settlers, and fitted for maintaining themselves as tillers of the soil.
>
> (*Morris, "The Treaties of Canada"*, p. 292.)

The Indians submit that the present facilities for education on the reserves are largely based on the needs existing in the 1880's and do not adequately provide for the training of the Indians "in the habits and ways of civilized life" to-day. They therefore request certain changes in the educational services at present rendered the treaty Indian, and suggest how educational services can be adjusted so that they better serve the needs of the Indian children of to-day and to-morrow.

13. *Commission to study the needs of Indian education*

A Commission should be set up immediately to study the needs of the Indian Educational system. This Commission should include as members: people experienced in Indian education and familiar with conditions upon the reserves; people trained in modern methods of psychology, educational theory and practices, and finally people who can adapt these newer types of instruction and techniques to the special abilities and needs of Indian students. Furthermore, the members of this Commission should possess the confidence of the Indians and have a complete understanding of their attitudes and psychology.

14. *The Commission should investigate the adequacy of accommodation and establish a proper curriculum*

This Commission should investigate the adequacy of school accommodation for Indian children.

The Indians of this Organization assert that about one thousand Indian children in this province are without schooling at present. This is due partly to the aversion of Indian parents to send their children long distances from home but chiefly to the fact that there is insufficient school accommodation. Most schools are overcrowded and operating above capacity. If treaty promises are to be respected, it is imperative that additions be made to many of the existing schools without delay.

This Commission should be empowered to visit any or all reserves, recommend changes in curricula so that a curriculm in line with modern standards and adaptable to the needs of all sections of the country may be established.

The elementary curriculum should be on as high a standard as those in non-Indian public schools, but should be modified to include Indian lore, customs, handicraft, vocational training and cultural activities. The language, tradition and culture of the Indian must not be denied free expression, but rather must be developed to the fullest extent so that Canada's first people might be able to contribute to the culture of the nation on a much larger scale than has been possible in the past.

15. *Religious instruction should not be the principal object*

Education should be upon a high and impartial basis, with academic learning as its principal object rather than religious instruction. This Organization is of opinion that religious instruction for Indians should be upon a basis as voluntary as it is at present for other groups, in order that the Indians may be permitted to choose according to their conscience, the religion which they desire to embrace. Though parochial schools have contributed much to the education of Indians, the time has now come when it is necessary to separate education from religion, in order that the fullest time and energy may be devoted to the former, and in order that the principle of freedom of religion and of conscience, may become meaningful for the Indian. Abolition of parochial schools is therefore recommended, and public schools interdenominational in character should replace the existing institutions.

16. *Establishment of Day Schools*

Though this Organization fully recognizes and appreciates the value and service of the residential school, it submits that the educational needs of many reserves to-day can best be served by the establishment of day schools in proximity to the children's homes.

The use of day schools as a substitute for residential schools on many reserves is recommended for the following reasons:—

(1) Education is a threefold responsibility—school, church and home. Day schools can best serve this principle.

The day school can concentrate on the proper function of the school —academic or vocational training. Instead, at present, language difficulties and the half-time work system deprive children of approximately three years of their allotted school time—from seven to sixteen years of age. Evidence of this unfortunate condition can be verified by the figures on school attendance issued by the Department of Mines and Resources, Indian Affairs Branch.

To speak about Indian advancement under such conditions is sheer mockery. The present system encourages educational delinquency, retarded development, and an aversion to education. Practically speaking, it develops a class of people who are unable to be anything more than hewers of wood and drawers of water in the land of their forefathers.

(2) No child can develop as he should, without the care and affection of family life. The restrictions, discipline, exclusive use of English, etc. in the Residential Schools are now recognized as having a harmful effect on immature minds and bodies.

It is the belief of this Organization that this hiatus in family ties and parental training is at least partially the cause of post-school delinquency. Regardless of how kind and sympathetic, the staff of a residential school may be, such a staff cannot replace the average parent.

Where unsuitable home conditions exist, Indian children should be removed from their parents just as white children are, when they are found to be neglected.

Indian parents have an invaluable regard for the companionship of their children and the association of children living at home while attending school is also an invaluable asset towards adult education and the subsequent improvement in home conditions.

17. *Residential schools should be continued on certain reserves*

Valuable services have been rendered by the residential schools on large reserves and on reserves which cannot support an educational program for its population. Upon large reserves, the residential school has been a centre, not only of educational, but of religious life. Upon reserves of little economic value, or of undeveloped resources, the school has enabled Indian children to receive the only education possible, for schools cannot follow the trap-lines of the fishing camps. In areas where residential schools are desired by the Indians themselves, they should be retained, but the schools must be properly equipped, adequately financed and efficiently staffed to provide the highest possible type of education.

18. *Part-time labour requirements should be abolished*

The part-time labour requirements for students in residential schools should be abolished and the amount of time devoted to such work should be spent on essential studies, physical exercise and organized games.

19. *A semi-residential school should be established in certain areas*

In areas where geographic factors make the day school impossible and where the Indians do not desire a residential school, semi-residential schools should be established. The children in such schools would be permitted to spend week-ends and school holidays of short duration e.g., Christmas and Easter vacations, with their parents contingent upon the co-operation of the parents in returning their children at the close of these holidays. Here again an urgent appeal is made for proper and up-to-date equipment and efficient staffs.

19A. *School Trustees*

This organization believes that there exists a right and a duty that the Indian people exercise control over the schools attended by their children. This would not only result in renewed interest of Indians in their Educational institutions, bringing children and their parents more closely together, but would accrue to the advantage of the institutions themselves. This is a right that should be accorded all persons in a free and democratic country; control over education is implicit in any concept of freedom. It is therefore submitted that the chief and councillors of each band, or that Indians specifically elected as trustees, act as school trustees with power to inspect and investigate all matters pertaining to education, and to visit schools without notice at reasonable intervals. Section 9, subsection (5) of The Indian Act should be amended accordingly.

20. *A follow-up program is needed for the post-school years*

A program to follow up the school graduate is necessary if the students are to retain and apply the training and skills acquired during years of schooling. The period following school is often the ruination of many a promising Indian boy or girl. Pupils often find themselves returned to reserve life without the opportunity of practising whatever training they have been given. They are at once brought into conflict with the older generation and many pupils simply drop into the older ways and customs as they are unable to fit themselves for life in a modern world. In many cases they cannot farm because they cannot obtain equipment for modern farming. They have not the facilities for home-making that they have been taught to use, and they must do the most menial jobs if they are to earn a living.

21. *A trained welfare worker is needed on every reserve*

A full time trained welfare worker could help guide pupils and ex-pupils into suitable occupations, could help supervise their readjustment to reserve life and could act as a liaison officer between the pupil and the outside world in assisting them to obtain employment. A welfare worker could help to avoid many of the moral disasters that too often befall the young Indian. This Organization states that every reserve should have a full time trained welfare worker not attached to the school staff or to the agency.

22. *An economic establishment scheme should be provided for the ex-pupil*

Some scheme of economic establishment should be made available to the graduate. This would vary according to the geographic location of the reserve. Some live stock or fishing and trapping equipment might be made available for the boys; some household goods might be given to the girls. At an Indian school in North Dakota where grazing lands are the chief asset of the reserve, boys are loaned breeding stock while they are still in school. They are trained to care for this stock and pay in services, by caring for the school herd, for feed and pasture. At the end of a reasonable period, they gradually return the breeding stock loaned them. A similar plan should not be impossible in Canada.

23. *Incentive of jobs and positions should be provided*

There is too little incentive for the Indian to train himself for professional or executive positions. In order that education may be carried beyond the schoolhouse and into the arena of action, it is important that the incentive of jobs and positions be coupled with any educational scheme. Teachers, social workers, and industrial instructors should, wherever possible, be recruited from the ranks of Indians themselves. There is also no reason why the professions should not claim Indians among their incumbents, this having proven successful by the American practice. So long as Indians remain wards of the Government, no Indian proving worthy of higher education should be deprived of the means to enable him to qualify for professional or executive positions.

23A.

Indian children attending Indian schools are allocated a per capita grant. There are cases where Indian children are attending outside schools, being financed by their parents. It is submitted that in such cases the Government should support these homes for the same purpose as the Indian schools, and should grant the same allocation to or/in respect of these children.

24. *Additional grants, for higher education*

For those Indian children who may desire higher education as an opportunity to enter some gainful occupation or profession, there should be no barrier. A number of grants are provided by the Indian Affairs Branch for this purpose but these are difficult to obtain and too inadequate to serve their necessary purpose. The chances for the Indian to work himself through college are, needless to say, negligible.

Indians who have been able to obtain higher education have been as successful as the average white man and often more successful, and this Organization can point with pride to the amazing record of Indian doctors, lawyers, nurses, teachers, ministers who have absorbed an academic education in the United States of America.

25. *Vocational training should be established on all reserves*

A system of adequate vocational training should be established on all reserves. This should amount to more than a mere perfunctory training in

manual arts. It should be connected with the characteristic industries of the region, whether they be farming, ranching or other occupations. The school should provide a training that will establish ground work for future entrance into skilled trades.

26. *A program of adult education is needed on all reserves*

This Organization recommends that a program of adult education be carried out on all Indian reserves and submits that the following benefits would ensue:—

(*a*) The Indians could study and equip themselves for the duties and responsibilities of self-government.
(*b*) Basic English would assist Indians in their relations with the white and would foster self-confidence.
(*c*) The Indians could be equipped to take an active part in their own program of health and educational advancement.
(*d*) Leadership would be developed among themselves.
(*e*) Opportunities would be provided for social intercourse and discussion with fellow tribesmen.

Selected Indians could help to carry out a program of adult education after preparatory instruction in such subjects as the following:—

—Personal responsibilities in health maintenance, basic English, constructive suggestions on industries and occupations; skilled handicrafts and their market value; duties to families, neighbours and country, revival of tribal history, legends, etc.

27. *Training schools and increased salaries are necessary for teachers*

This organization submits that there is not adequate training schools for Indian teachers and few teachers are trained to handle the problems peculiar to an Indian school. It should be required that an Indian teacher, before being qualified, devote some weeks to a study of Indian history, tradition and temperament. Through his or her understanding and appreciation of their accomplishments, the teacher could largely overcome the widespread Indian tendency to an inferiority complex, re-awaken the feeling of pride and arouse ambition in the Indians to exercise their latest abilities to the utmost. Efficient teachers need encouragement to take up this arduous work and should be compensated by correspondingly higher salaries and pension benefits.

Teachers should hold themselves open to constructive criticism, aid or advice from parents or other persons concerned with the welfare of the children, and education should thus become a matter of co-operation between home and school.

28. *Per capita grant must be increased*

The present per capita grant paid through the Education Branch of the Indian Affairs is and has for some time been entirely inadequate and the burden of financing Indian education has been thrust upon the churches and upon private charities. To compel administrators of Indian reserves to beg charity in order to maintain services that are the responsibility of the Government is degrading in the extreme.

The per capita grant must be increased to meet the modern needs of all day schools and those residential schools which are still desired by the Indians. The appropriate size of this per capita can best be calculated by the Commissioner entrusted to study the adequacy of Indian education facilities on the reserves. At present, the maximum per capita grant is approximately $187.00 per annum (about 61.4 cents per child per day). It is submitted that this grant must be increased in order to provide the necessary services to students—the most essential being food, clothing and education.

29. *Race prejudice must be defeated*

As a final suggestion of how educational services can be revised to better serve the needs of the Indian people, it is submitted that there be undertaken an active campaign of education through literature and other publicity media to educate white people to an acceptance of, and a respect for the Indian as an individual endowed with abilities, aptitudes—and human rights. Race prejudice must be defeated and the public must be educated in tolerance and understanding.

Canada is a nation of many people. She can only rise to her full strength when all ethnic groups are permitted and encouraged to make their individual contributions to the national pattern. The Indian, with his rich background of native lore, artistry and tradition, has a special contribution to make to Canadian culture. Every encouragement should be given to him in order that he may take his proper place in the building of a truly democratic Canadian society.

D—Social Welfare

30. *Social welfare and religous freedom*

This Organization is familiar with, and appreciates the contribution which religious organizations of various denominations have made to the welfare of the Indian people. It must, however, censure the practice of such organizations who make the granting of benefits contingent upon the acceptance of one or another of the white man's faiths. In order that complete religious liberty may be enjoyed by the Indian, and that he may have freedom in the choice of the religion which can best satisfy his conscience, it is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis, and that the Indian be afforded the same freedom of choice in the matter of religion, as white men in Canada.

31. *A program of health education and health services is the responsibility of the Dominion Government*

A program of health education and a promotion of health services is a necessity among Indians as their health has been deleteriously affected by their rough and insecure mode of living in proximity to the white man. Health services and social benefits have been sadly inadequate to cope with their needs. Since Indians are beyond the jurisdiction of any provincial scheme, it is the responsibility of the Dominion of Canada to organize a health program to ameliorate their conditions.

To combat the present high mortality rate among Indians, a vigorous program designed to halt the spread of tuberculosis, trachoma and social diseases is needed. There should be provided hospitalization, adequate nursing services, ambulance service on the larger reserves and pre-natal and infant care to prevent the present high rate of infant mortality.

There should be supervision by trained welfare workers in applying remedial and preventive measures and establishing good health habits on Reserves. Health education should be taught in all schools and emphasis should be placed on the formation of healthy habits.

All existing unsanitary conditions on reserves, including dilapidated houses and other conditions contributory to disease and general ill-health should be immediately removed.

32. *Living conditions and Housing*

A housing program should at once be undertaken to provide accommodation which will be conductive to decent home life and afford proper privacy for the occupants. Adequate water supply and sanitary arrangements should be provided and their utilization supervised by competent authorities.

33. *Rations to Aged and Indigent*

The present system of supplying rations to the aged and indigent is wholly inadequate; clothing issued—much of it already worn, is not conducive to high morale, and there is great need for Indians to be treated upon an equal basis with other people in Canada. The typical rations at present for Indians in these classes is as follows:—

SCALE OF MONTHLY RATIONS FOR INDIANS ON RELIEF

	1 Adult Lbs.	2 Adults Lbs.	3 Adults Lbs.
Flour (2nd grade)	24	36	49
Rolled Oats	6	9	12
Baking Powder	1	1¾	1¾
Tea	1	1½	2
Sugar	2	4	5
Lard	3	5	8
Beans	5	5	7
Rice	2	3	5
Cheese	1	1½	1½
Meat or Fish	$1.00	$1.50	$1.75

	4 Adults Lbs.	5 Adults Lbs.	6 Adults Lbs.
Flour (2nd grade)	61	80	98
Rolled Oats	15	18	18
Baking Powder	2	2	2
Tea	2	2	3
Sugar	7	8	10
Lard	10	10	13
Beans	7	8	8
Rice	5	7	7
Cheese	2	2	3
Meat or Fish	$2.00	$2.00	$2.25

Salt—10 cents or 15 cents per month per family.
Matches—10 cents to 20 cents per month per family.

NOTE.—Indians under the age of 12 years shall be considered children, and over that age as adults.

Issues of rations for each child, of flour, rolled oats, sugar, lard, beans, rice, cheese and meat or fish, shall be one half the quantities specified for one adult.

This schedule of supplies indicates that entirely inadequate provision is being made at present to meet the needs of Indians who, being human beings, have the same hungers, and suffer the same pains from the elements, from illness and old age, as others, and that the need for more humane treatment of aged, ill and indigent Indians is a pressing necessity.

The present ration system should be extended to provide for a decent and adequate standard based on a varied diet, vitamin content and general nutrition value. In addition, old age pensions should be given on the same basis as white men.

34. *Social benefits are responsibility of Federal Government*

The Indians recommend that the Federal Government finance and extend to them the benefits of Old Age Pensions, aid to the blind, mothers' allowances and all other social benefits that may be provided, from time to time, by legislation, for Canadian citizens.

It is realized that particularly acute cases brought to the attention of the Indian Affairs Branch have received consideration, but such assistance should not be limited to cases of dire need, but should be extended to the Indians on as wide a basis as is extended to non-Indians.

Family Allowance Benefits have been extended to the Indians only partially. For nine years of his life the Indian child receives no benefits because he is presumably, in the residential school. However, on many reserves some children

cannot go to school because of inadequate school accommodation and in practice these children are still ineligible. The Family Allowance Benefits must be administered more efficiently and consideration must be given to such local factors if unfair discrimination is to be removed.

34A. *Aid and Pensions for the Sick*

When an Indian requires hospital treatment, his or her dependents suffer from neglect, and therefore, arrangements should be made by the Department of Health and Welfare (Indian Branch) to make adequate provision for the maintenance of these dependents until the sick person is strong enough to resume gainful activities.

Many Indians undergoing severe operations are, for a considerable period unable to earn money for their own support, or for the support of dependents. Such operations are the removal of ribs in the treatment of tuberculosis. Such Indians should be provided with a reasonable pension for maintenance during the period that they are unable to work.

34B. *Additional Health Services*

It is provided by Treaty Six "that the medicine chest shall be kept at the house of each Indian Agent for the use and benefit of the Indians at the discreation of such Agent." The true interpretation of this provision was set out by Mr. Justice Angers in the Exchequer Court of Canada in a judgment in the Petition of Right case of George Dreaver, Chief, and John Ledeux and William (Sam) Fanel, Councillor, of the Mistawasis Indian Reserve dated April 10, 1935, which does not appear to be reported. There it was stated that this clause should be broadly and liberally interpreted, and that the "medicine chest" referred to in the Treaty should mean all of the necessary medical, dental, and health services which modern medicine makes possible for the maintenance of the health and strength of human beings. For this reason, it is submitted that in order that this clause of the Treaty may be carried out according to its true intent and spirit, all medical, hospital, dental, and public health services should be made available to every treaty Indian by the Dominion government without any charge whatsoever.

E. Benefits to Veterans and other Rehabilitative Measures

35. *Indian veterans should be accorded the same benefits as other Canadian veterans*

Thousands of Indians volunteered in two world wars, fought and many of them died. Their blood flowed with the blood of their Canadian brothers-in-arms, and it is just and fitting that they should be accorded the same treatment as other Canadian servicemen. This means, in effect, that they should enjoy equal benefits under the provisions of The Veterans' Land Act, and under the law relating to the payment of war services gratuities, the provision of educational and vocational grants, and employment preference, both in private industry and in the Civil Service. In administering these benefits, due consideration and respect should be given to the traditions and practices of the Indian tribes and where it is the custom on an Indian reserve to hold land communally, the requirements that a location ticket be received or that an allotment of land be made before the veteran receives his land grant should be abolished.

Indian veterans desiring to farm lands outside the reserve under the provisions of The Veterans' Land Act should enjoy equal rights with white men without loss of treaty rights.

36. *A comprehensive survey of living conditions on reserves is needed*

A comprehensive survey should be undertaken of all reserves in order to ascertain whether the reserves can maintain the present population and whether

facilities will permit of a reasonable standard of living for the natural increase in population. Such a survey would reveal the state of living conditions on the reserves and could suggest means and methods by which the Indians might better utilize their lands.

37. *The study should be followed by developmental projects, wherever feasible*

The expenses of such a study would, of necessity, have to be borne by the Indian Affairs Branch. However, if such a study were undertaken and a program of development resulted, this Organization submits that the economies that would follow from the implementation of the program would largely compensate for the expense of the study. If the study finds that there is not sufficient grazing or arable land to sustain the population, then additional land could be made available and thus the pressing relief needs of the increasing Indian population would be alleviated. Many Indians have already proven their ability as farmers and stockmen and with more encouragement and assistance, Indian farms could be enlarged to a more economic size and improved by the use of more advanced techniques.

The effectiveness of such a study and a developmental program will of course largely depend on the skill and character of the instructors in charge; this Organization believes that there are available a number of competent Indians who have successfully operated farms and herds of their own, who would be suitable under such a scheme. Indian supervisors would have the advantage of enjoying the confidence of their fellow tribesmen to a greater degree than any white man. A program should be at once undertaken by the Indian Affairs Branch to help the treaty Indians develop their own lands for themselves and by themselves by supplying adequate machinery to develop their lands. Land required for power dams, power lines, gas lines, canals or oil and gas developments—none of which the treaty Indians themselves can develop on their reserves alone—could be developed upon the conclusion of satisfactory agreements between the Indians and others, in their mutual interests.

38. *Establishment and maintenance of roads and ferries*

The approaches to some of the Reserves are not worthy of the name of "trails". Improvement of the roads is a prerequisite to the implementation of much of the health and education program. It should be the responsibility of the Indian Reserves Branch to establish and maintain a proper system of roads and ferries wherever needed. Every reserve should be accessible to ambulance service and necessary motor traffic and it is vitally essential that market roads at least should be maintained. This is a necessity not only to the Indians but to the general public, and the cost of same could best be met by the government, supporting all interests.

39. *Indians should be granted preference in trapping and fishing*

Trapping and fishing form an important part of the occupation of Indians in this Organization and steps should be taken to see that their rights in this form of livelihood are adequately safeguarded. The encroachment of white hunters and trappers who render it impossible for Indians in many areas to make a reasonable living must be prohibited and Indian trappers and fishermen should be granted preference over white trappers, since it is generally much easier for a white man to make his living at other occupations.

The Indians are, from early environment and training, often very highly skilled trappers and fishermen and are well qualified for positions as salaried game wardens and fish guardians and this Organization submits that they should be given every chance for appointments in these positions throughout the province.

40. *Fur conservation projects should be extended and Indians encouraged to participate in co-operative fur farms*

Beaver, muskrat and other fur conservation projects are to be greatly recommended and should be extended. Wild animal trapping is on the decline and Indians so employed should be gradually led to participate in co-operatively-owned fur farms, raising scientifically whatever the market demands. Individuals should also be assisted in this manner.

40A. *Agreements for Game Wardens*

The Federal Government, in accordance with the expressed statements of policy by the Crown Commissioners at the time of the negotiations prior to the signing of Treaties 6 and 7, with regard to Indian "Vocations and Avocations", should now enter into agreements with the government of the Provinces with a view to employing Treaty Indian Game and Fish Wardens to protect big game and fish from depletion by hunters in and out of the regular hunting seasons. These Indian wardens should be regularly employed at salaries equivalent to those of white men in similar positions; they should always be accompanied by a white man for reasons of safety. In any event a Game Protective League should be formed by the Indian Affairs Branch through the Federal Government together with the Provincial Governments on behalf of the Indians. This should be based upon co-operation between representatives of the Treaty Indians and of the Provincial Forestry, Game and Fur, and Fish Branches to prevent depletion of the game, fur and fish by unscrupulous hunters hunting out of season and in season.

40B. *Fishing Preference*

In view of the depletion of the fish in those adjoining reserves in which commercial fishing is permitted, the Treaty Indians should be given preferential quotas during the fishing season, and care should be taken through co-operation between Federal and Provincial authorities to prevent depletion to a point at which the Indians can no longer secure even food.

Trap Lines

Steps be taken to secure for Treaty Indians additional trap lines where they desire such lines. This is especially necessary in the reserves of the Saddle Lake Agency, and Hobbema Agency in Alberta.

40C. *Section 69 of The Indian Act*:
Hunting

By this section, the Superintendent-General (Minister) may, with the consent of the Governor-in-Council, apply part or all of the Game Acts to the Indians of Alberta, Saskatchewan, Manitoba or the North-West Territories.

The right to hunt was granted Indians under the Articles of Capitulation, 1760, the Treaty of Paris 1763, the Treaties of 1876 and 1877, and this was later recognized in 1890 when an attempt to enforce Game Ordinances against Indians was brought up, the Minister of Justice disallowed it. Again, in a case in the Alberta Court of Appeal, *Rex* vs. *Wesley* (1932) 2 W.W.R., the judges found that game ordinances did not apply to Treaty Indians while hunting for food as distinguished from game.

The members of this Association feel that, in view of the promises made to the Indians and the way the courts have treated the matter of the right of Indians to hunt for food, section 69(*a*) is unnecessary and unjust.

At present, when big game and hunting associations are bringing pressure to bear on officials and the provincial legislature of Alberta, and other governing

bodies to stop Indians hunting for food so that they will not reduce the amount of game for the hunting season, the members of the Association would feel safer if this section were omitted from the proposed revised Act.

The amount of game on the reserves is decreasing every year and the members feel that the small amount they use for food would have little effect on the decrease of game for hunting for sport by the whites.

Although the Indian Affairs Branch has always been most fair about this matter, the presence of this section, accompanied by the agitation of the Fish and Game Societies, results in the Indians being worried and upset about the matter. As the removal of the section referred to would in no way greatly affect the working of the Act or actually change its present operation, the Indians would feel safer if this section were entirely omitted and, instead, a new section be written assuring the Indians that the game laws or any laws respecting game will not apply to Indians hunting food on their reservations or on unoccupied Crown Land.

40D. *Subsidies for fish under Agricultural Prices Support Act*

The fishing industry in northern Saskatchewan, upon which a large number of Indians are dependent for their living, is subject to wide fluctuations in price, depending upon the state of national and international markets. Because of this tendency toward fluctuation, this organization is of the opinion that steps should be taken to stabilize the price of fish and fish products under the provisions of the Agricultural Prices Support Act, 1944-1945 Can., cap. 29, in the interests of the Indian people. In this manner, an assured income would go to the residents of the northlands, without which, relief and other assistance will become necessary.

40E. *Benefits under the Prairie Farm Assistance Act*

As important in the field of agriculture as the Agricultural Prices Support Act is, reference should be made to another Dominion statute, The Prairie Farm Assistance Act, 1939 Can., cap. 50, as from time to time amended, the provisions of which have never been applied to Indians as individuals. This organization recommends that Indians should be brought within all of the terms and provisions of this Act in order that they may not be destitute as a result of a crop failure, hail, frost or loss through insects and other causes beyond their control.

PART II

Recommendations respecting the Indian Act, R.S.C. 1827 Chapter 98, as amended.

41. *Wide powers of Governor-in-Council and Superintendent-General*

The first and most obvious criticism of the Indian Act derives from the extremely wide powers which are thereby invested in the Governor-General in Council, and more particularly in the Superintendent-General. Although Part I of The Indian Act purports to be of wide and general application, section 3 endows the Governor-in-Council with power to:—

> "Exempt from the operations of this Part... Indians or non-treaty Indians, or any of them, or any band or irregular band of them, or the reserves or special reserves, or Indian lands or any portion of them..."

Thus, upon mere proclamation, the efficacy of Part I of the Act may be abrogated, and the statutory legislative intent set at naught.

It is submitted that since this clause leaves the way clear for arbitrary judgments by the Governor-in-Council, it should be repealed. The matter of

exempting Indians from the rights provided by the Act should, in line with democratic procedure, be a matter not for any one man to decide but one on which only the Courts should rule.

Qualified legal counsel to act in the behalf of the Indians should be provided by the Crown in such matters and a thorough and fair hearing should be extended to them.

Section 18 of the Indian Act provides that "the Superintendent General (Minister) may, from time to time, upon the report of an officer or other persons specifically appointed by him to make an inquiry, determine who is or who is not a member of any band of Indians entitled to share in the property and annuities of the band.

Sub-section 2 provides that the decision of the Superintendent General (Minister) in any such matter shall be final and conclusive, subject to an appeal to the Governor-in-Council.

Under this section, the Superintendent and the Governor-in-Council are given sole jurisdiction to determine who is and who is not an Indian and who may or who may not benefit from the treaties and other rights enjoyed by Indians. The Indians of this Organization object to this method of determining who may come under the Treaties. Because of the fact that when the Treaties were signed, the white man was content to leave it entirely to the discretion of the Indian Chiefs and their Councillors to determine who were to enjoy the Treaty rights, they feel that this section cannot be construed as anything but an abrogation of certain Treaty rights. It is necessary that these matters should be determined by the Indians themselves according to the customs and traditions of Indian bands. It is therefore, submitted that section 18 of the Indian Act should be repealed and there should be substituted therefor, a provision whereby the determination of the Indian band as to the membership of any person in such band who is entitled to share in the property and annuities of the band should be within the sole jurisdiction of the Indian band itself to determine according to democratic principles. In this regard, reference should particularly be made to Order in Council Nos. 1172 and 1182 and also the case of *Regina* v *Howson*, 1 Territory Law Reports 492, and also to the report of a recent inquiry of The Honourable Mr. Justice W. A. MacDonald in the Lesser Slave Lake area.

Furthermore, this Organization submits that there should be immediately undertaken an investigation of all persons and their families expelled from Treaty rights under Section 18, with the object of restoring them to Band Rolls and complete treaty privileges if the Indian Band so deems it proper and just.

42. *The position of Superintendent-General is especially anomalous*

The position of Superintendent-General is an especially anomalous one, in that the Act purports to require him to act as agent for the Crown, and also as representative of the Indians. It is true that theoretically, Indians are wards of the Crown, and as such, enjoy the benefits and advantages which the Crown may afford and extend to them through its agents. To this extent, the Superintendent General, as agent of the Crown, may be deemed to be in a position in which he is able to extend such benefits. But there are cases in which a *cestui que trust*, i.e., the person to benefit from the existence of the trust (in the position of which the Indians may be deemed to be) are entitled to advice and services apart altogether from those extended to it by a trustee (in this case, the Crown). One of the principal difficulties appears to have arisen in Indian Affairs because the same person has sought to act and represent the interests of both the Crown and the Indians (the trustee and the *cestui que trust*). The result has been that the Superintendent-General, who has been placed in this

inconsistent position, has found it impossible to advance the interests of both parties at the same time. He has, therefore, leaned heavily in favour of the Crown, it being the stronger, more vocal and the more affluent to the two parties.

43. *Indians should exercise their vote freely in matters of Indian concern.*

The precedent of permitting Indians to exercise their vote freely and universally, in determining the question of release or surrender of a reservation is established by Section 51 of the Indian Act. This is a precedent which, it is submitted, should be extended to include many other fields of endeavor and matters of Indian concern, and should replace the arbitrary methods of determining questions by the Superintendent without recourse to further appeal. Under Section 32 and also under Section 52 of the Indian Act, the Exchequer Court of Canada is given the right to order the recovery of lands, and also to determine finally those facts relating to the removal of Indians from a reserve. There appears no reason why provisions of this nature ought not to replace legislation endowing the Superintendent-General or the local agent with wide and unrestrained powers.

44. *Chiefs and Councillors should be chosen in any way that Indians see fit*

Although at the time of the treaties, the Crown regarded the Indian Chiefs and Councillors, elected according to customary Indian practices, as having complete power and jurisdiction over Indian Affairs for all purposes for which the Crown had to deal with Indians, the Indian Act has changed their status or has at least purported to do so. At the time that the Indian Treaties were signed, the representatives of the Crown met the Chief and Councillors selected by the Indians according to their own method of choice, and according to their own customs and tradition. Furthermore, in negotiating the treaties with the Indians of the Plains, Lieutenant Governor Morris expressly promised that Indians would have the right to determine their own way of life without compulsion from without. The Indians today feel that they should still be able to choose their Chiefs and Councillors in any way that they see fit, by election for a term of years or otherwise, as they may desire. Therefore, they object to provisions in the Indian Act which stipulate a method whereby Chiefs are to be elected, and also which provide by section 96, that the Governor in Council has power to determine when it is advisable for the government of a band, to introduce the elective system of Chiefs and Councillors or head men. These are matters which should be left to the discretion and determination of a majority of the band and dealt with according to the customs of the band. Such representatives, whether Chiefs or Councillors, as the band may determine, should have the power to deal with the affairs of the band, and should not be required, for the purpose of altering or changing the system of choice, to obtain the permission of the Governor in Council or Indian agents. The Indians of this Organization are of opinion that one of the principal reasons for the failure of Indians to govern themselves successfully has been the interference which has consistently been present, by Indian Agents and other representatives of the Department of Indian Affairs. Only by permitting Indians the opportunity of directing their own affairs according to their best judgment and according to the custom of the band, can they develop those systems of free and democratic local government which are so desirable throughout this country. This may involve a measure of trial and error, but this is inevitable under any system of free government.

45. *All Indians should be permitted to elect a council*

This Organization strongly recommends that every opportunity be given to Indians to learn and practise the essence and principles of democratic self-government. This should be carried on according to Indian customs on the

reserves by persons chosen by the freely expressed will of the Indians in every band and all Indians that so desire should be permitted to elect the Council which will have the powers referred to in Section 185, Part II of the Indian Act. It cannot be emphasized too strongly that the granting of such right should not depend upon the direction of the Governor in Council. Indians should be permitted to elect the Council whenever they themselves feel that they desire to have representative government. (This would remain a matter entirely separate and apart from the principle of enfranchisement which is not endorsed by the Indians of this Organization and which is discussed later in the brief.)

The Indians must be permitted to govern themselves and direct their own affairs if Indian advancement is to be promoted on the reserve within the scope and application of the treaties.

46. *Indians should be trained to administer and enforce the regulations of their councils*

Enforcement of orders of the Council proceeds under Section 185, subsection (4) of the Indian Act, as in the case of summary conviction offences under the Criminal Code of Canada. It is probably inevitable that enforcement should be by justices of the peace and magistrates of non-Indian origin for a time, but it is submitted that in thickly settled areas of Indian population, an endeavour should be made to prepare and train Indians for the administration of justice, in so far as such administration and enforcement relate to rules, regulations and orders regularly promulgated by the Indian Councils provided for under Part II of the Indian Act. In this development there will follow an increased awareness by Indians of the law itself, and an increased respect for the law, as well as a more sympathetic application of the rules and regulations of the Councils, by men who themselves are Indians.

47. *Indian councils must have some autonomy and division of powers is necessary*

In order that the Indian councils acquire significance, there must be a measure of real autonomy over certain subject matters assigned to Indian councils for control.

As the Indian Act stands now, wide powers are invested in the Superintendent General to set up schools and to make regulations therefor, in virtue of section 9 of the Act, and although under Part II of the Indian Act, a council normally has the power to make such regulations governing schools, subsection (2) of section 95 resolves any conflict in regulation between the Council and the Superintendent General in favour of the Superintendent, and there, thus appears little efficacy in the powers which are stated to be vested in the local councils. If matters over which Indian Councils legislate can also be dealt with by the Superintendent, and if any rules which the Superintendent General may make take precedence in every case over the Council's legislation, there can be expected to exist no stable foundation for councils, or self-government which the councils are intended to foster.

It is submitted that instead of asserting this general paramountcy of governmental regulation, there be a definite distribution of powers. Under this distribution, certain matters should be reserved exclusively for the control and legislative enactment of the band, and other matters should be reserved exclusively for the legislative enactment of the Governor in Council and/or the Superintendent General. Then, there should be accorded the bands, complete and supreme power to enact rules and regulations touching those matters over which it has sovereign control, and in those matters reserved to the bands, there should be no interference or legislative enactment by the Governor in Council and/or the Superintendent General. In this way, there will be developed that independence and self-reliance which are so necessary to the assertion of the community will, and to the generation of strong personal traits among the individuals of the community or band.

48. *Crown should furnish suitable legal counsel to the Indians*

If resort to the Exchequer Court of Canada, or to any other Court is at any time necessary to determine the rights of Indians as related to the rights of other groups or persons, or to the Government, this Organization, believing that Indians are at a decided disadvantage without funds and without legal counsel, recommends that the Crown furnish Indians and Indian organizations, being parties to the proceedings or intervening therein, with suitable legal counsel to present their cases, in the best possible light.

49. *Summary of recommendations re councils*

It is therefore recommended (*a*) that the Councils provided for in Part II of the Indian Act be strengthened and broadened in appointment and powers; and (*b*) that there be appointed counsel to such councils, being appointees of the Crown, but being charged solely with the duties of advancing the autonomy and independence and interests of Indians, and that their duties in no way impinge upon or relate to those of the Crown, either in its relationship to Indians, or in the relationship of Indians to other elements of the population.

50. *Band membership is a matter for the band*

This Organization submits that the determination of members of the band and its Chiefs and Councillors should be a matter for the band to decide and one in which only the band should rule. Furthermore, the consent of the majority of the band should be required before any inclusion or exclusion takes effect.

Section 12 of The Indian Act purports to exclude from membership in a band (and hence from the benefits accruing to such individual) "any illegitimate child . . . unless he has, wth the consent of the band whereof the father or mother of such child is a member, shared in the distribution moneys of such band for a period exceeding two years . . .", and even in such cases, the Superintendent General has power to exclude such illegitimate child from a band. Upon broad social and humanitarian grounds, there can exist no basis whatever, for a provision such as is contained in this section.

Section 13 of The Indian Act, prohibits Indians from claiming the benefits of the band if they have been absent for a period of five years continuously in a foreign country and without the consent in writing of the Superintendent General. This constitutes an unwarranted interference with the general laws of domicile according to the English common law, and is an inordinately stringent regulation governing the right to claim the benefits of the band. It would appear more appropriate that the general laws of domicile be made to apply here, and that so long as an Indian possessed the *animus* or intention to return to his band, his rights therein ought to be preserved intact pending his return or an unequivocal decision to absent himself permanently.

50A. *Government's duty in the case of illegitimate children*

It is submitted that any illegitimate child of a treaty Indian woman should be the responsibility of the Indian Affairs Branch to support, whether the putative father of such child be a treaty Indian, a non-treaty Indian or any other man. The Indian Affairs Branch should, in addition, assume all responsibility for taking legal action against the putative father in accordance with the laws of the province, in order that, in proper cases, support may be secured for such child. Membership in the band of such children should, however, be determined by the band itself according to its own laws and practices.

51. *Expenditures of trust funds without consent*

Section 93 of The Indian Act relates to the expenditure of moneys held in trust by the Crown for Indian bands, and subsection (1) thereof, provides that

the Government in Canada may, with the consent of the band, authorize or direct certain expenditures. Subsection (2) of this section provides, however, that expenditures of such money may be made by the Superintendent General even in cases in which a band refuses to consent to such expenditure, provided the Superintendent is of opinion that it is in the interest and welfare of the band so to do. The effect of these two sections is that, even in cases in which the band requests that an expenditure be made, the Superintendent is free to ignore the request, and refuse to make the expenditure in question. On the other hand, however, even if the band definitely refuses to consent to an expenditure, the Superintendent is free to ignore the band's desires, and may proceed to spend the money in question. A most unjust situation therefore, results from the application of the terms of this section, and this Organization strongly recommends the repeal thereof, and the enactment of provisions to the effect that the desires of a band, expressed upon a free vote in favour thereof by a majority of the members of the band, shall be carried out by the Superintendent. Without such provision, Indians must remain the servile instruments of a bureaucracy which is required to take no cognizance whatsoever of the wishes, the hopes, the desires or the demands of the group of persons whose funds and very lives it controls, with responsibility to no one.

52. *Band should be empowered to recommend expenditures out of Indian Trust Funds*

The Association recommends that recognized bands be endowed with power to recommend expenditures out of Indian funds held by the Government of Canada in trust, and that all such recommendations be regarded as the unequivocal and conclusive wish of the Indians concerned, and be acted upon by the Department of Indian Affairs accordingly, in order that responsibility may be placed upon Chiefs and headsman, and with responsibility may come greater stability and confidence in the relationship between Indians and the Government.

53. *Accounting of all returns on capital investment should be rendered to Band*

Periodic statements of the condition of trust funds should be made to the chief of each recognized band, in order that the Indians thereof may become conversant with the state of their finances, and may take such action as may seem just and reasonable in view thereof. In addition, any member of the Board so requesting must be furnished with a statement. Furthermore, all returns on capital investments should be paid annually to the Indians and their children, and an accounting rendered at the time of such payment. Failure to do so breeds suspicion and distrust, with the result that it is generally believed to-day that, in many cases, the proper payment on capital investments is not, and has not been paid to the members of bands to whom such moneys are owing.

54. *Lands rightfully theirs have been expropriated*

Under the treaties, Indians are entitled to the lands designated as reserves and pre-emptions for all time in consideration of the great concessions granted by the Indians to the white man.

These rights have not always been respected since under the power of the Indian Act, Indians have been removed from their reserves and their lands have been expropriated and occupied.

Under the Indian Act as it stands and is administered to-day, wide powers are granted to the Superintendent of Indian Affairs to remove Indians from their reserves, to expropriate and occupy reserves under a variety of circumstances contrary to the provisions of the treaties and contrary to the express wishes of the Indians concerned. This Organization affirms the inviolable rights

of Indians to their lands and recommends that henceforth the safekeeping of these lands must be regarded by the Government of Canada as a sacred trust, the duties of which cannot be detracted from by statute or by practice, and that the rights attaching thereto, demand complete and absolute fulfilment.

The Indians of Western Canada regard the practice whereby the Department of Indian Affairs directs building and uses land belonging to the Indians on the reserve for the purpose of administering Indian Affairs, as a further encroachment by the white man upon the reserves. While the Indians recognized the necessity of an Indian Agent being upon the reserve, any use which he or other agents or servants of the Crown may make of Indian lands should be duly paid for by the Department of Indian Affairs. Otherwise, such use can be regarded as nothing but an encroachment upon the rights of Indians to the exclusive use and enjoyment of their lands on their reserves. Therefore, it is recommended that compensation be paid to Indian bands for use by the Department of Indian Affairs of such lands.

Section 34 of the Indian Act provides that no person or Indian other than an Indian of the band shall without the authority of the Superintendent General, reside or hunt, occupy or use any land or marsh, or reside upon or occupy any road, or allowance for roads, running through any reserve belonging to or occupied by such band. The inviolability of Indian lands is recognized by this section, but the Superintendent is given the power to exempt persons from its operation. The Indians can regard this as nothing but a violation of their right to the sole use and enjoyment of Indian lands. The Superintendent-General therefore, should not be given the power to permit persons to use Indian lands or hunt upon them or otherwise encroach upon them. It is necessary that if any one come upon those lands, such person should first be approved by the band and not by the Superintendent who simply acts as servant for the bands for purposes of using such lands.

Subsection 2 of section 34 provides that all deeds, leases, contracts, agreements or instruments made or entered into by any Indian purporting to permit persons other than Indians of the band to reside or hunt upon such reserve or to occupy or use such land shall be void. This Organization agrees that no individual should be permitted to alienate Indian lands. But, if the band council at its duly authorized meetings permits such person or enters into such agreements, those agreements should be valid ones and should not be regarded as void.

55. *No leases without consent*

Subsection (3) of Section 93 empowers the Superintendent General to lease any part of reserve lands, if he is of opinion that the individual Indian requires to cultivate it, neglects to do so. The question of an Indian's neglect is one resolved entirely by the Indian Agent or the Superintendent, and there is no right to impeach that decision. Upon reaching such decision, the lands alleged to be uncultivated may be leased without the consent of any of the persons concerned, including the band occupying the particular reserve. The Organization strongly disapproves this method of dealing with portions of reserve land, and recommends that henceforth that no leases whatsoever of reserve land shall be entered into without the consent of the band itself, and thereafter, only according to the terms agreed to by the band.

56. *No use of Indian land without consent*

The Organization recommends further, that no use whatsoever of Indian lands, whether under lease or otherwise, shall be made without the consent first received, from the band concerned. Farm instructors at present operate government machinery on reserves for instructional and experimental purposes, and

land is cultivated by such instructors. To this, the Organization raises no objection. However, some instructors at present cultivate land for their own private use on the reserves, and bring their own equipment and machinery thereon. The Organization recommends that farm instructors confine their efforts to instruction alone. No servant or agent of the Crown should henceforth operate on a reserve, any farm equipment, except for demonstrative purposes, nor should they use or consume any products of the land belonging to the band, except such as they may produce from the land and require for their own personal needs, and for those of their families.

57. *No employment of persons without consent*

Section 94A of the Indian Act empowers the Superintendent General to employ such persons on farms of Indian reserves, as to him may seem proper and desirable. To this practice, the Association raises the serious objection that frequently, a band will find it impossible to co-operate with unsuitable instructors and agents or persons chosen and appointed by the Government. The employment of assistants on the farms and in the reserves should be a matter determined in co-operation with the Indians affected, and this Organization recommends that in all cases, the matter of personnel on reserves be referred to the band for approval, and, if the band disapproves of the hiring of any particular person, such person shall not be appointed to a post in the reserve in question. Common sense, reason and fundamental justice demand that in matters of appointments, the Indians concerned should be heard, and their wishes respected.

58. *Expropriation in or near town or city is a denial of treaty rights*

Section 52 of the Indian Act provides that:—

> In the case of an Indian reserve which adjoins or is situated wholly or partly within an incorporated town or city having a population of not less than eight thousand, and which reserve has not been released or surrendered by the Indians, the Governor in Council may, upon the recommendation of the Superintendent General (Minister), refer to the judge of the Exchequer Court of Canada for inquiry and report the question as to whether it is expedient, having regard to the interest of the public and the Indians of the band for whose use the reserve is held, that the Indians should be removed from the reserve or any part of it.

This, and the provisions associated with this subsection have the effect of denying the Indians the rights unequivocally granted to them by the Treaties with the Crown, and more particularly of Clause 1 of the Qu'Appelle Treaty (and corresponding provisions of other treaties) whereby it was covenanted and agreed as follows:—

> And Her Majesty the Queen hereby agrees, through the said Commissioners, to assign reserves for said Indians, such reserves to be selected by officers of Her Majesty's Government of the Dominion of Canada appointed for that purpose, after conference with each band of Indians, and to be of sufficient area to allow one square mile for each family of five, or in that proportion for larger and smaller families. Provided, however, that it be understood that if, at the time of the selection of any reserves as aforesaid, there are any settlers within the bounds of the lands reserved for any band, Her Majesty retains the right to deal with such settlers as she shall deem just, so as not to diminish the extent of lands allotted to the Indians; and provided further that the aforesaid reserves of land, or any part thereof, or any interest or right therein, or appurtenant thereto, may be sold, leased or otherwise disposed of by the said Government for the use and benefit of the said Indians,

with the consent of the Indians entitled thereto first hand and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

A provision of the nature contained in Section 52 of the Indian Act is contrary to the letter and the spirit of the Treaties under which the Indians agreed to surrender their rights. This Organization, therefore, strongly protests the practices of the Government of Canada under the provisions of this section, and recommends that Section 52 of the Indian Act be repealed.

59. *Soldier settlement expropriation also violates Treaty rights*

Similar in nature, are the provisions of Section 188 of the Indian Act, which empower the Superintendent General to acquire Indian reserve lands for purposes of the settlement of soldiers under the Soldier Settlement Act, without the consent of the band in possession of such lands. This section is in direct contradiction of Section 51 of the Indian Act, which purports to require the consent of the band to any surrender of reserve lands, and is in contravention of the terms of Article 1 of the Qu'Appelle Treaty, referred to above. It is therefore recommended by this Organization that this and other sections of the Indian Act, which have the effect of ignoring the wishes and sensibilities of an Indian band in expropriation proceedings, be repealed, and that a new attitude be infused in the provisions dealing with Indian property; one which regards as inviolate, the rights of the Crown's oldest *cestuis que trustent.*

60. *Illegal possession*

Section 35 relates to the removal of trespassers illegally in possession of lands, and subsection (4) thereof states that any such person illegally possessed of land may be required "orally or in writing" to determine his illegal possession. It is realized that the provision was inserted because of the illiteracy of certain Indians. Nevertheless, because of the serious consequences which follow a continued illegal possession, and because of the abuses which may so readily arise, it is submitted that the "or" should be altered to read "and", and that in every case, whether the Indian concerned is literate or not, the requirements be made orally, and in addition, a written order be handed to the Indian concerned.

61. *Agreement between the Indian Bands and the Government should be sought*

The Organization is of the opinion that in cases in which the white man's cities and towns grow and expand into areas owned by the Indians, suitable arrangements can be made by agreement between the Indian Bands concerned and the Government of Canada and/or the provincial or municipal government which may be interested in the area. The Indian population of Canada has no desire to thwart progress of any nature. On the contrary, it is desirous of becoming a material force in the development of the country. This end, however, can be achieved only by agreement, and the practice of compulsion, in the movement of Indian Bands from land inalienably theirs, can cause nothing but bitterness and antagonism between the Indian and the white man—a situation which this Organization and all other Indian groups are desirous of avoiding.

62. *Expropriation for schools*

Section 11 of the Indian Act, which relates to the taking of lands for purposes of schools, provides as follows:—

> 11. The Governor in Council may take the land of an Indian held under location ticket or otherwise, for school purposes, upon payment to such Indian of the compensation agreed upon, or in case of disagreement such a compensation as may be determined in such manner as the Superintendent General may direct.

This power of expropriation is a considerable one, and it is improper that it should be exercised in relation to Indians, in a manner different from that exercised in relation to other persons in a community. Similar expropriation legislation in Ontario, for example, provides for a Board of Arbitration in such cases, and the Expropriation Act of the Parliament of Canada provides that in case of dispute as to the valuation of lands, the matter shall be resolved by the Exchequer Court of Canada in a proper judicial manner. Section 11 opens the door for arbitrary action in cases in which it is sought to expropriate Indian lands for school purposes.

63. *Right to dispose of produce*

Sections 40 and 41 of the Indian Act, added by amendment of 1932-1933 Canada Statutes, cap. 42, impose certain restrictions upon the sale of cattle, etc., grown on the property of a band. The object of these restrictions appears to be to prevent the wrongful dissipation of the assets of the band by any one member thereof. However, restrictions of an oppressive nature, such as those contained in these sections, have the inevitable effect of weakening the ability of persons to develop independence and self-reliance, and, far from achieving the avowed purpose of the sections, they encourage the wrongful disposition of the produce of reservations. By encouraging the band council itself to impose regulations upon the disposition of such produce, it appears that the object of the enactment would more readily be achieved, and in addition, that the benefits accruing to such bands in their practice of self-discipline and self-regulation would be considerable.

64. *Power to dispose of property*

Section 108, subsection (5) imposes a restriction similar to that in sections 40 and 41 in respect of the sale and barter of any animal by an Indian without the consent of the Indian agent. Here again, it is submitted that what restrictions are to be imposed upon any dealing in the assets of the band, ought to be imposed by the council of the band, and not by the Indian Agent or any other agent of the Crown. Freedom of trade among Indians of the reserves should be encouraged.

65. *Mineral Rights*

It should be noted that no mention of mineral rights was ever made in any of the treaties in which Indians surrendered their rights. In those sections which deal with the surrendering of land rights, the term "land" alone is mentioned. The Indians at no time had any intention of surrendering their mineral rights and the matter was never discussed or ruled upon by the Commissioners.

Through the administration of the Indian Act, Indians have been deprived of their rights to minerals not only in the whole of Canada, but upon lands within the reserves.

The Indians of western Canada believe that it is only just that they should now be entitled to mineral rights not only upon their reserves, but upon all lands in the western provinces. From these they claim royalties, which in the past have never been paid to them, and they claim that failure to pay them such royalties amounts to a breach of treaty rights. This should be rectified by an amendment to the Indian Act, providing for payment of past royalties for mineral development.

Section 2, Clause J, of the Indian Act in defining "reserve", includes in it "any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, on which the legal title is in the Crown, and which remains so set apart and has not been surrendered

to the Crown, and includes the trees, woods, timber, soil, stone, minerals, metals and other valuables thereon or therein". However, by Section 50, the Indians themselves have no control over the alienation of this property, and it is believed that such properties should be alienated only by a majority vote of the band.

66. *Homestead disability*

Section 155 of the Indian Act provides that Indians shall be incapable of acquiring a homestead in the provinces of Manitoba, Saskatchewan and Alberta. It is provided that their occupation under certain circumstances shall not be distributed, and that in certain cases, they shall be compensated for improvements made upon what otherwise would be homestead property. There appears no valid reason why Indians should be excluded from the application in these provinces of those statutes of general import, which permit of the occupation and ownership of a homestead. This right would appear to be of particular value in Saskatchewan and Alberta where the settlement movement at present is northward and it is submitted that Indians ought to be placed in at least as good a position as other persons in these provinces, in so far as the acquisition of homestead property is concerned.

66A. *Inventions*

Since many Indians are of an inventive mind and have little means to finance a search for patents, or to obtain patents or to make models for patent purposes, the Indian Affairs Branch should make provision whereby such inventions or models may be investigated, and, if worthy, be patented for the benefit of the Indian concerned.

67. *Wills and Testamentary devises*

Section 25 of the Indian Act provides that every will and testament of an Indian must be approved by the Superintendent-General, and if such will has not been approved, it shall be null and void, and of no effect. The object of this section appears to be to prevent the alienation of lands contained in a reservation and preserved for the use and enjoyment of a band as a whole, and it seeks to prevent the interference with this object. But the provision as it now stands constitutes an unwarranted interference in the right of testamentary disposition, and the same effect could more justly be secured if a provision were substituted for the present section 25 whereby it is stated that any attempt to alienate reservation property by means of testamentary disposition should, *pro tanto*, be null and void. In this way, the entire will would not be voided for lack of the mere formality of submitting it to the Superintendent General and receiving his approval, and it would characterize such testamentary dispositions as confidential during the lifetime of the Indian, and would accord him the respect which he deserves.

68. *Succession upon intestacy*

Section 26 of the Indian Act relates to succession upon intestacy, and in providing for the devolution of a one-third share of a husband's property to his widow, provides that such widow shall be "of good moral character". No objection can be taken to this provision, which finds its counterpart in many provincial Dower Acts and Widows' Relief Acts. However, subsection (2) states that:—

> The Superintendent General (Minister) shall be the sole and final judge as to the moral character of the widow of any intestate Indian.

This provision places altogether too great and unrestrained a power in the hands of the Superintendent General, and if, as a matter of convenience and expediency it is found necessary to endow him with some similar power, it is

desirable that some appeal should lie from his decision to a Court of competent jurisdiction, or to some body or official locally situated, who may review the determination of the Superintendent General upon the application of the widow who may make representations thereto on her own behalf.

69. *Judicial powers of council in matters relating to succession*

A wide and unrestrained power is given to the Superintendent General in section 32 of the Indian Act, in which it is stated that he:—

> may decide all questions which arise under this Part, respecting the distribution among those entitled thereto of the property of a deceased Indian, and he shall be the sole and final judge as to who the persons so entitled are.

Again, this is too broad a power, and should be restrained and modified by a right of appeal. In addition, it should be expressly stated that this power can be exercised only after a full and fair hearing has been afforded interested parties to make representations before the person making the decision, and also, to take an appeal to a tribunal available to such persons at the same time readily and cheaply accessible to them. It is recommended that the council, provided for in Part II of the Indian Act, should be endowed with power to determine the judicial or quasi-judicial matters relating to succession, and other matters which concern the internal affairs of a band, in order that self-government may be encouraged, and self-determination assured according to the customs and traditions of the band.

70. *Liability to taxation*

Although the Indians of Canada have no desire to avoid their responsibility as citizens, it is the opinion of this Organization that until equality of economic opportunity and of status is achieved, and becomes a reality, the Indian population should be subject to no form of taxation whatsoever, either direct or indirect. The difficulties inherent in granting exemption from indirect taxation to Indians are appreciated, but it is recommended that all reasonable efforts be made by the Government of Canada, to relieve Indians of the liability for payment of takes of any nature whatsoever.

71. *Liability to military service*

Treaties numbered 3, 6 and 8 specifically exempt Indians from conscription for military service. In virtue of the signing of the Indian treaties, the Indians were regarded as a nation and as one with whom the British Crown entered into diplomatic relations. Because of these treaties the Indians therefore have never been regarded as British subjects nor can they ever be regarded as Canadian citizens under existing legislation. Thus, it follows that regulations pertaining to conscription for military service should not be applied to Indians.

It should be pointed out that the loyalty of the Indian people cannot be questioned. More than 2,500 young men and women from the reserves have served with efficiency and distinction in the war just completed. Most of these served voluntarily and the Indians do not object to this since it is in accordance with their age-old traditions which have always stood for the freedom of the individual and of the group.

The Indians do object to conscription. They believe that once they laid down their arms in peace with the British Crown and signed treaties with the Crown, they should never again be asked to take up arms in behalf of the Crown. Preferential treatment has been afforded to Mennonites, Hutterites, Doukhobors, and other groups of immigrants from Central and Eastern Europe; there exists no reasons why the same exemption from military service should

not be accorded by law to the Indians. Furthermore, it is submitted that the case of the Indians is a far stronger one than that of any other group, and that it deserves immediate consideration.

It should also be noted that in 1917, under the Act applicable during World War I, Indians were specifically exempted from compulsory military service. This practice should be continued and the principle reinstated in appropriate legislation for the Indians of to-day.

72. *Franchise is meaningless without educational and economic liberty*

This Organization does not favour the enfranchisement of Indians in Canada, but does recognize the necessity of eventually assuming the responsibilities and duties of citizenship, as well as the rights thereof, but the franchise itself is a thing of which the Organization cannot approve as such. It is regarded, not as a desirable end in itself, but rather as only one of the indicia of full-fledged citizenship. The franchise, without the education and knowledge necessary to exercise it intelligently, and in the interest of the country, is an asset neither to the Indians who possess it nor to the nation of which such element is a part. Similarly, the franchise, without equality of economic opportunity simply disguises a system which perpetuates classes of freemen and bondsmen, and does not pretend to attack the inherent evils of such an order.

It is the opinion of this Organization that the rights granted to Indians by their Treaties with the Crown are adequate to raise the standards of Indian life, provided that the Treaties are sympathetically interpreted and administered by men of good will, with cognizance of Indian problems, and the *bona fides* to assist in solving them. When that has been done and the matter of citizenship placed in its proper perspective as a choice to be made *individually* by every Indian for himself, the franchise will become meaningful to Canada's oldest people—and her newest citizens. The franchise, therefore, is regarded by this Organization as the final affirmation of racial, religious, educational and economic liberty and equality, and it is only upon this basis that the franchise is desired. At present, it is not desired, in future, it may be regarded as valuable.

73. *Enfranchisement must be on a voluntary and individual basis*

Therefore, this Organization does not favour an indiscriminate or general enfranchisement of Indians, either in bands, or in other groups. It is of the opinion that since the rights and responsibilities of citizenship are primarily individual in nature, so enfranchisement must be upon an individual and specific basis. Laws which enfranchise an entire band upon the vote of a majority thereof, violate the treaty rights of all Indians who are members of the minority group, and who have voted against enfranchisement. More important even, they violate every principle of the Common Law and of International Law, which determine the nature of a man's citizenship, apart from the question of birth, according to individual action, individual consent and individual conduct.

74. *Enfranchisement must be confined to individuals upon application*

The Organizaton approves of the provisions of Section 110 of the Indian Act which relates to the enfranchisement of individual Indians, upon application by them, and upon approval of their fitness for enfranchisement, by examination. However, it strongly condemns the provisions contained in subsection (14) of this section, which empower a Board of Inquiry to determine the fitness of the Indians of any band who have not made application for enfranchisement, the report thereof to have the same force and effect, and to be dealt with in the same manner as if an application had been made for enfranchisement under that section. Under the Treaties, Indians were constituted wards of the Crown, and the special privileges attaching to that status are, without the

consent of every Indian involved, certain and inalienable. The Indian's birthright is his preferred position under the Treaty, and the rights deriving therefrom cannot and should not be interfered with, except upon the special application of the individual concerned. To seek to enfranchise Indians except on this basis and by the procedure outlined in subsection (14) of Section 110 of the Act, is to commit a serious breach of the Treaty terms. In addition, it is to fly in the face of the English Common Law which individualizes the question of status, domicile and nationality, and which bases a determination of these matters upon the *animus* or wishes and intentions of the individual involved, and which places great weight upon the conduct of the particular individual. The provisions of subsection (14) abrogate every principle of law heretofore evolved for these purposes, and, in addition, deprive the Indian of his privileges under the treaties, and of his normal contractual rights as they have always been understood. This Organization therefore recommends the repeal of subsection (14) of section 110, and a confinement of enfranchisement to individuals only upon application.

With respect to Section 110, subsection (10) of the Indian Act, children of Indians who become enfranchised should not be deemed to be enfranchised until they have reached the age of 21 years, when they should be permitted to elect whether to become enfranchised or to remain in treaty. All assets to which they are entitled at the time of enfranchisement should be held for them by the Indian Affairs Branch to be paid out if, at the age of 21 years, such person elects enfranchisement.

74A. *Compensation on Enfranchisement*

Upon enfranchisement, Indians receive only their share, *pro rata,* of the assets of the band of which they were members. This often amounts to a very small sum of money. No provision is made to compensate Indians for their true birthright which they were to enjoy under the Treaties. In addition to sharing in band assets on enfranchisement, Indians should be granted, also, a sum of money in lieu of the social services, the health services, the educational benefits, the machinery and all other things to which they are entitled under the Treaty. In addition, they should be entitled to a sum equal to the Treaty Money promised, but amortized over the period of their expected natural life. These are factors more important than band funds or even band lands.

75. *Representation in Parliament*

Without enfranchising the Indian, it is the opinion of this Organization that representation in the House of Commons ought to be extended to Indians, such representation to be secured upon the basis of election among the Treaty Indians throughout the Dominion, of three or four Indian Members of Parliament. It is difficult and very nearly impossible for persons other than Indians, to appreciate fully, the problems which beset the members of this ethnological group in Canada to-day. For this reason, it is highly recommended that steps be taken to secure for this group, special representation, through its own people, in the Parliament of Canada through recognition of *bona fide,* democratic Indian organizations, and through representation in Ottawa from such organizations.

76. *Conclusion: Voice of Indians should be heard*

The Indians of this Organization submit that nothing should be done by the Department of Indian Affairs Branch or by the Government of Canada which at any time will serve to sever the close relationship which has existed from the commencement of the Treaties between His Majesty and the Indian Nations who have concluded treaties with the Crown.

Furthermore, all changes in the Indian Act and regulations pertaining to it should be made only after consultation with the authorized representatives of the Indian Nations of Canada in order that they may have a voice in stating such changes as they may think necessary or desirable.

Lastly, it is recommended that in the staff of the Department of Indian Affairs there should be placed progressively more and more Indians who themselves will have a real knowledge of Indian affairs and who will be able to administer their Indian affairs in a sympathetic and understanding manner. This is of utmost importance to the Indians of Canada in order that they may participate themselves in formulating the policies which govern them.

A long-range policy is needed with the over-all aim of the total emancipation of the Indian, at his own pace and as he wishes. Fundamental to this, are the establishment of democratic practices, provision for opportunity to make a living, full health care and a proper educational program.

The first thought for the future should be co-operation: co-operation among Indian bands and the Indians themselves; co-operation between Indians and their white neighbours; co-operation between Indians and the Government of Canada. Not in hand shaking alone—as in the conclusion of the treaties in the 1880's—but in hands working together for the creation of a greater Canada and a happier Canadian people, can the hopes and aspirations which are mutually ours, be realized.

All of which is respectfully submitted.

APPENDIX "T"

Special Needs of Named Reserves

GENERAL

All reserves in Saskatchewan are in need of the improvements, material and otherwise, set out in the body of the brief of the Union of Saskatchewan Indians. There are many other improvements which should be made on particular reserves. These can be made fully known and may be appreciated only upon a visit to the reserves themselves. For this reason, this organization urges the Joint Committee to hold regional hearings in every part of this province as soon as may be, in order that every reserve may be visited, conditions on reserves inspected first hand, and conclusions reached after this evidence has been noted.

The conditions on many reserves beggar description. Housing conditions are extremely poor, and may be described as worse than urban slums. In this regard, the Union states that housing conditions in Saskatchewan are at least as bad as those in Alberta, as described in Appendix "C" of the brief of the Alberta Indian Association, and the Union associates itself with the general comments, remarks and recommendations of the latter brief on this question.

Similarly, the needs of the reserves of Saskatchewan with respect to agriculture are similar to the needs of the Alberta Indians, and therefore, the Union endorses the principles set out in Appendix "A" to the brief of the Alberta Indian Association in this regard. Recommendations (1), (2), (3) and (4) in Appendix "A" of the Alberta submission are especially endorsed for application in Saskatchewan.

The Union endorses the general principles set out in Appendix "B" of the Alberta Indian Association as related to health. It particularly endorses the section relating to the need for improved hospital services in hospitals situated closer to the reserves in order that great distances need not be traversed by patients and by friends and relatives visiting patients hospitalized.

The Union also endorses the principle of an ambulance service to be provided on all reserves; it endorses the principle of training Indian nurses, hospital aides and first aid personnel on the reserve. It recommends a progressive development

of public health facilities on reserves; these are wholly lacking at the present time. It urges that public health for Indians should be regarded as a full-time job for nurses and physicians, and that these duties should not be loaded on as extras for personnel already fully occupied with other responsibilities.

Particular Band Requests

Some of the bands in Saskatchewan have already submitted briefs to the Joint Committee relating to their particular needs; others may, before the Committee completes its work, submit additional material. The Union of Saskatchewan Indians prays that the Committee give consideration to all such representations where it appears that they have been made by the Indians themselves, and have not been inspired by persons desiring that the Indian speak not his own mind, but the words the white man wishes him to speak.

Duck Lake Agency

In this latter connection, the Union wishes to draw attention to the brief submitted to the Committee by the Duck Lake Indian Agency, which was inspired wholly by the resident Indian Agent, Mr. N. J. McLeod. Appearing as Appendix "EU" are true copies of statutory declarations made at Saskatoon in the course of the special meeting of the Union held on April 28th and 29th, 1947, in which persons attending the Duck Lake meeting at which the brief was supposed to have been approved, declare that the meeting was dominated by the Indian agent, and that the agent cast disparaging remarks at this organization, and asked that its members leave the meeting, which, in fact, was done. It is therefore to be noted that while the Duck Lake Agency brief undoubtedly contains some useful recommendations, it was not compiled with the consent or approval of a majority of the members of the band.

Re Lucien Bruce

The Union further desires to draw the Committee's attention to the unfair remarks of Mr. R. S. Davis, Indian agent at Punnichy, contained in his letter of August 17, 1946 addressed to Mr. J. P. B. Ostrander, and printed in the Minutes of Proceedings and Evidence of the Joint Committee on pp. 138-139 of the 1947 Session. First, it should be pointed out that the Union was acquainted with the facts referred to by Mr. Lucien Bruce regarding the condition of Mr. and Mrs. Frank Wolfe, and it was of the opinion that attention should have been given sooner to their needs. Secondly, it should be stated that Mr. Lucien Bruce is a member of the Union and he was appointed a commissioner for oaths at the request of the Union for the purpose of obtaining materials of the nature submitted in his statement. Lastly, the Union thinks it unfair of an Indian agent to seek to discredit a man behind his back, and without giving him an opportunity to defend himself. Making reference to Mr. Bruce's conviction in 1943 appears, to the Union, to be most unjust; many persons have made mistakes at one time or another, and have, notwithstanding, become useful citizens. To condemn a man for all time because of one mistake—and to seek to defend oneself by throwing mud at an Indian, as Mr. Davis has sought to do—is an indication of the unfairness to which Indian agents sometimes resort. This is not the spirit in which the Treaties were entered into. While the Union cannot now as kthat Mr. Davis' reference to Mr. Bruce's conviction be struck from the record, it does ask that Mr. Davis be requested to withdraw the last two sentences of the last paragraph of his letter to Mr. Ostrander of August 17, 1946.

Keeseekoose Band

In or about the year 1904, Chief Kitchimonia of the Keeseekoose Band entered into an arrangement whereby certain band lands would be exchanged for certain other hay lands in Saskatchewan. For two years this arrangement was

carried out by the Indian Affairs Branch. After the Chief died, however, the Indians of the Band were deprived of their right of entry upon the hay lands. The Union requests that a complete investigation be made into the circumstances of the arrangement, and, on behalf of the Keeseekoose Band, requests that the hay lands of which they have been deprived; be returned to them.

Need for Day Schools

The need for schools of every type is great in every part of Saskatchewan; the north country, however, has probably the direst necessity. A survey has indicated that the following construction is highly necessary immediately:—

1. Day Schools Required.
   (1) Fon du Lac—Two rooms and residence.
   (2) Stony Lake—Two rooms and residence.
   (3) Garson Lake—Two rooms and residence.
   (4) Dillon—Two rooms and residence.
   (5) Patunik—One room and residence.
   (6) Clear Lake—One room and residence.
   (7) Stanley—One room and residence.
   (8) Polican Narrows—Two rooms and residence.
   (9) South End—One room and residence.
   (10) Lac la Ronge—Six rooms and residence; takes in everybody.
   (11) Wollastin Lake—One room and residence.

   Replacements—
   (1) Pine Bluff—One room and residence.
   (2) Red Earth.
   (3) Montreal Lake—Two rooms and residence.

2. Dormitories.
   (1) Lac La Ronge.

3. Grants.
   To be made by the Dominion to the Provincial Government for:
   (*a*) Construction of schools, teacherages, and dormitories on a proportional basis.
   (*b*) Equipping and furnishing of schools, teacherages, and dormitories.
   (*c*) Operation of schools including teachers' salaries, janitor services, water, fuel and light, and libraries, cod liver oil, etc.

Peepeekesis Band

In or about the year 1902, when the File Hills Indian Colony was established, the late Mr. W. M. Graham, agent, whose policy was to tell the Indians as little as possible, had approximately 80 acres of the reserve surveyed and broken into lots. This was carried on without the consent of the band. Following this, pupils from the File Hills Residential School at Lebret were placed upon these lots, and other students were brought from the Brandon School. Other Indians soon came from the Little Black Bear Band, the Star Blanket Band and the Okanese Band. In 1911 or 1912, more settlers were brought on this land. Mr. Graham then demanded that a vote be held in his office to determine whether this settlement project should be approved. At first, the members voted against the scheme, but they were later persuaded by him to vote in favour of the project. Additional Indians settled on the land, and there are more than 300 members of this band who are not descendants of the original Indians. An enumeration, is therefore necessary. Band membership should be determined by the band itself in a free vote. This was never done.

On March 4, 1946, the Indian agents called a meeting of the band to elect councillors; objection was taken to this procedure at that time by the original members, but the objections were overruled by the agent. Councillors were elected, but there is evidence of unfair influence having been exercised upon the Indians by the agent. It is therefore requested that a full investigation be made into the two questions raised herein by Peepeekesis' Band. One of its principal spokesmen and an original band member having full personal knowledge of the facts is Mr. Ernest Goforth who is a vice-president of the Union of Saskatchewan Indians.

Ochapowace Band

The Ochapowace Band at Broadview, Saskatchewan makes the folowing requests:—

(1) It is stated that during the war, Indian agent, W. J. D. Kerley advised the members of the band that until the end of the war they would receive decreased interest payments on their band funds, but that the rate of interest on band funds would be increased after the war. Members of the band are now considerably in debt and it is therefore requested that the interest rate be increased and that no demand for payment of debts be made in the fall, but that a demand be made in the spring of each year since all the resources of the band are required to carry its members through the winter months. The object is that interest payments on band funds be made available to pay band debts.

(2) It was resolved that the Department of Mines and Resources furnish the band, through Chief Jack Ochapowace, with a statement of the trust funds of the bands for each of the years between 1923 and 1946, both inclusive.

(3) It was resolved that the agreement of some 20 years ago under which certain lands of the band were surrendered, be furnished to the band through its Chief.

(4) It was resolved that the agreement setting up the community farm on the Reserve in the year 1938 be forwarded to the band through its Chief.

(5) It was resolved that there be an investigation of the removal of gravel from the Reserve in July, 1945, without the consent of the band.

Sturgeon Lake Reserve

The Indians of the Sturgeon Lake Reserve are in need of lumber for the construction of houses; it is requested that steps be taken to make such lumber available to them as soon as possible.

Stoney Band

The Stoney Band is likewise in need of lumber to build houses; nine buildings are needed at once and the money has been voted for this purpose by the band. It is requested that action be forthcoming in this matter without delay.

White Bear Reserve

Lumber and other building materials are required for the members of White Bear Reserve who are in great need of improved housing.

A Canadian National Railway track passes through the Stoney Reserve, and certain moneys have been paid by the railway to the credit of the band. A statement of this income has never been received by the band, and a request for such statement is now desired.

At a meeting of the Stoney Band held on April 28, 1947, at the farm yard of the farm instructor of the Red Pheasant Reserve, it was resolved that members of the band would not accept the sum of $5.00 and provisions as interest from the band's forest-money. A statement has never been given to the band by the Indian Affairs Branch. The Band requests the sum of $15.00 cash and $5.00 in provisions for each member and a full statement of assets. The Band authorized Mr. George Nicotine, a member of the Union of Saskatchewan Indians, to make appropriate representations to Ottawa on its behalf, and the Union supports the request of the Band.

Poor Man's Reserve

A day school has been requested by the members of the Poor Man's Reserve, and attention should be given to this need without delay.

APPENDIX "EV"

STATUTORY DECLARATIONS WITH RESPECT TO THE BRIEF OF THE DUCK LAKE INDIAN AGENCY

We, Angus Baldhead, of the Duck Lake Indian Agency, and Harry Bighead, of the Duck Lake Indian Agency, in the Province of Saskatchewan, jointly and severally do solemnly declare:—

1. That on or about the 26th day of March, A.D. 1947, Chief Don E. Gamble of the Beardy's Band at Duck Lake Agency called a meeting of all the Indians of the Band for the purpose of writing a brief for the Indians of the Duck Lake Agency, and that we were both present at the meeting on that occasion;

2. That there were four bands represented at the said meeting, being the following, viz., One Arrow, Beardy's, John Smith and James Smith Bands;

3. That approximately 30 persons were present, and that included among them, and sitting at the head table was Mr. N. J. McLeod, Indian Agent, and Chief Donald Gamble;

4. That before the meeting started, Mr. McLeod asked Joe Gamble, son of Chief Donald Gamble to act as chairman and although Joe Gamble suggested that a chairman be elected, Mr. McLeod insisted that Joe Gamble act as chairman;

5. That present also, and acting as clerk was the Indian Agent's Clerk, Mr. Victor Heidegurgen, or of some similar name, and he made notes of the discussions and compiled the brief;

6. That shortly after the meeting opened, John Henry Eyahpaise, a band member, asked for an explanation as to how this brief was to be prepared and suggested that some reference be made to the draft brief of the Union of Saskatchewan Indians, and following a discussion, Mr. McLeod said that those who are in favour of the Union of Saskatchewan Indians or are connected with that CCF outfit had better pack up and go;

7. That shortly thereafter, we left the meeting and a great many other band members left the meeting leaving no more than 10 to 15 members present at the meeting;

8. That we left the said meeting on account of Mr. McLeod's remarks and because of his domination of the said meeting, which we regard as improper.

And we make the declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath in virtue of the Canada Evidence Act.

Declared before me at the City of Saskatoon, in the Province of Saskatchewan, this 28th day of April, A.D. 1947.

Sgd. ANGUS BALDHEAD.
Sgd. HARRY BIGHEAD.

[SEAL]

Sgd. MORRIS C. SHUMIATCHER.
A Notary Public in and for the Province of Saskatchewan.

We, Joe Gamble, and John B. Cameron, of the Duck Lake Indian Agency, in the Province of Saskatchewan, jointly and severally do solemnly declare:—

1. That we, together, were present, in the City of Saskatoon, when Angus Baldhead and Harry Bighead made their joint declaration dated the 28th day of April, A.D. 1947, and we have both heard their statements and read their solemn declaration;

2. That we were both present at the meeting of the 26th day of March, A.D. 1947 referred to in the aforesaid declaration and we declare that their statements respecting the said meeting are true in substance and in fact.

And we make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath in virtue of the Canada Evidence Act.

Declared before me at the City of Saskatoon, in the Province of Saskatchewan, this 28th day of April, A.D. 1947.

Sgd. JOE GAMBLE.
Sgd. JOHN B. CAMERON.

[SEAL]

Sgd. MORRIS C. SHUMIATCHER.
A Notary Public in and for the Province of Saskatchewan.

I, John Henry Eyahpaise, of the Duck Lake Indian Agency, in the Province of Saskatchewan, do solemnly declare that I have read the declaration of Angus Baldhead and Harry Bighead dated the 28th day of April, 1947, do state that its contents are true and accurate in substance and in fact;

And I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and in virtue of the Canada Evidence Act.

Declared before me at the City of Saskatoon, in the Province of Saskatchewan, this 28th day of April, A.D. 1947.

Sgd. JOHN EYAHPAISE.

[SEAL]

Sgd. MORRIS C. SHUMIATCHER.
A Notary Public in and for the Province of Saskatchewan.

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SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 20

FRIDAY, MAY 9, 1947

WITNESSES:

Mr. John B. Tootoosis, President, Union of Saskatchewan Indians;
Chief Joseph Dreaver, former President, Saskatchewan Indian Association;
Chief John Gambler, former President, Protective Association for (Saskatchewan) Indians and their Treaties;
Reverend Ahab Spence, Teacher, Little Pine Reserve, Saskatchewan.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

FRIDAY, 9th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: The Honourable Senator W. H. Taylor, (Joint Chairman).

Present:

The Senate: The Honourable Senators Blais, Dupuis, Fallis, Horner, Johnston, Macdonald (*Cardigan*), McKeen, Paterson, Robicheau and Taylor—10.

The House of Commons: The Honourable Messrs. Glen and Stirling and Messrs. Bryce, Blackmore, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*) (Vice-Chairman), MacNicol, Raymond (*Wright*), Reid—15.

In attendance: Mr. W. J. Ford Pratt; (from Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; J. P. B. Ostrander, Inspector, Indian Agencies, Saskatchewan; B. F. Neary, MBE., Superintendent, Welfare and Training; H. M. Jones, Supervisor, Family Allowances; G. Patrick, V.L.A.; G. Armstrong, Welfare Division; Dr. P. E. Moore, Indian Medical Services; also Rev. J. O. Plourde, O.M.I., and Mr. Max Campbell, M.P., (*The Battlefords*); also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Mr. H. M. Jones, Supervisor, Family Allowances, read into the record a statement with regard to the payment of family allowances to Indians resident in Saskatchewan.

Reverend Ahab Spence, recalled, made a statement and was questioned thereon.

Chief John Gambler recalled, made a statement, and was questioned.

The Committee adjourned at 1 o'clock p.m., to meet again at 4 o'clock p.m., this day.

AFTERNOON SESSION

The Committee resumed at 4 o'clock p.m.

Presiding: The Honourable Senator W. H. Taylor, Joint Chairman.

Present:

The Senate: The Honourable Senators Fallis, Horner, Macdonald (*Cardigan*), and Taylor—4.

The House of Commons: The Honourable Mr. Stirling and Messrs. Bryce, Blackmore, Case, Castleden, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*), and Reid—11.

In attendance: as at this morning's session.

The Chairman read a copy of a teletype message from the Canadian Ambassador, Washington, D.C., U.S.A., with regard to the attendance of a representative from the United States Department of the Interior before this Committee on May 12 next.

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The Chairman read into the record a memorandum from the Secretary, Indian Affairs Branch, concerning the matter of Laura James, Chilliwack No. 13 (Tzeatchen) Reserve, which was raised by Mr. Andrew Paull.

Hearing resumed of the Reverend Ahab Spence.

Statement by Mr. Ostrander and Mr. Patrick, with regard to the administration of Indian Veteran Affairs in Saskatchewan.

Mr. Matthews suggests that the Departmental officials concerned with the administration of veterans' affairs should prepare and distribute for the use of this Committee, to be printed in our record for the information of all concerned, a brief setting out clearly and concisely the departmental procedure with regard to Indian veteran land grants and other privileges.

Mr. Gariépy asks that the Committee be supplied with a statement as to the legal effect of section 10(2) of the Indian Act and how that has worked out in actual practice. It was agreed that this is a matter which should be dealt with by the subcommittee on education.

Mr. Castleden asked that the subcommittee on agenda and procedure give serious consideration to the matter of the payment of the expenses of the Reverend Ahab Spence who made a "very valuable contribution" to the deliberations of this Committee.

The Committee adjourned at 6 o'clock p.m., to meet again at 9 o'clock this evening.

EVENING SESSION

The Committee resumed at 9 o'clock p.m.

Presiding: Mr. J. E. Matthews, M.P., (*Brandon*), Vice Chairman.

Present:

The Senate: The Honourable Senator Horner.

The House of Commons: Messrs. Bryce, Blackmore, Case Gariépy, Harkness, Matthews (*Brandon*), MacNicol, Reid and Stanfield—9.

In attendance: as previously noted this morning.

Messrs. Tootoosis, Gambler and Spence made statements supplementing their brief and were questioned.

Mr. Reid expressed the thanks of the committee for a "well presented brief". The Honourable Senator Horner joined in the tribute to the delegation.

Chief John Gambler, in reply, said "I am more than happy that you have given us this wonderful reception".

The Committee adjourned at 10.40 o'clock p.m., to meet again on Monday next, 12th May, at 11 o'clock a.m.

T. L. McEVOY,

Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

MAY 9, 1947

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. The Honourable Senator W. H. Taylor (Joint Chairman) presided.

The CHAIRMAN: Ladies and gentlemen, our witnesses are here. I believe it was intended this morning to proceed with the brief of the Rev. Mr. Spence, and Chief John Gambler. After those briefs are presented I take it we will have the privilege of questioning all members of the delegation from Saskatchewan. If that is agreeable we will proceed.

Mr. CASE: Just before we get under way, last night we were dealing with the matter of family allowances just as we concluded. I believe Colonel Jones has a set of figures which he has shown to me which relate to all Indian children who are eligible for family allowances in the province of Saskatchewan, and the number who are being paid. I think it would take only a moment for him to put it on the record.

The CHAIRMAN: Is it lengthy?

Mr. CASE: No, it is just a set of figures.

The CHAIRMAN: Is it agreeable to the committee that Colonel Jones should give this to the committee or place it on file? Which do you desire?

Mr. CASE: I think it would be very brief.

The CHAIRMAN: You would like to have it read to the committee?

Mr. CASE: Yes, it would take only a minute.

The CHAIRMAN: Is it agreeable that Colonel Jones read this statement to the committee?

Carried.

Mr. TOOTOOSIS: Before Mr. Jones proceeds I should like to say a few words. You gentlemen have asked us to speak a little louder so you can hear us. We like to hear you too, I wish everyone would talk a little louder.

Mr. JONES: Mr. Chairman and ladies and gentlemen: I happened to see the reference on family allowances about half past three yesterday afternoon. I got together what figures I could in pencil in case the question was brought up. These figures may be of interest to you. If you take the census of the province of Saskatchewan you will find that under seven years of age there are 1,572 male children, 1,611 female children, a total of 3,183. In the group from seven to sixteen there are 1,683 male children, 1,646 female, total of 3,329. The total for all children in the province of Saskatchewan under sixteen years of age is 6,512.

The figures I have from the chief treasury officer of the Department of National Health and Welfare show as at the end of February, 1947, there are 6,578 registered for family allowances in the province of Saskatchewan. Of those 4,915 are in pay, and 1,663 suspense. If you look at the annual report of last year's residential school enrolment you will note the total enrolment for the province of Saskatchewan in the residential schools was 1,886, and the average was 1.727.

The CHAIRMAN: I believe the understanding of the committee yesterday was that we would proceed this morning with the brief submitted by the Rev. Mr. Spence.

Mr. GARIÉPY: Is it clear on the record that Mr. Jones referred to Indian children of Saskatchewan?

The CHAIRMAN: That will be on the record.

Mr. CASE: It refers to Indian children.

Mr. CASTLEDEN: May I have an explanation from Mr. Jones as to the 1,663 in suspense?

Mr. JONES: Registered but in suspense, not being paid.

Mr. CASTLEDEN: And the reason for that is?

Mr. JONES: Residential school.

Mr. CASTLEDEN: Being resident in a residential school?

Mr. JONES: Yes.

Mr. CASTLEDEN: As to the rest they are being paid to the parents?

Mr. JONES: Yes.

Mr. BRYCE: Have you a breakdown of those who are residential school and those who are not getting it because they are not going for some other reason?

Mr. JONES: No, I have not. That is the total in suspense which is less than the enrolment in the residential schools.

Mr. BRYCE: But there will be some included in those figures who do not get the family allowance for some other reason than attending a residential school.

Mr. JONES: Yes. That could be suspension for overpayment or something else.

Rev. Ahab Spence, recalled

The WITNESS: Mr. Chairman, Senator Fallis and gentlemen of the committee: Yesterday we dealt quite considerably with the matter of family allowances. I should like to clear up what is in the back of the minds of those present here yesterday regarding the radius of the day schools. I never knew this before, but I have come to Ottawa for an education and that is one point I did learn. They told me according to the school Act that this was the situation. This information was given to me by Inspector Ostrander, inspector of Indian agencies in the province of Saskatchewan. Apparently any Indian child who is within a radius of two and a half miles and is of the age of ten or under is compelled by the Family Allowance Act to attend that school if there happens to be a school on that reserve. I am also given to understand that any Indian child from 12 to 16 within a radius of three and a half miles is also compelled by law to attend the day school. I hope that clears up the point that was raised yesterday regarding some Indians moving away from the Indian reservation to go threshing, for an example.

By Mr. Lickers:

Q. What about children between 10 and 12?—A. 10 and 12—they have to attend school, too.

Q. What is the radius for them?—A. I imagine the radius would be two and a half miles.

Q. You said the radius was two and a half miles for children under 10 and three and a half miles for children from 12 to 16.—A. May I suggest that you ask Mr. Ostrander about that.

Mr. OSTRANDER: Mr. Chairman, the Saskatchewan regulations set the radius of two and a half miles for children up to 12 and three and a half miles for children over 12. Outside of three and a half miles there is no compulsion. We try to follow that as far as possible in dealing with attendance where it relates to family allowance.

The WITNESS: Shall I proceed?

The CHAIRMAN: Yes.

The WITNESS: Yesterday I attempted to the best of my ability to give you some of the problems with which we have to contend as Indians. First there is the question of Indian education. I hope there will be more questions on education before this hearing is over. Before I left the meeting of this Union in Saskatoon one of the chiefs came to me and said, "You are going to be in a very peculiar position because it is bad enough to be cross-examined by one lawyer, but when you have about 40 of them firing questions at you there is going to be (blank) fire and thunder." That is the feeling I have this morning.

I do not think the other members of this delegation would object if I say a word or two about the northern Indians. After all I am a northern Indian myself. I have always had sympathy for the northern Indians. I have always felt that the northern Indian is a forgotten man as far as the Indians of Canada are concerned. He has no means of getting a hearing today in Ottawa, for example. They have not the financial means and transportation facilities. You cannot get out of the north at the present time because there is the breakup period in that country. I would feel that I had failed as a delegate representing the Indians of Saskatchewan if I did not voice their problems before this committee, a committee representing the government of Canada.

I shall be as concise as I can because I realize that some members of this committee are just itching to ask questions, and more facts can be brought out by asking direct and pertinent questions.

I should like to talk about hunting, trapping and fishing. Remember, gentlemen, that you should bear this in mind. I am here before you as a treaty Indian. Forget the fact that I am an Indian school teacher and forget also that I happen to be an Anglican clergyman. I am here as an Indian and I hope that I am voicing the voice of the Indian himself. Trapping and fishing form an important part of the occupation of the Indians. I might go as far as to say that it is their only means of livelihood. They are experts at it because it is in their blood. They love doing it. No doubt there are some of the members of this committee who are sportsmen, and the opening of the hunting season is a red letter day in the calendar of the year. It is the same with the Indian hunter and trapper. They look forward to the day when they can go out into the bush and trap and make an honest living. To the northern Indian hunting, fishing and trapping are life. It is an occupation. It is a means of livelihood. One of the witnesses you had before this committee was Dr. Tisdall. When he appeared before this committee in March last he made this statemeent.

> If we permit the Indian to fish we should make sure we do not allow certain outside interests to deplete his lakes, just making a few thousand dollars for a company which depletes the lakes and then you and I as taxpayers have to look after those Indians for the next fifty years.

Then the hon. member from Selkirk (Mr. Bryce) made this statement on the same day.

> The point you make about the white man coming in and engaging in commercial fishing in Cross Lake and up the Nelson river and in Playgreen Lake is quite correct. They have destroyed the living of the Indian. It was granted to him by the Queen that he would never have his fishing rights taken away from him. They may not have been taken away from him legally but they have been destroyed for him. The opportunity for him to make his living there has been destroyed. The same applies to hunting because that area is practically trapped out. There is no means of livelihood left for him.

May I make this plea on behalf of my native brothers of the north country, the Indian hunters, trappers, and fishermen, and point out to this committee the particular section of the country referred to in the statement just quoted is general in the northern part of the prairie provinces. If it is not already true it will come unless there is something done about it and done as soon as it is humanly possible.

When you revise the Indian Act will you see to it—and I know that you will see to it—that the means of livelihood, the occupation of our northern native brothers, is guarded and guarded well.

As to medical services for the northern Indians I do not think it will be necessary for me to dwell too long on this particular section. Reading the various representations that have been made already before this committee I gather you have a pretty fair idea of the picture as a whole. We need nurses, infirmaries, and more doctors, transmitters in outlying districts like the Shoal Lake reserve, Pelican Narrows and Stanley reserves. A telephone should be installed at Little Pine and Poundmaker and a good competent nurse is a necessity at Little Pine reserve. I might add that Little Pine reserve and Poundmaker reserve are side by side. There is no section of the country between them at all. It is all in one block. There is just an invisible line running between the two reserves.

I wish to make a general statement regarding medical services. I do believe that Indians should stay longer in the hospitals than the average white man. I will tell you why I bring that point up. The average Indian home today is not by any means as economically secure as the average white man's home. When a white invalid leaves the hospital there are facilities in his home for a proper diet while he is convalescing, soups, fresh vegetables, grapefruit, orange juice, all the foods containing the necessary vitamins, and so on. The average Indian cannot afford such luxuries or I should say niceties necessary for convalescence. For that reason I think Indian patients should stay in the hospital until they are strong enough and healthy enough to bear the rugged life of the aboriginal Indian reserve.

I should like to deal with the medicine chest. It is provided by treaty 6 that a medicine chest shall be kept at the house of each Indian agent for the use and benefit of the Indians at the discretion of such agent. I shall digress a bit here if I may. What did that medicine chest mean to the average Indian medicine man? You have heard about the Indian medicine man. In the old days the Indian medicine man used to carry around a little bag. As far as he was concerned, and as far as the Indians were concerned that bag contained all the medicine that was available in that day, all the various herbs they knew about. When the Indian medicine man came along he brought his bag with him to the patient and he sat with that patient until that patient was either cured or killed. That is a point to remember when that medicine chest idea is brought up in treaty 6. With that in mind may I read to you section 34 of our brief. Just bear in mind the little story I brought in as an illustration about the Indian medicine chest. Just bear that in mind while I read the section.

By Mr. MacNicol:

Q. Did the medicine man ever dump everything on to the ground so they could see what was in the bag?—A. I do not know whether I could answer that question.

Mr. REID: He would not want to give his secrets away.

The WITNESS:

34B. *Additional Health Services.*

It is provided by Treaty Six "that the medicine chest shall be kept at the house of each Indian Agent for the use and benefit of the Indians at the discretion of such Agent." The true interpretation of this provision

was set out by Mr. Justice Angers in the Exchequer Court of Canada in a judgment in the Petition of Right case of George Dreaver, Chief, and John Ledeux and William (Sam) Fauel, Councillor, of the Mistawasis Indian Reserve dated April 10, 1935, which does not appear to be reported. There it was stated that this clause should be broadly and liberally interpreted, and that the "medicine chest" referred to in the Treaty should mean all of the necessary medical, dental, and health services which modern medicine makes possible for the maintenance of the health and strength of human beings. For this reason, it is submitted that in order that this clause of the Treaty may be carried out according to its true intent and spirit, all medical, hospital, dental, and public health services should be made available to every treaty Indian by the Dominion government without any charge whatsoever.

Mr. Chairman, I do not wish to take too much time so I shall pass along quickly to the next point. I would like, however, to touch on higher education, university education for the Indian. I hope that there will be questions on that particular section of the brief. I do want to say a word or two with regard to the welfare workers, and I wish to commend the officials of the Indian department for the very excellent and comprehensive plan which they have drawn up. That is printed in the 1947 minutes of evidence, No. 7, page 343. There is only one point I wish to bring up with regard to that matter—and I hope Colonel Jones and Colonel Neary will not mind what I say very much—and it is this: yesterday I was asked by one of the members of this committee whether I was a qualified teacher and the answer I gave at that time was, no. I am not particularly concerned about being a certified teacher. There is a difference, I believe, between a *certified* teacher and a *qualified* teacher. You all know that from your experiences with the public schools and the high schools. In the high schools, for example, a teacher may have a whole string of B.A.'s and B.Sc.'s or what has he, but may not be able to get the information across or to teach children in the best way to get that information across. Such a teacher may often talk over the heads of the pupils. Now, I may say that I think they should add in their classification of teachers a *certified* and *qualified* teacher, because it would make a better impression. On page 343 of the evidence there is reference to "teacher, Indian welfare"; and it shows the scale of salaries that they are to get in that particular section. There is only one suggestion I wish to make in that respect and that is that instead of "teacher, Indian welfare," I would like to see there a full-time trained welfare worker who could help guide pupils and ex-pupils into suitable occupations, and help them solve their moral problems and help supervise their readjustment to reserve life; someone who could act as a liaison officer between the pupil and the outside world. Teaching in any day school is a full-time job. I mean that if it is done properly and thoroughly it requires all the energy that a person can give to it. Therefore, we submit that a welfare worker be relieved of school work except, of course, as regards lectures on home economics, first aid and so on. It would be a position similar to a vocational guidance teacher in the high schools or public schools in your own white public or high schools. There is, of course, the matter of the customs of a reserve or group of reserves, but that detail could be worked out later.

Now, I have a note in my brief, and I am going to introduce it this way, and I hope that later on, after question time, that you people will be free to ask questions on this matter. However, Mr. Chairman, I should like to ask for some privilege in this regard and, therefore, I ask that when we come to discuss the question of "blanket marriage" that the discussion be off the record.

Personnel of Indian workers: I mean by that the Indian department officials. Now, as a day school teacher and as an ordinary school teacher I have had a lot of knocks and criticisms, and I have been kicked around. There is the suggestion: you should be trained and qualified. Have you got your normal

school certificate? I suggest that the same training that is required for an Indian day school teacher should also be required for every Indian departmental official who enters the service. I realize, of course, Mr. Chairman, that an organization like the Indian department, for example, is large; that there have to be definite plans; that the program and, above all, the budget, must be balanced. I suggest that there should be a separate ministry to handle the Indian problem today. The offices send out stereotyped plans and instructions to their agencies in Canada. I might add that I appreciate the position in which the officials of the Indian department are placed in dealing with the stubbornness of human nature. Every individual is different. Every agency is different. Yes, I think it is safe to say that almost every reserve could have some peculiar problem which cannot be counted upon in any other Indian reserve in the whole Dominion of Canada. It is a problem which is not in the books, shall I say. I suggest that there be more flexibility in the plans and programs of the department; to put it bluntly, less red tape. I will go further and suggest that a freer hand be given to farming instructors on any reserve, because those men in the field are on the spot; they understand and are most familiar with the conditions and circumstances of their particular reserve, and I might add that they are in a position to understand the psychology of the people with whom they are in daily contact. The personnel of the Indian department should be a trained personnel. The honourable member for Selkirk made this observation, and we as a delegation endorse it: "The Indian agent has to be more than just an agent, he has to be possessed of many fine attributes and characteristics; he has to be a man with great foresight, a humanitarian, with a true missionary spirit, to achieve the results that would be benficial to the Indians as a whole."

May I humbly add that that statement should apply to every member of the personnel of the Indian department. I have reason to believe, Mr. Chairman, that we have now conscientious men in the employ of the Indian department. I say this not because the Indian department officials are sitting opposite me, but I say it because there is on the record of this committee, I hope, the statement that was made by the inspector of Indian agencies yesterday—the inspector of Indian agencies of Saskatchewan, Mr. Ostrander—that the delegation which is presently here, or words to this effect, perfectly represent the Indians of Saskatchewan. It should be required of Indian officials—agents, doctors, farming instructors, nurses, and whatever other services there are in the Indian department—that before being qualified they should devote some weeks, perhaps months or years, to a study of Indian history, tradition and temperament—Indian psychology, if you like.

In conclusion, Mr. Chairman and honourable members of this committee who are considering the Indian Act, may I put on record section 29 of our brief:

> 29. As a final suggestion of how educational services can be revised to better serve the needs of the Indian people, it is submitted that there be undertaken an active campaign of education through literature and other publicity media to educate white people to an acceptance of, and a respect for the Indian as an individual endowed with abilities, aptitudes and human rights. Race prejudice must be defeated and the public must be educated in tolerance and understanding.
>
> Canada is a nation of many peoples. She can only rise to her full strength when all ethnic groups are permitted and encouraged to make their individual contributions to the national pattern. The Indian, with his rich background of native lore, artistry and tradition, has a special contribution to make to Canadian culture. Every encouragement should be given to him in order that he may take his proper place in the building of a truly democratic Canadian society.

I thank you, Mr. Chairman and members of the committee, for the tolerance and attention which you have given me during my presentation.

The CHAIRMAN: Chief John Gambler, have you a statement you would like to present to the committee?

Chief John Gambler, called:

The WITNESS: Mr. Chairman, honourable members of the Senate and of the House of Commons and Lady Senator Mrs. Fallis it is my pleasure and great opportunity to appear before you this morning representing the Union of Saskatchewan Indians' organization.

First, I want to thank the minister, the Hon. J. A. Glen, who has made it possible for this committee to be up to hear Indian representations regarding their affairs. He is the only minister of Indian Affairs who has taken so keen an interest, and he has been bold enough to come forward and tackle the Indian problem. I also want to thank our many white brethren in Canada who have made their efforts felt to bring about this committee which I face today.

I am reminded of what the Queen promised when she said: "Let us have a wise and paternal government faithfully carrying out the provisions of our treaties and doing its utmost to help to alleviate the Indian population. In the first place, that the provisions of this treaty must be carried out with the utmost good faith and the nicest exactness. An abiding confidence in the governments of the Queen, or the Great Mother, as they style her. This must not at all hazard be shaken. It can easily and fully be maintained."

I was here in September, 1945. I came here on behalf of the protective association which I represented at that time. I interviewed the minister, and I believe, as I said in my opening remarks, that there was something drastically wrong in the administration of Indian Affairs. At that time I also said that the accusing finger did not point to any particular official of the Indian department. I said that something must be done, and that we would recommend to Mr. Glen that a royal commission be set up to investigate Indian affairs. Since that could not be done I am satisfied that he has been able to set up this joint committee of parliament to look into Indian affairs. At times I feel that my duties are not properly fulfilled.

Now, gentlemen, I stand before you pleading on behalf of the treaty Indian of the Northwest Angle treaty who signed treaties with His Majesty's government; and I trust that, at the end of your deliberations dealing with the Indian Act, the new Act will reinstate the true status of the treaty Indian who had signed treaties with His Majesty's government. In the new Act I am hoping that the treaties which are reinstated will be properly enunciated to the Indian people of the Northwest Angle treaty.

I also want to thank Mr. Castleden for speaking to the resolution in the House of Commons on May 13, 1946. I had that *Hansard* here but I have left it in my room. It said something like this, that the present Indian Act was not so made to fulfil the treaties, and that he hoped that the new Indian Act would be made in such a way as to fulfil our treaties that were made with us. I hope the new Act that will be made will guarantee to the Indians our true status which is our birthright, our birthright being land and not property.

Again that reminds me of the Queen's promise when she said that these treaties that we make shall be carried out as long as the sun shines and the waters flow.

You see it is like this. We, the Indian population throughout Canada, have an Indian administration. We have certain grievances that cannot be placed in the proper hands to give us redress for the grievances that we have. I am hoping that at the end of your deliberations dealing with the Indian Act

you will see that we will have a proper avenue of approach in having our grievances, complaints and everything else brought before the proper authorities to be adjusted for us.

Oftentimes I have felt, and I know that I have a great responsibility placed on me as a chief and defender of these treaties. The Indian has not made very much progress since the treaties were made. Whose fault is it? I believe the department is to blame. They have been fostering an administration that should have educated us properly in order that we might be educated to the extent where we could be self-sustaining. Again I go to the treaties to what the Queen said when she did give us education—"though she may think it good for you to adopt civilized habits, has no idea of compelling you to do so. This she leaves to your choice, and you need not live like the white man unless you can be persuaded to do so of your own free will."

We have other Acts which are very alarming to the Indian people such as expropriation proceedings which could take away our lands without giving us a proper hearing. They can set up schools and take the land away from us to establish those schools.

In the Indian Act we have under a certain section no choice of placing our children in any school. I must first say what church I belong to. I have no choice there. I believe that is one amendment that must be made to the Indian Act. I put it this way. If I am a Protestant I cannot place my child in a Roman Catholic school. If I am a Catholic I cannot put my child in a Protestant school. Therefore I have no choice as to what school my children should go. I recommend to you, gentlemen, that we want day schools wherever they are needed and the residential schools that are operating at the present time to remain in the areas where they are most suitable for the people of that district. I recommend that these schools be interdenominational, that all classes of faith may attend those schools. That is my recommendation to this committee. There is the Queen's promise.

There are certain sections of the Indian Act that say at the discretion of the Indian department they can enfranchise a whole band of Indians. We are strongly opposed to the enfranchisement of Indians in Canada, but I would say it should be placed on an individual basis so that there will be no obstacle or barrier set up to stop an Indian who wants to take the status of a citizen.

We have some lands that must be reclaimed. Different lands have been taken out of our hands without proper procedure. As to conscription of Indians in time of war the Queen said when she made the treaties that she did not expect the Indian people to assist her in her wars with other nations. I will quote her promise. First of all this is what the chief said.

> If you should get into trouble with a nation I do not wish to walk out and expose my young men to aid you in any of your wars.

The answer by the Governor was:—

> The English never call the Indians out of their country to fight their battles. You are living here and the Queen expects you to live at peace with the white man and your red brothers and with other nations. The promises we make will be carried out as long as the sun shines above and the waters flow in the ocean.

I do not mean to say we will be against any war effort. We will recommend that it should be left on an individual basis so that an Indian could enlist voluntarily.

We have our returned soldiers who have come home. There are laws that have been set up under the Soldier Settlement Act in order to give them benefits for the service they have rendered to the country. According to the Indian agents they want us to surrender an allotment to these soldiers, but we are afraid that that is the beginning of the subdivision of a reserve. Order in council No. 5932 reads:—

P.C. 5932

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 7th day of September, 1945.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council of the 13th of April, 1945 (P.C. 2122) the Veterans' Land Act, 1942, was amended by deleting Section 35 and substituting therefor Sections 35 and 35A, the latter reading—

(1) The Director may grant an amount not exceeding $2,320.00 to an Indian veteran who settles on Indian Reserve lands, the said grant to be paid to the Minister of Mines and Resources who shall have the control and management thereof in trust for the said Indian veteran.

(2) A grant made pursuant to subsection (1) of this section shall be disbursed by the Minister of Mines and Resources on behalf of the Indian veteran only for one or more of the following purposes:
(*a*) For the purchase of essential building materials and other costs of construction.
(*b*) For the clearing and other preparation of land for cultivation.
(*c*) For the purchase of essential farm livestock and machinery.
(*d*) For the purchase of machinery or equipment essential to forestry.
(*e*) For the purchase of commercial fishing equipment.
(*f*) For the purchase of trapping or fur farming equipment but not breeding stock.
(*g*) For the purchase of essential household equipment.

(3) An Indian veteran on whose behalf a grant has been made under this section shall not be entitled to enter into a contract with the Director under Section 9 or Section 13 of this Act, and an Indian veteran who has entered into a contract with the Director under Section 9 or Section 13 of this Act shall not be eligible for a grant under this Section.

And whereas the Minister of Veterans' Affairs recommends that in order to give effect to the said Section 35A, the regulations under the Veterans' Land Act, 1942, made by order in council P.C. 11138, dated the 8th of December, 1942, be amended as hereafter set out;

Therefore, His Excellency the Governor General in Council is pleased to amend the said Regulations and they are hereby amended by adding thereto as Number 37 the following:

37 (*a*) Notwithstanding anything in these Regulations an Indian veteran desiring to be certified to be qualified to participate in the benefits of Section 35A of the Act shall submit to any officer of the Indian Affairs Branch, Department of Mines and Resources, designated by

the Minister of Mines and Resources, an application in writing in such form and containing such information as the Director may from time to time determine.

(*b*) The Indian veteran shall submit reasonable evidence that he is personally fit and able to carry on the occupation by which he proposes to gain his livelihood and that by reason of his character, habits, knowledge and experience, he is adapted to carry on successfully such occupation.

If that person has a bad character and is not fit to take any of these benefits, to accept any of these benefits, where is he going to be? What is he going to get for his service? After all if it is a grant why take the title of the land away from the Indian which he formerly owned before he enlisted in the army?

By Hon. Mr. Dupuis:

Q. You mean on the reserve?—A. On the reserve, yes. There again we have certain regulations in the Indian Act that say you must first give this Indian a title on the reserve before he can get that grant. My Indian agent has been endeavouring to have me surrender the title to my boys on my own reserve, and I have refused to do it. I want to protect that Indian soldier's status as a treaty Indian. That is my reason for not signing that surrender. They have made all kinds of proposals to us which I know after all are not in conformity with the Indian Act. This is one of them. My Indian agent made out this declaration.

> DEAR SIR—We, the undersigned chiefs and councillors of the ——— band of Indians hereby agree to locate sueh and such a soldier, his heirs and successors forever, as permanent occupants of the following described lands on No. ——— reserve.

I was to sign that. They would have got a surrender of the title. They go on to say that whether this proposed declaration will be acceptable to the Minister of Mines and Resources or whether it will be legal will be for the department to decide.

In the minutes of the meetings Mr. L. L. Brown, Junior Departmental Solicitor, Indian Affairs Branch, has brought forward a standard Indian location ticket to be issued under a section of the Indian Act and made in triplicate for the department. That document reads:

> Be it known by these presents:—

and then there is a blank. I do not know what should be in there. Then there is a place for the province, Saskatchewan, Manitoba, Alberta, or whatever the case may be. Then it goes on:

> —and Dominion of Canada being a member of the ———— band, having been allotted by the band owning the reserve with the approval of the Minister of Mines and Resources, on the aforesaid reserve, containing by admeasurement—

I believe what they proposed to give them was 160 acres more or less.

> —is hereby located for the same, under the provisions of sections 21, 22 and 23 of the Indian Act, chapter 98, revised statutes of Canada, 1927.
>
> given under my hand and seal Ottawa, this ——— day of——.

and so on.

As my friend, Mr. Dreaver, said yesterday we have been kept blind as to these Acts. The Indian department administration has been appointed to direct us, to advise us as to what laws we are to face or what laws are to protect us. I do not say I am a lawyer or that I can deal with those laws. I am expressing my own opinion on these matters.

Then there is another question. Suppose we allocated so much land to a soldier belonging to the reserve. Suppose we gave him land on the northwest corner of a reserve. Since he has had Canadian citizenship conferred on him, which is automatically given to him for the services that he has rendered for the country, that soldier would have the right to bring liquor on that reserve. What would there be to prevent him from bringing liquor in there? Today because the soldier thinks as he does he goes and has his drink. When he gets back to the reserve, or wherever he may be, he is penalized for breaking the law just because he drinks. That is the question that must be answered. What is to prevent the evil of liquor spreading into the reserve?

That is the reason why I refused as the chief and representative of that certain band to assign land to my soldiers. If it is a grant why not give it to them liberally without having to tie any more red tape on it as to what they should do? They are tied down to those lands. They automatically lose their Indian status, and if they raise a big family what right would those children have outside of those lands? That is what I am afraid of, and I recommend that that should be amended in the Indian Act.

Give us a little more authority as chiefs and councillors to be able to decide how we should operate the program on our reserves. Give us a little more right to discuss matters pertaining to our affairs. I am hoping that when the new Act is out we chiefs and councillors will be recognized the same as my forefathers were recognized when they signed the treaty with His Majesty's government. That is my plea to this committee. The treaties have not been carried out to the letter.

We have deplorable cases existing amongst our Indian people today. I know of several cases as to our aged and indigent people. I know how they are living today. If anybody doubts my statement I would say wire a man who is neutral as far as this committee and the Indian department is concerned and have him investigate these cases while I am standing here before you.

I can point to a case in the Assiniboine reserve. There is an old man there by the name of Assiniboine. Go and look at his case. We have several other Indians living in very poor conditions. I forget the names of two old ladies I have seen at File Hills with my own eyes. It is a shame the way they are living when the government said that they would provide for us.

I do not know what time I have at my disposal to place my case before you. I am only sorry that a royal commission was not set up. It could have seen and brought before you the conditions which exist amongst the Indians. Here we are today. We are laboring to give you a word picture of the conditions that we have on many Indian reserves. I am hoping that at the end of your deliberations, and after you have listened to all the organized Indians of Canada, that you will give the central Canadian Indians consideration because we are unable to give you a clear word picture of our conditions.

We have some other Indians who are far more advanced than we are. If they are to appear before you they will be able to express themselves more adequately than we can. I hope that since they are more vocal you will not be influenced by what they might be granted. I hope you understand me.

The CHAIRMAN: I think you are doing very well, chief.

The WITNESS: I want to retain my status as a treaty Indian as long as the sun shines and the water flows. That does not mean to say that I am going to slide down to the bottom again. If you will assist me, help me, encourage me, and give me every opportunity I will guarantee that I will live up to the standard that I am required to attain in years to come. I am sure that right at the moment we, the Indian people, cannot as yet stand the competition of white men. Under the Act you might make laws that will force me to lose my rights and expect me to assimilate with the rest of the country. I would be lost

in the turmoil of assimilation if that were one of the measures meted out to the Indians. I am hoping in the new Act that will not be legislated for the Indians of Canada. If you will give me education, assimilation will take care of itself. As I say there will be nothing on the reserve that will be attractive to me. I will get out on the outside and compete with the rest of the world.

We will always have a class of people that cannot learn anything and who must be left on the reserve. Gentlemen, I hope that I have made a little contribution to this committee which is responsible for the Indian population of Canada. Thank you.

The CHAIRMAN: Gentlemen, I think we are agreed that the Saskatchewan representation have made a very good presentation of their case. Now we come to the point where the members hope to ask some questions. The members of the delegation will answer to the best of their ability.

Mr. FARQUHAR: I have two or three questions. Mr. Dreaver spoke yesterday as to the secrecy of the department, that information that they were anxious to get could not be received. I want to ask what information have you asked for and been refused?

Mr. DREAVER: I should like to say in answer to that I have never met with any definite refusal. Naturally I have had to go to the local man, the man in the field, to get any information.

Hon. Mr. DUPUIS: The agent?

Mr. DREAVER: The agent. Generally the reply is, "I have not got that information." There are times when it is almost impossible to get information such as the standing of our band funds, and so on. Various Indian bands have trust funds. They want to know what becomes of certain moneys. Nobody seems to know. In fact, at one time we had to have a legal counsel in order to obtain a statement for the band. It was only then we were able to get a full statement.

Hon. Mr. DUPUIS: You do not mean—

The CHAIRMAN: Order, order.

Hon. Mr. DUPUIS:—I was going to ask if the department does not send that yearly to the band.

The CHAIRMAN: I think Mr. Dreaver was making a statement. I would prefer to have him finish it.

Mr. DREAVER: I can go to my agent now and he will give me a general statement, but it is not in detail. We really do not get all the information we want from that statement. We find the statement that we receive is generally just a copy. It is not signed and we do not know whether or not it is official. We believe any information like that, such as with reference to our band accounts, should be posted somewhere where we could have it. A person living outside a reserve and having any funds in a bank gets a monthly statement, and the band should have at least an annual statement wanting to antagonize the officials. I am not accusing them or trying to give the impression we are beaten, but the fact is it is hard to obtain certain information.

I tried to get some information with regard to veterans. My agent does not know what is going to be done. To illustrate the point, I went down to the agency. This time of the year my men should be out working on the land. We have several veterans who are anxious to get started on the land. They were held up because they could not get certain information. They have the machinery, but they are not able to take it out of the village because the agent is away. As I said yesterday the agent has too much work to do. Now this added burden of adminitsering the Veterans Land Act is put on him, and just when we needed him to give us information he was away up north somewhere attending to the northern reserves. Does that answer your question?

Mr. FARQUHAR: Mr. Gambler referred to not having any proper method of approach to the department to present the grievances of the band. I have mentioned this before. It seems to me that you forget that you have a representative here in the House of Commons who has direct contact with the department. The Indians in my constituency quite often bring their problems to me. I must say that the department have always cooperated at all times in trying to solve the problems of the Indians of my constituency. I am sure that if you took up many of these questions with your federal representative he would be only too pleased to assist you in solving your problems. Then you spoke of the Indians being enfranchised contrary of the wishes of the Indians. Have you information to the effect that Indians have been enfranchised without the consent of the individual Indian?

Mr. GAMBLER: I would ask that this be off the record.

The CHAIRMAN: Is that agreed?

Hon. Mr. DUPUIS: With this reservation, that it be taken by the reporter just the same, but not put on the record.

The CHAIRMAN: If the reporter takes it and it goes on the record—

Hon. Mr. DUPUIS: It will not be printed.

Mr. FARQUHAR: I think in fairness to the gentleman we should not put it on the record if he asks us not to. We will have the information we need by listening to him here and can question him.

The CHAIRMAN: Is it agreed that it should be off the record?

Carried.

(Off the record).

Hon. Mr. DUPUIS: I am forced to stop the witness. It is very important for us to know what these points are that the witness wishes to talk about off the record before deciding if it is correct to take them off. Therefore I would move that anything that the witness says be taken down just the same by the reporter and then when he is finished we will decide whether it will be put in the transcript. It should be available to the members of the committee. It might be a very pertinent question. It might be a question that should stay on the record. I move that these remarks made by the witness be taken down by the reporter, and then it will be decided by the committee if they should be transcribed.

Mr. FARQUHAR: I am sorry, but I feel that I cannot agree with that for the reason that we are not going to be able to get the information that we want to get if we are going to have it put on the record. I feel that these men should be free to express themselves in any way they wish. When they ask that it be off the record I think we should agree to that. We always have done that.

Mr. BRYCE: Speaking on this point of order I am going to support Mr. Farquhar and disagree with Senator Dupuis. We want to have the confidence of these people as we never have had it before. If they come here and tell us they will give us certain information that we cannot get otherwise then I am prepared to waive it being on the record because we are a fact-finding body, and we have to take all ways and means to find out what is at the bottom of this Indian trouble.

Mr. REID: There is another point which should not be overlooked. I have been one of those who have maintained in this committee and in all committees that often it is necessary to go off the record. When you have officers of the department come before this committee who will speak more freely off the record and give you more information than if it is on the record then I think that should be done. When other officials come before us in the future you may say, "I want a record of what this man says." To my mind it is either on the

record or off the record. I for one want some evidence off the record where a man can speak freely and give the committee what we believe we should have.

Hon. Mr. DUPUIS: I thought it was for the advantage of the members of the committee.

The CHAIRMAN: The motion has been moved and not seconded.

Hon. Mr. DUPUIS: I will withdraw it if it does not satisfy the members of the committee.

Mr. TOOTOOSIS: May I say something?

The CHAIRMAN: Are you speaking on the question that the gentleman asked?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: Do you want it on the record?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: Very well.

Mr. TOOTOOSIS: It happens that Indians are taken out of treaty without their consent, especially an Indian woman who marries a non-treaty Indian who does not belong to any reserve. Some members have been taken out of treaty. A woman who marries a white man still draws certain benefits from the reserve where she formerly belonged.

Hon. Mr. DUPUIS: Provided she stays on the reserve.

Mr. TOOTOOSIS: No. I think it is not fair that a woman should lose her rights when she is married to a non-treaty Indian without any land. It is fair enough if she marries into a band that has some land, but as to a woman who marries a non-treaty Indian with no land I think it is unfair.

Mr. DREAVER: May I add a few words? While on my way to attend the meeting I was met by a woman at Prince Albert who had married outside of the reserve. She asked me to help her if possible. She had signed a form of commutation which gave her ten years' payment of treaty and interest moneys. She says she was told at the time that at the end of ten years that she would revert back to the reserve, or if she was all right outside then she would be enfranchised. She says it is seventeen years since she left the reserve, and since the ten years were up she has not received her treaty money and interest money. Therefore she would like to know what is her status. Is she out or in treaty?

Mr. LICKERS: She is out.

Mr. DREAVER: Has she any right to municipal or provincial benefits? She asked me to find out. She does not know where she stands, whether she is an Indian or out. She has nothing at the present time anyway.

The CHAIRMAN: On page 538 (1946) there is the form of application for commutation. I think the statement there which would be signed would settle that matter. As I understand it she would be out.

Mr. HOEY: We are constantly getting certain terms confused. So far as the Indian department is concerned an individual living in Canada is either an Indian as defined by the Act or a full Canadian citizen. So far as we are concerned we do not look upon the so-called half-breed, or non-treaty Indian, the term used in the west, as anything other than a full-fledged Canadian citizen. If this woman married any individual other than an Indian as defined by the Indian Act she becomes a full-fledged Canadian citizen with all the rights and privileges thereto appertaining.

She can continue to draw her treaty money for life or she can commute. Apparently this woman entered into an agreement—it was done at her own request—whereby she took her money over a ten-year period. She cannot be

reinstated under the existing provisions of the Act. She is simply a full-fledged Canadian citizen of white status if she married anybody other than an Indian as defined by the Indian Act.

Hon. Mr. DUPUIS: May I ask a question? If that woman marries a white man she becomes a full-fledged citizen of this country?

Mr. HOEY: Yes.

Hon. Mr. DUPUIS: What if she has property on the reserve? Would she still have a right to her property? Suppose the property was worth $20,000. She can only sell it to another Indian.

Mr. HOEY: She has to dispose of it.

Hon. Mr. DUPUIS: Suppose at the end of ten years the purchaser has paid only $5,000. Does she lose the balance?

Mr. HOEY: Let us suppose she had $20,000 worth of real property on the reserve. The only limitation put on that in the disposal of it would be she would have to dispose of it to a member of the band. Her agreement with respect to payments might be spread over twenty years, twenty-five years or she might receive cash, but that would not affect treaty payments or her share of the interest moneys.

Hon. Mr. DUPUIS: Even if she signed that document which the witness mentioned?

Mr. HOEY: They are two distinct and separate transactions.

Mr. BLACKMORE: Suppose the woman having married a white man loses her status as an Indian. Then suppose her husband dies, the white man, and she marries an Indian.

Mr. HOEY: She would become an Indian.

Mr. BLACKMORE: I wonder if I might ask Mr. Hoey one more question. I could not tell whether he said that this woman who had commuted her treaty rights could or could not regain her status. I could not tell whether Mr. Hoey said "can" or "cannot". Could she regain her status as an Indian after ten years?

Mr. HOEY: Yes, by marriage, marrying an Indian, but in no other way that I know of.

Mr. CASTLEDEN: The band could not take her in?

Mr. HOEY: No, she would be a trespasser if she went on to that reserve. She is a full-fledged Canadian citizen.

Mr. BLACKMORE: When she had only signed away ten years of her rights?

Mr. HOEY: No, when she married a white man.

Mr. BLACKMORE: I am speaking of this woman who had commuted her treaty rights for ten years.

Mr. HOEY: She could not do that except by marriage.

Mr. BLACKMORE: The chief just told us she did.

Mr. DREAVER: It is done. On my particular reserve, the Mistawasis reserve, we have some women who have signed a commutation form. I have a daughter-in-law who was asked to sign an enfranchisement form which apparently is a different form, and under that she gets a little more than she would under a commutation form, but she is asking for enfranchisement. There is a distinction. That is why I was asking what is the status of a woman who only signs a commutation form? What status has she at the end of the ten years? What becomes of her? According to what the woman told me she is neither a citizen of the country nor an Indian.

Hon. Mr. DUPUIS: Did she marry a white man?

Mr. DREAVER: Yes, living in the city of Prince Albert right now.

Hon. Mr. DUPUIS: He is a Canadian citizen.

Mr. LICKERS: May I clear up the situation? Under the present terms of the Act as soon as an Indian woman marries a white man she immediately becomes, to all intents and purposes, a white woman, but if that particular band of which she was a member has any interest money or treaty money the department can say, "Here, we will commute that on a ten year basis and we will pay it to you now and then we are done for all time to come." That is done in pursuance of section 14 of the Indian Act.

> Any Indian woman who marries any person other than an Indian, or a non-treaty Indian, shall cease to be an Indian in every respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the band to which she formerly belonged in the annual or semi-annual distribution of their annuities, interest moneys and rents; but such income may be commuted to her at any time at ten years' purchase, with the approval of the superintendent general.

She may go on there for five years, and then have the thing commuted on a ten year basis after that. That is merely buying out any interest she may have in the interest money, annuities or rents, but she automatically loses her status as an Indian on her marriage.

Mr. MACNICOL: Chief John Gambler when he was talking more or less asked a question as to why the Indians should be allocated to the various churches. For instance, he was speaking about education. He asked why, if he wanted to send his children to a Roman Catholic school or to a Protestant school, he would not be able to make his own choice. Would you explain that a little further?

Mr. GAMBLER: I believe there is a section in the Indian Act which says that I must first show my faith, what church I support. There is a distinction there between the Roman Catholic and the Protestant, as I said before. I have got to be a Roman Catholic before I can put my children in a school of that faith. Suppose that I am a Protestant. If the Catholic school is turning out better pupils I would not be given the privilege of placing my children in that school.

Mr. REID: Who decides that?

Mr. GAMBLER: The Indian Act decides that, so that does not give me any freedom of choice as to the school to which I send my children. That is another reason why I said I would recommend that we should have the schools under the control of the government, under the Civil Service Commission.

Mr. LICKERS: Is that all schools, including day schools and residential schools?

Mr. GAMBLER: And residential schools, yes.

Mr. MACNICOL: Confining my remarks to day schools your recommendation is that they should be operated as non-denominational schools by the department.

Mr. GAMBLER: Yes, that is my recommendation.

Mr. MACNICOL: I might say, as you well know, I have been on many reservations. I should like to ask if there is anybody able to give information as to why each and every band is lined up as either Protestant or Roman Catholic? Have they no choice at all?

Mr. GAMBLER: I believe I said interdenominational schools.

Mr. MACNICOL: The proper word is "non-denominational."

Mr. GAMBLER: Where all faiths could send their children to such a school.

Mr. MACNICOL: Then I will ask you this question with respect to your own particular band. Is it regarded as a Roman Catholic or a Protestant band?

Mr. DREAVER: We are mixed. We have families there who are Roman Catholic, families there who are Protestant and families who are pagans, people

who have no religion. Now, in our case, if we had a non-denominational school, or an inter-denominational school, we would all go to that school. That is my point.

Mr. MacNicol: I am not just getting the answer I wanted. When you read a list of the reserves in a report you find in most cases the reserve is referred to as being either Roman Catholic or Protestant. My question is this, have the Indians had any choice as to whether they want to be reported as a Roman Catholic band or as a Protestant band; or do you just have to take what the department gives you?

Mr. Dreaver: I will take my own reserve, Mistawasis. The majority of people there are Presbyterian but there is a minority who are Roman Catholic. Our grade school teacher is a Presbyterian missionary and the Roman Catholics do not like to send their children to that school.

Mr. MacNicol: Why?

Mr. Dreaver: That is why we ask that schools be made non-denominational.

Mr. MacNicol: Mr. Spence, let me ask you about your school, do you teach religion in the school?

Rev. Mr. Spence: No; but the church officials would rather have children sent to a school conducted by a church of the denomination to which the parents belong.

Mr. MacNicol: Well, if you do not teach religion in your school why do the Roman Catholics not want to send their children to that school?

Mr. Dreaver: I am afraid I cannot answer that question, but I know the difficulty of getting these children to go to school. I do know that a lot of these Roman Catholic families would like to see their children go to a day school rather than to a boarding school on account of the home influence of the parents which they could have with their children; but they haven't any choice to do anything but what they are advised to do by their church people. They have to put them in schools conducted by their churches, churches of their faith.

Mr. MacNicol: In the residential school to which you referred yesterday do they teach religion?

Rev. Mr. Spence: Yes. We had a pupil in our last meeting in Saskatoon who made a particular statement—I would not care to have that statement on the record.

Mr. MacNicol: I have come across the same thing on other reserves. I asked them why they could not send their children to whatever school they liked. I quite agree with you. I think the parents should be able to send the children where they like. I have just one more question to ask, Mr. Chairman.

The Chairman: Just a moment, Mr. MacNicol, I understand that Chief Tootoosis wants to make a statement on this; do you?

Mr. Tootoosis: Yes. Section 10, subsection 2 of the Indian Act reads:—

> Such school shall be the nearest available school of the kind required, and no Protestant child shall be assigned to a Roman Catholic school or a school conducted under Roman Catholic auspices, and no Roman Catholic child shall be assigned to a Protestant school or a school conducted under Protestant auspices.

The Chairman: Apparently then the Indian has no absolute choice at all as to where he is going to be sent.

Mr. Gariepy: Why do you not put a question to him on the application of the Act, ask him how the Act works out in actual practice?

Mr. MACNICOL: I have just one more question, Mr. Chairman; I have forgotten which chief it was referred to Mr. Castleden having helped them in their organizational work.

The CHAIRMAN: It was Chief Gambler.

Mr. MACNICOL: I got the impression that he tried to convey the impression that Mr. Castleden particularly had done a great deal to help them with their problems.

Mr. GAMBLER: No, that is not what I said. I said that I wanted to thank our many white friends, that I appreciated the effort of our white friends in helping to bring about this examination.

Mr. MACNICOL: That is why I left at that time, I went out to get *Hansard* going back a good many years, back to 1936, when I travelled over fifty reservations, and at that time I said in the house that I thought a royal commission should be set up to investigate and study this whole problem.

Mr. BRYCE: Mr. Chairman, everyone knows of Mr. MacNicol's achievements.

Mr. MACNICOL: We all have given it support. I do not think any one party in particular should have prominence. There are some members here who interested themselves in this subject a good many years before others even came to the house.

Mr. GAMBLER: You have been a chief quite a number of years.

Mr. MACNICOL: Every member of this committee is interested in this whole Indian business. This revision should be brought up right to the last minute.

Mr. GAMBLER: I want to thank the gentlemen.

Mr. CASTLEDEN: And include my thanks as well.

Mr. GARIEPY: Thank us all.

Mr. MACNICOL: It was long before Mr. Castleden came here at all. Long ago we were asking for a royal commission on this matter.

Mr. CASTLEDEN: Hear, hear.

The CHAIRMAN: Mr. Reid?

Mr. REID: I have a lot of questions but I do not think I can finish before one o'clock, Mr. Chairman. I will proceed until that time.

My first question is, are there any non-treaty Indians in the province of Saskatchewan?

Mr. GAMBLER: I will answer that question, Mr. Chairman. There is a band of Indians at Maple Creek who are non-treaty Indians.

Mr. HARKNESS: Are they Piapot?

Mr. GAMBLER: No, that is a band out at Maple Creek. May I ask Mr. Ostrander if I am correct in making that statement, that there are non-treaty Indians at Maple Creek.

Mr. OSTRANDER: Mr. Chairman, there are several bands of non-treaty Indians. They are made up mostly of Sioux; and, as Chief Gambler says, there is one group which is not Sioux. There are two small groups in addition, one north of Battleford at Jack Fish Lake and one at Chitek. As Mr. Gambler says there is one group which are Sioux, but they are for the most part Cree, all that are left of the original band. There are about four hundred people in all, and while they are not treaty Indians they are treated as Indians.

Mr. LICKERS: We have a brief from them which will be found at page 212 of the 1947 Minutes of Proceedings.

Mr. REID: Then there is this reference to medicine chest in your brief. I have every sympathy with you. I take it from what you say there that what you would suggest in place of that would be modern government supervised hospitals wherever possible.

Rev. Mr. SPENCE: Yes, I would.

Mr. REID: The reason I say that is that if you come to my own district you will find it under government supervision. My next question has to do with teaching. I think we had some discussion about that yesterday. And now, I am not going to ask you about your qualifications because you have already indicated them. But my question is this; is the standard of the education in the school under your care, or Indian schools generally, equal to that of Saskatchewan public schools.

Rev. Mr. SPENCE: I follow the curriculum of the province of Saskatchewan.

Mr. REID: And who inspects these schools?

Rev. Mr. SPENCE: Inspector Brown.

Mr. REID: And he makes a report?

Mr. HARKNESS: He is the provincial school inspector.

Rev. Mr. SPENCE: He is the provincial school inspector, the provincial government inspector. Incidentally I would like to point out that I have never seen a report as made up by Mr. Brown, and I would like to see one.

Mr. REID: My next question is this; several witnesses have advocated non-denominational schools. My question is, what would your idea be regarding sending the children to public schools and having them mix with white children so that they would assimilate more readily?

Rev. Mr. SPENCE: I went to public school after I left The Pas, at Mortlach, as I told you yesterday, and I was a museum piece; but in spite of that I managed to get along.

Mr. MACNICOL: You were, what?

Rev. Mr. SPENCE: A museum piece, a part of a museum, everybody was curious about this chap. Of course, in those days I used to have my hair different to what it is now. Personally I would say that the Indians at the present time would prefer public schools. Personally, if I had the opportunity open to me I would send my children to a public school. I tell you now as I told you yesterday, please forget the fact that I am supposed to be an educationist—I sometimes wonder if I am—I am here speaking with the voice of the Indian about the Indian Act which you are going to make over and which is going to affect all concerned for generations to come, many of whom are going to be in the same position as I am today. That is the point most of us forget; we make this reservation at the back of our mind, we are talking about our own individual petty grievances—if I may use that word—and we forget that this act when it is revised is going to be something that is going to affect the Indian generations for perhaps a hundred years to come. That is the point I think, gentlemen, you will have to consider when you have to decide one way or another in the revision of the Indian Act. There is a question there. These are my personal feelings; if I had the financial means, if I had the money, I would and I shall with the help of the Indian department or not, I will have my children trained as most of you do—they are not of school age yet—I will make this statement, I shall see to it that my children are educated; it does not make any difference whether they are financed by the government or not, at least to obtain the same opportunities that I have had and may have. I want to express my appreciation for my education, and I am not ashamed to admit it, that I have the Anglican church to thank for whatever education I have, especially my professional education.

Mr. REID: I have one or two questions which I cannot finish before one o'clock.

The CHAIRMAN: Well, then, gentlemen, we will call it one o'clock and we will meet again in this room at four o'clock this afternoon.

The committee adjourned at 1 p.m. to meet again at 4 p.m.

AFTERNOON SESSION

The committee resumed at 4 o'clock p.m.

The CHAIRMAN: In opening the meeting this afternoon there are one or two matters that probably we should settle before proceeding with the business. Our schedule called for us to hear the United States Commissioner on Indian Affairs at the meeting on Monday, the 12th of May. There is a wire from the Canadian Ambassador to the United States to the Secretary of State for External Affairs, Ottawa, from Washington, dated May 7.

From The Canadian Ambassador to the United States
To The Secretary of State for External Affairs, Canada

WASHINGTON, May 7, 1947.

Immediate
En Clair
Teletype
WA-1431

WA-1431. Reference your EX-1188 of May 6th, 1947, and your EX-1194 of May 7th concerning invitation for United States representative to attend Senate hearing in connection with the Indian Act.

The information contained in your EX1132 of April 29th was passed to the State Department for transmission to the United States Department of the Interior. The State Department informs us that the Department of the Interior have agreed to send a representative to this hearing, but it is not known yet whether it will be possible for him to meet the May 12th deadline. Efforts are being made by the State Department to learn as quickly as possible when the representative can go to Canada and they have promised to inform us as soon as possible when information is known.

CANADIAN AMBASSADOR

Should the United States Commissioner for Indian Affairs not be able to attend on Monday next I would ask you to consider using a part of Monday for hearing Mr. Ostrander, the Inspector of Indian Agencies for Saskatchewan, in open and closed meetings. Would that meet with the approval of the committee?

Mr. REID: I was going to suggest that if there is any difficulty about the United States representative not being able to come on May 12th, that day being the deadline, that we extend the time to at least the 16th, because I notice on the 15th and 16th we have Messrs. Neary, Jones, MacInnes and Dr. Moore. They are available any time, and I think it might be advisable to take them on the 12th and 13th, and take the United States Commissioner on the 15th and 16th.

Mr. CASE: In other words, we would alternate to suit the convenience of the United States Commissioner.

The CHAIRMAN: I think that is agreeable to the committee. If he cannot be here on Monday then we will proceed with the hearing of Mr. Ostrander.

Carried.

There is one more matter with regard to a case brought before the committee the other day by Mr. Paull of the North American Indian Brotherhood, *re* Laura James. There is a memorandum in connection with that from Mr. MacInnes. It reads:—

OTTAWA, May 8, 1947.

Memorandum

Mr. D. F. BROWN, M.P., Chairman, Special Joint Committee of the Senate and House of Commons examining Indian Act, House of Commons, Ottawa.

With reference to evidence given before the committee on Tuesday, May 6th, by Mr. Andrew Paull, President of the North American Indian Brotherhood, herewith is a brief statement from the records of the department concerning the matter of Laura James, Chilliwack No. 13 (Tzeachten) Indian Reserve.

T. R. L. MACINNES, *Secretary.*

If it is your pleasure we will place the memorandum *re* Laura James on the records of the committee.

Memorandum:

Re: LAURA JAMES

In 1942 we were advised that the Department of National Defence desired to lease certain lands upon the Chilliwack No. 13 (Tzeachten) Indian Reserve for a rifle range which was urgently needed by the Royal Canadian Engineers and the basic training camp in that vicinity. The ground selected covered a number of lots owned by white persons as well as some thirty-one acres in the said reserve.

The Indian agent for the reserve, in reporting the application to the Department, advised that while the Indian locatees of the property were agreeable to the proposed leasing, one of them, Fred Wealick, a dairy farmer, would be left with a dairy herd and no land and suggested to the Department that as the James Mitchell estate property adjacent to Wealick's homestead was held by a non-band member, the said estate property might properly be sold to him, thus facilitating the leasing to National Defence and at the same time providing Wealick with land on which he could continue to operate his dairy business.

On referring to the Department's records, with reference to the estate of James Mitchell, it was discovered that he had died on August 14th, 1938, and under the terms of his will had devised all his property to his granddaughter, Mrs. Laura James. The said will had been approved by the Department on October 26th, 1938, but at the time of approval there was no intimation given that Mrs. James was not a member of the band and outside of the formal approval of the Will, no further steps were taken to carry out the administration.

The reason why Mrs. James, a non-band member, was allowed to remain on the property from 1938 until 1942 was explained by the Indian agent when he stated that from the date of the testator's death until 1942 he had been unable to find a purchaser for the property among the members of the Tzeachten Band and had, therefore, not asked her to vacate the land.

The Indian agent's suggestion, with regard to selling the James Mitchell estate property to Fred Wealick, was therefore the first intimation received by the Department that Mrs. Laura James, the heir of the James Mitchell estate, was not a member of the band and following the receipt of this information, investigation revealed that the said Laura James, while originally a member of the Tzeachten band, had married into the Squiala band and on the death of her husband had returned and taken up residence on the Chilliwack Indian Reserve.

Under the circumstances as reported and on being advised that the offer of Fred Wealick to purchase the estate property at $40.00 an acre was most reasonable, on January 20, 1943, the Director of Indian Affairs, under the authority of section 25, subsection 3 of the Indian Act, directed that a sale of the property to Wealick for $40.00 an acre be carried out and the sale being concluded on may 22nd, 1943, a cheque for $1,305.60, being payment for 32·64 acres at $40.00 an acre, was forwarded to Mrs. James in care of the Indian agent.

When the cheque was received by the Indian Agent he did not deliver it to her pointing out that she had, on more than one occasion, been charged with drunkenness and that, in his opinion, it would not be a wise thing to give her such a large sum in cash and he suggested that in her own best interests she should be paid a regular monthly allowance. As a result of the recommendation from the Indian Agent, the $1,305.60 was deposited in a savings account at the Indian Affairs Branch and arrangements were made for a monthly cheque of $30 to be forwarded to Mrs. James in care of the Indian Agent and the said Agent was advised that at any time Mrs. James wished to build a house, purchase clothing or otherwise use the money for a reasonable purpose, withdrawals would be permitted.

Apparently Mrs. James refused to accept her monthly cheques and refused to vacate the property for in the Spring of 1944 the Indian Agent advised that while she had continued to occupy the cabin on the property she had created so much trouble by abuse of Wealick, the purchaser, and had interfered in his use of the land, that he had been obliged to take action against her for trespass under Section 34 to 36 of the Indian Act.

Mrs. James engaged counsel on her behalf who attempted to establish the fact that she was entitled to reside on the Reserve but there was no basis for such statement and the Department advised that she could not be permitted to stand in the way of the sale properly carried out under the provisions of the Indian Act and that if she would not peacefully remove, steps would have to be taken to evict here as she was no longer the owner of the aforesaid estate lands.

The case came up for argument on October 4, 1944, before Magistrate Wilson, at Chilliwack, British Columbia, and Laura James was found guilty and sentenced to imprisonment for the time she spent in custody which was a very short time, less than a day in fact. On October 12, 1944, the solicitor for Mrs. James advised that he had filed notice of appeal in the County Court and on the appeal coming up for hearing in Chilliwack, before His Honour, George Whiteside, on December 13, the

appeal was dismissed on the grounds that Subsection 2 of Section 38 of the Indian Act provides that a judgment or order made under Section 36 of the Act shall not be appealed from but shall be final.

In so far as the Department is concerned this concluded the Laura James case except for the fact that she has not to date received the money from the sale of the James Mitchell estate property. As stated previously this amounted to $1,305.60 and with interest earned while in a savings account at the Indian Affairs Branch now totals $1,560.06 and is available for payment to Mrs. James whenever she wishes the money and the Department is satisfied that its expenditure will be in her best interests.

Mr. CASE: That is the lady in the Fraser Valley?

Mr. HARKNESS: Yes.

The CHAIRMAN: We will proceed with the questioning. I believe we were as far as Mr. Reid and he had not completed his questions.

Mr. REID: When the committee rose at 1 o'clock we had been dealing with the matter of education. I think I had asked most of the questions that I wanted to ask regarding education. In your brief there are definite statements made, and at the moment I do not think I will ask any more questions on that subject. However, there are one or two further questions which I should like to ask. I think it was the Rev. Mr. Spence suggested in his evidence that Indian agents and others connected with the department should have some other training or experience with the Indians. Personally I am all for it. My question is would you suggest that in the future all should have actual personal contact or experience with the Indians right from the top down?

Rev. Mr. SPENCE: I think it would solve a lot of the problems if they understood the Indian psychology.

Mr. REID: If they had some experience in the field with the Indians either as agent or in some other capacity?

Rev. Mr. SPENCE: Yes.

Mr. REID: On page 15 of the brief there is a statement which I do not think has been adequately dealt with. It says:—

> The present system encourages educational delinquency, retarded development, and an aversion to education.

I wonder if any of the delegation, particularly the Rev. Mr. Spence, would care to explain just how the present system encourages delinquency, retards development and creates an aversion amongst the Indians to education.

Rev. Mr. SPENCE: That is on page 15?

Mr. REID: Yes.

Rev. Mr. SPENCE: I think Mr. John Tootoosis gave a very good illustration as to the true meaning of that particular section yesterday when he gave the example of his own family. Do you recall that.

Mr. REID: I will accept that. There would seem to me to be a conflict between a statement on the same page, page 15, and a statement on page 20. Page 15, paragraph 2 reads in the second sentence:—

> The restrictions, discipline, exclusive use of English, etc., in the residential schools are now recognized as having a harmful effect on immature minds and bodies.

Then on page 20 in section 26 (*b*) you say:

> Basic English would assist Indians in their relations with the whites and would foster self-confidence.

First of all I should like to know why the exclusive use of English in the residential schools is looked upon as being harmful, especially to immature minds

and bodies, and secondly how does that sentence fit in with the latter sentence, that basic English would assist the Indians in their relations with the whites and would foster self-confidence.

Rev. Mr. SPENCE: I should like to finish that paragraph on page 15, section 2. It reads further:—

> It is the belief of this organization that this hiatus in family ties and parental training is at least partially the cause of post-school delinquency. Regardless of how kind and sympathetic the staff of a residential school may be, such a staff cannot replace the average parent.

Does that not speak for itself?

Mr. REID: I have in mind the younger people at school helping the parents. I have in mind their being taught the English language, especially in the western provinces, and going back to their homes and thereby helping their parents to speak English, little though it may be.

Rev. Mr. SPENCE: I will illustrate it. I attended two residential schools in my day. The first one was at The Pas. As I said before in that school we were supposed to talk English, but we were all Cree Indians so we used to talk Cree when the members of the staff were not around. At Elkhorn residential school it was a different thing altogether. I do not know whether the same situation exists today in that school. I am not in a position to say, but this is the experience as it was in my day. I would like to get that point home if I may. In that residential school there were Salteaux Indians, Cree Indians, Sioux Indians and Ojibway Indians. The common language was English. We used to have to talk English to understand each other because we found it a lot easier to learn English than to learn any other Indian language. When I used to be in the residential school I could go home for six weeks if I wanted to or I could stay at the school. I always had privilege during the two months. It was not compulsory; in my own case at least it was not, to go home to Spirit Lake where I was at that time. It was possible for me to spend my two months summer holidays. I used to stay at the school during the two months of holidays. At times I used to go out with father to fish in northern Manitoba during the summer. I stayed away from the Indian reservation, had no contact with my language at all, for about two and a half years. That is when I was at Mortlach, and when I went back to The Pas after two and a half years, you know it took me a couple of weeks to pick up my Cree; I mean, I could understand it, but I had to think twice before I could answer back; and I was under the impression that my father was thinking that his son would not talk the Cree tongue any more because he was ashamed of it.

Mr. REID: The reason I asked that question was because of the experience we had in British Columbia. We had a certain race of people come to that province about ninety years ago, which is about as far back as one can reasonably go—I refer to the Japanese—the children came to our schools and sat in the same classrooms alongside our people, my own boys and girls sat with some of them in school. These children would go back to their Japanese homes and speak English and we were of the opinion that that assisted towards, if possible, an assimilation of those people. In this way it assisted their contact with white people, and that is why I ask you this question; is there not a conflict on page 20? Can you answer that part? You have found on the one hand it is harmful in its effect, and next you say basic English would assist the Indians in their relations with the whites and would foster self-confidence.

Mr. CASTLEDEN: I think on page 15 they included restriction, discipline and other things; you notice, restriction, discipline and other things as well as the exclusive use of English. On page 20 they just refer to the fact that basic English would be a tie. They are not referring to the use of English alone on page 15.

Mr. REID: Of course, my own view is that different languages tend to divide people.

Mr. CASTLEDEN: I think you are right.

Mr. REID: It tends to divide them, to keep them apart.

Mr. CASE: Mr. Reid, might I interrupt to say that the chairman asked Mr. Spence if he has seen the new book available on basic English; do you think that would be helpful in a better appreciation of the English language so that it would be more useful.

Rev. Mr. SPENCE: Is that a recent publication?

Mr. CASE: Yes, do you know it?

Rev. Mr. SPENCE: I know of it. There was something arrived at Little Pine just as I was leaving, and it might have been that book. I had heard of it from a teacher in northern Ontario who recommended it.

Mr. CASE: You are supposed to be able ta learn basic English in about three months.

Rev. Mr. SPENCE: I do not think you could do that in three months.

Mr. CASE: You are supposed to be able to.

Rev. Mr. SPENCE: I quite agree with the importance of learning the program. Incidentally, they put out a paper now called The Indian School Bulletin and it gives a summary of what is done in Canada, and it assists you to understand what is being done in other schools besides your own. And it more or less makes you realize that it is a tremendous problem with which we are faced.

Mr. REID: Now, one other question; do the Indian parents have a desire that their children be educated?

Rev. Mr. SPENCE: Definitely, yes.

Mr. TOOTOOSIS: In the past there has been considerable complaint that Indian parents do not send their children back to school right after vacation. There has been a reason for that in the past, the feeling has been that the children are not getting sufficient education from the schools. The attitude is, what is the use of sending them back if they do not learn more than they did?

Mr. MATTHEWS (*Brandon*): What was that again, I did not quite hear you?

Mr. TOOTOOSIS: Parents have been discouraged with the schools in the past because the children did not appear to be learning as much as the parents think they should. That has been the case in the past, and that is the principal reason why they are not sent right back to school after vacation.

Mr. CASTLEDEN: But the conditions in the residential schools and in the day schools are not the same.

Mr. TOOTOOSIS: The situation is different now. I have been talking about the past.

Mr. MATTHEWS (*Brandon*): Is that condition of discouragement general, do you think?

Mr. TOOTOOSIS: It has been in the past.

Mr. REID: Have you given any thought as to whether it would be advisable to draw the line as to how far out you would designate a person an Indian? No doubt you have the same problem as we do on the Pacific coast where there are white people living in close contact and where you have a lot of people with but a small percentage of Indian blood. I wonder if you have looked over the groups that you have met and realize that some day it is going to be difficult to say whether such and such a man is an Indian. Have you given any thought to where the line should be drawn as to the designation of a person as an Indian? We know that a white man is not an Indian, and an Indian is not a white man. How far out do you think it should go?

Mr. TOOTOOSIS: My answer to that would be this. That question has been raised here in the committee before this. For instance, an Indian boy marries a white girl and she is held to be an Indian: and his children will be Indians, and would come under common ownership of land on the reserve. But in the case of a girl who marries outside of the reserve, her children would be brought up as outsiders. So no matter how far you go into this question of intermarriage, as long as they are brought up on the reserve as Indians, under common ownership of land, I think they should belong to the band. I would not drive them out. They are all of the same blood.

Mr. REID: Have you given any thought as to how we can change the attitude of our people, I mean the white people. For instance, a white man marries an Indian woman and there seems to be nothing held against him among his white neighbours, but if on the other hand a white girl marries an Indian she seems to be placed in a different class entirely.

Mr. TOOTOOSIS: Well, when you get into this question of mixed marriages—

Mr. REID: I won't pursue that point any further, but I want to ask you about this brief. Is this brief which has been submitted to us representative of the voice of a majority of the Indians in Saskatchewan?

Mr. DREAVER: With regard to that subject, that is a matter that we have not taken up in our organization, and we are not prepared to state just where the line should be drawn with respect to intermarriage. I do not think that we would be in a position to express an opinion on that.

Mr. CASTLEDEN: What's the matter, did you get the question?

Mr. DREAVER: In answer to that question, with regard to who should be a member, I mean as to where to draw the line—

Mr. REID: We have accepted that statement, we realize that.

Mr. CASTLEDEN: I would like to have it made clear on the record that you asked a question about the brief and he answered the question with regard to white people.

Mr. REID: Yes.

Mr. CASTLEDEN: I think the record should be clear.

Mr. REID: It is the brief that I am speaking about now, is this brief the majority view of your people?

Mr. TOOTOOSIS: That is the next question. As far as I know in my travels this winter when we started organizing meetings of the Saskatchewan Indians, and I have been on a number of reserves in Saskatchewan and other places, and I have been to a number of meetings, the people were all quite agreeable.

Mr. REID: Irrespective of what church they belong to?

Mr. TOOTOOSIS: Yes, they agreed, to those parts especially which I translated into Cree for those who could not read and for those who could read themselves I left the material to read and to study and they were quite satisfied and it is only after the interference started that it has not been so.

Mr. HARKNESS: I would like to say something in connection with this brief. In reading the brief over last night I had the feeling that it was all something very, very familiar to me and that I had read it before. Finally, on page 31a I came to a place which said,

> Steps be taken to secure for Treaty Indians additional trap lines where they desire such lines. This is especially necessary in the reserves of the Saddle Lake agency, and Hobbema agency in Alberta.

Then I got out the Alberta brief and I found in the Alberta brief that it reads the same, word for word with the exception of one or two places. My question is, did you get together with the Alberta people to make this brief or did you take their brief and have it adopted by your people? What is the explanation

of that fact? I think every member of the committee will find that the two briefs are exactly the same. Here is 31a in the Alberta brief and page 31a in the Saskatchewan brief and nearly every other page is the same. The only difference that I can see is that you people early on, on the first page or two of the brief recommend a payment, I think it is one thousand dollars. On page 9, you recommend a chief should be paid $1,000 per annum and councillors $500 per annum. The Alberta brief recommends $150 for the chief and $100 for the councillors. Except for that one very small point they are the same briefs.

Mr. DREAVER: We have been trying to stress the point that we need education. Therefore when we were asked to draw up these briefs we realized we did not have the education to draw up a brief. We had to have the advice of someone that could put our wishes in proper English so that it could be understood by this committee. We were guided by the drafts that had been made. These briefs were made on the basis of our meetings. We had, in the old days, meetings with Alberta Indians and Indians from Manitoba and so on. I would say that Mr. Tootoosis brought out the fact that at one time he brought a whole sheet of grievances to Ottawa. Well, these grievances and so on are all brought to the particular meetings we had and this is what was worked out.

Mr. HARKNESS: What you did do then was to take the Alberta brief and get it adopted by your association?

Mr. DREAVER: No, we had a brief that had been prepared in Saskatchewan by the protective association and most of our brief was based on it.

Mr. HARKNESS: Well, this brief actually deals with Alberta. There are one or two other places where it states the conditions which exist in Alberta.

Mr. TOOTOOSIS: May I answer. The thing is that today we have Indian agents who are all under the same Indian administration as we are. If I make a brief and Alberta makes one we have the same trouble. We have the same agents, the same instructors, so how can it be any different? It is all the same.

Mr. HARKNESS: I am not objecting to it being the same, I just asked what the procedure was, whether you had taken the Alberta brief and had it adopted.

Mr. GARIEPY: Which one was made first?

Mr. HARKNESS: It appears that this was the Alberta brief because in several places it mentions Alberta conditions. I do not see any place where it mentions Saskatchewan conditions except in the appendix and I think it would be well to clear the point up.

Mr. CASTLEDEN: I think it is a very good point to clear in view of what happened yesterday.

Mr. GAMBLER: I might try to clear up the situation. When I was vice-president of the protective association we had turned out a brief for our organization which we submitted to Mr. Glen the year I was here. To make it short, the brief of the Saskatchewan union has been born out of the protective association brief, or at least the idea was. That might satisfy the question, and the Alberta Indians adopted our association. And I am proud to say that the lawyer that drafted this out complimented me for the work that I did and the work that I had put into this in the past years.

Mr. FARQUHAR: Mr. Chairman, I would just like to say I can see nothing irregular about this. If the Indians in all the various provinces in the Dominion of Canada decided upon one brief what would be wrong about that?

Mr. HARKNESS: Mr. Farquhar, I was not suggesting that there was anything wrong with this, I was merely asking how it came about and what the situation was in the matter. There is no question about any irregularity and it is a good brief.

Mr. GARIEPY: I think this committee is entitled to know where these briefs do originate. Here are individuals living on reserves who come here boasting

of speaking for all Indians, one group, one reserve, one province, and this and that, and laying down grievances by the hundred pages, and we should know where that comes from and what it all means.

Mr. FARQUHAR: If any Indians came to me and asked me to assist in preparing a brief I would feel quite free to do so as long as I was giving the view of the Indians. I do not see anything wrong with that. The Indians have not got the education to prepare a brief and I can see nothing wrong with them going to anyone for assistance.

Mr. HARKNESS: Well, Mr. Chairman, the question has been answered and I am quite satisfied. I would rather go on with some other questions.

Mr. MATTHEWS: What was the answer, Mr. Harkness? Which came first, Alberta or Saskatchewan?

The CHAIRMAN: I would say that we have a letter from the secretary treasurer of the Union of Saskatchewan Indians dated July 22, 1946 in which she says they "hoped by now to be able to send you a copy of our draft brief, however, Doctor Shumiatcher, who is preparing the brief for us, thinks the draft will be ready within the coming week". That was in 1946.

Mr. CASTLEDEN: I rise to a point of privilege. This matter was brought up yesterday with regard to what the Indians of Saskatchewan have done in presenting a brief from the protective association. As Chief Gambler pointed out, and I think we ought to have on the record, it is well known that several meetings were held with the Indians in Saskatchewan. In preparing their brief and presenting their case, they had the assistance of and consultations with the Alberta group. They found they had so many things in common, that they agreed to work together on their brief.

Mr. REID: That would be natural.

Mr. CASTLEDEN: Quite natural. It was an Indian brief and I think it was felt that the Indians had prepared this themselves. I do not want the impression to go out that some Doctor Shumiatcher in Regina had prepared this brief. It was made very clear yesterday that he assisted in having it printed. The preparation of this brief has been the work of years and years by the Indians of Alberta and Saskatchewan. As Mr. Laurie said when he was here, he had been working for about fifteen years with the Indians in that province, and he confirmed that fact.

Mr. HARKNESS: My next question is in connection with Indian veterans. On page 28 of the brief, the first part of the statement does not matter, but the next part reads as follows:—

> This means, in effect, that they should enjoy equal benefits under the provisions of the Veterans' Land Act, and under the law relating to the payment of war service gratuities, the provision of educational and vocational grants, and employment preference, both in private industry and in the civil service.

My question is this, do you know of any cases in which Indian veterans have not received the same treatment in the payment of war service gratuities and the provision of educational and vocational grants, and in employment preference? I do not care who answers that question, but if any of you know of any definite instances of that type, I think the committee should know about them because I, for one, would desire to see that corrected.

Mr. DREAVER: I know of a case on that new reserve north of Prince Albert, the Little Red River, there are six Indian veterans there who have applied for rehabilitation under this grant. So far, they have had no answer to the application. They do not know whether their applications have been turned down or whether they are going to be paid.

Mr. HARKNESS: That is under the Veterans' Land Act?

Mr. DREAVER: Under the Veterans' Land Act. I was supposed to have more information on that, but I have not got it, so I would rather not continue with it. However, that is one particular case.

Mr. LICKERS: If I may just say something in that connection, I forgot to bring a newspaper here in which there was an article, I think it was the Toronto *Evening Telegram*, quoting the native paper of B.C. The article stated that, apparently, a veteran out there had applied for a reestablishment credit for the purpose of buying farm machinery. It mentioned the fact he could not buy anything with a motor in it and he made some very pertinent remarks in connection with it. Apparently, in British Columbia, they are not in the same position.

Mr. HARKNESS: So far as you fellows are concerned, do you know of any other specific cases, or any specific cases, particularly in so far as the War Services Gratuities are concerned? Personally, I have never heard of one. I wondered if you had heard of any cases. If there are none, of course, it should not be in the brief.

Mr. TOOTOOSIS: The purpose in having it in the brief is, there are a lot of our returned men who have not got that grant because we opposed the allotting of land to our men in many of the reserves in Saskatchewan. We want to have that abolished.

Mr. HARKNESS: Mr. Tootoosis, the Veterans' Land Act has nothing whatever to do with the war services gratuities or the provision of educational grants or employment preference. There is no relation whatever to the Veterans' Land Act. I am going to say something about the Veterans' Land Act presently, but so far as the war services gratuities, the provisional educational grants and employment preferences are concerned, are there any cases, to your knowledge, in which there has been any discrimination or any refusal?

Mr. TOOTOOSIS: Not offhand, but a lot of them are unemployed.

Mr. HARKNESS: That, again, has nothing to do with the gratuities or the educational grant.

Mr. TOOTOOSIS: I am talking about the preference there.

Mr. HARKNESS: You do not know of any cases, that is what it amounts to. Having been a member of the Veterans Affairs Committee which met during the last two sessions, I made it particularly my business in that committee to see that the Indians were placed in as favourable a position as any other veteran, and, if there are any cases in which the Indians have been discriminated against, I should like to know of them and have them corrected. It is for this reason I asked the question. If there are none, I suggest that should not be in the brief because it is a reflection on the Veterans Affairs administration which is an unfair reflection.

Mr. DREAVER: It was desired to bring up this point, the white veteran has up to $6,000 on which to work, whereas the Indian veteran who wants to settle on his own reserve only has a grant of $2,320. We are pleased to have a grant. We need it, but we do not think it is sufficient to rehabilitate an Indian veteran. Where the Indian veteran requires a full line of machinery in order to compete with the ordinary farmer in whatever district he may be, he needs more than $2,320. This is especially true where he requires a building and water supply of some kind as well as farm equipment. $2,320 does not nearly cover it.

Mr. HARKNESS: I agree with you, it is not sufficient, but so that you and the other Indians will not be under any misapprehension that you are being discriminated against in the matter, I should like to say this: in the Veterans Affairs Committee, we put through exactly the same provision for the white

returned soldier who settled on provincial lands. The white man who settles on provincial lands gets exactly the same amount, $2,320, so there is no discrimination against the Indian.

Hon. Mr. HORNER: Does he not get any additional land?

Mr. HARKNESS: No, he gets the same amount, $2,320. I merely want to make it clear to you there is no discrimination against the Indian. The same thing applies to the white man if he does not have to pay for his land.

Mr. DREAVER: May I say a word in this connection: I should like to thank you for this information. It bears out what I said yesterday. The Indian should be enlightened. The Indians do not know these things. If we knew what provisions were being made for us, the things to which we are entitled, you would not have so much of this sort of complaint. We are in the dark. We have a bunch of veterans on all reserves. I went to the office to secure some information for them and the clerk was not able to furnish me with the information I desired with regard to returned men because he did not know the policy of the government.

Mr. MACNICOL: You went to what office?

Chief DREAVER: To the Indian office at the agency. The clerk there was not able to give me the information I wanted.

Mr. HARKNESS: Now, Chief Gambler, this morning you said you had refused, you and your council refused to approve certain Indian veterans on your reserve being set up with this grant because you thought it would mean the reserve would eventually lose that land; is that correct?

Mr. GAMBLER: That is correct, sir.

Mr. HARKNESS: I think that is a matter which should be explained also, because as I understand the thing there is no idea of that in mind whatever. The land of the reserve would still remain the land of the reserve. The idea of the Indian veteran being given a location ticket or something of that sort was really for his protection, to protect that grant of $2,320 and keep it in his name or that of his heirs. It would not become common property of the reserve. In other words, that particular advantage was given to the veteran because he fought for the country and should be preserved to him; personally I think that you and your band made a very unwise decision—that is my personal opinion—because I think you cut out your own veterans from getting the advantage of that grant through a misapprehension on your part that you would lose the land.

Mr. GAMBLER: What I was afraid of were sections 21, 22 and 23 of the Indian Act. As I said this morning, I do not profess to understand these laws, but I faintly saw that I think that once he is located on his land that he would not be entitled to common ownership of the rest of the reserve. That is what I was afraid of. Let me illustrate it this way. We allocate his land and give him a title for it.

Mr. HARKNESS: Actually you do not give him a title, as I understand it. The reason that $2,320 grant was put through in lieu of the $6,000 loan, as far as Indians were concerned, was for the very fact that the Indian could not get title to his land, and that is why in the Veterans Affairs Committee we put that provision in; and if there is any misapprehension over it I think the department should certainly get the matter cleared up, Mr. Chairman. In fact, I suggest the department should make known to all Indian bands what the exact situation is, and if the chief's apprehension is correct then we should do something to meet that situation so it could not arise that the land would cease to be part of that reserve.

The CHAIRMAN: Probably Mr. Patrick of the Indian Affairs branch could explain that.

Mr. HOEY: Mr. Chairman, may I say when this legislation was passed I was deeply interested in the law relating to the rehabilitation of the Indian veteran, and I asked the minister for the privilege of selecting a man who himself had served in two wars, and when the minister extended that right to me I called that man into my office and I said, "This is one branch of the service that I would like to see detached from red tape; and in addition to that I want you to put some heart and warmth into your work. These people have gone out and fought in defence of this country and I want you to do everything humanly possible to assist them. I want you to go out and meet them and talk to them. I want you to get them together in groups and discuss this matter with them."

Now, with that object in mind I sent Major Patrick, who is here, to Manitoba, Saskatchewan, Alberta and the Pacific coast and certain sections in Ontario and asked him not only to discuss the terms of the Veterans' Land Act, I asked him also to see that the Indians were getting the gratuities and other advantages to which they were entitled. Now, in addition to those visits, we have sent out circular after circular in the simplest possible language, and I would like to have an expression of opinion from the committee as to what I can do other than that with the limited staff at my disposal. If these Indian agents, whom Major Patrick met and with whom he discussed this matter, have not gone back to the reserves and discussed these matters with the Indians then Inspector Ostrander, in all fairness to me, should come here and tell us so. We do not want Indian agents in the service who are withholding information of any kind from these men; and after Major Patrick's conference it was the duty of each Indian agent to go back and discuss these matters with his Indians. Those were my instructions to Major Patrick. Unfortunately, I cannot go to each reserve in the Dominion of Canada and discuss these matters with the Indians personally. I would like to hear from Inspector Ostrander what steps have been taken in Saskatchewan to discuss these matters with this group of men to whom we are indebted and in whom we take a personal and human interest. This matter lies very close to my heart, and I want to know the facts about it. It is one branch of the service in which I am deeply interested and I think this committee has a right to know that the agents cannot push aside or ignore these men who have fought in defence of this country.

Mr. HARKNESS: May I ask one question of Mr. Hoey? Is not Chief Gambler's idea of what would happen if these men were allowed to take these grants totally unfounded?

Mr. HOEY: It is incorrect. The point I am interested in, and the point that has aroused me, is the withholding or withdrawing of information from these men—information to which they are entitled; that is what I want an expression of opinion on from Inspector Ostrander.

Mr. HARKNESS: In other words, there has been breakdown somewhere—

Mr. HOEY: There must be.

Mr. HARKNESS: —that Chief Gambler has had the idea that he has. In other words, the true picture is not given to every Indian agency. I think this is an important matter if that is the case.

Chief GAMBLER: Mr. Chairman, I wish to thank Mr. Hoey for the statement he has made.

The CHAIRMAN: Mr. Ostrander.

Mr. OSTRANDER: Mr. Chairman, for the most part the Indians of the Saskatchewan inspectorate fully understood the conditions of the Veterans' Land Act. There were two points where they did not seem to fully understand it, and when Major Patrick held his conference in Regina and spoke to the Indian agent and had a thorough discussion with him. I asked him if he would make a trip himself in his limited time to these particular two reserves, and one of the

points visited was the agency from which Chief Gambler comes. The meeting was held there and every particular with regard to the Veterans' Land Act and all other matters in connection with veteran Indian affairs were thoroughly discussed by Major Patrick at that meeting. They had had Mr. Booth's opinion—he is the Indian agent—and on top of that they had Major Patrick's opinion. All the information we had up to that time was conveyed to them, and there have been probably two or three circulars since then that have been passed along. I do not know what more we could have done. Major Patrick is here and I am sure he will remember that this is one of the agencies that he visited himself.

Mr. HOEY: I think Major Patrick should explain the significance of the location ticket; what it means when a veteran takes up a quarter-section or whatever acreage it may be on a reserve.

The CHAIRMAN: Major Patrick.

Major PATRICK: Mr. Chairman and gentlemen, first I would like to say that there is a certain amount of confusion goes on about what a veteran is entitled to. They get mixed up in war services gratuities, re-establishment credits and Veterans' Land Act grants, all of which involve money. The educational side is a different thing because while that costs money you do not get the cash or the chattels. But these three things seem to be continuously confused in the minds not only of the Indians but of almost all veterans.

Now, you are entitled and you will get your war service gratuity no matter who you are; that is based on your service. I have got mine and you have got yours. You are also entitled to a re-establishment credit equal to your basic gratuity, which is a known figure. You may have the choice of that or the choice under the Veterans' Land Act, but you cannot have both. The uses to which you can put the re-establishment credit are much wider than those for which you can use the Veterans' Land Act grant or loan. Now, the Veterans' Land Act is a land Act. Its purpose is stated in the preamble to provide a measure of financial assistance. I should like to point out that this is only a measure of financial assistance to veterans on their performance of prescribed settlement conditions in order to permit their engaging in agricultural pursuits either as a full-time occupation or a part-time occupation coupled with some other employment. The first requisite is you must have land. There are two ways an Indian can get land. One basically is under section 21 of the Indian Act which says:—

> No Indian shall be deemed to be lawfully in possession of any land in a reserve, unless he has been or is located for the same by the band, or council of the band, with the approval of the superintendent general; but no Indian shall be dispossessed of any land on which he has improvements, without receiving compensation for such improvements, at a valuation approved by the superintendent general, from the Indian who obtains the land, and so on.

He may buy it from another Indian who has possessed it for some time or if it is open land he may be granted it by the council or by the band.

All that the Veterans' Land Act does—and it is not a matter that the Indian Affairs Branch has anything whatever to do with—is to allocate in accordance with the provisions of the Indian Act a certain portion of land to the Indian veteran in order that he may cultivate it. Whether or not you deny him common use of the remainder of the land is your own business. I know it is not being done elsewhere. There are other places where a man is allotted a given portion and he has also range privileges.

Mr. BLACKMORE: May I ask a question there. You said "your own business." You mean the business of the council of the band?

Mr. PATRICK: Yes, excuse me, I have got away from addressing the chair and am talking to the Indians. In some cases they have given them range privileges on the common property of the band in addition to the particular location they have. It is the same thing with cutting timber and the other privileges that everyone enjoys.

As Mr. Ostrander and Mr. Hoey said I visited the four western provinces last summer.

Mr. BLACKMORE: May I ask one more question for clarification before you proceed? Am I correct in supposing that the council of the band could deny an Indian veteran the use of the common privileges?

Mr. PATRICK: That is correct. That is what is happening in this particular case and in a few others. As I said I visited Winnipeg, Regina, Calgary and Vancouver. We held conferences of the Indian agents at all of these points lasting from two to four days. The agents were all there, and in Saskatchewan practically all the farming instructors were there, too. In addition to any information that had been given them by mail I addressed them and tried to outline to them the provisions of the Veterans' Land Act in particular, and the other benefits that a veteran may enjoy in general. Then we followed that with a question and answer period. Every endeavour was made to clear up any misapprehension or to enlighten any agent or anyone who was there as to what could be done.

I also invited the agents at the meetings to tell me if there were any reserves or agencies that they would wish me to visit on my return journey so that I could speak to the Indians individually or collectively. We arranged several visits in all four provinces, and among them was the visit to Qu'Appelle, Crooked Lake in Saskatchewan. We called a meeting at the agency at Qu'Appelle. Chief John Gambler was there. I should think there were between 40 and 50 Indians there. I spoke to them for a considerable length of time. Then we had a discussion, and I came away feeling I had not made a great deal of headway.

Mr. MACNICOL: Why were you of that opinion?

Mr. PATRICK: Because there seemed to be a certain amount of fear on the part of the Indians that we were going to take their land away from them. Any Indian knows you cannot remove an acre of land from an Indian reserve without a surrender approved by the whole band and the Governor General in Council. If he does not, he should.

I had a private conversation with Chief Gambler for about half an hour or so. We discussed the conveyance that the band council would give for the land. He was not satisfied with the one he had. I told him to draw one up he would like and send it to me and see what I thought of it. You have Chief Dreaver here. He belongs to the Mistawasis. He has a Veterans' Land Act grant. Up to date he has expended $1,002 of it, and he has a balance of $818 which he can get if he needs it when he wants to apply for it. His council, on the other hand, do not seem to be troubled with this. I have got their resolution here.

> We the undersigned chief and councillors of the Mistawasis band of Indians owning the reserve situated at Leask in the Carlton agency in the province of Saskatchewan at a council meeting summoned for the purpose, and according to the rules of the band, and held on the said reserve this 11th day of February, 1946, in the presence of the Indian agent for the said reserve representing thereat the Minister of Mines and Resources for the Dominion of Canada do hereby for ourselves and on behalf of the Indian owners of the said reserve request the following lands hereunder described be allotted to the members of our band who served

in His Majesty's forces during the second great war, to be improved and held by them for the purpose of making thereon a living for themselves and their families.

A quarter section is allotted to Samuel Dreaver, Joseph Dreaver, Joseph Sanderson, George Dreaver and William Badger. Based on that title these five Indians have obtained their grants.

Chief DREAVER: A half section, in all.

Mr. PATRICK: Yes, a half section.

Mr. BRYCE: May I ask a question? You have mentioned that there is approximately $800 to come to this chief. Who is handling that, you or the agent?

Mr. PATRICK: It does not exist yet.

Mr. BRYCE: And if he applies for it—

Mr. PATRICK: You can get—

Mr. BRYCE: Wait a minute until I ask my question. You said he can get that any time he likes. Does he apply to you, to the settlement board, or does he apply to the chief and his chief apply to the inspector and the inspector apply to you?

Mr. PATRICK: He may get the $2,320 or any amount up to that. My written instructions were that if you can foresee the full plan, apply for the full plan if that is necessary; if you could not anticipate everything that was wanted, put in what you could see and let's get going; and so this application was filed in the amount of $1,500 and the funds have been made available and have been expended to buy materials and there is a balance of $818 for which Chief Dreaver may go to the agent at any time and file a supplementary application and it will come back to me for approval after the Minister of Mines and Resources gives the Veterans Land Act authority to allot this land and the loan is made.

Mr. BRYCE: That is about five different people who have to handle it before it gets to you.

Mr. PATRICK: Yes.

Mr. REID: Is that a straight grant?

Mr. PATRICK: It is a straight grant.

Mr. BLACKMORE: What is the security which guarantees that $2,300 loan?

Mr. PATRICK: There is no security.

The CHAIRMAN: I am afraid we are getting away from the subject matter before the committee Mr Patrick was before us and if you will return to your committee report—for instance, Mr. Blackmore, if you will refer to page 258 of the 1947 report you will see the answer to your question. I think what we wanted Mr. Patrick to do was to clear up this one particular point which is now before the committee.

Mr. HARKNESS: Mr. Chairman, I am sorry to have precipitated such a long discussion but I would just like to end it by suggesting that the Indian Affairs branch take measures to alleviate this apparent misapprehension which exists among the Indians on certain reserves.

The CHAIRMAN: I think Mr. Patrick is trying to do that at the present time.

Mr. HARKNESS: I think the effort should have been continued, particularly on reserves where that feeling still exists more educational work should be done.

Mr. BLACKMORE: I wonder if we could have Mr. Patrick before us at some other time so as to give him a chance to answer the points that have been raised.

The CHAIRMAN: I think we could. We only have from now until six o'clock and I think we should confine ourselves to matters of direct interest to the delegation before us. We could have Mr. Patrick back here and question him at any later time. We wanted this one point cleared up. I think we should return our questioning now to the Saskatchewan delegation who are here, and let us keep to the point as much as possible.

Mr. CASTLEDEN: I would just like to refer to the point I made yesterday morning, an hour and ten minutes of time was taken up by some other official of the department yesterday morning because he was said to be leaving, he was supposed to be leaving, but he is still here today. We have now reached the question period and we have had two hours of questioning and only about four or five members have completed their questions.

The CHAIRMAN: You are taking up time now, Mr. Castleden.

Mr. CASTLEDEN: I know I am, Mr. Chairman. But there was over an hour lost yesterday. I would suggest that the rest of the time today be allotted fairly among the members.

The CHAIRMAN: It is agreed then to allow each member five minutes or ten minutes?

Mr. CASE: I would suggest five minutes to each, then if there is time left go around again.

Mr. HARKNESS: On page 15, referring to this matter of education, where you say "restriction, discipline, exclusive use of English, etc."; do I understand by that that you advocate that in the schools there should be the use of your native language as well as English?

Chief GAMBLER: Mr. Chairman, may I ask a question of privilege before answering that question?

The CHAIRMAN: I beg your pardon?

Chief GAMBLER: Might I ask a question of privilege? I was to file a proposed declaration regarding these sales. When you come to discuss this matter we will not be here. There is a proposed declaration. I have made a note of that, and here is a statement, confirmed in minute No. 13, where it refers to sections 21, 22 and 23; and we have section 188 of the Indian Act where it says that they can expropriate these lands on the reserve for returned men. I am filing that so it can be considered.

Mr. CASTLEDEN: Very well.

Mr. HARKNESS: Will you answer the question I just asked?

Mr. TOOTOOSIS: I want to say a few words about veterans too because we are not going to be here again and it is very important to us.

Mr. HARKNESS: I think they should be allowed to say what they want to on that point.

Mr. BLACKMORE: I was just going to suggest that we should meet again tonight. This is a very important matter, obviously there are a number of points which have not been cleared up.

The CHAIRMAN: Then I think we had better go ahead with that as quickly as possible.

Mr. CASTLEDEN: Let them go ahead.

Mr. TOOTOOSIS: In the first place, I want to speak about the war veterans. When these people went to war they expected to have the same freedom when they came back as they had before they went, the same freedom as that for

which they fought. As it is, gentlemen, they went and helped you to fight your war, now why do you not as gentlemen help them to get the freedom that they are supposed to have now that the war is over? Why allot the soldier a piece of land? He owned that land before he went to war through common ownership with the rest of the band. According to the regulations of the Veterans' Land Act he has to have a piece of land allotted to him before he can get a grant. I have here a resolution sent to the minister and the reply from Mr. Glen. I am only going to read a part of it, but before I read it I want to tell you this; we Indians strongly oppose having our reserves subdivided, we want them to stay as a whole. Here is what the letter says:—

> The department in requesting a resolution of the band or council is merely carrying out the provisions of section 21 of the Indian Act which states:—
>
> > No Indian shall be deemed to be lawfully in possession of any land in a reserve, unless he has been or is located for the same by the band, or council of the band, with the approval of the Superintendent General (Minister).

These reserves were set aside for the Indians so that there would not be any fighting over land. These gentlemen have stated here and Mr. Patrick has also stated that these veterans were to get this land so they could become established and so that there would be no interference with their property; also that they would not be driven out, or off the land, or the land be taken away. Well, it says here that if I surrender my land I will be compensated for all the improvements that I have made on it. That is the law. So it must be the same for the veteran no matter where he is allotted the land. He will be compensated if he is moved off that piece of land should it be required for other purposes; so, what is the difference.

I would like to submit this to the committee, let them abolish this allotment matter regarding Indian veterans. Here is what they get for sacrificing their lives for us, for fighting for the freedom which we still possess. The Indians were gentlemen to fight for the white men, so don't hand them land which they owned before they left to go to the war. I don't believe in pensioning him off after he has earned his freedom.

Mr. CASE: Do you think allotting the land prejudices his interests?

Mr. TOOTOOSIS: Yes.

Mr. CASE: Even if it is allotted in accordance with seciton 21?

Mr. TOOTOOSIS: That is purely an inference from section 21. The first thing you know the Indian department will place all our land in jeopardy. The point I am trying to make is this, that this Act is our protection. Let us see what happens. Suppose a veteran who gets land in this way is married and has five children. He dies. I asked Mr. Allen who came to one of our meetings there this question: Mr. Allen, you say that I will be allowed a quarter section, if I die can my children get the same land? He answered, no, that land will have to be divided up to your children, divided into five. It will be the same with returned men, he will have just a piece of land which has been allotted to him and that is all his children will own. This piece of land which has been allotted to him. I firmly believe that this land of ours which is actually our personal property and which we have not surrendered to the Crown that we are the people who should decide whether we should allot it to any person or not.

Mr. GAMBLER: This is the proposed declaration I mentioned before:—

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

OTTAWA

Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa, Ontario.

DEAR SIRS: We the undersigned Chief and Councillors of the.....
.....Band of Indians hereby agree
to .....
and his heirs and successors forever being the permanent occupants of
the following described land of No.....Reserve.
.....Chief
.....Councillor
.....Councillor

This is a copy of a proposed declaration, whether this would be acceptable to the Minister of Mines and Resources or whether it would be legal would be for the department to decide.

It is difficult from the form in the Act.

Mr. TOOTOOSIS: We are the people to decide whether any person or one of our men is entitled to that area. When they went to war they did that voluntarily and I think the government should give this grant to our boys to settle wherever they want to settle on any reserve and have the same freedom as before they went to war.

Mr. HARKNESS: Well, I have not had an answer yet to this question on the use of English as to whether you are advocating here that the Indian language should be used in your schools as well as English.

Chief DREAVER: I think it is because of the restrictions. The idea there is when they are in residential schools there are so many restrictions, they cannot do this or that, and during the day a young child gets hungry and wants to be able to get a piece of bread and as they have these restrictions they cannot do anything. Consequently they learn on th esly. They are so hungry they have to get that bread and in the schools where there are three or four different languages spoken, such as Mr. Spence mentioned to-day, the children have to converse with each other and where they are restricted from doing it they have to do it on the sly. They learn to do all these things on the sly.

Mr. HARKNESS: What you are advocating is the children in school hours should be allowed to talk their own language.

Chief DREAVER: Yes, without regards to restrictions. We have had cases in these residential schools where a brother and sister are attending the same school and they have to get permission from the principal in order to talk to each other. They cannot go near each other. I do not think that tends to give a home atmosphere in the schools.

Mr. TOOTOOSIS: May I say something more. I think in Canada, for Canada's own defence we should keep the Indian language. For instance I am a Cree. We have our own writing and it seems to me that is something that will come in handy for Canada for its own defence. Our enemies do not understand that language. I think if we keep it is an asset and we can help Canada in its defence if the natives keep their language.

Mr. HARKNESS: As a straight answer to the question, do you advocate that the children be taught the English language in the school as well as their own?

Rev. Mr. SPENCE: May I answer that. I will illustrate it this way. And I hope it will clear up any difficulty. My idea is, and I might be fired for this but never mind, my idea is this. An Indian child needs to learn in English but not at all from a grammar. That is my idea.

Mr. CASE: From what.

Rev. Mr. SPENCE: From a grammar. You take these adverb clauses, and adjective clauses and adverb phrases and adjective phrases and all that kind of bunk, when you get up in the world you do not worry whether you are using the subjunctive mood or the indicative mood, you express yourself the way you can. Frankly, I tell you that it is my idea and up at the school where I am teaching in Little Pine, in the church I get up and preach in Cree and in English. In the school I cannot understand Cree at all which surprises my pupils. I will not talk to them in Cree because they are there to learn in English. I think it would be disadvantageous as far as the children are concerned to teach them in Cree in the day school. After all I am there to teach them basic English.

Mr. HARKNESS: In other words you believe the instruction as far as you are concerned, should be confined to English.

Rev. Mr. SPENCE: In the classroom, but at the same time I do not think that the child like anyone else, should be given the liberty of speaking his own language in order to express himself.

Mr. HARKNESS: I agree with that.

Rev. Mr. SPENCE: I do not punish a child for talking in Cree in the classroom. When they talk to me in their language I say to them, "You try to say that in English and I will try to help you out". I know it requires patience and it takes time.

Mr. CASE: In other words you recognize that the child's greatest opportunity is to learn to speak in English?

Rev. Mr. SPENCE: Yes, otherwise I would allow him to speak in his native tongue.

The CHAIRMAN: Order, order.

Mr. HARKNESS: I have several other questions but I will leave them for the time being in order that the other members may get on with their questions.

The CHAIRMAN: I would ask the members to try to be as brief as possible. Now, Mr. Blackmore, it is your turn.

Mr. BLACKMORE: Will you just let me know when the five minutes is up as I will not be watching the clock, I will be watching my questions. I am considerably interested in the point which Mr. Farquhar has raised many times, concerning whether the Indian should take his problems to his local member of parliament. I would ask this general question in a general way. Have any one of you ever approached your member of parliament concerning any one of your problems, or did you ever try to?

Mr. TOOTOOSIS: Yes, I have.

Mr. BLACKMORE: Can you tell me what your experience was?

Mr. TOOTOOSIS: I told my troubles but that is as far as I got. I never had any definite answer. The last time, when Mr. Max Campbell came to be member of parliament in Battleford I know that the Indians got their answers. But that is only lately. The trouble is some members will help, and I hope I do not insult any of them, but there is a lot of them do not think much of Indians, the same as anybody else. There is only a certain type who will try to help. I see it

many times in many places. I am in town and one day a white man does not look at me at all. Other times it is different and he will talk just as if I had known him before.

Mr. FARQUHAR: That is true amonst Englishmen too.

Mr. BLACKMORE: I think that answers pretty completely the general question which Mr. Farquhar has asked. Whether an Indian gets any satisfaction from his member depends on who that members is, and many members whom I have known have just ignored the Indian. I would like one or two more questions now. If you approached your member and your agent heard about it, how do you think the agent would feel about it?

Mr. TOOTOOSIS: I cannot answer exactly.

Mr. BLACKMORE: What do you think, using your own judgment?

Mr. TOOTOOSIS: My judgment is that I do not think he would like it. They want us to see the agent before we go to anybody else. I can tell you of one instance when R. B. Bennett came into power in the House and he spoke in the House in 1938 and he told a story about meeting a chief in Calgary. He said that as soon as he met the chief he started to talk about his treaties and he handed him a medal as big as a saucer. It is a medal like this. Well he was just making a joke out of the Indians. The Indian had rights and he had a right to take up his rights if he wanted them adjusted. This is the medal that was given to Chief Poundmaker.

The CHAIRMAN: Who was that?

Mr. TOOTOOSIS: Chief Poundmaker. It was given in 1886.

Mr. BLACKMORE: What did Mr. Bennett do?

Mr. TOOTOOSIS: That is all he said in the House, and it was written right in *Hansard*.

Mr. BLACKMORE: Did the Indian get any results.

Mr. TOOTOOSIS: I do not suppose so.

Mr. BLACKMORE: Neither do I.

Mr. TOOTOOSIS: Another thing. When you go to lawyers, I am a little bit out of your question, but this comes to about the same thing. We Indians find that some of these officials surely strongly object to having lawyers stand for Indians in any transaction.

Mr. BLACKMORE: You mean the agents?

Mr. TOOTOOSIS: The agents and the officials. They surely do not like when Indians go to lawyers and ask certain instructions on any deals or any big transactions that might be being made. I think we people have more need of lawyers than any other people in Canada.

Mr. CASE: Do not have too much to do with lawyers. Oh, I did not notice that the regular chairman was not sitting.

Mr. BLACKMORE: May I ask just one more question while we are on this general matter. If the agent took a dislike to any Indian for going to his member of parliament, could the Indian agent hurt that Indian on the reserve?

Mr. TOOTOOSIS: It might if that happened, if something were taken to the House of Commons it would hurt the Indian because that is where the Indian gets his redress.

Mr. BLACKMORE: That is, the Indian would have cause for being afraid of what the Indian agent might do to him, so it would take a rather courageous Indian to go to his member, is that right?

Mr. TOOTOOSIS: Some, maybe, I guess.

Mr. FARQUHAR: I should like to say a word on a question of privilege.

Mr. BLACKMORE: Take this off my time.

The CHAIRMAN: The time is limited.

Mr. FARQUHAR: Are we not coming back tonight?

The CHAIRMAN: That depends on the wish of the committee.

Mr. BLACKMORE: Would you say any considerable portion of the Indians of whom you know still love their own, ancient religion before Christianity came and still desire to cultivate it and adhere to it and probably have it taught to their children?

Mr. TOOTOOSIS: Oh, yes, there are certain people who still believe in their Indian beliefs. They are strong for it because that is the way they have been brought up. They want to stay with it.

Mr. BLACKMORE: Would it be your impression that their religion is a fairly good religion in many ways? It teaches them nobility and manhood?

Mr. TOOTOOSIS: Yes, and a lot of people still believe in the old Indian beliefs. They are very strong for it, as that is the way they were brought up.

Mr. BLACKMORE: I asked you if they believe it is a good religion?

Mr. TOOTOOSIS: Yes, because I believe a religion is good for any person if it makes him honest.

Mr. BLACKMORE: I am doubly interested in this question because there are two proposals, in the main, with regard to the education of the Indian in the future. The first one is to build up, in Ottawa, an educational department for the Indians under the Indian department, establish a curriculum for the schools all over Canada to be operated by the federal department and have federal inspectors. The other suggestion is to set up a provincial system of education, adopt the provincial curriculum and have provincial inspectors. Which would you prefer, or which do you think would be better?

Mr. TOOTOOSIS: I would prefer the dominion government in this regard. In our first treaty the dominion government is our trustee. I can give you one illustration on this point. In the province of Saskatchewan the natural resources were turned over to the CCF government—this is true not only of the CCF government but of all provincial governments. In Saskatchewan, the Indians are dissatisfied with the control of natural resources especially regarding hunting, trapping and fishing. I am illustrating one case. On my reserve, I am supposed to be free to kill anything that comes to be used for food for our own sustenance. If I kill a muskrat on my reserve, I have to get a licence before I can sell that fur. It is my right. Besides, I have free trapping and free hunting. It says so in the treaty. You are all well acquainted with treaties, what I have been promised. I think the provincial government is stepping over my rights which have been promised to me for surrendering my country to the white man. There is one case, and the reason why I would prefer the dominion government is that that government has been entrusted with my welfare in the treaties so long as we need treaties.

The CHAIRMAN: Your time is up, Mr. Blackmore.

Mr. BLACKMORE: I agree to stop.

The CHAIRMAN: Mrs. Fallis?

Hon. Mrs. FALLIS: Mr. Chairman, I am sorry I was unavoidably absent from the session this morning. I had some questions ready to ask this morning concerning the education system. I was going to ask Reverend Mr. Spence some questions in that regard. Mr. MacNicol and Mr. Reid asked questions before me and they covered much of what I meant to say. I have just one observation to make. I quite agree with the point which has been established that the Indians should have the right to decide to which school they shall send

their children, that is, on the question of denominational schools. It has been stated during the discussions here, or, at least, there has been some suggestion made that it would be better if none of the schools were under the control of any religious denomination. I should like to ask Mr. Spence a question. He said this morning he owed his university education to the Anglican church. I think we will all agree he made a marvellous witness and he must be doing a grand work in the position he occupies in life. I should like to ask him if he feels he could have had that education and be doing the work he is doing today had it not been for the church? Would you have had that opportunity?

Rev. Mr. SPENCE: What is at the bottom of all this discussion so far as the Indian department and the various religious denominations are concerned? What is at the bottom of the whole thing? It is a question of finances. The Indian department is not allotted enough money to carry out the task which it is expected to do.

Hon. Mrs. FALLIS: And the church often gives assistance?

Rev. Mr. SPENCE: Yes, it has, but in recent years—I think when an Indian pupil, in my case, I do have to thank the Anglican church for putting me through university at Emmanuel College, a theological college. I will tell you why I said that. Mr. Neary and Mr. Hoey know about this case. I am only sorry I have to bring this illustration before you. It seems as if I am talking about myself all the time. I do not want that. It is good publicity, I know, but I am not here to get publicity. I am here to give information to the best of my ability.

I had occasion, when I wrote, I think it was to Mr. Neary, and I complained about the fact—of course, I was not acquainted with the financial circumstances of the Indian department or the various expenses which they have in order to do their job properly. I had occasion to try and get some financial assistance to complete my arts degree. I guess my letters were rather rude at times, but I wanted the funds; and I complained of the fact that as an Indian not one cent was contributed by the Indian department towards my university education. That was my complaint, and ever since I left high school, when I got my fourth year, or grade XII as we call it in Saskatchewan, from there on all financial assistance as far as the Indian department was concerned was absolutely nil. I made that point to the Indian Affairs officials and I wrote them about it. So, like all young men I had an opportunity and I wish I had taken it. I could have had my arts degree from the same source of financial assistance if I had not been so foolish. You know how it is. When you get into college you want to get your degree, you want to get through as quickly as you can and get married and raise children. I found out I had made that mistake and I have been sorry for it. I had some arts left to get my degree so after I was out of college and after I was married my wife drove some common sense into me. She said, "Why don't you work on your degree; why don't you try to get your B.A.?" I said, "You know it takes money to go through university," but I said, "I will just prove to you that I can do work when I want to." So, extramurally I got four classes at my own expense, without any financial help from outside sources whatsoever. I got four of my classes in that manner. That money came out of my own pocket. It was not the church that was supplying the money. All my books and everything were bought out of my own pocket. The regulations of the University of Saskatchewan are that you can only take five arts extramurally, the rest of your B.A. you have got to take either by attending the summer session or going into the university itself, which, of course, is a fair regulation. So, I write the Indian department and I told them I had two classes left which I wanted to complete for my B.A. and I asked if they would finance me for two years. Well, they said they would give me $150, which they did. Of course, I still have another summer to go, but that has to come out of some other source. So when I made the statement this morning that I have the

church to thank for my education, I had that in mind; but I might add that I have also to thank the Indian department for the sum of $150, which they gave me toward my university education. Does that answer your question?

Hon. Mrs. FALLIS: I just wanted to establish the fact that the churches had played a part in helping in the education of the Indians. Incidentally, Mr. Chairman, I am not putting in a plug for the Anglican Church because I am not a member of that church; it is because there has been so much discussion on that point that I brought up. I have no further questions. I would like to say as one who was formerly a school teacher speaking to another school teacher that I think we should be very proud of the work the Rev. Mr. Spence is doing. He is an example to others.

Hon. Mr. HORNER: I would like to ask a question of Chief Dreaver. There used to be some years ago some splendid herds of cattle on that reserve and today I notice that there are few cattle left. I would like him to tell me what is the reason for the shortage of cattle on the reserve.

Chief DREAVER: I would say that the Indians have sort of lost interest in the raising of cattle.

Hon. Mr. HORNER: Despite the fact that your reserve is well suited for the raising of cattle? In fact you take in cattle from outside to graze on your land.

Chief DREAVER: Yes, quite right. But in talking to the Indians on my reserve and other reserves surrounding I have found that they seem to be under the impression that when they are raising cattle they are raising them for the Department of Indian Affairs. There is the feeling there that they have no proper control or full control of their cattle and it is working that way; we are not raising cattle.

Mr. LICKERS: Is that because of the permit system?

Chief DREAVER: Yes, because of the permit system. That is correct.

Hon. Mr. HORNER: Because at any rate at a certain time of the year the department says they must be sold?

Chief DREAVER: Quite right. They have not got the privilege of selling the cattle when they need the money. They have to wait for the Department of Indian Affairs to say when they should sell them. I can see the point; they want to protect the Indian to see that he gets full value for his cattle; but, on the other hand, these rules and regulations are made in Ottawa and the man in the field, I think, should have more authority if they are going to have the permit system. Personally, I do not like the permit system.

Mr. BLACKMORE: You would have the agent have more authority?

Chief DREAVER: Yes. The agent is the man in the field and he knows the conditions in the field. Why should our Indian affairs be run from Ottawa? Conditions are different. Each farmer has to labour under different conditions. The policies laid down here are the ones that are governing the agents and at times the agent has more than he can handle now that the Veterans' Land Act has been put on him. He has more than enough to handle.

Mr. FARQUHAR: That is just a departmental regulation; that is not part of the Act.

Chief DREAVER: We cannot sell any cattle without a permit.

Mr. FARQUHAR: They do not do that in Ontario.

Mr. CASTLEDEN: It is just in the west that it is done.

Hon. Mr. HORNER: You would recommend that there be greater freedom and greater encouragement to the Indians who keep cattle; that they do as they like with their cattle?

Chief DREAVER: Mind you, gentlemen, I am just giving my personal opinions; I am not speaking for the Indians that we represent when I make that answer. I would like that put on the record. I believe it would be a good thing if the Indians were allowed to sell anything that they raise. That is individual property. They should have the privilege of selling without having to go to the farm inspector or anybody else for farm permits, and I believe that should that happen I know a lot of Indians who would sell practically everything they have, but it would be a good thing for them because they would be standing on a sounder foundation than now. The permit system gives them the idea that they are being held down and are working for somebody else. If you did away with that I believe that the Indian would soon find out what he can do for his own good; he is not beating anybody when he bootlegs his cattle.

Hon. Mr. HORNER: What about the sale of wood and firewood?

Chief DREAVER: Before the Indian can sell any wood or anything else off the reserve he has to have a permit—even dead wood. Take pickets, for instance, willow pickets. If you do not destroy the root you can cut a few and they grow up just that much faster, but you have to get a permit to sell those pickets, and they are collecting dues.

Hon. Mr. HORNER: How much a post do they collect?

Chief DREAVER: I have been away from the reserve so long I really do not know what the dues are. By the way, I might say I have taken up that matter of dues with the Indian agent, the local agent, and the inspector. They gave me the impression they would like to see it done away with because there is so little derived from it it was not worth bothering about.

Hon. Mr. STIRLING: I have one question. Am I right in understanding that in the view of these witnesses it would be a good thing for the Department of Indian Affairs to have total control of education, and if sufficient money is not available for that purpose then they would be ready to continue with the assistance of the various denominations?

Chief DREAVER: I believe that what the Indians in Saskatchewan want is control by the government, not by the churches. We made our treaties with the government and we think that they should control the schools.

Mr. CASE: And make sufficient moneys available?

Chief DREAVER: Yes.

Mr. CASTLEDEN: And the treaties promised you education?

Chief DREAVER: Yes.

Mr. CASTLEDEN: By the government.

Chief DREAVER: We are not barring any church or anybody else from helping to educate the Indians, but we think it should be controlled by the government.

Mr. CASE: At page 53 of your brief I notice you are opposed to the expropriation of land for school purposes. You speak of putting yourself in the same position as the whites. Land can be expropriated from ourselves for school purposes. That is not a very serious objection, is it, if it is expropriated for school purposes, and it says in the Act you shall be compensated for it.

Chief DREAVER: I believe the point is that some of the residential schools in the west, as you know, have quite large areas of land they cultivate, and so on.

Mr. CASE: Too much land?

Chief DREAVER: They cultivate maybe a section of land, large areas. What we are afraid of is if that is allowed to go on they may take a piece of land from a reserve where the population has increased, and they will be short of land. The school might take two or three sections and it would make it that much harder for the Indians.

Mr. CASE: It is the amount of land to which you are objecting. You would not mind a small plot for a school?

Chief DREAVER: We do not want to lose title to our lands.

Mr. CASE: At page 56 you have complained about the disability of Indians not being able to homestead. Do you feel an Indian should be able to homestead without becoming a full-fledged citizen?

Chief GAMBLER: That does not happen particularly in southern Saskatchewan. That happens in the northern part of the province. In the northern part of Saskatchewan we have Indians who go away up into the remote parts of the north and blaze trails. They occupy certain Crown lands. When the white man comes in that land is actually taken away from the Indian. Why not give Indians the privilege of the right to homestead on that?

Mr. CASE: Even though he is off the reserve?

Chief GAMBLER: Even if it is off the reserve, and that does not necessarily mean he should be enfranchised if he occupies a piece of land.

Mr. CASE: Of course, then you would be breaking the treaty that the whites are breaking.

Chief GAMBLER: Yes.

Mr. CASE: That is the point, at any rate. I have one or two more brief questions. Have you an annual membership fee for your organization?

Mo. TOOTOOSIS: One dollar a year.

Mr. CASE: Can you tell me how many members you have?

Chief DREAVER: Paid up members?

Mr. CASE: Members in good standing.

Chief DREAVER: We have only collected 456 membership fees this year, but they are scattered all over the province. I may say the whole thing is, as I pointed out yesterday, that with the economic conditions of the people they are not able to get that dollar. They would like to join the organization but they have not got that dollar.

Mr. TOOTOOSIS: May I answer that? In travelling around Saskatchewan in every place I have been the people were agreeable to the Union of Saskatchewan Indians. I will tell you about one reserve in northern Saskatchewan, Onion Lake. When I went there the people told me to send out 200 tickets, "We are going to join the Union." That was pretty close to our last convention. There are a lot of people ready to join but they do not have the money to join right off. That is the reason.

Mr. CASE: I think you have a pretty good membership, if I know anything about getting members. I have one more question. I notice in your brief you are quite complimentary to Premier Douglas and Mr. Castleden. I know you mean that quite sincerely. My question is did Mr. Douglas, the Premier of Saskatchewan, and Mr. Castleden give you in any sense leadership in forming this organization? Did they assist you or encourage you to get together?

Chief DREAVER: May I answer that? While in the army I wrote personal letters to Premier Douglas. At that time there were three different organizations in the province. I personally wrote to him asking him for his assistance because of the fact that if I had asked the executive of the other organizations to attend a meeting where I was going to unite them they would have thought I was trying to submerge them in my organization. If Mr. Tootoosis had called the meeting we would have been afraid to attend his meeting for fear we would be submerged.

Mr. CASE: That is a good answer.

Chief DREAVER: We had to get outside assistance, a man who had been an honorary chief of the tribe and ask him personally to assist us. He was kind enough to give us assistance.

Mr. CASTLEDEN: He had been made a chief.

Chief DREAVER: Of the Assiniboine tribe.

Mr. MATTHEWS: With regard to homesteading is it your thought that an applicant for a homestead would be subject to the usual restrictions or provisions, cropping so much a year, and so on?

Chief DREAVER: Definitely; a man who is prepared to go out and homestead away from the reserve should be prepared to assume the responsibilities the same as any other man without impairing his rights in a reserve.

Mr. MATTHEWS: I have one other question having to do with a matter on page 15 with which I am not quite satisfied. There was some criticism, and it is mild and gentlemanly, and I am not criticising the criticism, but I want to ask this. In view of what is said here is the thought in the back of your minds that residential schools should be discontinued? I want to clear up that point.

Chief DREAVER: No, definitely not. There is need for them yet.

Mr. MATTHEWS: I have one other observation I want to make. It is not a question. As I see it these men are confused with regard to the Veterans Land Act provisions. You are confused; I am confused; many more of us are confused. These reports of our meetings are going out. Personally I sent out eight or ten to men and women whom I know are very much interested in Indian matters, and I expect every other member of the committee is doing the same thing. You read these confused expressions and opinions. I want to suggest that the department through one of their own officials or through someone else submit a brief in very plain language, keeping it free from a lot of legal ambiguities and making it such that the layman can read and understand it. I think they should submit that brief and have it embodied in the records.

Mr. BLACKMORE: May I suggest one more thing, that they make the brief binding on the department so the Indians will know it is a guarantee that any irregularities such as these men fear will not take place.

Mr. MATTHEWS: That is a good idea. I should like to suggest that I think it is due to the public and due to all of us to have that done.

Chief DREAVER: May I make a suggestion with regard to the veterans on Indian reserves. As I pointed out before the agents, especially in our area, are overworked. They have more than one man can do. Therefore I would like to make a suggestion that someone be appointed as an agent who would look after veterans affairs only. He would not have any agency to look after but only veterans affairs in Saskatchewan, and I would suggest that he have a proper staff so that all these misunderstandings would be cleared up. There should be one man right in Saskatchewan, not here in Ottawa, a man whom we could see when we wanted to.

Hon. Mr. HORNER: There ought to be one man for that province?

Chief DREAVER: Yes, so he could go around from agency to agency just on that work. I think that is a full-time job.

Mr. GARIEPY: I have just one word. I am much impressed by the representations made by these four gentlemen. I think they are entitled to praise. In regard to section 10 of the Act, subsection (2) which refers to attendance at school, rather than question these witnesses I will choose, if I may, to adopt the same course of action that Mr. Matthews did in regard to the Veterans Land Act. If I am supported in this motion could we get a statement of the legal effect of the subsection I have just mentioned from an official of the

department? That is point No. 1. No. 2 is as to how it has worked out. It may become very important for us to know exactly what it means and what has been the effect in the past.

I had intended to cross-examine the witnesses on this matter, but they would just give me a few instances in regard to their personal experience which would not take us very far. I have gone to the trouble of getting some information from officials this afternoon, and I think it will help us if we have firstly the legal effect of the subsection, and secondly how it has worked out in the past. From that we can work towards improving it if necessary.

The CHAIRMAN: Mr. Gariepy, may I suggest we have a subcommittee on education. I would suggest that this matter might be referred to that subcommittee.

Mr. GARIEPY: That suits me as long as the matter is not overlooked.

Mr. CASTLEDEN: I will second that motion.

Carried.

Mr. MATTHEWS: What about my suggestion?

Mr. CASTLEDEN: The suggestion was agreed to. I want to say first of all I am sure I am expressing the thoughts of all members of the committee when I say that your delegation has impressed the committee with your high purpose, your natural ability, your tolerance and sincerity. I think if the committee had any doubts we have living proof here that the Indians of Canada can make a great contribution.

Mr. GARIEPY: Hear, hear.

Mr. CASTLEDEN: One of your Indians out there, Dan Kennedy, said to me one day it was the hope of the Indians of the west that some day the Canadian people would weave into the pattern of their culture some of the bright threads of Indian culture. We are proud of your work. We thank you for your brief and the splendid way in which you have presented it. You have done a service both to yourselves and to the Canadian people, and I move a vote of thanks.

Mr. CASE: I would be pleased to second that. It certainly indicates they have made progress.

Hon. Mr. HORNER: If I may be permitted to say a word, coming from Saskatchewan, and knowing Chief Dreaver personally, I was disappointed that they did not recommend enfranchisement. He was worrying to-day over how they had presented their case and I said, "You have no need to worry. I doubt very much if there could have been a white delegation with similar occupations in Saskatchewan brought down here who would have presented their case as well as you did." I said, "I am only sorry you did not recommend enfranchisement", because I can picture some wonderful orators coming from their race.

The CHAIRMAN: It is 6 o'clock. Could the committee sit a few minutes more if we can finish?

Mr. CASTLEDEN: First on a point of privilege...

Rev. Mr. SPENCE: Are we coming back tonight?

Mr. CASE: We will decide when Mr. Castleden is finished.

Rev. Mr. SPENCE: I have a couple of problems I should like to present to the committee which are important.

Mr. CASTLEDEN: Maybe they will come up in the course of our questioning.

Rev. Mr. SPENCE: I should like to present them off the record. There is the question of liquor permits and blanket marriages I want to talk about that off the record.

Mr. BLACKMORE: I would prefer that we should come back at 9 o'clock. I would be willing to do that and give these gentlemen the two hours they need.

The CHAIRMAN: Does the delegation feel they have not completed their presentation to the committee yet?

Mr. TOOTOOSIS: They sure do. I have a number of other matters I want to take up.

Mr. CASTLEDEN: Unfortunately I have to leave by plane at 8 o'clock for the west. I should like to be able to ask my questions. First of all I should like to include Mr. Ostrander in the remarks I made, and thank him for the good work he has done as inspector of Indians affairs in Saskatchewan, and for what he said about this delegation. I think that was a very fine gesture.

Now with respect to my question on the economic conditions, you men are from reserves and have visited reserves and know something of the local conditions. You say that the Indians have difficulty even in paying the organization fee of $1. Now what about these economic conditions? What do you think about them? Are these Indians able to make a good living on the reserves? Have they the facilities for making a living? How many have you come across that are wealthy and own a pretty big home or even a car if you like?

Chief DREAVER: I think we have been trying to stress the fact that the economic conditions on the reserves are bad. "Deplorable" is the word I used.

Mr. CASTLEDEN: Is that a general condition? Are say 80 per cent of them like that?

Chief DREAVER: There is a small percentage that have made good.

Mr. CASTLEDEN: How big would the percentage be?

Chief DREAVER: Very small, but I would not attempt to make a guess at it. I want to make this clear, that I do not think it is the fault of the men we have in the field to-day. I think the trouble is that the policy is laid out in Ottawa. They make policies here that cover the whole of Canada, for instance, with regard to timber and so on. We are under the same Act as the Indians in British Columbia and consequently what happens? The Indians have to pay dues on willows that are really a very small matter. Really they are paying these dues and I want to say this. I was speaking to an Indian from Red Pheasant reserve and he told me it takes three days' work to cut a load of pickets. Three days, going from bush to bush.

Mr. CASE: That is a wagon load.

Chief DREAVER: Yes, a wagon load of 300 pickets.

Mr. FARQUHAR: Does that money go into the band funds?

Chief DREAVER: That money, I believe, goes into the band funds. The point I am coming at is it takes three days work and probably the next day you have to take a team and haul it to a farm and therefore it takes four days and you only get nine dollars for it. Then they have to pay these dues. The thing is this. The Indians are living to-day by the sale of wood and pickets and what have you, because that is all we have to depend on for a living. We have to pay these dues, and get a permit, but people who are not on the reserve, such as the Metis and so on, they are out of it and consequently they can go to the provincial lands department and get what they want and they supply the villages. By the time we have our stuff to the market we find we do not get the price. The conditions are very poor.

I wish you had sent a commission to go to those homes for yourselves so that you would know what is what. I believe you sent a commission east. Why

did you not send one to Saskatchewan where you could have seen for yourselves? I was at a home at Pelican Narrows in July where a blind woman was living in a house. It was just a log building with nothing in between the logs but open spaces. When I looked I could see the daylight coming through. The Indians particularly asked me to go see the place. The blind woman was living all alone there and she had not had any flour for two months. I understand there was no flour there, from what was said to me at the time.

Mr. FARQUHAR: That would be the fault of the agent, would it not?

Chief DREAVER: I am not placing the blame, I am just telling you the conditions. These Indians asked me to go see for myself and I asked them had they spoken to the agent about this and the reply that I got was this. The agent only comes about once a year and that is at treaty time. When the agent does come he just stays for enough time to pay out the treaty money and he is away again. To everything that we ask the Indian agent he says "Yes, yes, you will have it" and that is the end of it. Conditions do not improve. He thinks he can keep us satisfied by just giving yes answers. This condition I found was up at Pelican Narrows.

Mr. CASTLEDEN: You found families on the reserve had no land cultivated and they had no cattle so that they had no means of making a livelihood except by working out?

Chief DREAVER: Yes, we have a band of non-treaty Indians near Spirit Lake, Saskatchewan. These Indians are non-treaty and they are living on the road practically all the time because they try to find jobs from the white people. I remember when the white people did not have money, when times were hard, those Indians had to go out to work for whatever they could get. They have nothing to work with and I remember I spoke to one of the officials about the home conditions there at one time. He was not able to do anything about it. I do not know what attempt he made. These Indians used to live by trapping and hunting, but the settlers have settled all around. They have hardly any game. There is hardly any trapping. The land is all taken up.

The CHAIRMAN: I think this is all mentioned in the appendices to the brief, your appendix A, our appendix ES.

Mr. CASTLEDEN: I think he has answered my question all right. With regard to the Indian agents and farm instructors, have you found a good spirit of co-operation between the Indians and the farm instructors, or do you find them antagonistic and suspicious?

Chief DREAVER: On my own particular reserve, I do not think there is much suspicion. We are fortunate in having a good agent and a good farm instructor. However, there are reserves where that does not apply. There is suspicion. They seem to think that the department is trying to beat them out of something or trying to keep them down.

Mr. CASTLEDEN: In how many reserves would you think that is the feeling? Would you think that is a general feeling or would it be generally the other way or about fifty-fifty?

Chief DREAVER: To answer you shortly, I would say about fifty-fifty.

Hon. Mr. HORNER: Your agent's office has not enough help?

Chief DREAVER: No, he has much more than he can do because he has a lot of Indians up north who live by trapping and hunting. Then, on the southern end of his agency there are farming Indians. I think they should divide the agency.

Mr. CASTLEDEN: You think the agency is under-staffed?

Chief DREAVER: We would get a better service from an increased staff.

The CHAIRMAN: Will you be much longer, Mr. Castleden?

Mr. CASTLEDEN: I have about three more questions.

Mr. BLACKMORE: It is now ten minutes after six, I wonder if we could not meet at nine o'clock to-night and have this thing done right.

Mr. CASE: Mr. Castleden has to go away to-night.

Mr. CASTLEDEN: I could leave my questions with Mr. Bryce and he could ask them to-night.

The CHAIRMAN: All right. Can enough members of the committee be back to-night so we will have a quorum?

Mr. BLACKMORE: I will be back, for one.

The CHAIRMAN: Is it the pleasure of the committee that we sit from nine o'clock until the delegation has completed its presentation? The delegation feels it has not completed its presentation as yet, is that true?

Mr. CASTLEDEN: Before we leave, there is one thing I wish to say. I think the delegation would be glad to know if they can wait over until to-morrow, the Department of Indian Affairs would be very glad to have them go over and visit the department and go through the organization.

Then, I should like to move, in view of the fact other delegations have made requests for the expenses of an extra delegate who came down to be paid, I would make an application for payment of the expenses of Mr. Spence, that consideration be given to that.

The CHAIRMAN: I think that will be referred to the subcommittee. We will adjourn now until nine o'clock to-night. We will meet in this room and Mr. Matthews will act as chairman.

The committee adjourned at 6.15 p.m. to resume again at 9.00 p.m.

The committee resumed at 9 o'clock p.m.

Mr. J. E. Matthews, M.P., Vice-Chairman, presided.

The VICE-CHAIRMAN: Mr. Bryce, did I understand that Mr. Castleden was to leave some questions with you?

Mr. BRYCE: I have them here.

The VICE-CHAIRMAN: If you will proceed we will go right ahead.

Mr. BRYCE: Mr. Castleden wants to know what expropriation proceedings you refer to at page 70? Can you answer that?

Mr. REID: What page?

Mr. BRYCE: Page 70. To what expropriation proceedings do you refer? Can you cite cases and explain that to the committee? Have any lands, hay rights, oil or lumber been taken from your reserves? Is that what you mean?

Mr. TOOTOOSIS: There are some reserves named here for the committee that the Indians have lost which they claim were their lands. I guess that would answer your question. There is the Keeseekoose reserve, and the Chakachass reserve. The are several other reserves. There was another reserve which was sold around 1926, a reserve just west of Duck Lake reserve along the river. The name of the reserve was Ochipoyan reserve. Certain bands around Prince Albert claim that the people of the Ochipoyan reserve should be living on this reserve which has been sold. There are quite a number of cases in Saskatchewan where they claim they should have had more lands than they have. For instance, there is one reserve near Little Pine where the teacher comes from. Those people claim their reserve was much bigger than what they have got. There are two chiefs there, Lucky Man and Little Pine. There are two bands on that little reserve about five miles square. It is just a small reserve.

Mr. CASE: Lucky Pine?

Mr. TOOTOOSIS: Lucky Man and Little Pine.

Mr. CASE: Lucky Man got the land?

Mr. TOOTOOSIS: Little Pine got it. I do not know how true it is but these people promised me to take an oath that the survey mark was much farther south. That reserve was much reduced at the time. The reserve was re-surveyed before the homesteaders came out west in our country.

Mr. LICKERS: Do you mean to say the reserve was re-surveyed before the Homestead Act actually came into effect?

Mr. TOOTOOSIS: Yes.

Mr. LICKERS: As a result of that re-survey the reserve was reduced in size?

Mr. TOOTOOSIS: That is what they claim. That is what the Little Pines claim. It was reduced because they say they found the survey mark away down southwest of this reserve. There are a lot of big reserves. Take the Sweetgrass reserve. It has pretty nearly 2,000 acres. It is 2 miles long. It has never been reduced. There are a lot of other big reserves. There are two chiefs at Little Pine, two bands. There are two chiefs, Little Pine and Lucky Man.

Mr. LICKERS: They are treaty Indians?

Mr. TOOTOOSIS: Yes, under treaty 6.

Mr. LICKERS: Under the treaties the reserve was supposed to be surveyed for them as to what they occupied at that time. Was it done?

Mr. TOOTOOSIS: I could not hear.

Mr. LICKERS: According to the treaties the reserve was supposed to be surveyed as soon after as possible. Was that done?

Mr. TOOTOOSIS: I suppose so. They have been there a long time. They were supposed to. I have had meetings with them and they have been talking about that.

Hon. Mr. HORNER: What about the Thunder Child reserve? Why was that sold?

Mr. TOOTOOSIS: I guess those people were persuaded to sell that reserve. I do not think they really wanted to sell it in the first place as far as I have heard from the old people.

Hon. Mr HORNER: There is some very fine land there.

Mr. TOOTOOSIS: It sure is, the one they sold, but not the one they got.

Hon. Mr. HORNER: Do you know anything about how many Indians were left on Thunder Child when they arranged to sell?

Mr. TOOTOOSIS: I could not tell you right offhand.

Mr. BRYCE: Here is another question. Do you consider the medical services sufficient to meet the needs of the Indians?

Mr. CASE: In their brief they say that they are not sufficient.

Mr. BRYCE: That they are sufficient?

Mr. CASE: They say they are not sufficient in their brief.

Mr. BRYCE: In your brief you ask for representation in Ottawa. I think that is on page 65.

The VICE-CHAIRMAN: The third paragraph.

Mr. BRYCE: How do you suggest that the Indians of Canada should be given some say in the changing of the Act? Explain what you mean by that on page 65. It says, "The voice of the Indians should be heard," and so on.

Mr. TOOTOOSIS: I would say that the Indians should have representation every time there is going to be a change made in the Indian Act through their organizations.

Mr. CASE: Are you satisfied with one representative from each province?

Mr. TOOTOOSIS: Something like that.

Mr. BRYCE: On a basis like that, representation from the nine provinces according to the number of Indians in the province?

Mr. TOOTOOSIS: Yes.

Mr. BRYCE: I think that pretty well covers what Mr. Castleden left with me to ask.

Mr. LICKERS: I want to ask one question in connection with page 70 where you talk about the Keeseekoose band. Did you know they had filed a submission with this committee?

Hon. Mr. HORNER: What band was that?

Mr. LICKERS: The Keeseekoose band or Keeseekoose reserve. They filed a submission with this committee which is on page 525. In that they make no mention of being deprived of the hay lands.

Mr. TOOTOOSIS: They are talking about what they were supposed to get for the land on the west side of the river.

Mr. LICKERS: Did you know that they had filed a submission from that reserve?

Mr. TOOTOOSIS: I did not know that. I had a meeting with them last winter in December.

Mr. LICKERS: I was wondering about that because they make no mention of that.

Mr. TOOTOOSIS: The hay land they are talking about is what they are supposed to get for their piece of land on the west side of the river.

Mr. BLACKMORE: When did they file their submission, last summer?

Mr. LICKERS: There is no date on it as to when it was filed.

Hon. Mr. HORNER: Is this the Sweetgrass reserve?

Mr. TOOTOOSIS: Keeseekoose; it is in Pelly agency.

Mr. LICKERS: It is in No. 11.

Mr. CASE: Of the current reports.

Mr. LICKERS: Yes, No. 11 of the minutes of proceedings and evidence.

Mr. BLACKMORE: It will be in 1946?

Mr. LICKERS: It could be—1947. Now then, on page 7 of your brief, at the bottom of section 9, after apparently referring to section 8, you make this submission:

> Such undemocratic attitudes should not be permitted to continue, and the Indian chiefs and councillors should be able to revert to the status which they enjoyed at the time of signing the treaties.

Then on page 36, at the bottom of the page:—

> The Indians today feel that they should still be able to choose their chiefs and councillors in any way that they see fit, by election for a term of years or otherwise, as they may desire.

And also you refer to that again on page 37:

> Such representatives, whether chiefs or councillors, as the band may determine, should have the power to deal with the affairs of the band, and should not be required, for the purpose of altering or changing the system of choice, to obtain the permission of the Governor in Council or Indian agents.

Now, what do the reserves actually want in connection with self-government, or the appointment of chiefs or councillors of their band?

Mr. TOOTOOSIS: That is on page 37?

Mr. LICKERS: I am referring to three pages; page 7, page 36 and page 37.

Chief GAMBLER: What was the question again?

Mr. LICKERS: I want to know so far as the different bands or reserves are concerned, what they want in connection with the election of chiefs; or by what form of government they want to be governed on their reserve?

Chief GAMBLER: The form of government on the reserves would be the first part of the answer; and at the time the treaties were made the chief was chosen by his own tribe to represent them. Since then the Indian Act has come in and as the law stands now he is elected for a term of three years, the chief and council are elected for a specific short term, and we would like to have it done according to our custom.

Mr. LICKERS: In other words, then what you want now is an expression of opinion?

Chief GAMBLER: Yes, an expression of opinion.

Mr. LICKERS: From the different reserves as to how they want to be governed locally?

Chief GAMBLER: Yes, on each reserve.

Mr. LICKERS: Is there on the reserves in Saskatchewan at the present time any dissension as to the mode of picking the council?

Chief GAMBLER: At times there is, and that council is prejudiced among the band.

Mr. LICKERS: And is that very prevalent among the tribes in Saskatchewan?

Chief GAMBLER: It is not very prevalent, no; here and there; but I know that they would not endorse the present election system.

Mr. LICKERS: What would they endorse?

Chief GAMBLER: A life membership.

Mr. LICKERS: They want to leave the chief out, then?

Chief GAMBLER: Yes, they want to have the office as a token of their feelings.

Mr. LICKERS: In any event they want an expression of opinion now as to how their local council should be chosen?

Chief GAMBLER: Yes.

Mr. MACNICOL: Would you mind telling us yourself how they do it in the Six Nations, Mr. Lickers?

Mr. LICKERS: On the Six Nations we elect a council yearly.

Mr. MACNICOL: And the chief?

Mr. LICKERS: And the councillors then elect their chief.

Hon. Mr. HORNER: Is that yearly?

Mr. LICKERS: Yearly.

Mr. MACNICOL: You elect three men right along?

Mr. LICKERS: Yes.

Hon. Mr. HORNER: Was there a time when the chief was hereditary?

Mr. LICKERS: Yes.

Mr. MACNICOL: Was that your local system?

Mr. LICKERS: Yes, until the Indian Act came into force.

Mr. CASE: It might be of interest to the western men here to know that in some parts of the maritimes they recognize a grand chief who is a hereditary chief but they continue to elect their council according to the new formula. That does not seem to interfere with the other election. Is there anything to prevent you from doing that?

Rev. Mr. SPENCE: Provided that chief is without final say.

Mr. CASE: They do work together. What actual weight he has I could not say. I know he did most of the talking when we were down there as a royal commission.

Mr. LICKERS: I think the usual thing under that is that he has more or less the power of casting a vote in the case of a tie.

Rev. Mr. SPENCE: As chairman.

Mr. LICKERS: Yes. Now then, in connection with the powers of the council would you say that they should have the right to govern their own affairs on the reserve?

Mr. TOOTOOSIS: Yes.

Mr. LICKERS: Without any approval having to be given by the Indian department?

Mr. TOOTOOSIS: According to our brief here they should have some say in certain things, and they should have full say in a great many. That is what should be done.

Mr. LICKERS: Would you go so far as to say that they should have the same power as a municipal council in connection with their local affairs?

Mr. TOOTOOSIS: Yes.

Mr. MACNICOL: May I ask there what would the local affairs be, trails, roads, and that sort of thing?

Mr. TOOTOOSIS: Yes. I think they should have some power. On some reserves they have that. We should have some say in the way our money is spent. As it is now we have to go all the way to Ottawa. We have to make an application and submit it for approval. I think we should have the authority to manage our own affairs with respect to local matters such as the building of houses and that sort of thing. The whole thing should be administered sympathetically. As it is all of our money is tied up here at Ottawa and we have to make an application any time we want to use any of it. We have to have a meeting called to deal with it, then there is delay until we get the final report from Ottawa. For instance, we had to buy flour for whole families last fall and we had to wait until after the department approved it before we could get that flour. Sometimes there is great delay. In certain matters like that the band itself should have more control so that they will learn self-reliance. If you are going to have complete care of the Indian all the time he will never learn to look after himself. I think you should give him some rope and permit him to manage his own affairs within the reserve, give certain powers to the chief.

Mr. LICKERS: How much authority would you give the local council in connection with your trust funds?

Mr. TOOTOOSIS: What is that again, please?

Mr. LICKERS: How much authority would you give the local council in connection with your trust funds? According to the submission here I cannot quite understand what you want in connection with your trust funds.

Rev. Mr. SPENCE: On what page is that?

Mr. LICKERS: At the top of page 44.

Mr. MACNICOL: Mr. Lickers, you might be able to tell us just what control the Six Nations band has over the funds.

Mr. CASE: I think we could get that from Mr. Lickers later but we should find out what we can from these men.

Rev. Mr. SPENCE: I may say, Mr. Chairman, that I am not quite as familiar with band funds as some of these other gentlemen and I am unable to furnish you with the information on that. I am sure, however, that the other three

here who are all representatives of their own reserves have had experience along those lines and I am sure one of them should be able to clear up the particular point to which Mr. Lickers refers.

Mr. LICKERS: Articles 51 and 52. At the bottom of page 43 it says in the brief, "The effect of these two sections is that, even in cases in which the band requests that an expenditure be made, the superintendent is free to ignore the request and to refuse to make the expenditure in question."

Mr. TOOTOOSIS: Yes, expenditure of trust funds without consent. That is on section 93 of the Indian Act which relates to the expenditures of money.

Mr. LICKERS: Yes. Do you want to give the council or the band full authority in connection with expending funds, including the capital?

Mr. TOOTOOSIS: No, what we mean in this is. We should have some say as to whether it should be spent or not. Under this Act the Governor in Council or the superintendent general has all the power, whether we consent or not, to spend our money. The Indians should have some say in their money.

Mr. LICKERS: On the top of page 45 you say this, "Furthermore, all the returns on capital investments should be paid annually to the Indians and their children". Do you want that to be made as a per capita grant to the Indians and the children residing on the reserve?

Mr. TOOTOOSIS: What part is that?

Mr. LICKERS: At the top of page 45.

Mr. TOOTOOSIS: Well, that means interest moneys, what they are supposed to receive every year out of their capital.

Mr. LICKERS: You want that distributed per capita to the members of the band?

Mr. TOOTOOSIS: That is what we meant. That creates suspicion and distrust.

Mr. LICKERS: You do not want to use any of that money for improvements on your reserve and on any project.

Mr. TOOTOOSIS: That is the reason we want to have some say in our money.

Mr. LICKERS: You cannot have it both ways, that is you cannot distribute interest moneys among the members of the band and still be able to use some of it in connection with any projects.

Mr. BLACKMORE: Are you not speaking of two different kinds of money?

Chief DREAVER: I believe that was put in by certain bands who have built pastures and so on and they wanted the dues from those pastures to be distributed to the band yearly instead of the money coming from these pastures being sent to Ottawa. They want to have that money distributed. I think that was it.

Mr. LICKERS: So that what you want to have is the income from the leases on the reserve distributed.

Chief DREAVER: Wherever they have pastures. I think those are the bands that really brought this section. Where bands have built pastures to take in outside cattle and so on, that is what they want.

Hon. Mr. HORNER: That is their earned money?

Chief DREAVER: Yes, and sometimes they need it, and once it is carried into trust funds it is very hard to get it back.

Mr. LICKERS: You are not asking the capital of those trust funds be immediately transferred over to the band now?

Chief DREAVER: No, no.

Mr. MACNICOL: Mr. Lickers, would you mind telling us the procedure at Oshweken with the Six Nations band. They are a very enlightened people and most of them are almost ready for infranchisement. Just how do they conduct their business?

Mr. LICKERS: We conduct ours the same as any other reserve in which the interest money is placed to the credit of the band and we will draw from Ottawa on that and we set up a budget each year against the money and we can use it for certain purposes.

Mr. MACNICOL: Like roads, and so on. You have very good roads there.

Mr. LICKERS: Yes, roads and certain things like that.

Mr. MACNICOL: Does Ottawa curtail your expenditures when you send the budget down to them?

Mr. LICKERS: Not a great deal.

Mr. MACNICOL: The band has some right to say how the money shall be spent.

Mr. LICKERS: Yes.

Mr. MACNICOL: I agree with that. I often think that Indians have not enough to say about the spending of their money.

Mr. BLACKMORE: Well Mr. Chairman, the most insulting thing of all is that moneys which the band is making, year by year, through by leasing land and by grazing, and so on, goes to Ottawa and comes back only at the dictation of some individual.

Mr. LICKERS: That applies not only to the bands but to the individuals. I think the committee made a recommendation on that at the last session but I do not know how far it is being carried out.

Mr. BLACKMORE: That is causing great irritation in my opinion.

Mr. LICKERS: Well now, coming to education. At the bottom of page 15 of your brief, right at the last paragraph at the bottom of the page you say, "Where unsuitable home conditions exist. Indian children should be removed from their parents just as white children are, when they are found to be neglected". Now who is going to be the governing authority there to decide whether or not children are neglected and whether they should be taken away from their parents.

Rev. Mr. SPENCE: A trained social worker can recommend to the Indian agent and the Indian agent can recommend to the inspector of the province and the inspector of the province can recommend to Ottawa and so right down from the top to the bottom.

Mr. LICKERS: And where would these children be put?

Rev. Mr. SPENCE: Originally you know, the residential schools were for orphans who had no home. That is how these various residential schools in the different parts of our country came to be established. The original idea in the establishment of these residential schools was to provide a home for the children who had no proper home.

Mr. LICKERS: I was just thinking you had better be rather cautious in submitting that line of argument in view of the evidence we have already had as to the poor condition of most of the Indians. We would not want some authorities to go in there and take all the children away.

Rev. Mr. SPENCE: We are speaking in general terms, Mr. Lickers.

Mr. LICKERS: You are also asking that school trustees be appointed. How would they be appointed?

Rev. Mr. SPENCE: The same way that any school trustee is appointed in any civilized community. I think the time has come when that should be done on some reserves. There is an example in your own reserve; have you not school trustees there?

Mr. LICKERS: It did not work out very satisfactorily. We did away with them some years ago.

Rev. Mr. SPENCE: It will come in time. It just takes time. The progress is slow. Evolution takes a million years.

Mr. MACNICOL: There are quite a number of schools on the Six Nations reserve?

Mr. LICKERS: We have 16 schools.

Mr. MACNICOL: In the Oshweken area?

Mr. LICKERS: Yes.

Mr. MACNICOL: I presume each school section has its own board?

Mr. LICKERS: We have no school boards at all.

Mr. MACNICOL: Who is in charge of the teachers?

Mr. LICKERS: That is entirely up to the departmental officials.

Mr. MACNICOL: The Six Nations' council has nothing whatever to say about that?

Mr. LICKERS: Nothing whatever.

Mr. MACNICOL: Neither in connection with paying them nor engaging them?

Mr. LICKERS: No.

Mr. BRYCE: Did you say the department or the church appointed the teachers?

Mr. LICKERS: We have no denominational schools.

Mr. CASE: Is not the Six Nations band sending a representative here?

Mr. LICKERS: Oh yes.

Mr. CASE: Are we going to make a witness out of our counsel?

Mr. LICKERS: That is what I was wondering.

The VICE-CHAIRMAN: Have you any more questions?

Mr. LICKERS: Yes. On page 17 of the brief you are asking that school trustees have the power to inspect and investigate all matters pertaining to education, to visit the schools without notice at reasonable intervals and so on. Then you say section 9, subsection (5) of the Indian Act should be amended accordingly. Under that section of the Indian Act, the council apparently has the right to visit the schools any of the children are attending providing the necessary arrangement is made with the teacher or principal and the Indian agent. You want the council to have the right to visit the schools on their own authority at any time?

Chief DREAVER: That is correct.

Rev. Mr. SPENCE: That was put in there, apparently, because some of the Indians felt when the notification is given that an inspector is coming or the council representative is coming, they polish and dust the corners and so on in order to make a good appearance. I think that is why they want to eliminate the notice. Personally, I objected strenuously to that because it is a nuisance at times. However, there are only two of us who are day school teachers amongst about fifty, so we did not have much chance. I can understand their point.

Mr. LICKERS: I think, Mr. Spence, you attended a residential school?

Rev. Mr. SPENCE: Yes, sir.

Mr. LICKERS: At that school, did you just attend school half days?

Rev. Mr. SPENCE: Yes, the first school I attended was at The Pas. I went to school a half day and a half day I was out.

Mr. LICKERS: What were you doing the other half day?

Rev. Mr. SPENCE: Well, I learned how to carry wood, how to plant potatoes and how to grease an engine. I had the privilege of walking around acting as the aid to the engineer. I learned a lot. At least, I know which side of the potato comes up first.

Mr. LICKERS: What would you say or what would you recommend to this committee in connection with that system of residential schools now?

Rev. Mr. SPENCE: I should like to make this statement. I do not think there is any idea of abolishing the half day system. The objection is chiefly to the fact that the children are only going to school a half day, and in a period of nine days the children lose so much of their allotted time. I do not think any of the members of this delegation would say that the Indian children, at least so far as my children are concerned, when they go to any school, they should not be taught certain useful chores. I mean they should not go just to go to school and not be taught to do any work at all. I believe that comes under the heading of vocational training. I think it covers that angle. Does that answer your question, Mr. Lickers?

Mr. LICKERS: You still think the children should be given more than a half day of school?

Rev. Mr. SPENCE: Yes, I do.

The VICE-CHAIRMAN: In most residential schools, are they not given more than half a day? I know they are in some.

Chief DREAVER: I have travelled quite a lot in Saskatchewan and many people feel the children in these residential schools, especially where they have large farms, are over-worked. They are not only being taught, but it is actually child labour. At least, that is what their parents claim. It is not just a question of showing the children how to do these things, it is a question of getting the work done because, apparently, these schools have not sufficient money to carry on without child labour. The grain that is raised and the proceeds from the cattle which are kept all helps the school.

Mr. LICKERS: It amounts to the children operating the farm in connection with the schools?

Chief DREAVER: It is child labour according to many Indians.

Mr. REID: I think it would be unfair to leave the impression that all residential schools do that because I visited residential schools, two or three of them. Two of these schools which I visited were under the direction of the Roman Catholic Church, one of these schools under the direction of the Roman Catholic Church was just as fine a school as I have seen. The children received six hours of tuition, equal to the public schools. Therefore, you cannot classify all residential schools as the kind which work the children to death. I am one of those who believe that chores should be done, to a certain extent, because everyone of our boys did chores around the farm.

Mr. BLACKMORE: But the children are being worked too hard in your area, Chief?

Chief DREAVER: I merely say that in the opinion of most of the parents, that is the impression I receive in speaking to the different parents. They seem to think their children have been worked too hard. The parents claim the idea is not so much to teach the children how to work as to get work out of them; that seems to be the impression. I am not saying it is being done, I am saying that is the impression among the Indians.

The VICE-CHAIRMAN: Mr. Spence, would you mind answering that question?

Rev. Mr. SPENCE: The question was—?

The VICE-CHAIRMAN: How many of these residential schools only give tuition half time?

Rev. Mr. SPENCE: Well, I can speak only from experience and, of course, McKay boarding school, as you know, does not exist any more. It burned

down, so that eliminates one of my schools. In my day when I attended Elkhorn, the same procedure was followed and that was in the early thirties, I believe.

Hon. Mr. HORNER: How much land have they in connection with the Elkhorn school?

Rev. Mr. SPENCE: I believe Mr. Matthews gave a very good summary of the acreage in his brief submitted to this committee. I enjoyed reading that brief. It interested me as one of the ex-pupils of this particular school.

Mr. LICKERS: In connection with teachers, I note on page 21, section 27 of the brief, just before the last paragraph, you say,

> Efficient teachers need encouragement to take up this arduous work and should be compensated by correspondingly higher salaries and pension benefits.

Do you mean by that that teachers should be civil servants and subject to a pension as civil servants?

Rev. Mr. SPENCE: Yes.

Mr. LICKERS: On page 22 of your brief you are asking that, "The present per capita grant paid through the education branch of the Indian Affairs is and has for some time been entirely inadequate and the burden of financing Indian education has been thrust upon the churches and upon private charities." Now, are you speaking there about the day schools as well as residential schools?

Rev. Mr. SPENCE: I think that refers mostly to residential schools. As I pointed out to this committee what is at the bottom of the whole thing as far as expenses are concerned is the balancing of the budget, and may I refer you in that connection to the plea that Mr. Hoey made to this same committee on page 27 of the 1946 evidence, No. 1. I shall read it, it will not take very long. He made this statement:—

> To undertake a worthwhile Indian betterment program based on existing needs of the population and other needs that are likely to arise during the period immediately ahead of you it would in my judgment require a parliamentary appropriation to begin with of approximately $14,000,000 or a sum a little more than double the amount which appears in the 1946-47 estimates. To continue this program it would, I am also convinced, require additional annual amounts for the next fifteen years at least, or until the peak figure of $25,000,000 is reached. If such a program were based on a sound policy and closely linked up with efficient administration, there should be a gradual decline in expenditures from the sixteenth year onward. A great deal would depend, of course, on the sound practical value of our educational program and the extent to which we can arrest the ravages caused by tuberculosis and other communicable diseases.

Mr. BLACKMORE: Chief Tootoosis had a comment to make a moment ago, and I think it would be well for us to hear him now.

The VICE-CHAIRMAN: Yes, proceed, please.

Mr. TOOTOOSIS: I wanted to speak on the child labour matter. I was going to quote one of the delegates. As far as I can see this child labour matter the reason the Indian is opposed to child labour at the boarding schools is this: when a child works in a boarding school he is supposed to learn how to work. It might be part of his exercise, but he can have exercise in playing games after school. But whatever work he does in that school he is not so interested as he would be working at home if he was attending day school and if he was really doing something for his own use. In that case he would see what he is trying to produce. It would be part of his benefit, and he would appreciate it. He

would be more interested in keeping on doing it than he would when he is at boarding school. I know that for a fact, because I have been in school myself.

The VICE-CHAIRMAN: What is your point in making that remark? Where are you leading to?

Mr. TOOTOOSIS: I am opposing child labour in the boarding schools.

Mr. CASE: You are not opposed to the boarding schools, are you?

Mr. TOOTOOSIS: I am. I am in favour of day schools where the child comes home after school hours and he can do what he likes.

Mr. CASE: You are opposed to residential schools, are you?

Mr. TOOTOOSIS: Yes. That is my personal opinion on that.

Mr. LICKERS: On page 19, section 23, at the bottom of that section there is this statement: "So long as Indians remain wards of the government, no Indian proving worthy of higher education should be deprived of the means to enable him to qualify for professional or executive positions." Do you know of any instance where Indians have been deprived of the opportunity to qualify for professional or executive positions?

Hon. Mr. HORNER: Mr. Spence told us the difficulty he had securing any money to qualify himself.

Rev. Mr. SPENCE: I was going to make this statement. No, I withdraw that; I am not going to make that statement. But I will put it this way; I will make this statement: We have Indian clergymen and we have Indian teachers and we have Indian nurses, but why haven't we got Indian doctors and Indian lawyers?

Mr. MACNICOL: We have one at the table here now.

Rev. Mr. SPENCE: I am speaking for Saskatchewan. After all, I am representing Saskatchewan; I am not representing the Six Nations.

Mr. MACNICOL: I wish to ask one question. You have heard, of course, that the operation of the hospitals, the Indian hospitals, has been taken away from the Department of Indian Affairs and placed under the Department of National Health. Personally, I am opposed to that. I believe I opposed it in the House. What is your opinion as to whether the Indian department should look after their own hospitals as well as education, or do you think that the Indian should have two ministers—one the Minister of National Health and the other the Minister of Indian Affairs?

Rev. Mr. SPENCE: I do not know anything about that. That is something new, is it not?

Mr. MACNICOL: It has been going on only for a short time. I am going to oppose it in the House when it comes up again.

Rev. Mr. SPENCE: I do not know anything about it. I would sooner not make a statement.

Mr. MACNICOL: When you go away think it over and you can write back to the chairman of the committee about it. At present, as I said, the hospitals to which the Indians go are under the Department of National Health. They always have been, up to the present, under the Department of Indian Affairs. Personally I am in favour of them going back under the Department of Indian Affairs. I think the Indians should have one minister; that they should have their own minister, the Minister of Indian Affairs, and that the hospitals should be under his department just as Indian education should be under his department.

Mr. BLACKMORE: That is not a question, is it? I was wondering about this: we have been here now one hour asking questions and the Indians have a definite message to give us; I was wondering if it would not be better for us to hear that message now?

The VICE-CHAIRMAN: That is what I was going to suggest. We had better hear the witnesses make their statement now; and may I suggest that they make it fairly short.

Mr. REID: They were going to make a statement off the record which I thought would interest me a great deal because I have never heard of blanket marriages.

The VICE-CHAIRMAN: Mr. Lickers has one more question he would like to ask.

Mr. LICKERS: At the bottom of page 48 there is this statement:

> Some instructors at present cultivate land for their own private use on the reserves and bring their own equipment and machinery thereon.

Where does that happen?

Chief GAMBLER: That may not be happening today, but I might answer by saying that on my own reserve at one time we furnished seed for an Indian who was farming with a white man outside the reserve. We furnished our own seed to this man. He was working with the farming instructor's son-in-law at that time. I would not say that they were using the band machinery to operate farms of their own. We allowed them a certain amount of land for their vegetables and everything else. We quite approve that they should use a portion of the land for demonstration purposes to teach the Indians. That may have happened in some other reserve.

Mr. LICKERS: I was rather disturbed with that question as to whether some of the farming instructors were using part of the reserve land for their own purposes without accounting for it to the Indians.

Mr. MACNICOL: They are not allowed to do that.

Mr. LICKERS: I was wondering whether that situation does arise because of that statement at the bottom of page 48 that some instructors at present culivate the land for their own private use.

Mr. MACNICOL: They might cultivate some land to raise food for their own homes, but they would have no right to cultivate to raise products to sell.

The VICE-CHAIRMAN: I think we should have a definite answer as to where it happened and who are the instructors. That is a pretty serious charge to make, and it might reflect on any instructor.

Chief GAMBLER: I would say that since there were a few of the Indians in Saskatchewan who helped to draft this brief that might have happened in some place, but as far as I am concerned since I do not know of any particular case I would not say that it had happened.

The VICE-CHAIRMAN: Which of you gentlemen wishes to take first place?

Mr. TOOTOOSIS: What about Indian marriages and church marriages?

The VICE-CHAIRMAN: Do you want this on the record?

Mr. TOOTOOSIS: I want to have it on the record.

Mr. MACNICOL: I think Mr. Spence said "blanket marriages."

Mr. TOOTOOSIS: You can have it on the record and when I am finished if you want to take some part of it off that will be all right, but I would like to have what I say on the record. Indian marriages and church marriages are both recognized by the Indian department. There was the Jackson case in court at Battleford. Mr. Ostrander was present at that court hearing. Let me take an Indian man and woman who belong to different churches and they want to live together. They have been brought up to stick to their religion to the last day of their lives. When these people love each other and nobody else in the world what are you going to do with them? There is no law to compel them to throw away their religion. That is where the Indian marriage

comes in, but they should have the same responsability as a church marriage. That is the way I would like to see it work because some of these couples are happier than church married couples.

Mr. REID: Those kind of marriages are not recognized.

Mr. TOOTOOSIS: They are recognized by the Indian department.

Mr. REID: Then what are you suggesting?

Mr. TOOTOOSIS: A definite ruling.

Hon .Mr. HORNER: What form does the Indian marriage take?

Mr. TOOTOOSIS: According to an old ruling in the olden days if an Indian wants to marry a girl the parents would decide in the case. They decide their children love each other and they want to live together. They decide and they allow it and then they live together.

The VICE-CHAIRMAN: Have you anything else gentlemen.

Mr. REID: Could we hear about the liquor question which Mr. Gariepy mentioned a moment ago. He wanted to hear about the liquor.

Mr. GARIEPY: If it is worth while.

Rev. Mr. SPENCE: We purposely left it out of our brief, as you will notice.

The VICE-CHAIRMAN: Do you want this on the record?

Rev. Mr. SPENCE: It might as well be on the record. I would ask however, as a matter of seniority, that these gentlemen speak in this order. First Mr. Tootoosis, then Mr. Dreaver, and then Mr. Gambler and I will speak on it last.

The VICE-CHAIRMAN: Go ahead Mr. Tootoosis.

Mr. TOOTOOSIS: My view of this question, which came up at our last meeting is this. In the first place it is in our treaty and it was left to the government to decide whether something was fit for an Indian to drink. That is the way I understand it. Now I look at my Indian people, whom we are trying to work for right at this moment. They are down and out people just in poor condition and we find they are getting liquor of the wrong kind. When you are trying to help the Indian, to lift him up on his feet and give him a chance at education, there is still some control on this problem. The Indian would learn to handle whiskey. I do not say all Indians would, because I know all white people cannot handle it. So I think it is to the Indians' favour to ask for liquor.

Mr. MACNICOL: They do not get liquor, they are forbidden it.

Mr. TOOTOOSIS: Yes, and I am not in favour of that.

Chief DREAVER: With regard to the liquor question I would like to say this is a matter that has not been discussed by the organization and any opinion we give on this would be our personal opinion. We have not got the backing or authority from the people we represent with respect to this question. I would like to say with regard to the question that the sooner the Indian has the same privilege as the white man it will be better for him. No doubt, if he has the privilege, the Indian will at first abuse the privilege but he will soon learn to make proper use of it. During my experience in the army, I found that to be so. In the first great war I was with quite a number of Indians and when they first had the privilege of going into the wet canteens, as we used to call them in the army, some of them abused their privilege.

Mr. BLACKMORE: But they got wise.

Mr. MACNICOL: They soon learned it was no good.

Chief DREAVER: In time they would come to use the privilege sensibly and I found no difference whatever between the Indian and the white man. The same thing applied in this war. I was a headquarters sergeant in Medicine

Hat, where we had a number of Indians, a large number of Indians, and I do not think there was any difference in regard to the abuse of the liquor privileges. I think the whole thing is this. It is like letting a small child use something and at first he wants to know what it is and he is anxious to get at it. And another thing I would like to say is this. This law does not stop the Indian it just makes him take rotten stuff.

Hon. Mr. HARPER: Rotten stuff, and he pays two prices for it.

Mr. REID: Canned heat as well, I suppose.

Chief DREAVER: Anything they can get hold of. As I say that is my personal opinion and I do not want to give the impression it is that of the delegation.

Chief GAMBLER: Mr. Chairman, and gentlemen, I am also expressing my own personal opinion on this question. I would say that liquor is not, well let me see, how shall I put it?

Mr. GARIEPY: A bad thing?

Chief GAMBLER: Well, I would say liquor is not a necessity.

Mr. CASE: It is all right in its place.

Chief GAMBLER: It is only a luxury.

Mr. BRYCE: It is all right as medicine.

Mr. MACNICOL: There is lots of medicine then from what I see.

Mr. REID: Not at that price.

Chief GAMBLER: Well, I would much rather refrain from saying anything more on it. I do not want to say anything which will impinge on our treaty. I would rather say, leave it to your judgment, and that is as much as I desire to say. However, I did want to make my statement here that it is not a necessity. It is only a luxury. If you feel we should have a little of it, it is entirely up to you. I would not say we should have it.

Rev. Mr. SPENCE: Well, I say the Indians should not have it at all. I will tell you why I say that. You know, the Chairman of the Wartime Prices and Trade Board made a statement over the radio one day. He said there are arguments for inflation, and the same thing can be said for this liquor question. There are arguments for it and there are arguments against it.

You know this has been a red letter year so far as the Indians in the province of Saskatchewan are concerned. I may add it has been a red letter year in so far as the Indians of Canada are concerned. Why do I say that? This is the first time, as a group, we have been invited by the government of this country to make representations to a committee studying our problems. There is another reason for saying that. There is a clergyman in our province of whom we are very proud. Last week, or the week before that, on the 30th of April, 1947, an honorary degree of DD was conferred on Canon Edward Ahenakew. I believe this is the first time, so far as the province of Saskatchewan is concerned, that such an honour has been given to an Indian. This same man is respected by every Indian in the province of Saskatchewan. His name, I suppose, is written across the whole of the Dominion of Canada.

May I quote an article which was written in the Queens Monthly Guide by that same man regarding this question. He said, in effect, this; he is not in favour of Indians getting liquor. I endorse that view. He said this, "Why should I betray my treaty rights for a cup of whiskey?" Is it worth it? I would say no. I have always felt a sense of pride, gentlemen of the committee, from the fact it was an old Indian who brought up this question of liquor. He said there shall be no liquor brought into the reserve. He made that special request of the governor. The governor, of course, at that time represented the Queen of England. I realize I am expressing an opinion which is not popular. It seems to me any argument against liquor is always unpopular.

I should like to say this, the problem of extracts, home brew and so on would not be solved even if the Indians were permitted to secure liquor legally. The liquor stores are open certain hours. When the liquor store is closed what does the average white man do? I desire to retract that statement. I will say rather, some white men, after the liquor stores are closed, have a means of getting their liquor from the same place as the Indians are getting their liquor to-day, bootleggers. Perhaps these people pay two or three times the price they would pay in a government store, but they do not mind doing it. Yes, it is a foolish thing, and they will admit it. However, this is happening to-day even in this Canada of ours amongst the white people who are supposed to be better educated and are better educated and who are supposed to know better.

Now, I may be old-fashioned and my opinions may be unpopular, but I think I am right. May I suggest to this committee since the whole problem of liquor affects, directly and indirectly, the whole Indian population, the safest thing to do is to have the Indians across the whole of the Dominion of Canada vote on the question. I also make this suggestion, since the family life of the Indian is tangled up in the whole question of liquor, I would suggest that the Indian women on these reserves be permitted to vote. It is the wisest policy I can recommend to this committee.

Hon. Mr. HORNER: Are you satisfied with the restrictions that are presently in force against the sale of extracts to Indians?

Rev. Mr. SPENCE: Yes, I am.

The VICE-CHAIRMAN: Have you anything else to present now, gentlemen?

Mr. REID: I think before the delegation leaves we should extend a vote of thanks to them. I am sure all the members of the committe have listened with a great deal of interest to a well presented brief.

Chief GAMBLER: In reply to Mr. Reid's remarks I wish to say, in closing, I am more than happy that you have given us this wonderful reception. Now, as we return to our homes, we will go back with the story to our people. We will return home with an abiding confidence that the parliament of Canada, in concluding its deliberations, will not make any changes which will at any time impinge on our treaties or serve to sever the close relations we had with His Majesty's government when that government signed treaties with the Indians of Canada. I wish to thank you once again on behalf of my party.

The VICE-CHAIRMAN: The committee stands adjourned until Monday next at 11 o'clock a.m.

The committee adjourned at 10.40 p.m. to meet again on Monday, May 12, 1947, at 11.00 a.m.

SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 21

MONDAY, MAY 12, 1947

WITNESSES:

Mr. J. P. B. Ostrander, Inspector, Indian Agencies, Saskatchewan;
Mr. T. L. Bannah, Agent, St. Regis Reserve, Ontario (and Quebec).

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

MONDAY, 12th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., (Joint Chairman).

Present:

The Senate: The Honourable Senators Blais, Fallis, Horner, Macdonald (*Cardigan*), and Robicheau.—5

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Bryce, Blackmore, Case, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*) (Vice Chairman), MacLean, Reid, Richard (*Gloucester*).—11

In attendance: (From Indian Affairs Branch): Mr. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; H. M. Jones, Supervisor, Family Allowances; G. Patrick, V.L.A.; Dr. P. E. Moore, Indian Medical Services, J. P. B. Ostrander, Inspector, Indian Agencies, Saskatchewan; T. L. Bannah, Agent, St. Regis Reserve, Ontario (and Quebec); also, (from Union of Saskatchewan Indians): Mr. John Gamble; Mr. Joseph Dreaver and Rev. Ahab Spence; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

The Chairman read a series of telegrams with reference to the inability of Mr. Zimmerman, U.S. Department of the Interior, Acting Commissioner for Indian Affairs, to be in Ottawa to-doy.

Mr. Case, by leave of the Committee, read into the record an editorial from Owen Sound *Sun-Times* with regard to the payment of old age pensions to Indians.

Mr. J. P. B. Ostrander, Inspector, Indian Agencies, Saskatchewan, was called, made a statement and was questioned.

The Committee adjourned at 1 o'clock p.m., to meet again this day at 4 o'clock p.m.

AFTERNOON SESSION

The Committee resumed at 4 o'clock p.m.

Presiding: Mr. D. F. Brown, M.P., (Joint Chairman).

Present:

The Senate: The Honourable Senators Blais, Fallis, Horner, McKeen and and Robicheau.—5

89895—1½

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Bryce, Blackmore, Case, Farquhar, Matthews (*Brandon*), MacLean, Reid, and Richard (*Gloucester*).—10

In attendance: as at morning session.

Questioning of Mr. Ostrander continued and completed.

The Chairman thanked Mr. Ostrander for the help he had given the Committee. Mr. Ostrander replied in suitable terms.

Mr. T. L. Bannah, Agent, St. Regis Reserve, was called, made a statement and was questioned by the Committee.

The Chairman and the Honourable Senator Horner expressed thanks to Mr. Bannah for his excellent submission with regard to the administration of Indian Affairs on the reserve at St. Regis.

The Committee adjourned at 6.05 p.m., to meet again on Thursday next, 15th May, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
May 12, 1947.

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Hon. Mrs. Fallis and gentlemen, we will come to order. This morning we were to have heard from Mr. Zimmerman who is the Deputy Commissioner of Indian Affairs of the United States. Unfortunately at the last moment we have been advised that Mr. Zimmerman cannot be here to-day. I will read to you the telegrams which have been exchanged:

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

OTTAWA, May 12, 1947.

Copy for the information of the Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act.

Mr. Johnson, Department of External Affairs, telephoned this office 11.45 a.m., May 10, 1947, re

Extract from telegram dated May 9 from Canadian ambassador to the United States:

> We are informed by State Department that Mr. Zimmerman acting chief of Indian Affairs is going to Ottawa tomorrow and that he has been in touch with Mr. T. R. L. MacInnes of the Canadian Indian Affairs branch. All arrangements have been made between them for hotel accommodation etc.

Copy of telegram from Mr. William Zimmerman, May 12, 1947, time time 6.58 p.m.

MOA389 14-Washington DC 10 533P
Ottawa

Regret committee hearing Monday requires postpone trip could come later next week if desirable.

(Sgd) WILLIAM ZIMMERMAN

Copy of telegram from Mr. William Zimmerman, May 12, 1947, time 9.11 a.m.

MOA58 9 GOVT-ID WASHINGTON DC 12 834A
Ottawa

Confirming Saturdays telegram regret unable attend parliamentary hearing to-day.

(Sgd) WILLIAM ZIMMERMAN, Jr.,
Acting Commissioner.

I understand that Mr. Zimmerman has to appear to-day before a congressional committee, and of course we have no authority there. It was merely as a courtesy that he was coming here so that we can only regret that he will not be here to appear before our committee to-day.

Those members of the committee present who are on the subcommittee may take this as notice that to-morrow afternoon we will meet at a time and place to be appointed for the purpose of discussing when we are going to hear from Mr. Zimmerman, and the further business to come before the committee.

We have with us to-day some of the Indian delegation from Saskatchewan. I note also that Mr. Ostrander, the inspector of Indian agencies for the province of Saskatchewan, is here. If it is your pleasure we will hear him to-day. But before doing that I think Mr. Case has a matter which he wants to bring to the attention of the committee.

Mr. CASE: Mr. Chairman, I want to draw the attention of the committee to an editorial which appeared in the daily *Sun-Times* of Owen Sound, the issue dated May 9, 1947. With your permission I will read it:—

THE INDIANS DON'T GET PENSIONS

The Senate has adopted a report asking that the government consider granting old age pensions to Indians.

Most Canadian citizens, we imagine, were unaware of the fact that Indians are not now receiving old age pensions. Oft-times we tend to regard the Senate as entirely useless, but it has justified its existence this year if it does nothing more than draw the attention of Canadians to this discrimination against the red man.

We wonder in how many other ways the treatment accorded Indians differs from that accorded other residents of Canada. A brief, but comprehensive, report on this matter should be of general public interest.

There may be a minority who will consider that, inasmuch as the Indians receive treaty money, they are not entitled to social service benefits. We believe, however, that the majority of Canadians will consider that any special privileges which Indians receive are scant remuneration for the acquisition of their homeland by the white man and that these Indians, in addition to treaty money, are entitled to receive treatment identical with that accorded other residents with respect to pensions and similar services.

I have read this editorial because it calls attention to a resolution passed by the Senate which makes certain recommendations for consideration of the government. I do not as a rule subscribe to doctrines of this kind, but in this case inasmuch as it is based on a resolution of the Senate I think it is the type of editorial to which we might give some attention. Of course, we all have very high appreciation of the action the Senate took in this case.

The CHAIRMAN: What newspaper was that?

Mr. CASE: That was the Daily *Sun-Times* of Owen Sound, the issue of Friday, May 9, 1947.

The CHAIRMAN: Thank you, Mr. Case, I think that has been duly noted.

Mr. CASE: It is significant, I think, because a lot of people do not realize that Indians do not receive these benefits as the white people do.

The CHAIRMAN: Thank you very much. Now I will ask Mr. Ostrander to come forward:

Mr. J. P. B. Ostrander, Inspector of Indian Agencies, province of Saskatchewan, called:

The CHAIRMAN: There is another matter before Mr. Ostrander proceeds. We were to have heard from Mr. Zimmerman. Now, Mr. Zimmerman is not

here and I know that there is a great deal of work which private members in the House have to do and they would certainly appreciate an opportunity of getting some of it done, so to-morrow there will be no meeting of the committee unless, of course, you should decide to hold a meeting; but it is not now the intention of holding a meeting to-morrow. You have that day's leave.

By the Chairman:

Q. Mr. Ostrander, what position do you hold in the Indian Affairs branch? —A. I am the inspector of Indian agencies for the province of Saskatchewan, Mr. Chairman.

Q. How long have you been with the department?—A. I started in July of 1919.

Q. In what position?—A. In the position of a Grade II clerk.

Q. Were you associated with some reserve?—A. At the Duck Lake Indian agency, Saskatchewan.

Q. What is your present age?—A. I am nearly fifty-one.

Q. How many do you have under you in your present capacity in the province of Saskatchewan?—A. I have nine Indian agents, twenty-seven farm instructors and about the same number of day school teachers.

Q. Just a little louder, please, so that all can hear you.

Hon. Mr. STIRLING: What was the last part of that answer, please.

The CHAIRMAN: "About the same number of day school teachers."

By Mr. Case:

Q. Did you have any experience as an agent?—A. I was an Indian agent for twenty-one years.

Q. How long have you been inspector?—A. Since the end of March, 1945.

By Hon. Mr. Horner:

Q. Where were you stationed?—A. At Saddle Lake in Alberta and at the Crooked Lake, Pelly and Battleford agencies in Saskatchewan.

Q. What is the wealth, or the money held in reserves from the sale of land by the various bands in the province of Saskatchewan; what would be their share of the Indian money; have you that?—A. I haven't that information exactly. I have it approximately.

The CHAIRMAN: Would you care to give it to us approximately?

The WITNESS: I do not think I should answer that. I would rather give you the figures exactly.

Mr. RICHARD: You say you have so many teachers; what is your work in connection with education, is it agricultural?

The WITNESS: It is an effort to see that the people comply with departmental regulations and the curriculum for the province as well as to be a good object lesson to the Indians with whom the teachers are living—not only the children, but the parents of those children; and to do what little social service work they have time to do; and to look after the buildings and the day schools, of course—repair, construction and maintenance.

The CHAIRMAN: Are there any further preliminary questions? If not, proceed, Mr. Ostrander.

The WITNESS: I would like to begin, Mr. Chairman, by repeating that I believe the Indians who appeared before you as representing the Indians of Saskatchewan can well represent a majority of the Indians of that province. Of course, I know there are a few shorter briefs submitted by small groups of Indians in Saskatchewan who have some ideas contrary to the general substance

of the brief of the Union of Saskatchewan Indians; and I realize, of course, that these briefs will be given full consideration. So that while I endorse most of the remarks made by those who appeared I would also like to say that I endorse several remarks in the other briefs which have not been brought to the attention of this committee except in written form.

I would also like to say that I am proud of the presentation which those Indians made before you, and I wish to thank you for the reception they were given. They are all, I think I can say, friends of mine. I have known them for many years. I know them to be outstanding people in Saskatchewan and I believe they are people who have made a study of Indian problems for many years.

I have gathered from reading your reports and from what I have heard here that the whole attitude of your committee is one of benevolence toward the Indian and I would like to say that we in the field have the same benevolent attitude toward the Indian; nearly all of us, and the officials in our branch here as well. We in the field who have lived with them for many years have seen unpleasant things which few of you know anything about and which the Indians have not had a chance to bring before the people of Canada. This is the first opportunity they have had of presenting their case fairly and justly. Individual cases have been taken up and dealt with mostly as a result of action taken by more aggressive Indians. I am sure you will realize that on the reserves there are many Indians who have difficulties. We are not aggressive and have not any other recourse than to deal with their problem through their farm instructor and their Indian agent. And in this connection I would like to say that the farm instructor is the one who lives with them, beside then, sees them daily and nightly, three hundred and sixty-five days a year, and he handles hundreds of small problems that no one else ever knows. He settles them himself to the satisfaction of all, and most of them are very benevolent toward the Indian in all things. It would be necessary to have larger appropriations if you wish to carry out the things that are needed. In fact, we will need much larger appropriations. During the twenty years that I was Indian agent the people of Canada and parliament were not always generous with the Indians, if you will excuse me for saying so—rather the reverse; and while you may think there was neglect out in the field during that period most of us worried more about trying to raise a little bit of money to do the things that we knew needed to be done rather than trying to dodge what we knew to be our duty.

The whole future of the Indians depends on education and welfare services; that all costs money. There is no education that does not cost money. Education is the key to all these things; and all the deliberations will fail unless parliament is going to see the need for supplying a great deal more money than we have had in the past. Excuse me for being frank, but I have contended with that situation for so long that I welcome an opportunity to be honest and straightforward in giving my evidence. I would not be doing my duty toward my position and toward my Indians if I did not say these things.

Many bands in Saskatchewan have funds of their own which, in a great majority of cases, have come from the sale of land. The land was surrendered by a vote of the band and sold—some was leased—but most of it was sold, and that was credited to their account in Ottawa. It looks very nice to have large balances in their accounts here, but in order to accumulate those balances land had to be sold; I do not think wisdom was used in all those sales. We have some reserves now where we have a fairly large balance accumulated, but where we are now short of good agricultural land on those same reserves, because the Indians have increased in number and have become more interested in farming; and in three cases, to my knowledge, more land was sold than should have been

sold; and now when we try to develop farming on those reserves we have not as much agricultural land as we should have. It is also true that on many reserves you will find thousands of acres of agricultural land not being used, but those are the individual bands concerned; and it is of no use to say that the Thunder Child band has a big balance here when they need agricultural land and some other band has a lot of agricultural land which they are not using. That does not do the Thunder Child band any good. And so when we brag a little bit about the balances they have accumulated we must not forget that some of these reserves may have to buy land some day. Some of those reserves where moneys have accumulated will face the necessity of having to buy land some day at a great deal higher price than the price for which they sold part of their reserve. I can see that in the future.

We are very short of teaching facilities in the province of Saskatchewan. To have ample school accommodation we need forty more day schools. They cost a lot of money. Naturally, we will need at least forty teachers to supply those day schools. Some of them would have to be two-room schools and would require two teachers. We are building four schools this year. We have an appropriation for four if we can get the material. After we have them built our problem is not all solved. We have to find teachers for them. We have one school closed now, but at the beginning of the present school term we had four schools closed. We are trying to get teachers. Some of these teachers we have are only filling in because they are not qualified; we could not get qualified teachers. There is a shortage of teachers all over the province, and where there is a shortage of teachers naturally those who are in the profession have the choice of schools. I am sure that you will understand that if a teacher can get $1,500 a year living in a town, village or city, that that teacher is not likely to accept the position on an Indian reserve, probably living alone with no neighbours but the Indians, at a salary of $1,000 a year. Now, I believe teachers' salaries are going to be increased, but they have not gone up yet. In trying to find teachers we have always been faced—perhaps I should not say always, but for many years—with the question of salaries. There was a period from 1930 to 1937 when the Indian day school teacher was getting a better salary than the majority of country school teachers in Saskatchewan, but that is not so now, and if we are going to get teachers they will certainly have to be paid a larger salary. That is, if we want to get good teachers, and we must get good teachers. It calls for the very best teachers to be of any use on an Indian reserve—the very best—not just any teacher. There is not any teacher who is too good for an Indian reserve because those teachers need qualities that teachers in general do not need when teaching white children in villages and country schools. So we must have the best teachers eventually. My latest statistics show that there are 909 children of school age in Saskatchewan, that is Indian children, who have no school available for them. All the schools we have are filled, and some of them are crowded. Now, you will see that when you compare 909 with that figure of forty day schools which I mentioned, some of these schools will need to provide facilities for fifty or sixty pupils while others will only have to provide facilities for ten or fifteen. However, because there are only ten or fifteen children at a certain point they must not be deprived of the right of getting an education. This figure of 909, of course, includes many children in the far northern part of the province who have been untouched by any kind of education—absolutely untouched. Their parents have never thought of education except at such times as we have discussed the matter with them. The education of those children is a problem all by itself. Their parents do not and cannot stay in one place very long. They make their living by travelling to the trapping grounds and the fishing grounds; and the best we can hope for there is either part-time day schools or residential schools. When I say part time that part time may be short because

sometimes families will remain in a village only for six weeks or two months at a time, depending on trapping and fishing conditions. However, I should mention here that the northern Indians—the Indians in the northern part of the province—furnish a problem by itself. The area is enormous; travelling facilities are bad. During part of the year it is impossible to travel and during the rest of the year travelling is very expensive and is done mostly by plane. These Indians have had little contact with the white man. Their contact with the white man has mostly been with the trader, the trapper and the missionary. They have not always been well served by the trader, and I think probably that is one reason why there is some suspicion in their minds. We have not heard from this delegation much of the viewpoint of the northern Indian toward the white man, but his past has not been very happy. It seemed to him that he was working for the trader during his whole life. He did not have money in his pocket; the best he could hope to do was to keep his credit good with the trader. That is all he was ever able to do. And by keeping his credit good that meant he was in debt. They do not use the word "credit" in the north; it is "debt". If an Indian is able to have a good debt with the trader that Indian is considered to be as prosperous as he ever becomes. That means that the trader will advance him a fairly large amount of money each year to go on his trap line; but if he does not come back to that trader with his fur his credit is spoiled and his family will suffer. That is what I mean when I say that the Indians of the north think that they have spent their lives working for the trader.

Taking a line at about Prince Albert and Meadow Lake across the province from east to west, from that line north the majority of the Indians have always depended upon fur and fishing for their living. From that line south the white man has gradually been settling the country until the trapping in the area south of that line has become very limited. So the department has had to find some other means of livelihood for the Indian; it has had to teach the Indian and to assist the Indian to try to make a living when crowded into the reserves by the white man. When the original treaties were made, although both the Indians and the treaty commissioners were very far sighted and did reasonably good work, many of them did not foresee the time when the Indians in the central part of Saskatchewan would have no more fur, no more fish and no more wild meat, but that time has come. There is nothing left for those Indians but farming, live stock raising and day labour. Day labour is very uncertain. During the war period there was work everywhere for the Indians, and their labour was much in demand. But when there is an over-supply of labour the Indian is the first one to feel it. In other words, in good times he is the last one hired and in hard times the first one let out. Therefore, if what we call a depression comes those Indians who are depending on day labour will need close attention by us and they will need a lot of assistance.

Day labour to the Indian is mostly assistance on farms. The farmers of Saskatchewan do not hire very many labourers now to work with them on their farms. They have gone in for heavy machinery. What we used to call threshing gangs have nearly ceased to exist. Threshing is done by one or two men with a combine. Where we used to see 12, 15 and 20 Indians working on a threshing crew that is not seen very much any more in most areas. That source will not be available to the Indians in the future.

The same thing applies to work in the woods, on the roads and those other jobs. They are being done by big machinery with fewer men, and the Indians feel that. We have concentrated on farming and live stock raising, and we must concentrate a great deal more on it in the future. That costs money.

The Indian started farming in his own little way with oxen. They got too slow and he changed to horses. Now the majority of the Indians think horses are too slow. Most of their white neighbours also tell them they are.

In 1936 I do not believe there was a tractor working on an Indian reserve in Saskatchewan. I can find no record of it. This spring we expect to have 87 tractors working. Those tractors are capable of breaking 20,000 acres. I do not say they will break 20,000 acres. The total acreage under cultivation on Indian reserves in Saskatchewan is approximately 59,000 acres now, but we have the facilities, if they are put to full use, to increase that 20,000 acres a year. It climbed in 50 years to 46,000 acres. In the next two years it climbed to 59,000 acres. We have the facilities now for it to climb at the rate of 20,000 acres a year if they are put to full use, so that we have more hope for the future in farming.

Most of the Indian reserves have bush land that could not be broken very easily with horses. When you take a four-horse team into the bush you do well if you get 10 acres of bush land under cultivation in a year. Few Indians did even that because it is very discouraging work. I know that some of you gentlemen have done it. It is heartbraking to try to go into raw bush land and get enough under cultivation to make a living for your family. The Indians were not born to be farmers. Few Indians were fond of farming or sitting on a plow or cropping out bush. Consequently progress was very slow on the reserves until we got these tractors. Many Indians now operate tractors and like the operation of them. They can see the results from their work. There is a big difference between breaking 10 acres in a day with a tractor and breaking 10 acres in a year with horses. There seems to be some hope in the future when you can break 10 acres in a day. We have done it with tractors, not in an eight hour day, but using all the daylight there was. I think there is some hope for the future in farming, and particularly grain farming and live stock raising. We have to concentrate on that in most of these reserves of the southern part of the province because there does not seem to be anything else.

It is true that most of those young school graduates will have to be taught to like farming before they will be successful. I do not know that many people are born to like farming, white or Indian. They only like farming if it pays, and it will only pay if you can cultivate enough land to make it worth while. Therefore when we speak of education for quite a fair majority of the young people of Saskatchewan that education will have to be along those lines, making a living farming or live-stock raising on their own reserves. They do not all take to that, and will not all take to it. We will have to find other means by the use of technical schools and advanced education.

The Indian child is not very fond of poring over books day after day. Some remarks were made before your committee and by your committee as to this question of putting in full time in the class room. Please let me remind you that when the Indian child first goes into a class room in many cases it cannot stand a whole day in the class room. They have never had to do anything like that before, to sit at a desk hour after hour and day after day, so that the beginners are allowed a certain amount of freedom and have to be until they get used to it. It will not do to make a hard and fast rule that Indian children must stay all day in the class room. They should be given all the class room work they can handle. I agree with that, but I do not think that the full day in the class room will do it all. They will have to be allowed a chance to get used to it. As they get older, of course, it comes easy and in the higher grades they might then spend full time in the class room.

We now consider that they do not have to attend after the age of 16, but when they are discharged at the age of 16 they are not ready to face the world. Something else has to be done. That is where we are going to need the social service worker to fill in that time between the age of 16 and the age of some acceptance of responsibility. What good is it to send an Indian child to school to the age of 16 and drop the child at that time? They have to have something

to carry on. We have some plans in that connection but that means a lot of staff. Many reserves have ex-pupils who have been discharged from schools and have come back to reserves where there was not even a farming instructor. There was nobody to continue teaching them. The agent saw them occasionally and tried to encourage them a little bit, but all Indian agents have more to do than they can handle. They have not the time to devote to the individual child on a reserve. Sometimes the Indian agent might not see that child for six months. He can do nothing. Much of the Indian agent's time is taken up with the day to day problems of people who are already at work trying to gain a livelihood. So much of his time is taken up with that he has little time to bring others along. That is where the social service worker is needed.

Regarding that part of the brief of the Union of Saskatchewan Indians which refers to Sections 40 and 41 of the Indian Act there was not much discussion devoted to those two sections but they are important. I wish to go on record as recommending that they remain.

The CHAIRMAN: You might point out what sections 40 and 41 refer to.

The WITNESS: Section 40 refers to the control of the sale of cattle and section 41 refers to the control of the sale of grain, in the Prairie provinces.

The CHAIRMAN: Perhaps I might read those sections now. Section 40 reads:—

> 40. No person shall buy or otherwise acquire from any band or irregular band of Indians or from any Indian and no Indian shall sell or otherwise dispose of to any one other than a member of the band any cattle or other animals of any kind from any reserve in the Province of Manitoba, Saskatchewan or Alberta or the Territories without the written consent of the Indian Agent.
>
> 41. No person shall buy or otherwise acquire from any band or irregular band of Indians, or from any Indian, and no Indian shall sell or otherwise dispose of to any one other than a member of the band, any grain, root crops, or other produce from upon any reserve in the Province of Manitoba, Saskatchewan or Alberta, or the Territories, without the written consent of the Indian Agent.

By Mr. Farquhar:

Q. That just applies to Saskatchewan?—A. The three prairie provinces.

By Mr. Case:

Q. How will he ever become self-reliant with that sort of restriction?—A. Of course, I would not make that statement without having given it a great deal of thought and being prepared to give my reasons. Western Canada was settled on the credit system. It would never have settled as fast as it did without that. The financial people carried the wholesalers; the wholesaler carried the retailer, and the retailer carried the farmer. That is how western Canada was settled. On Indian reserves we are at the stage of settlement of Indian lands of making settlers. We are at the stage where the province of Saskatchewan was thirty years ago when people did not have money in their pockets from the harvest of their crop in October to carry them through until they harvested their crop again.

By Mr. Richard:

Q. Why do you differentiate between grain and furs? He can sell his furs without a permit, can he not?

The CHAIRMAN: I wonder if we could reserve questions until he has finished. You know the practice of the committee is to withhold questions until such time as the brief has been presented. Then you will all be given an opportunity to ask whatever questions you like to ask.

Mr. REID: In a point of order, he started to elaborate on this, and I think Mr. Richard's question is quite in order and pertinent here. He is dealing with the subject now, and he was beginning to elaborate on why we should not change the Act with regard to grain and cattle. Mr. Richard asked him quite rightly to explain why there was a difference as to furs.

The CHAIRMAN: It is not my personal opinion. It is what the committee has decided. If it is your wish to change it is quite all right with me.

Hon. Mr. McKEEN: You have changed it yourself by asking one question.

The CHAIRMAN: I do not think I asked a question. Did I not read a section of the Act so as to familiarize you and myself with what he was talking about?

Hon. Mr. McKEEN: It led into this question.

The CHAIRMAN: If it is the pleasure of the committee we will have that question answered. Can you elaborate on that question of Mr. Richard?

The WITNESS: I believe I covered that in my remarks about the fur of the north. The trader has done that. The trader has carried the Indian in the north.

Hon. Mr. HORNER: He was no different to the white man. The more he owed the surer he was of support for the summer and credit for another year.

Hon. Mr. McKEEN: Why should not the Indian agent control that just as much as grain if he is going to control either one?

The WITNESS: I do not see any need for it at the present time.

By Mr. Case:

Q. The agent does not put any money into that work?—A. No.

Hon. Mr. HORNER: My objection is that in the past instead of being a help it has been an abuse. In other words, the cattle were not always sold to the best advantage. They were sold to some particular friend of the party very often.

Mr. FARQUHAR: Is that not true of the fur?

Hon. Mr. HORNER: In many cases I believe the Hudson Bay Company treat the Indian very well nowadays. That is my impression. At least some of them are fairly well to do. If they have a good year and fur is plentiful and a good price they have money as well as paying their debts. If they have a poor year and they come back the Hudson's Bay people, if the men are reliable and good trappers, take care of them until the next winter.

Mr. FARQUHAR: In some parts of Canada others buy fur, besides the Hudson Bay Company.

Hon. Mrs. FALLIS: Would the basis for that distinction be that in connection with farming it is government money invested there, and in connection with fur trading there is no such money invested?

The WITNESS: That is one distinction.

Mr. CASE: The trader's money.

Hon. Mrs. FALLIS: It seems to me that live stock and grain fall into a different category because it is not a purely independent transaction as fur is.

By Mr. Farquhar:

Q. Is there government money invested? Is it not just a question of credit extended?—A. I was coming to that. I wanted to explain—

The CHAIRMAN: At this point would you consider letting Mr. Ostrander complete his brief? You see what we are getting into. You will have every opportunity later to examine him.

The WITNESS: I mentioned that we will have 87 tractors working this spring on the Indian reserves in Saskatchewan. Those tractors are not all paid

for. A great many of those were bought. The agent recommends their purchase to the department and the department has loaned the money, but the Indian agent would not have made that recommendation if he had thought that he would have no control over the sale of the grain produced as a result of that tractor. We are already involved to a certain extent. That applies to grain. With regard to cattle we are spending about $14,000 to $15,000 of the taxpayers' money in Saskatchewan this year to buy purebred bulls to improve the herds.

Hon. Mr. HORNER: Would many of the reserves have herds?

The CHAIRMAN: Just a moment, please, we will reserve our questions until the witness has completed his presentation.

The WITNESS: The quality of the cattle on the Indian reserves averages considerably better in Saskatchewan than the quality of the cattle among their white neighbours, because the government has paid for these pure bred bulls over the years. We have among the Indians in Saskatchewan about 7,000 head of cattle—7,419 animals is my latest figure. I will admit that that is not a large figure, but the number is increasing. We bought more of these bulls this spring than is customary because on a number of the reserves the needs are greater because there are more cattle, and we paid a higher price, I believe, than has ever been paid before. I do not think we would be justified in that expenditure of money to raise the quality of the herd if we do not see that some good would be derived from it. On most Indian reserves where there are cattle of course the cattle are watched by the cattle buyers. They know the cattle nearly as well as the Indians do, and they want these cattle because they are good beef animals. They know that there are on some of the reserves cattle owners who at certain times in the year would sacrifice an animal which is not ready for the market because the Indian at the time is in need of money. Well, as long as section 40 is in effect, if the Indian has cattle that are being fitted for market, the Indian agent is quite safe in advancing him money for immediate needs, or advancing him credit, because the agent has the protection of section 40. He could not do so without section 40; he dare not do it. Therefore, instead of the Indian getting credit and selling the steer only when it is ready to sell, the Indian would sell the steer as best he could to a greedy cattle buyer if you delete section 40. Those are my reasons; and when I say these things I recognize very well that the Indians need more responsibility among themselves. I fully realize that. But in their own treaties they have kept the white man at arm's length to the extent that no bank manager can lend money to an Indian because he has no security and he cannot fix security on an Indian reserve. So an Indian's only source of temporary credit is his Indian agent; and in these cases sections 40 and 41 have the same effect of protecting the indebtedness for the man who advances the money just as a lien note which the white farmer would have to give his bank manager if he were going to borrow money to buy his seed grain, binder twine, or pay his threshing bill.

Hon. Mr. HORNER: May I make this observation, Mr. Chairman? It is my understanding that the Saskatchewan delegation in their brief recommended that. I thought it was just individual opinion.

The CHAIRMAN: If you will just make a note of that, Senator, I am sure we can discuss it later.

The WITNESS: Mr. Chairman, there are two clauses in the brief of the Union of Saskatchewan Indians asking that these sections be deleted. That is why I mention the matter. It was not discussed by the Indians here but that recommendation is in the brief.

Now, with regard to more responsibility among the Indians on their reserves. If the Indians and the chief in council take the responsibility upon themselves for collections from borrowers among their own people, those who borrow from band funds, or those who make advances—and of course I refer to the bands which have funds and that does not apply to all bands—if chief and councils would take it upon themselves to make the collections I think the chief in council then should accept the responsibility of issuing permits for the sale of these animals. But they are going to be the collectors and the lenders, and they would relieve the Indian agent of what has always seemed to him to be his responsibility. That is, when the Indian was temporarily restricted, in need of money to improve his home or to buy a horse or to buy a wagon, and had stores to be sold later on, the Indian agent always thought it was his duty temporarily to issue credit to the Indian; and in many cases that was done by merely issuing an order on a vendor guaranteeing the payment in the fall when the stores were sold. If the chief and council assume these responsibilities and the vendors accept the guarantees of the chief in council it would relieve the Indian agent of some responsibility and throw it on the chief in council who would, of course, have to assume responsibility. That is my stand.

Mr. LICKERS: And that would be the stand of the Alberta Indians as well, I take it.

The WITNESS: That applies, of course, to bands with funds; and I would say that the principle applies to forty per cent of the Indians in Saskatchewan. I am not very sure of that figure but I would say less than half. The only means for the others are these temporary advances to which I have referred. They are made through the agent to the department and the agent guarantees them. He gets authority from the department because he can control the sale of the grain in the fall until he gets the indebtedness paid up; and the same with the sale of cattle in the fall. You have it in one of your briefs here—in the brief of the Duck Lake Indians—they submitted a separate brief, and they have asked that sections 40 and 41 remain; and they have the best herds of cattle in any Indian agency in the province—per capita of Indians I mean.

Before passing on, Mr. Chairman, shall I wait for questions on that subject?

The CHAIRMAN: No, I think if you will just complete your statement, then we will ask questions. Members of the committee will be making notes of questions they might want to submit to you.

The WITNESS: I suppose you now know that the Indian population is steadily increasing; but I meet many white people, quite intelligent people, who still speak of the dying race, they believe that the Indians are going to die out. We Indians are increasing steadily. Medical services have improved wonderfully in the last fifteen years, although we have a long distance to go before we can brag about them.

Hon. Mr. HORNER: Right there, how does the rate of increase in the province of Saskatchewan compare with the other provinces?

The WITNESS: It has been averaging about two per cent per annum in Canada and I believe you will find that the figure for Saskatchewan is about the same.

There are several reserves in Saskatchewan at the present time where there is probably no medical attention whatsoever. They are mostly in the Onion Lake agency. That, of course, is in the hands of the Department of National Health and Welfare and has been the subject of a discussion between Dr. Moore and myself within the last few days. An officer of his branch is visiting that area with me this summer to investigate, and I think that situation will be looked after. But I would say that there are now about twenty-seven reserves in the province of Saskatchewan where medical services are completely satisfactory.

By that I mean a doctor is on call at short notice. There are programs of X-ray, vaccine, inoculation and general health instruction. On the remainder of the reserves we have overworked full-time doctors and overworked part-time doctors who do the best they can. But in spite of that the health of the Indians is gradually improving and the percentage of tuberculosis is gradually decreasing, thanks to a good program of T.B. control in the province of Saskatchewan. I believe there is no better program in Canada. Doctor Ferguson is one gentleman who should not be overlooked when you speak about that. He is not in the service of our department, has never been; but he is the one man who first became deeply concerned about the T.B. question among the Indians. It was through his influence that Doctor Symes was appointed, and Doctor Symes and Doctor Ferguson have been wonderful in the results produced from the funds provided. I mention that because there is a lot more money needed and considerably larger funds will have to be provided.

Now, with request to the question of old age pensions. It is true the Indians of Saskatchewan never received old age pensions. We are expecting now that they will and we are all very happy about it. To the Indian destitute we issue rations. We who have the job of handing out those rations were never very proud of the quantities, or the quality either. There is very little attention paid to vitamins and so forth; it was just something to fill them up with. We did all we could with what was provided. The ration has become more generous in recent years, thanks to some of the new Indian Affairs officials who brought pressure to bear on those others who do the providing of the money. It has become a little bit more generous but we are still not proud of it. So I am certainly in favour of plans for proceeding with the provision of old age pensions for these people. But remember that in Saskatchewan not over 35 per cent of those who are receiving what we call destitute rations will be eligible for the old age pension. What about the other 65 per cent who are just as badly in need as the others, either through sickness, physical disability or mental disability? They have all been rationed, but many of them will not be eligible for the old age pension. We will still have to provide for them. And I would recommend that if they are still to be provided for, sustained by rations as formerly, those rations ought to be more generous, much more generous and varied.

With regard to housing—I may as well introduce the subject myself—we are not proud of the housing situation in Saskatchewan. We have about 920 Indian families in Saskatchewan badly housed. We have about 650 families that can be called well housed. In between there are 700-odd families living in houses that are, well, just passable. There is an enormous job to get the housing up to what it should be, and that job will not be finished when the houses are built. Many Indians will have to be taught by social service workers how to make use of those houses when they are built. I was agent at an agency in Alberta where a housing scheme of four-room cottages was started. They were very nice four-room cottages, but outside most of these cottages there was a log shack which was occupied in the winter by the family. In the winter when the need for a properly ventilated house was the greatest the family lived in that log shack beside the house—a nice four-room cottage. But that is part of this training that is necessary, very necessary, by social service workers. When the Indian people realize the benefits of living in a good home then the houses which we hope we will build will do something. But to spend $2,000,000 in Saskatchewan to provide homes that we need badly is not the end of the job, that is the beginning of the job; because until the Indian people learn the benefits of living in a better house the money will be wasted. I talk about spending $2,000,000 on homes, but you could not buy $2,000,000 worth of lumber in Saskatchewan now if you had the money with

which to go out and buy it. It can't be done. We haven't a very large appropriation this year for improving Indian homes and building new ones, but I doubt that we will be able to make use of all of it because it is so difficult to get materials and so difficult to get anyone interested in building. If we can get a contractor to build, and if we have Indians on the reserve who can do the building, and if we can get the lumber, we will use all of that money this year. But there are those three "if's". We did not use all the money that was offered us for building last year because we could not get the materials, and I am not very optimistic about being able to do it this year.

There is one other great need on the Indian reserves in Saskatchewan which I mentioned before this committee—the need of roads. You know, the services of a doctor are useful only if the doctor can get to the sick person. We have many places on the reserves in Saskatchewan where a car could not go, many places. The result is that a doctor, when we do get him, gets as near as he can to a patient and then we have to find a way of getting him the rest of the way. Now, I am sure you will agree that a part-time doctor with a big white practice who knows he is going to sit behind a team of horses plodding through mud for half a day to see a sick patient will not be very enthusiastic about going, whereas if he can get into his car and get out to the patient and get back as soon as his visit is finished, he would be much more agreeable, much more enthusiastic about the trip. So we do need a system of roads. I would like to see a system of trunk roads on every reserve, and that means going into the heavy, modern road machinery. We have been putting out hundreds on small appropriations for road work as long as I have been connected with the Indians and we still have no roads. We can never have roads on reserves until we have modern machinery that will build a road well and quickly. A couple of teams of horses and a couple of drag-scrapers can spend a week on a piece of road and one heavy rain will wash it all away. That is what we have been doing for thirty years. One heavy rain will wash out about all we do on a road in one year. We have got to have good road machinery, and I would like to see at least two complete outfits of heavy, modern road machinery in Saskatchewan. Then, believe me, we are only starting at that. I will not be satisfied until we can build roads like the white man is building them, until we are able to build them in such a way that they will not be washed out every time it rains.

I wish to thank the committee for their close attention, and if I have been able to suggest anything which will contribute to the future welfare of the Indians of Saskatchewan, in whom I am deeply interested, I will be very happy.

The CHAIRMAN: Thank you very much, Mr. Ostrander. Now, according to practice we will devote the balance of our time this morning to questions, if you have no objection. If you have no special questions you wish to direct at this time, we will start the general questions over here with Mr. Reid, at my left.

Mr. REID: In your opening remarks, Mr. Ostrander, you referred to the fact that you supported certain views which were not in the brief of the Union of Saskatchewan Indians; I was wondering what you meant by that? What was contained in the other briefs,—I don't want you to go into it exhaustively—which was not in the brief submitted by the Union of Saskatchewan Indians?

The WITNESS: Mr. Chairman, I did not mean to say that I knew the contents of all the briefs you have received; I am not suggesting that for a moment; but I have had different groups of Indians say that they wished to submit briefs separate from the brief of the Union of Saskatchewan Indians. Copies of two of those briefs were sent to be my the Indians.

The CHAIRMAN: Do you know from which reservations?

The WITNESS: One was the brief of the Chief Stanislaus Almighty Voice of the One Arrows' band, the other was the brief of the Duck Lake Indian band.

The CHAIRMAN: I believe both those have been printed, if we received them.

Mr. REID: Is treaty money still paid to the Indians in the province of Saskatchewan?

The CHAIRMAN: The answer is, yes.

By Mr. Reid:

Q. I was wondering if in your opinion, after having seen the way in which the money is being used, you had any suggestions to make as to whether or not this payment of treaty money should be discontinued. My question to you is: Do you think the method of giving out that money could be improved rather than by holding a gala day, the way it is done now, where the money is handed out to everybody at the same time? I was going to ask you if in the light of your experience, you could suggest that the treaty money be handed out in some different way?—A. Mr. Chairman, I am sure you will have gathered from listening to the statement of the Indians that their view toward this matter of treaty money is very strong. The payment of treaty money annually in the form in which it has been done is to them just about the most important thing in their lives. They look upon it as a rite—I mean r-i-t-e.—handed down to them by their forefathers, a right which was embodied in their treaties to present themselves to the representative of the Queen—nowadays of the King—to accept $5, and by the mere act of acceptance renewing their promise to be a good subject of the King. I do not think that very many Indians pledge away their treaty money in our province, not that I know of.

Q. Perhaps it has been answered. If it has been answered you need not answer it now, but why is there no schooling for the 909?—A. Neither schools nor teachers.

Q. You have some experience with the schools. You go around the schools, do you?—A. Yes.

Q. Is the book learning similar in all schools?—A. Very similar, yes.

Q. Regarding sections 40 and 41 if an Indian is not in debt why would it be advisable to hold him to the terms of those sections? I can see some good in keeping him under sections 40 and 41 if he is in debt, but if the Indian is well off and not in debt why should he be held under those sections and not allowed to sell his cattle or grain?—A. The only object that I can see in that is that you are being a little unfair to the buyer if you expect him to know what Indian is in debt and what Indian is not in debt. I mean the buyer of the grain or cattle.

Q. Would the buyer not know before he went there? The affairs of the Indians are pretty well known to the merchants and buyers before they go on the reserve. They know who is in debt and who is not in debt. I do not think that answer covers the question.—A. I do not know how the local merchant, the grocer, lumber merchant, cattle buyer or implement dealer would know the financial circumstances of all Indians.

Q. Do you not think that an experienced cattle dealer would speak to the local merchants before he went on the reserve? If he were going on the reserve to have dealings with Tom Jones he would go to the merchant and say, "How is he?" He would be a very slack business man if he did not ask that. That is the usual precaution he would take. I cannot conceive of a merchant going on to the reserve without that information. Therefore I come back to my question. If the Indian is not in debt and is well off why should he be precluded from selling his cattle and grain?—A. There is no other reason than that reason. I would think anyone who, for instance, sold an

implement to an Indian expecting the Indian to pay for it with a steer would have no way of knowing that steer was not already pledged to some other merchant.

By Mr. Matthews:

Q. Could he not get the information from the agent?—A. Not unless the agent had the power under Section 40 of the Indian Act because how would the agent know that in the meantime the Indian had not already sold the animal?

By Mr. Case:

Q. You mentioned you have 59,000 acres under cultivation. With your equipment you are able to put 20,000 more acres per annum under cultivation. What is your ultimate objective? How much land do you seek to put under cultivation?—A. My own objective is not less than 100 acres per family because in Saskatchewan I do not think an Indian can make a living for his family and call himself a farmer and remain on that farm unless he has at least 100 acres under cultivation.

Q. Is there sufficient land available to put 100 acres per family under cultivation?—A. On most reserves, yes, but there are some reserves which were selected by the chiefs at the original treaty where little thought was given to agriculture, and on some of those reserves there would not be sufficient arable land to provide 100 acres of decent farm land for every Indian family.

Q. And from that then you said that the band funds might be used to purchase land where necessary?—A. I expressed the fear that they will have to be used eventually.

Q. Is there any provision in the Act that land purchased for an Indian reserve would enjoy the same status that the present Indian reserve enjoys? —A. I think the answer to that is, yes. It has been done occasionally.

Q. You also mentioned that you are willing to delegate certain responsibility to the chief and the council. Are the chiefs and councillors generally elected by the band?—A. Yes.

Q. For what period of time?—A. In Saskatchewan at the present time they are mostly life appointments.

Q. But from your general observations you are satisfied they would be qualified to assume those responsibilities of determining when live stock should be sold provided they gave an undertaking to be responsible for the debts of the band?—A. I would say yes, in a very few bands at the present time.

Q. With regard to sections 40 and 41 are you satisfied that ultimately when the Indians are out of debt—and we must anticipate that surely some day they will be free of debt—that then they could manage their own affairs the same as white men who may be indebted to a bank or trust company?— A. I would hope to see that day, but it took the white farmer 40 years to get to that condition in western Canada.

Q. Can you say how many Indian families there are in Saskatchewan at the present time?—A. There are approximately 3,500 families.

Q. What is the total acreage of the Indian reserves in Saskatchewan at the present time?—A. Approximately 1,800,000.

Q. Would you care to comment on the similarity of the Saskatchewan brief and the Alberta brief? Do you know if they were brought together to discuss common objectives?—A. I do not know that I know the history of the preparation of that brief any more than what I heard related by the Saskatchewan representatives of the Indians. I think that explanation was the only explanation there is; but I must say I was quite surprised to find that there were certain paragraphs in the two briefs that were identical.

Q. Would you say that there is sufficient common interest to expect that, that is to say, the Saskatchewan Indian and the Alberta Indian are much in the same position?—A. That is true. Conditions on the Indian reserves of Alberta and Saskatchewan are very similar. I have lived on four Indian agencies in Alberta, so that I think I can speak for some of them. I was raised amongst the Indians of Alberta before I went into the department, and I know the conditions at four different agencies in Alberta, and I have seen very little difference between Alberta and Saskatchewan.

By Mr. Bryce:

Q. I should like to know if you can tell me what percentage of the reserves in Saskatchewan have no funds?—A. I presume you mean bands?

Q. Yes, you have stated that some of the mare quite well off.

Hon. Mr. HORNER: I think he said 40 per cent have money.

The WITNESS: Approximately 40 per cent of the number of bands have band funds of a reasonable proportion that are useful for the development of their reserves.

By Mr. Bryce:

Q. Then there would be 60 per cent have no band funds?—A. Yes, that is true.

Q. There are more worse off than are well off. That would be a fair statement?—A. Oh, as a general rule, the bands with funds have had more assistance through those band funds than was supplied by parliamentary vote, and therefore they are a little bit better off financially, and their homes are generally a little better.

Q. In talking about education you mentioned the need for 40 day schools. Do you think that the day school is the solution to the problem? I should like to have your personal opinion.—A. We have the Indians of the northern part of the province to deal with. I am not prepared to say that day schools would be the final solution there. In the southern part we have both residential schools and day schools. I would not want to build anything but day schools in the future in that part of the province.

Q. You think that the day school is the solution to the problem where they can be made good use of?—A. Where the Indians are living on a reserve and deriving their living from that reserve and do not have to travel all over the country to make a living then the day school serves the purpose better.

Q. You need 40, anyway?—A. We need 40, anyway.

Q. I was quite interested in what you said about the children when they reach 16 years of age. I have given a lot of thought to that matter and I think from 16 to 20 is the time when we can either make or break the Indian. Would you agree with me that we should have vocational training schools where the Indian who could adapt himself to electricity, plumbing or carpentry, might be given an apprenticeship? Do you think that would solve the problem of those between 16 and 20?—A. I do not think that would solve the problem for all of them. It would solve the problem for a percentage who are willing to learn those trades.

Q. A good percentage?—A. I would not say a high percentage but rather a low percentage, if anything, because that means continuous study and application along certain lines. Indian people are not any more fond of being tied down at that age than white children are. All white children cannot be taken directly from public school or high school and put at bench work or other work that requires steady application.

Q. I think that in the future the boys or girls who show an aptitude for certain things should be picked out and given training?—I quite agree with that.

Q. You spoke about the "buyer." To whom do you refer? Is it every Tom, Dick and Harry that comes around, or to whom do you sell your cattle off the reserve?—A. On most reserves now at the time of the year when the cattle are fattened on the grass and are ready for sale notices are sent out by the agent to the known cattle buyers in the area that a sale will be held, and cattle will be sold by public auction on a certain date.

Q. They are sold by auction?—A. On that day the recognized cattle buyers, who not only know animals but who are known by the agent as able to pay for the animals when they buy them, hand the agent written bids, and the highest bidder gets those animals if he is known to be well able to pay.

Q. How large an area do you take in on that sort of thing?—A. That depends somewhat on the number of cattle that are being sold at the sale. If there are only a few naturally we would not call in the cattle buyers from far and wide. If the number is fairly large a fairly large area is covered in notifying cattle buyers of the sale.

Q. You advertise in the Saskatchewan papers?—A. Yes, but it is mostly done by a circular letter to the various buyers. The Indian agent sends a circular letter to all who may be interested in the sale.

Mr. HOEY: Do you ship any co-operatively?

The WITNESS: In recent years some have been shipped to Prince Albert and Winnipeg co-operatively.

By Mr. Bryce:

Q. You talked about housing. Have you built any houses for your old age pensioners or have you any plans for that? When I say old age pensioners I mean the people who are 70 years of age and are destitute and cannot earn a living for themselves. Have you done anything like that?—A. Every year a few of those houses are built to the extent of the money which we are given, but unfortunately in the past when it was easy to buy lumber it was not easy to get the money.

Q. Now you can get the money when you cannot get the lumber. There is one matter on which I would like your opinion if you would care to express it, and that is the liquor problem. You did not mention it. I should like to hear your views on it. You have been among the Indians for a long time?—A. I wish I had the answer to the liquor problem.

Q. We are trying to find that out in this committee. It is from men like you that we can get valuable information?—A. I will tell you very frankly what I do know about it, but I have not the answer. When an Indian arrives on his reserve drunk or with liquor his wife and children are the sufferers. They even suffer injury at that particular moment, but if he is a habitual drunkard they suffer throughout their lives while they are dependent upon him. I do not think that is a great deal different from some white men. I should like to see something better than we have, some better law than we have. The present sections of the Indian Act have not done very much good. They have made it more difficult for the Indian to get what is commonly called good liquor, if there is such a thing, but they have not prevented him from getting some kind of intoxicant. I thought I had heard of all the different kinds of intoxicants but my friend, Chief Joe Dreaver, told me of a new one just the other day, some new form of shoe polish which they squeeze and get some juice out of it. Certainly if those sections were taken out of the Indian Act that would not be necessary, but I am afraid that if it was thrown wide open the Indian agent would be a very busy man for a while, and there would be a lot of black eyes amongst the women. Probably in time that would correct itself to a certain extent. I do not know. I wish I did know.

By Hon. Mr. Blais:

Q. Do you consider that the reserves have some of the best land for cultivation?—A. We have on the Indian reserves in Saskatchewan some of the finest agricultural land in that province, and we have other land which has very little or no value at all.

Q. Has a co-operative venture amongst the Indians under the leadership of the agent ever been tried to cultivate the land?—A. Yes, I intended to come to that. I pride myself a little bit on being the agent who started that. I had been nine years at the Crooked Lake agency during which time we had two crops and seven failures. Then I was transferred to the Pelly agency and faced the same thing. I had Indians wake me from my bed early in the morning begging for something to eat because their families were hungry and I gave them all I had to give. We decided then that something must be done. There was no work for the Indians outside the reserve, absolutely none. They could not get a job of any kind at all. We decided that we would try to raise sufficient money to start to operate a farm more with the object of putting these people to work and giving them a chance to earn some food honestly than to put them on direct relief. At that moment there were about 3,300 acres of land under cultivation in the whole of the Pelly agency.

By the Chairman:

Q. What year was that?—A. The spring of 1936. To-day in that agency there are nearly 8,000 acres under cultivation. In the meantime these Indians were put to work. The farm was made to pay and people were given an opportunity to earn an honest livelihood on their own reserve without running around the country trying to get work. They never brought any money back to the reserve from the little bit of work that they ever did get. They got so little that there were no results from it. They ate everything they got before they came back to the reserve, and they came back just as hard up as when they left. We did not stop there. We have now in the province of Saskatchewan 20 co-operative farms. You heard Chief Dreaver say they had a co-operative farm there which folded up. I am not including that in the 20, but even on that reserve that co-operative farm got out of the red, and it was the means of breaking up a considerable area that probably would not have been broken up otherwise. Mind you, if a co-operative farm did no more than to pay cost of the machinery it would at least put a lot of land under cultivation in a much shorter time than it would have been if we had not had it.

By Hon. Mrs. Fallis:

Q. My questions are mostly concerned with education, but Mr. Bryce's questions have secured the answers to quite a few of them. I have just one more thought following up what Mr. Bryce said about young men and young women of 16 years of age. In presenting his brief Mr. Ostrander said that social service workers were very badly needed, particularly among this age group. I should like to know for my own information what those young people of that age do now when they leave school? What is there for them to do on the reserve at 16 years of age? How do they occupy their time?—A. The answer to that is absolutely nothing.

Q. What do you visualize outside of vocational or technical schools? What do you visualize as being the work of a social service worker among them? What is there they could do?—A. Oh, I had in mind study groups, probably some weaving and other means of keeping them busy in their evenings, something interesting that would at least keep them out of mischief. Each evening something useful could be taught. There is also athletics. I am very strongly in favour of putting the young Indian boys particularly into athletics of some kind, because they do take to them and become so interested that if they admired a good athletic instructor he could have a very strong influence amongst them.

Q. In connection with the children who are not receiving any education at all in the northern part of the province you said that either residential schools or part-time day schools would be the solution. You said that the Indians there move from one place to another constantly. I take it there are no means of transportation, no roads that are any good. How do they get from one place to the other?—A. By canoe in the summer time and by dogs in the winter.

Q. So that there would not be any possibility of having a travelling school room go along with the children? I was thinking of what they do in northern Ontario in some of the remote districts. The provincial government provides travelling schools to go into those remote districts.—A. That is not an impossibility. It is a possibility, but it would have to be something like an army tent that could be quickly moved from place to place because the teacher would wake up one morning and find there were no pupils in sight and would have to pack up the tent and follow them.

Q. That is what I mean. Could there be anything arranged whereby the teacher could travel with the families if you could get someone who was willing to do it?—A. It is a possibility. We have given it some thought but, of course, that is a particular kind of teacher. I do not suppose that one teacher in 5,000 would accept that kind of position.

Q. I should think it would have to be a man.—A. A man, and how many men even would accept that if you told them they might wake up in the morning and find all the children gone, and that they would have to hurry up and pack the tent and follow them? How many men would want that?

The CHAIRMAN: Before proceeding with any further questions—and I know Senator Horner will have several—I want to suggest to the committee that we meet at 4 o'clock this afternoon in this room. If it is your pleasure we can have part of our meeting off the record so that Mr. Ostrander will be able to have a frank discussion with you. We have found that very helpful in times past, and it may be considered advantageous at the present time.

Mr. HOEY: We also have an Indian agent here, Mr. Bannah, from the St. Regis reserve. Perhaps the members of the committee would like to have a look at an Indian agent. Mr. Bannah came in this morning on departmental business. I was anxious to bring him here and let the members of the committee have a look at one Indian agent at least. He is in a rather unusual position in that a part of his agency is in the province of Ontario and the other part in the province of Quebec. He is bounded on the south by the United States. He has been doing a remarkably good job there. I thought he should come up here and you should have a look at him. Perhaps you might want to put a few questions to him this afternoon.

The CHAIRMAN: Will he be back here at four o'clock?

Mr. HOEY: Yes, he can be here if you wish him to, Mr. Chairman. Mr. Bannah has a very interesting agency. It extends over into the province of Ontario and down to the international border. He not only has to deal with two provinces, but he has a national and international situation as well.

The CHAIRMAN: Well, then, if it is the pleasure of the committee we will have Mr. Bannah come in this afternoon for a few minutes after four o'clock.

To-morrow, as I have announced, there will be no meeting; one of the reasons being that there are eight House of Commons committees meeting and it will be very difficult to find accommodation. It will also be difficult to find a quorum for this committee in view of the fact that there are all these other committees meeting.

We will meet again at four o'clock this afternoon.

The committee adjourned at one p.m. to meet again at four p.m.

AFTERNOON SESSION

The committee resumed at 4 o'clock.

The CHAIRMAN: Would you come to order, please. We will continue with the examination of Mr. Ostrander, then we have Mr. Bannah, the Indian agent at St. Regis; he will only be a very short time, and then we can go into camera if it is your wish. We will now hear Mr. Ostrander.

Mr. J. P. B. Ostrander, recalled:

By Hon. Mr. Horner:

Q. Mr. Chairman, some of my question may already have been dealt with by Mr. Reid, but I would like to ask in the case where land is sold off the reserve by what method do the government proceed? Is a certain price per acre put on it and do they turn in what they receive from the sales to the reserve?—A. In all instances, Mr. Chairman, to my knowledge, the Indians receive exactly what the land brought in by sale.

Q. Then the next question I want to ask is this: In cases where you had a return after three or four years, interest had accrued, and then there was a second bill for a quite large amount less than the band had at first agreed to accept, where they handed that reduction in the price?—A. Not that I know of. I do not know of any cases where the land was actually sold at a lower price than the Indians were promised in the first instance.

Q. I happen to know of many instances where the land was, after several years' use by the purchaser, returned without his having paid any interest; then re-sold at a lower figure.—A. I am—

The CHAIRMAN: What date was that, Senator?

Hon. Mr. HORNER: That was some years ago—over the years, away back in 1928 and 1929. The land was turned back to the department and I know of instances where it was sold to another member of the same family or perhaps to the same man again. These are matters which I think should be looked into.

The CHAIRMAN: This witness apparently has no knowledge of it so I do not suppose we can get anything from him. If you could give us the information we can probably subpoena some other witnesses; if it has any value, due to the fact that it is twenty years ago.

Hon. Mr. HORNER: I can give you details, sections and half-sections of land later on. I haven't got the figures here with me to-day. I think the trouble is that the land was bought at so much an acre and then the department found they couldn't put the deal through and that was prejudicial to the Indians because it meant that they had to sacrifice and take considerably less than they had been promised for the land in the first instance. I would criticize the department for their laxity in the handling of the matter of land sales. Now, you have mentioned the matter of Indian services. There is some land in the northern part—the Indians take river grants—and they can work as guides and that sort of thing; that is always open to them. With regard to cattle and the permit system, it is only in the three western provinces I understand that the permit system prevails. Well now, the aim and endeavour of this committee

in the revision of the Indian Act is looking forward to the time when the Indian will become independent and self-supporting. He is no different at the present time from the white settler in Saskatchewan who if he is in debt has to give a chattel mortgage on his cattle to the bank and has to get permission from the bank if he is going to sell. But with the Indian who has been progressive and is out of debt and has a herd of cattle, I think it would give him better experience and encourage initiative on his part if he had the complete responsibility for the disposition of his cattle, and I think he should be free to do that when he sees fit. You don't agree with that apparently?

The CHAIRMAN: I think the witness answered that point this morning.

Hon. Mr. HORNER: I know, but I want to look into this because there is a case up at Sandy Plain. I think it was Adam Kennedy who piled up a good bit of money and had a cash business of his own; he had seventy acres, and the Indians were out of work and he hired them and gave them cattle in payment. That was just before the slump. He had arranged with a buyer to buy these cattle which would let him make a little money but the agent refused his permission to sell and by the time he could sell the cattle there had been a drop of 4 or 5 cents a pound in the market, and he had to take a loss, a very great loss, on those cattle through his having to get a permit.

The CHAIRMAN: Apparently that is a matter which can be considered on the revision of the Act. We are not revising the Act at the moment.

Hon. Mr. HORNER: I know, but here before Chief Dreaver of the Duck Lake band has asked for this privilege to be returned—he repudiated the stand later and agreed to accept the recommendation of the delegation we have just heard in respect to the permit system.

Mr. BLACKMORE: They favour it.

Hon. Mr. HORNER: No, they favour abolishing it, and handling it the same as any other man who has stock of his own. One of the reasons they gave me for their smaller herds of cattle was that they could not sell when they liked. It was just as if they were breeding them for the department. You mention the bull policy. Do you still collect $5 a head for each animal sold or butchered for the bull fund?

The WITNESS: No.

By Hon. Mr. Horner:

Q. When was that discontinued?—A. In the year 1937 it was discontinued. It has not been collected since then.

Q. What became of the money which was collected?—A. That went into the same fund that was used to buy the bulls when it was collected.

Q. Do you not think they could get greater usefulness, apart from the training at school, if they were taught something about the care of animals at home? This question came up of keeping these young fellows busy after they are sixteen; my own boy is that age and he takes care of the cattle at home. I try my best to show my boys the practical side. I was thinking that something of that kind would be a lot more useful to them possibly than what they are getting at the university—for them to be taught the care of animals, particularly in Saskatchewan. Do you not think that would be a very useful part of a program, a post-school program, if you like?—A. Yes, I agree with that; but having young people that age milking cows at home, you have to appreciate that with the Indians that home is ruled and governed by the head of the household, and it is part of our program of welfare to impress upon the Indians the need of milking the cows, and they in turn probably impress upon the children that they should do some of that work; but we need staff to do that work, to do the welfare work.

Q. You mention good cattle. I agree with you. But do you not think the scarcity of cattle and the good grass, the over-abundance of grass, is the main reason for good cattle on the reserves?—A. That is one of the reasons, of course; but you can't raise good cattle on good feed if they are poorly bred animals. You still have to have good breeding.

Hon. Mr. HORNER: About 50 per cent of it is feed.

The CHAIRMAN: That is a matter of opinion, Senator; kindly just ask questions of the witness.

Hon. Mr. HORNER: That is the objection, but I certainly still recommend sale by notifying a few buyers. I know of cases where men get together and agree on a certain price and they split the purchases between them. Those things are awfully hard on the Indian and bring discredit on what we are trying to do. But I do want to say that in my opinion Mr. Ostrander has given us a very fine brief. I am sure that he knows the Saskatchewan Indians and is very much interested in his work. I think those are all the questions I wanted to put.

By Hon. Mr. Stirling:

Q. I think you said there were 87 tractors among the Indians in the province this year; who runs those tractors, the individual Indians?—A. In most cases the individual Indians run the tractors themselves. Of course, in the case of co-operative farms, one tractor would be operated by two or three different Indians who had been trained to do it.

Q. How about the upkeep of the machines, do they take reasonable care of them?—A. Reasonably good care, I would say, yes.

The CHAIRMAN: Who owns the machines?

The WITNESS: Some of them are individually owned, and some are owned by a group; others are owned by the whole band.

By Hon. Mr. Stirling:

Q. Can a whole band own them?—A. Yes.

Q. Who lays out the work that they do?—A. The band themselves decide where the tractor will work and when.

Q. And you have more than one person driving a tractor?—A. In the case of band tractors, yes; more than one at times. We think that eight hours on a tractor is plenty for any one man, but when there are sixteen hours of daylight we want that tractor to run sixteen hours.

Q. In spite of their many drivers you consider they are pretty well kept up?—A. I do, yes.

Q. In regard to day school, particularly those in the far north, are a majority of the teachers single or are they married people?—A. About half of them are single.

Q. And accommodation in each case is provided at the schools?—A. Yes.

Q. They do not have to lodge out?—A. They are furnished with a teacherage at the school.

By Mr. Matthews:

Q. Most of my questions have already been asked by others. I find myself in sympathy with a great deal of what Senator Horner has expressed. I just want to make this observation; I think that where the Indian farmer has shown sufficient enterprise and energy to have his own farm that he should have the privilege of selling his stuff where he likes, and I think recognition of that fact would be as good an incentive as anything else that we could offer. It would serve as an example to the more shiftless type and would certainly give encouragement to those who are trying to get along. I might as well ask Mr.

Ostrander a question with regard to these balances in the hands of the different bands; are they almost exclusively the result of sales of land?—A. Sales of land, land rentals and timber dues.

Q. Then, what is the explanation of sections 40 and 41 applying only to the three prairie provinces?—A. The only reason I can see is that which I gave in the beginning of my remarks on that subject, that beginners in farming in the west have nearly always worked on the credit system until they got started. When it is necessary to furnish credit it is also necessary to protect that advance.

Q. I think it was in reply to Senator Fallis you made reference to athletics. Do any of these bands as bands give any encouragement to athletics among the young people?—A. Yes, they do.

Q. You made reference to the fact that there were 27 reserves where you considered that health services were fairly satisfactory?—A. Yes.

Q. Would you care to make any comments on the advantage of the Department of National Health taking over that work from Indian Affairs? If you would not care to comment on it it is all right.—A. If you will pardon me, I do not think I have any comment on that. As long as the work is done that is what interests me.

Q. On the question of bands moving from place to place in order to make a living reference was made to old age pensions, and there were other references made to those who could not qualify for old age pensions but who are semi-invalids, physically or mentally. What provision is made for them when the moving process is on? Are they taken with the bands or are they left somewhere else?—A. As a rule the Indians are very kind themselves to those unfortunate people. I have always noticed that, and I think perhaps they can teach the white people a little bit on that.

Q. Would the establishment of schools among those bands have a tendency to keep them more stationary, or are they forced to move in order to make a living?—A. We have quite a large number of Indians in the northern part who cannot possibly make a living and remain in one place. It is impossible under present conditions.

Q. Therefore, the transitory school—shall we call it—which Senator Fallis referred to would be a pretty convenient way if it could be worked out?—A. If it could be worked I am for it, but I am not so sure that it could be worked because I wonder how we will get a teacher to cope with that.

Q. You spoke of the roads. Some of the delegates also spoke of the roads. In Saskatchewan are they just ordinary dirt roads?—A. In all cases, yes.

Q. You have no gravel?—A. With the exception of the Moose Mountain reserve which has a provincial gravel road through it, and a few other reserves which have provincial dirt roads through them; but at the moment I can think of only one reserve where there is a provincial gravel road right through the reserve.

Q. I suppose that is largely owing to the scarcity of gravel, is it not? I understand it is pretty scarce in Saskatchewan.

Hon. Mr. HORNER: There is lots of gravel. It is the money.

The WITNESS: In most cases it is not very difficult.

By Mr. Matthews:

Q. When you spoke of improving the roads did you have in mind gravelling them or hard surfacing them.—A. Gravelling.

By Mr. Richard:

Q. Does not the great majority of the Indians resent the fact that although by progress they have acquired property and get out of debt yet they are all treated alike and they cannot dispose of their property the way they wish? Do

they not resent that?—A. I would say most of the Indians who have made progress are able to dispose of the property with so little trouble that complaints are very rare. When an Indian is growing grain in large quantities and looking after his own affairs he can go into the agency office and get a permit to sell a carload of grain at a time or even a carload of cattle, if he has them, and he can get that permit even a month before he intends to use it.

Q. What about giving it a trial for those who are out of debt? What about eliminating those two sections and giving it a trial for a year or so? Do you think there would be a catastrophe? If it would not work they could be re-enacted.—A. I would say that the year or so would be a catastrophe. I would say if they are eliminated we would get some terrible disappointments for a year or two. Perhaps over a period of ten years it might be found to be reasonably satisfactory.

Q. In other words, they would become educated to it. It is a part of education to get them to stand on their own feet. That is what we are all aiming at. They have to learn through business dealings how to conduct their affairs.—A. Yes, but in the process of education there would probably be quite a bit of suffering.

Q. What about the franchise? What is the opinion of the Indians on the franchise? Do they want it?—A. I would say the very great majority of the Indians of Saskatchewan do *not* want it. I would say 90 per cent of them do not want it.

By Mr. Blackmore:

Q. Perhaps owing to my lack of experience I was not able to see why Indians who were indigent were not eligible for the old age pension when they reach the necessary age. Is it so that Indians who have been indigent cannot have the old age pension?—A. We have indigent Indians of only 20 or 30 years of age.

Q. That was the type you were referring to rather than those who had reached a greater age?—A. Those are the ones I meant when I said that about 65 per cent of those now receiving assistance by way of rations will not be eligible for old age pensions.

By Mr. Richard:

Q. They have not reached the age?—A. They have not reached the age for old age pensions. Many of them are not near it.

By Mr. Blackmore:

Q. Saskatchewan is proposing to pay old age pensions to Indians. Is that right? I gathered the impression that Saskatchewan was intending to pay old age pensions to Indians. Perhaps I did not understand what you said.—A. I did not mean to say that. I do not know what Saskatchewan is going to do.

Q. How much money would you estimate the authorities would have to have in order to enable them to put the Indian administration in Saskatchewan on a basis such as they feel it ought to be on?

The CHAIRMAN: First of all what do they feel it should be on?

Mr. BLACKMORE: That is what I should like to know. I think this country has to face up fast to the problem that there have to be certain standards for the Indians and it is going to cost money.

The CHAIRMAN: Do you mean the province of Saskatchewan or the Dominion of Canada?

Mr. BLACKMORE: The province of Saskatchewan; because Mr. Ostrander is directly acquainted with that province.

By the Chairman:

Q. You are not engaged by the province of Saskatchewan, are you?—A. No.

Mr. BLACKMORE: He is engaged by the Dominion of Canada, and the cost of the whole administration is borne by the dominion.

The CHAIRMAN: Did you say they had a program in Saskatchewan?

By Mr. Blackmore:

Q. I should like to know what he thinks he ought to have in order to administer Indians affairs in Saskatchewan the way they ought to be administered.—A. At present prices a suitable home on a reserve where we have to buy lumber will cost about $2,000. When you multiply that by the 900 that are needed that is a pretty large figure for homes alone without other things such as wells, barns and schools. There are so many things that I just refer to it as a very large sum of money that will be needed to put the Indians of Saskatchewan in what I would consider reasonable shape.

Q. Do you think $2,000,000 would be sufficient for Saskatchewan?—A. $2,000,000 per annum?

Q. Yes.—A. For a few years, yes, $2,000,000 per annum. We need two or three times as much every year as we get now in order to do the things we would like to do.

By the Chairman:

Q. How much are they getting now?—A. Well, we have so many programs that are only started—

Q. Do you know or do you not know? Do you know exactly? The appropriation is not divided into provinces, is it?

Mr. HOEY: No. Schools come in to it, residential school grants, day school salaries, medical care, policing etc.

The CHAIRMAN: If you do not know just say you do not know.

By Mr. Blackmore:

Q. I am not quite familiar with the methods of the department, but the expenditures in a given province do not pass through the chief inspector of that province?—A. No.

Q. That renders you unable to answer.—A. Only a few of them do but, of course, I do know what is going on, but the appropriations or grants do not go through me.

Q. You need three times as much as in now being spent at least?—A. Yes, at least three times as much.

Q. There was one point on which I was not quite sure I got the significance of your evidence. Did you convey the idea that in your opinion there were some bands or band councils that were of such a quality as would justify giving them control over the permits to sell?—A. Yes, but I say that refers to only a few bands at the present time.

Q. That is what I thought you said. Now, would you estimate the cost of establishing one suitable day school, that is, counting the average cost of maintaining it? For a day school, of course, you would have to have a building. I understood you to say there were 40 day schools needed. I am trying to get some sort of idea as to how much it would cost to establish these day schools as well as the cost of maintaining them annually thereafter.—A. It would cost about $2,000 a year to maintain the schools and it will cost $10,000, $11,000 or $12,000 to establish them.

Q. $2,000 a year is allowing probably $1,500 a year for the teacher?—A. Yes.

Q. Do you believe you can get a suitable teacher to take over the responsibility for less than $1,500 a year?—A. No, I do not.

Q. Do you think you could get teachers at that rate?—A. If they had an assured future, but not under the present set-up.

Q. Would you care to indicate what there is in the present set-up which renders the teachers insecure? This matter of the security of teachers is, as you know, a mightly serious one among the whites. What would have to obtain?—A. A provincial school teacher, if she or he goes on to an Indian reserve, loses contact with the Teachers' Association; it can easily happen. Over a period, I think it is of three years, I am not positive about that, the teachers lose their right to a pension, the provincial teacher's pension. We have nothing, at the present time, to replace that. We have no pension set-up because the teachers are not civil servants.

Q. Would it render the task easier if we could bring the Indian schools in the province under the Provincial Teacher's Association so the teacher would retain his or her position with respect to pensions?—A. Or make the day school teacher a dominion civil servant.

Q. That would be a matter we would have to discuss later. I am trying to get some practical considerations here in order that we will know what we have to do. What percentage of your Indians, would you say, are raising cattle as their own on property which belongs either to them or is recognized by the band as being their property?—A. Very few Indians raise their cattle on property which is recognized by the band as the property of the Indian. Nearly all the Indian cattle are kept in a common pasture. There are two reasons for that; one reason is that on both Indian reserves there is a fairly large acreage of land which is not suitable for anything but pasture land. The other reason is that these good bulls are used much more efficiently by using them in a common pasture.

Q. Then, an individual Indian might hold 15 or 20 head of cattle, put them in the common pasture and retain ownership of them himself, or does he lose ownership?—A. He retains ownership, the same as a white man, but he will have the use of the good bull in conjunction with the cattle belonging to the other Indians. In that way, each individual Indian does not have to have a bull for his own herd.

Q. If an Indian desired, however, to establish his own herd, by himself, out on the reserve, it would be acceptable that he do so except his herd would not have access to the good bull, is that it?—A. It would be acceptable providing the band was willing to set aside pasture land in a sufficient area for his use.

Q. That would be within the band's control?—A. That is within control of the band.

Q. Is there any tendency to speak of, on the part of the Indians, to have milk cows?—A. Yes. I have the figure here of the number who are regularly milking cows, but I forget it for the moment. There are 440 homes in Saskatchewan where cows are milked regularly.

Q. I was unable to hear.—A. There are 440 Indian homes in Saskatchewan where cows are milked regularly.

Q. Are any of those milked in order that the milk or cream may be sold?—A. Yes, I would say at least 40 of those homes were milking the cows in order to sell the cream. The majority are milking one or two cows for the use of their own families.

Q. The Indians become successful dairymen when they apply themselves to the task?—A. Yes, they do. The only thing which interferes with the Indians becoming successful dairymen is an inclination on the part of some of them to travel in the summer time and possibly turn the calf on the cow.

Q. In the case of an Indian establishing a herd of his own, does the Council of the band show an inclination to permit him to have certain pasture for his

own use, or does he turn his cattle out on the general pasture?—A. The band, as a rule, do not like to see a member of their band turning his cattle loose on the reserve because many of the grain fields are not fenced.

Q. What does he do then in order to avoid the difficulty? Does he have to fence land?—A. He would have to fence the pasture set aside for his own use.

Q. The band will apportion a piece of land for that use?—A. They might. That is not done very much.

Q. I am really trying to figure out how you are working it in order to ascertain what could be done in the reservation in my own constituency where there are possibilities for doing this very thing. I just wondered what your customs were.—A. Pasture land varies from 20 acres to 50 acres per animal, as you probably know. Supposing it is fairly poor pasture land and the Indian has 50 head of cattle. The band would look askance at a request from him to set aside for his individual use all that area.

Q. That would tend to discourage the Indians from going into the dairy industry, would it? Does it have that effect?—A. When I speak of a herd of 50, I was not thinking of dairying. Most Indians who milk cows have a small private pasture.

Q. The band has apportioned that to them?—A. Usually part of the whole of the land allotted to that family from the band.

Mr. REID: May I interrupt at this point? Does it actually take from 20 to 50 acres to keep a cow? Is that all the land would sustain? To those of us from other parts of Canada it seems astonishing that it would take 50 acres for one animal?

The WITNESS: I say the kind of pasture land that takes 50 acres is very poor pasture land, but we have some of that. The most of our prairie land which is set aside for pasture purposes on Indian reserves is not the best land we have by any means. We usually figure from 20 to 30 acres per animal for that.

By Mr. Case:

Q. That would be for the whole year?—A. That would be for the whole pasture.

Q. But that would be for the whole year, for winter feed as well?—A. In Saskatchewan, we do not have much winter pasture.

Q. I do not mean pasture, but stored food, 20 to 30 acres would keep a cow the year round?—A. Providing, in addition, the Indian has hay land available, too.

Mr. BLACKMORE: Those gentlemen would have a better understanding of the situation if they lived in Saskatchewan a little while.

Mr. REID: Of course, we are looking for information, just the same as you are.

The CHAIRMAN: Just a minute, Mr. Blackmore has the floor.

By Mr. Blackmore:

Q. Now, what provision is made for hay? Are there Indians on the reservation who make it a business, more or less, of putting up hay and selling that hay to other members of the band as well as people outside the reserve and the agent?—A. Most of the Saskatchewan Indians have an understanding with the band that a certain portion of the reserve will be a portion upon which they put up wild hay. The Indians will put up, from year to year, whatever is available on that land. Some of those who have that hay land and have no cattle, sell it to the other Indians who have cattle or if there is no market amongst the Indians on their own reserve, they sell it outside.

Q. What is done in respect to setting the price or determining what price shall be paid? Does the agent enter into that matter or does the band enter into the matter of the price for which the hay shall be sold?—A. It is entirely a matter of local conditions.

Q. Amongst the Indians themselves?—A. No, depending upon what the Indians can sell a load of hay for if they take it out and sell it to a white man.

Q. They have permission to sell it to a white man regularly? Do they have difficulty getting permits?—A. No, not those who put up the hay as a business for the purpose of selling it. There are two classes of Indian on every reserve; one class makes a business of putting up wild hay and selling it, the other class makes a business of putting up wild hay for their own cattle. Very few of those who put up wild hay for their own cattle sell any hay at all. The most of them purchase hay.

Q. That is as it should be. I had a notion to ask you a question concerning what you would think of a certain other method of handling it, but I do not think I will. You have answered a number of the questions I had. Is any attempt being made by the agents on most reserves to encourage the Indians to store up quantities of hay in fairly good years to tide them over the bad years?—A. Yes, I think that is a regular practice everywhere where there is a year of surplus hay the Indian agent usually, or the farm instructor or both, try to persuade the Indians to store some for the next year which may be a dry year.

Q. Do they, themselves, buy hay under any circumstances and store it themselves for the use of their bulls or for the use of the community herd? The Indians probably have a community herd, do they, on some reserves?—A. No, we have no community herds in Saskatchewan.

Q. There is no organized attempt on the part of the agents or anybody else on the reserve to buy hay and store it?—A. No.

Q. What provision is made to enable young men among the Indians to obtain cattle and establish themselves in stock raising? Is there any policy under which cattle are issued to them, or is there any policy under which the Indians are given credit with which to buy cattle?—A. There are two methods. In Indian bands which have funds, loans are made from the band fund to purchase heifers to start these young men in cattle raising.

Q. From the band funds?—A. From the band funds, and we have the revolving fund which is available for the same purpose where it seems wise to do so.

Q. The money for this revolving fund is provided by the department?—A. It was set up some years ago by the government.

Q. Has it worked fairly well?—A. I would say it has worked better than anybody, in those days, expected it would work.

Q. That is, the Indians have borrowed from it and established themselves? —A. And paid it back, in most cases.

Q. On many reserves has the revolving fund been used, can you recall offhand, with success?—A. Everywhere it has been used it has been used with success. I do not know whether I can say, offhand, how many reserves that would cover.

Q. A gratifying number?—A. I would say probably 20 to 30.

Q. In addition to that there would be a number of reserves in which use had been made of the band funds to establish themselves?—A. Oh yes, probably just as many have used band funds for the purpose.

Q. That is encouraging. In the case of the farming which is carried on, is any of the grain or other produce used by the agents for the benefit of the Indians? I do not mean by that that the agents take it, but do the agents buy it and use it for rations, or do they encourage the Indians in any way to save up what they produce? For example, take wheat; is there any tendency anywhere among the bands to take wheat and store it for their own use or does the

agent store it for their use and have it ground into flour?—A. The usual method of storage is to sell the grain and the Indian leaves the cash balance in the Indian agent's trust account to be used from time to time. That is the usual method.

Hon. Mr. HORNER: They built a granary at Muskeg to store grain.

The WITNESS: That was for seed grain purposes.

Hon. Mr. HORNER: Yes, for seed grain.

The WITNESS: There are many reserves that have a seed grain storage place in order that Indians who produce a poor quality grain can exchange it for the grain of some other Indian where the other grain is better for seed purposes.

By Mr. Blackmore:

Q. Suppose an Indian has a piece of ground for farming, or raising other products, is there any provision for giving him a good start such as we have mentioned with respect to cattle? Can he borrow money for machinery, etc.? —A. Yes, both the band funds and the revolving fund are used in the same manner.

Q. Supposing if an Indian were starting, would there be some sort of a limit set on the amount he could obtain to purchase a tractor and other high-priced machinery now used on farms?—A. The regulations devised when the revolving loan was set up restricted an individual to a loan of $500. A group of Indians were restricted to a loan of $2,000 and the regulations have recently been amended to raise that to $2,500. A band, as a whole, can obtain a loan of $5,000.

Q. That is if the band goes security?—A. If the band goes together to obtain such a loan under the revolving fund they can borrow up to $5,000.

Q. That would not be of very much value to them if they had five or six young fellows who wanted to start out at one time?—A. I am speaking of group farming when I speak of that. An individual borrowing can only borrow up to $500.

Q. What I am looking for is to find out what provision can be made for the young man starting out. I am thinking of the conditions I found on my own reserve. They do not feel that it is good business to buy horses and to buy horse-drawn machinery and they have not enough money to buy the other kind. The result is they just do not go into farming.—A. There is no machinery set-up at the present time which will allow an individual Indian to borrow sufficient money to buy a tractor and tractor equipment.

Q. Suppose an Indian decided to buy a farm could he count on using one of the community tractors, one of the government-owned tractors? I saw something like that in operation on the Sarcee reserve; there were apparently some government-owned tractors which the Indians could get the use of under certain conditions. Have you any such arrangement on your reserves?—A. That is the regular arrangement on all the reserves where we have tractors. That is one of the chief objects in establishing band operated tractors and tractor equipment. An individual can get the use of that tractor and equipment to break up a reasonable amount of acreage of land in order that he may prepare it for the crop. Then from his first crop he repays the cost of the actual work without any profit to anyone.

Q. Now suppose that a good many Indians whose holdings comprised a substantial area of land desire to use the tractor and they find the tractor simply cannot get around to all those lands, is there any particular provision made to see that the land is taken care of in a suitable method? Now you can understand quite easily if the land were not summer-fallowed in a certain period of time about all that land would produce would be a fine crop of weeds.

The same thing might happen if his land had to be processed twice; there would be twice as many weeds. Have you any opinion to give us on that?—A. Well, as soon as each farm is paid for and the individual has a reasonable balance one tractor is purchased and the next thing we do is to buy a second tractor. A good many of these places have two or three tractors eventually. We have many Indians now who have individually owned tractors. They bought those tractors themselves but they were put on their feet to the extent that they arrived at the place where they could buy them through original assistance from the co-operative tractor. Many Indians are in that position to-day.

Q. Well I think that is all that I will ask.

The CHAIRMAN: Have you any questions you would like to ask Mr. MacLean?

Mr. MACLEAN: No. I have none.

The CHAIRMAN: Mr. Farquhar have you anything you would like to ask?

Mr. FARQUHAR: Yes, but some of my questions have been answered.

By Mr. Farquhar:

Q. When you speak of the need of forty more day schools you are referring only to the province of Saskatchewan, are you not?—A. Yes, I do.

Q. Mr. Case asked a question that I was going to ask in connection with the additional farming lands. If the band did not purchase these additional lands and the individual bought land off the reserve would he not lose some of his treaty rights and considerations given him by the Department of Indian Affairs?—A. If he bought land outside the reserve he would become a taxpayer exactly in the same position as his white neighbour.

Q. He would receive no benefit from the department, even if he ran into difficult times?—A. He would still be eligible to get his share of the band funds and his interest money and his annuity money.

Q. Would that revolving fund apply to him?—A. No, the revolving fund is for expenditure within the reserve.

Q. There is not very much attraction or inducement for a man to go off the reserve and buy land?—A. Well, I would say decidedly the reverse is true. He immediately would have to pay taxes on his farm whereas probably on his own reserve there would be plenty of land he could use without paying taxes.

Q. Well, if the band is not willing to buy sufficient land for the young man who wishes to farm it will be necessary for them to do that, to go off the reserve and establish themselves?—A. That will be necessary on a few reserves, yes.

Q. And you have stated that you were not very proud of the ration of supplies given by Indians?

The CHAIRMAN: Given to Indians?

By Mr. Farquhar:

Q. Have you ever been refused a request for an increase of ration for those who needed additional rations or supplies?—A. The department, some years ago, set down a rate of distribution of rations which is being followed. We have some cases of unusual disability or illness which had to be referred to the department and on those we have been able to get additional assistance.

Q. Have you ever been refused that additional assistance by the department?—A. I think not when the case was thoroughly explained and supported by a doctor's certificate to the effect that the person is suffering from any particular condition.

Q. In that case it would appear the agent is more at fault or blame than the department, that is in connection with the needy ones on the reserve?—A. Yes, if he does not happen to know about it. Perhaps the case has not been brought to his attention. It would be possible an Indian might have to go two or three months without the agent knowing he needed whatever it was.

Q. But as a rule the department never turns down a request for additional ration if the need is there?—A. No, and as a rule the agent knows right away.

Q. Because we have found a great many reserves have old people who are not very well looked after, and those who are sick are not looked after very well, but you think it is mostly the fault of the agent.

Mr. HOEY: Well, Mr. Farquhar, I think I might answer that. Those of you who live in Toronto or Ottawa must have realized during the war period how exceedingly difficult it was to secure certain supplies. I experienced that and no doubt a great number of the complaints which have been made to the members of the committee involved in that problem.

Mr. FARQUHAR: Are you referring to those on relief?

Mr. HOEY: Yes, the old and the destitute. A great many of the complaints have come in because we have experienced the utmost difficulty in securing certain supplies, particularly when we were purchasing them in bulk. Now when it comes to the local trader, and I have discussed this with the local traders, the purchasing power of the Indian is comparatively low. Consequently there was, in many cases, no necessity for the local trader to stock up with oranges, and grapefruit, and other so-called delicacies. I expressed the opinion this morning in connection with the old-age pension, that I believed if it were to apply to Indians it would immediately be reflected in the stores in the hinterland. Those people want to supply the Indians and they would figure there would be so much more money coming into the district and they would stock up with this and that. Take for instance tea. It was exceedingly difficult to obtain. We buy a lot of it in bulk but at times we just could not obtain it. It was neither the fault of the Indian agent, the inspector, or the department, that at certain times and in certain districts we could not obtain certain goods. I am sure that you will appreciate the diffivulty we had.

Hon. Mr. HORNER: Might I ask Mr. Farquhar a question?

The CHAIRMAN: Is Mr. Farquhar on the spot?

Hon. Mr. HORNER: I would like to know if he has found that even white men who are on relief do not think they get everything they wish for.

The CHAIRMAN: I do not think Mr. Farquhar will give any answer.

The WITNESS: Respecting last question that you asked Mr. Farquhar, I would mention that we had a very hard winter in parts of Saskatchewan. We got authority from the department to give some assistance to all Indians and when that authority came through we tried through every possible source to buy bacon and beans, the two things which are staple when we give assistance, but we could not buy them at any price. You may have heard that there was some suffering, I do not know whether you heard it or not, but the reason why they did not get bacon when they wanted it was because there was just none there to get.

The CHAIRMAN: Are there any further questions gentlemen?

Mr. FARQUHAR: In connection with this written bid on cattle which are put up for sale on the reserve, I would like to ask why there should be a written bid? Why not an open bid at an auction sale? Would that not be better than a written bid? I can see where men might get together and, having been notified of the sale, they would put in their bid and possibly split on it. Do you think that is a preferable way as compared with the regular auction sale such as we have.

The WITNESS: Those written bids, like all bids, are based almost entirely upon the market price of that day and I do not think that there would be much difference between written bids and the open auction bids.

The CHAIRMAN: You could connive in connection with both of them.

The WITNESS: I will admit they do connive and I will recite an instance last year where Mr. Davis, the Indian agent at Touchwood agency, found three buyers were conniving at a sale at Nut Lake and he took the cattle right out of the sale and shipped them to Winnipeg. He received $11 a head higher than the highest bid which was made at that sale. I will admit you do get connivance but I imagine it could also be done in Winnipeg.

Mr. BRYCE: Does the department intend to gain by that experience?

The WITNESS: I hope so.

Mr. BRYCE: I hope they will, and I hope they come to the conclusion that the logical place to sell cattle is on the cattle market.

Mr. FARQUHAR: I never heard tell of a written bid and I have been to a great many sales in my life. Up in Manitoulin Island we have one every year and we do not have a written bid. We have an open bid so that no persons can get together.

The CHAIRMAN: Are there any more questions?

By Mr. Blackmore:

Q. I would like to ask one or two more questions. Are there any reserves on which there is no band fund?—A. Many.

Q. What I want to find out now is how these Indians on reserves without funds are taken care of? Is there a revolving fund?—A. That is what the revolving fund was set up for, for those reserves where there is no band fund.

Q. Now, I want to ask you something about this—you have had twenty years' experience—what provision is there for preventing an agent from being over-generous in the administration of his reserve? For instance, I was impressed by the singular reticence of an agent to exceed certain rigid points with respect to helping people in need. Why that reticence? I would like to find out. Is the agent allowed a certain amount of money in a certain year, and can he expend an amount in excess of that rigid allocation?—A. Mr. Chairman, that requires a rather involved answer; perhaps I should say it is one which cannot be answered.

The CHAIRMAN: Is not the short answer to that that it is a matter of departmental policy? We found out down in the maritimes that the Indian people were being given what they needed without regard to just what is necessary. The department's attitude, as I understand it from discussing it with other members of the commission who can verify it, was that when those people need it and where the agent thinks they need it they are satisfied that they should get it, they are given above what the regulations and rules provide; not exactly the rules and regulations, but the schedule of relief that is to be given out. Is that right?

Mr. HOEY: That is the only answer to it. One Indian agent may review the case and decide that a certain quantity of relief is necessary. Another Indian agent might review the same case and make a different decision. After all, they are only human beings; but what that agent does ask for is what is supplied.

The CHAIRMAN: And, is it varied according to the need?

Mr. HOEY: What that agent asks for is what is supplied, and if he asks for a good bit it is probably his decision as to the need of a particular case. Some Indians need almost complete assistance in everything, other Indians need sometimes just a little boost.

Mr. CASE: Would you accept or seek the advice of the band or council?

The WITNESS: Nearly always the origin of the request for assistance is from the chief and the council of the band, if we have a good active chief and council; but I am sorry to say that a good many reserves have a very inactive chief and council, and the Indian agent knows far more about the suffering than either the chief or the council do.

Mr. CASE: Mr. Hoey might answer this. Is this permit system in effect only in Alberta, Saskatchewan and Manitoba?

Mr. HOEY: Yes.

Mr. CASE: I wonder why that is; and why is it that they find it necessary to have these credit arrangements for the Indians in the three prairie provinces when they do not seem to need it in the other provinces?

The WITNESS: I have answered that question once, Mr. Chairman; shall I repeat my answer?

The CHAIRMAN: I think for the satisfaction of Mr. Case, if you could answer it briefly.

The WITNESS: Because farming in the west nearly always commences from credit. It was thought necessary by the government I suppose. I did not make the law. The government decided there was to be some protection of the money or advances to Indians beginning farming or live stock raising until they get on their feet.

Mr. CASE: You made the statement that you are in favour of retaining sections 40 and 41 in the Act?

The WITNESS: I am, decidedly. I want to record my objections to removing those sections because we have assisted and are continuing to assist these Indians with credits, and we have money outstanding for credits now that were established by the Indian agent expecting he would have some control over the sale of grain and cattle by which to collect that money.

Mr. CASE: And you have no other source of security?

The WITNESS: We have no other source, absolutely none.

Mr. BLACKMORE: There is one more question I would like to ask. Possibly Mr. Ostrander is not the right man of whom to ask it, but I think he has the answer. Why should the Indians in these provinces be given credit when the Indians in none of the other provinces get credit of this kind?

The CHAIRMAN: I think we have threshed that straw so often that there is only pretty fine detritus now. It is simply this. In the western provinces it was the custom of the white people in times past to start out on a shoestring; in other words, they had to have a little capital assistance, and they have had to depend upon credit to a great extent. In that way they have been able to build up as they have produced, and they have produced, and they have built up a measure of independence from that sort of a start. The same situation applies with respect to the Indians, only that they are a little further behind the white people in starting development through the medium of credit.

Mr. BLACKMORE: But my point is this, they do not use the same system for any other Indians.

The CHAIRMAN: Well, they have been pretty well established. You will find in many parts of the west—I am told, I have not been out there, but I have been told that a lot of these people in the west are living in wigwams and tents today. You didn't find that in the maritimes. Of course, the maritimes have their own credit unions.

Mr. LICKERS: Just while you are on that, may I ask one question?

Mr. REID: Before you ask your question, let me make this suggestion; this is a matter which has been before the committee on more than one occasion.

It has been presented by various delegations which have come here. I confess that I do not know very much about the prairies. Mr. Blackmore knows more about the prairies than I do. But I do know what the situation is in British Columbia, and that system is not in operation there.

Mr. BLACKMORE: I had in mind the fact that in British Columbia the Indians had been refused credit.

The CHAIRMAN: The ultimate answer is that it is a provision of the Act, and there is the Act, and it is up to us to revise it. If we in our wisdom see fit to recommend a revision we may do so.

Mr. REID: I am in doubt now as a member of this committee. I have listened to the briefs which have been submitted and now I have listened to at least two gentlemen who have had a life long experience and have come before the committee, and who out of their experience say that these sections should be kept in the Act. And now I am in doubt. I really am in doubt about it. I was not in doubt when I listened to the Indians. I was for it. Now, I find myself completely turned about in my mind as to what policy we should adopt.

Mr. BLACKMORE: I am still more in doubt after what the chairman has said about it. I cannot see how the other provinces are free from the need of credit.

Hon. Mr. HORNER: I would like to say that it is my experience, and I have lived forty years in northern Saskatchewan quite close to a reserve; it certainly is not what you would call pasture land, it is not pasture land, not land that you could pasture ten head of cattle to the acre on. Of course, if it were bush land—I would just like to ask you this; if you don't think that policy is tied up to a certain extent with the charge of $5 per head of every animal sold or butchered for the services of bulls, that certainly is a heavy charge. Do you not think so?

The WITNESS: Yes, I do; and I was one of those who recommended that it be stopped.

Hon. Mr. HORNER: Under the present system do you have any difficulty with cattle dying—do you have cases of any of them getting lost in the swamp without any trace at all?

By Mr. Bryce:

Q. I know I had my opportunity but everybody has been getting another chance so maybe you will let me ask this. You talk about pure bred bulls; do you participate in this scheme by which there is a dollar taken off for horned cattle when they go to the stockyard; you know the fund to which I refer, it is supposed to go for the purchase of pure bred bulls. Perhaps Mr. Hoey will have the answer to that? Do you participate in that, or do you let your horned cattle go to market and never get any of that dollar back?—A. We don't have many horned cattle going to market.

Q. But you have some?—A. A few, yes.

Q. Yon don't get anything back?—A. The policy is to de-horn them all now.

Q. That has been the policy for a long time, but there are still a lot of cattle reaching the stockyards that are not de-horned.—A. You will not find many Indian cattle from Saskatchewan reaching the stockyards now with horns.

Mr. REID: Have you tried the practice of de-horning the calves?

The WITNESS: That is the general practice.

By the Chairman:

Q. Now, there is the question raised by Mr. Lickers, it relates to a portion of the brief submitted by the Union of Saskatchewan Indians in connection with one Lucien Bruce. Apparently Lucien Bruce was appointed a commissioner

or something to take affidavits, and he made complaints concerning treatment of Mr. and Mrs. Frank Wolfe, and there was some comment in the committee at one time about this. We had reports from Mr. Davis, who was the Indian agent in Saskatchewan, and he said he had investigated the matter and found nothing to it; and he also found apparently that Mr. Bruce while he may have been appointed a commissioner probably was not the most outstanding man in Saskatchewan to do that work, having apparently served time for some offences. Do you know anything about that case?—A. Yes, Mr. Chairman, I know quite a bit about it; I investigated it. And I am quite satisfied that the only reason that Indian was not receiving a pension is that he has refused to go to a hospital, I mean Frank Wolfe; and on my last visit to the Punnichy agency, which was about three weeks ago, the chief of the band came to me of his own free will and surprised me by registering an official protest against Lucien Bruce acting as spokesman for his band. He strongly objected. He said Lucien Bruce was not fit to represent them, he had never been chosen by them and they did not consider that he had any right to speak for them.

Q. Well, now, in this brief they said:—

> While the Union cannot now ask that Mr. Davis's reference to Mr. Bruce's conviction be struck from the record, it does ask that Mr. Davis be requested to withdraw the last two sentences of the last paragraph of his letter to Mr. Ostrander of August 17, 1946.

Referring to the last paragraph of Mr. Davis' letter to Mr. Ostrander of August 17 it reads as follows—it is the last two sentences of the letter—

> The last time he was sentenced in Regina jail was April, 1943, for theft, and I am very surprised that the provincial government appointed a man like him as a commissioner for oaths.

The other sentence is:—

> This man is not reliable and has a jail record.

Do you know anything about a jail record?—A. No more than what is given in the letter.

Q. This is a report to you from Mr. Davis, is it?—A. Yes.

Q. So there is no way you can withdraw what Mr. Davis has said?—A. And before I was inspector for the province, too. I have no right to suggest that be withdrawn or even have anything to do with it as far as I can see.

Hon. Mr. HORNER: What is it that is asked to be withdrawn.

The CHAIRMAN: The brief says:—

> While the Union cannot now ask that Mr. Davis' reference to Mr. Bruce's conviction be struck from the record, it does ask that Mr. Davis be requested to withdraw the last two sentences of the last paragraph of his letter to Mr. Ostrander of August 17, 1946.

My own personal opinion is that the matter might far better be dropped. If Mr. Bruce was convicted at any time that is on the official records. I think the less said about it by the Union of Saskatchewan Indians or by this committee the better. It is certainly not any kindness to Mr. Bruce to bring it up again.

Hon. Mr. HORNER: Is it not a famous point of law in the old country that if a man has been convicted and has served time and someone makes use of that fact in a public way he can take action.

Mr. BRYCE: The Chairman should be able to give us some free advice on that.

Hon. Mr. HORNER: I remember reading where they had a policy of putting up a man's picture in railway cars in England and the man took action and was successful in winning his case. He had served his time.

The CHAIRMAN: I do not think that is what we are concerned with here. The law of libel is rather involved and I do not propose to expound it at this moment, or the law of slander either, for that matter. Certainly it is no kindness to this man, Mr. Bruce, for the Union of Saskatchewan Indians to revive the matter now. I would think the matter might well be dropped at this moment. If the man has served his time so far as we are concerned he has paid his debt to society. Let him live in peace and let him prove himself. As far as we are concerned that is the end of it.

By Mr. Lickers:

Q. In Saskatchewan the Indians have to have a permit to sell, and according to the Indian Act the buyer if he is a white man also has to have a permit to buy? —A. Yes.

Q. Now then, up in the north where you are bartering with furs is there anybody has an monopoly on buying from the Indians, and if so what protection has the Indian got to see that he gets the right price if he has to sell to a particular man or company?—A. In the northern part of Saskatchewan all muskrat and beaver furs have to be marketed through the Saskatchewan Fur Marketing Board.

Hon. Mr. HORNER: That is just recently.

By Mr. Bryce:

Q. Did the Hudson Bay Company need a permit to buy furs from the Indians?—A. I do not think that permits were used at any time in connection with the handling of furs.

By Mr. Lickers:

Q. According to the Act it says in connection with bartering or anything. Is that not being lived up to?—A. I do not read that as bartering in furs.

Q. Section 122 of the Act reads:—

> Every person being *(d)* in the province of Manitoba, Saskatchewan or Alberta, or the Territories who, on a reserve, without the special licence in writing of the Superintendent General, trades with any Indian or directly or indirectly sells to him any goods or supplies, cattle or other animals, shall be liable to a fine equal in amount to double the sum received for the goods,

and so on. Is that not being lived up to in Saskatchewan?—A. In the southern part of the province, yes; in the northern part we are not organized at all and could not possibly handle it.

Q. I am wondering if anybody has a monopoly in dealing with the Indians in the southern part in connection with selling to them, and if so, what protection does the department afford the Indian?—A. There is no monoply that I know of relating to dealing with the Indians in any part of Saskatchewan or anything verging on a monopoly.

Q. Do the Indians have their own grocery stores on the reserves?—A. There is only one Indian co-operative store at the present time, but I believe the Indians now want to establish several. There is only one in operation.

Q. Would you be in favour then of that section of the Indian Act being deleted altogether?

By the Chairman:

Q. Would you like to consider that?—A. Yes. I am not so sure I would like to see it deleted either because that is our protection against people going on to a reserve before fairs or exhibitions and talking the Indian out of a plow that he needs for his summer fallowing.

By Mr. Lickers:

Q. Things like that are mentioned in three or four places in the Act. For instance, section 45 also mentions the need to have a permit to buy from the Indians in the three prairie provinces and the territories. I notice in one of the briefs they were complaining about the family allowances being paid to them in kind rather than in cash. Is that done very much in Saskatchewan?—A. In the northern part of the province there seems to be no other way of handling family allowances other than what we call category D which is in kind. I do not see how it is possible for it to be handled to the benefit of the Indians in any other way.

Q. Are the prices used the prevailing prices in that locality or those in some place as close to the Indian as you can get?—A. Prices are well established in the north because they are based on wholesale prices and cost of transportation to those areas. To us in the areas where transportation is no problem some of those prices may seem pretty high, but $2 a hundred is a common freight rate say from Prince Albert to Lac Laronge. It costs $2 a hundred to ship in there, and then you have only landed at Lac Laronge. Some of that freight has to go on by packing it on their backs over portages and by canoes, and so forth, so that freight becomes pretty high in some of those areas where category D is in operation.

Q. So that where the Indian has no facilities to go and buy then kind is shipped in to them for the family allowances?—A. The traders in the north as soon as they knew the family allowances were going to go into effect got from the department an approved list of supplies which would be suitable for the Indians. Many of them put in new supplies on their shelves, supplies they had never carried before in order that those things would be available when the Indian wanted them.

Q. You have nine Indian agents in Saskatchewan?—A. Yes.

Q. How many of those Indian agents act as justices of the peace in connection with offences in contravention of the Indian Act?—A. They all have the powers of two justices of the peace at the present time.

Q. Do they all hold court themselves for any offences on the reserves?—A. At times I think they all have, yes.

Q. Are not any of those reserves in any county or other jurisdiction as far as criminal matters are concerned?—A. Some of them are, and in most of those cases now where it is not too difficult to get a magistrate the Indian agent gets a magistrate, but in many of those areas it is very difficult to get a magistrate.

Q. Is that working out satisfactorily?—A. Oh, I would be glad to see the day when there would be plenty of magistrates so that the Indian agents would not have to act, but there are not plenty at the present time.

The CHAIRMAN: Thank you very much, Mr. Ostrander. We appreciate very much your coming before us from Saskatchewan and helping us in our deliberations here. I trust you will convey to the Indian agents in the province of Saskatchewan our very best wishes and our hope that we will succeed in revising the Indian Act in due course to the satisfaction not only of the Indians but of all Indian agents and all other officials of your department. Thank you very much.

The WITNESS: Thank you very much, Mr. Chairman and gentlemen. I do appreciate the hearing that I have been allowed to take part in. I hope your deliberations will result in many changes. Our Indians deserve better than they have had in the past. I tell them at meetings this is the most important thing that has happened to them since their original treaties were made. Some of

those treaties were made 60 and 70 years ago, and they have gone all that time without having their affairs really overhauled. I repeat this is the finest thing that has happened in the lives of nearly all of our living Indians. Thank you.

The CHAIRMAN: We have with us Mr. T. L. Bannah, Indian agent at St. Regis, near Cornwall, Ontario.

T. L. Bannah, called:

The CHAIRMAN: You have wanted to see an Indian agent and discuss Indian affairs with an Indian agent. This is your opportunity to do so.

By the Chairman:

Q. You are an Indian agent for the St. Regis Indian agency. What reserve are you directing?—A. We have two reserves, one called the Cornwall Island reserve and the other the St. Regis reserve. We are in the provinces of Ontario and Quebec.

Q. How long have you been an Indian agent?—A. I am in my third year as agent. I had five years, previously, as clerk.

Q. Where were you clerk?—A. At St. Regis.

Q. In other words, there has been a system of promotion in that agency?—A. Yes.

Q. Would you mind telling us your age?—A. Forty.

Q. What training have you had, other than as an Indian agent's clerk?—A. I have had experience with the Colonization Department and the Department of Highways where we had a great many dealings with municipalities. I think that training has been very important in my dealings with the Indians.

Q. What scholastic training have you had?—A. I have my senior matriculation. I have also my degree from the University of Scranton as a traffic agent. I have my commercial training in bookkeeping and accountancy.

The CHAIRMAN: If there are any questions you desire to ask, gentlemen, this is your opportunity. I might say, first, Mr. Bannah is here today merely on routine business with the department. He is not prepared to present any brief. He had no knowledge when he came to Ottawa he was going to be asked to appear before this committee. If you gentlemen would care to put any questions to him which might be of assistance to the committee, now is your opportunity.

By Mr. Horner:

Q. How many Indians have you on your reserve?—A. 1,613 at the last census. You must understand, in our case, this is a sort of international reserve. On the American side, there are 2,000, but we have no jurisdiction over them.

Q. What occupations do they chiefly follow on your reserve?—A. I would say it varied. About 60 per cent of our population are engaged in farming and about 40 per cent, the balance, are engaged in farming, market gardening and industrial occupations.

By the Chairman:

Q. Do they commute between the United States and Canada on the reserve?—A. Yes, they have that right under the Jay treaty.

Q. Do they farm between places, as it were, first farming in the United States and then in Canada for a while?—A. No, not in that respect, but we have a few cases where the farms will extend over the border into the United States.

By Hon. Mr. Stirling:

Q. Across the river?—A. No, the reserve is on the mainland. I am referring to that.

Q. You are on the south bank of the river?—A. Yes, on the south bank.

By Mr. Reid:

Q. How do you know which Indians are Canadian and which are American? —A. We know.

Q. How do you know?—A. We know where the line is.

Q. Have you the Indians registered? How do you know which is your flock and which is the American flock?—A. You mean with regard to the Indians themselves.

Q. Yes.—A. Oh yes, definitely, we have the band list containing the names of all our Indians.

By Mr. Case:

Q. Does the Indian live on the United States reserve tax free?—A. Yes.

Q. So it makes no difference?—A. No.

By the Chairman:

Q. Supposing a man has a farm partly in the United States and partly in Canada. He reaps a crop. Where is his crop sold, in Canada or the United States?—A. That is a rather contentious question because there are some crops which are not marketable in the United States according to the Customs Act of that country. However, we manage to get along pretty well.

Q. By just moving the crop into Canada, is that it?—A. Well, there are certain conditions. The officials who are charged with that responsibility down in that particular area are very fair.

By Hon. Mr. Horner:

Q. Would you say, since you have been there on that reserve that the Indians are making progress?—A. Oh definitely, yes.

By Hon. Mr. Stirling:

Q. Where is your market for the market garden stuff?—A. Chiefly in Cornwall.

The CHAIRMAN: What is this permit system you mention?

Mr. HOEY: Here is a man operating without a permit system. I thought it might be of assistance to the committee if they enquired as to whether or not the Canadians are exploited or whether there is an attempt at exploitation or not in the disposal of their farm products?

The CHAIRMAN: We had a discussion this afternoon in connection with the prairie provinces bartering trade.

Hon. Mr. HORNER: Yes, this would be very interesting.

The WITNESS: We do not work under the permit system there. It is rather difficult to define the thing. I might say our Indians have learned the hard way. I am not going to get into any controversy over the permit system, but I think we should keep in mind that farming is a comparatively new industry for the Indians as compared with trapping. So far as our non-permit system is concerned, I think at the present time it is working out very well. This is due chiefly to the fact that, as I said a minute ago, most of our Indians have learned the hard way. Those who are commencing to engage in farming have a chance to profit by the experience of the Indians who have gone ahead.

By Mr. Lickers:

Q. They are becoming shrewd bargainers?—A. I think they are.

By Hon. Mr. Stirling:

Q. How does the Indian who produces the vegetable operate? He packs them, I suppose, in some way and takes them across the river to the Cornwall market. Then, what happens?—A. Generally what they do there—I do not want you to get the term "market gardening" mixed up with those people who are going into it on a very large scale, because our Indians have not reached that stage yet. In the case of small fruits and things such as that, they generally sell them through the local stores. Sometimes the Indians bid for the higher prices by delivering to the cottages along the St. Lawrence. In other words, wherever they can market the highest, they deal.

By Mr. Case:

Q. How many acres of land would you say you had in your reserve?—A. In our reserve, approximately 9,000. However, that does not mean it is all arable land, it is not.

Q. Do large numbers of your Indians earn their living off the reserve?—A. Oh, yes.

Q. Working in mills?—A. Working in the various industries in the United States and Canada.

Q. How many schools have you?—A. We have six schools, that is, five one-room schools and one two-room school.

Q. They are all day schools?—A. Oh, definitely, yes.

Q. What grades are taught in those schools?—A. Up to the eighth grade.

Q. Is there a general desire amongst the Indians on your reserve to go on to a higher education?—A. We are rather badly located from a geographical standpoint. You see, part of our reserve is in the province of Quebec, but we are a long way from that province. Most of our dealings, even with the Quebec resident Indians, are in the province of Ontario. What we have been doing to try and get around this angle is to try and keep our relations on a very high plane with the Ontario officials. For this reason, any child who gets through the Quebec school has the privilege of writing Ontario entrance examinations and is admitted, without any questions, to the Ontario high school.

By Mr. Farquhar:

Q. Are your schools non-denominational?—A. Well, they are non-denominational to this extent. We have both Protestant and Catholic pupils going to the same school. We have Catholic teachers and we have Protestant teachers as well.

By Mr. Case:

Q. Have you a full staff of teachers at the present time?—A. Yes. We are very fortunate in that respect.

Q. Can you tell me approximately how many children are attending the schools?—A. Close to 200, but that is not the exact figure.

By Mr. Blackmore:

Q. Are the schools conducted under the jurisdiction of the Department of Indian Affairs?—A. Yes.

Q. You use the Ontario provincial curriculum?—A. We use the Ontario curriculum and the Quebec curriculum as well. What I try to do there is to get the cooperation of the teachers to adopt anything I believe will be of benefit to the Indians.

Mr. HOEY: Mr. Bannah has been particularly successful in the organization of boy scouts, girl guides and home-makers clubs. I do not know that any Indian agent in Canada has made a better job of that. I think it might be a good thing for him to tell us how he went about doing that and the success he has had with these girl guides, boy scouts and home-makers clubs. Will you just, in a few sentences, for the benefit of the committee tell us what you have accomplished in that regard.

The WITNESS: We were up against a very difficult situation there, Mr. Hoey, inasmuch as our children and their fathers and mothers, for that matter, had not, at any time, the advantage of any association with any of these organizations. Now, I thought it would be a very good idea to try and have our children join the regular boy scout movement. I found out they were not prepared for that, so I drew up a program which I called, for the want of a better name, the Indian Scouts. We worked along those lines.

In other words, we injected into our scout movement, things which we knew would appeal to the Indian children. For instance, we took up many of the finer arts the Indians had accomplished in the past and we brought those to the attention of the children. The children took a little more pride in the thing. It is peculiar how this has worked out. After about a year of that, the girls decided they would go into the regular girl guide movement. I do not know, but probably we have about the only troop of Indian girl guides in the country.

The CHAIRMAN: There is one at Brantford, I am told.

The WITNESS: I did not know that, but I remember when Lady Baden-Powell came to Canada, she was very much interested in it.

We also have organizations which we call Young People's Clubs, to take care of that group of children between the ages of 16 and 25. This is a very critical period in the life of an Indian boy or girl, in fact, of any boy or girl.

Now what we are trying to do there is this. We are trying to take these boys and girls that have just left school and hold them together until they are in a position to get their feet on the ground. So far, of course, we have not gone very far in this. We have had about a year's experience but I would say it is working out very well.

Mr. HOEY: And how do you get uniforms?

The WITNESS: For the girl guide movement we have had to depend upon the generosity of the department but they have been very good to us. What we are trying to do now is to get them to take over the responsibility of organizing the youth movement. I do not want to take that over because I feel that if the Indians will take it over they will do a much better job and will be much more interested in it.

Mr. HOEY: What about the homemaker's club, the women?

The WITNESS: We have homemaker's clubs and of course our membership varies in those clubs but they do take a very great interest in the remodelling of clothing and a general improvement of their homes and gardens. I do not say we are advanced as far as I would like but we are on the right track.

The CHAIRMAN: How long have you had a homemaker's club?

The WITNESS: We are in the third year with them.

By Mr. Case:

Q. Are the Indian women good housekeepers?—A. Generally I would say they are very good.

Q. Have you any housing problem?—A. Well I do not think we are much different from anybody else. We have had our own troubles and it is pretty hard to get materials.

Q. But the houses that you have are in a pretty fair state of repair?—A. Generally speaking they are pretty fair.

By Hon. Mr. Horner:

Q. Have you any lumber there?—A. Unfortunately we have not.

Q. And the roads, what are the roads like?—A. Our road situation is being improved all the time and I think in one section of our reserve, on the Ontario side, we have equal if not better roads than those maintained by the province. We are starting this year to go into the road problem on the Quebec side and I am sure that when we are finished it will be the same there.

Q. Who inspects the schools, the Ontario inspectors or the Quebec inspectors?—A. We have both the Ontario and the Quebec inspectors.

By Mr. Case:

Q. Do you have an Indian council and chief?—A. We have a twelve-man council and they have their own chief.

Q. Are those men elected by the band?—A. Yes, by the band, on a three year term.

Q. Do you cooperate with the council pretty well?—A. Definitely, yes. It has been very difficult there in years gone by to get action out of the council but we have been very fortunate since I have been in the picture. I cooperate with them 100 per cent and they cooperate with me 100 per cent. What I am trying to do is to bring them along in more or less a fashion which will lead to municipal self-government.

Q. Do you find a general tendency with them to help themselves? Are they developing initiative and do they offer you suggestions for the improvement of the band?—A. Yes, they do. We have had a great deal of discussion about that with the chief. We are very fortunate in having a young and aggressive chief who has good ideals and it is not very difficult to work with a man like that.

The CHAIRMAN: And is he eligible for re-election?

The WITNESS: Yes.

By Hon. Mr. Stirling:

Q. Is he a farmer?—A. No.

Q. What does he do?—A. He just has a small holding.

Q. Have you any Indians who have gone ahead in any chosen line, professional or industrial, who has left the reserve and become enfranchised?—A. We have enfranchised Indians but I do not say that they have entered professions. The reserve has one, he is a member of the Oblate order but he has been down in the States since before my time.

Mr. HOEY: But the priest in charge of your church at St. Regis is an Indian?

The WITNESS: Yes.

Mr. LICKERS: He is from what reserve?

Mr. HOEY: From Caughnawaga.

Hon. Mr. STIRLING: Would you say they are in favour of enfranchisement?

The WITNESS: Generally speaking, no. What I think the Indian is afraid is that he is going to be taken away from his home and transplanted into a strange place. I think that is what has been in the back of his mind and for that reason he fears enfranchisement.

Mr. LICKERS: They do not differentiate between the right to vote and enfranchisement?

The WITNESS: Well, they get those two things confused.

By Mr. Blackmore:

Q. Do you have any difficulty with water, that is for the Indian holdings? Is water plentiful?—A. We are very fortunate because we are nearly surrounded by water.

Q. That becomes a very serious problem on many reserves.—A. We are very fortunate and except in severe years we have sufficient precipitation to handle the crops. Of course in addition, we always have the St. Lawrence to fall back on.

Hon. Mr. HORNER: Do you have wells for some of your areas?

The WITNESS: Yes, in the villages we have drilled wells. That is where there is more or less congested population the department has drilled wells.

Mr. CASE: Are there good sanitation facilities in the villages?

The WITNESS: We have no sewage disposal system if you mean that.

By Mr. Blackmore:

Q. Can you tell us the average cost of drilling wells?—A. Well, I think it would be safe to say it costs five dollars a foot for six-inch casing and you could not get it done for that today.

Q. How deep does the ordinary well have to be drilled?—A. Well, the artesian wells are approximately 135 feet deep.

Q. The Indian Department has borne that expense?—A. Oh yes, we have five artesian wells in the village.

Q. Artesian wells?—A. Yes.

Hon. Mr. HORNER: Do you have to drill as deep as 130 feet?

The WITNESS: Yes, there is no use drilling a well unless it maintains a proper level. The bottom is generally seven feet below the level of the ground.

Hon. Mr. STIRLING: Below the level of the river?

The WITNESS: Yes.

By Mr. Blackmore:

Q. Have you any other wells outside of those?—A. Yes, in the outlying districts they have to dig wells but at the schools they are mostly all drilled wells.

Q. They would not have to dig those so deep? They would not be more than forty feet, for instance?—A. Well, it is surprising that in the eastern section of the reserve they do not have to go very far because it is more or less sandy country and the sub-soil runs more to the gravelly type so they get water very easily there.

The CHAIRMAN: How far is this from Ottawa?

The WITNESS: I would say 75 miles.

By Mr. Case:

Q. Do they Indians intermingle with the whites or are there white settlements nearby?—A. We are practically surrounded by whites.

Q. Do the white people visit your reserve and do they intermingle?—A. Yes, there is quite a bit of communication carried on that way.

Q. Do you think it is a good thing for the Indians to have that association with the whites?—A. Yes, I think it is. As a matter of fact I do not think there is enough of that done, or at least that has been my experience. I was asked one time to appear before the Kiwanis Club and give a little talk on

Indians. Afterwards I was very pleased that I had done so because I got to know a number of the fellows and they in turn got to know a number of the problems that the Indian was up against with the result that it has a tendency to make for better relations and thereby give the Indian a better chance for employment and the various things he needs.

Mr. BLACKMORE: Have you had considerable intermarriage?

The WITNESS: I would not say considerable, but we have had intermarriage between the Indians and the whites.

By Mr. Case:

Q. Does it appear to be working satisfactorily, that is to say the intermarriages of which you have knowledge?—A. I am sorry sir, I did not catch that.

Q. Do the intermarriages of which you have knowledge appear to be working satisfactorily?—A. I would not say it is working out as well as it should.

Q. Which would you say is the best type of intermarriage, an Indian boy to marry a white girl or a white man to marry an Indian girl? Could you give an estimate?—A. Well I think it is a draw.

Hon. Mr. HORNER: Mr. Chairman, I want to say that it has been very nice indeed to hear from this gentleman, Mr. Bannah, and I appreciate very much the opportunity which has been afforded to us of hearing him.

The CHAIRMAN: I thank Mr. Bannah on behalf of this committee. We want to show our appreciation to you for having come here, and I know that I speak the mind of all members of the committee when I express to you our thanks for having come here quite unprepared and not expecting to be called before this committee. What you have had to say has been most interesting and you have given us an intimate, useful picture of Indian life on your reservation, one that has been very enlightening and very helpful. Again I want to tell you how much we appreciate it and to thank you very much.

The WITNESS: Thank you, Mr. Chairman.

The CHAIRMAN: We will meet again on Thursday morning, at eleven o'clock.

The committee adjourned at 6.05 p.m. to meet again on Thursday next, May 15, 1947, at 11 a.m.

LIST OF APPENDICES

APPENDIX EV —Submission by the Chief, Council and Band, James Smith's Reserve No. 100, Fort a la Corne, Saskatchewan.

APPENDIX EW—Letter from Executive members, Peepeekisis Local, Union of Saskatchewan Indians.

APPENDIX EX —Submission of Day Star and Poor Man Bands, Punnichy, Saskatchewan.

APPENDIX EV

Fort a la Corne, Sask.,
March 7, 1947.

To the Special Committee of the Senate and the House of Commons, Inquiring into Indian Affairs.

We, the Chief, Council and the Band of James Smith's Reserve No. 100, Fort a la Corne, Saskatchewan, do hereby present our brief or representations to the special joint committee of the Senate and the House of Commons and do ask the Honourable Members of Parliament to hear our representations on behalf of our Band. We base our views on conditions affecting our local surroundings.

First, we want to thank Mr. H. A. Hoey, Director of Indian Affairs, for there has been a great change since he took over the administration of Indian Affairs. We also want to thank Honourable J. A. Glen for bringing the special joint Committee into being. The Nation's best minds met the war challenge and were very successful and came out on top. A similar group, (The Special Joint Committee), is working out the Indian Administration to suggest amendments in the present Indian Act for the betterment of conditions among the Indian population of Canada.

We Indians of Canada vary to a marked degree in appearance, manner of living, educational accomplishments, health and religious attachment. Most of the Indians in our Reserve are still in the nomadic state. The old Indian way of living is still strong in our present generation. We are still about fifty years behind the modern world.

Treaty Rights and obligations.—We the Indians of North America, owned the whole of North America before the white man came. The Hudson's Bay Company came over from across the ocean to trade with Indians in the year 1869. The Hudson's Bay Company received from the British Government about $1,500,000. in money and one-twentieth of the land in the fertile belt, together with certain blocks of land near the Trading Posts as payment for Governmental Rights, and so after this deal, Queen Victoria, Queen of England, sent her representatives, Honourable Alexander Morris to make treaties with the North America Indians.

It takes two nations to make a Treaty—a solemn covenant based on sacred faith and understanding. No laws of Parliament, Orders in Council or Regulations can alter the wording of any Treaty and we can safely say we have kept our faith and the obligations from our ancestors to the present generation. We played the game with loyalty to the British Crown and we want the Dominion Government to live up to the Treaties the way our ancestors understood them. Our ancestors had no other way to keep the sacred promises given to them, only by memory. They said then their brains were like paper. They thought that all the promises given to them were written on the parchment.

We hope the Special Joint Committee will repeat the words of our Treaties and live up to their obligations. We want our Treaties to be as good now as when made. The conveyance of the natural resources to the Province did not include our hunting, trapping and fishing rights. We want assurance that all the rights granted to us under our Treaties be guaranteed to us for all time.

Band Membership.—No person or half-breed should be allowed or admitted into an Indian Reserve to become a member of the Band. The Indians in general are increasing in members and before very long we will need all the land we have now for our future generations. The Chief, Council and the Band should be judges of who should be admitted into the Reserve and only by a hundred per cent vote of male members of a Band. We have had experience already—voting in families to our Reserve and we are very sorry now, so one mistake is enough for us.

Section 14 of the Indian Act should read: Any Indian woman who marries other than an Indian shall cease to be an Indian in any respect and at the time of marriage she shall be given her commutation and be done with the Reserve—so that both Indians and the Indian Affairs Branch will have no more to do with her. We have about ten of our woman married to half-breeds and white men and most of them are living around our Reserve on Road Allowances, waiting to jump into our Reserve at a moment's notice. They still think they have an interest in our Reserve. We don't want any of them back, and we are not in any way tied up with them. We hope the revision of the Indian Act will take care of that. They should all be given full enfranchisement when they marry outside their Reserve.

Liability of Indians to pay Taxes.—We are not liable for taxation in our own Reserve and we want to remain that way as long as the sun shines and the Saskatchewan River flows. We are paying tax on all goods that are taxable—we pay income tax. We are paying a lot of tax and no one can say that we are not. Whenever we step out of our Reserve we are like white men. When we sent a delegate to Ottawa to the Indian convention, the delegate paid about $16.65 taxes beside the railway fare.

Enfranchisement of Indians, both voluntary and involuntary.—We are not in favour of general enfranchisement of Indians. Enfranchisement should be left to each individual according to his or her fitness. We have a long way to go yet to be fit for full enfranchisement. Forget about enfranchisement. You can't make a white man out of an Indian overnight.

Eligibility of Indians to vote at Dominion elections.— We don't want the vote. It will be a first step towards taxation. We are minors and we would be breaking our Treaties if we consented to take part in Dominion elections. You can't keep out the stray drink or fire water from the Reserves. We will be that much poorer for the sake of a glass of beer.

Encroachment of White Persons on Indian Reserve. The Indian Act should be the way it is now about trespassing. At the time of the north-west Rebellion in the year 1885, the Band of Chacatapasin Reserve No. 98 came to our Reserve and never went back to their own Reserve. They were amalgamated with Cumberland Reserve Band No. 100A and with James Smith's Reserve Band No. 100, formed one Band. In the year 1897, the Chacatapasin Band sold their Reserve containing about 15,360 acres, and in the year 1902 they again sold the Cumberland Reserve No. 100A, about 22,080 acres. They sold about 37,340 acres altogether and this is how the James Smith Band comes to have funds. If we had obtained a decent price for our land then, we might have been well off Indians today.

We are informed that the following sums were paid to farming instructors in the various years given, and that these salaries of the Instructors were

charged to our Band funds. We have a letter from the Indian Agent that the following sums have been charged to us:

Assistant Farmer, name not given, 13 months to March 13, 1918	$ 295.79
Farmer, J. H. Henderson to March 31, 1922	720.00
Farming Instructor, T. J. Jordan, May 15, 1922 to March 31, 1923	632.90
12 months for fiscal year 1923-1924	810.00
12 months for fiscal year 1924-1925	840.00
Farming Inspector, T. J. Jordan, 1925-1926	1,080.00
Total amount charged to us	$4,378.69

We are not sure whether this is the total amount of charges which have been made against our Band funds for the salary of instructors. Our contention is that these charges have been made without authority and the amount of these charges should be restored to the Band funds, plus the interest which would have been earned on these sums from the date they were charged up to our account until the present time. We could cite the case of the Mistawasis Indian Reserve which was taken to the Exchequer Court of Canada and it was ordered by the Court that the charges for salaries of the farming instructors were not chargeable to the Band funds and the amount was restored to the funds of the Reserve. We are in a similar position and we would request that this matter be taken up, the amount restored to our Band funds and the interest payable to us adjusted so that we would receive interest on these amounts which were wrongly charged to us in the first place.

In the year 1921 the Hudson's Bay Company surveyed the land adjoining our Reserve and surveyed a road allowance through our Reserve about half a mile long, without the consent of our Band.

Operation of Indian Day Schools and Residential Schools. All schools both day and Boarding schools, should be under the Federal Government supervision—let them do the hiring and so forth, but do not divorce religion from education altogether. Survival of a nation is religion. This is a hard question. We don't want to cause any friction. We know the governement wont like to do it. One thing is common on our Reserve—intermarriage—Roman Catholics and Protestants, Protestants children going to Roman Catholic Boarding Schools etc. The majority of our Reserve are Anglicans. We voted in a family from another Reserve who were Roman Catholics. The head of the family told us if we let him come in our Reserve, he and all his family would turn Anglicans, but when he got in he would not change his religion and made fools out of us. He is sending his children to our day school in our reserve—Anglican school. Increase in salary for all teachers should be the first step for higher education of Indians. The teacher is the school. With poor equipment, a school can still be useful if th teacher is good. The teacher should get teachers' Superannuation. With underpaid, restless teachers, no amount of money spent on buildings or books will make a school you want your children to attend, so the only way to get and hold good teachers is to pay them salaries roughly equal to the money they might earn in other professions, such as lawyers, doctors, dentists or engineers. The Indians Affairs Branch should increase the salaries if the Governement wants to improve the educational system for the Indians. Let them guarantee salaries for teachers. The Day schools and teachers' houses in our Reserve need improvements and the schools are too small. One school on the south side of our Reserve has no water. We have to haul water nearly all the year around. This school should be moved to where there is water.

What our children are taught should depend upon what they most urgently need to know, not upon customs set up long ago. Our children should be prepared to play an effective part in the adult world. The less the Boarding school resembles an isolated retreat from the world, the better off our children and we will be.

If Education is to help or take advantage of the opportunities offered by the world today, the Governement must examine the list of subjects taught in our schools. If the children in the Boarding School were given full time instead of every other day, our children would receive much more benefit. Indian parents never get any report on their childrens' mental capacity. Books and other teacching material should be modern and up to date.

The Government formed the Special Joint Committee to examine and consider the Indian Act. A similar group should be formed to work out one of the greatest problems,—Education.

The Trust fund we have was created by the sales of our land. We want amendment of the agreement made between the Band and the Indian Department officials as to the management of our money. We want assurance that the money held in Trust funds is our money. We want authority as to the expenditure of our money. We want an itemized statement so the Chief and Council will know how much they will have to work on for the benefit of the Band. We are building a house for our Missionary in our Reserve. We ask the Indian Affairs Branch to let us use part of our interest money toward this building. They said if they do, they would have to take over the building under their supervision. We are ready to start the house this spring. We have the concrete for a full size basement. We did not ask much compared to the cost of the building when finished.

We leased part of our Reserve to James Clagget of Melfort, Sask., for the period of seven years. This lease expires after the 1947 crop. The Indian Agent asked us if we would lease the same land for further five years. We were willing to lease it for the further five years on two conditions. Firstly—that we get a written guarantee from the Indian Affairs Branch, Superintendent General (Minister), that we get the land back after the five-year lease. Secondly—We were willing to lease the said land on a one-third crop basis. We were told that we are going to get only one-quarter crop. We asked our Indian Agent to write to the Indian Affairs Branch at Ottawa that we wish to cancel the five year Lease, as we want the land for the use of our Band.

Suspicion is our main objection about this land. It seems that we have no say as to what we are to get for the lease of our land.

We are not adopting the Brief the Union of Saskatchewan Indians prepared. We don't know the contents of the Brief. We are not members of this organization. They should confine this Brief to their members only. They can't can't say that they are representing all the Saskatchewan Indians. There will be criticism later on.

We have not time to fully explain what we want to say. We hope that we will get an opportunity to send more representations or to attend and listen to your deliberations and listen to the presentations being made. We are willing to send a representative to represent our Band at your meetings, to take up anything you would like to deal with in connection with our affairs. You are undertaking a great problem—to improve the welfare of the Indians in general. We understand it is not the business of the officials of the Indian Affairs Branch to lay down policy, but it is the business of the officials of the Department only, to administer the policy once laid down. We hope the policy you will lay down will give the Indians in general, equal rights to have a voice to administer most of their own affairs in their own Reserves. We hope the power of the Governor in Council, Superintendent General, and the Indian Agent will be

limited to a certain extent, to make the Chief and Council in general know that they are on the same level, are equal to the white civilization as human beings. We will have more pride and self respect. We will think that we are just as good as people around us. We will try to compete with our neighbours.

If we have to send a delegate to your meetings in the future, we would ask that he be allowed to travel for half-fare. We will pay all other expenses.

We respectfully submit this Brief for the consideration of the Joint Committee of the Senate and the House of Commons.

Witness the signature of the Chief and the Councillors on behalf of the James Smith Band of Indians, Reserve No. 100, Fort à la Corne, Saskatchewan.

GEORGE R. BURNS,
Councillor.

EDWARD BURNS,
Councillor.

ABEL McLEOD,
Chief.

JOHN R. McLEOD,
Councillor.

A BRIEF SUMMARY OF INDIAN ADMINISTRATION AND THE CONDITIONS OF THE INDIANS IN OUR RESERVE, NO. 100, AT FORT À LA CORNE.

Since the signing of the Treaties, we Indians have not made much progress, a mere existence. The Government officials who were hired to look after the Indians did not do much towards the advancement of the Indians. For the fifty years after the Treaties were signed, the Indian population was dying off. The people thought that the Indian problem would solve itself, or in other words, "root hog or die."

Some of the Indians on our Reserve are living in log shacks with mud roofs, the majority live in log houses with shingle roofs. It is a disgrace to the public eye to see the living conditions of some of our Band. We never have had an inspection from anyone outside of the Indian Affairs Branch officials. We were glad to hear that a member of the Special Joint Committee was coming to visit us, as it is the only way to get the true picture of the living conditions of the Indians on our Reserve. Destitution is greater in proportion now than when we had free access to our ways of living.

Since the Provincial Government took control of the Natural Resources, it clamped down tight on everything. Now we have no place to hunt or trap. Some of the Indians of our Band depend on hunting and trapping for their livelihood in winter time as do the farming Indians in their crop. The Government should have given us notice before making the changes that affect us. We did not have a chance to claim our trapping grounds. We should have been given priority as to our trapping rights. A few of our Band are self-supporting but the majority are merely existing. If it was not for the flour we are getting out of our interest money, there would be a lot of starving Indians on our Reserve right now. The flour we are getting out of our trust fund is a very good idea and we wish the Indian Affairs Branch to continue buying flour for us out of this interest money. The flour and the Family Allowances are of great help toward improving the health standard of our Band.

It helps us to get other necessities to improve the health of our children. The Indian is not himself, the way he used to be. He was strong, with great endurance and could go without food for days, but now one or two meals missed in a day will nearly knock him over. We are in want of the food we were accustomed to. We are in a dormant or torpid state, undernourished, weak, without energy and of low vitality.

The people say Indians are lazy, but we can have no ambition in the state we are now. We lack the vitamins that will help us to become a strong and healthy people. It will take time before we get used to white man's food. The administration in our Reserve was not the way it should have been in the past. The Indian Agents use a dictatorial attitude in their work among the Indians. They use, to their advantage, the powers they have over the Chief and Council. They do not reason with an Indian individually; they tried to cow us. They might have reason for this attitude, but it is a poor way to lead a horse to water.

The Chief, Council and the farming Instructor are only a mockery. They are criticized by the Band; they are no good and so on, but what means do they have to air their grievances to the Government? They have no voice, just a croak not heard from far. The Chief and Council should be given a living bonus so that they might put more time with their Band. Twenty-five and fifteen dollars a year is nothing compared with Indian Agents' or Farming Instructors' salaries. If the Chief and Council were given a decent living bonus, they would take more interest in their work in helping the Government Officials towards improving the living conditions of the Indians.

If we base the Treaty as when made, it is a horse and buggy for the Chief, but to base it by the modern world, it would be a car now, even a jeep would do. The medicine chest has grown to a dispensary. A few of our Band are self-supporting but the majority are merely existing. If the Indians were given proper guidance to become self-supporting instead of trying to keep them from going ahead.

Here is an incident which happened some years ago. Two of our members bought tractors on time payments. One of these Indians paid about $800.00. The Indian Agent at that time ordered the Company which sold the tractors to go out and get their machines back, so our members who had these tractors were out the amount of money they paid. They never got a cent back. This is not helping an Indian to become a farmer. It is very little encouragement to him.

The aged and widows of our Reserve are not getting much relief. The rations they get each month only amount to around four dollars. The clothing they get is used men's clothing and the widows don't want to wear these garments. We ask for Old Age Pensions for the Indians. Hospitalization should be extended to Indians wherever they are. We know several occasions where Indians were refused hospitalization. A member of our Band, a woman, was refused admission to a hospital in time of travail. She had to go to the exhibition grounds where some Indians had a camp. About half an hour after she got to the camp she had a baby.

We don't want the Government to take offence. If we are going to get anywhere we have to be frank with each other. The powers of the Indian Agent should be limited to such extent that the Council of a Band should have just as much say as to their own affairs. If there is a farming Instructor in each Reserve comprising one Agency, there should be no Indian Agent. Give the Farming Instructor more authority so that he can do whatever he thinks is

best for the advancement of the Indians. He is the man that comes in direct contact with the Indians. He was given that responsibility and with cooperation from the Council we think it could be a good move.

This is respectfully submitted by the Chief and Council of the James Smith Band of Indians, Reserve No. 100, Fort à la Corne, Saskatchewan.

GEORGE R. BURNS,
Councillor.

EDWARD BURNS,
Councillor.

ABEL McLEOD,
Chief.

JOHN R. McLEOD,
Councillor.

APPENDIX EW

LORLIE, SASK.,
March 29th, 1947.

Special Joint Committee of the Senate and the
House of Commons,
Ottawa, Ont.

Mr. Chairman and Honourable Friends: We do not want to be misunderstood as interfering, nor do we want to take up any of your time, other than we would greatly appreciate having our submission read on the following subjects.

1st: We aim to build and maintain harmony with "all Canadians" and any others we may come in contact with.

2nd: Occasionally some parties find reason to circulate their opinions of we natives in the various publications; of these some are favourable, but there are others that tend to make of us a football. This is contrary to our principal of our union, and found in our constitution of Article 4, Sub. Section D, which reads: "Every member holds to the ancient code, love and help thy brother, of which it is our hope that we and all others will strive to live."

3rd: We wish to clear up some misunderstanding taken from the Leader-Post, Regina, Sask., Saturday, the 22nd instant.

Senator J. F. Johnston, "L. Sask." objected that there was no provision made for other Indian organizations of Sask. other than the Union, and we greatly appreciate his kind consideration on the matter, but we are led to believe amongst ourselves that when a representation takes place, it will be from the Union of Sask. Indians. The other three mentioned societies were self organized as far as our knowledge permitted, which created little if any, notice, and following. Sympathy was sought where it could be found, with no political status as a consideration, and through effort, our aim, the Union of Sask. Indians was organized, which we hope to maintain and have recognized.

We do not hold ourselves responsible for what the *Saskatoon Star Phoenix* published on Feb. 26th, but we do know that in reference to Mr. G. H. Castledon, Yorkton, he was called upon by some Indians for guidance. As to Dr. M. C. Schumaitcher, he was representing Chief Red Eagle, Priemer T. C. Douglas, who had promised we Indians in promoting their better welfare.

While we are very greatful to the mentioned gentleman, their political standing is no object to us, and which they, themselves, made very clear to us, of themselves, and for several reasons we do not want to become involved in and conflict, as prestated.

1st: We are Treaty Indians and impartial, but welcome democracy of any Government in power.

2nd: We aim to abide by Article No. 2 of our Constitution which reads: "The Union shall be democratic and non-sectarian, and shall not directly or indirectly be affiliated to or connected with any political party.

3rd: We have had little or no practice in your methods of organizing politics and propaganda, of which we are none too stable, and may tend to retard the progress of all concerned.

In conclusion, we would like this understood as a measure of friendship and enlightenment, and we appreciate the fact that it will be accepted and treated in that manner.

Thanking you in advance, we are the executive members of the Peepeekisis Local of the Union, from the File Hills Agency.

Signed:

Chairman, M. DUTER,
Director, Joe TRONQUIL.

APPENDIX EX

SPECIAL JOINT COMMITTEE OF SENATE AND HOUSE OF COMMONS APPOINTED TO EXAMINE THE INDIAN ACT

SUBMISSION OF DAY STAR AND POORMAN BANDS, PUNNICHY, SASKATCHEWAN

April, 1947

Approved Day Star Band general meeting April 24, 1947.

JAS. KINEQUON,
Chief.

WM. BUFFALO,
Councillor.

Approved Poorman Band general meeting April 19, 1947.

ED POOR MAN,
Councillor,

JOHN SKEEBOSS,
Councillor.

We, the Indians of Day Star and Poorman Bands respectfully submit the following brief for your consideration. This brief has been read and approved by both Day Star and Poorman Bands at meetings held on the two Reserves.

Treaty Rights

The Indians of Day Star and Poorman Bands derive their Treaty rights from *Qu'Appelle Treaty No. 4.* We would like to have assurance that all the rights granted to us under this Treaty will be guaranteed to us for all time.

There exists among the Indians a feeling that Treaty rights are being curtailed in matters relating to their rights over property and in respect to self-government.

The object of the Treaty was to make the Indians self-sustaining and Loyal Citizens of the Crown.

Indian Agents

In the past in some cases Indian Agents have acted Arbitrarily without consulting the wishes of the Indians. We would like to have this changed. The Indian Agent should assist and encourage the Indians to govern their own affairs, rather than personally direct those affairs. Persons chosen by the crown to work among the Indians on the Reserves should have:—

(1) a broad understanding and sympathy towards Indians and their problems;

(2) a knowledge of statutes relating to Indians;

(3) a knowledge of farming, trade, social welfare, and to help them towards self-government.

Welfare Worker

We request that a Welfare Worker who has a broad understanding and sympathy toward Indians and their problems be attached to the Agency—one who is acceptable to the Indians concerned—whose duty would be to visit the Indians on the Reserves to help and advise them in their many problems and have the authority to deal directly with the Department at Ottawa.

Day School—Poorman Reserve

We are very much in favour of Day Schools on the Reserves as substitute for Residential Schools.

There has been a Day School on Day Star Reserve for many years and we urgently request the government to establish a Day School on Poorman Reserve as soon as possible. This was promised to Poorman Band a few years ago but up to the present time no school has been established on the Reserve as promised.

Indian parents have an invaluable regard for their children and the fact of the children living at home while attending school is an asset toward adult education and improvement in home conditions.

Housing Conditions

We request the government to start a housing program to provide us with decent houses, with good water supply and necessary Sanitary arrangements or supply necessary materials for construction. This is very necessary as some of the houses on the Reserve are not fit to live in.

Old Age Pensions

We urgently request the government to grant Old Age Pensions to our old people, also Mothers' Allowances and aid to the blind and all other Social benefits. We would request that the Old Age Pensions start at the age of 60 years.

Roads

We urgently request the government to grant us a good gravel road from Punnichy to the Day School on Day Star Reserve and also a good Road from Quinton to the Farm Instructor's house on Poorman Reserve. These roads are very necessary and would make the two Reserves accessible to Motor Traffic at least all summer and fall.

At present after rain the roads are impassable for days at a time for cars, which is a serious situation in case of sickness.

Band Membership

We submit that the determination of members of the Bands should be a matter for the Band to decide and *the Band Only*. The consent of the majority of the Band should be obtained.

In the past Indians have been transferred from one Band to another without the consent of a Band Majority by Indian agents and Chiefs. This has caused trouble at times on the Reserves concerned. We feel that this is definitely a matter which should be left to the Band to decide.

Appointment of Persons on Reserve

We submit that before any person is employed by the government to work among Indians on the Reserve that the feeling of the Band be taken into consideration in the matter.

There are times when a Band finds it impossible to co-operate with persons chosen by the government for these positions and work on the Reserve suffers accordingly.

Telephone

We would request that a telephone be installed at the Day School on Day Star Reserve. The nearest telephone is three miles away and in cases of sickness on the Reserve or serious accidents especially during the winter months it is a very serious matter.

Hospitalization

We ask that in cases of serious illness, we be allowed to enter any hospital for treatment and not be compelled to enter the Indian Hospital at Fort Qu'Appelle, which is a hospital for T.B. patients.

Grants for Ex-pupils

In past years ex-pupils on leaving school at the age of sixteen years received a grant from the government of cattle, implements, etc., to enable them to make a start in farming. Also ex-girl pupils received some household effects on being married. This has not been carried out in many cases in recent years. We would ask that this practice be renewed and the grants given to those ex-pupils whom it may concern.

Pound Laws

A great deal of trouble and damage to crops has been caused by horses and cattle straying into the Reserves. As the act stands at present we have no redress or can we obtain damages. The local Poundkeeper off the Reserve will not receive stray stock brought to Pound by Indians which have been found on the Reserve.

We would like to have this situation remedied as soon as possible or a Pound established for our use.

Extra Pay for Chiefs and Councillors

We would like to submit that if the Indians are to be given the opportunity to govern themselves in a responsible manner, the chiefs receive $100 per year and councillors $75 per year in order that Indian Chiefs and Councillors may be able to perform their duties in a wholehearted and efficient manner.

Issue of Shot, Ball, Powder etc.

In the Treaty we were granted an annual issue of Shot, Ball, Powder etc. We now receive this in the form of shells. We would request that we be granted an increase in the amount allotted to each Band.

Medical Attention Away From Reserves

Under the present system any Treaty Indian who is working away from his Reserve temporarily and suffering from an accident or illness is not allowed free medical attention.

We would request that under these circumstances we be allowed to receive free medical care from the nearest Doctor, chargeable to the Department.

Conscription

We object to conscription and would ask that exemption from Military Service be accorded by law to the Indians. A number of Indians from these Reserves served *voluntarily*. This is in accordance with the general wishes of the Bands.

Requisition for Transport on Railways

We would request that in place of the requisition for reduced fares which we are now allowed, we be granted free transportation on the Railways anywhere in the Dominion of Canada.

SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 22

THURSDAY, MAY 15, 1947

WITNESS:

Mr. J. W. McKinnon, B.A., B.Paed., School Inspector, Northwest Territories.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

THURSDAY, May 15, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. J. E. Matthews, M.P., Vice-Chairman of the House of Commons section.

Present:

The Senate: Honourable Senator Fallis.

The House of Commons: The Honourable Mr. Stirling and Messrs. Bryce, Blackmore, Case, Charlton, Farquhar, Gariepy, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*), MacLean, Raymond (*Wright*), and Richard (*Gloucester*).

In attendance: Mr. W. J. F. Pratt, Department of Mines & Resources, and Messrs. R. A. Hoey, Director, B. F. Neary, Superintendent, Welfare and Training, and H. M. Jones, Supervisor, Family Allowances of Indian Affairs Branch. Also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Mr. Bryce filed a list of questions seeking information relating to the Oka Indian Reserve, Quebec.

Mr. J. W. McKinnon, School Inspector, Northwest Territories, was called, read a brief and was questioned thereon.

Mr. Blackmore filed the following as a notice of motion:

Whereas: The final report of this Committee on the Indian Act is likely to be made not earlier than the close of the 1947 session of Parliament, and

Whereas: This Committee has heard sufficient evidence to satisfy its members that Canadian Indians are in serious need of immediate assistance of several kinds, and

Whereas: Mr. Hoey has conveyed to this Committee that his department, in order to discharge its responsibilities to the Indians under its charge, requires at least $15,000,000 for the year 1947-48.

Therefore, be it resolved that this Indian Act Committee submit within 10 days an interim report to Parliament recommending that the Government consider the advisability of submitting to Parliament for the Indian Department an increase to, at least, $15,000,000 in the Estimates for 1947-48.

Following a brief discussion, it was agreed to refer the said motion to the sub-committee on agenda and proceedings for study.

The Committee adjourned at 12.45 p.m. to meet again Monday, 19th May, at 11.00 o'clock a.m.

J. G. DUBROY,
Acting Clerk of the Committee.

90018—1½

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 15, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. The Vice-Chairman, Mr. J. E. Matthews, presided.

The VICE-CHAIRMAN: We now have a quorum, lady and gentlemen.

I have been informed that Mr. Zimmerman, the Assistant Commissioner of U.S. Indian Affairs will be here next Monday at 11.00 a.m. and the hearing of the Quebec delegation will be on June 12 and 13. The witness for to-day is Mr. McKinnon, school inspector for Northwest Territories. If you have anything to bring up at the present time it might be well to do so, otherwise we will proceed with Mr. McKinnon.

Mr. BRYCE: Mr. Chairman, the honourable member for Battleford asked for some information by way of the order paper in the House regarding the Oka Indians and he was refused. He was told that he could get the information from the Indian committee. I would like to make application now, that the department answer the following questions and supply the following correspondence, to be made available on the day the Oka Indian representative appears before the committee. The questions are:—

1. Are the Oka Indians treaty Indians?
2. Who owns the land they reside on?

The VICE-CHAIRMAN: What is your question there?

Mr. BRYCE: The second question is, who owns the land they reside on?

3. If they own the land they reside on, in what way did they get it in the first place?
4. A copy of the treaty, if any.
5. Copies of all correspondence between the officials of the Indian department, past or present, and those interested in the Oka reserve, resident or non-resident.

The VICE-CHAIRMAN: Well, that will be on the record Mr. Bryce, and I should think at our next meeting there will be a reply to it.

Mr. BRYCE: So long as we have it when the Oka Indians come, it will be all right, because that material will be valuable then.

The VICE-CHAIRMAN: Is that satisfactory?

Hon. Mrs. FALLIS: Mr. Chairman, while we are waiting for Mr. McKinnon I would just like to mention an editorial which appeared yesterday morning in a Toronto paper. Probably some of you saw the article. It was in connection with the work of this committee and it made a suggestion, which I am not sure is practical, but it was to this effect. It will likely be 1949 before the recommendations of this committee can be acted upon, that is in the way of the revision of the treaty, and while that is acknowledged there are a great many things which should be done immediately for the Indians in connection with medical attention and so on. Would it be possible for this committee to make recommendations to the government in the meantime that something in the nature of increased medical care or attention be given? I am referring to those things which we all feel are necessary. Could that be done before the completion of the work of the committee instead of keeping everybody waiting for two or three years more?

The VICE-CHAIRMAN: I think it is a good suggestion, Senator. You are suggesting here an interim report. Recommendations could be sent in at any time and it would cover some of the points.

Hon. Mrs. FALLIS: I think we are pretty well agreed that some of these things should be done.

The VICE-CHAIRMAN: Will you take a note of these things Mr. Lickers and it can be taken up with the joint chairman.

Now is there anything else to be done? Have you any other suggestions, Senator?

Mr. GARIEPY: Mr. Chairman, I may mention that it would be proper to put on the record that several of the members of this committee have been irregular in their attendance at meetings of this committee for some time. The first reason is that the House of Commons is now having a very important debate and the second reason is that other committees have been sitting at the same time as this committee. I personally am a member of several of those committees and they have been asking me to go here and go here in order to make up a quorum. I have had to divide my attendance in consequence.

Mr. RICHARD: I am in the same position. I was on my way down a few days ago when I was stopped in the hall and asked to make a quorum in another committee and I had to retrace my steps.

The VICE-CHAIRMAN: I think if we were all as regular in our attendance as Mr. Gariepy and Mr. Richard we would be doing quite well.

I am now going to ask Mr. Hoey to introduce Mr. McKinnon.

Mr. HOEY: Mr. Chairman, Senator Fallis and gentlemen. Mr. McKinnon is not an employee of the Indian Affairs branch as such. He was appointed about a year or so ago by the Northwest Territories Council and undertook inspection of schools in the Territories. Inasmuch as we have a number of Indian residential schools in the area we have entered into an agreement with Mr. Gibson, the director of lands, parks, and forests branch, whereby Mr. McKinnon undertakes the inspection of our schools as well. Mr. McKinnon was appointed as the result of a recommendation of Dr. Andrew Moore, who undertook a survey of the educational facilities in the Northwest Territories about two or three years ago. One of Dr. Moore's recommendations was that an inspector of schools be immediately appointed and that recommendation was acted upon by the Northwest Territories Council. Mr. McKinnon was appointed by the civil service commission after an open competitive examination was held.

The VICE-CHAIRMAN: Mr. McKinnon, we would now be glad to hear from you.

J. W. McKinnon, inspector of schools, Northwest Territories called:

The WITNESS: It gives me great pleasure in having the privilege to appear before this honourable committee. I believe, to begin with, I should apologize for not being here on time but the delay was absolutely unavoidable. I plan to discuss with you education in the Northwest Territories as I see it and I hope I will be able to assist you in some way to bring to the residents of the Northwest Territories a better type of education.

Mr. STIRLING: Mr. Chairman, may I interrupt a moment, would Mr. McKinnon be good enough to give us a little of his background.

The WITNESS: Yes, I will do so.

On June 24, 1946, I accepted the appointment as inspector of schools for the Northwest Territories. I had qualified for selection by graduating in arts from the University of Manitoba and in pedagogy from the University

of Toronto, in addition to which my teaching experience extended over a period of seventeen years and involved supervisory positions in two of the provinces. Moreover, I passed the qualifying examinations for appointment as an inspector of schools in the province of Ontario.

As outlined to me, my duties were to organize and administer an adequate educational system in the Northwest Territories within the limits of policy and regulations laid down by the governing body, to make inspections of the schools, to see that all requirements of the school laws and regulations are complied with and to perform other related duties. I am employed by the Bureau of Northwest Territories and Yukon Affairs, but, by agreement with the Indians Affairs branch, I supervise the education of Indian children within the Territories.

Subsequently I left Ottawa on August 5 to visit the schools in the Mackenzie district, and spent from August 10 to October 9 in this area, surveying educational needs and inspecting available facilities. I travelled as far north as Aklavik, inspected the operations of each school, visited the residents in their homes and places of work, talked with settlement leaders, and everywhere endeavoured to obtain a true picture of the effectiveness of existing institutions and methods, together with the needed improvements and reforms.

The matter of education in the Northwest Territories has particular problems which arise from the fact that it must serve white, Eskimo, Indian and half-breed children. At practically every settlement throughout the Mackenzie district one finds an assortment of these children, bringing with it difficulties of adjustment and segregation which must be met and solved.

The Indian children of the Territories constitute a special problem which does not occur in any other part of Canada. This is for the reason that they do not live on reserves. Their parents in many instances live a nomadic type of life and are at a mere subsistence level of existence, and special measures, such as compulsory attendance, apply to Indian children, but not to other school children who share the same classroom.

At the time of the 1941 census of Canada, there were 4,328 Indians residing in the Mackenzie district out of a total population of 8,042. In other words, more than half of the residents of this area in the Northwest Territories were Indians. The white population numbered 2,126 or less than half of the Indian population.

Present estimates of the current population range upwards from 9,000, which means that the Indian population of the Mackenzie district at the present time numbers approximately 5,000.

Educational facilities are available to Indians at six of the seven centres in the Mackenzie district where schools are at present located. Yellowknife is the only point at which they are not in attendance. Plans now going forward will make attendance at school possible for Indians at seven additional points where schools are to be opened shortly.

The present school enrolment in the Mackenzie district is 748, of which 223 are Indian children. Since the potential Indian enrolment is approximately 1,000 children, it will be seen that the schools are reaching only a small proportion of the actual number of school-age Indian children.

These Indian children come from dwellings that are typically either log shacks or rectangular cloth tents. From Fort Smith to Aklavik, I found that invariably the condition of these homes depended upon the schooling of the inhabitants. In areas where the Indians had attended school and could speak English, it was clearly evident in the maintenance of the home. On the other hand, conditions among Indians who did not have access to school facilities left much to be desired. It is to be noted that those Indians who are existing

in a degenerate state are anxious for improved educational opportunities for their children. The type of education desired by the Indians is one that will fit them for practical living.

With the exception of the Yellowknife public school, the non-sectarian school at Fort Smith and the Macpherson Indian day school, all educational facilities in the Mackenzie district are managed by the Anglican and Roman Catholic denominations. The government contributed substantially to the erection of some schools, assists in the maintenance of the school plant, pays an annual grant per pupil, and furnishes necessary supplies and equipment. The teachers, a number of whom are members of religious orders, hold professional certificates of varying standards obtained from the provinces. The curriculum has been largely a matter for the discretion of the individual teacher, the most common practice being to follow that prepared for use in the schools of the province of Alberta and adapted to local conditions.

As I travelled from school to school throughout the Mackenzie district, probably the most striking impression I received was the lack of adequate classroom equipment and supplies. Everywhere the teachers were endeavouring to struggle along with antique readers, scarcely any library books, few reference books, maps or charts and very little in the way of essential classrooms supplies. It is doubtful whether any of the rural schools in the provinces are suffering more acutely in this respect. Geographical and science equipment is lacking and the few teaching aids are in the main the personal property of the teacher. Sport and athletic equipment of all kinds is lacking in the schools. This aspect of school life is particularly important for Indian children, because sports encourage them to overcome any feeling of inferiority and to develop initiative and leadership.

After my return from the Territories, I submitted to the bureau of Northwest Territories a comprehensive report which incorporated a number of suggestions for improvement with respect to educational organization and administration. The Northwest Territories' Council passed upon these suggestions and granted approval for the implementation of a number of them. I recommended that the improvement of the status of the Indian, though primarily an economic problem, is equally dependent upon the opening of additional schools, and I am happy to state that steps have already been taken toward the attainment of this objective.

Ultimately we must have our own curriculum for the schools in the Northwest Territories. Since this area has problems that are particularly its own, we cannot meet the educational needs of its residents by adhering to curricula prepared for entirely different localities and transplanted there. So far as the Indian children are concerned, they must be educated for better living, taught how to save money, how to follow clean health habits, how to make better homes, and how to secure their livelihood other than by fishing and hunting. The aim must be to make the Indian self-supporting with an adequate standard of living.

With respect to school equipment and supplies, approval has been given to a recommendation that the government make an annual grant to every school in the Mackenzie district based on the pupilage, the said grant being computed as the minimum expenditure necessary to provide the essential classroom equipment and supplies for each child.

Recommendations have also been made for establishing minimum professional standards for teachers and introducing an adequate salary scale designed to secure the best type of teacher. In this respect it may be pointed out that salaries for teachers in the Northwest Territories come considerably short of $1,938, which was the average salary paid in 1942 to teachers in the territory

of Alaska. There, 298 teachers were taking care of an average daily attendance of 5,526 pupils, an average of 18·5 pupils per teacher. In the Mackenzie district of the Northwest Territories we have twenty teachers responsible for an enrolment of 748 pupils, or an average of 37·4 pupils per teacher. Not only is the American government making available to the children of Alaska more better-paid teachers than we are doing in the Territories, but has emphasized the factor of supervision and has a liberal staff of school inspectors employed in the territory of Alaska.

Many Indian children are skilled in the manual arts and would profit by some form of vocational training. To date it has not been possible for the schools in the Mackenzie district to make provision for any appreciable amount of this type of training. Depending upon the availability of the necessary space for competent instruction, it may be possible in some of the residential schools to introduce classes in such subjects as carpentry, elementary machine-shop practice and motor mechanics for the boys. With this in view, an amount has been included in the educational budget to meet the cost of supplies and equipment necessary for whatever type of training may be found to be feasible in the various schools.

Special grants for the improvement of library facilities in every classroom have also been included in the educational budget.

A measure has recently been approved whereby the administration offers to contribute one-half of the cost of any audio-visual educational equipment desired by any school in the Territories. Since Indian children are particularly attracted by films and because the art of film production has made them practically invaluable teaching aids, the eventual establishment of a film library and the inception of a full program of audio-visual education is contemplated.

The fact that educational broadcasts have utility and appeal is by now well established. Consequently, the bureau of Northwest Territories has approved a recommendation whereby a radio receiving set will be purchased for every classroom, and it is hoped that before many months elapse a schedule of educational broadcasts will be a part of the new program designed to improve educational facilities in the Northwest Territories.

Education in all progressive societies must be in a constant state of reconstruction. The recommendations that I have made to the administration have been formulated in the light of an existing situation and represent a modest program for the improvement of education in the Northwest Territories. Provided that adequate support is forthcoming, they will do much toward fitting all the children to be participants in the concrete changing social experience which is going on about them and of which their own lives form an integral part.

That completes my brief, gentlemen. If there are any questions—

The VICE-CHAIRMAN: I think our criticism is that Mr. McKinnon's interesting brief is far too short. I suggest we had better follow our clock system around the table.

Mr. HOEY: Mr. Chairman, just before you do that, may I say that, I noticed that Mr. McKinnon referred to the fact that there were no Indian children attending at Yellowknife. We have recently—I say we, I mean the Northwest Territories Council—made a special grant of $150,000, if I remember correctly, for the establishment of a school of opportunity. I was wondering if it would be possible to have Indians from other centres in the area attend that school of opportunity. Incidentally, I think that is a great name for a school of that type, a vocational school. Have you given that any thought?

The WITNESS: Yes, I have. As you know, the Indians live nomadic lives during the greater part of the year and that makes it difficult for them to have their children in school. Where the Indian children do mix with the white

children in schools I am informed that they do very well. I see no reason why the Indian children should not mix with the white children, and when the period in their development is sufficiently advanced, take their place in the Yellowknife school. Of course, gentlemen, we must remember that it will be many years before that time will arrive because at the present time most of the children are in Grades I, II and III.

Hon. Mr. STIRLING: What do you mean by school of opportunity?

Mr. HOEY: Well, Mr. McKinnon will know more about that than I.

The WITNESS: Well, in conection with the school of opportunity at Yellowknife we intend to have dormitory facilities—

By Hon. Mr. Stirling:

Q. Do you mean by that that it will be residential?—A. There will have to be separate dormitories or some kind of accommodation provided for the children from outside. One view that has been expressed is that the Indian children be taken into white homes, while attending the Yellowknife school. If we find that this is not feasible then we will have to make other provision for them.

Q. In what grades would these children start?—A. The school starts at Grade I and goes up to Grade XIII. There will be various types of training including mechanics, domestic science, carpentry and so forth. It will embody vocational and technical training as well as the academic.

Q. Will that start in the higher grades?—A. It will start, I suppose, around Grade IV with crafts, and so forth.

By Mr. Bryce:

Q. I always had the idea that up there these Indians never stayed very long in the one district; that they keep moving around all the time; how are you going to give them an education?—A. That is quite true, gentlemen. The Northwest Territories is a very large place consisting of 9·4 per cent of the British Empire and about two-fifths of the Dominion of Canada. The Mackenzie district alone comprises over half a million square miles. The Indian and the Eskimo people are nomadic and they travel about. By going back into the history of the Northwest Territories we learn that for many years the Indian and the Eskimo have tied themselves more or less to certain central points on perhaps a lake shore or river bank, and that they attend these posts for the summer months. They are there for certain periods of time. It is during such intervals that education could be given to them. Also, this is one of the reasons for establishing residential schools in the Northwest Territories.

Q. You read your brief too quickly for a slow-thinking man like myself to be able to assimilate it, but up to the present time what has education done for the Indian up there? Can you see any results?—A. Well, gentlemen, I believe the crux of the development of the Northwest Territories is based on education. They need an opportunity for the type of education that will assist them in adapting themselves to modern conditions. I have had the opportunity of visiting tents along the Mackenzie as far as Aklavik, which is about sixty miles from the Arctic ocean, and I have found invariably that the condition of the home relates directly to the education of its inhabitants. While I was at Fort Rae I visited the homes of the Indians in company with the Catholic priest. We discovered that the conditions of the homes depended invariably upon the education of the inhabitants.

Q. You would say that education improves the home?—A. Education improves the home, definitely. I noticed at Aklavik where the school has been in operation for half a century that the homes were much superior to those at Fort Rae and other centres.

Q. I was not able to get all the figures you gave. You talked too rapidly, but am I safe in assuming there are a lot of Indian children getting no education? —A. Yes, that is quite true.

Q. Is that because of the lack of schools or what is the reason they are not getting it?—A. I think we have reached the time where science and modern development is pushing into the north. Education is in a period of transition—I am talking only of the Mackenzie district—education there will have to receive more emphasis.

Q. Have you any difficulty getting teachers to go there and teach?—A. I was looking over the files the other day. Since the beginning of the year we have had about two dozen applications for teaching positions in the Northwest Territories. In practically every settlement there is some one who has a teaching certificate and who is willing to take over the school.

Q. It would be more because of a lack of schools than anything else, a lack of a building program?—A. Yes. We are contemplating entering on a building program at the present time. In fact, at the present time we have under consideration the opening of schools at seven points, and we hope to have them in operation in the near future.

Q. How many schools have you built up to the present time?—A. The government has assisted in erecting some residential schools, and we have one departmentally operated school under the Indian Affairs Branch at Fort McPherson.

Q. Are you satisfied that with further education for the Indian it will help him to help himself, because that is really the purpose of this committee, to find ways and means for the Indian to help himself and improve his lot.—A. I inspected the homes of the natives from Fort Smith to Aklavik and found that the condition of their homes depended invariably upon their education. At Fort Simpson, where the Roman Catholic day school has been teaching gardening, the teacher in charge informed me that over half of the Indians have gardens of their own.

Q. I am very pleased to hear that.—A. Also from the health point of view I might add that education would pay big dividends in the Northwest Territories.

By Mr. Gariepy:

Q. Did I understand you to say that at Sault Ste. Marie the whites and the Indians mix in the schools?—A. That is correct.

Q. What grade would that be?—A. I could not tell you the grade, but Dr. Alderwood discussed that with me. I understood from what he said that there were Indian children in the high school grades.

Q. How many pupils in each group?—A. I could not tell you anything further.

Q. How did you travel throughout the Mackenzie district?—A. By airplane.

Q. Is there any means of rapid transportation of materials?—A. Yes, by airplane, and also there are many boats that go up and down the river. Many of the natives have boats worth thousands of dollars.

Q. So there would be no trouble in sending supplies from time to time to different points in the Mackenzie district?—A. At certain periods of the year it is difficult to get supplies. It is a large country, and getting supplies in at the right time is an important factor. That is one of the special problems of the Northwest Territories.

Q. Roughly speaking how many schools are there throughout the district now?—A. In the Mackenzie district we have schools at seven points. I would say about a dozen.

Q. And according to your survey how many more schools should be established within the near future?—A. I think the schools they contemplate opening after the summer holidays or as soon as possible will provide for the immediate needs, and as time advances schools will be opened at several points after special local surveys have been made. I think it is very important that we do not go too fast, but that what we do build be on a firm foundation; we should not take education to natives where it might do them harm.

Q. In a nutshell what would be your recommendation as to what should be done in the near future to improve education there?—A. I think I outlined that fairly well in my remarks, the opening of more schools, the engaging of teachers with special training, the putting in of radio broadcasts, better equipment, the encouraging of physical education, the providing of an adequate staff and office, and so forth, and in that way attending to the physical and mental health of the children as far as possible.

Q. Did you find any objection or resistance on the part of the parents to education, or to adopting the white man's ways of living?—A. No, sir.

Q. Not at all?—A. There is objection on behalf of natives in the Northwest Territories that education is not practical enough. In other words, they desire education for practical living, the type of education that will fit into their environment, so that they will be able to adjust to the situations that surround them. In other words, to transplant the curriculum of one of the provinces and force that upon them would not work. It has to be adapted to their environment.

Q. Was that view expressed by the Eskimos and Indians themselves?—A. Yes.

By Hon. Mrs. Fallis:

Q. You spoke of the difficulty encountered in some districts because only the Indian children were under compulsory school attendance. I am wondering what is involved there.—A. We must remember in the Northwest Territories the situation is different than anywhere else in Canada. In some instances we have in the same classroom Indians, Eskimos, half-breeds and whites.

Q. Is there no compulsory attendance for the others?—A. Compulsory attendance for the Eskimos, half-breeds and whites that has not been enforced. Provision for it is in our ordnances, and at the present time they are under revision.

Q. Can you give us the reason why white children should not be compelled to attend as well as Indians?—A. I think we all agree they should, but we must remember in the various posts throughout the Northwest Territories there are perhaps only two or three white children who reside in the fort and in many instances the white parents send their children out. They are sending them as far as Vancouver.

Q. That is what I was trying to get at. I wondered if there is some reason. Speaking about teachers are there any of the teachers who come from the Indian race or are they all white teachers?—A. No, there are none.

Q. Is there no movement or desire on the part of the Indians themselves to go through and come back to teach in those schools?—A. We believe that period of their advancement will arrive in the future.

Q. I know when I visited the reserves in my own district I found some schools where they were employing Indian teachers who had completed their education and had come back and were making quite a success of it. I was wondering if you had any in the Northwest Territories, but there are none doing that?—A. No, we have none.

Q. Since this committee was set up there has been quite a difference of opinion among the witnesses who have come before us as to the advisability of denominational schools. I am speaking of day schools only. There have

been requests from a great many that the schools should be taken away from any religious denomination and placed directly under government supervision. Would you care to comment on that?—A. The only observation that I would make on that is that I feel that there should be a greater measure of supervision of the school curriculum and the time tables. In some schools perhaps there should be a little less emphasis on religious instruction during school hours. An examination of some of the time tables indicates this.

Q. It has been my own personal impression from listening to witnesses and reading different evidence that there has been more education available to the Indians because the churches did take an interest?—A. Definitely.

Q. Than would have been the case if they had not?—A. Yes. I have some pictures here which I will pass around. I might say that other schools in the district are doing work similar to what is shown in these pictures. They show some of the activities, and on the back it tells what is indicated in each.

Q. Would your recommendation be, then, that we should not press for the removal of schools from denominational assistance or control, but that the government should have more control so far as the curriculum and teaching are concerned?—A. I feel that the churches have done a wonderful work in the north. They have a devotion and zeal for their work which might be quite difficult to obtain in the average lay teacher.

Q. Is it not true there are a great many people who teach Indians in all parts of Canada who would never do so if they were not inspired by a missionary zeal, as it were?—A. Yes, quite so.

Q. They go for some reason other than the salary they receive?—A. They are receiving no financial remuneration at all in many schools. I suppose the average salary would approximate perhaps $500 a year.

Q. There is some other motive which is sending them there to teach? —A. Yes, especially in many isolated areas of the Northwest Territories.

Q. And the children reap the benefit of that?—A. Yes.

By Mr. Raymond:

Q. You said you were suggesting teachers should have a better training. Would you care to comment on what you mean by, "better training"?—A. Yes. The pictures which are being sent around indicate the work which is being done by teachers in the Northwest Territories. Teachers must be specially trained for the work in the schools of the Northwest Territories. It is a good policy to have teachers who can speak some of the Indian or Eskimo language depending upon the need for same. They should have special training in art, English, manual training, as well as various crafts. I should like to see a little more emphasis on vocational training in the future. I think that is something which has been neglected to a certain extent.

Q. And to have some knowledge, perhaps, of nursing?—A. Yes.

Q. In comparison to the number of children who are of age to attend school, what would you say the percentage is of those children who attend school?—A. What percentage, do you mean, of the Indian children?

Q. Yes, the Indian children who are of age to attend school?—A. I would say, perhaps one fifth. That is only a guess, it is not an authentic figure.

The CHAIRMAN: Do you include Indian and Eskimo children, Mr. Raymond?

Mr. RAYMOND: Yes.

The WITNESS: That figure applies only to Indian children.

The CHAIRMAN: Mr. Farquhar, you came in late, so I will tell you the submission this morning was made by Mr. McKinnon, Inspector of Schools,

for the Northwest Territories. It was a very interesting submission, but you will perhaps catch the purport of it from the questions a little easier by having that information.

By Hon. Mr. Stirling:

Q. The statement you made, Mr. McKinnon, did it apply to the Mackenzie River District of the Northwest Territories?—A. Yes.

Q. That is but a quarter or something of that sort of the whole Northwest Territories, is it not?—A. Yes, it would be about one-third of the area.

Q. Have you any information with regard to the Nomadic people?—A. There are no Indians in the eastern arctic.

Q. So your district or area covers the portion in which there are Indians?—A. Yes. It also takes in the remainder of the Northwest Territories.

Q. As mining developments go forward, do the Indians tend to flock to them to obtain work?—A. At the present time, that problem is under consideration and it is hoped more Indians will decide to take a part in mining work and prospecting in the north.

Q. Perhaps the largest one, I suppose numerically at least, is Yellowknife. Have the Indians drifted towards Yellowknife, settled there, and consequently come into the need of education?—A. Not to any extent.

Q. The Indians to which you refer, I take it, are largely along the valley of the river?—A. Yes, and along Great Bear and Great Slave Lakes.

Q. Then, east of that again, there are the reserves into which the reindeer are herded. Are there not a considerable number of Indians employed there as herdsmen?—A. I could not tell you.

Q. Throughout that area there must be Indian families, families of a nomadic nature, to whom the bringing of education would present a graver difficulty?—A. Yes, the Eskimos are over in that area, around Port Brabant.

Q. Eskimos rather than Indians?—A. And at the present time the opening of a school at Port Brabant is contemplated.

Q. Those schools to which you referred are in no case Indian schools. They are schools to which Eskimos, Indians and others go?—A. There are Indian day schools, attended by these.

Q. You are referring to them and not to other schools to which Eskimos and others go?—A. Well, you see, we have Indian day schools in the Northwest Territories, residential schools operated by the denominations as well as the departmentally operated Indian day school at Fort McPherson, the non-sectarian school at Fort Smith and the public school at Yellowknife.

Q. So, your inspectorate covers schools other than Indian schools?—A. Yes, sir.

Q. I suppose the great difficulty is to devise a policy which will bring education to those who are not definitely in a settlement, who are either of a nomadic nature or are scattered. To enable their children to go to school you will have to have something in the nature of residential schools?—A. Yes.

By Mr. Richard:

Q. I probably did not grasp your statement of your duties very well, but, first, let me ask you, are all denominational schools residential schools only?—A. No, sir, some are day schools.

Q. Your duties consist of supervising these denominational schools as well as the public schools?—A. Yes.

Q. Have you anything to say about the curriculum of the denominational schools?—A. At the present time a good deal of advice has been asked in connection with the curriculum and the teachers with whom I spoke—I believed everyone in the Northwest Territories—were very anxious to have a special curiculum for that area.

Q. The teachers have none now, they teach whatever they wish to teach?—A. The problem is not as difficult as it may appear on the surface. You must remember the native children in the Northwest Territory who attend school are in mostly the elementary grades. And in grades 1, 2 and 3 the prime objective is teaching reading, elementary mathematics, hygienic rules of living, expression and so forth.

Q. You do feel, probably there is too much time spent in teaching religion?—A. My own opinion on that, I do not wish to express. According to the time table, perhaps there is a little too much in some of the schools.

Q. Have you discussed that phase of it with the leaders of the churches conducting the schools?—A. No, sir.

Q. Do you not think it would be advisable to discuss it if you are going to try to readjust the curriculum?—A. Well, the whole organization of education in the Northwest Territories at the present time is under consideration. Just what policy will be followed is something which rests with higher authorities than myself.

Q. Some of these churches have been in that field, as someone has expressed it, as pioneers with humanitarian motives for a number of years, perhaps fifty years, you said?—A. Yes, sir.

Q. Do you not think it would be rather a bit of irony, after they have done so much work, gratuitously most of the time, for us who have neglected the problem so long to now tell them they have taught too much religion?—A. Yes, I think we all agree—

Q. I think we should have approached the church authorities to see what would suit them as a curriculum?—A. Yes, I think some definite policy will ultimately be formulated. We all realize religion is a very important part of the education of the child.

Q. Especially the Indian, with his way of life, he must be taught that?—A. It is the actual classroom period I am talking about. There may be too much religion in the time table. The amount of time spent on it after school hours is no concern of the school.

Q. I think you said there would be in that territory about 20 per cent of the children of school age who are receiving education, or who have schools available to them; is that what you said?—A. No, sir, I do not remember that.

Q. Did you say 20 per cent?—A. Yes.

Q. I suppose there are a great number to whom schools cannot be made available. They are so isolated it is practically impossible to give them education unless they go to residential schools?—A. Naturally, the residential school has a definite place in the Northwest Territories.

Q. How do the Indians themselves take it if you advise them to let their children attend residential schools? Are they in favour of that, of having their children taken away from them and placed in residential schools?—A. Yes, sir. Of course, I must qualify that statement. They feel there should be more residential schools. In other words, they do not approve of the idea of sending their children in some instances 700 miles or more to a residential school which has been the practice in the past. They feel there should be a school close to home. For instance, at Fort Rae, we have a large number of children. Their parents go out trapping within an area of 200 miles from the fort, and they come back to the fort at various times during the year. The Indian says: "We love our children the same as the whites and therefore we feel we should have educational facilities close to home."

Q. What medical inspection, is given to children who attend residential schools? What inspection is made before they are admitted to those schools?—A. You must remember that all residential schools have hospital facilities either very close or attached thereto and the children are under very strict supervision in this respect.

Q. I have heard this complaint, probably not from that particular section, but some of the Indians feel, and I will use the expression "sore", because some of their children went away healthy to attend a residential school and they came back having been in contact with tuberculosis and had developed that disease. The Indian parents felt the white man was to blame. That would be an awful thing if it is true and it would discourage Indians from sending their children to schools?—A. I do not feel qualified to discuss that but I do know, however, from experience, of instances when children who are suffering from tuberculosis are isolated from the rest of the pupils.

Q. Probably if they had a proper medical inspection before they began at the schools it would be all right. It would be an awful thing if you brought children together from different districts and some of them came into the schools quite healthy, and, coming into contact with others with the disease, developed tuberculosis. That would certainly discourage the parents of Indians from sending their children to residential schools?—A. Yes; they are given a medical examination when they are taken into the school.

Mr. BRYCE: They would not take a child into the school who is not healthy.

Mr. RICHARD: They have done it and that is why parents complained. My information is the inspections take place sometimes six months after the admission to the schools.

By Mr. Farquhar:

Q. I did not hear Mr. McKinnon's opening remarks but do I understand you to say, Mr. McKinnon, that the Indians in your section prefer residential schools to day schools?—A. No, sir. I did not make that statement. Both types of schools have their place in the Northwest Territories. Where there are enough children residing in the fort the year round you have an ideal situation for a day school. Where the parents have to go out and earn a living by trapping and hunting there is definitely a place for the residential school. You must remember in the Northwest Territories they earn their livelihood by trapping and hunting in many instances.

Q. Those are the only reasons you can think of?—A. I know there are other reasons that enter into it but I cannot just think of any at the moment.

By Mr. Charlton:

Q. I did not get your statement exactly, Mr. McKinnon, but did you make a statement somewhat like this? You wanted to be careful and not educate when it might do some harm. Just what do you mean by that statement? I think you were referring probably to adult education but I do not know.—A. That statement actually would apply more to the education in the eastern Arctic or extremely isolated areas rather than in the Mackenzie district. In the Mackenzie district the residents are becoming assimilated but in the eastern Arctic that is not the case to the same extent.

Q. You mean by bringing them together you might cause dissension among the different groups, the Eskimo and the Indian?—A. Well, there are instances on record where the native child has left home and gone into the white man's school and given a purely academic education and has lost contact with his own language. When he returned to his own environment he was unable to cope with the situation there.

Q. He would be more or less an outcast when he came back?—A. During the time he was away in school he has forgotten, according to some authorities, how to trap and hunt and he is not able to assume his place in his own society.

Q. You intimated there was one school in the district operated by the government? I presume that was undenominational?—A. Yes, sir.

Q. Well is it proving satisfactory or how does it compare with the others?—A. In the *Moccasin Telegraph* there was an article just recently written by the Reverend Dewdney discussing the school at McPherson. It is an Indian day school. It is nominally operated by the Indian Affairs branch. The view expressed was that everyone in the settlement was very happy with the school and the children were learning a great deal, they felt it was doing a great deal for the community.

Q. You may not want to answer my next question but what is your own personal opinion of this school at McPherson when comparing it with the denominational schools in the district?—A. Well I am not in a position to express a view on that, because the McPherson day school was closed at the time I visited it. I only saw the school, met the teacher and some of the residents of the fort. I am not in a position to answer the question.

Q. Then this school at McPherson is not a residential school?—A. No, it is a day school.

Mr. BRYCE: With regard to your last question, did you visit when the schools were all closed?

The WITNESS: At Aklavik not all the children were in attendance.

Mr. BRYCE: You went when the schools were in operation?

The WITNESS: Yes, all the other schools were functioning except McPherson.

By Mr. Gibson:

Q. Mr. McKinnon, in your discussions with the school principals up there, did any of them indicate that they were having difficulty managing their financial affairs on the present grants which were available to them?—A. Yes, sir, they were running at a deficit. Some of the schools were running at a deficit of $5,000 or more per year.

Q. I presume that would be one of the excuses that they would give you in cases where teachers do not come up to the standard you thought probably should be maintained? They possibly were not able to compete on the teacher market as it were?—A. No, sir; but my own personal opinion is that they have been doing a very good job with what they have.

Q. Did you feel that the teachers were up to standard, not necessarily standard, but up to the requirements you felt were necessary?—A. Well there are varying grades of standings among the teachers of the various schools. Every teacher that I spoke to indicated a desire to take special training. In fact the teachers were thirsting for knowledge and were in every way willing to better their training so that they would be able to give their best to the schools.

By Mr. Harkness:

Q. Are there any facilities in the north country for anything in the line of what you might call technical education or are the institutions on the straight three-hour basis?—A. At the present time, the Northwest Territories administration has granted an appropriation of $150,000 to set up a school of opportunity at Yellowknife. It is planned that children from all over the Territories will be taken in and given an opportunity for advance education when they have reached that particular stage in their development.

Q. But up to date there has not been anything along that line?—A. Very little of what we usually classify as vocational training.

The VICE-CHAIRMAN: We are sorry Mr. Blackmore, that you were called away, but if you have any questions we would like you to put them.

Mr. BACKMORE: Well I would be very glad to do so but I would like to wait a few minutes and see what is taking place.

By Mr. Lickers:

Q. You are employed by the Northwest Territories Council?—A. Yes, sir.

Q. And your recommendations were made to the council respecting the school question?—A. Yes, I discussed my findings in the Northwest Territories at a council meeting and made recommendations for an extended educational program.

Q. Are the seven day schools which you are opening being established by the Northwest Territories Council?—A. Not all of them. In the main they are being established by the Northwest Council and the Indians Affairs branch.

Q. But the Northwest Territories Council as far as it is concerned, is going to look after their own schools?—A. Yes, sir.

Q. In the plan that you have evolved with the recommendations that you have made, do you take into account the needs for the Indian as well?—A. Yes, sir.

Q. Do any Indians live on reserves, that is up in the Mackenzie district?—A. No, sir.

Q. So that as far as the population is concerned there is no segregation as between the four categories you gave us; that is to say the Indians, the half-breeds, the Eskimos and the Whites? There is no segregation between those four groups?—A. No, in some centres there is no segregation. In centres like Yellowknife they are all white, and half-breed children attending the schools and at Port Radium they will be white children.

Q. If there were any Indians there they would attend that school as well?—A. Yes, if there were any.

Q. Is there any question as to the division of authority as far as education is concerned between the Northwest Territories Council and the Department of Indian Affairs?—A. According to the Indian Act, the Indian Affairs branch is responsible for the education of the Indian and according to the school ordnances of the Northwest Territories, the Northwest Territory administration is responsible for the supervision of education in the Territories.

Q. In that ordnance do they assume as well that they have supervision of education of Indians?—A. No sir.

Q. Do you not think it would be best for the administration of education to have it all under one jurisdiction? Either under the Northwest Territories or under the Indian department?—A. As far as the actual supervision is concerned, I would say yes.

Q. And what about the financial end of it?

Mr. HOEY: If I might clear up that point, Mr. Lickers. It would be exceedingly difficult. As a community such as Yellowknife becomes more developed and more self-supporting, then it becomes incumbent upon the Northwest Territories Council to decide what support, if any, will be granted for the establishment, operation, and maintenance of schools. It has never come up in the council in this form but I feel it is not the stand of the Northwest Council that they will at any time provide a free education for the white residents of the Territory. The council will take the stand that any other provincial government will take, that they will make grants to assist. On the other hand the Indian Affairs branch is definitely responsible for the education of Indians so you would have a conflict of interests there between the two.

Mr. LICKERS: That is just what I am getting at; in view of that conflict, and inasmuch as it will be coming to the fore more and more; as you get into education you are going to run across that same problem of segregation which we are trying to get away from.

Mr. HOEY: I don't think so.

The WITNESS: We have a financial policy at the present time which seems to be working out satisfactorily where the Indian Affairs branch provides for the Indian and the Northwest Territories provides for the education of the Eskimos, half-breeds and indigent whites; but the actual supervision and so forth is co-ordinated in the department.

Mr. LICKERS: Don't you think it would be a good policy for the Northwest Territories Council and the Indian Affairs branch to arrive at some method by which there would be a community of contribution but that in so far as regulation and supervision are concerned it would be entirely under one jurisdiction, so that you would in that way get away from this idea of segregation completely?

Mr. HOEY: I think that would require legislation.

By Mr. Lickers:

Q. Even if it did require legislation, don't you think it would be a good idea?—A. I think they are working in that direction at the present time.

Q. Your set-up in the Northwest Territories would be given jurisdiction in the Northwest Territories; regardless of where the funds came from the work would be under a co-ordinated jurisdiction; do you not think that would be a good idea?—A. I do not think that I am in a position to express a view on that particular phase of it now. The ramifications are great. But I think so.

Hon. Mrs. FALLIS: Mr. Lickers, might I ask you a question. Have you considered that there is a different position there in the Northwest Territories, that the Northwest Territories' Council is somewhat different from provincial jurisdiction?

Mr. LICKERS: Yes.

Hon. Mrs. FALLIS: Because the Indians are not on the reserves, because they are not segregated.

Mr. LICKERS: Yes. For the simple reason that they are not segregated. I am trying to avoid having that happen, to avoid running into the sort of situation that we have found at other places.

By Mr. Farquhar:

Q. Mr. Chairman, this may have been explained before I came into the committee, but you spoke of the Northwest Territories' Council; are representatives of all the bands on this council?—A. That is the territorial council for the area.

Q. It takes in the entire territory?—A. Yes, sir.

Q. How do they get together?—A. Mr. Hoey would be in a position to answer that question.

Mr. HOEY: They are appointed by the Governor in Council. The Deputy Minister of Mines and Resources is also a commissioner for the Northwest Territories.

Mr. FARQUHAR: And it includes representation from all the various bands?

Mr. HOEY: The Indians are not on it at all.

Mr. FARQUHAR: That is what I wanted to know.

Mr. HOEY: No.

Mr. FARQUHAR: The representatives of the bands are from the different reserves?

Mr. HOEY: The Northwest Territories' Council is a body that governs the Northwest Territories in the absence of membership in this house.

Mr. FARQUHAR: Yes, I understand all that, I thought you were referring to an organization that included all the reserves in the Northwest Territories.

Mr. HOEY: Oh, no.

Mr. RICHARD: Are there different bands of Indians in that area?

The WITNESS: Yes, they have their chiefs.

Mr. BRYCE: Might I ask Mr. Hoey if he would explain the set-up as between the Northwest Territories' Council and the Indian Affairs branch? Is there a dual responsibility there between the Northwest Territories and the Indian department?

Mr. HOEY: Just the same as in the province of Manitoba the provincial government is responsible for the education of children of school age in the province and we are responsible for the education of Indians in Manitoba. It is exactly the same.

Mr. BRYCE: You are responsible for the education of the Indians of the Northwest Territories?

Mr. HOEY: Yes.

Mr. BRYCE: What does this other fellow do; is he responsible for their education, who is responsible for their welfare; would it be the Commissioner for the Northwest Territories?

Mr. HOEY: No, he has nothing to do with the Indians any more than the provincial government of Manitoba has anything to do with the Indians.

Mr. HARKNESS: There is probably closer connection due to the fact that your branch and the council of the Northwest Territories are both in the Department of Mines and Resources.

Mr. HOEY: That is right.

Mr. GIBSON: Do you make advances to schools in Yellowknife for the education of the children in the schools there?

Mr. HOEY: We would, Mr. Gibson; but so far as I am aware we haven't had any Indians in attendance; but if there were we would make a regular per capita grant for the operation and instruction of the Indians.

By Mr. Gibson:

Q. Have you separate day schools for Indian children at the town of Yellowknife?—A. No, we have a public school at Yellowknife. It is in a local administrative district unit.

Q. Are there no Indian children in the schools at Yellowknife?—A. No.

Mr. BRYCE: Mr. Chairman, perhaps I am a little thick; but you, Mr. Hoey, are responsible for the education of the Indians and the other fellow in the Northwest Territories sends the inspector out to do your work.

Mr. HOEY: I explained at the outset, Mr. Bryce, that a few years ago an educational survey was undertaken in the Northwest Territories by Doctor Andrew Moore working under the direction of a research council the name of which I never seem to get through my head—it doesn't really matter what it was. That was the first educational survey that had been undertaken in the Territories at any time so far as I am aware. He undertook a survey of the educational facilities provided for the white population, the Eskimo population and for the Indian population, and made certain recommendations. By the way, Mr. Chairman, I think it might be well that a copy of Dr. Moore's report be given to the members of this committee. One of those recommendations was that immediate steps be taken to appoint an inspector supervisor of schools in the Northwest Territories and that recommendation along with a number of others was adopted by the Northwest Territories' Council. Let's forget Indian affairs for the moment. I happen, as Director of Indian Affairs, to be a member of the Northwest Territories' Council, but we can forget that for the moment

also. Now, since Mr. McKinnon was appointed by open competition held by the Civil Service Commission we entered into an agreement with him in view of the fact that we have had no inspection of schools up there whereby he would inspect our schools and report to us just the same as we have an agreement with the department of education in Manitoba whereby they inspect the Indian schools of the province of Manitoba.

Mr. BRYCE: That is clear to me now. Does this commissioner make reports to you on the Indian schools?

Mr. HOEY: Yes, Mr. McKinnon has made reports direct to us, to Colonel Neary, the superintendent of welfare and training, or to the branch. They are in very close touch.

Mr. BRYCE: Is there any report published which the committee could read?

Mr. HOEY: Of course, Mr. McKinnon's report, if he has made any, would be available at any time by order of the House.

Mr. FARQUHAR: Do I understand you to say that the provinces are responsible for the education of the Indian?

Mr. HOEY: No, I said no province was responsible, but that by agreement with the provinces, with the exception of British Columbia, they inspect our schools. We defray the cost. We do not have our inspectors with the single exception of the province of British Columbia where we have our own school inspectors.

Mr. CASE: Mr. Chairman, might I ask Mr. Hoey this. Can you say now that you have contacted all the Indians in Canada, wherever they may be, organized or not? Has your department contacted them in groups, or whatever way they are constituted; I mean the bands in Canada?

Mr. HOEY: I would say yes, Mr. Case; but in order to be fair about the matter I would say that some of these—

Mr. CASE: I am including the Eskimos too.

Mr. HOEY: I would not speak for the Eskimo, but the Indian Affairs branch maintains contact with all Indians. That contact, of course, at times is intermittent. You heard the other day from the Saskatchewan delegation of the Indians at Pelican Narrows in that province where the band only saw the Indian agent about once a year; but that is contact. It is not all we desire.

Mr. CASE: My point is this, though, you know where they are located?

Mr. HOEY: Yes, and we have a complete census. We have been congratulated upon the completeness of that census giving the population and the agencies.

Mr. GIBSON: Would the use of aircraft be of any assistance in visiting the agencies, or has it been found by the department that that mode of travel is too expensive?

Mr. HOEY: That is a matter which is constantly under review and one which requires a good deal of study, particularly since the medical services were detached from our branch. You can't very well have a small plane taking the Indian agent around and another one taking the doctor around or both taking the agent around or both taking the doctor around. That is an exceedingly difficult administrative problem.

Mr. GIBSON: That is one more reason why the two departments should be merged.

Mr. HOEY: It was difficult before, but is has become increasingly difficult since.

Mr. BLACKMORE: Mr. Chairman, have you finished with Mr. McKinnon?

The VICE-CHAIRMAN: I think Mr. Lickers has more questions he would like to ask.

By Mr. Lickers:

Q. Are these schools which are being built in the Northwest Territories, to be non-denominational schools?—A. I could not tell you, sir, just what policy is going to be followed. At the present time the question of education is on the agenda for discussion before the Northwest Territories' Council and will be gone into at that time. It is there where the policy will be formed.

Q. Have you heard any expressions of opinion as to what they want?—A. Certain parts of the Northwest Territories desire non-denominational schools, and in certain sections they prefer denominational. I have in mind one place in particular where I understand they desire a denominational school.

Q. What about the school that is going to be built by the Northwest Territories Council itself?—A. I am not in a position to express any opinion on that because the policy will be laid down by the council itself.

Q. They have not laid down any policy as yet?—A. No, sir.

Mr. GIBSON: Will they be entirely white schools if they are operated by the territories' council?

The WITNESS: Whites, half-breeds and Eskimos.

The VICE-CHAIRMAN: You made a suggestion, Mr. Hoey, about a copy of Dr. Moore's report being handed to each member of the committee; if it is not too long would you suggest that it be printed as an appendix to to-day's report.

Mr. HOEY: I would like to have a look at it again to see just what is in it.

The VICE-CHAIRMAN: And you will let us know later?

Mr. HOEY: Yes.

Mr. BLACKMORE: I would like to draw to the attention of the committee a matter which I believe will require some consideration by members of this committee. Senator Fallis drew the attention of members of the committee to an editorial which appeared recently in the press. That brought to a focal point something which has been in my mind for some time. We as members of the committee have been together for a long time now and have considered detailed Indian reports sufficiently to have enabled us to make up our minds on some general aspects of the situation. One of these I think is that much needs to be done for the Indians in the discharge of our responsibilities toward them. What do you think should be done about this matter before we reach the end of the present session? I thought it would be advisable to move the following resolution for the committee to consider, copies of which I have had prepared for the various members of the committee.

> Whereas: The final report of this committee on the Indian Act is likely to be made not earlier than the close of the 1947 session of parliament and
>
> Whereas: This committee has heard sufficient evidence to satisfy its members that Canadian Indians are in serious need of immediate assistance of several kinds, and
>
> Whereas: Mr. Hoey has conveyed to this committee that his department, in order to discharge its responsibilities to the Indians under its charge, requires at least $15,000,000 for the year 1947-48.
>
> Therefore be it resolved that this Indian Act Committee submit within ten days an interim report to parliament recommending that the government consider the advisability of submitting to parliament for the Indian department an increase to, at least, $15,000,000 in the estimates for 1947-48.

I might comment on it briefly. I think the members of the committee all through the discussion have had impressed upon them that Mr. Hoey and his department have been labouring under the simply insuperable handicap of too little money. As to many of the problems which have come before the members of the committee, when we have probed into them we have found they were the result of too little money, and an all-pervading anxiety on the part of departmental officials to economize. I do not think the Indian department personnel have had a chance to show the country or this committee what they could do if they were given what we call in the west a ghost of a chance. I think before we can tell to what extent the Indian Act needs to be revised; what we should recommend concerning the matter of treaty rights, and that of education. We ought to be able to see the administration, as it is at present constituted, with Mr. Hoey at the head and the fine personnel whose ability has been fairly clearly shown in their presentations before us, in unhampered action a year or two before we make our final recommendation.

I think the members of the committee have had impressed upon them the fact that for us to sit here listening to evidence, forming conclusions and making recommendations without knowing that much more money is to be forthcoming —and every recommendation that is going to be worth anything will cost money —is simply a waste of our own and the country's time. Therefore, Mr. Chairman, I submit to you and to the members of this committee this resolution.

Mr. FARQUHAR: Has Mr. Hoey made a recommendation for that amount?

Mr. BLACKMORE: I think Mr. Hoey did so in some of his remarks.

The VICE-CHAIRMAN: Mr. Blackmore, if I sensed the feeling of the committee they were sympathetic to the suggestions raised by Senator Fallis in a general way. I say in a general way, but the two regular chairmen are not here with us today. I would suggest that as a matter of courtesy to them and to the steering committee—and I think Mr. Blackmore will be agreeable to this—that he withold this resolution for a day or two until they are here. I do not think it would be the best thing to go ahead with it in their absence. You would agree with that?

Mr. BLACKMORE: It might be quite all right to defer consideration of it. I have felt that in fairness to the committee probably there ought to be some notice beforehand that this matter is coming up. Consequently since there has been no notice, and since there are many other committees in session at the present time, perhaps this committee as a whole would not have had a fair chance to consider the resolution, but I would not desire to withdraw it. I should like to place it on the records of this committee as a matter to be dealt with at the next meeting of the committee.

The VICE-CHAIRMAN: That is what I had in mind.

Mr. CASE: If I may say one word with respect to the resolution I think most of us would take a very sympathetic view, but it is quite all inclusive, embracing an amount of $15,000,000. There is not a very large group of us here. I was talking to the chairman a few days ago and intimated that in my opinion it would be wise to consider the advantages of an interim report such as is contemplated by this resolution. The thought I expressed was that unfortunately we have two church groups to hear yet. I feel sure when we have heard those two church groups we will be in a better position to proceed. If we go ahead and do these things without hearing those two important church groups we might easily be misunderstood. After we have heard them I think we will be in a position to commence active operations in dealing with this Indian problem. As far as I am concerned I feel I have heard sufficient evidence already. I think I could make a fairly good stab now at writing a thesis as to what should be done with respect to the betterment of the Indians, but we cannot afford to

overlook these two groups which will be coming before us very shortly, and the gentleman who is coming from the United States. I believe we could proceed then. I think Mr. Blackmore's resolution is timely and worthy of consideration, but whether we are prepared at the moment, without several more whereases, to say that $15,000,000 should be put in the estimates is difficult for me to determine. It might require more than that. It looks to me as if we are aiming at a certain target, and we would have to substantiate it.

Mr. BLACKMORE: I might draw Mr. Case's attention to the fact that it says "at least $15,000,000." If I might be permitted to make one comment, I have in mind as regards the objection Mr. Case pointed out. If the representations of those two very important groups would in any way modify our opinion that the Indians desperately need a good deal of financial assistance right now then I would say we should defer the motion until we had heard from them; but in my judgment, basing my forecast of what they are going to say upon what has already been said, it will only intensify our conviction that there simply must be something done, done effectively, and done now.

Mr. GIBSON: I should like to ask Mr. Hoey if he can spend $15,000,000 this year. I do not think he could hire that many personnel in that time. You would agree with that?

Mr. HOEY: Oh, I do not think I could.

Mr. BLACKMORE: May I ask Mr. Hoey if he would not have a very comfortable feeling in having a little surplus after he spent all he could? There is no reason why the portion of this $15,000,000 he was unable to spend within the year should not remain over and revert to the consolidated revenue fund if need be. But I certainly think that the passing of this resolution would be evidence to the Indians throughout this country that the members of this committee really mean business, and that they are not here just to talk and talk interminably.

Hon. Mrs. FALLIS: As I was the one who made the suggestion originally that there should be an interim report I should like to say that I am grateful to Mr. Blackmore for bringing it to the attention of the committee, but I think we should have a little time to consider just what form our recommendation should take. As the Senate is in adjournment for a short time now—not such a short time either—and there will be no members of the Senate present it seems to me that when we come to frame a definite recommendation we should have as large a representation of our committee present as possible from both houses. We should make every effort to have them here. While I support Mr. Blackmore in his motion in a general way I agree with the chairman that we should have the joint chairmen here, and as large a committee present as possible when we reach the matter of making that report.

Mr. BLACKMORE: I would entirely agree with Senator Fallis. What I am concerned about, as I know all members of the committee are, including Senator Fallis, is that this matter should not be deferred indefinitely.

Mr. BRYCE: For how long has the Senate adjourned?

Hon. Mrs. FALLIS: Until the 3rd of June.

Mr. BRYCE: Are they adjourned now?

Hon. Mrs. FALLIS: They adjourned last night. I am the only one left of the species.

Mr. CASE: That is quite a tribute to you.

Mr. FARQUHAR: It is understood this is to be taken as a notice of motion?

The VICE-CHAIRMAN: That is satisfactory?

Mr. BLACKMORE: Under the circumstances I think that is only fair. I do not want to see anything done hastily or to take advantage of a situation.

Mr. BRYCE: We have 34 members of the committee, and we should have a better representation for the discussion of this matter, although I think everybody will be sympathetic to your motion.

Mr. BLACKMORE: I am sure they will. I have talked to a good many of them and know the feeling of the members of the committee of all parties. Before deciding to defer this resolution I wonder if it would be possible to decide how long we should defer it before we reconsider it. Could we set the date now?

Mr. CASE: I think you would be safe in saying after the Senate reconvenes on June 3, because it is only fair we should have their representation here.

Hon. Mrs. FALLIS: Would it be possible to have a copy of Mr. Blackmore's resolution sent to each member of the committee in the meantime for their consideration so that when they come back they will know what it is all about and will have had time to think it over.

Mr. BLACKMORE: Coud we have the clerk of the committee attend to that matter?

The VICE-CHAIRMAN: Yes.

Mr. CASE: I think that is a good idea.

Mr. BLACKMORE: Suppose we say that this resolution will be brought up for action by the committee at the first regular meeting after June 3.

Mr. BRYCE: Do we meet on June 3?

Mr. LICKERS: Yes, we meet on June 3.

Hon. Mrs. FALLIS: The first meeting after that then.

The VICE-CHAIRMAN: I think we are indebted to Mr. Blackmore for bringing something concrete before the meeting, and we accept it as a notice of motion. I understand that a meeting of the steering committee is to be held on Saturday or Monday, probably on Monday. They will have to take further action and try to get somewhere.

Mr. BLACKMORE: May I express to the chairman my regrets for having happened to decide to bring up this matter when the regular chairman was not here, which probably put him under a strain that he would not otherwise have been subject to.

Mr. CASE: He can carry it.

The VICE-CHAIRMAN: I am sure I speak for all here in expressing our appreciation of the very excellent brief from Mr. McKinnon. He dealt with matters that I for one was particularly interested to hear about, conditions in the Northwest Territories. We know a good deal about conditions in the southern parts of Canada, but this was more or less strange ground to us. We do appreciate what you have told us and are glad to have had you here.

Mr. GIBSON: I move we adjourn.

The VICE-CHAIRMAN: We will adjourn until Monday at 11 o'clock.

The committee adjourned at 12.45 p.m. to meet again on Monday, May 19, 1947, at 11 o'clock a.m.

SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 23

MONDAY, MAY 19, 1947

WITNESS:

Mr. William Zimmerman, Jr., Assistant Commissioner of United States Indian Affairs.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

THE SENATE,

MONDAY, May 19, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11.00 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., Joint Chairman.
Present:

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Bryce, Blackmore, Case, Castleden, Gariepy, Harkness, Matthews (*Brandon*), MacLean, MacNicol, and Reid.

Mr. R. A. Hoey, Director of Indian Affairs, Ottawa, and Mr. N. E. Lickers, Barrister, Counsel for the Committee and Liaison Officer, took part in the proceedings.

The Chairman read a correction to the evidence given by Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch, Ottawa, on Thursday, April 24, and printed on page 712 of Minutes of Proceedings and Evidence No. 13.

Mr. William Zimmerman, Jr., Assistant Commissioner of United States Indian Affairs, was called and made a statement. He was questioned thereon.

At 12.55 p.m., the Committee adjourned to meet again at 4.00 o'clock p.m. this day.

AFTERNOON SESSSION

The Committee met at 4.00 o'clock p.m. Mr. D. F. Brown, M.P., Joint Chairman, presided.
Present:

The House of Commons: The Honourable Messrs. Glen and Stirling and Messrs. Brown, Bryce, Blackmore, Case, Castleden, Harkness, Matthews (*Brandon*), MacLean, MacNicol, and Reid.

Messrs. N. E. Lickers and R. A. Hoey assisted in the proceedings.

Mr. Zimmerman was recalled and further examined.

The witness filed a copy of the "Indian Reorganization Act" as passed by the Congress of the United States, June 18, 1934. (For text, see appendix "EV".)

The Committee adjourned at 6.00 p.m. to meet again at 11.00 o'clock a.m. Tuesday, May 20.

J. G. DUBROY,
Acting Clerk of the Committee.

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MINUTES OF EVIDENCE

THE SENATE,

May 19, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Gentlemen, will you come to order, please? First, there is a correction to be made in the Minutes and Proceedings of Evidence, volume 14, page 712. At present this portion of the evidence reads as follows:—

> I might mention in connection with this question that we have the election provisions of the Indian Act under which, instead of holding office for life, the chiefs and councillors are elected for two months in one case and three years in the other, and, in a more advanced method, every year.

This portion of the evidence should read as follows:—

> I might mention in connection with this question that we have the election provisions of the Indian Act under which, instead of holding office for life, the chiefs and councillors are elected for three years and under a more advanced method, every year.

If the members would care to make a notation on their own copies of the evidence at page 712, "Refer to the minutes of May 19", you will see where it is corrected.

We are honoured to-day in having with us Mr. Zimmerman, who is assistant commissioner of Indian Affairs, Department of Interior, Washington, D.C. Mr. Zimmerman has had a wide experience in Indian affairs in the United States. If it is your pleasure, we would be pleased to hear now from Mr. Zimmerman.

William Zimmerman, Jr., Assistant Commissioner of Indian Affairs, Department of the Interior, Washington, D.C. called:

By the Chairman:

Q. Before proceeding, Mr. Zimmerman, there may be some preliminary questions we should like to ask you in connection with this matter. First, you are Assistant Commissioner of Indian Affairs for the Department of the Interior of the United States, and look after all the Indians of the United States?—A. That is correct. Mr. Chairman, in the United States and Alaska.

Q. What is the approximate Indian population in the United States and Alaska?—A. Approximately 420,000.

Q. How long have you been with the department?—A. I have been with the department since June, 1933.

Q. How long have you been assistant commissioner?—A. Since that date, that is my first and only position in the Indian service.

Q. Had you had previous experience in the Indian affairs department?—A. No, sir, I did not. I was placed in that position for what did appear to me at the time as a peculiar reason and might appear so to some of you gentlemen.

I was consulted by the man who controlled the appointment. He asked about my background, what my experience had been, and I confessed to him I knew nothing about Indians. His reply was, "I have so many experts downstairs, I want somebody who does not know anything." That was my primary qualification for the job.

Q. What had you been doing before that?—A. May I say that is not quite as ridiculous as it sounds because I was presumed to have the correct point of view on social and economic matters. I had been in the investment business for nine or ten years and was accustomed to advising other people how to handle their money. I had some business experience prior to that, I had been in the manufacturing business and, for many years, a writer. I had no previous background in Indian affairs.

Q. You have been assistant commissioner since 1933 and I presume you have travelled extensively over the United States and Alaska in connection with this matter?—A. I have. I have visited, not all the reservations, but I have visited most of them. I have been as far north as Point Barrow and as far south as the Everglades in Florida and the Mexican border.

The CHAIRMAN: Are there any other preliminary questions which the members of the committee would care to put to Mr. Zimmerman?

Mr. MACNICOL: Perhaps Mr. Zimmerman would like some direction in so far as making preliminary remarks is concerned.

The CHAIRMAN: We will come to that, but we are dealing now with preliminary questions to lay the foundation.

Mr. MACNICOL: We are anxious to know whether the Indians participate in voting and if so, how. We should also like to know something about the education of the Indians and who directs it.

The WITNESS: May I say, Mr. Chairman, I have seen the points of reference. I jotted those down and I assume your committee is concerned primarily with any comments I care to make on those points. Is that correct?

The CHAIRMAN: If there are no other preliminary questions, we should ask Mr. Zimmerman to give us any presentation he would care to make.

The WITNESS: May I say first, Mr. Chairman and gentlemen of the committee, that I am pleased to be here. I consider it an unusual privilege. I am hopeful that I can be of help to you and, perhaps you in turn, can help me.

My first trip to Ottawa was taken more than thirty years ago. At that time I was what would properly be called a "hack" writer. I was engaged to write a series of historical and biographical articles about Canada. I spent some six weeks here. Perhaps I know a little more of Canadian history than most of your visitors. At least, I remember some of the names. I have heard of such things as the Act of Union, I know the difference between Upper and Lower Canada. I know that Sir John Macdonald was different from John S. Macdonald, and I know things of that kind. I have, at least, a mass of surface information which is not pertinent here. I mention that to imply that, at least, I do not feel a total stranger.

I have talked enough with Mr. MacInnes, and others here to know there is a basic similarity between the Indian problem in the United States and the problems which confront you. There are, however, many points of difference. If you wish, I would summarize first, very briefly, the history of Indian relations in the United States so that you may have some knowledge of the background.

The Indian tribes in the United States, from the very outset, were treated as foreign nations, as sovereign powers. This explains, in a large measure, why Indian law has more resemblance, at least in the United States, to international law than it does to the law of the states and the law of the United States. I think about 1871 the United States made treaties with each of the tribes and,

unlike your situation, those treaties were numerous and frequent. There is hardly a tribe which has not had more than one treaty with the United States. The net result of that background is we deal with a vast body of law and treaties. We have on the statute books approximately 1,500 laws and treaties which are still in effect. I say that not to impress you, but just to give you an idea of the complexity of our situation.

This is a volume of the code which deals exclusively with Indian law. I make no pretense at knowing everything which is in there. I am a layman. We were constantly confronted with the fact there is an exception to almost every law and to almost every general rule in Indian affairs in the United States. We did not have any single statute.

In those early years the United States dealt with the tribes and concerned itself not at all with the affairs of the individual. The relationship of the United States to the individual springs from what we call the allotment system, which meant each man, woman and child was given a piece of land varying anywhere from 40 to 1,200 acres depending upon the holdings of that particular tribe, the assumption being that if an Indian was given a piece of land and sent to school, sooner or later he would turn out to be a white man and a good farmer. I think the history of the Indians in the United States has made it clear that the theory on which the allotments were made is unsound. Nevertheless, the effect of the allotment has resulted in creating certain problems which I understand you do not have. Most of the reservations in the north, the plain states, and in the far west were allotted. That means that we immediately were confronted with troublesome problems of control and the complications of individual ownership. Out of that we have evolved a system of probating an heirship control which is one of the worst burdens we have. When an Indian dies in most cases his land is not sold; it descends to his heirs, to a second, third and fourth generation; and we are responsible for maintaining that estate and maintaining records and paying out the proceeds of leased moneys and other problems of that kind.

Now, not all of the reservations were allotted; some of them were held intact and the individuals merely have leased rights which are recognized by their neighbours. They are just as valid and just as hereditable as the rights which other Indian tribes have by signing a piece of paper.

Perhaps I got off the main path by referring to the allotment system. That subject comes, perhaps, more properly further down in the list of problems. Now, I shall deal with the question of treaty rights and obligations. The United States generally has—I do not say it has ignored them—gone further than its obligations in meeting the needs of the Indians in certain respects and in other respects it has fallen far short. The United States is now providing gratuitous services for many Indians for whom it has no treaty obligation. That is true in California; that is true in Alaska; that is true to some extent in Montana. On the other hand, the United States have been very remiss in disposing of certain claims which the tribes have had against the government by reason of improper taking of land and failure to meet their obligations. That particular phase of the problem has reached a new stage in the creation of what is called the Indian Claims Commission, which has just begun to function. An Act of Congress was passed last year which contained very broad language authorizing the commission to consider any tribal and band claims against the government without regard to legal technicalities. Those claims may be moral or equitable and not solely founded on treaty. The settlement of those claims is, in my judgment, one of the urgent problems that we have. It is almost impossible to deal with a group of Indians in the United States to-day without spending at least the first morning of that session in a discussion of these claims which may go back forty, fifty or sixty years. The Indians have a psychological twist as

the result of those unsettled claims; they feel that they have been unfairly treated; they feel that their claims at the worst should have been heard and at the best should have been settled promptly. However, the United States congress in the days of what is called the Civil War, back in 1863, when many of the Indians were hostile to the United States and joined the southern confederacy, passed an Act saying that the Indian tribes could not sue the United States in the Court of Claims—a right which any citizen of the United States has. It was only last year that congress removed the bar and has now provided a forum in which the Indian claims may be heard. If the commission functions and disposes of all these claims within ten years as the law provides I believe that one of the greatest obstacles in the settlement of our Indian problems will have been overcome. Not only will it change the attitude of the Indians to the extent, at least, that they feel that they have been heard; but in many cases the Indians will recover substantial sums of money which will no doubt provide capital for various enterprises and, perhaps, for individuals, to be distributed sometimes per capita; but in any event it will relieve the federal treasury of the burden of providing funds in other ways.

There are very few of the tribes to-day who have sufficient funds to pay all the expenses of administration. It is possible that as a result of the payment of these claims many of the tribes will be economically self-sufficient: they will start with a cash base which would permit the purchase of new land or the construction of sawmills or canneries or other enterprises which would provide revenue for the tribe or band.

For a period of not quite sixty years, beginning about 1880, the United States pursued a policy which it seems to me can only be characterized as a policy of disposal. The Indian lands, as I have said, were allotted. In many instances the allotment agent allowed each Indian to select sufficient land to care for his current needs. That, at least, was the assumption. In many cases there was no attempt to block out a farming unit or a grazing unit; the economic factors were completely ignored. A man and his wife and their child might have three allotments and they might be at opposite ends of the reservation. There was no rhyme nor reason in the method followed in many cases. Then all the lands that were not allotted were opened either to public entry or to sale. They were treated, in effect, as public domain lands which could be entered by homesteaders. In some cases the lands were actually sold and the money was paid to the Indians. Now, the net result of that policy was that by 1930 Indians lands had been reduced to a base of about 49,000,000 acres from a total of 140,000,000 acres.

It is only fair to admit that in many cases the best lands were the ones which the whites acquired. You will find in the United States that most of the national parks, most of the national forests, and the best farming lands, the best irrigation projects are adjacent to Indian reservations. They were all once included in Indian lands. Over the years by legal procedures—I do not imply there was outright stealing; in many cases the procedure was perfectly proper—this system was carried out because well intentioned people believed that was the best way to dispose of the surplus Indian property and to ensure the future progress of the Indian on what was left to him.

By 1930, or perhaps a few years earlier, it was clear that in spite of much progress that had been made the Indian population in the United States was still predominantly a rural population and was dependent upon the land. A report was made by an independent organization headed by a man named Mariam and generally called the Mariam report, which pointed out the errors of government policy in the past and made certain broad recommendations for the future. With minor exceptions, the policies laid down in that report have been carried out since that time. The enactment of the Indian Reorganization Act in 1934 was one direct result of the Mariam report.

I would like to speak briefly about that Act because it is the outstanding piece of Indian legislation since the general allotment Act of 1887. It does lay down a policy which in effect reverses the old policy which was carried out since the 1880's. It forbids future allotment of Indian lands. Unfortunately, some of our democratically minded members of congress insisted that the Indians be allowed to vote on the question of whether this Act should apply to them, and there was in 1934 a great deal of confusion in the public mind and in the Indian mind as to what this Act would accomplish. The original draft of the bill which was introduced in the congress was far more comprehensive and included many provisions which were eliminated in the progress of this legislation through congress. The result has been that even to-day there is confusion in the minds of congress and in the minds of the Indians as to what this Act says. It is an important statute but I point out that, with minor exceptions, it does not grant to the Indians any powers which they did not previously have. The essence of the Act is that it forbade administrative officers from interfering with these powers under the theory, which the courts have followed in the United States. that and Indian tribe is a dependent sovereign power. Only in so far as congress has restricted its sovereignity has its sovereign power been curtailed. Now congress has passed several acts saying it will reserve to itself jurisdiction over the ten major crimes. It has passed several other acts, for instance several acts controlling the sale of liquor, but in the main, the Indian tribe to-day functions as a sovereign with limited powers. Perhaps it is fairer to compare a tribe with a county or local municipality. In fact, various constitutions which the tribes have adopted under the Indian Reorganization Act provide municipal types of charter. The advance charter or constitution provide in effect the same powers as municipalities and counties have in the United States. The power of the tribe goes even so far that it may adopt as its own, if it wishes, the act of the state. One or two tribes have actually, by ordinance, gone so far as to say that state law will apply on their reservation. They have extensive power over internal administration. It is regrettable in a way that there was so much confusion and that many of the tribes voted themselves, as we say, out of the Act. That meant for a number of years the provisions, immediately helpful provisions, such as the use of loan funds to purchase land or to replace some of the land that had been destroyed, were denied to the tribes which were not under the Act. The result of that situation is contrasting laws and policies on the two kinds of reservations; those which are under the Act and those which are not under the Act.

Mr. HOEY: What are the relative proportions?

The WITNESS: Initially, the Act was approved by a little more than one third of the total population. Then in 1936 congress passed two other acts, one applying to the Indians in Oklahoma and the other applying to the Indians and Eskimos in Alaska. As a result of those two later acts some 130,000 other Indians were included so that now somewhat more than two-thirds of the total Indian population comes within one of the three acts. The three acts really supplement each other. I do not know whether you want details on that Act but we have the text here and perhaps sometime later during the day you may want further details. In my judgment the Act has been extremely helpful.

The CHAIRMAN: What is the name of the Act?

The WITNESS: We cite it as the Indian Reorganization Act of 1934. As I say, in the earlier years, many tribes had constitutions which were approved either by the commissioner of Indian Affairs or by the secretary and it was always in his discretion to decide what was to be done. I think sometimes those constitutions were ignored. The constitutions and charters that have been adopted pursuant to this Act give a great deal of power to the department. They

go further, in that almost all of them have provisions which permit the tribes to petition for the termination of the department's authority. Now up to this moment none of the tribes has requested termination of any of our supervisory power. I do not know how soon that movement will be started. For example under most of the constitutions the approval of oil and gas leases is subject to departmental control. Now under the constitution, say of the Blackfeet tribe, that tribe could say to the secretary of the Interior, "We want to terminate your power over this particular item of business". If the secretary agrees then the matter is terminated there. If the secretary disagrees the matter is referred back to the tribe for a referendum and if the tribe still says "We want control over that" then the secretary is overruled and the power is handed over to the Indians. That Act also had reference to employment of Indians and we do have in the Indian service a large percentage of Indian employees. It is both the policy and the law to give preference to Indians in the matter of employment. My experience has been that the Indians do not want preferential treatment unless they meet the same qualifications as all other employees. We have a special classification of Indians who are not in the civil service but most of them want to be classified as civil servants and they want to take the regular examinations. They are rather insistent that they be promoted on their merits and not because they are Indians. Now I do not know how much information you want to have by way of detail as to how the Indian service in the United States is operated. Would that be of interest to you?

The CHAIRMAN: Very much, I would think.

The WITNESS: Shall I include the scope of our operations?

The CHAIRMAN: I think that would be very interesting.

Mr. REID: Yes and would you give the number of Indians involved.

Mr. CASE: We have had that.

Mr. REID: Oh, I am sorry.

The WITNESS: Well, I shall give you this information out of my head and if I have to check the record later I will be subject to correction. We have in Chicago, a central office which ought to be in Washington. We were moved out of Washington, which is our normal headquarters, because of the war and the shortage of housing and office space but I hope our permanent office will be returned to Washington very soon. We have in the Chicago office force about 300 people of whom roughly one-half do housekeeping work. That is to say they are accountants, bookkeepers, handle appointments and do bookkeeping work and work of that character. The other half of the staff consists of technical and professional supervisors who have direction in their special field. Those people are in education, extension work, forestry, grazing, irrigation, and other matters. On paper the heads of those various professional units are advisors to the commissioner. It is really a staff organization. Now, directly responsible to the commissioner, are certain district directors. They are five in number. That district organization is relatively new, as it was only established last year and it is too early to predict how it will function. That is particularly so because at present congress has given some indication that it wishes to reduce very sharply our expenditures. If the expenditures are reduced beyond a certain point it will not be possible to maintain those district offices for the purposes for which they were established. The primary purpose for establishing district offices was to have an organization nearer to the reservations where most of the individual decisions could be made. A good many decisions heretofore have been referred to Washington and to Chicago. The volume of business is too great and consequently most people in these offices can contribute nothing except administrative approval. It is not possible for me to sit in Washington or Chicago and determine with any degree of intelligence whether John Smith in Oklahoma

should buy a piece of land for $6,000 or for $8,000. Decisions of that kind must be made in the field. The whole point of the current reorganization which we are undergoing is to relieve the central office of the administrative detail and leave that office as a policy-making organization.

Mr. HARKNESS: How many of those district offices are there?

The WITNESS: We have five.

Mr. CASE: And each has a district director?

The WITNESS: Each office has a district director. Now, you might say, "Who has the final authority on various matters?" Usually the line of division is a dollar division. The director has the right to appoint certain people up to a certain specified salary range. He may approve leasing contracts; he may approve sales of timber up to a specified volume; in other cases there is a right of appeal from his decision to the central office. In each district our reservations are headed by superintendents. The time was when we used to call them agents but the word agent, for some reason, had acquired an unpleasant connotation and about fifteen years ago the name was changed to that of superintendent but they serve the same function. The superintendent makes the final decisions on many matters. Usually smaller sums are involved. He approves individual leases; he has the right to hire and fire employees up to a certain grade; he has the right to pay out individual funds to Indians in accordance with rather elaborate regulations which we prescribe and in general the superintendent is the mayor, or governor, or whatever you want to call him in charge of local administration. He has administrative responsibility for the expenditure of funds and he has administrative responsibility for the professional people who are under him. The head of schools on a given reservation is administratively responsible to the superintendent. Then his director of education is responsible to me. The line of authority is the same. On professional matters, determination of a curriculum and matters of that kind, there is a line of authority direct from the professional line. The director of education prescribes a curriculum and handles matters of that kind, not the lay superintendent. With respect to the number of employees in the department as of December of last year there were some 11,273 positions. I remember the figure very well because I had been subjected to considerable interrogation by congressional committees. All the positions were not filled at that date and we have at the present moment somewhere in the neighbourhood of 10,500 employees of whom more than 6,000 are Indians. The largest groups, as you would expect, are teachers, nurses and doctors. Now let me go back. During the present fiscal year our total budget, that is federal funds, amounted to $44,000,000. Nearly one-half of that was spent for the maintenance of schools, the payment of tuition, and various other charges that come under the heading of education. It also included the maintenance of hospitals, some public health services, some field nurses. The total includes payments for education and medical work with certain services that are necessitated by those operations, that is to say, the payment of freight and the purchase of supplies. Those two items constitute by far the largest expenditures we make. Road construction cost is a large item. The construction of irrigation projects runs into a good many million dollars over the years. The supervision of oil and gas operations and various mining operations is also a large item. Another item is the selling of timber and the work that we call extension work which is essentially teaching people how to farm. Those are the other items that make up the bulk of the expenditures. We are also charged, and I think unfairly, by the treasury, with interest on tribal funds. The various tribes and bands have substantial funds in the treasury and the payment of interest on those funds strangely enough is charged as operating expense against the Indian service. It seems to me obviously it should not be so. It is a burden on the treasury and if the treasury does not want to use the money they can

find some other way of disposing of it. Certainly payment of that interest is of no benefit to the service. The interest and principal stay in the treasury unless congress says otherwise.

Mr. HOEY: Is that included in your total budget?

The WITNESS: Yes, that is included in our total budget.

Mr. LICKERS: What rate of interest do they charge you on it?

The WITNESS: There is a statute which authorizes the treasury to pay 4 per cent unless treaties or other special statutes specify the rate. Actually there are one or two tribes which have treaties calling for 5 per cent but most of those funds draw 4 per cent interest. Now, Mr. Chairman, if that is sufficient by way of general background I shall go on to these various points and just take them up very briefly.

The CHAIRMAN: I might explain to you, Mr. Zimmerman, what our procedure has been. The presentation the witness desires to make is given without interruption and then at the end of the presentation we take turns in asking questions of the witness to clarify any points that have been brought up in the presentation. I think I will be safe in saying that most of the time, if we can prevail upon you to stay here, will be taken up in interrogation by members of the committee.

Mr. REID: I wonder if it would be of use to the committee if Mr. Zimmerman gave the salient points of the new Act. I think it would of interest to the committee and I do not mean that the witness should give the whole Act but just the salient points and then it would become part of his presentation.

The WITNESS: Would you like the text of the Act included in your record? It is not very long.

The CHAIRMAN: I think it would be fine if you could arrange it.

The WITNESS: I can submit the whole text.

The CHAIRMAN: In the meantime you could perhaps point out the salient features. You are speaking of the Act which is now in force?

The WITNESS: I am not sure which Act the gentleman was asking about.

Mr. HARKNESS: The Indian Reorganization Act.

The WITNESS: That is in effect.

By the Chairman:

Q. Is there any other Act you propose to bring in?—A. There are pending many bills which would have some bearing on the general discussions, but there is no general Act of this kind.

Q. I think if you would give us the general Act, we would appreciate it.

By Hon. Mr. Stirling:

Q. Is this the Act of last year?—A. No, this is the Act of 1934. I will summarize each of these sections very briefly.

Section 1 provides that no land on any Indian reservation shall be allotted in severalty to any Indian. I have already mentioned very briefly what that means.

By Mr. Case:

Q. I did not catch one word there.—A. "Allotted in severalty to any Indian"; as I explained before, this whole Act applies only to those tribes which agreed to accept it. There is still discretion in the secretary of the Interior to make allotments, but it has been the policy not to make allotments.

Mr. HOEY: Allotment means to us the right of occupancy, but allotment in your case means title and the right of disposal, does it not?

The WITNESS: Let me answer you by reading section 2 and then I will explain the difference.

Section 2 says, that the existing period of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended until otherwise directed by congress. Let me explain; when an allotment is made, ordinarily the Indian receives what we call a trust patent. This may specify that the land shall not be alienated for a term of years, or it may specify that the land shall not be alienated without consent of the secretary of the Interior. The Indian has a specified piece of land and the title is recorded for his benefit but the legal title is still in the United States in trust for that Indian until the trust period is terminated.

Mr. HOEY: Prior to your reorganization, what did allotment on a reservation mean?

The WITNESS: It meant exactly that, that the Indian received a piece of paper, actually, which recited—

By the Chairman:

Q. That is, the title to a piece of land?—A. He has the beneficial title.

By the Hon. Mr. Stirling:

Q. But he may not dispose of it?—A. Not without the department's consent.

By Mr. MacNicol:

Q. Could he dispose of it to a white man?—A. To anyone, but the ordinary trust patent is not transferable to any person without the department's consent.

Q. What I want to find out is, could an Indian dispose of that land to a white man?—A. Not without the department's consent. With the department's consent it could be done. As a matter of fact, during this disposal upon which I am looking back, the department did dispose of millions of acres of land. We have a situation as a result of that policy which you do not face. Almost every Indian reservation on which allotments were made is badly checker-boarded. The white men bought the best land.

By Mr. Case:

Q. The department consented to the transfer of that land?—A. That was the policy for many years. You take a map of the reservations out west and you will see the lines of white ownership follow the river courses on the map. You can see very easily where the bottom lands, the best lands, are because those were the first lands the white men purchased.

We have, as the result of that, an intermingling of white and Indian ownership and white and Indian laws. We have a very difficult administrative problem. You have adjacent pieces of land within the reservation, mind you, on which two sets of law apply. On one side of the road there is state law and on the other side there is Indian law. We are constantly faced with legal difficulties, not to mention administrative ones. All those Indian lands which were sold to white people, of course, became taxable.

Now, this trust patent which, in most cases, was issued for 25 years could be changed, even under existing law. It is possible to issue a patent-in-fee, and that is a simple fee title. When a patent-in-fee is issued, we record the patent and the land is removed from our jurisdiction. We have nothing further to do with it. The Indian may sell it or keep it, just as he pleases. It has lost its character as Indian land.

By Hon. Mr. Stirling:

Q. Does the owner leave the band?—A. No, sir, that is not necessary. Perhaps I can come to your points or reference. Shall I take up the points on your reference?

The CHAIRMAN: If you would continue with your discussion of the Act, we could file that and have it become a part of our record.

The WITNESS: I could answer the gentleman's question by saying the sale of an Indian's individual land does not necessarily require him to terminate his membership in the tribe.

Section 3 of this 1934 Act related to a particular situation which I think you do not face here. All these reservations which were opened in the 80's and 90's, were open to entry and the lands which were not sold were still held by the United States. The agreement with the tribes was that such lands as were sold would be turned over to the white people and the proceeds paid to the Indians. Generally, that was done. I think in one or two cases the Indians had to sue the United States for the proceeds. All the lands which were not sold the United States held until the passage of this Act.

This section 3 authorized the secretary of the Interior to restore these unsold lands to the reservation. It was an important source of increase. There were several millions of acres of land which had been held by the United States on the theory that, some day, a white man would buy them. These lands were returned as a result of this provision.

Section 4 placed a limitation on the transfer of restricted land. "Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder shall be made or approved: provided, however, that such lands or interests may, with the approval of the secretary of the Interior be sold, devised, or otherwise transferred to the Indian tribe in which the land or shares are located or from which the shares were derived or to a successor corporation, in accordance with the then existing laws of the state, or federal laws where applicable". If you do not mind, I shall not read all the legal language. I will give you the essential points.

One of the purposes of that section was to eliminate at least one channel through which Indian land was being lost. This section, in effect forbids the alienation of Indian lands now held in trust. It does permit exchanges between Indians and white people on the basis of equal value. There is language in here which provides that the secretary may authorize voluntary exchanges of land of equal value and voluntary exchanges of shares of equal value.

Section 5 is simply an authorization for the appropriation and authorization for the department to purchase land to be used for landless Indians. It is to provide land for the Indians. Section 5 provides that the title to any land so acquired shall be taken in the name of the United States in trust for the tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from state and local taxation.

Section 6 has to do with forestry and range management and requires the units to be operated on the principle of sustained yield. It authorizes the secretary to restrict the number of livestock grazed on the range units to estimate the carrying capacity of the ranges and to promulgate such other rules and regulations as to protect the range from soil erosion and so forth.

Section 7 authorizes the secretary to proclaim new Indian reservations on the land acquired pursuant to the authority of this Act or to add any purchased land to existing reservations.

Section 8 is of no particular interest to you. It refers to Indian holdings, Indian allotments made on the public domain outside the boundaries of Indian reservations. In some cases, notably in North Dakota, Montana and some parts of California, allotments were made to Indians scattered all over the public domain without any reference to original reservations. Generally, these allotments were made to the after-born Indians. There was no room for them on the reservations.

Section 9 authorizes an annual appropriation for the expenses of organizing these Indian chartered corporations or other organizations authorized by this Act.

Section 10 authorizes the establishment of a loan fund in the sum of $10,000,000.

Section 11 authorizes the annual expenditure of $250,000 for loans to Indians for the payment of tuition and other expenses in vocational and trade schools.

Section 12 provides for a special classification of employees of Indian blood. It reads,

> The Secretary of State is directed to establish standards of health, age, character, experience, knowledge and ability for Indians who may be appointed, without regard to civil service laws, to the various positions—

May I interrupt the reading to repeat what I said before, that most of the Indians do not want to be appointed under that section. Aside from their natural pride in meeting the same conditions of competition as the other employees there is a further element. Indians who are appointed under this section do not share the retirement benefits under the regular civil service procedure. Therefore, it is obviously to the Indians' interest to qualify, if they can, by examination or otherwise under regular civil service provisions.

Section 13 excluded from the operation of this Act certain tribes, most of whom were later included by the amending Act of 1936.

Section 14 relates specifically to certain treaty obligations to the Sioux, and has no general interest.

Section 15:—

> Nothing in this Act shall be construed to imperil or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to me to be the intent of congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

May I say, parenthetically, the policy of the courts and the Department of Justice in the United States has been to charge against all tribes, wherever possible, all expenditures which have been made, allegedly for the benefit of the tribe. The results of these offsets has been to reduce the claims, even those claims which have been paid, to nominal sums. In many cases the expenditures have wiped out the entire claim. It has always seemed to me a gross injustice. Perhaps I should not say that, but it does seem to me that if you have an obligation to carry out certain functions, you carry out those functions voluntarily in your dealing with the tribe. If, after some years, the tribe comes along and maintains a valid claim against you, you then say, "Well, I have spent all this money for your benefit in the meantime so I am not going to pay your claim."

By Hon. Mr. Stirling:

Q. Has this section survived those amendments to which you referred?—A. This section? Yes, sir. This section 15 has been broadened by language in the Claims Commission Act which was passed last year. The Claims Commission Act expressly excludes certain kinds of expenditures which are no longer admissible as offsets in the event of a tribal claim.

Section 16 refers to the organization of the tribes for the common welfare. It authorizes the adoption of a proper constitution and by-laws which must be ratified by a majority vote of the adult Indians, either members of the tribe or of the constitution, adult Indians residing on the reservation. Now, that consti-

tution, when it has been approved, is not subject to revocation by the secretary. It may be revoked only by an election held by the voters in the same manner as the constitution was originally adopted.

Mr. HOEY: When a tribe is incorporated in that sense, Mr. Zimmerman, it can be sued in the courts?

The WITNESS: Yes, but not under this particular section. The tribe may also adopt what is, in effect, a business charter which authorizes the tribe to buy property and dispose of it. The tribe may buy land, sell land, may engage in business, may sue and be sued, have a corporate seal and otherwise generally engage in any business just as a business corporation would.

Mr. HOEY: Could you tell us, offhand, how many incorporated tribes there are?

The WITNESS: I would have to guess, but it would be about 25 or 30, perhaps more.

By Mr. Castleden:

Q. These tribes could not be sued unless they had been incorporated?—A. That is correct.

Then, section 18 is a provision requiring the Indians to vote as to the acceptance of this Act. After the Act was passed, each tribe was called upon to vote as to whether or not it would accept the provisions of the Act.

By Mr. Matthews:

Q. Some tribes accepted and others did not?—A. That is correct.

Section 19 is merely a definition of the term "Indian", which may be of interest to you. It is only for the purpose of this Act, so do not be misled.

> The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal people from Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be constructed to refer to Indians who have attained the age of twenty-one years.

An effort was made in that section to make provision for Indians who are not definitely affiliated with one or the other of the tribes or bands. This was the reason for the reference including all other persons of one-half or more Indian blood. We do have, in the United States, a considerable number of Indians, some of them of Canadian origin, who have no definite tribal affiliations and the thought was, if they were definitely Indians, at least one-half Indian blood, there ought to be some provision for taking care of them.

By Mr. Case:

Q. How do you determine whether a person has one-half Indian blood?—A. It is sometimes hard to do. We accept the best available evidence. Sometimes there are written records and sometimes we accept affidavits.

Q. In any event, there would be just one inter-marriage?—A. That is right. I would be very happy, Mr. Chairman, if the members of the committee wish to ask questions, to have that done now. I have no objection to an interruption.

The CHAIRMAN: I do not think you need to worry because we will have many questions to ask you when you have finished.

By Mr. MacNicol:

Q. May I ask whether there is any distinguishing mark or evidence as to whether there is Indian blood in a person the same as there is between the coloured races in the south and the white race?—A. Any distinguishing mark?

Q. Mark or evidence—for instance, in the south the fingernails are examined to tell whether a person is part black or white?—A. I am not an anthropologist, but anthropologists tell me you can tell, generally, unless the Indian blood is diluted too much. I have seen reports by anthropologists in which they allege, at least, that they find certain characteristics which determine whether there is Indian blood or Negro blood or some other kind of blood. Frankly, that is getting into a field which is administratively impossible. When we do have to make a determination as to the degree of blood, we try to rely upon written records if the records exist, or upon the testimony of people who have known the family, something of that kind. Anthropological evidence is not very satisfactory.

By Mr. Reid:

Q. In a case where one claiming to be of Indian blood has much less than 50 per cent Indian blood, he then is wiped off the books as an Indian; he is not recognized at all?—A. No, that provision only applies to people who claim Indian blood and who are not otherwise so recognized. We have many members of tribes who have less than half Indian blood who are recognized as members of the tribe. Let me say this, except for this provision, the federal government does not attempt to determine who is an Indian. Membership in the tribe is controlled by the tribe and the requirements for membership are traditionally three: one, Indian blood; two, residence or recognition by the tribe; three, affiliation.

There were Indians, undoubtedly of Indian blood, who were not recognized by the tribe. The tribes, to this day, have the right to expel members, even though they have Indian blood. The federal government does not attempt to dictate who is or is not an Indian. The federal government has placed certain limitations on the use of its money. Congress has said to us certain funds may be used only for Indians of one-fourth or more. We may not pay tuition, for example, of Indians in school if they have less than one-fourth Indian blood. And there are other provisions. This loan fund which was established by the Act of 1934 is limited by statute to Indians of one quarter or more.

Mr. HOEY: There is no such limitation on band funds?—A. There is no such limitation. Some of the tribes or some of the bands have written limitations into their constitutions. They may vary from half-blood to as little as one-sixteenth. Some of the tribes will recognize the membership of Indians of one-sixteenth and some of them have no limitation.

Mr. REID: May I ask this further question on that point? It is a most interesting point and I think all the members of the committee are vitally interested. Say an Indian marries a white woman and she is accepted as an Indian and he dies. Well, generally speaking, does the tribe recognize the woman and take her into the band? I am presuming the white woman is a widow then.

The WITNESS: Generally, if an Indian marries a white woman his children would be enrolled. His children would be recognized as members of the band. There again the situation is not uniform and I do not mean to evade your question but the situation is not uniform. In New York state you will find in cases

where there is exactly the same degree of blood that one is the child of an Indian mother and one is the child of an Indian father and one will be enrolled on the tribal roll and the other will not be enrolled.

Mr. REID: What about the widow?

The WITNESS: The woman ordinarily takes the status of her husband if she lives on the reserve and her children live there. She is probably not a member of the tribe but she would inherit property from her husband if he had any individual property.

Mr. CASE: Would your department recognize her for benefits of Indiens?

The WITNESS: We would not ordinarily pay her anything direct but her children would share in whatever benefits the tribe might get. Indirectly, if the woman continued to live there she would be taken care of.

Mr. CASTLEDEN: Does the department exercise any control as to who should be a member or not? Or does the band decide to accept or to admit somebody?

The WITNESS: Ordinarily not. In a few cases there have been special acts of congress which have authorized the secretary to make up the tribal roll. Sometimes that has been what we call the "final roll", perhaps for the purpose of distributing property.

Mr. CASTLEDEN: In general you leave that matter to the tribe?

The WITNESS: In general it is a matter for the tribe.

Hon. Mr. STIRLING: Generally, do they keep up their rolls properly?

The WITNESS: Generally they do. The fact of the matter is that is one of the jobs in the agency office.

Mr. HOEY: Could I go back to Mr. Reid's question, I think it is rather important? Let us look at the widow again. Supposing a reserve has the rights of this particular state and the state makes provision for mother's allowance and other such social services, would the widow have any claim on the state for benefits of that kind?

The WITNESS: Yes, not only she would have a claim but her children would have a claim on the state.

Mr. HOEY: I am thinking, not of the federal government, but of the state government.

The WITNESS: Let me go back to this fact. All native born Indians are citizens of the United States. Prior to 1924 there was a line of division, or several lines of division. Once upon a time the only Indian who was a citizen was an Indian who had abandoned his tribal relationship and adopted the ways of civilized life. Roughly that was the definition. Then there were certain special acts which said Indians who had received a patent-in-fee to their individual holdings of land were citizens and it was not until 1924 there was a blanket act which made all Indians citizens. In theory every Indian is entitled to the same benefits, whether they come from the federal government or from the state, as any other citizen. With minor exceptions, and there the exceptions are generally by states, the Indians do have the full rights of citizenship.

Mr. HOEY: Of course that recognition here would have very far-reaching consequences?

The WITNESS: The situation is not at all like the situation you have here.

By Mr. Castleden:

Q. In this country the Indian is considered a ward and in your country you consider the Indian is a citizen?—A. He is a ward, and for one hundred years congress has said there is nothing incompatible between citizenship and wardship.

Q. A ward has no right to sue?—A. That is correct and in a few cases, there is at least one surviving statute, a particular tribe is not competent to make a contract.

Q. But is the Indian competent as a citizen? As a citizen has he that right?—A. Well, as I say he has a right to make a contract but the other party has no claim against any of his restricted property. In effect, therefore, although the contract may be valid there is nothing pledged behind it, no security. We make a distinction for example, where Indians. buy merchandise and run accounts at grocery stores, but the man who extends credit to that Indian has no claim upon money in the hands of the United States.

Mr. MacNicol: Nor in the hands of the band.

The Witness: Nor in the hands of the band. That money is trust money and it has substantially the same status as trust funds tied up in the hands of a private trustee.

Mr. Matthews: He would have to claim against the Indian's estate?

The Witness: No sir, it would be legal claim and it is true that as a matter of administration we endeavour to settle claims.

Mr. Matthews: You would need to be careful about extending credit, would you not?

The Witness: Yes, any man who extends credit to an Indian on his restricted property does so at his own risk.

Mr. Hoey: I am still very much interested in Mr. Reid's question. What is the position of the Indian woman who leaves the reserve and marries a white man and who wants to return, as many of them do want to return, to the reserve because her relatives are there and her friends are there? After the death of her husband she may have very little in common with the people in the midst of whom she is living. What is her position?

The Witness: Ordinarily she has forfeited nothing by going away during the period of her marriage. Ordinarily she has not surrendered or given up membership in the band and if she wishes to return she may do so. Now there again there are exceptions. Some of the tribes in their adopted constitutions have specified that if you leave the reserve and stay away for a period of years you forfeit your membership, but ordinarily that is not true and she can come back.

Mr. Hoey: During the period of her marriage to a white man does she share in the distribution of band funds?

The Witness: Yes she would share if there were any distribution.

Mr. Reid: In other words when she marries an Indian she retains a certain status all the days of her life no matter what her future married status may be.

The Witness: That is correct. We are not entirely consistent because if her husband is supporting her then we do not give her free medical service.

Mr. Case: Ordinarily could she bring her children back to the reserve?

The Witness: Yes.

Mr. Harkness: That would ordinarily be a matter for the band to decide?

The Witness: That is correct. The band customs are, however, not uniform. In Minnesota, among the Chippewas, for many years it was well understood that children born away from the reservation had no tribal status. The band could adopt them but they did not inherit, by reason of blood, any tribal status. So we have, in Minnesota particularly, a situation where brother and sister may have different status. The older brother may have been born on the reservation and he may have been enrolled there. Then his father and mother move away and the younger sister born ten years later is not a member of the tribe.

Mr. CASTLEDEN: She could be enrolled if the band wished?

The WITNESS: Yes.

Mr. HOEY: What responsibility do you accept for Indians living off the reserve, particularly in urban centres? Say they have been eighteen or twenty months off the reserve. Let us suppose an Indian is living in Cincinnati with his family, do you accept responsibility for his education and medical care there?

The WITNESS: You raise a troublesome point. The answer really is no, but we are under great pressure to follow that Indian to his destination.

Mr. HOEY: Administratively we found that impossible, that is why I put the question.

The WITNESS: We cannot do it either. We have no machinery and further, I think it is an unsound policy. Admittedly many of the Indians must leave the reserves in the United States because the reservation will not support the increased population. One of the steps in the present program is to provide vocational training which will make it possible for the Indian to leave and to be a carpenter or a plumber or a pipe-fitter or whatever it is. We have been under pressure, and we are under pressure now, in certain areas. I have in mind a city in South Dakota, Rapid City, which is close to several reserves. There are some 800 Indians now living in the city and the city has just thrown up its hands and said "We cannot do anything with these people". They say that the department should provide doctors and clinics and should do various other things. Now that is wholly contrary to the traditional policy. We just have no practical way of doing it. We do not have the money and I think frankly it is up to the community. The community provides the incentive and provides the employment and I cannot see why they should not deal with that situation just as they do for any other people who move into the town.

Mr. HOEY: They become taxpayers usually, do they?

The WITNESS: Either directly or indirectly. If they live in rented property they pay taxes indirectly. I realize that in some of these smaller communities it is a burden on the town but it seems to me it is not a job that we can do. We need to follow through in some cases, yes. Particularly during the war years we did. We attempted to help some of the communities in which the Indians congregated but I should say in the long run that it would be bad policy.

Mr. HARKNESS: Mr. Chairman, I would suggest that Mr. Zimmerman go ahead and complete his presentation.

The CHAIRMAN: I was going to suggest that. It was at the request of the committee that we allowed questions at this time, but I think it would probably be well for Mr. Zimmerman to complete his presentation because the number of points in the reference will take considerable time to cover.

The WITNESS: Well, unless there are other questions about band membership I will go on.

The CHAIRMAN: There may be some questions but we will not ask them just at the moment.

The WITNESS: All right. The next point is liability of the Indian to pay taxes. In the United States the Indian pays all taxes except the taxes on his restricted property, his land. Even then, he may, in certain cases not be required to pay taxes on the income from that restricted land but if he earns money off the reservation or if he has cattle, let us say. to which he has the free title, income from any of his operations is taxable just as income of any other citizen is taxable.

Mr. CASTELDEN: Was that done before he became a citizen, might I ask?

The WITNESS: No, I think not, but I think it is prabably the result.

Mr. CASTLEDEN: The result of granting him the franchise.

The WITNESS: Yes. The law is changing in addition. Not more than two years ago the Supreme Court of the United States handed down a decision which opened up a new field of taxation which said the state of Oklahoma had the right to collect inheritance tax. It was not called inheritance tax it was alleged to be a transfer tax. Nevertheless it opened up a new field and also reversed the philosophic basis on which the courts had previously rested. The courts' decision turned on the fact that there was no express English in this particular statute forbidding taxation of Indian estates. Heretofore the Supreme Court has always considered the statute liberally in their direction. Unless the Indians were expressly included they were held to be excluded. Whether that is going to set a new trend for the court I do not know but from the standpoint of the Indians it is a bad sign. The Indians generally are paying sales taxes in the states. They are paying excise taxes on cigarettes and other things which they purchase. Most of them, if they have automobiles, get licences and pay taxes that way and they do pay federal income taxes.

The CHAIRMAN: Now could I ask the members of the committee if they would just make notations of their questions so that we can get through the presentation.

The WITNESS: I think on the matter of enfranchisement perhaps we have already covered a good deal of it or at least covered it sufficiently for the moment.

Mr. REID: Are they enfranchised? Do the Indians vote? I am not clear on that.

The WITNESS: Well under our situation the determination as to voting rests with the state. The federal government has said they are citizens but the qualifications for voting are established by the state. Now in most of the states the Indians vote. In two of the states they are forbidden to vote. In one case there is a constitutional provision about Indians not being taxed, which dates back to the old days when there was nothing but real estate tax. That particplar provision is being tested in the court now. The only two states in which Indians are not allowed to vote. to some extent at least, are Arizona and New Mexico. In practically all of the other states Indians are permitted to vote.

Mr. HARKNESS: Does that apply to Alaska as well?

The WITNESS: Yes, they vote in Alaska.

Hon. Mr. STIRLING: Male and female?

The WITNESS: Yes.

Mr. CASTLEDEN: This vote was granted to them straight out? They did not have any say as to whether they wanted to take on this responsibility or not?

The WITNESS: No, they had no say in it. As a matter, of fact there was some feeling about the matter, particularly when they found they were still subject to the same restrictions being Indians, and that they were subject to the draft. So Indians may vote at national elections and at state elections except in those few cases where there are some state restrictions. We have had difficulty in one or two of the southern states because they have educational qualifications. We had an incident in North Carolina, where, in this case, the tribal chief, who reads and writes and speaks English very well, read a whole page of the state constitution but the election judge said "No, you are illiterate and you are not allowed to vote". Well we fought that through in the courts, and at least in North Carolina, I think, those Indians will now be allowed to vote.

The sixth point is encroachment of white persons in Indian reserves. I have given you a partial answer I think, by telling you about the allottment system which in effect opened up the reserves to white settlement. The result is that right within the boundaries of the reservations you have more white people today than you have Indians.

Mr. HOEY: What attempt have you been making to buy back that land?

The WITNESS: It is just not possible to buy back the land. There is just no hope of getting enough money to do it. In many bands the lands were sold and have been improved. In some cases you have towns, fairly large towns, which are built within the reservation boundaries. That is true for instance, at Klamath in the State of Oregon.

Mr. HARKNESS: And Browning, Montana.

The WITNESS: Browning, Montana is another. Hardin, Montana, is another where the city grew up within the boundaries of the reservation. There are other places where it is just not feasible and what we had hoped to do was to make some consolidation within the boundaries so that there will be usable units of land. It is just not possible to recover land that has been sold. We do have this problem of white infiltration. These white people cause many problems. Right today we are being beseiged by Indians who want to sell land or say they want to sell their lands and there is a flood of bills in the congress directing us to sell Indian lands. In most cases the snake in the grass is a white man who wants to buy the land. It has actually happened that a member of congress stood up in committee and said that he had an affidavit from a certain Indian asking that this land be sold but he said "I know that the lawyer for the white man who wants to buy the land drew the affidavit. In my files I have an affidavit from the very same Indian saying 'I do not want to sell that land'". There is pressure now on almost all the reserves, very much like the pressure that was exerted after the first war. At that time the government policy was to sell the land and even to sell off the breeding stock, sell the cattle off. Their thought was that prices were high and they had better sell, and we are being subjected to the same kind of pressure today.

Your seventh point has to do with the operation of schools. There I think our situation is different from yours. About one half of the Indian children who are in school attend the public schools. In general the government's policy has been to encourage them to go to public schools.

By Mr. Castleden:

Q. You mean white schools? You mean neighbouring white schools?—A. Yes, neighbouring white schools. The general system is that they are maintained by a local school district whose funds are raised principally by taxation of land and those local funds are supplemented by grants from the county or the state. Many of the states now have a fund to help the weaker counties and the weaker school districts. Some of those public school districts are wholly Indian and I have in mind a number of reservations where the Indians just set up their own school districts. The federal government has put up the building and the Indians have elected a school board and deal with the situation just as if it were a public school district outside the reservation.

Q. And they operate successfully?—A. Yes.

Q. You find good progress?—A. They are making progress.

By Mr. Blackmore:

Q. Under the state or federal government?—A. Those are state schools about which I am talking. They are not really state schools, they are really run by the local districts.

Q. But they are under the state?—A. They are under the state. They are not federal schools.

By Mr. Castleden:

Q. These schools use the state curriculum?—A. That is correct. This accounts for about one-half of the Indian school population. The other half is divided. The federal government operates what we call day schools as distinguished from residential schools. These schools operate just as day schools do. The children go home at the end of the school day and live at home. We operate schools of that type. Then, we also operate a number of residential or boarding schools. These are either on the reservation or in a few cases off the reservation.

In the early days it was considered the best place for a boarding school was away from the reservation. If you could get the Indian child young enough, take him away from his family, keep him in Pennsylvania or New York or Kansas or some place until he grew up; then if he went home, he would be a white man and live as a white man thereafter. Therefore, these boarding schools were, originally, established away from the reservation. However, in more recent years we have built boarding schools on the reservation.

Some of the reservations are so large it is not feasible to operate busses or walk-in schools. The attendance is irregular and it has been necessary to maintain boarding schools, especially for the higher grades. The federal government maintains, really, three types of schools; the regular day school, the boarding school on the reservation which is generally a high school, and then the boarding school off the reservation.

The attendance at boarding schools is very carefully screened. We do not allow any child, at will, to go to a boarding school. There are certain criteria which were established. Orphans, children from broken homes and problem children are selected. They go to certain boarding schools in the hope their bad tendencies can be corrected. Then, boarding schools cater to another kind of child, the child who wants vocational training or who wants to go to college and engage in professional work. Sometimes the two types of children are mixed and they get along very well, but in the main, there is a differentiation between the types of education provided at one school and the other.

By Mr. Castleden:

Q. Are all those schools operated by the federal authorities that is, the federal government supplies the teacher?—A. That is correct.

Q. There are no schools of, what might be called, the parochial type?—A. There are a number of so-called mission schools operated by various denominations. Some of them are on the reservation and some are nearby. Generally, the federal government does not assist those schools. There are some exceptions. We have made a contract with a number of mission schools because we had no other facilities for children. They were children who were homeless or had to be taken care of in some way. The federal government does provide grants in aid to those schools on the theory that the denominational school provides a home, provides board and the grants provide food and clothing. It is not considered that the federal government is paying for education, but does provide for the maintenance of the child.

Q. What percentage of Indian children would be attending such schools?—A. It is a relatively small percentage. Out of some 60,000 of school age, there are about 4,000 children in the mission boarding schools and about 3,700 in the day schools and other missionary schools. In other words, about 8,000 children are in mission schools.

By Mr. MacNicol:

Q. Out of 60,000?—A. Out of a total of about 60,000 children.

Now, briefly, those are the points, Mr. Chairman, which are in this list.

By Mr. Castleden:

Q. There is one other figure which I should like, in regard to education. Have you some figures there which would show, out of your 60,000 children who attended school, how many would go beyond grade eight or ordinary public school?—A. I can give you that, but I think I ought to say we are relatively backward.

Q. That is, in relation to the ordinary state school?—A. Yes. There are many reservations on which high schools have been established within the last ten or twelve years and there are many reservations where the mean, not the average, would be somewhere between four, five and six years of school attendance.

Q. I should like to have those figures later on, if you could get them.—A. I think I can give you something that would be helpful.

The CHAIRMAN: Since it is now approximately one o'clock, we should adjourn. First of all, what is your pleasure with respect to the next meeting? Shall we meet at four o'clock today?

Mr. REID: I would suggest that we meet at four o'clock today.

Mr. CASE: We should meet, if at all possible.

The CHAIRMAN: It is agreed, then, we shall meet in this room at four o'clock this afternoon.

At 1.00 p.m. the committee adjourned to meet again at 4.00 p.m.

AFTERNOON SESSION

The committee resumed at 4.00 p.m.

The CHAIRMAN: Gentlemen, I believe Mr. Zimmerman has completed his presentation. I presume it is now in order for you to put questions to him. You have nothing further to add, Mr. Zimmerman, to your presentation?

The WITNESS: I could possibly continue, Mr. Chairman, but I would suggest you allow the members to ask questions.

Mr. CASE: We could have a question period and then hear from Mr. Zimmerman later, if that was desired.

The CHAIRMAN: Yes. Is it your pleasure to limit the time for questions? Since there are no comments, suppose we commence with ten minutes per member. Then, if we have some time left over, we can deal with something else. There will be a period tomorrow during which you may also ask questions. Would you care to commence with the solicitor?

Mr. CASE: I think the solicitor should take care of anything we miss.

Mr. LICKERS: I will reserve my questions until later

Mr. MATTHEWS: Mr. Reid and I have some joint questions and, if it is agreeable, I will turn over my time to Mr. Reid.

By Mr. Reid:

Q. My first question has to do with property. I should like Mr. Zimmerman to tell the committee how the United States handles trusts and trust funds?—A. You mean individual property?

Q. Yes, both that and for the band. For instance, if an Indian sold or rented property, is the money from that placed to his account or is it placed in the band fund or is it held in Washington in an account for the individual or the band?—A. Let us see if I can break that down. If land which belongs to the band or tribe is leased, the money may go to one of two places. The tribes

which have been organized under the Reorganization Act, usually have a local treasurer. They have authority, under their chairman, to hold in their own local treasury funds accruing to the tribe. I make a distinction between funds which accrue in the local treasury and certain other funds which may accrue to the credit of the tribes in the United States treasury. Prior to the Reorganization Act, all tribal income went into the United States treasury and could not be taken out except by appropriation. In recent years we have recommended to congress and congress has approved several times, bills authorizing the withdrawal of tribal or band funds with the consent of the secretary of the interior. This simplifies the procedure. It does not make it necessary to go to congress each time for an appropriation.

Then, when the 1934 Act was passed, it authorized the establishment of these corporations. Since these corporations were established pursuant to the Act, many of the tribes have negotiated their own leases or have sold timber and provisions in these contracts or leases have permitted payment direct to the local tribal treasury. Do I make that distinction clear?

Q. Yes. Just one further question in that connection; supposing an Indian had a piece of property which he rented, we shall say, for $10 a month to a white person. Would that $10 go to the local treasurer or would it go to the individual?—A. It would go to the individual.

Q. Direct?—A. That would depend again—I must apologize for what must seem to some of you like conditional statements. However, that is the situation. To every rule there seems to be an exception.

For example, the Crow Indians in Montana are affected by a special act which applies only to the Crows. Under that Act certain Indians were declared to be competent. They are permitted to lease their own land, to make their arrangements and collect their own lease money. Those Crows who are not declared to be competent, receive the money through an agency. The money is paid into the agency by the lessee and is paid out by the superintendent or by the clerks at the agency.

Q. Without contact with headquarters at Washington?—A. That is correct, but there are general instructions, you appreciate, and they have authority under certain regulations which were drafted in Washington.

Q. Have these district supervisors or superintendents bank accounts in the local states?—A. No, they do not have.

Q. How are the funds handled, then?—A. They are all handled through the federal treasury.

By Hon. Mr. Stirling:

Q. Is this treasurer a government appointee or a member of the band?—A. The local treasurer is usually a member of the band. We require the treasurer to be bonded by a recognized surety company. We have an approved list of banding companies. We require the local treasurer to take out a bond in an appropriate amount. Most of them are bonded for $10,000; that is a little safeguard, it is not too much.

By Mr. Reid:

Q. We will probably be coming back to the question of trusts—

The CHAIRMAN: May I interrupt at this point? Since Mr. Zimmerman followed the order of reference, I have been wondering if it might not be advisable, in the interrogation of the witness, to keep to the different items in the reference. For instance, the first questions would be on treaty rights and obligations. Then, we would continue with the question of band membership and the liability of Indians to be taxed.

Mr. REID: I should like to ask the questions I have on my list, rather than keep to the one subject.

The CHAIRMAN: All right, if that is agreeable.

The WITNESS: May I answer your question further? As a rule, the local superintendent determines whether or not an individual Indian may lease his own land and receive rent without supervision. As a general rule, unless there is a special statute, as in the case of the Crows, it is the judgment of the local administrator which prevails.

By Mr. Reid:

Q. Does the United States give preference in the civil service—I am thinking of the employment of Indians—to veterans?—A. Yes, it does. It is a little difficult to determine sometimes whether your preference is to be given to a veteran or an Indian or an Indian veteran?

Q. Can an Indian sue the government direct?—A. Ordinarily not. Until the Indian Claims Act was passed the tribes could not sue the government without special act of congress. The Indian Claims Commission Act which was passed last year permits the tribes to file claims with the commission for any actions arising prior to the date of the Act. For any actions arising subsequent to the Act the tribes may sue in the regular courts.

Q. What about the sale of liquor to the Indians? This has been quite a question here, Mr. Zimmerman, and I would like to know how you handle it.—A. Well, the Indian liquor law in the United States is very broad. It has been held in one or two cases that it even includes 3·2 beer, if you have heard of that.

Mr. MACNICOL: We have heard of the 4·4.

The WITNESS: There must have been a depreciation over on the American side. The fact of the matter is that the Indian liquor laws are not enforced and in my judgment are not enforceable. The police force we have is not adequate to do the job and neither the Indians nor the white population on the whole want the law to be enforced. We have proposed to congress, and there is pending in congress at this time, a bill which would remove all the limitations on Indians away from the reserve. An Indian away from the reserve would be treated just like any other citizen. He would be allowed to buy liquor and if he got drunk he would be subject to state law.

Mr. REID: He could go into a cocktail bar?

The WITNESS: Surely. We have a silly situation in the States. In Illinois, where my office is, we have a state law that prevents discrimination and a local bartender who refuses to sell liquor to an Indian is subject to a state fine under state law. If he serves the Indian he is subject to a fine under the federal law.

Hon. Mr. STIRLING: What does he do?

The CHAIRMAN: How do you get around the law?

The WITNESS: One lawyer, for one of those bands, came to me and asked for a written opinion. I told him I could not do that but that he should use his brains. I said that in my judgment no jury in Chicago would convict a bartender for serving liquor to an Indian. I think our proposal to congress is a first step. There is a great resentment on the part of the younger Indians against the liquor laws. I should hope that ultimately the law might permit of a local referendum.

By Mr. Reid:

Q. Have the local police the right to go on Indian reserves and administer law and order?—A. No, sir. The local police have no jurisdiction.

Q. Who has jurisdiction? What police force has jurisdiction?—A. Well there again, traditionally, the Indians have their own courts. Now on some of the reservations we do have Indian courts with regularly elected judges and with Indian police, but on some of the reservations there are no courts. The notable situation is that which exists in New York state; which situation is admittedly bad. The Indian courts do not function. They have the Peacemaker Courts in New York state but that does not cover the minor crimes and misdemeanors. The court says the state has no jurisdiction and the federal government maintains no police. There are certain areas like the New York reserve where you have a no-man's-land. Generally, except for the ten major crimes I mentioned this morning, starting with murder, manslaughter, arson, and I forgot what the others are, but there are ten of them, all other crimes and misdemeanors are subject to tribal law except in so far as tribal law has been superseded by a code. I will say more about the codes in a moment but tribal law still prevails. Now we have adopted and prescribed a federal code on most of the reserves and that code does prevail now except in the cases where a tribe has modified it and has adopted some other system.

Q. Are the Indians in the United States under one department and does that department include health and service and everything else?—A. Yes sir, they are. There is a minor detail but it does not change the answer. We do get assistance from the United States Public Health service which lends us certain officers who direct our medical work, but administratively they are responsible to the commissioner of Indian Affairs.

Q. Would you care to say a word about hunting and fishing rights? That is a very contentious subject here.—A. It is a very contentious subject everywhere, in my judgment. The Indians are very insistent on maintaining those rights. In the United States, my fear is that the Indian will need to curtail his privileges. I think, in the interests of conservation, it is desirable that they conform at least to the same practices that are applied on forest lands and other hunting and fishing areas. The question of their treaty rights becomes very, very, difficult there. The state officials, almost without exception, are concerned about the abuse of the rights which the Indians do have and do enjoy.

Q. Do you have any relief system to augment the large expenditure as mentioned by you, apart from the general appropriations?—A. Included in our general appropriation is a small item, it is almost negligible. This year we have about $250,000 for direct relief. We do have some Indians, I should say between 3,000 and 4,000 who are not eligible for the old age benefits and certain social security benefits. They are not eligible for any of the other regular benefits and congress allows us this money. As far as it is possible we make direct cash payments to them.

By the Chairman:

Q. Could I ask on that if they are given the old age pension?—A. Indians are eligible for the old age pension but it frequently happens that you cannot prove the age of the Indian and the state people who administer that general plan will not accept what evidence there is.

Q. What year did they become eligible? When was that law passed that made it possible for them to obtain the benefits of the old age pension?—A. I could not give you the date.

Q. Was it recently, say ten years ago?—A. About ten years ago.

Mr. HARKNESS: Who provides the money, the state, or the federal government?

The WITNESS: The state and the federal government provide equally.

Mr. HARKNESS: For Indians as well as white people?

The WITNESS: Yes. Let me explain that the state administers the plan. The plan, and the scale of payment, is administered by the state but the federal government matches those payments. Now, I have to confess that in certain states we have had difficulty in persuading the state that they should make contributions to the Indians.

Mr. HOEY: But they do.

The WITNESS: Well in several states they do not.

Mr. HARKNESS: In that case, does the federal government provide the whole amount?

The WITNESS: No, sir. Either we have had to rely on the direct relief or the money that we have obtained for direct relief, or we have to rely on the tribe to take care of its own indigents. As a matter of policy, there is no question in my mind but what the states are responsible under the law. We are in the process of negotiating and trying to persuade the states. The burden is very unequal for the states. The largest Indian populations are in the poorer states. Perhaps there is some equity in the plea of Arizona or New Mexico, for example, that they cannot provide for their Indian population as easily as New York state can where you have 6,000 or 7,000 Indians in a population of several million. In Arizona the ratio of the Indian land to the total taxable land base is much greater, and there is a problem which may be solved by new legislation making the contribution of the federal government flexible. That has been proposed not only on account of the Indians but on account of the general population. Some such plan of that kind I think will probably be put through Congress. That would help the Indian materially.

By Mr. Reid:

Q. You mentioned something this morning as to the total appropriation being $44,000,000?—A. That is right. That is what we hope to get.

Q. Are there any other moneys spent apart from that such as band funds, or is that the total of the moneys spent in a year?—A. No. This year we will spend a little over $2,000,000 out of band or tribal funds. Several of the tribes pay almost the total cost of administration out of their tribal income.

Q. That works out at about $105 or $106 per capita taking your Indian population. If I may have the permission of the committee to put it on the record—I think it would be useful—I should like to ask Mr. Hoey how that compares with the Canadian figure. I think it would be useful to have that. With the permission of the committee I should like to ask Mr. Hoey that.—A. I think that is fairly close. The average for the United States has been running around $100 per capita. It varies perhaps $5 either way, but it runs in that neighbourhood.

By Mr. Castleden:

Q. That is exclusive of what the different states provide by way of assistance?—A. Exclusive of what they might do. That is the money appropriated to the Indian service.

Q. By the federal treasury.—A. Out of the federal treasury.

The CHAIRMAN: Would you care to answer that, Mr. Hoey?

Mr. HOEY: Yes. I took a rough figure. Our present estimates before the House plus supplementary estimates including medical but exclusive of family allowances will just be a shade under $100 per capita. With family allowances it is about $120 per capita.

By Mr. Reid:

Q. I have one or two more questions regarding schools. Do the Indians contribute to school education or do they just pay income tax and sales tax on what they earn off the reserve?—A. Indian lands generally are not taxable.

Q. They are not taxable?—A. There again in a few cases the Indians pay for the cost of operating their own schools, but that is the exception.

Q. Is the curriculum the same in all federally operated schools?—A. I did not catch the first part of your question?

Q. Is the curriculum the same?—A. No, the curriculum is varied.

By Mr. Hoey:

Q. Do you follow the states?—A. In general we follow the state curriculum, particularly in the higher grades, but there has been considerable emphasis in recent years on local factors. An Indian in southern Arizona who is being trained to live in a semi-tropical or semi-desert area is taught to do certain things that would not fit in a mountain area or in the northern plains area. There are differences in the curriculum based on local living conditions.

Q. What grades have you in the public school, and what is the age of the school children?—A. Indian children are usually about a year behind white children. A non-English speaking child does not usually make the adjustment for a year or more after he is in school. There are exceptions to that, but generally the Indian child who graduates from grade school or high school is a year or two behind the white child of the same age. I am not sure I answered your question. We maintain schools only through high school, or twelfth grade, whichever you call it.

By Mr. Hoey:

Q. At what age are they enrolled?—A. The normal school age is from 6 to 18.

By Mr. Reid:

Q. Can you tell us briefly anything about the Metlakatla Indians? That will end my questions for the moment. We have heard such good reports—at least, I have—about the Metlakatla Indians, and I wondered why we could not duplicate that all over this country.—A. There are some reasons why you cannot duplicate, but there are parts of Alaska where we are duplicating. The Metlakatla Indians were given a reserve which included valuable fishing grounds. Their right to those fishing grounds was contested in the courts and was affirmed. The basis of their economy is really fishing. They have been very fortunate in recent years in having an exceedingly competent manager who is a white man. Their fishing operation has been very profitable. They have made a good living individually, and the band has accumulated a substantial surplus from the operation of the cannery.

By the Chairman:

Q. Do they pay taxes?—A. They have voluntarily.

Q. On the fish?—A. There is a territorial tax on each case of fish, and the Metlakatla Indians as a matter of public policy decided to pay taxes on the pack. Their annual income varies greatly depending on the pack. They have some other business. They have a sawmill. Recently they have been negotiating with the war department for the operation of a flying field or air field. During the war the army took over a portion of one of the islands and established an air base, and the Indians now want the control of that and hope to lease out various concessions.

By Mr. Reid:

Q. Are they really on their own?—A. They are really on their own economically, and I see no reason why they should not continue to be. We still maintain a government school. I have hopes in the near future they will convert that into

a public school. We have been talking about it, and it is their intention sooner or later to have it converted, but for the moment they have asked us to continue to maintain the school. There is one other community in Alaska that is beginning to follow in the footsteps of Metlakatla. About eight years ago we loaned $180,000 to the community of Heideberg: They have paid off that loan and own their plant now without any loan against it. I see no reason why that community should not follow in the path of the Metlakatla Indians.

By the Chairman:

Q. What plant was that?—A. Heideberg.

Q. What plant was it?—A. A salmon cannery.

Mr. CASE: Mr. Chairman, I have quite a number of questions but I hope they will not require such lengthy answers.

The WITNESS: If my answers are too long choke me off.

The CHAIRMAN: I think they have been most interesting.

Mr. CASE: The time factor is an important one.

The CHAIRMAN: On the question of time I do not think we should be too strict. We want to get all the information we can and be as fair as possible.

Mr. REID: I do not think that the witness should be held down. I think if it needs an extended answer we should have it, and it should not be taken off the time of the questioner.

Mr. CASE: I want the witness to take all the time he needs in answering. What I meant was that my questions were of such a character that perhaps they would not require long answers.

By Mr. Case:

Q. I understood you to say that you have 420,000 Indians?—A. Approximately.

Q. Is that the number of Indians on reserves, or does that include all your Indian population?—A. That is the total on the tribal roll.

Q. So that you could lose track of your Indians if they have left the reserve?—A. Some of them are not living on the reserves.

Q. Can you tell me the number of tribes you have?—A. About 200 recognized groups.

Q. I understood you to say this morning that where they have the franchise it depends upon the state, that is, their qualifications depend upon the state?—A. That is correct.

Q. In places where they have the franchise are they eligible to run for public office?—A. Yes, sir, they are.

Q. You have done pretty well with the schools. What are your principal religions among the Indians? Would I be right in saying they are generally Protestant, Catholic, and aboriginal; would that cover it?—A. That would cover practically the whole.

Q. Is there any demand among the Indians for their own religion?—A. Oh, yes.

Q. Do you recognize that?—A. Yes, we do. We do not interfere with that.

Q. You do not interfere with it?—A. No. That, incidentally, is a change from the policy prior to 1933.

Q. As far as you are concerned you have had an opportunity of observing, and the results are encouraging?—A. I think so.

Q. You find nothing untoward; they are contented with their religion?—A. Yes.

Q. Do you recognize what is referred to as "blanket marriages" as being binding?—A. Yes. We have generally recognized them. We call it "Indian custom" marriage.

Q. Yes?—A. But the trend is markedly away from that. Many tribes have themselves adopted ordinances regarding marriage in a state court or by a priest; that is very definitely the trend.

Q. But for purposes of inheritance and legally a blanket marriage would be recognized in your courts?—A. Yes, sir.

Q. Are your Indian chiefs and council elected by members of the band?—A. Almost everywhere they are elected. There are still a few older men who are so-called hereditary chiefs; but the answer in general is that the chiefs—or in some cases he carries the title of president—are elected.

Q. Now then, you spoke of the authority of the chief in council. I am wondering if I could compare that with our understanding of a local municipal council; that is, do they have local autonomy on the reserves, can they decide with respect to schools, roads and so on in their own right, or is their power limited to a recommendation?—A. It has been our practice to secure the approval of the tribal council before we build roads or anything of that kind, or before we erect a school; but ordinarily, where federal funds are used, the final determination would rest with the administrative officers.

Q. But in most instances you would consult the tribal band?—A. That is correct.

Q. That is you like to encourage them to develop their own initiative and responsibility?—A. That is it, and they can do things on their own responsibility. For instance, I have in mind the construction of a school where they have supplemented the federal grant out of their own funds.

Q. You spoke of surrendered lands. You mentioned this morning that you had given certain rights to individuals and they in turn had secured lands. I think you said the white people bought the best land?—A. That is right.

Q. Does the tribal council have anything to say about that at all? Is it a tribal or an individual decision?—A. That is entirely an individual decision. More recently the tribes are realizing the precariousness of their situation and a number of tribes have called on us to have the power to issue patent-in-fee or to refuse it. They call on us not to issue any more patents-in-fee. It is noticeable that more tribes are now anxious to buy fee tracts, and they have bought back some of the lands that they have lost.

Q. Has the state or federal authority any claim on mineral rights found to exist on reserves?—A. Only in one or two cases. Ordinarily the mineral rights belong to the Indians.

Q. Do you have a great deal of intermarriage with whites?—A. I think the trend at the moment is definitely marked in two ways. The Indians with a very small degree of Indian blood are mixing with the whites, and there is also a marked trend of Indian marriage with other Indians of a higher degree of blood. There is a sloping off process which is apparent and at the same time there is an inbreeding process going on.

Q. Do you find a certain amount of national pride involved?—A. I think there has been a very marked change in attitude.

Q. They are getting away from this feeling of inferiority?—A. They are not ashamed of being an Indian.

Q. Where do you find progress most marked—and I am going to qualify my question in this way—near the larger white settlements or are they making equal progress in the more isolated environments?—A. Ordinarily I would say the presence of a large white settlement is detrimental.

Q. Detrimental?—A. Yes, sir. I would say the most marked progress has been made by the Indians who fifteen years ago were considered most backward. We cannot offer any rational explanation of that.

Q. Well, we found that tendency on our visite through the maritimes; where they were near the settlements they seemed to be adopting the white man's ways and making greater progress.—A. I could supplement that later by giving figures.

Q. But the public school may be a factor since you have fifty per cent of your Indians going to public school?—A. The public school is undoubtedly helping in making adjustments.

Q. Are all the Indians eligible for civil service appointment?—A. Or, yes.

Q. They are?—A. Yes.

Q. The same as any other citizen?—A. Yes.

Q. You mentioned this morning that you have 10,500 employees looking after 420,000 Indians and about 6,000 of these employees are Indians. Now then, you also mentioned that you had about 300 employees in Chicago?—A. That is right.

Q. How many employees in Chicago are Indians?—A. I do not have the exact number.

Q. But approximately; I just want to know that because it enters into the picture.—A. About 130 or 140. I do not have the figure broken down.

Q. But they are eligible, just the same as other Indians?—A. Oh, yes.

Q. This might be a very difficult question but I would like to have some idea because it is of interest: out of your population of Indians do you know how many are doctors?—A. No, sir; I cannot answer that.

Q. Or nurses?—A. I cannot give you that.

Q. Or teachers?—A. No. I could not even approximate a guess on that. We have more teachers than any one group; that is, more Indians have gone into the teaching field. There are an appreciable number of nurses of Indian blood in the service and we have graduated out of the service a good many nurses. At one time we maintained a small school in Oklahoma for nurses. We did not provide a full nursing course but we did provide a short course with the idea that we could use Indian girls as practical nurses.

Q. Now, you have some knowledge, of course, of some Indians who are doctors?—A. I know of one or two doctors. I know there is a sprinkling of Indian lawyers.

Q. An Indian clergyman?—A. Yes.

Q. So, the Indians are taking up the professions to some extent. Would you know how many Indians you have in the entire civil service in the United States?—A. No, I would not.

Q. Do the Indians pay income tax on money earned on the reserve?—A. The Indians pay a federal income tax on all income except certain specified income from trust property. The Indians who work on the reserves, such as those employed by the federal government, would be subject to the payment of federal income tax.

Q. But if the money was derived from band funds or trust funds, he would not pay on that portion?—A. That is right.

Q. Are your Indians subject to military service or to the draft?—A. Yes, they have been. They were not in 1916 but they were in this last war.

Q. Just one final question, are the cattle and livestock bought and sold on the various reserves subject to the permit system?—A. Yes, they are.

Q. Which is administered by the superintendent of Indians?—A. That is correct.

Q. So, the Indians are protected in that way?—A. The superintendent has discretion in the removal of whatever restrictions there are.

Q. From your personal observations do you think that permit system is a good thing for the protection of the Indians? Would you care to comment on that?—A. We have made up our minds—I say "we", but those of us who are concerned with that policy think the restrictions should be relaxed. There are Indians who feel, and I think properly, if they borrow the money to buy, let us say 100 head of cattle, and over a five or six year period they pay off the loan, they should have the right to dispose of the remaining livestock if that is their desire. The Indians believe they should have title, free and unencumbered.

By the Chairman:

Q. After the payment of the loan?—A. After the payment of the loan.

By Mr. Case:

Q. That would seem reasonable. It has not been the policy to administer that so as to interfere with the Indians who are selling or trading amongst themselves. In other words, an Indian can still sell to an Indian on the reserve without a permit?—A. No, he is supposed to get a permit.

By Mr. Castleden:

Q. You mentioned this morning your administration in the United States recognized the treaties you have made with the bands and tribes?—A. Yes.

Q. You have no blanket Act covering the Indian administration? How do you make sure the various parts of each treaty for each particular tribe are properly administered?—A. Well, that is a difficult question to answer. The best answer is, if we do not observe the treaties the Indians call our attention to that fact.

Q. How would the Indians call your attention to it? What avenue of approach do they have to you?—A. Most of the tribes are well organized. They have elected councils which are authorized to speak for them. Some of them have attorneys to speak for them. Where they have attorneys of their own, these attorneys are paid by the band or tribe out of tribal funds.

By the Chairman:

Q. Do they have an elected council?—A. Practically all have elected councils.

By Mr. Castleden:

Q. To whom would the Indians appeal?—A. If they appeal to us and the administrator is not successful, they would appeal to congress. They are doing so.

Mr. HOEY: Initially, do the Indians appeal to the superintendent or to the man to whom we refer as the agent?

The WITNESS: Yes.

Mr. HOEY: How does that appeal start? Does it go first to the local man?

The WITNESS: Most of the treaties, to be candid about it, are a little vague. They say the United States is obligated to provide a blacksmith, a teacher, a doctor and so on, without specifying too carefully how many of each. You find rare treaties, such as the Navajos have, which provide that one teacher shall be placed on the reservation for each 30 children. Actually, the provision by congress has been more, in most cases, than the bare language of the treaty would require.

By Mr. Castleden:

Q. You make every effort to live up to those treaty obligations?—A. Yes, there are also certain cash payments which are still being made. There is never any dispute about those. Congress makes those as a matter of routine.

Q. Can you outline the powers of administration which are left with the tribes or bands on the reserve? For instance, they have the election of chiefs; they have control, I understand from your evidence, of the membership within the band. To what extent do the bands control the administration of their funds, or the economic development within their own band?—A. Those tribes which have organized under the 1934 Act may have local funds over which the federal government has no control whatever. The Blackfeet tribe in Montana,

for example, has an elected council and an elected treasurer. The income of this tribe has been running in the neighbourhood of $300,000 a year in recent years. This money is handled entirely by the tribe. We have no control. It never comes into our hands.

Q. Would you say they were making a good job of handling those funds? —A. There is some waste. My view of that is simply this; we recognize that some of the tribal councils have suddenly acquired power and the right to dispose of large sums of money. They are making mistakes, but I think it is incumbent on us, so far as we can, to stand by and help them.

Q. Advise them?—A. Advise them and help them; call attention to those mistakes and trust that, in the long run, the good judgment of the Indians will prevail. I have in mind the so-called president of one of the tribes who stole money from the tribe for about two years. We knew about it and we protested to the council. The council knew about it and the council finally took action on its own. They impeached the man and he left the reservation: I think, in the long run, it was much better that the council should finally come to the point where it could not stomach the whole business and took action independently. I think the Indians grew more in that period than they would have grown perhaps in ten years of advice from us.

Q. I agree with you; I think that is very good. Supposing an Indian band has some timber on the reserve, do they have the power to enter into leases, make agreements for its sale or lease to an operator?—A. The band is the principal to the contract. The contract is then approved by the government. The contract actually, is made between the tribe and the logger. So far, I think in every case I can recall, we have approved the contract.

Q. What about oil rights and mineral rights if those elements are found on the reserves?—A. Again, the Blackfeet tribe has been getting this income mostly from oil. The income is derived from the disposal of those rights for drilling and leasing.

By the Chairman:

Q. That is the band or the individual?—A. The band has, those are tribal rights.

By Hon. Mr. Stirling:

Q. Subject to the superintendent's approval?—A. Subject to our final approval. This depends entirely on the text of the constitutional charter under which that particular tribe is operating. In the case of the Blackfeet tribe, they can suspend the secretary's control if they want to do so.

By Mr. Castleden:

Q. Under that Reorganization Act?—A. Yes, they can relieve themselves of our supervision on that particular point.

Q. Granting of citizenship to the Indian in the United States in no way affected his rights or privileges on the reserve?—A. That is correct.

Q. He gave up none of his treaty rights or privileges on the reserve? —A. That was alleged to be an act of grace on the part of congress.

Q. I think there has been a misunderstanding in that connection. You mentioned some misunderstanding about that this morning?—A. When war broke out this last time, there were some Indians, not very many but few, who took the position that citizenship had been forced upon them. They had not been consulted. They said, "Why should we be subject to the draft? We have some other disabilities and we are not subject to the draft." This was not the attitude of the Indians as a whole. They responded remarkably well. Many of them volunteered and their record with us, just as I think with you, is extraordinary.

Q. Yes, we have had a very good record in Canada. The difference in Canada is that under some treaties the Indians were granted immunity to military call-up while in other treaties there was no such clause. Sometimes, therefore, there was dissatisfaction over the sort of blanket call-up. However, the Indian volunteers in Canada have a very fine record. Would you say the granting of citizenship has helped the Indian? Has he progressed more since he has been granted citizenship or since 1924 than he did under other forms of control?—A. I cannot answer that categorically as I do not have any direct knowledge prior to 1933. I would guess that it has been helpful. It has certainly changed the status of the Indian so far as the local community is concerned. It has changed the attitude of the state and state officials towards him. He is a citizen and the state has, whether willingly or not, been compelled to recognize that fact.

Q. At any rate, he has someone in high places who will be talking for him. With regard to the administration of Indian reserves, you have run into, apparently, an unfortunate situation where the granting of permits and allocations has been dividing up the reserve. What do you do in the case of a reserve which becomes so depleted that there is insufficient good soil to make it possible for the Indians to secure a decent livelihood?—A. That is our great current problem.

Q. What do you do to meet it?—A. We have not met it. We are seeking several solutions. One obvious solution is that some of the Indians must leave the reserve and they are leaving the reserve. This is true particularly since the war. The war caused many of the Indians to go out and work for high wages in war industries. They became accustomed to a different standard of living. They will not be satisfied with the lower standards which will be maintained on some of the reservations.

I think another thing we are doing and hope to do more, is to stimulate industries on the reservation. It is quite possible we can start small manufacturing enterprises of various kinds.

By the Chairman:

Q. What do the Indians lose when they go off the reserve?—A. You mean the individual?

Q. Yes, or the returned soldier, for instance, or the person who has been off the reserve during the war?—A. He does not lose anything. He does not give up his membership. He still remains a member of the tribe.

Q. There is no inducement then for him to remain on the reserve?—A. Except that is his home and his family is there; all of his ties are there.

By Mr. Castleden:

Q. Do you think leaving the reserve tends to assist him in developing? Is it a good influence or a bad influence?—A. You mean leaving temporarily?

Q. No, leaving his reserve. Say two Indians have gone through school and reached probably grade VIII or grade IX, perhaps in the tecnical school, and one Indians stays on the reserve and the other moves to some town and takes part in industry. Which would you say makes better progress?—A. I do not see how I could answer that question. Obviously the Indian who goes to the city and makes his adjustment has solved the so-called Indian problem for himself. On the other hand our experience has been that, certainly during the last few years and particularly during the war, of the Indians who go to the city a large percentage fall by the wayside.

Hon. Mr. STIRLING: What was that?

The WITNESS: A large percentage fall by the wayside. A large percentage cannot make the adjustment. I cannot give you any figures on it but it is diffi-

cult for most of the Indians to adjust themselves to urban conditions. As far as the Indians in the United States are concerned the majority of them have not reached the point where they can adjust.

Mr. REID: Would that be due to a sentiment against them in the cities?

The WITNESS: I beg pardon?

Mr. CASTLEDEN: Discrimination?

The WITNESS: Yes, there is some discrimination and generally they have to live in the poorer districts. They are very likely to be the first ones laid off if business drops a little.

Mr. CASTLEDEN: Now concerning education I would ask this. You say you have about 60,000 children in the schools. How many of those would reach grade IX? Have you any figures as to the grades? Can you give us a picture of the progress? You said that they were generally about one year behind the children attending white schools.

The WITNESS: I do not think I can give you a breakdown of that. I might be able to get it for tomorrow but I do not know offhand.

The CHAIRMAN: Probably you could get it for us tomorrow.

Mr. CASE: Is it compulsory for children to attend schools?

The WITNESS: Most states have compulsory education statutes and the secretary of the Interior does have authority to make those statutes applicable to Indian children. We have not enforced attendance in many cases because we have not had facilities. We have not had the school buildings.

By Mr. Hoey:

Q. In that connection, might I be permitted to ask a question? Can you give us any idea, Mr. Zimmerman, of the number of children of school age for whom you have not been able to provide an education?—A. This would be a guess, but about 16,000.

Q. Where would those Indians live?—A. Most of them are in the southwest.

Q. Are they in remote regions?—A. Most of them are on the Navaho reservation.

Hon. Mr. STIRLING: Are they nomadic? Is it because they are moving about and you cannot catch up with them to teach them?

The WITNESS: That is partly the answer but it is only part. They are not nomads in the sense that most people would use the word. They may have a winter home and a summer home and they need to move their flocks. If we built a school at a location assuming that they would be there for the summer school then they might move off in the winter and there would be no school. The primary reason is, however, that there are more children on the reservation than we can house at any time.

By Mr. Castleden:

Q. Do you have any difficulty in obtaining teachers, qualified teachers?—A. Generally not.

Q. What would you pay them? Have you a regular salary scale?—A. Yes, their salaries would range from approximately $1,900 to $2,700 or $2,800.

The CHAIRMAN: Is that for public schools?

The WITNESS: No, that is for our schools, government schools.

By Mr. Castleden:

Q. Yes, government schools. Those are residential schools and the state would have their own schools.—A. Yes.

Q. What wages would you pay to your superintendent, who corresponds to our agent?—A. Their minimum salary would be around $3,600 or $3,700 and they would go to about $9,000.

Q. And you have some of these superintendents handling more than one reserve?—A. In a few cases, yes. A superintendent may have a number of reservations.

Q. And where he has to handle a number of them you place instructors, farm instructors, and other advisors there?—A. That is right. There may be almost any kind of employee on the other reserves. For instance in the state of Minnesota we have a superintendent there of what we call the Consolidated Chippewa jurisdiction. There are six or seven reservations within the state. There are schools and on each reservation there may be other employees.

Q. Another question that I wanted to ask was regarding health. I see that you have a large expenditure for health and education. Have you any figures to show what returns you are getting for the large expenditure on health? Is your death rate and infant mortality steadily going down and is your Indian population on the increase or on the decrease?—A. The Indian population is on the increase. It is increasing a little more rapidly than the white population.

Q. A little more rapidly?—A. Yes.

Q. That is since when?—A. In the last twenty years. The average is not quite as high, but it is between 1¼ and 1½ per cent per year. That is a little bigger increase than the average of the white population. The birth rate has been increasing. The curve is still a little on the upgrade and the death rate has been decreasing. We still have an excessive number of deaths among infants.

Q. Larger than the white?—A. Much larger.

Q. Can you give any figure as to the comparison? Could you give a relative figure?—A. I would rather, if you want those figures, get them for you and give them exactly.

Q. Could I get those figures on infant mortality and I would like to get the death rate from tuberculosis?

Mr. REID: You also might make a statement tomorrow about your hospitals?

Mr. CASE: Do you maintain hospitals on the reserve?

The WITNESS: Yes, we do, and we also make contracts with private hospitals and state institutions to supplement the work in the government hospitals. We do not have government hospitals on every reservation.

By The Chairman:

Q. Do you subsidize hospitals?—A. Do you mean private ones?

Q. Yes.—A. Yes, we make contracts, usually.

Q. How do you make contracts? What are the general terms?—A. Generally it is on the basis of so much a day for each patient.

By Mr. Castleden:

Q. Is your long range policy one of assimilation?—A. I do not like the word assimilation.

Q. What would you call it?—A. The answer is yes. It is a matter of adjustment, of acculturation. In other words I think we believe that the Indian can still remain an Indian and be adjusted to his white neighbours. He can fit into the general scheme and preserve some parts of his peculiar culture and yet live happily, and be adjusted to his environment. I think the basic point is, we do not believe in applying pressure to force him into a pattern.

Q. No, I think it should be a gradual development of himself to bring out his capacity.

By Mr. MacNicol:

Q. Mr. Chairman, I too wish to make my questions short which will enable Mr. Zimmerman to give short answers. Before asking my first question I want to say that your answers, Mr. Zimmerman, have been most helpful. The questions so far asked have also been very helpful. Between the two we have got much information which we have been looking for.

My first question is this. You said teachers received $1,900 to $2,700 a year. Is that in a small school?—A. Well that depends on the size of the school and responsibility of the teacher.

Q. The minimum is $1,900?—A. About that. I think it is $1,960.

Q. Does that include lodging?—A. That does not include lodging.

Q. How are the teachers then, taken care of in that respect?—A. The government does provide quarters but the teacher pays for them.

Q. Out of the salary?—A. Yes, there is a deduction made out of the salary for quarters.

Q. Are there any Indians in the legislatures or in congress?—A. There has been only one Indian in congress that I know about but in the various legislatures there are some Indians. There are some in Oklahoma and there are two or three in the Alaskan legislature.

The CHAIRMAN: Was there not one a vice-president?

The WITNESS: Yes, there was Vice-President Curtis, some years ago.

By Mr. MacNicol:

Q. If the band council selects some place for a school or a new hospital is that selection final, or can the agent do as he pleases about it? Can he select the spot and tell the council that they have to accept his decision?—A. You mean as to the location?

Q. Yes?—A. Ordinarily we have a plan for each agency. The plan is made well in advance so that we know today where we will build a certain structure if we get the money in four or five years from now.

Q. The agent must pay some attention to the council?—A. Yes.

Q. What is the connection between the state and the federal government in the Indian administration if any?—A. That is a hard question to answer because the states vary so much in their attitude. Some of the states have assumed almost full responsibility for the Indians within their borders just as they do for any other citizen.

Q. Perhaps that applies to New York state.—A. Yes. The New York state provides schools and the federal government has nothing to do with the schooling.

Q. Yes. I made some investigation there and I found that New York state pretty well looks after their Indians. Did I understand you to say, Mr. Zimmerman, that preference is given to qualified Indians and to your returned veterans for employment in the Indian service?—A. That is correct.

Q. Preference is given?—A. Yes sir.

Q. That is fine. How many, if any, of the five directors are Indians?—A. None of the five are Indians.

Q. Is the operation of the Indian hospitals looked after by the Indian department?—A. Yes sir, it is. The money is appropriated to us. I think perhaps I said earlier that the public health service does lend us or assign to us certain top medical assistance. The director of our health service, for instance, is on loan to us from the public health service which corresponds to your Department of Health.

The CHAIRMAN: The Department of Health and Welfare.

By Mr. MacNicol:

Q. The hospitals are then run by the Indian department?—A. Yes.

Q. I am glad to hear that because we have just stepped on something that we are trying to block in this country if we can.—A. I do not want to get into your battle.

Q. Well we have an Indian department and a Health department, and the Health department has taken over some of the dealings of the Indian department and I, for one, am going to have it switched back to the Indian department if I can. I probably will not have any influence but I am going to try.

Now many of my questions have been answered but there is one you might answer again. Can a tribe sell any Indian reservation land? Say a tribe has 100,000 acres, can the band council sell 10,000 acres of that to anyone it likes? —A. It has no power to sell except with the approval of congress.

Q. How are the superintendents appointed? They are equivalent to our Indian agents here?—A. They are appointed by the secretary of the Interior acting on the advice of the commissioner.

Q. Appointed by whom?—A. The secretary of the Interior, the head of the department.

Q. Acting on the advice of whom?—A. Acting on the advice of the commissioner. That is just exactly as your minister would act on the advice of Mr. Hoey.

Q. Yes, well here the agents are appointed now by the civil service commissioner. Is that not the procedure, Mr. Chairman?

The CHAIRMAN: They are.

The WITNESS: In the United States they are all civil service appointments in accordance with the civil service regulations.

By Mr. MacNicol:

Q. You answered this question before but I would like to hear it repeated. Take, for example, the band council of a tribe like the Blackfeet who have a lot of money in the United States and they have a lot of money in Canada. Can the band council of the Blackfeet reserve in Montana dispose of its own funds for the band benefit without asking consent of Washington?—A. That is correct. That is they can dispose of those funds which accrue to the local treasury or which have come into the local treasury.

Q. I think the right way to bring up Indians is to give them a hand in the administration of their own affairs, which is not done here very much. Did I understand this morning that you said the superintendent selected the curriculum of education on a reservation?—A. No, I hope I did not say that.

Q. How is the curriculum selected?

By Hon. Mr. Glen:

Q. As to the matter of band funds, do you refer to both principal and interest?—A. It might be either one.

Q. They can dispose of the principal and the interest?—A. Yes.

By Mr. MacNicol:

Q. My question was this. What authority names the curriculum that is to be used by the teachers of the Indian schools throughout the United States?—A. The broad outlines of the curriculum are laid down by a professional staff in the Chicago office, but the local educational personnel has authority to vary that to fit local conditions. For example, on most of the larger reservations there is one man in charge of the education program, and he would have the authority to make variations, to depart from the standard plan.

By Mr. Reid:

Q. In other words, it maybe higher in one state than another according to the life of the people there?—A. That is conceivable, but it is not intended to be higher. It may be just that the local problems of land use, or whatever it is that may be of concern to the people, need attention in the school in one place.

By Mr. Castleden:

Q. You do not follow the state curriculum?—A. An effort is made to follow the general school curriculum.

Q. Of that state?—A. Of that state, but we are not rigid about it.

Q. In the state schools?—A. In the public schools.

Q. You said almost half of your children were attending state schools?—A. Those are public schools.

Q. They would take the ordinary curriculum of the state?—A. They would follow the state plan.

By Mr. MacNicol:

Q. I was going to supplement my question by saying that on the reservation from which our counsel, Mr. Lickers, comes, the Six Nations band in Ontario, one of our prominent bands, the same tribe as the Iroquois in New York state, the Mohawks, the Ondreigas, the Cayugas, the Oneidas, and perhaps the Tuscaroras, they have six or seven schools. The other day I asked Mr. Lickers if each school was operated by itself and he said, "Yes." In your country there would be a superintendent above those six or seven teachers to direct. I think that is a good program.—A. It costs a little more money.

Mr. LICKERS: We have that now on our reserve.

Mr. MACNICOL: The other day you told me that the schools were operated by themselves. Do you have a superintendent for the reservation?

Mr. LICKERS: We have a principal who was appointed at this last term.

Mr. MACNICOL: That covers the six or seven schools?

Mr. LICKERS: Yes. As a matter of fact, he will be here on Thursday.

Mr. MACNICOL: I am glad to know that. Our Six Nations Indians have done a wonderful job in Canada. Other reservations have done very well, too. I did ask about the operation of the hospitals.

By Mr. MacNicol:

Q. I understood you to say you had a special fund of $250,000 to be used for displaced Indians, Indians off the reservation, or people who are Indians and have nothing to do with the plan. Am I right in that? Let us say that a Blackfoot Indian has been off the reserve for a few years. He would still be an Indian. Let us say he had got into distress. I got the impression you had a fund to take care of such cases.—A. We have an annual appropriation for relief. I think that is what you have in mind. That is for direct relief.

Q. On the reservation?—A. On the reservation.

Q. What about Indians who have left the reservation?—A. Ordinarily we do not do anything for them.

Mr. CASE: Before Mr. Stirling commences there is one thing that might be borne in mind. I think your superintendents compare with our inspectors. I do not think they compare with our agents. We have an agent on every reserve. You have five superintendents. I think they compare with our provincial inspectors.

Mr. CASTLEDEN: We have not an agent on every reserve.

Mr. CASE: We have them on a great many of them.

Hon. Mr. STIRLING: Is that so?

Mr. HOEY: We have 100 Indian agents, and I think there are approximately 2,300 reserves.

By Hon. Mr. Stirling:

Q. Mr. Zimmerman, at the beginning of your historical remarks you appeared to commence with the year 1871. Was that the time when the 140,000,000 acres were set aside for reserves, or were there reserves before that date?—A. There were some reserves set up before then. I think I took the year 1871 because that was the year in which Congress said that hereafter they would make no treaties with the tribes.

Q. And the Indians were then collected into the reserves?—A. They had reserves even prior to that time. Some of the reserves go back to revolutionary times. There were Indian reserves in New York, were there not, even in colonial days.

Q. Then, there are 300 officials at headquarters and 10,000 in the field?—A. About that.

Q. How many of those come and go with the change of government?—A. Very few. As a matter of fact, except the commissioner and except certain temporary appointees, they are all under the civil service. My position is under the civil service.

Q. So it is a permanent structure of officialdom?—A. Naturally if a new commissioner comes in there is likely to be some change and some shifting of personnel.

By Mr. Harkness:

Q. But the commissioner does change with each change of government?—A. The commissioner is appointed by the president and confirmed by the Senate. That is considered a political appointment. The truth is though that the recent appointments were not political in the sense in which that term is generally used. Mr. Collier's appointment was certainly not a political one, and the commissioner before him was in no sense a political seeker for a job. He was a well known Quaker from Philadelphia, a man of very high standing and had long been interested in Indian matters. He was not a politician.

Q. Nevertheless if a Republican president was elected at the next election you would get a new commissioner?—A. We probably would.

By Hon. Mr. Glen:

Q. How do you get rid of an incompetent civil servant?—A. It is one of the hardest things there is.

By Mr. Reid:

Q. In other words, you can hire but you cannot fire?—A. Yes. There is a procedure for doing it. There is a regular procedure. We file written charges which the employee answers. Then we determine whether or not his answer is satisfactory. We have authority to separate on the basis of our decision. If he dose not like our decision he appeals to the civil service commission. Their decision may support us or over-rule but their decision is final.

By Mr. Castleden:

Q. The civil service commission has that power?—A. Yes. It is an independent organization and has that power.

Q. At one stage you referred to the Eskimo in regard to what you were saying about the Indians in Alaska. Do the Eskimos come under Indian legislation?—A. Yes, they do.

Q. All the Eskimos in Alaska come under the various Indian acts?—A. That is right.

Q. Have there ever been treaties with the Eskimos?—A. There have been no treaties with them.

Q. Then the 1934 . . . —A. May I say that so far as treaties go the only treaty application is that which arose from the treaty made with Russia at the time of the purchase. There is language in that treaty having to do with the lands used or claimed by the Indians and Eskimos.

Q. I did not quite follow that.—A. There is language in the treaty between the United States and Russia which protects the aboriginal owners. The United States bound itself by that language.

Q. Whether they be Indians or Eskimos?—A. That is correct.

Q. Then the acceptance of the 1934 Act depends on a vote taken by the tribe?—A. That is correct.

Q. Who is allowed to vote, male and female?—A. Yes.

Q. Over 21?—A. That is correct, any member on the tribal roll.

Q. You touched on the question of liquor, but I should like you to go a little further. For instance, in Alaska it is possible for Eskimos to buy liquor if they choose to?—A. Alaska is one of those exceptions. The federal liquor laws do not apply to Alaska. There is a territorial law in Alaska which if properly enforced would be helpful, but it is not adequately enforced. There is no distinction in Alaska under territorial law between natives and whites.

Q. They have something like our government control and sale?—A. They have a system of territorial permits or licences which are issued by the federal judges following a petition of the residents.

Q. Would you say that has had the effect of curbing bootleg liquor?—A. No, it has not.

Q. It has not?—A. In my judgment it has not.

Q. Even though it is open for them to buy respectable liquor they still get the bad stuff?—A. You may have no liquor store at one point, and thirty miles up the river there is a liquor store. It is contrary to territorial law to bring a bottle of liquor down the river and sell it in the town below, but it is done.

Q. That is bootleg liquor in the sense of the respectable liquor that is sold by the liquor store. I was thinking rather of the terrible stuff that is sold under the name of liquor?—A. Maybe I should not say all this on the record, but I think you can almost always get good liquor in Alaska.

Q. Then at another stage when you were referring to the liquor question you mentioned the fact that those who leave the reserves to work, move off reserves, are able to buy what they wish?—A. That is the purpose of this bill which is now pending. Under the present law they are still subject to the liquor law.

Q. And under the bill now pending it will not affect the sale of liquor on reserves?—A. That is correct. The reserves will still be dry territory.

Q. Have you many or few Indians with initiative and ability who have moved off of their own volition into professional life or industrial life and set themselves up successfully? Are there just a few doctors, and so on?—A. There are relatively few professional people. There is a substantial number of Indians who have moved away. I would make a guess that probably nearly 10 per cent of the Indian population is no longer living on the reservation where it has rights.

Q. 40,000 odd?—A. That would be my guess.

By Mr. Harkness:

Q. Most of the questions I had in mind have been touched on. However, there are several of them I should like to go into a little more. In connection

with the last matter that Mr. Stirling mentioned does this increase which you mentioned in the Indian population include the 10 per cent which have moved away from the reserve, or is that a straight increase of Indians on the reserve? —A. I think that is the total population. That population that is away is, of course, fluctuating.

Q. Are there many of those people who move away who become assimilated in the general stream of American life?—A. Oh yes.

Q. You have a considerable amount of that going on all the time?—A. I think so.

Q. As far as your general policy of assimilation is concerned it was mentioned a little while ago, but what I should like to know is do you look forward to the day when the Indian reserves will disappear, and when the American of Indian ancestry will occupy more or less the same situation as an American of Irish ancestry occupies, and that your department will have disappeared?— A. Well, you come to the root of many of our current problems with congress. Congress is asking us these questions. It seems to me they were now at the point in some states and with some groups where we ought to withdraw or begin to withdraw and place responsibility squarely on the Indians themselves and on the states.

Q. Is that your general policy, or is there no policy really determined?— A. Yes, that I think is the objective, but it is going to be a long time in some areas, unless we shut our eyes to certain facts. Now, I have said to representatives, to members of congress, who have large Indian populations in their districts, that I think if I were in their shoes I would insist that the federal government discharge its obligation by bringing the Indian population to a certain economic and educational level, before the federal government pulls out. It seems to me that is the responsibility of the federal government.

Q. I agree with you in that, thoroughly; but I wondered whether you were working toward that end or whether you sort of expected that the Indian reserves would last forever?—A. I anticipate that some of them will last a long time, but I do not see any inconsistency between that and the general scheme of things. I see no reason, for instance, why it should not take the form of a tribe or a club or a private corporation or something else. The fact that they originally had Indian blood does not seem to me to make any difference. But, if the tribe wants to continue as a corporation and dispose of its timber on a sustained yield basis over a term of years I can see no difference between that sort of corporation and a lumber company which operates an adjacent piece of timber which used to belong to the Indians—big timber companies buying stands of timber and planting sixty, eighty and one hundred year cycles. I do not see any difference so far as our general scheme is concerned in the states.

Q. There would be an essential difference between that and a policy which worked with an object in mind to perpetuate an Indian tribe forever as a separate segment of the population?—A. I see no point in perpetuating a tribe merely for the sake of keeping a tribal organization going.

Q. Another question somewhat connected with that is this: Is there any great amount of discrimination against the Indians the same way that there is in the southern states against the negroes?—A. Some places, yes; some places, very marked; but generally throughout the United States there is not that discrimination.

Q. That does not act as a serious bar to the Indian entering into the general life of the community?—A. No, I think not. I think I did say earlier that we had serious trouble in certain areas during the war. I have in mind a large munitions plant in Nebraska where several hundred Indians congregated. They could not find decent housing, and mixed with the lowest element in the white population; but I would say that in the long run that is probably a temporary condition.

Q. Is the process of assimilation, as far as intermarriage is concerned, likely to go on fairly rapidly between Indians and the white population?—A. I should think so.

Q. Turning now to churches and schools; I understand that churches operate only a small number of schools under contract?—A. Not all of them are under contract.

Q. Is there any arrangement whereby a church, or certain churches, have control or are permitted to go into schools which are operated by your department or by the state and give religious instruction; or, are there certain regulations about religious instruction?—A. We permit religious instruction to be given at times that are fixed. The regulations are specific on that and I would rather refer to them, if you don't mind. Would you like to have this extract put in the record?

Q. Yes, I think that would be a good idea.

The CHAIRMAN: Would you like to read it first?

The WITNESS: It is a fairly long statement.

Mr. HARKNESS: I think it should be put in the record.

The WITNESS: The sum and substance of it is contained in this paragraph:—

> (*a*) Any denomination or missionary, including any representative of a native Indian religion, may be granted as a privilege the use of rooms in the buildings or premises of boarding schools for group meetings or personal conferences with pupils who, by parental choice or by personal choice if the pupil is 18 years of age or older, request the services of such missionary or denomination. Space in federal structures may not be provided for headquarters or for the exclusive use of any missionary representative, but shall be equally available to all accredited representatives.

By the Chairman:

Q. Would that apply to residential schools?—A. In the day schools, there would be provision—

Q. Just for the contract schools?—A. This applies to residential, or boarding schools.

Hon. Mr. STIRLING: But not in the day school curriculum?

The WITNESS: There would be no religious instruction in the day school curriculum.

By the Chairman:

Q. How about those schools which are operated by religious institutions?—A. They retain control of their operation. They could do whatever they pleased, I suppose, about religious instruction.

Q. And what about these others—what did you call them?—A. The mission schools. They are run by the various denominations under their power with regard to whatever rules they wish to set up.

Q. Do you make any contribution to them?—A. We make a limited contribution in the case of certain children who are placed there because there is no other place to accommodate them. We merely pay a small sum, a portion of the cost of taking care of those children.

Mr. CASE: But there is no grant for the education of the children?

The WITNESS: That is corrrect. The grant is made by congress with a view, as it were, to providing housing and food for the children.

Mr. CASE: Maintenance.

The WITNESS: Yes, maintenance. The allowance that we make is frankly not sufficient to cover the total cost of that.

The CHAIRMAN: I think this excerpt about missionary activities and religious instruction should be in the record. It reads as follows:—

Missionary Activities and Religious Instruction

97. Missionary Activity. In the long history of the Indians' relations with the white man, missionaries have furnished a contribution of good, possibly greater than that of all the government's.

The missionary's work is usually carried out among a group of Indians, whether on a reservation or in a school, whose religious allegiances are not one but several. Complete homogeneity of religion is the exception among Indian groups. Hence, careful planning, with self-restraint and mutual forbearance between the missionaries and the government employees, and between all of the white elements and the Indians themselves, is necessary to the greatest usefulness of the missionary endeavour.

The following precepts deal exclusively with the Indian schools. Inasmuch as the varied situations require practical judgment, and mutual tolerance and individual self-restraint, the items which follow are not set down as immutable requirements or limitations, but they are to be adhered to in spirit by all employees of the Indian Service, and they are to be enforced literally unless a modification be granted in a particular case after correspondence with the office.

CONTROLLING PRINCIPLES

98. Indian schools are supported from funds raised by general taxation or from trust funds administered by the United States as guardian in behalf of the entire membership of the tribes, and attendance is compulsory.

Subject to the necessary qualifications indicated below, the controlling principles respecting sectarian or religious activity in the Indian schools are identical with the controlling principles respecting identical matters in tax-supported schools for others than Indians.

99. Residential schools. There is, however, a distinction of practical moment, due to the residential feature of the Indian boarding schools.

(*a*) Any denomination or missionary, including any representative of a native Indian religion, may be granted as a privilege the use of rooms in the buildings or premises of boarding schools for group meetings or personal conferences with pupils who, by parental choice or by personal choice if the pupil is 18 years of age or older, request the services of such missionary or denomination. Space in federal structures may not be provided for headquarters or for the exclusive use of any missionary representative, but shall be equally available to all accredited representatives.

(*b*) When the parent or the natural guardian of an Indian child, appearing in person before the superintendent of the agency where such parent or guardian resides, or before the superintendent or principal of the boarding school where such child is in residence, knowingly and voluntarily, in writing, registers a request for teaching or ministration for the child by a missionary or a denomination, it shall be the duty of the superintendent of the reservation or the superintendent or principal of the school to make the request known to the missionary or the denomination. Parents shall be clearly informed by the Indian Service officials in question that they are under no requirements to register any request, and officials shall not attempt to influence the choice, if any, by parents or guardians. When such request is made by a parent or guardian, the missionary or denomination thus selected shall be invited and enabled to make contact with the child, at such times and places as do not conflict with the requirements of classroom work, the group activities of the school, or the tasks assigned to the children.

In any situation in which Indian parents do not read or understand the English language, and therefore, hesitate to sign any document in that language, it shall be permissible that the request for religious instruction be made verbally in the presence of witnesses, which must include the reservation or school superintendent or an official representative of either, and may include a representative of the religious denomination affected. Care must be taken to see that a full understanding of what is involved be made available to the Indian parents through the services of an impartial interpreter.

The request must be made in the form of a direct, complete statement of the parents' desire concerning the child's instruction, translated into English, and made part of the written record concerning the child, and witnessed by the official government representative, and if so desired, by the representative of the religious denomination as well. A simple affirmation in response to a directed inquiry is not to be construed as an adequate statement.

(*c*) With respect to the children specified in (*b*) above, the officials of boarding schools shall cooperate with the missionaries by encouraging and facilitating attendance at the specified religious services. Compulsion however, shall not be used upon any child.

(*d*) Employees of any school may volunteer to conduct Sunday school exercises, but compulsion shall not be used upon any child.

(*e*) Direct or indirect proselytizing in the Indian Boarding Schools is prohibited.

(*f*) Nothing contained above shall be interpreted as a prohibition or advice against the superintendent of a boarding school inviting the participation by accredited representatives of religious organizations having substantial membership in the school, in the secular activities of the school, as in the case of Boy Scout, Girl Scout, and Camp Fire Girls activities, adult-education activities, lectures, entertainment, etc., but such persons may not act as classroom instructors, advisers, or otherwise perform the work of classified positions.

100. Day Schools. Any child at an Indian Service day school upon written request of his or her parents, knowingly and voluntarily given, shall be excused for religious instruction, including instruction in the native Indian religion, if any, for not more than one hour each week. Relgious exercises are not to be held on the premises of day schools during regular school hours without prior approval by the Indian Office, which will only be granted upon a showing of urgent need, but facilities at the school may be provided for the use of religious instructors, at times and under conditions not in conflict with the uses of the buildings by the Indian Service or the community. Paragraph 99 (*f*) and (*e*) above shall apply to day schools as well as boarding schools.

By the Chairman:

Q. How do they form these schools? Supposing a school is to be set up in a reserve, could any institution come along, any religious institution, and set up its own school?—A. Initially the government encouraged various denominations to establish schools.

Mr. CASE: That was some years ago?

The WITNESS: Yes, that was around seventy years ago, and there were a few mission schools even earlier than that. We do not particularly encourage and we do not discourage odrinarily a mission school being established. A mission school cannot be established on tribal land without the consent of the Indians, without the consent of the tribe.

The CHAIRMAN: Does the tribe contribute to its maintenance?

The WITNESS: In some cases it does. In one case in Wisconsin practically all the education, except for a few non-Catholic children, is provided through a contract with the board of Catholic missions.

Mr. CASE: Have there been any mission schools established in recent years?

The WITNESS: Yes, a few.

By Mr. Harkness:

Q. Well, we can leave that. Did I understand you to say that education is not compulsory for the Indian children?—A. I should not have said that. I should have said that we have not enforced compulsion.

Q. That is, legally it is compulsory but you do not insist upon it?—A. That is right, because in some instances school facilities are not available.

Mr. CASE: But they are subject to state law?

The WITNESS: By action of the secretary. The Secretary of the Interior has certain authority under a special statute. He can exercise the same kind of authority in the case of contagion or infection. He has the power through state officials to quarantine a carrier, for example.

By Mr. Harkness:

Q. I would like to turn now to the administration of veterans' affairs in so far as it applies to the Indians. Is that carried on through your department, or is that carried on through your veterans' affairs people?—A. That is carried on through the veterans' administration.

Q. Your department has nothing to do with that?—A. We have had nothing officially, but we have tried to make the system work. But there are certain difficulties in the way under the system we have of veterans' administration. The administration does not itself make loans but it makes a certain grant for educational purposes, not for the purpose of financing Indians in farming or other enterprises.

Q. How does it operate?—A. Under our Indian law the veteran is compelled to deal with commercial banks or other lending institutions, but we have found it almost impossible to persuade the normal banker—or the abnormal banker if you choose—to make a loan to an Indian whose base property, whose land is not subject to mortgage. The veterans' administration has been very helpful and has gone as far as it could within the scope of its authority and it has even done this: we have arranged to have some tribes act as lending agencies and then the veterans' administration have guaranteed a loan that the tribe has made, just as it would for any type of lender. Some of those tribes have funds and some of the tribes have borrowed money from the federal government for the purpose of re-lending to the veterans.

Q. The general situation is that the Indian veteran is at a disadvantage as compared to the white veteran as far as getting a loan to go into farming or any other venture is concerned?—A. I think that is correct.

Q. And there has been no special provision written into your veterans' legislation to take care of the Indian?—A. No, there has not.

By the Chairman:

Q. Might I ask this: do you have such a thing as a revolving fund to assist your veterans and others?—A. We have this one large loan fund of about $5,000,000.

Q. $5,000,000?—A. Yes, and that is only a drop in the bucket.

Q. What do you do with that fund?—A. That is loaned to the tribe or to individuals.

Q. And it is repaid?—A. It is repaid.

Q. At a rate of interest?—A. Purely nominal. The loan fund was established under the 1934 Act primarily for the purpose of providing funds for Indians who had no other source of credit. Thus far we have charged only one per cent, which was just about equal to the carrying charge, just about enough to pay the cost of administration; and the theory of the loan was to make it possible to rehabilitate the Indian.

Mr. LICKERS: What was the limit of loan to an individual Indian from that fund.

The WITNESS: There is no fixed limit. That is a matter of discretion. In a few cases we have loaned as high as $15,000 to $18,000 to an individual. The average loan would be very much smaller, probably around $1,500.

By the Chairman:

Q. What has been your amortization experience?—A. You mean, how much we have lost?

Q. Yes.—A. Almost nothing. The total delinquency up to the present time out of the $5,000,000 fund is in the neighbourhood of $20,000.

By Mr. Harkness:

Q. Have your Indian veterans on the whole gone back to the reserves or have they left the reserves?—A. Most of them have gone back.

Q. Have they fitted back into reserve life fairly well?—A. Not too well. Most of them have been drawing $20 a week. They belong to the 52/20 club just as many white veterans do, and that period of payment is just about over for practically all of them. There has been some difficulty in adjustment—considerable difficulty in some areas. The boys have come back and they are not ready to settle down.

Q. Is there any feeling among your Indian veterans that they are not as well treated as the white veterans are? I might say that that feeling exists among certain of our Indian veterans, and I wonder if you have had the same experiences?—A. I think that it exists in connection, perhaps, with their inability to get loans; they feel frustrated.

Q. Well, in the matter of hunting, fishing and trapping, are Indians allowed to engage in those pursuits on state and federal land more or less as they like, or are they required to keep within the state game laws; and do they require licences?—A. The game and hunting and fishing problems are very complicated. The state laws do not apply on Indian lands.

Q. But they do apply as far as Indians are concerned on any other land except Indian reserves?—A. That is correct. An Indian who wanted to hunt on state land would be required to take out a licence just as any other person would. Contrariwise, a white man who wants to hunt on Indian land, as some of them do, is usually required by the tribe to take out a licence issued by the tribe and is also required by the state to take out a state licence.

By Hon. Mr. Stirling:

Q. Is there a lot of that?—A. There has been considerable of it.

Mr. MACNICOL: The Indian council would give the licence?

The WITNESS: That is correct.

Mr. CASE: And they would be limited to the same bag of game as under state law if hunting on an Indian reserve?

The WITNESS: Yes.

By Mr. Harkness:

Q. Do the Indians feel that they are suffering an injustice in that they cannot hunt and fish where they like?—A. No, I do not think so. I think they want to continue to hunt and fish on their own land as they please. It has been very difficult to approach the problem with any sort of a rational solution, because it is all tied up with emotions, treaty rights, and many other things. It is difficult to sit down with an Indian group and try to work out a plan which will ensure conservation that will not arouse antagonism on the part of state officials or on the part of the whites and which will not ultimately result in legislation destroying the vested interests that the Indians have.

Q. It is a troubled question here also.—A. We have had a decision from the Supreme Court, for example, which seems to be sitting on the fence in this matter. The court said that in the case of fishing there was no doubt about the Indians' right to fish at their accustomed spots, but that nevertheless they were subject to the state's right to make rules and regulations for conservation.

Mr. MacNicol: In the very early days one tribe had no business hunting or fishing on another tribe's reservation.

The Witness: They do not do that now, either, in the United States. It seems to me the Indians recognize the need for conservation. Many of the tribes have adopted ordinances for the protection of game and have set the bag limits and the seasons and the usual mechanics for conservation; but that is not true of all reservations.

By Mr. Harkness:

Q. I have one or two other short questions I would like to ask. As I understand you, the Indian council on many reserves is competent to spend their own band funds. For example, the Blackfeet Indians in Montana. But the individual Indian has to secure a permit if he wants to sell ten head of cattle?—A. That depends on the superintendent's judgment—the local administrative officer.

Q. Does that permit system apply to all Indians; because my information from the Blackfeet in Canada is that a lot of Indians in Montana do sell their own cattle and so forth. Do they?—A. Yes, they do.

The Chairman: Gentlemen, it is now 6 o'clock and time for the committee to rise. Those who have not had the privilege of asking questions today will be given a preference tomorrow morning.

Mr. MacNicol: I do not think I shall be able to attend tomorrow because I shall have to attend the Redistribution Committee and the Elections Committee.

The Chairman: We are sorry. The committee will adjourn until tomorrow morning.

—The committee adjourned at 6 p.m. to meet tomorrow, May 20, at 11 o'clock a.m.

APPENDIX "EY"

INDIAN REORGANIZATION ACT

[PUBLIC—No. 383—73RD CONGRESS]

[S. 3645]

AN ACT

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

SEC. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

SEC. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however,* That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: *Provided further,* That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: *Provided further,* That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: *Provided further,* That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements: *Provided further,* That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: *Provided further,* That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of $1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the

requirements of mining operations: *Provided further,* That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of $1.00 per acre for surface-use to be refunded to patentee in the event that patent is not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

SEC. 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: *Provided, however,* That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: *Provided further,* That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

SEC. 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: *Provided,* That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S. 2499 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2531 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

SEC. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to

promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

SEC. 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: *Provided,* That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

SEC. 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

SEC. 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed $250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

SEC. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

SEC. 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational land trade schools: *Provided,* That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

SEC. 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

SEC. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16, shall apply to the Territory of Alaska: *Provided,* That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the Indians of the Klamath Reservation in Oregon.

SEC. 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat.L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat.L. 334), to all Sioux Indians who would be eligible, but for the provi-

sions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 Stat.L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

SEC. 5. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

SEC. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

SEC. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

SEC. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the

Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

SEC. 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

Approved, June 18, 1934.

AMENDMENT TO THE IRA

(PUBLIC—No. 147—74TH CONGRESS)

(H. R. 7781)

AN ACT

To define the election procedure under the Act of June 18, 1934, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any election heretofore or hereafter held under the Act of June 18, 1934 (48 Stat. 984), on the question of excluding a reservation from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: *Provided, however,* That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote.

SEC. 2. The time for holding elections on the question of excluding a reservation from the application of said Act of June 18, 1934, is hereby extended to June 18, 1936.

SEC. 3. If the period of trust or of restriction on any Indian land has not, before the passage of this Act, been extended to a date subsequent to December 31, 1936, and if the reservation containing such lands has voted or shall vote to exclude itself from the application of the Act of June 18, 1934, the periods of trust or the restrictions on alienation of such lands are hereby extended to December 31, 1936.

SEC. 4. All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of the Act of June 18, 1934 (48 Stat. 984), shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said Act of June 18, 1934. Nothing in the Act of June 18, 1934, shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said Act.

Approved, June 15, 1935.

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SESSION 1947

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 24

TUESDAY, MAY 20, 1947

WITNESS:

Mr. William Zimmerman, Jr., Assistant Commissioner of United States Indian Affairs.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

THE SENATE

TUESDAY, 20th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11.00 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., Joint Chairman.

Present:

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Castleden, Farquhar, Gariepy, Harkness, Little, Matthews (*Brandon*), MacNicol, Raymond (*Wright*), Reid, and Richard (*Gloucester*).

In attendance and assisting in the proceedings of the Committee: Mr. N. E. Lickers, Barrister, Counsel for the Committee and Liaison Officer, and Mr. R. A. Hoey, Director of Indian Affairs, Ottawa.

Mr. William Zimmerman, Jr., Assistant Commissioner of United States Indian Affairs, was recalled and further questioned.

At 1.00 p.m., the Committee adjourned to meet again at 4.00 o'clock p.m. this day.

AFTERNOON SESSION

The Committee met at 3.30 o'clock p.m. Mr. D. F. Brown, M.P., Joint Chairman, presided.

Present:

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Castleden, Farquhar, Harkness, Matthews (*Brandon*), and Reid.

In attendance and participating in the work of the Committee: Mr. N. L. Lickers, Barrister; and Messrs. R. A. Hoey, Director, T. R. L. MacInnes, Secretary, and B. F. Neary, Superintendent of Welfare and Training, all of the Indian Affairs Branch, Ottawa.

Mr. Zimmerman was recalled and further examined.

The Chairman, on behalf of the Committee, thanked the witness for his lucid and helpful presentation.

The Committee adjourned at 5.20 p.m. to meet again at 11.00 a.m., Thursday, 22nd May.

J. G. DUBROY,
Acting Clerk of the Committee.

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MINUTES OF EVIDENCE

HOUSE OF COMMONS,
May 20, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Will you come to order, gentlemen.

Mr. HARKNESS: Mr. Chairman, I have a letter here from the Calgary branch of the Canadian Corps Association, of which I am a member, enclosing copy of a letter to the Minister of Mines and Resources. I should like to put this letter on the record. It reads:

CANADIAN CORPS ASSOCIATION

CALGARY BRANCH

MEMBER

National Council of Veterans' Associations

CALGARY, May 14, 1947.

Minister,
Dept. of Indian Affairs,
Ottawa, Ont.

DEAR SIR—The Calgary branch of the Canadian Corps Association at their regular monthly meeting went on record as being opposed to the penalty imposed on the English war bride of one of Canada's Indian active service veterans, Mrs. Jean McHugh, of Bassano, Alta., last March, and the stigma of "law breaker" which goes with such a conviction.

We understand that the fine has been reduced to a nominal sum, but the "stigma" still remains, and we respectfully request that special measures be taken in this case in order to give this veteran and his wife a feeling of pride in this country of ours by removing all the fine, remitting the costs and clearing the name of Mrs. McHugh of all such stigma.

We, the Calgary branch of the Canadian Corps Association, also request that efforts be made to have the Liquor Act so amended as it affects those of Indian blood who have served in any of the Canadian active forces during the late war in order that these veterans and their families may enjoy equal treatment with other citizens of Canada.

Yours truly,

J. CLAUGHTON, *President*,
Calgary Branch,
Canadian Corps Association.

The CHAIRMAN: That letter should be referred to the subcommittee on agenda and procedure. I think you will agree with that suggestion.

Mr. HARKNESS: Well, that is all right; but the point is that these people want their stand on the matter brought to the attention of the committee and put on our record.

The CHAIRMAN: I am sure that the Canadian Corps Association will find this committee and the government very sympathetic to any cause which will advance the welfare of Indians. Of course, I am sure that the Canadian Corps Association also recognizes that we as members of the committee cannot change the law as it is, and the matter is one which has been in the courts and has been determined by properly constituted courts; so there is not very much we of the committee can do except to recommend.

Mr. HARKNESS: Well, it is the latter part of the letter particularly which is of interest to the committee, the last paragraph, the matter of changing the liquor laws.

The CHAIRMAN: Oh, yes:—

> We, the Calgary branch of the Canadian Corps Association, also request that efforts be made to have the Liquor Act so amended as it affects those of Indian blood who have served in any of the Canadian active forces during the late war in order that these veterans and their families may enjoy equal treatment with other citizens of Canada.

I think you may be assured that that is a matter which will be dealt with by this committee when the revision of the Act comes up.

Mr. REID: May I ask, Mr. Chairman, if their request is only with respect to veterans?

Mr. HARKNESS: Yes.

Mr. REID: I think the whole matter ought to come up before the committee, veterans and all.

Mr. HARKNESS: I agree with you thoroughly, but these people are just concerned with Indian veterans.

Mr. FARQUHAR: I think the letter should be put into our record.

The CHAIRMAN: Yes, that is our intention. We know now the feeling of the Calgary branch of the Canadian Corps Association, and their representations will be given consideration when the revision of the Indian Act is being considered.

If there is nothing further then we will proceed with the questioning of Mr. Zimmerman. For the benefit of those who were not with us yesterday, Mr. Zimmerman is the Assistant Commissioner of Indian Affairs of the Department of the Interior in the United States. Yesterday several members of the committee questioned the witness and it was agreed that today we would continue with the questioning, giving preference to those members of the committee who had not an opportunity yesterday of either completing or submitting questions to the witness. At the time of the adjournment I believe Colonel Harkness was submitting questions to the witness. Have you any further questions, Colonel Harkness?

Mr. HARKNESS: Yes, I have a few, Mr. Chairman.

William Zimmerman, Jr., Assistant Commissioner of Indian Affairs, Department of the Interior, Washington, D.C., recalled:

By Mr. Harkness:

Q. The point that we were considering at adjournment yesterday was the matter of the Indian council being competent to spend band funds where individual Indians are not, and we were just clearing up that matter. I think that is the way the matter stands, Mr. Zimmerman.—A. With the exception

that I am not certain if it was made clear yesterday that the authority of the tribe or band to spend its own funds may be limited to those funds which are in the hands of the local treasurer. Did I make that clear yesterday?

Q. Yes.—A. For example, the Blackfeet band may have money in the United States treasury to its credit. That money may not be spent except after appropriation by congress. But if they have income locally which comes in the hand of the tribal treasurer that money is spent without any strings or control by the department.

Mr. FARQUHAR: Do you mean by the council, the band council?

The WITNESS: I mean the tribal council.

By Mr. Harkness:

Q. I think the point was also being made that a considerable number of Indians have or are given the right to dispose of their cattle or anything else that they may wish to sell by the agent or by the superintendent as you call him. How many Indians come in that category? Is it a fairly considerable number?—A. You mean those who are called competent Indians?

Q. Yes.—A. I would not want to estimate that, I do not know. I will have to qualify my previous statement by going back to certain specific situations such as we have with the Crow which I referred to yesterday. There are a number of other tribes where there are special statutes relating to competency. There is the case of the Osage tribe, for example. All Indians of less than one-half blood are not declared competent automatically but may be released under the provisions of a law that operates only as to that one tribe. In the Five Civilized Tribes in Oklahoma, one of the large groups, no lands are restricted to the Indians of one-half blood. In other words, the rule is not uniform. The Indians of Five Tribes, while restricted as to land are allowed to make their own leases, again under a special statute; but the leases are not valid unless they are reported to and approved by the agent who as a general rule approves unless there is a particular situation. The agent has the discretion to determine whether or not the leasing privileges shall be granted the individual Indian.

Q. The general situation would be then that a considerable number of your Indians have the right to handle their own affairs?—A. I should say so, yes; always within that limit. They may not dispose of their land but they may make leases and dispose of cattle and other property.

Q. Now, in the case of reserves such as the Blackfoot reserve where they have a considerable amount of money which they are able to handle themselves and which their council is able to dispose of, do they pay for their own hospitals, their own schools, for employees on the reserve; or are those employees hired and paid for by the department?—A. Most of those employees are paid by the department.

Q. Is there any sort of demarcation between those who are paid by the department and those who are paid by the Indians themselves?—A. No. That would be a matter for Congress to decide. Congress has gone almost completely around the circle in the last thirty or forty years. We went through a period in which Congress required almost any tribe that had money to use it for administrative expenses. In many cases Congress actually required the tribe to spend that money over the protest of the tribe; and as recently as 1939-40 many of them were protesting the use of their tribal funds for administrative purposes, but Congress insisted on using it rather than using federal money. We then went through a period in which Congress and the department as a matter of policy told the tribes not to use their money except for capital expenditures, not for administration. And now, due to the economy wave which seems to be on in the United States the trend is again swinging in the other direction, Congress is again asking the same questions you are asking: Why,

if this tribe has a substantial income, should it not pay the cost of administration out of its own funds? Some of the tribes are voluntarily taking "loafer money", as we call it, and using it for administration or for several purposes.

Q. There is really no line of demarcation?—A. It is a matter of the judgment of Congress and the department in a particular situation.

Q. Well, Mr. Case brought up a point that the superintendents whom you have mentioned are really analogous to our inspectors rather than our agents, but from what you said I do not think that that is the case. I would like to have that point cleared up. Take the Blackfoot reserve. That is the only one with which I am familiar. You see, I come from Alberta and we have a branch of that reserve in our province and I have visited that reserve a number of times. You have a superintendent on that reserve?—A. Yes, a man by the name of Brown.

Q. In other words, he is in exactly the same position as the Indian agent that we have on our Blackfoot reserve at Gleichen.—A. Well,—

Mr. MacInnes: May I say a word there, Mr. Chairman? The inspector of Indian agencies for a given district here corresponds to the director of a district in the United States. The Indian agent here corresponds to the superintendent.

Mr. Harkness: That is the point of my question. That is what I wanted to have made clear. The matter came up yesterday.

Mr. Case: I understand that they have five superintendents.

Mr. MacInnes: Actually the title of some of our senior agents has been changed to superintendent. That has been or will be done in a number of places.

Mr. Harkness: Just one other question.

The Witness: May I point out on the powers of the superintendent, that he is also responsible for the money; that is, the funds that are appropriated by Congress are allotted by the central office to the superintendent who has the authority to disburse them in his territory. He does not actually draw cheques but he draws vouchers against that account. He is the reviewing officer, usually a bonder officer, and he is responsible for the use of whatever funds as are allocated to that agency whether it is for administration, schools, or whatever it may be.

Mr. Reid: May I ask if the allotment is made out of appropriations by Congress, and if there are attempts to hold them down?

The Witness: The only problem with which we have been faced is that of getting enough money. I think our procedure in budgeting is roughly similar to yours. We make up a budget on a national basis as a result of requests for funds which come to us from the field.

Mr. Case: That is, they budget in the field.

The Witness: They set up their program for the year on operations which they think would be justified. We in the central office who have the responsibility for submitting the budget work over these figures and attempt to squeeze through the request within reasonable limits; and we submit the budget through our own department through the secretary's office to the departmental budget officer and to the bureau of budget which acts on behalf of the President, and the bureau of budget makes formal submission through the President to Congress. After Congress has acted we allocate the money back to the superintendent in an effort to meet financial requests on which the budget was based. I have never yet known the time when Congress allowed us as much money as we requested.

Mr. Castleden: And the local superintendent does not need to write a cheque?

The WITNESS: After he is supplied with funds with which to carry on his work he draws on the central office. He is always writing back and saying: I do not have enough money to get through the year.

Mr. CASTLEDEN: From the moneys allotted to him?

The WITNESS: The money is allotted to him for the year and it is placed to his credit in the treasury regional office and is subject to withdrawal by him. We may recall part of it, if necessary. That is all the central office does, it exercises an over-all control. Normally it is alloted to him at the beginning of the fiscal year and it is then his to spend.

By Hon. Mr. Stirling:

Q. Mr. Chairman, I wonder if the answer which the witness gave to Mr. Harkness with regard to the voting by Congress of tribal funds means that they can only be used for certain purposes?—A. Yes.

Q. Did you refer to money in the United States treasury?—A. Yes, I had in mind the money in the United States treasury.

Q. Not to the funds which were in the hands of the tribe?—A. The money which the tribe has locally has not heretofore been considered to be within the power of Congress to control.

By Mr. Lickers:

Q. About this money to which you referred, the interest on trust funds can the tribe draws that and use it on their own authority?—A. Ordinarily, not. That money stays in the treasury. It is placed to their credit, just like the principal of the fund, and it is subject to appropriation.

Q. Well, once the money is appropriated by congress does the band council then have authority to expend their share?—A. Ordinarily, no; not unless congress subsequently appropriates the money. It really takes an appropriation. Initially the money is appropriated to the credit of each band as the interest is credited, but they cannot get it out except or until congress again reappropriates it.

Q. But once this reappropriation is made then the band can use that without any strings attached to it?—A. That is right.

By Mr. Harkness:

Q. In connecton with this Blackfoot reserve, are the Indian children given high school and university education?—I believe they are; in a considerable number of cases, they even go on to university. What I want to know is this; is that paid for by the federal government or is it paid for out of band funds over which they have control?—A. I should guess that in most cases the Indians themselves pay for that education.

Q. Is the policy of the federal government to pay for university education for Indians?—A. No, I think not. We have a small fund that is appropriated each year by the Congress which we use for grants and also for loans to Indian boys and girls who want to go to universities or professional schools or vocational schools.

Q. How many Indians would that look after for university training?—A. In prewar times it took care of three or four hundred a year, I think.

Mr. CASTLEDEN: Would that be in the universities?

The WITNESS: All schools of the type I mentioned.

Mr. CASTLEDEN: Can you tell us how many Indians are attending university?

The WITNESS: You are asking me some detailed questions which I cannot answer because I do not have those figures with me. I could get you that if it would be of interest. It would show how many went to university and how many went elsewhere.

Mr. CASTLEDEN: If we could get the rough figures about how many Indians attended university I think it would be helpful.

By Mr. Harkness:

Q. The general situation is that out of the federal fund three or four hundred Indian children receive a higher education, and with respect to the rest the Indians have to look after themselves?—A. That is right.

Q. My last question is in connection with the Eskimos in Alaska; do they vote? First of all, have they the right to vote; and, if they have, are any provisions made so that they can vote?—A. The Eskimos have the right to vote. Until recent years they did not vote. Under the territorial law there are certain procedures. You have to set up a voting precinct, and the Eskimos have not been able to do that in most cases. In the last territorial elections a number of Eskimo areas were organized and the Eskimos did vote.

Q. They have the right to vote but in some cases have not the opportunity of doing so because of the difficulties of the country?—A. That is right.

Mr. HARKNESS: That is all, thank you.

By Mr. Bryce:

Q. Mr. Chairman, I am reluctant to ask questions today because I was absent so much yesterday I do not know what has already been discussed. In conversation with some of the other members of the committee I learn that there were some things discussed about which I wanted information, if in what I ask now there are points which have already been dealt with I shall be only too pleased to read the minutes. Could the witness tell us about Indians doing business on the reserves; are they under the jurisdiction of the superintendent—if they want to sell their cattle or grain can they do so without the sanction of the superintendent?—A. That is ordinarily within the discretion of the superintendent.

Q. And then the Indian cannot do that without permission?—A. It depends on the local status of his property. Much of the Indian's property, personal property, is held in what we call a restricted status; that is the legal title is actually in the United States. That may be true of his cattle and it may be true of his crops.

Mr. CASTLEDEN: If he is in debt?

The WITNESS: Sometimes even if he is not in debt.

By Mr. Bryce:

Q. Is it sold under supervision of the superintendent?—A. That is one of the difficulties of local administration—the desire of the Indian to have restrictions removed from his property or from his money in the hands of the superintendent.

The CHAIRMAN: I think that matter was fully covered yesterday, Mr. Bryce; but may I summarize it by saying that Mr. Zimmerman did say that they use the permit system and he favoured it. Is that correct?

The WITNESS: I favour the relaxation of it; isn't that what I said?

The CHAIRMAN: You have it, you favour it, and you favour the relaxation in certain cases.

Mr. CASTLEDEN: The chairman is putting words in your mouth.

The CHAIRMAN: If I am wrong I want to be corrected.

The WITNESS: It is, I suspect, somewhat the same as you have on the Canadian side. There is considerable friction between the superintendent or a particular clerk when it comes to dealing with individual Indian matters. An

Indian comes in and asks to have his cattle released or his money released and the clerk says he can't have it. What do you want it for; you certainly should not spend your money that way? And so on. That sort of conversation may go on for an hour or so. It is irritating to both parties. My own sentiment is that in many cases the employee is over-zealously protecting the Indian against his own desires and perhaps against his own weaknesses.

The CHAIRMAN: Wasn't I correct in saying that while he is indebted to the department you want to protect the department itself?

The WITNESS: Yes, but that seems to be a different story.

Mr. BRYCE: That is what I wanted to get at.

By Mr. Bryce:

Q. We are interested in the liquor problem throughout Canada as it applies to Indians; have you dealt with that previously?—A. Yes, we discussed that briefly yesterday.

Q. I came in last night just when you were talking about denominational schools. I think you said that there are 8,000 out of 60,000 being educated in denominational schools operated by denominational organizations without any payment from the state?—A. That is correct, if by the state we refer to the states in the United States.

Q. I mean the United States.—A. But in the United States they are making grants to some of these Indian schools.

Q. Well, is the grant made for educational purposes, or for maintenance purposes?—A. It is expressly made for the cost of boarding and feeding children housing them and clothing them. It is not made for the purpose of educating them.

Q. We are quite different here. The government pays a grant here.—A. In no case that I know of is the grant that the federal government makes sufficient to pay the full cost either of taking care of the children or of operating the school.

Q. You are dependent on missionary efforts for the maintenance and education of some 8,000 children?—A. That is correct.

Q. Have you discussed health conditions?—A. We did a little, not very much. Have you some other questions?

Q. How is the health of the Indians there compared with here?—A. We have a tremendous health problem here. How are you handling it?—A. We have made a great improvement in the last twenty years. Beginning about 1930 the federal government spent large sums of money for the construction of hospitals With perhaps three or four exceptions we now have either on the reservation or nearby good hospitals. The plant and equipment is up to date and is in most cases adequate to the extent that we do not need to build any more new hospitals. We are deficient in personnel. It has been impossible to recruit doctors and nurses. Actually during the war we have kept a number of hospitals open without a doctor closer than 100 to 150 miles away. The result has however been a very marked improvement in general health, but we are still faced with a very high incidence of tuberculosis, which is by far the most menacing disease among the Indians in Alaska as well as in the United States.

Q. Coming back to education you have said that the schools are run by the educational authorities in the United States. Are there both Indian and white boys and girls going to those schools together?—A. Yes, about one-half of the Indian children go to what we call public schools.

Q. What is the cost apportioned? Does the Indian department pay for that or does that come out of the general funds of the United States?—A. There again we take a short range view of the matter. In the long view now that all the Indians are citizens they are entitled under state law to a free education. On the other hand, we recognize that in certain areas under state laws the local

districts could not maintain an adequate scohol system. For example, in one or two counties in Minnesota there is a large percentage of Indian land which is non-taxable. The school district just does not have enough taxable property to maintain the schools and other local governmental functions, so we make a contribution which in effect is in lieu of taxes. We do not say it is in lieu of taxes, but that is the practical result.

Q. You just make a grant to them?—A. We make a grant.

By Mr. Hoey:

Q. A per capita grant?—A. It is based on the attendance so the more Indian children they can get into school under one of these contracts the more money the school district will get.

Q. That is a good basis.

By Mr. Bryce:

Q. Is that so much per head?—A. Per head per day.

By Mr. Castleden:

Q. How much is it?—A. It varies depending on the local situation from 15 or 18 cents to as high as 60 cents.

By Mr. Bryce:

Q. What would it amount to for 200 days per pupil?—A. It would vary from $30 to $120 per pupil. The total of those payments to various states and various districts is in the neighbourhood of $1,000,000. I want to say this by way of explanation. Just this year Congress has raised a question of policy as to the justification for making those payments. Congress has instructed us to reduce the payments to be made next year. I may say one other point is we may contract both with the state and with the local school districts. We operate those contracts under a special Act of Congress which authorizes us to make contracts with the state, with counties, with private institutions, for educational and medical care.

By Mr. Case:

Q. Do your Indian children generally understand English before they start school?—A. I should say probably two-thirds of them.

Q. That would be quite a help because a lot of time is wasted until they are taught basic English.—A. But I should say that in the majority of homes the Indian tongue is still spoken at home. That is changing, but there are large groups. Offhand I can pick out 100,000 or 125,000 Indians who are still predominantly non-English speaking.

By Mr. Blackmore:

Q. How many bands in the United States have signed treaties with Congress? Can you give that offhand?—A. No, I could not. I would guess most of them have at one time or another, and we recognize about 200.

Q. Are there any bands that have not yet signed treaties as far as you know? —A. There are some. There have been no treaties signed since 1871.

Q. Do you accord Indians exactly the same treatment whether or not their bands have signed treaties?—A. Yes, substantially we do so far as general services are concerned.

Q. In your treaties did the Indians agree to pay taxes, or were they exempted from taxation, or did that vary with the bands and the treaties?—A. In almost every case the treaty specified that the lands which they retained should be

exempt from taxation until Congress otherwise provided. The view we take is that was essentially a part of the contract. The Indians ceded a large acreage of land. They may have removed from an area in which whites wanted to settle, and the right to hold the remaining land free from taxation is an element in the contract.

Q. Does that exemption from taxation extend to the incomes which the Indians make on the land or off the land?—A. Ordinarily the treaties do not specify that. That is a matter of judicial interpretation.

Q. What is the general tendency among the judges in interpreting that matter?—A. The tendency now is to make every kind of income taxable, and particularly with reference to federal taxation.

Q. What is the reaction of your Indians generally? Are they unhappy as to that situation?—A. They are.

Q. They feel their rights have been violated?—A. They feel at least by implication their personal incomes should be free of taxation. That again is subject to an exception. You will find many Indians who say, "We want to pay taxes; we do not want that distinction to remain."

By Mr. Farquhar:

Q. You are speaking of money earned on the reserve, are you?—A. Yes, or off the reserve. Generally the income that an Indian receives is subject to federal income tax.

Mr. REID: That is not uncommon with the white man. The desire to escape income tax is not uncommon even with whites.

The WITNESS: Many of the Indians want to pay taxes. They feel they do not want a distinction to continue. They feel they are frowned on by their white neighbours because they do not pay taxes.

By Mr. Blackmore:

Q. In the treaties were the Indians specifically exempted from military duty, from conscription?—A. I think not. I think ordinarily there was no reference to that. Most of the treaties were made long prior to the time when we had conscription in the United States.

Q. Do the Indians in the United States generally resent the application of conscription to their young men?—A. Generally not, no. There were a few cases. There are one or two Indians in New York State and one or two in Arizona who made an issue of the matter. They had considerable support from their local groups, but I doubt if there were a dozen Indians who refused to serve, and thousands of them volunteered.

Q. Are you in a position to tell us all definitely what was the situation of the Indians during the depression when unemployment was so common? Did they go on relief just as the other unemployed did in the United States or were they given a special allotment or allocation of money on the reserve? What provision was made for their welfare?—A. They went on relief, and I can say in some areas 99 per cent of them were on relief.

Q. Were they on state relief or federal relief?—A. That was federal relief. In the United States beginning in 1933 and 1934 in those areas there was a large fund administered by a federal agency, the federal emergency relief administration. There were also other temporary organizations, the civilian conservation corps, the public works administration, all of which were in the nature of work relief organizations.

Q. Was the relief granted to the Indians on the same basis as that for the whites?—A. That is correct. Relief was granted to the Indians on the same basis as other people.

Q. What happens to Indians who fall by the wayside in the cities? You mentioned that yesterday in your answers. You referred to cases where Indians went out and attempted to compete with the whites, and after a time found themselves unsuccessful in the effort, and you said they fell by the way. Would you care to elaborate to some extent on that as to what occurred to the Indians and what the government did to rehabilitate Indians, whether it endeavoured to get them back on the reserve or just how it went about and would go about meeting a situation of that sort?—A. The Indian office has not felt its normal functions extended to Indians in cities. We have no personnel and no machinery for following the Indian who leaves the reservation and finds a job in a city. When a particular case is brought to our attention, as it often is, we do make an effort then to work with local welfare agencies, or we may even provide money to return that particular Indian to the reservation, but it seems to me that in the long run the problem of the Indians in the cities is a problem for the community, and that the churches, the welfare organizations and other civic organizations should help rather than leave the burden on the government bureau.

Q. The cities and the communities generally speaking would hardly accept that suggestion with favour?—A. No, sir, I think there is an educational job to be done in the communities. I do not know how it is with you. I think we have failed to make the most of our opportunities in dealing with some communities.

Q. What I am wondering about is what would happen to the Indian meanwhile while the communities were being persuaded?—A. He may sink.

Q. Which would mean what? He would go down how far?—A. I cannot answer that, but I do think this, that going back to the years of the depression in the cities a good many thousand Indians went back to the reservation because they were discharged. They were working in Detroit or Minneapolis or Billings or Great Falls or some other place when they lost their jobs. They had relatives somewhere on a reservation. The population of the Chippewas around Turtle Mountain south of the Canadian border in a period of two or three years increased by about 3,000 Indians who came back home.

Q. A person would be safe in assuming there is no definite recognition on the part of municipal governments or state governments of the United States of any responsibility for the Indians if they happen to fall on evil days after having lived in the city?—A. I think that is probably true of the communities that have the larger Indian groups, and the communities that are nearest to the reservations. I think yesterday I spoke about one city in South Dakota, Rapid City, where there are about 800 Indians. That city is putting pressure on us. They say it is up to us to provide a doctor and nurse and social workers and to see that these Indians are integrated into the municipal stream. I do not agree with that.

Q. And to provide support for their education?—A. That is coming. That is considered a part of federal responsibility by these local people. I think their attitude is wrong.

Q. That would be a vital matter for this committee to consider in drafting our own proposed Indian Act. If I may comment briefly it looks to me as though before we encourage Indians on any general scale to leave the reservations and engage in industrial and professional life we should have some understanding generally among the cities and communities of Canada as to what will happen if they fail.

Mr. CASE: If he thinks you are going to back him up if he fails he will probably fail, but if he knows he is on his own then he will have to make good.

Mr. BLACKMORE: There is also this to it, that an awful lot of suffering can happen to an individual while four or five organizations are deciding who is going to take the responsibility for it. I do not think an Indian ought to have to risk that any more than a white man.

The WITNESS: Let me add this. It would be my view we should not encourage the Indian to go out until he has had some preparation. He certainly needs education. He certainly needs to speak idiomatic English and be able to get along that way. As to certain Indians who have expressed a desire to go into professional work or vocational work we give them special training. I should say after the Indian has gone to high school and has had perhaps one year of post-high school work he is as well qualified as the average white child to make his way.

By Mr. Blackmore:

Q. As you indicated yesterday there may be a sort of sales resistance, if I may call it that, against Indians in different communities?—A. That is right.

Q. Which may result in their failing not because of a deficiency in ability? —A. I should like to go back to what we had before the war. We did maintain in a number of cities people who were really employment agents. We called them placement agents. It was a part of their job to see that Indians who came into the local community were provided with work. They were contact people with the community organizations.

Q. In a general way you feel their efforts were successful?—A. Their efforts were successful, but the scale was too small. We were not doing enough of that work.

Q. I am quite interested in what seems to govern the policy of your Congress in the matter of granting money for the Indians. Do they seem to be guided by any principles other than that of economy? Do they make allowance for the number of Indians involved? Can you give us any ideas on that?— A. If I were sure my answer did not get back to Congress I would give some ideas.

Q. How would it be if we had it off the record?—A. I have no objection to putting it on the record. I think we go through the same procedure each year. Congress has probably, without definitely reaching a conclusion, fixed a certain level of expenditures for us. In thinking of the present Congress that level is the pre-war level rather than an existing one. Our pre-war level, except for these relief grants of various kinds, this special fund that was made available, ran in the neighbourhood of $30,000,000, between $30,000,000 and $35,000,000. Our post-war level at the moment is about $10,000,000 more than that. The effort in Congress is to cut us back to a lower base. Our argument is when you are operating schools and hospitals, running institutions with much higher costs today that you had at that time, with the dollar worth perhaps 60 cents in terms of commodities as compared to the 1940 dollar, it is unreasonable of Congress to expect us to increase the school population and provide better medical services for the same total of dollars.

Q. You would argue in a general way that Congress had no right to assume it was providing adequately even before the war?—A. No, Congress did not provide adequately. That is easy to prove because even today we actually have a substantial part of the Indian population not in school. It is not wholly our fault; it is not wholly the fault of Congress. Fifteen or twenty years ago many of these Indian children did not want to go to school, and their parents would not let them go to school. Twenty years ago it was sometimes necessary to drag children to school. More recently we have discharged people who have kidnapped children in order to fill up a school. That is a policy of which we do not approve. Nevertheless that was done at one time. Now the children want to go to school. The boys have come back from the army wanting their younger brothers and sisters and their children to go to school because they recognize the ability to speak and read and write English is absolutely essential to their problems.

Q. Did Congress appear to take into consideration your recommendation as to how much money they should provide, or the recommendation of the Indian authorities?—A. Yes, in part. I could answer you much better in about ten days.

Mr. CASTLEDEN: How much last year?

The WITNESS: The House of Representatives has reduced our estimates from about $44,000,000 to $33,000,000. We asked for $44,000,000, and the House of Representatives in passing the bill reduced us to about $33,000,000 in round figures. Just last week we had a hearing before the Senate. What the Senate will do I do not know. I think the Senate will raise the figures, but how much I cannot say. I should like to say this for what it is worth, that my experience is that Congress is always responsive to a request for schools and a request for hospitals. It is much less responsive to a request for an increase in salaries, and it is almost certain to turn a deaf ear on a request for more money for administration. What the House of Representatives has done this year is to leave us substantially with our program activties on the same level as they were four or five years ago, and the money for administration has been reduced by about 40 per cent.

By Mr. Blackmore:

Q. Do you feel in a general way you have enough personnel in your administration, or that you should have a good many more on your staff?—A We could get along with approximately our present staff, but we cannot get along with half that number. If Congress does not revise the figures, and if we have to reduce our administrative staff on the reservations, it will mean some radical changes in administration and the removal of some of the restrictions which are now not so pleasant for the Indians. We certainly will not have the personnel to provide detailed supervision of individual affairs.

With respect to your hospitals, do you just limit it to contracts with certain hospitals to which you make allowances for each case in the hospital; is that a blanket contract for all hospitals?—A. No, we make a contract with a special hospital in an area where we do not maintain a federal hospital. That contract would ordinarily be on a patient-day basis. We pay the hospital so much a day for any patient who is hospitalized.

Q. Do the hospitals seem to be satisfied with the amount of the allowance? —A. Oh, yes.

Q. Where the state has assumed more or less responsibility for the Indians do you make as large a grant to the state as you formerly made by way of federal expenditure, or do you make them on any per capita basis?—A. We make a few grants but not on the basis that you have in mind, only for specific purposes. In the state of New York, for example, we make no grant to the state. The state provides education for all Indian children. We have nothing to do with it.

Q. And there has been no tendency towards decentralization of responsibility and allowing the states to assume an increasing amount?—A. Yes, there is a tendency and we are working on that problem now; but some of the states seem to be reluctant to take up that burden unless the federal government subsidizes it.

Q. Do you think the federal government should subsidize it?—A. I cannot answer that. That is a matter of congressional policy. It seems to me in the long run that the federal government should not continue to pay a subsidy.

Q. Would that merely involve increased responsibility on the part of the states?—A. It might, unless in the meantime it raised the level of the Indian, economically, socially and in other ways so that it compared with that of the white.

Q. In a general way I presume most of the states would be short of funds unless there is some way of applying a tax.—A. Most of the states would be. It is a serious difficulty for one other reason. Even if all the Indian property were taxable it still would not yield revenue to the state at large which would be as great an amount as the subsidy now paid by the federal government.

Q. Now, I do not know whether you would care to commit yourself on this matter or not, but I want to assure you that we would value your opinion. It is your judgment that it would improve the efficiency of the service to the Indian if it could be centralized?

Mr. REID: I suggest that Mr. Zimmerman be given the opportunity to reply to that question off the record if he so desires.

The WITNESS: I don't mind answering that on the record. I have been asked the same question many times by members of Congress. I should say that in most cases the state would not provide as good a service as the federal government is now providing.

Mr. CASTLEDEN: It is a federal responsibility.

The WITNESS: Yes, but even disregarding that, we are in a position where we have a special group of federal employees rendering a special service. If the Indian were subject only to state supervision I think in most cases you would find that sums would be diverted, the attention of state officials would be diverted, there would not be the same concentration of effort that we now provide. That is a generalization and I recognize that it is not necessarily true in a number of states. In a number of states we have excellent co-operation with state officials.

Mr. BLACKMORE: What caused me to wander along this line was to get your opinion with regard to the administration of the Indian educational policy. I was wondering whether it would be better done if their schools were under the state. In many cases, I take it, schools are inspected by state inspectors. From what you just said it would appear that you think you can give better service under federal administration.

The WITNESS: I am not sure it is better, or even sometimes more suitable. In Alaska, for example, at this moment the territorial schools do not provide vocational training of any kind, but we do. We train a boy to be a carpenter, or to build boats and do other things. And I think we provide perhaps not a better brand of education but a more suitable one.

Mr. BLACKMORE: Are you providing that in Alaska at the present time?

The WITNESS: Yes, sir.

Mr. BLACKMORE: That takes up my time, Mr. Chairman.

By Mr. Lickers:

Q. Can Indians make wills in the states?—A. Yes, sir; we are encouraging the Indians to make a will.

Q. Just how do you go about probating a will?—A. In the Five Civilized Tribes, the Osage tribes in Oklahoma, the Indian estates are the subject of a special statute. In the Five Tribes the estates are probated in the county courts.

Q. Is the county court the only authority?—A. No, the probate action would be taken but we have authority to intervene. We have in Oklahoma a number of lawyers who are called probate attorneys.

Q. Are they hired by the department?—A. They are hired by the department and paid out of federal funds. They are authorized to appear in the state court, the county court, and take part in the proceedings of probating an estate. In Osage county there is a slightly different procedure. There the will of the Indian is subject to approval by the Secretary of the Interior. If he approves the will then it is probated in the county court. If he disapproves the will then

the will cannot be probated in the county court and the estate is distributed in accordance with state law; except for this, the staff of the department probate the Indian estate. We have probate examiners stationed at various points of the Indian country.

Q. That does not all go through the central office; I mean, your power there is decentralized?—A. That is correct. The examiner holds hearings usually at the agency. A record is kept and the examiner makes a determination as to heirs and the distribution of the estate. His finding is final unless an appeal is taken to the secretary.

Q. And in connection with the laws of descent, do you have your own laws in connection with that applying to all Indians within the state, or do they go by state law?—A. Under the present law the examiners follow state law in the sense of distribution. As I said yesterday, we do recognize Indian custom marriages or the so-called blanket marriages; and we do recognize illegitimate children as heirs.

Q. And then when an administrator of an estate is appointed has he full authority to go ahead and administer the estate?—A. Well, the department is the administrator:

Q. The department is always the administrator?—A. Yes, when you are dealing with wills on so-called restricted or trust property.

Q. What about the other kind, that which is not restricted?—A. That is subject to probate in the state courts.

Q. And so you have a situation where you have two applications?—A. That is correct, that is what sometimes happens.

Q. Has the department any authority over wills covering unrestricted property?—A. We have no authority over unrestricted property. Let me add that the system is not entirely satisfactory. We have recommended to the Congress a bill which would provide uniform estate distribution; that is, making the laws of the particular state in which the Indian may have resided applicable. Whether or not Congress will approve of that, I do not know.

Q. What about the administrative set-up of the probate of wills; is that working out satisfactorily?—A. Oh, yes; because we have all the original records of land, and if there are cases of restricted money we have the records of that. We keep a record of land titles.

Q. Where is your record of land titles kept?—A. Both in the agency office and in the central office in Chicago.

Q. Supposing under a will certain property was given to a son who might have been an only son; can a transfer be done right in the agency office?—A. No, the papers now would have to go to Chicago.

Q. And they would be approved in Chicago?—A. Yes. We are changing our procedure so that hereafter as soon as the procedure is approved the papers may be approved in the new district office.

Q. And that would correspond to your agency office?—A. No, the district office is a layer in between the agency and the central office.

Q. I want to get at your administrative set-up after a while. Now, suppose there is no will?—A. Then we just act as the administrator.

Q. Your department acts as the administrator in such a case?—A. That is right.

By the Chairman:

Q. How do you provide for descent?—A. We follow the state laws.

Q. Supposing you have a little patch of property and supposing there are fifteen heirs, you can't convey it— —A. Oh, yes.

Q. —except to Indians?—A. That is right. We can convey to any one the law permits.

Q. Can you sell and divide the proceeds?—A. That can be done, or the land can be partitioned; as a matter of fact for a long period of time we held much of the land in heirship status.

Q. And you may distribute the rent among the heirs?—A. That is right, and the title still remains in the estate.

Q. Supposing there was an infant, a minor; does the law still apply? —A. Perhaps it would be well if we were to put in the record the section of our statute which deals with this matter. I do not know that I need to read it, but the law relating to the probate of estates might be put into your record. Would that be helpful?

Mr. LICKERS: I think it would.

The CHAIRMAN: Would that be helpful to members of the committee? Carried.

The WITNESS:

372. Ascertainment of heirs of deceased allottees. When any Indian to whom an allotment of land has been made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent he may, in his discretion, cause such lands to be sold: Provided, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by any Act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of 10 per centum of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase price is to be paid in deferred payments, a further amount, not exceeding 15 per centum of the purchase price may be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the heirs. Upon payment of the purchase price in full, the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: Provided, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent, as their respective interests shall appear: Provided further, That the Secretary of the Interior is authorized in his discretion to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death, to his heirs, to whom a patent in fee containing restrictions on alienation has been issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent. Provided further, That any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may select:

Provided, That the bank or banks so selected by him shall first execute to the said disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Secretary of the Interior.

That is the annotated code, title 25, section 372 (page 292).

By Mr. Lickers:

Q. So that a member of your department, the administrator of estates, travels around during the year to the different agencies?—A. That is correct.

Q. And all the papers are filed right there with him?—A. The records of the agency are recognized in the courts throughout the United States as being public records. The agency records have the same value and weight as county records or state records.

Q. Are all your teachers civil service?—A. We have some teachers who are temporary civil servants, the regulations permit temporary employment.

Q. What is the provision of the Civil Service Act over there in connection with the territorial set-up as to where you make your application?—A. The Civil Service Commission has district offices, I think they are called, and maintain what are known as district registers, a register listing all the eligible teachers. A teacher registers and when one is needed we send over to the local registrar. It is a national register. At the moment there is not one, but that is beside the point.

Q. And supposing you need to have a position filled?—A. Most of the positions are filled from the district register.

Q. That is what I was coming to. Suppose you have a position open, say, in New York state. I take it that you would go over to the district register and pick someone out?—A. The commission certifies to us three names.

Q. From the district register?—A. That is correct.

Q. And does the district register cover the whole of the state?—A. It might not cover the whole of the state, but it might serve a larger area.

Q. You are not limited to an immediate locality, like the city of Buffalo?—A. No.

Q. You were asked about Indian preference in the civil service; are their names on the district register?—A. No, there is a special section on Indian preference which applies only to the Indian service and it is not subject to the usual control of the Civil Service Commission.

Q. That is right under your own jurisdiction?—A. Under our own jurisdiction. We set up certain standards for positions and if the Indians meet those standards they are eligible for appointment under that special provision, not under the regular civil service.

Q. Do you examine the Indian applicant to see whether he is qualified?—A. Oh, yes.

Q. If they were not qualified then you would go outside and get a white; but as long as there is an Indian qualified he is employed?—A. That is the theory.

Mr. MacNicol: I did not get your last answer.

The Witness: I said that is the theory; and I think generally that is the practice. I know it is sometimes difficult for an administrative officer to determine whether he should give preference to an Indian applicant as against the white applicant. But it is definitely our policy, as it is the law, that we give preference in appointment to Indians. And as I said yesterday the Indians on their side are insistent that they meet the same qualifications as any white employee.

By Mr. Lickers:

Q. That is the same qualification as for the civil service?—A. That is correct; and they take the civil service examinations and in that way they may become qualified as civil servants.

Q. Do they not come under the classification of civil servants when appointed under preference?—A. No, they do not.

Q. Are they not entitled to superannuation?—A. Not at all, unless they come under the regular civil service procedure, unless they pass the examinations; otherwise they do not become regular civil service employees.

Mr. CASE: Do they have to pass a civil service examination to be eligible for superannuation?

The WITNESS: Yes. Many of them have qualified as regular civil service employees after they have been on the job for a year or two.

By Mr. Lickers:

Q. To what part of your set-up does this preference apply?—A. There is no limitation in law.

Q. I wonder if it applied to superintendents?—A. We have a number of Indians as superintendents, and we have a number of Indians at the head office and in the district offices.

Q. Do you find any hesitancy on the part of the Indians about being governed by their own people?—A. Yes, we do find that.

Q. Is it very prevalent?—A. It is a relic, that is being destroyed. You will find in many areas that an Indian would prefer to have a white man as superintendent rather than an Indian.

Q. Is that the same with farm instructors?—A. I would say not so much so. The relation between the Indian and the employee is not the same when it comes to the question of authority, let us say, in the case of farm instructors. With the agent the situation is different. He is giving advice and helping. He is in the position of saying no when the Indian wants something. But that is breaking down, and in my judgment it must break down if we are to go ahead and require the Indians to operate their own business and carry on whatever operations they want to carry on.

By Hon. Mr. Stirling:

Q. Are these Indian officials accessible generally to the Indians?—A. Well, except as I have just said. There is in some cases a feeling on the part of the Indians that they would rather have a white man as a superintendent. That carries through in curious ways. Some years ago we experimented with Navajo boys and girls who wanted to teach. We took boys and girls who had had high school training but were not college graduates and put them in as apprentice teachers. At that time the Navajos protested; they said: we know these boys and girls, they do not know any more than we do; we want a white man who has been to college. I think that is breaking down but that attitude still exists in some spots. Under the procedure followed by many of the tribes now they elect their own officers. I think there the trend is becoming more modern; and the time must come in my judgment when our appointed superintendents can be withdrawn and elected officers of the tribe will carry on.

By Mr. Lickers:

Q. Are the Indian tribes in the agency given any voice as to the appointment of the superintendent or agent?—A. Ordinarily not. May I say there that my own feeling of the attitude of the department is that in so far as tribes want to elect their own officers and carry on their own business they

should have control; in so far as officials or representatives of the government are concerned I would say that the government have the say as to who shall be selected. Now, I recognize that there are many Indians who do not agree with that policy.

Q. Yes, the same thing applies here.—A. Naturally, we would not place on the reserve any person who is obnoxious to the people. What I mean is this: we do not ordinarily ask the Indians in advance; "is it all right if we move an agent in?"

Q. Your agents move around?—A. Yes.

Q. Is it a general policy to do that rather than to keep them in one place?—A. There are two or three points that I would like to make. One is that under civil service restrictions it is almost impossible to promote a man without moving him into a new job. The result is that the better men naturally move from the small reserves to the larger reserves where the salaries are higher. And that is one reason for moving. Another reason is that after a man has been on a reserve too long—I do not know just what is too long, sometimes it is five years, sometimes it is ten years—he has seen many of these Indians grow up, he knows them better than they know themselves, he may know too much about them, he is not always impartial. There is such a thing as having an agent on a reserve for too long a time.

Q. Does the department have any policy of training these men by having them come up through reserves and agencies?—A. Do you mean the white men or the Indians?

Q. White men or Indians.—A. Well, it is a very rare case for agents to be appointed except from the ranks.

Mr. HOEY: Pardon me, Mr. Lickers, this is rather important. Who has the authority to transfer? Suppose you have an agency Grade B here, and another one Grade A there, with salaries and other considerations different and you take this man from here and you put him over there who has that authority?

The WITNESS: That authority rests in the Secretary of the Interior, the head of the department.

Mr. HOEY: Not in the civil service commission?

The WITNESS: Not the civil service commission. They have nothing to do with appointments.

Mr. HOEY: I think that is very sensible.

By the Chairman:

Q. Do you favour the movement of superintendents from time to time?—A. Well, there is a third point I did not make; and that is that ordinarily it takes a superintendent at least a year to get on his feet when he is moved to a new location. Somewhere in-between you have to strike a balance. I would say that ordinarily a superintendent should not be moved unless there is good reason for it.

Q. Let me put it this way, would you favour keeping a superintendent in an agency for the duration of his natural life?—A. Ordinarily not; no.

By Mr. Bryce:

Q. And when there is a vacancy is there any appreciable break before you put a new man into that job?—A. Not ordinarily. Sometimes we have difficulty in making up our mind as to the successor.

Q. You don't have to wait before making appointments?—A. We like to make the appointment promptly. There is this difficulty which is merely administrative. If a man retires to-day under the law we pay him his accumulated leave, whatever that may be. During the war many of our older men accumulated as much as three months' leave. A man retires to-day and we pay him his

full salary for three months from to-day. During the intervening period we cannot fill that vacancy without spending the same dollar twice.

Mr. BRYCE: We have that same trouble. The good one Indian agent does is lost by the time a new man gets to his job.

The WITNESS: It is a practical problem but it is not insuperable.

By Mr. Lickers:

Q. Would you advise paying three months' leave and then hiring another man immediately?—A. I would if we had the money.

Q. It is purely a question of finances?—A. If we had ample funds I would try to have the new man come in before the old man goes out. I would try to have him come there and spend a month with the old man before he goes out.

Q. So that as far as your civil service is concerned it has absolutely no jurisdiction over your employees?—A. The civil service commission sets up certain standards, grades, qualifications.

Q. And they have a register and you can pick from that?—A. Yes, they hold examinations.

Q. They then submit three to you and then you pick from them, and they then come under your jurisdiction?—A. There is one other qualification. The civil service commission has almost complete control of what we call departmental staff, the registers for employment in Washington. For appointments in the field and for determining qualifications of the field employees we have a great deal of leeway.

By the Chairman:

Q. Let me get this clear. You have an Indian agency classification set-up. Then once that agent comes to the department the department can put him in either station A, B, C or D, wherever they want to?—A. That is correct.

Q. The classification is not for a particular job at a particular place?—A. Yes, the classification is for a job.

Q. For a job, but is it for a job at a particular place?—A. It may be both. Superintendents' jobs are classified by place. The superintendent at Blackfoot is a definite allocation. The superintendent at another reservation such as Fort Peck may be a grade higher or may be a grade lower. Superintendents rank from what we call grade 11 to grade 14, and they range in salary from about $3,600 or $3,700 up to about $9,000.

By Mr. MacNicol:

Q. How much?—A. $9,000; I think $9,300 is the top salary.

By the Chairman:

Q. I do not seem to be clear on it yet. We will say you have stations A, B, C and D, all of the same salary range or classification. You have a vacancy at station B. The appointment of the superintendent is made by the civil service commission. Is it only for station B or can you move a superintendent from stations A, C or D to station B and put the new appointee in station A?—A. First of all I do not know that I have made this clear. The civil service commission does not make the appointment. The appointment is made by the department.

Q. In other words, the civil service commission only sets up what we call an eligible list?—A. That is right.

Q. And from that eligible list you may draw a replacement for any superintendency?—A. The superintendency is not a good case to pick out because there has only been one time in the last fifteen years when there has

been a register of eligible superintendents. None of them were very good. We did not take a single man off that register. Practically all of the superintendents we have are promoted from within the ranks.

Q. What I am getting at is have you the right——A. We have the right to move a man to any one of those four places, and we could even demote him if that were necessary and place him in a position of lower rank, but ordinarily if we transfer a man whose present salary is $5,000 we would transfer him to a place where his salary would be the same or higher.

By Mr. Bryce:

Q. Mr. Zimmerman, can you appoint a man in your field service and promote him or denote him without consulting the civil service commission? If he is under civil service regulations can you do that? Do you have the power to do that?—A. We have the power to do that, but if we act in a manner he does not approve he has the right to appeal to the commission.

Q. But you can promote him to a better job?—A. We can promote him without reference to the commission.

Q. He would not complain then.—A. If we demote him he may complain to the commission, and then we may have to justify our action, and the commission action is final, not ours.

By Mr. Lickers:

Q. In view of the fact that the Indians have the right to vote where you have precincts do they turn out in about the same number as whites?—A. I think so. When they are voting about Indian matters they turn out a little better than the whites, but in national and local elections they vote in about the same proportion.

Q. Do you operate any high schools?—A. Yes, we do.

Q. I know the Thomas Indian school. Is that still operating?—A. That is a state school. We have nothing to do with that at all. That is operated by the state.

By Mr. Castleden:

Q. You pay nothing to that?—A. No.

Q. No grant in any way?—A. No.

By Mr. Lickers:

Q. What about Carlyle?—A. It is no longer operating. We operate 18 schools away from the reservation. I think I spoke yesterday of the non-reservation boarding schools. They are all of high school grade.

Q. Those 18 are all high school grade?—A. All high school grade.

By Mr. Case:

Q. Do you provide transportation to the schools?—A. We do.

Q. You provide transportation?—A. Yes.

Q. That is out of your grant?—A. That is correct.

By Mr. Lickers:

Q. Suppose a chap from one of those 18 schools wanted to go on to university and was without funds. How much assistance would you give him, if any?—A. It would depend largely on how much he needed. We have a small loan fund which during the war was much more than we needed.

By the Chairman:

Q. Is it purely a loan fund?—A. We can make either loans or grants. May I correct my earlier testimony about the number of loans? This report is now nearly two years old, and it was during the war when both the boys and girls preferred to work for high wages rather than go to college, but in the fiscal year 1945 we made 82 loans.

By Mr. Castleden:

Q. They would be for university?—A. All university, college or university.

Q. And how many grants? Are there any grants there?—A. It does not show. The total of the loans was apparently $17,300. That was a very big drop from the pre-war figures, and the figures this next year will be much higher.

Q. I was wondering if you could give those for a series of years if you have them handy?—A. No, I do not have them. This is only for one year.

Q. With 82 loans and $17,000 it only amounts to about $200?—A. Bear in mind most of the boys were of draft age.

By Mr. Lickers:

Q. Do the Indians have homemakers' clubs and other social agencies on the reserves?—A. Yes, they do, many of them, and also 4-H clubs.

By the Chairman:

Q. What are they?—A. They are for children, boys and girls. I do not know how to explain it. They are really to make better farmers.

By Mr. Hoey:

Q. Junior farm clubs?—A. Junior farm clubs.

By Mr. Lickers:

Q. Have you a special social agency connected with the department to look after these things?—A. Yes, we have a few workers connected with the schools and also some who operate independently. Their job is to work with the school children as they come out of school or in the senior year of school and prepare them for work on the farm.

Q. Is the relief which you provide to the Indians in time of distress paid in money or in goods?—A. That is paid in money. Formerly we paid in goods, and we came to the conclusion that policy should be abandoned.

Q. And in order for anyone to get that do they have to get a voucher for working, or something like that?—A. We generally require an able-bodied person to work, but most of that money goes to people who are sick or crippled or not eligible for old age benefits for one reason or another. There are very few able-bodied Indians who get any relief.

Q. As to the Indian Claims Commission which was set up last year who is that headed by?—A. It is headed by Judge Witt.

By the Chairman:

Q. Was he a supreme court judge?—A. No, he was a Texas judge of some sort. I do not know what his exact title was.

By Mr. Lickers:

Q. How many members are there on the commission?—A. There are three members on the commission. They were appointed by the president and were recently confirmed by the Senate.

Q. The Indians were not given any representation on that commission?—A. No, they were not.

By the Chairman:

Q. Are they for life?—A. The commission has a life of ten years.

By Mr. Lickers:

Q. Is it going to deal with the claims which any of the Canadian Indians may have against the United States?—A. I do not think the Potawatomie claim comes within the power of the claims commission. The powers of that commission are limited to claims. I think there would be nothing to prevent Canadian Indians from filing their claims. What the action of the commission would be I do not know.

Q. Perhaps some time before Mr. Zimmerman goes he might give us a breakdown of the administration right from the Indian council up to the secretary of the interior.

Mr. HOEY: I was going to suggest that the members of the committee would find it helpful if Mr. Zimmerman could give us a summary showing what the authority and powers of the commissioner are. Their administration is comparatively close-knit compared to ours. I should like to know if there is a deputy between him and the secretary to whom he reports, and to whom he is responsible. A number of the members of the committee have been asking me some rather pertinent questions about the future of Indian affairs, whether it should be a branch or department, or whether it should have a full-time minister or a minister who is in charge of other departments also. It would certainly be helpful to me if I knew just what the powers of the commissioner are. Is there a deputy to whom he reports? Is there a deputy in between him and the minister? I should like to have that on the record.

The WITNESS: Would you like that now?

Mr. BLACKMORE: Did you wish to deal with that first?

The WITNESS: I can do that very briefly. Almost all of the statutes dealing with Indian affairs place authority in the secretary of the interior who is a member of the cabinet.

By Mr. Hoey:

Q. He is equivalent to our minister?—A. Yes. The department has an under-secretary and two assistant secretaries each of whom has the same authority as the secretary in the absence of the secretary, and also has certain delegated authority even if the secretary is present. In other words, certain routine matters do not go to the secretary personally but are handled by the assistants. The secretary has power to delegate to the commissioner any power which the secretary has, and the secretary did delegate last year any and all powers which he had to the commissioner. The commissioner has further delegated to the two assistant commissioners all the powers that were delegated to him, and the commissioner has also delegated to these district directors certain specified powers. I should be very glad to supply for the record or for the use of the committee copies of those various delegation orders. They may be of some interest.

Q. Have you a chart of your administrative set-up?—A. I have some charts. They are not quite up to date. The purpose of these delegations, which I think I mentioned yesterday, is to relieve the central office and the top administrative staff of the burden of making decisions in individual cases. The purpose is to limit the operation of the central office to policy decisions rather than the application of policy to particular cases. The burden of work has been increasing so rapidly in the central office it is just humanly impossible to carry it.

Q. Is there any single official above the commissioner to whom you have to submit your estimates for approval before you take them to congress?—A. We have in the department a budget officer.

Q. He is not above the commissioner, is he?—A. He is not above. He is alongside, if I may say so. He is responsible to the secretary. He reviews the budget. As a matter of fact, the secretary may review the budget himself. In practice the secretary does review the more important items.

Q. Let me put it another way. You prepare your estimates. Is there any official, regardless of his name, other than the secretary and congress, who has the right to say to the commissioner, "you must cut this out", or "put this in"?—A. Anyone in the department who has authority from the secretary, regardless of what his title is, speaks for the secretary. There are people in the department who have that authority.

Q. Would he have power to say to the commissioner before the commissioner goes to the secretary personally or to congress, "You must reduce your appropriation"?—A. Yes, but I would have the right to appeal from that decision to the secretary. The secretary controls the over-all budget for his department, and he may very well decide that instead of asking for $45,000,000 for Indians he wants to chop off $5,000,000 there and add $5,000,000 for research in mines or some other field of activity.

Q. You do not need to answer this question unless you want to. Would you say that the commissioner has all the freedom and authority that you think he should have to administer Indian affairs of the United States effectively? Would you say he was hampered? I am not thinking of the financial end of it and congress because I can appreciate that situation. Have you encountered any limitations that result in delays that might be removed by extending greater authority to the commissioner?—A. I do not know of any hampering or restrictive regulations that interfere much. The commissioner really has almost complete power now to operate subject to review by the secretary and subject to appeals from his decision.

By Mr. Reid:

Q. The picture would not be complete without mentioning to the committee that even after the budget is made up by the officials of your department and by the secretary it must then run the gauntlet of the criticism of the Senate and the budget committee who can do anything they like with it?—A. That is correct. Even before it goes to congress it is reviewed by the bureau of the budget. The bureau of the budget acts as the arm of the president. It is always true the bureau of the budget reduces whatever requests we make in an effort to bring our requests in line with the requests from all other central agencies. Then the total budget is submitted at one time to congress.

By Mr. Blackmore:

Q. Have you any avenue whereby you can present your case as against their decision giving reasons why your appropriation should not be reduced?—A. Yes, we have, but it is not easy to do it. Under instructions if we appear before a congressional committee we are forbidden to ask for more money than there is in the request in the official budget.

Q. As it leaves the treasury board? I presume this bureau of yours corresponds to our treasury board?—A. I think so. Of course, it is not impossible if you have a friendly member of congress on the other side of the table to suggest to him that he ask you some questions, "How much do you need? How much did you ask the bureau of the budget to give you? Did the secretary reduce your estimates?", and so on. Members of congress feel free to ask questions of that kind. Then if they ask questions we feel free to reply.

By Mr. Castleden:

Q. Have they reduced estimates previously? What amount did you receive last year?—A. We had about $42,000,000. I see Mr. MacInnes does not agree with me.

Mr. MacInnes: I had some figures that were given to me by your budget officer. I will see if I can find them here.

The Witness: I think that is close enough.

By Mr. Castleden:

Q. Do you have supplementary estimates also?—A. Yes sir, we do.

By Mr. Blackmore:

Q. While he is looking up those figures I wonder if I could supplement Mr. Lickers' request by asking Mr. Zimmerman to tell us by what means a band desiring to present its case even to Congress can make its appeal through their congressmen, through their senator or through what other officials?—A. It can be done in that way. It can be done through a member of Congress. Many of the bands send representatives to Washington.

By Mr. Castleden:

Q. Have they their own organizations?—A. They have their own organizations, and if they have the funds they may use them to pay the expenses of a delegation to Washington, and the committees will hear them personally.

By Mr. Harkness:

Q. Committees of Congress?—A. Yes.

By Mr. Blackmore:

Q. The committees do not have any authority to refuse to hear them? —A. Oh yes, a committee of Congress can refuse to hear anybody.

By the Chairman:

Q. I believe you have a standing committee on Indian affairs?—A. We have a standing committee in both houses on Indian affairs. It is now a subcommittee of the committee on public lands, but they are standing committees.

By Mr. Hoey:

Q. Does it meet annually?—A. I regret to say it meets almost every week, and sometimes almost every day.

By Mr. Case:

Q. Tell me who pays the teacher's salary where the Indians form a local school district of their own?—A. In some cases the federal government has paid those salaries.

Q. But there is no hard and fast rule?—A. No, and in a number of cases we have taken over public school districts because they ran out of money.

Q. You do not pay the teachers where there is a denominational school? —A. No, we do not. There we pay to the institution or to a mission board.

By Mr. Castleden:

Q. What is the general attitude of your department towards Indian organizations? Do you encourage them?—A. Yes, we do.

Q. By any grant or assistance in any way?—A. No. There is a weakness there. Indian organizations, tribal organizations, are allowed to use only their own funds. There are many cases where it would be helpful if we had money to permit an organization to get under way, or money to permit a tribe to send a delegation to Washington even though they had no money of their own. We have no funds.

Mr. MacNicol: We have the opinion here the United States has all the money in the world.

By Mr. Castleden:

Q. Is there any representation or recognition given to any of the Indian organizations on any of your boards or in any section of your department when they wish to make representations to your department or to your committee on Indian affairs?—A. The tribes send delegations to our office. We negotiate with the delegations, and we negotiate with the boards. I and members of the staff frequently go to the reservations and sit down with the councils and discuss their problems with them, go over their plans.

Q. In other words, you have found Indian organizations to be a good thing? —A. On the whole, yes.

By Mr. Hoey:

Q. Mr. Zimmerman, have any of the Indian organizations a permanent representative at Chicago or Washington with whom they can communicate on the problems as they arise?—A. There is only one organization called the National Congress of Indians which does that. I should think it has among its membership perhaps one-third of the tribes. They maintain an office in Washington and have a permanent representative.

By Mr. MacNicol:

Q. An Indian representative?—A. Yes, a woman who is an Indian.

By the Chairman:

Q. Sort of a lobbyist?—A. Sort of a lobbyist. As a matter of fact, any of the Indians may correspond with her. Many of them do even though their tribe does not belong to the organization.

Mr. Hoey: I would think that would be helpful.

By Mr. Lickers:

Q. How is she financed?—A. Largely by contributions by the tribes. Some of the tribes have contributed to a pool. If I remember rightly I think the Blackfeet tribe contributes $1,000. I think that is an annual contribution.

By the Chairman:

Q. Is there any contribution by the government?—A. No. The government does not control the organization and does not want to control it.

By Mr. Case:

Q. Where you do not pay the district teacher how do they qualify for superannuation?—A. You mean a public school teacher?

Q. Yes. You say you do not always pay the teacher. How does that teacher qualify for superannuation?—A. That teacher would not be a part of the federal system. She may qualify under the state or other system.

By Mr. MacNicol:

Q. We read in the press about the Oklahoma Indian tribes being very wealthy as a result of oil having been found in Oklahoma. Does the department regulate how much money they get for their oil royalties? What is the program they follow there?—A. Leases were made by the Indians with our approval. The lease is not valid unless we approve it. The money is then paid to us and then paid out to the Indians in accordance with the regulations and the statutes.

Q. Are they as rich as the press tells us they are?—A. No, there are a few Indians who are rich, but not very many.

Q. From oil?—A. Yes, sir. It is not a very large number.

By Mr. Castleden:

Q. But the money they receive from that is completely under the control of their own band?—A. No. I do not want to burden you with the details but there is much confusion about it. The Osage tribe, which is well known as being a so-called rich tribe, reserved to itself all of the mineral rites underlying the tribal reservation. Surface rites were allotted to individuals. The tribal roll was closed as of 1906, and as of that date there were 2,229 members. Since then the membership has almost doubled. There are now about 4,500 members, and the present members inherit these head rites. There is one Osage who owns eight head rites. She inherited from her father, mother, aunt, uncle and some brothers and sisters, but most of the persons have less than one head rite. Last year the tribe had substantial revenue, somewhere in the neighborhood of $2,500,000, which was distributed in accordance with there head rites, but no one Indian had very much money out of it. In other words, most of the Indians have a fraction of a head rite, rather than a multiplicity.

Q. The newspapers show pictures of them going into town in very flashy cars and all dolled up like millionaires.—A. That is in the flush days. In the flush days the income per head rite was above $15,000. Last year the head-rite income was about $1,200 to $1,300. I want to make it clear that not all the Osage are rich. The Osage in 1906 received the head-rite and since 1907 he has had six or eight children and each one of those children only has a fraction of the head-rite. He has to work for a living.

The CHAIRMAN: Gentlemen, it is one o'clock. Unfortunately Mr. Zimmerman leaves this afternoon so we shall not have an opportunity of hearing from him further.

Mr. REID: He will not be here this afternoon?

The CHAIRMAN: No, he is leaving at four o'clock. So on behalf of the committee—

The WITNESS: May I just say this off the record?

(Discussion continued off the record.)

The CHAIRMAN: Mr. Zimmerman has been good enough to change his plans and he will not be departing until the train which leaves at 6.45 daylight saving time, so we will meet again this afternoon at four o'clock.

Mr. MACNICOL: I have just one question I want to ask as I shall not be able to be here this afternoon. I would like your permission to ask it now. I want to say that Mr. Zimmerman has been very kind in giving us so much of his time and so much valuable information. What I want to ask you now is this: do you find that the Indians in your service give any better service than the white men or do they give as good service as the white employee? Do you find any difference between white and Indian employees?

The WITNESS: I cannot see that there is any difference. We hold them both up to the same standards and we expect the same standard of performance.

By Mr. Case:

Q. Do you find any preference as between men and women teachers?—A. No, I do not think so.

Q. Do you pay them according to the same salary scale?—A. Yes, we pay the same salary schedule for the same job.

The committee adjourned at 1.00 p.m. to meet again this day at 4 p.m.

AFTERNOON SESSION

The committee resumed at 3.30 p.m.

The CHAIRMAN: Order, gentlemen. I see a quorum and we will proceed. I think Mr. Lickers has some questions he wants to ask.

William Zimmerman, Jr., recalled:

By Mr. Lickers:

Q. Yes, Mr. Chairman. In connection with residential schools, Mr. Zimmerman, do the children there attend the school a day or half a day?—A. Ordinarily they attend a full school day?

Q. Have they any agricultural units in connection with those schools?—A. Yes, and many others too. Many of the schools have courses in agriculture, and as part of the school work the children do work on the farms. The emphasis is not on doing the work for its own sake, the emphasis is on doing the work by way of instruction.

Q. Would you have sufficient help in connection with the schools that the children would not actually have to do all the manual work?—A. They do not do any work. There will always be adults to supervise. For instance, over the dairy herds there is a dairyman who is responsible. We have moved away from the old practice of requiring the children to work as a part of the administration.

Q. They still do the chores?—A. They still do some chores.

Q. Yes; you have found out that you are getting better results now than you did before?—A. I think so. We try to take the boy, for instance, who wants to go into the cattle business when he graduates and give him experience of a kind that will give him a right start. In most of the schools provision is made for some payment for the work that he does. It is not unusual to have a boy graduate from the school and be the owner of one or two cows, maybe two pigs and some other animals.

Q. The work at the school there, we will say along agricultural lines, is that tied in with the younger people in connection with the reserves? Do the older people on the reserve have an opportunity of going there and receiving practical instruction in agriculture and things like that?—A. That varies, I am sorry to say, with the local situation. In some locations the school is in a community where it forms sort of a community centre and the adults use it freely for many purposes. It may be for instruction outside of school hours, or they may use the kitchen or part of the equipment. It is a common sight to go into the schools on a Saturday or after hours and see the women sewing, using the sewing machines and using the washing machines to do the family washing, and other things of that kind. The man may be repairing his wagon, using the school equipment. That is the kind of activity which is generally encouraged.

Q. That is right in connection with the reserve itself?—A. Yes, on the reserve.

Q. And the children who stay there, are they allowed to go home week ends and holidays?—A. Ordinarily they stay through the school year, except at regular vacation periods. We do maintain some schools on a five-day boarding basis; that is the children go home Friday night and come back Monday morning; but most of the boarding schools are operated on an eight and half to nine month basis and the children stay throughout the year.

Q. Is there any mingling between the boys and the girls other than in the classroom?—A. In the dormitories, do you mean; or outside?

Q. Outside, in employment?—A. Oh, yes. We have an idea which we can not realize probably because it costs too much, but we have a number of schools which we built in the nature of an experiment. They were built on the cottage plan with a small number of boys and girls and one or two teachers in each section. I have, for instance, been in a school where there were twelve boys and twelve girls living in one building, the boys on one side and the girls on the other. The girls took their turn doing all the cooking and all the housekeeping, and the boys do their own housekeeping in their own part of the building.

Q. One other question I would like to ask in connection with hunting and fishing. Have the Indians maintained their hunting and fishing rights in the unceded territories?—A. That is correct.

Q. What about their hunting and fishing rights in the ceded territories?—A. The ceded territories have now with one or two exceptions all been re-ceded back to the Indians. It is our view that the treaty rights still adhered to—

(Statement continued off the record.)

I might say that the greatest difficulty we have is with commercial fishing. With sport hunting and sport fishing it is not the same; that does not cause the same amount of trouble. The sportsman who wants to go on an Indian reserve because he can shoot big game is not troubled by the fact that he has to conform to certain Indian regulations, has to pay a licence there as well as paying a licence to the state. Our major difficulty is with the commercial fisheries.

By Mr. Bryce:

Q. Would you say that the day school is preferable to the boarding school for Indians and Indian families?—A. Yes, sir, I do. My belief is that in the absence of adverse circumstances the day school is best for the children and the family. The removal of the child from the family is not very good either for the child or for the parents.

Q. You agree with me that the contact that the child has with the father and mother is an important element in adult education?—A. It is very desirable. It is also desirable that the parents feel some responsibility for the child. It is not good for the parent ordinarily to feel that the government is going to take full responsibility for the child. Even nowadays it is not uncommon for a parent to come in and say: "you spank my child, I don't want to do it." I think that is a bad family situation.

Mr. CASTLEDEN: That is real paternalism.

The WITNESS: I don't know what it is, but I think it is bad.

By Mr. Reid:

Q. I have a question I want to ask regarding vocational schools which I take it are comparable to technical high schools here. My question is this: how successful have graduates from such schools been? I have in mind those

who are trained as carpenters, mechanics and so on. Also, at what age do the children usually go into such schools, and then what success do they meet with when they graduate and go out to work?—A. My answer to that will be very general because I cannot give you much detail. On the whole the standard of instruction is high. As a rule when the boys graduate in machine work and go out they have no difficulty in finding employment away from the school and away from the reserve. That was particularly true during the war. We maintained a school in California which gave a number of special courses in aircraft construction. It was a sort of forcing course, and practically without exception every one of the boys who came out of that school found immediate employment with one airplane manufacturer or another in California. The Indians are good mechanics.

Mr. CASE: And they have natural aptitude?

The WITNESS: They need to be taught the care and use of machinery. The Indian who is careless will wreck a machine just as quickly, perhaps more quickly, than a white employee; but he generally has aptitude and can learn the skills, and he turns out to be an excellent mechanic.

By Mr. Reid:

Q. What contribution do you make to children who are going to public schools operated by the state; what contribution do you make per pupil?—A. We make contributions only in a few cases. That is, there are some 30,000 children in public schools and for most of them we make no contribution. We make contributions to a number of states and to a large number of school districts, but in no case do we pay the full cost of the education. We attempt to equalize the load on the poorer school district.

Q. You referred to hospitals, have you any T.B. hospitals for the Indians?—A. Yes, we have a number of separate institutions.

Q. Are they operated by the federal government?—A. They are operated by the federal government.

Q. Do you have occasion to put Indians in private hospitals; or, do you put Indians into private hospitals, and how is that handled, what do you pay?—A. Nowadays we pay whatever the hospital requires. For T.B. we have arranged with some private institutions. We have, for instance in North Dakota, an arrangement with the state to have the Indian tubercular patients put into the state sanitarium and we pay a per diem charge for the care of those patients.

Q. Would you care to say a word about the homes of Indians; have you any housing policy to improve the homes of Indians throughout the United States?—A. Housing is one of the acute problems. Shortly before the war broke out we made a survey of Indian homes and we found that there were at least 10,000 families who had either no home at all or had grossly inadequate homes, homes in fact which were not fit to live in. We started a program of rehabilitation which the war interrupted. For a number of years we were specially directed by Congress not to spend any money for housing. This year Congress has reversed its policy and said that the relief money that is appropriated may be spent for housing, but they have reduced the amount of money.

The CHAIRMAN: What about loans for housing, is that made in the way of loan or grant?

The WITNESS: It could be a grant. These funds are funds which we had originally in an item in our budget for relief and rehabilitation; at one time the rehabilitation fund was in the neighbourhood of a million dollars. With a fund of that size we could do considerable work in repair and construction, but during the war that fund has gradually faded away. We can now make loans, and we are making a few loans out of our general loan fund, but we are not very anxious to do it because the housing loan should be made for a long term of years, and the loans which we seek under that fund are loans which are productive.

Mr. CASE: How many years did you say a housing loan should be made for?

The WITNESS: I should think not less than fifteen years. Between fifteen and twenty-five years; it depends on circumstances.

Mr. HOEY: Can they secure loans out of what we will call that revolving fund of yours for housing?

The WITNESS: Yes, sir.

Mr. HOEY: Are they payable in five years?

The WITNESS: No, there is no statutory or other limitation as to time.

Mr. HOEY: What interest do you charge, one per cent?

The WITNESS: The Indians who borrow money out of that fund as individuals generally pay three per cent, sometimes four per cent. In so far as possible we make the loan to the tribe, the group, not to the individual. There are two good reasons for that; one is that the tribe help to make the loan and the tribal council or tribal loan board or credit committee or whatever it is has much information about the individual that the officials would not have. Ordinarily we would not make a loan or approve a loan without the consent and approval of the tribal committee.

Mr. HOEY: The tribe, or band as we would call it, can borrow from that extension fund with the object of undertaking better housing?

The WITNESS: That is right. That has been done. One band about ten years ago borrowed something in the neighbourhood of $200,000.

Mr. HOEY: Do you provide plans for improving Indian homes? Have you plans for building houses?

The WITNESS: We have not attempted to do that. We have made some master plans, or standard plans, but we do not require that they be used.

Mr. HOEY: In the better climates, like California and the south, are there any Indians there living in tents or tepees?

The WITNESS: Yes, and there are some even in the northern areas who live in tents for lack of better shelter. Some in the south live in tents or live in wickieups as the Apaches call them, which are shelters made of straw or leaves and open to the breeze.

By Mr. Reid:

Q. Apart from the benefit of the new home constructed for the Indian do you notice a difference in the Indian, an uplift of the Indian by providing better homes?—A. Yes, there is a marked difference.

Q. They respond to that?—A. Surely. An Indian does not want to live in filth and in poverty any more than you and I do. If the opportunity is given to him in most cases he will respond. He will take care of that property.

Q. As to Indians crossing the line from Canada do you look on them all as Indians, or do you differentiate between United States Indians and Canadian Indians? You can answer off the record if you want to.—A. No. Sometimes they are a problem. We do differentiate, and within recent years we have returned a few to Canada. In a few cases tribal rolls have been established. For instance, the Chippewas at Turtle Mountain established their final roll some years ago, and a number of Canadian Indians sought enrolment and were denied. At least, the evidence seemed to indicate they were Canadian Indians.

By Mr. Hoey:

Q. Do you look upon the Canadian Indian as having the right to go to United States and establish himself there at any time? Under your Immigration Act, of course, he has the right of entry. How do you look upon him, anyway?—A. There was a complete revision of the immigration and naturalization

statute some three or four years ago. Prior to that time a Canadian Indian could not be naturalized, but under the present law he may be. Any Canadian Indian is eligible for naturalization and for citizenship.

Q. Then he can come in at any time and establish himself without interference by your immigration people?—A. That is correct.

Q. But without the consent of the band he cannot go on a reservation? He would not have any claim on reserve land?—A. He does not have any claim, but in many cases he has relatives. It is a problem on some of the reservations. I have in mind New York. I have heard the same story in the state of Washington that the Indians from British Columbia come down there. They have relatives and friends. Sometimes it is hard. It works both ways.

Mr. REID: That is why I asked you. I know of cases where the Indian works it both ways. One time he says he is a United States Indian and the next time he says he is a Canadian Indian.

Mr. CASTLEDEN: We had a large immigration of the Sioux Indians into Canada.

The WITNESS: The army was behind them.

By Mr. Castleden:

Q. They would not be permitted to go back?—A. I do not see why not.

Q. I know that Indians from other tribes such as the Cree and the Salteaux have come to Canada from the United States. They have relatives in some band and are accepted into the band in Canada.

Mr. HOEY: The Sioux would have the right to go back?

Mr. MACINNIS: The Sioux Indians would be in the same position as any other Canadian Indians. By an executive order by the ministry of immigration pursuant to a provision in the Immigration Act there is no quota regulation or restriction, so that the Canadian Indian can enter the United States. There is the same right for any Canadian Indian. Since you have asked me about that there is a question I was asked and which I should like to put, if I may be permitted, Mr. Chairman. If an American Indian comes over to Canada and meets with an accident of illness do you pay any hospital expenses outside of his own country for him.

The WITNESS: I do not know of any prohibition against payment.

By Mr. MacInnis:

Q. In the natural course of events through your service would you be responsible for looking after his expenses and bringing him home?—A. Well, offhand I do not recall any such case. I do not know whether we have actually faced it. We are reluctant to pursue the Indian even within the United States, but in many cases it might work a hardship.

Mr. CASE: You might return the compliment and ask what we would do.

The WITNESS: I would trust to your generosity.

By Mr. Reid:

Q. I have one further question. Did I hear you say that you print books and some of your material?—A. Yes.

Q. Have you a department of that kind?—A. Yes, we have.

Q. Would you mind telling us about it?—A. We found in dealing with children who come into school without any previous knowledge of English, and with parents who have no knowledge of English, that the ordinary textbooks for primary grades were almost ununderstandable. We still have Indians who have not ever seen a fire engine or perhaps have not seen a locomotive or a skyscraper or a street car. First readers and second readers that dealt with

city life did not make any appeal. We have had some special readers prepared for the Indian children dealing with the life they know about, cows and pigs, father and mother, and the things they can understand. They at least recognize the picture.

By Mr. Case:

Q. That is for primary instruction?—A. Primarily for primary instruction. We found that it hastens the learning of English. One side is Navajo or Sioux and the other side is English. It is not possible to do that for all of the Indian tribes. Some of the groups are so small it is not possible, but for some of the larger groups we have found it very helpful.

By Mr. Lickers:

Q. What about teaching them their own history?—A. We try to do that, and in most of the schools some attention is given to that in the higher grades, not in the primary grades. I would be very glad to send you some of those booklets for you to look at.

Mr. REID: I think that would be very helpful.

Mr. CASE: I might say that possibly the general committee are not acquainted with the fact, but the subcommittee on Indian education have already been advised we have a similar set of books now with which we hope to teach basic English in three months. I am sure we would be very glad to have yours as a sample so that we might compare them, but the educational section of the Department of Indian Affairs have adopted that. I imagine it is along the same lines you are speaking about.

The WITNESS: Shall I send them?

The CHAIRMAN: Yes, we would be very happy to have them.

By Mr. Case:

Q. I am going to relate this to education. I have one question outside of that a little later. Some of these were answered this morning. How many residential schools have you changed to day schools?—A. I would have to answer that by saying the trend is in the other direction.

Q. The trend is in the other direction?—A. On the larger reservations we have had difficulty in getting enough money to maintain roads. During the war we were not able to buy buses. We had to discontinue the operation of many bus lines with the result that the Indians themselves built temperorary shelters for the children. Many of the parents insisted that the children go but realized they could not walk to school ten, twelve or fifteen miles. They worked out plans locally with the Indians and in many cases the Indians provided help in temporary dormitories.

Q. That would be accepted to-day as a type of residential school?—A. There is a sort of compromise there between the day school and the more formal residential school.

Q. It would be fair to say you actually have more residential schools now than you had prior to the war?—A. I think that is correct.

Q. Normally you do provide transportation for them, and that has necessitated this temporary arrangement?—A. That is right.

Q. Now, of course, you have had experience in converting residential schools to day schools? You have had that experience?—A. Not very many.

Q. But some?—A. Offhand I do not recall any, but there may have been some. We have closed some residential schools completely.

Q. My next question which related to that directly would hardly fit in, that is to say, I was anxious to know if the attendance had been maintained

at the former or a better level, but if you have not been converting residential schools there is no comparison to be made there.—A. The residential school naturally results in more regular attendance.

Q. More regular?—A. Yes, sir. I think that is a general rule. That is more particularly noticeable on the larger reservations. Take one or two of the large reservations in the southwest where the population is scattered and where the average is perhaps one family to the square mile. A bus route is a long route in order to pick up enough children to maintain a day school. The child may live a mile from the nearest bus stop or half a mile. If it is a bad, snowy day and very cold, or something of that sort, maybe the child does not take the bus.

Q. Some of your reserves will still be in fairly remote areas of the United States?—A. Most of them are accessible by road or by rail although one or two of the large ones are not. The Navajo has villages that are 150 miles from the nearest railroad station.

Q. You have said you have no preference whether the teachers are men or women?—A. Except in the remote areas. For example, in Alaska we usually endeavour to get a married couple. It is not desirable to do otherwise in a remote village where the teacher and his wife or the teacher and her husband and perhaps one trader and a missionary are the only white people in the area, and the next village is 150 miles away.

By the Chairman:

Q. You said the teacher and her husband?—A. It varies. Sometimes it is that, or it may be the teacher and his wife.

Q. Do we have many women teachers who are married?—A. Yes.

Q. What do the husbands do?—A. He usually is the janitor, carpenter, and man of all work. He is hired as an assistant.

Q. Do we have that very much? The answer is "yes" from Colonel Neary.

By Mr. Case:

Q. In the matter of salary do you make any difference between the salary paid to men and the women?—A. Not on that basis.

Q. Equal pay for equal work.—A. That is right.

Q. I have one other question. Yesterday you remarked you were encouraging the establishment of factories on reserves, industrial development. That is what I understood you to say.—A. That is a hope rather than a present fact.

Q. That is what you hope to encourage?—A. We have helped to finance a number of factories, a cannery, for example, and I believe it will be necessary if the Indians remain on some of the poorer reserves to find some means of support other than farming. There just is not available enough farm land to support the population.

Q. What I am interested in knowing in relation to that is will the Indians who work in that factory on the reserve and earn their livelihood there be liable for income tax on the money they earn?—A. I should think so. They would certainly be liable for federal income tax.

By Mr. Hoey:

Q. In that connection have you had much success in the establishment and operation of cooperative stores by Indians on the reserves or in wholesaling, purchasing in bulk and distribution by the Indians?—A. Our experience has been varied. We have had both good and bad results. We have some cooperative stores that are functioning very well. I have in mind one place maintained by a relatively primitive group of Apaches in New Mexico. They bought out the trader who had been in that area for many years. We made them a loan

of upwards of $100,000 to buy the property outright. That store does practically all the business on the reserve. The Indians buy what they need from the store and they sell through or to the store their wool and lambs. The store makes a profit both ways and the Indians get a customer's dividend.

Q. Is it managed by the Indians?—A. No, unfortunately, it is still managed by a white man. We are embarking on a much more hazardous adventure in Alaska. In Alaska there are about 40 so-called native stores. With very few exceptions they were started by natives themselves and often prior to the time we had this loan fund. We have, in the last few years, helped to refinance some of them and we are in the process of organizing a central buying and marketing organization to which the stores will contribute part of the capital. I am hopeful that it will work out very well. I say it is hazardous because the merchandise turned over in those remote areas is very small and the margin is very narrow. Most of those stores buy once a year and the average turn-over will not be more than 1¼ to 1½ times. They supplement their purchases during the year but there is not very much margin and I should say those stores would have difficulty in making a profit.

Q. Yes, I know they would. That is what I had in mind. Have you organized or attempted to organize any mutual insurance companies or have the Indians attempted to organize them? That is for the protection of their own property?—A. No, we have not. I do not know of any insurance company or group.

Q. You have no credit unions?—A. Yes, we have some credit unions.

Q. Very many?—A. Not very many. Most of the tribes either have their own money or something contributed to them out of the loan fund which they may lend.

By the Chairman:

Q. Where do they get this money?—A. The tribal money?

Q. Yes.—A. Much of it has been in the treasury for a long time. It may have come in from the sale of land or it may have been from oil royalties or from various other sources.

By Mr. Castleden:

Q. You call those trust funds?—A. Part of the trust funds of the treasury. Many of the tribes are making loans from the funds.

Q. Is any money taken from those funds to assist in paying relief to indigent people?—A. Yes, some of it is used for that purpose.

Q. How do you differentiate when you take that money, as against the trust funds, when you take it from the ordinary revenue or appropriation?—A. We would not take it out of trust funds except by request from the band.

Q. By request of the band?—A. Yes, sir. If we received a resolution from a band asking congress to let them call upon that money we would appropriate it and make the presentation.

Q. Supposing there was some need for it on the reserve and congress refused to meet the request?—A. We would try to meet it then out of the relief fund that we have.

Q. Can you give us any estimate as to the cost, in the different states, with respect first to education; second to relief; and third to roads and irrigation projects?—A. No, I do not have any figures. I do not think I could supply what you want. I could get you a few figures showing what the state provided under the social security plan.

Q. For Indians?—A. Yes.

Q. Would that include what they pay in education?—A. No, it would not.

Q. Another question is with regard to preventive medicine. Sometime ago I believe you undertook a survey and went into the whole problem of preventive medicine. Do you still continue to conduct surveys in connection with Indians, say yearly?—A. No, not an over-all survey.

Q. What about health education among the Indians themselves?—A. That is a part really, of the educational curriculum. There is some attention given to that in almost all schools.

Q. In Canada we have some difficulty with wells and water and sanitation on the reserve?—A. Yes, we have difficulty too.

Q. Do you carry out some project along that line in conjunction with the Indians to inform them as to the necessity of keeping a good water supply?—A. Yes, we try to do that. We have had some difficulty in persuading congress that it is a federal responsibility to provide domestic water. For some reason or other there is a distinction drawn by congress between stock water and domestic water.

Q. You have carried out large projects in connection with irrigation work and you have made large appropriations?—A. Yes.

Q. What has your expenditure been in connection with that?—A. The over-all expenditure?

Q. Well say in one year?—A. It varies greatly. Over the years I think the total investment in irrigation works must be in the neighbourhood of $50,000,000.

Q. In trying to make a reserve which is not economically capable of supporting the people, have you funds upon which you can draw to provide for irrigation or other expansion? I was thinking that, no matter how much we tried to do for the Indians, if they are not economically able to provide for themselves you are going to have a continuing problem.—A. That is correct. Let me say in connection with irrigation projects we have a peculiar provision. Congress passed a statute in 1932 by which these capital investments in irrigation projects remain as a lien against the land but they are not collectable so long as the land remains under Indian ownership.

Q. It will be collectable if at some future date the land is sold?—A. Yes, if at some future date the land should be sold that debt, as a result of that irrigation construction, will be due to the United States. Now the current operational expenses are paid in part by the Indians. There is an annual assessment against each acre of land within the project and ordinarily that must be paid or the water will not be delivered to the acreage.

Q. I have one other question. Do you give any special assistance to the young Indian couples starting up in the way of finances, or implements, or stock?—A. There is no special provision for that. Frankly I think it is one of the places where we are not adequately prepared. There is very often a gap between the boy and girl who graduate from school and the adult who is able to get along on his own feet. It is very natural for the extension workers, and other people who are interested in making a showing, to take an older person and give him help rather than the boy and girl just starting out who need the help even more than the older man who has had some experience.

Q. That would be a case where the loan might also be used?—A. Yes. But we have had some difficulty because of the law. An Indian boy of less than twenty-one is not legally liable for his debts. We have managed to get around that by having some relative sign his note and then he re-signs it when he comes of age.

By Hon. Mr. Stirling:

Q. Has Mr. Zimmerman given us any story with regard to mining on the reserves? I am thinking of geological surveys and prospecting which may have been carried out on them?—A. No, I have not covered that.

Q. Is mining carried out on any of the reserves by any of the Indians?—A. No, not by Indians. There is a little mining done by Indians but most of it is done under lease and as a result the Indian gets a royalty. There are zinc and lead mines on Indian lands and there is some copper, considerable coal. A few of the coal mines are operated by Indians. There are also oil leases and gas leases.

Q. Are there any placer workings?—A. No, I do not know of any. The ordinary arrangement is that they lease the land for mining purposes and the leases vary somewhat. Generally the lease terminates at the end of ten years but sometimes it runs as long thereafter as it is commercially productive. Usually, however, there is some time limit on them.

By Mr. Brunelle:

Q. You were speaking of certain work on the reservations like irrigation? Is the maintenance of this work, and the repair to it, left in the hands of the Indians?—A. In a few cases, yes. In most cases the repair work and maintenance is done under the supervision of a departmental employee.

Q. When it has been left to the Indians what has been your experience?—A. Let me explain. In some of the southwestern groups, the traditional discipline still maintains. In the Pueblos for example, every able-bodied Indian is required as a matter of internal discipline to contribute some labour for the maintenance of their irrigation ditches. Any main construction, for instance, a diversion dam or something of that sort, would be our responsibility and the cost has been provided, heretofore, out of federal funds. The ordinary maintenance, the clearing away of the brush on the side of the banks and that sort of work, has been done by the Indians themselves. That is not the rule in the larger irrigation projects. In the larger irrigation projects the repair work is done with the aid of machinery.

Q. Now I had another question following the point raised this morning by Mr. Blackmore. When one of your Indians leaves the reserve to work in the city can he always absolutely freely return to the reserve without having to comply with any other conditions?—A. So far as the government is concerned he is entirely free to come and go. Now I think I said yesterday that some of the tribes have adopted constitutions with limitations respecting membership. I have in mind one tribe which said "If you move away and stay away for five years or longer you forfeit your membership"; but in the absence of that kind of provision in their constitution ordinarily any member may return.

Q. It is a matter of a rule made by the tribe?—A. Yes, it is a matter of tribal control and not of the federal government.

By Mr. Blackmore:

Q. The matter of Indian native religion has been brought to our attention two or three times and I wonder if you would mind telling us what you have done in the way of encouraging native religion or discouraging it? One Indian came before us—one chief—who expressed the view that the native religion made just as good men as the christian religion. I am wondering if you have given that matter any thought?

Mr. REID: He had better speak off the record on that.

The WITNESS: No, I have no hesitation in saying that the official policy is to permit complete freedom in the matter of religious beliefs and religious exercises. The policy of the government some years ago—perhaps prior to 1930—was very definitely to suppress native religions; the announced policy to-day is to permit the Indian to believe or practise what he wishes to believe.

Q. Suppose that a hypothetical case of this sort were to come to your attention: an Indian band desired to establish a residential school under an Indian religious organization; would the government be prepared to advance

support on as generous a scale as that which prevails in the case of Roman Catholic or Protestant schools?—A. We would not be faced with that kind of a problem. Under the constitution we could not maintain the full cost of such an institution.

Q. You do contribute generously to the maintenance of Roman Cotholic schools, do you not?—A. I would not say generously.

Q. What would be the word?—A. Well, I think we contribute not even the full cost, I would say, in many cases of maintaining the children.

Q. Do you build the schools for them?—A. No, we do not.

Mr. CASE: You do not pay the teacher?

The WITNESS: We do not pay the teacher.

Mr. CASTLEDEN: Do you give a per capita annual grant?

The WITNESS: We make a grant to the institution on the per capita basis for so many children.

Mr. BLACKMORE: Provided that it meets with certain specifications?

By the Chairman:

Q. You say that you do pay on a per capita basis. What do you mean? A uniform per capita basis all over the country?—A. No; it varies with the school.

Q. Why do you say it is on a per capita basis?—A. Well, whatever the sum, it is a payment based on a fixed sum per child.

Mr. HOEY: We always refer to our residential school grants as per capita grants; so much per pupil per annum.

The CHAIRMAN: We have some term that we have used in this committee, but I cannot think what it is.

Mr. NEARY: Weighted educational unit.

By Mr. Case:

Q. Mr. Blackmore questioned you about the native religion, but I suppose you would insist that all instruction in your schools is in English, as they could not use the native tongue in their schools?—A. I do not see why they should not, and in at least one instance we have been teaching children in Navajo. I see no reason—

Q. It would not deprive them of any consideration you might give them by way of grants, no matter what language they talked in, whether Hindu or anything else?—A. I do not see that it would make any difference. As I say, we do not have to face that problem.

By Mr. Blackmore:

Q. I would like to know whether or not your department has done anything in a comprehensive systematic way to ascertain the history of the Indians and have that recorded and preserved so that the Indians could study it?—A. I would have to answer that by saying that is not part of our job. We do have in the United States an institution in Washington known as the Smithsonian Institute, which does have a staff that has done a large amount of work in the field of anthropology and in the general field of research and Indian history.

Q. Have they compiled text books which could be used in Indian schools?—A. No, sir, not text books. They have compiled volume after volume of reports. They are all available to us, but they are not in such shape that they could be used as text books in the schools.

Q. That would naturally be necessary if Indian history were to be taught?—A. We have a number of text books written by anthropologists who have used the sort of material that is available in the Smithsonian Institute and other places

Q. Does your department approve of any of those? Does it authorize any particular one, or does it leave the matter open?—A. You mean for use in the schools?

Q. Yes.—A. No, these are scientific publications recognized as such and any approved by us would be, I should think, at least superfluous.

Q. The reason I asked the question is that in our country any given province approves any particular history book which is to be used in the schools; this book receives the official sanction of the department of education.—A. We have something similar to that. We have a booklet which lists certain approved readers and certain approved books for supplementary reading—certain books of reference.

Q. In connection with the Indians?—A. Yes, in connection with the curriculum and the work being done in the schools.

Mr. REID: Is the curriculum similar all over the country?

The WITNESS: Yes, generally.

By Mr. Case:

Q. Even if they are teaching in the native tongue?—A. We have not done much teaching in the native tongue. I answered your question more as a hypothetical one. Last year we specifically carried on an experiment with some older children who had not previously attended school. We took these children from a Navajo reservation at the age of twelve and began instructing them in their own tongue and reading printed books in Navajo.

Q. Of course, you would have an objective; you would eventually teach them English?—A. That is correct.

Q. I can understand how it could be used as a primary instruction, but I think the Indians' ability to be absorbed will depend upon his ability to understand the language of the nation.—A. I am not arguing that that should be continued through the educational course; but I thought I was answering your question by saying I could see no objection to it.

By Mr. Blackmore:

Q. Has anything been done by your department in the way of assembling knowledge pertaining to the handicrafts and skills of the natives in aboriginal times so that there could be made available text books from which the Indians could learn those old skills?—A. Yes, considerable work has been done in that field both by us and by an affiliated board. It is an Indian arts and crafts board. It was established by a special act of congress for the purpose of promoting Indian arts and crafts, and both the board and the Indian service have done much in that field.

Q. Having in mind that your words are going into a record that will go all over the country, could you give the addresses of some institutions where people could write for these books?—A. You mean about craftwork?

The CHAIRMAN: There is the Canadian Handicraft Guild in Montreal.

Mr. BLACKMORE: I am thinking of American publications.

The CHAIRMAN: There is the Windsor Handicraft Guild.

The WITNESS: Some of them might be of interest. I should say the proper place to write would be the office of Indian Affairs either in Washington or Chicago.

Mr. BLACKMORE: That is fine.

By the Chairman:

Q. Would you follow along on that line? What have you done in connection with the development of Indian arts and handicraft?—A. You are getting me out of my field.

Q. That is not under the Indian Affairs Department?—A. Yes.

Mr. HOEY: What is your appropriation? What appropriation is placed at the disposal of that auxiliary board with which you are more or less familiar?

The WITNESS: Just a very small appropriation, about $20,000 or $25,000, and the board's function is purely advisory. If I might give you an idea of the kind of work we have been doing. We have done considerable experimental work with wool and with the breeding of sheep to produce better wool for specified purposes. For example, for making blankets we found that in the southwest the breeds of sheep have been crossed for various other purposes and we have been experimenting with different breeds of sheep and are in the process of getting a wool which is an all-purpose wool and yet is better for making blankets than some of the rough wool we have been using before. There has also been considerable experimental work in the use of dyes in an effort to increase the use of natural dyes, mineral and vegetable, in preference to chemical dyes. We have done some work on reviving old patterns, early patterns in blankets, and in weaving, rather than patterns that were designed in New York city or other places. We have done considerable work in encouraging young Indians to paint both in what might be called the Indian technique and in what is sometimes referred to as the occidental, or American technique, whatever term you want to use. There are a few Indians making their living by that art as painters.

Mr. HOEY: Have you done anything in pottery?

The WITNESS: We have done some work in pottery and have introduced pottery in a few places where it is not traditional. In the Sioux area in the Dakotas, we introduced pottery there because of the lack of other resources and some groups have taken hold of it.

Mr. BLACKMORE: That is a common sense approach to the subject.

The WITNESS: There is one other field in which considerable work has been done, and that is in the use of silver and precious or semi-precious stones. We have experimented with the various kinds of stones. The Indian traditionally used only one or two stones and it is hard to get some of those. The Indian silverware does not lend itself to the use of precious stones. We have done some experimental work with semi-precious stones.

By the Chairman:

Q. Do you encourage and assist in the manufacture of these Navajo rugs?—A. Yes, in several ways. We were responsible directly for the creation of what is called the Navajo guild. That is run by the Navajos. They have an instructor and they also have a sales organization.

Q. An Indian sales organization?—A. Yes. And through the guild we have been stimulating the use of better paterns and better materials, attempting to persuade the individual weaver to use materials and designs which will make the merchandise saleable and resulting in getting better products.

By Mr. Blackmore:

Q. Turning to leathers,—if I might just give you this illustration to start you off to give us your observations,—when I was a small boy in the early '90's the Indians used to come to my father's home. We lived right alongside the reservation, and they would take a hide and tan it with great success. Whether it was a green hide or one which had been left lying around a long time, they seemed to know just exactly what to do. I wonder if such a thing as the tanning of leather, the making of various kinds of leathers that they used to use in the making of moccasins and various other things is encouraged? I wonder if those skills are being revived and made available to the younger generation of Indians?—A. We have one or two women taking that up, strangely

enough, who have devoted almost their full time to leatherwork. Some Indians do very fine leather work. There is one group I think in Idaho who have been making leather gloves; and many Indians, of course, make moccasins and other articles.

Q. Leather goods?—A. Leather goods.

The CHAIRMAN: Of course, a lot of Indians are doing that. On one of my recent visits to a reserve I think we were told that the Indians there were making gloves and moccasins having been taught by women; for instance, teachers who were brought in from the United States.

Mr. BLACKMORE: I would not like to suggest that I want to tire the witness out, but these things come naturally to Indians, and it would seem to me that we should give considerable attention and thought to them. I can think back, for instance, to when I was a child. The Indians were unusually skilful in medical or medicinal herbs. I wonder if anything is being done in a progressive way to bring back that old knowledge of herbs and curing which the Indians used to have. When I was a small boy my father and mother, having come from the Indian country in Idaho, just instinctively turned to the Indians for a remedy if anything went wrong.

Mr. REID: In answer to Mr. Blackmore's questions,—and I am thinking particularly of conditions on the British Columbia coast,—I know of Indians up in the north, and in the Queen Charlotte islands, who used to be real artists. Some of them still are real artists, in taking a certain kind of stone from the quarry and carving totem poles out of it. All of them were very beautiful. My observation now is that the art is dying out, and that some are making inquiries as to why. The answer used to be that it takes too much time to do the carving, and it requires too great a degree of concentration; they find also that they can make more money easier in other occupations. Would not that be part of the answer to Mr. Blackmore's question? Skills are dying out because civilization is growing and so it is getting easier for the younger Indians to make a living in other ways than by going back to learn the old skills.

The WITNESS: There is the problem. We haven't solved it, but we are trying to face it. It is not reasonable to expect an Indian woman to spend several months weaving a blanket when at the end of that period, if you compute her hourly wage, you find it is only five, ten or fifteen cents. On the other hand, it may be that she is weaving that blanket partly for the purpose of keeping herself busy and partly because she has nothing else to do.

Mr. BLACKMORE: It may be that she has nothing else to do; it may be that she really likes to do it.

The WITNESS: Yes, and it may be partly because in doing that she finds an opportunity for expression for herself in the development of the pattern. In the long run I believe the return from that kind of work must be adequate. You will find on the west coast, and certainly among the Indians of Alaska, that the return on the small totem poles is not worth while. More or less the same thing is true of all their bead work.

Mr. REID: And baskets?

The WITNESS: And some of the basket work. I do not know what the answer is. I do know there is a market which is not being filled by any means for choice handicraft products. Some years ago we had an offer from one of the large silverware dealers in New York who wanted us to provide, I cannot tell you how many dozen items of silver. I don't mind mentioning his name, it was Jenssen, in New York city, one of the best-known firms on Fifth avenue; but we just could not get enough to take care of that one market. As a result he lost interest. He and other people like him can sell high-priced silverware. I am confident there is still and will continue to be for a long time a luxury market for the best products.

By Mr. Blackmore:

Q. One of the main reasons why you were unable to get enough to supply the demand was that so few of the Indians had learned how to do this kind of work?—A. There were other factors. The general problem with us is a problem in production rather than a problem in sales. If we had the production of good merchandise it could be sold.

Q. Would the Indians have available to them the raw materials from which to make these things?—A. Generally, yes. They could use other materials which are not now being used commercially. For example, some tribes take a pride in having goats. A man's social standing may depend on the number of goats he has.

Mr. HOEY: I am glad to hear that.

The WITNESS: That opens up some other avenues for discussion, but the goat destroys more grass, and otherwise economically he is not as valuable as a sheep. On the other hand, the Indians and we—I might say everybody—have not realized that the goat skin has many uses on the market. You go down town and look in the best shops and you see handbags advertised as being made of goat skins and they sell for $25 or $30. Goats are a drug on the market in some parts of the Indian country.

Mr. HOEY: We have a small experimental goat station for the distribution of goats because as a rule they are not subject to T.B. We can keep them on small reserves which are not large enough to sustain cows, and provide a milk supply for the Indians. Before we forget I am interested in Mr. Blackmore's question as to whether or not any research has been undertaken to determine what medicinal value, if any, certain herbs have to which the Indians originally attached so much importance. Has any research work been done along that line?

The WITNESS: Not by us. We have no people who are qualified to do that sort of work. Some research has been done by private institutions. On the other hand, we recognize that many of the Indian remedies have great value, and we also recognize what may not be so generally approved that the Indian medicine man even today has great influence.

By Mr. Lickers:

Q. Those are his secrets, are they not?—A. Yes, but we have found that generally even in the more primitive groups the medicine man will cooperate with us. I recall going into an Indian hospital some years ago and talking to the head nurse. She pointed very proudly to a baby and she said, "That is the grandchild of the principal medicine man on this reservation." That is a long long step that the mother had taken with the old man's approval to have her child born in a hospital. When we dedicated a large hospital on the Navajo reservation we invited all the medicine men to come and take part in the ceremony. I think our medical men are convinced that if he is a good medicine man there are many things he can do that perhaps we do not know about.

By Mr. Blackmore:

Q. There is one more matter and then I will close. I do not know whether you discussed this in your brief which I unfortunately missed yesterday because of other work. Did you go into the matter of what you are doing in the way of building up muskrat preserves, beaver preserves, and various other fur producing preserves for the Indians?

The CHAIRMAN: We discussed that privately but not on the record.

The WITNESS: We have not been too successful with muskrats. Some years ago I heard about a large enterprise over on the Canadian side in Manitoba. I said to myself, "There is no reason why we cannot do something like that."

We have started a number of muskrat projects but they have not been entirely successful primarily because we did not have adequate land wholly under our control or under the control of the Indians.

By Mr. Blackmore:

Q. And with adequate water?—A. There was adequate water. One I had in mind particularly was up in northern Wisconsin. There we had a predominance of Indian land but there was also some privately owned land and some state land, and we just could not police the area. We had difficulty.

Q. Do you do anything in the way of restocking streams and waters with fish?—A. Yes, we do. The federal government maintains a number of hatcheries, and the federal fish and wild life service does cooperate with us. We have made some efforts with beaver in some locations.

Q. With success?—A. Yes.

Mr. BLACKMORE: I should like to express my appreciation of the witness. I think he has made a splendid presentation.

By Mr. Brunelle:

Q. The discussion which we have just had on the skill of the Indians brings to my mind a suggestion which was made by somebody before this committee some time ago. This man suggested a 15 year plan. I think it was a most extraordinary plan. Extraordinary is not the word which I should use to express my disapproval of the plan whereby in 15 years he pretended he could assimilate completely the Indian race, make them completely disappear by marriage or otherwise. In that connection I wanted to ask the witness if such an idea had ever been expressed or such a plan had ever been tried in the United States. Of course, if it was tried it failed because they are still all there.—A. I am glad you mentioned that because I might have forgotten. We have some ten year plans.

By the Chairman:

Q. Not any 5 year plans?—A. They are not designed to do what your 15 year plan was supposed to do.

Mr. BRUNELLE: I think it was 15 years. It was not a wise plan, anyway.

The CHAIRMAN: Who was that?

Mr. LICKERS: Dr. Jenness.

The WITNESS: We felt we needed to do something to get together all the information that we had on the various reservations and make some sort of plan for their development. I happen to have here the 10 year plan for the Blackfeet reservation in Montana. There has been a good deal of talk about the Blackfeet. I ought to say so far as the facts in these plans or the programs are concerned I think they are correct. They do provide factual material for a program. These programs were all worked out locally, by the local staff, working with the Indians. They have not had any final approval and they are not intended to be in any way a binding program. They merely indicate a possibility. Now it is true in a few cases the local staff thought they saw a termination point, and a few of those programs were written with the thought in mind that at the end of a ten year period the federal government could be relieved of any further responsibility. There are some places, in my judgment, where we could withdraw in ten years and in some place perhaps even sooner.

Mr. BRUNELLE: Would you call those plans that you are referring to assimilation plans?

The WITNESS: No, I would not call them that.

Mr. BRUNELLE: They are just for development?

The WITNESS: Yes, for improvement and development.

The CHAIRMAN: Assimilation may mean one thing to one person and another thing to another person. I do not think it means disappearance.

Mr. BRUNELLE: I have one more question. Has the tendency or inclination in the United States been to preserve the Indian race or races with their history and traditions, or has it been otherwise?

The WITNESS: It has been both. Prior to 1929 or 1930, there was a very definite effort to suppress Indian tradition and Indian customs. It was not unusual to forbid Indians to hold their dances. It was customary to punish Indian children if they talked their own native tongue. That actually happened. The policy has beeen reversed. We do not attempt to suppress because we are convinced an attempt to suppress merely drives the Indian religion and the Indian customs underground. Now it is perhaps too much to say we are deliberately encouraging survivals, and I do not think that is what we are doing, but I think we are allowing acculturation, if I may use the word, to take its natural course.

The CHAIRMAN: Mr. Reid?

Mr. REID: I was going to ask Mr. Zimmerman a question which will help us when we come to make our official recommendations. We will have to make up our minds just what future policy should be adopted in this country and many of us are in grave doubt, perhaps not grave doubt but at least some doubt, as to whether the Indian should be confined and kept on his reserve. Another problem is shall we keep him in separate schools; keep him by himself and for the next hundred years or so call him an Indian? I am inclined to the view that these segregations cannot bring about a good influence for the country as a whole. I am inclined to the view that assimilation of the Indians in Canada would be a good thing if possible but it may be impossible. I do not mean it should take place immediately but I am just wondering if any thought has been given in the United States to the problem. Some thirty-eight different nationalities have come to Canada and the United States and have intermarried and fused and your country has become the great American nation, and, on this side of the boundary, the great Canadian nation. I am thinking more of the future and not particularly in my time. Are we going to perpetuate these minority groups? Are we going to keep them that way for all time? Are we going to keep them with themselves and have them carry on that way for the next 500 years? Are they still going to be called Indians? I am trying to get the information to help solve the matter in my own mind. I am very glad, Mr Zimmerman, that you have come here, and I am asking you if any thought has beeen given to that question in the United States, and, if a policy has been evolved, what line does that policy take?

The WITNESS: I would say something on the record and then I would like to speak for a few minutes off the record.

Mr. MATTHEWS: When you speak of assimilation Mr. Reid you do not necessarily mean by way of marriage?

Mr. REID: I am taking it in the broadest sense. I cannot see how a person can be assimilated unless he becomes one of us. Over the years, say in two hundred years from now, perhaps the difference between the Indian and the White would never be noticed. I am not an anthropologist but when I speak of assimilation I speak of one race and one people which can only be achieved by marriage and inter-marriage. I would like you to speak on that Mr. Zimmerman.

The WITNESS: Well, at the present time, I think the Congress of the United States has grave doubts. I do not know whether the congressional doubts are more serious than yours but they certainly are grave. Congress is concerned immediately with the problem. There is some indication that Congress believes that the policy we have been pursuing has not been vigorous enough; that it has not brought pressure to produce the result which I think you have in your mind. It does seem to me that you can produce adjustment, and, ultimately, if you wish, the assimilation of all peoples, without subjecting any of them at the present time or in the future, to pressures. There are ample pressures on us anyway. There is pressure on us to confirm to modern society and, if I may be philosophical, it seems to be very strong. It seems very hard for any of us to be a non-conformist. Our children, for instance, wear the same kind of clothes. If your child and my child wear a pair of pants that are not just like all the other trousers on the block, our children feel socially ill at ease. The social pressures which we have at the moment seem to me to be tending to produce a standard pattern. I think in the long run the Indians are sensitive to those same pressures. It is certainly true of the men who have been in the army. They have all come back feeling the differences they have seen between themselves and the other boys. Generally, they are not ashamed of those differences, except that it may disclose ignorance or the inability to speak English and things of that kind, but the boys who have come back from the army without exception feel that their younger brothers and sisters should learn to speak and write English. They feel that they should have the advantage of association with white children. I think that is the general reaction of the boys who have seen military service. The matter of inter-marriage surely makes a big difference. On the other hand, there are many white people who have married into Indian tribes and live as Indians. There are Indians in the United States, or so-called Indians, who have not a drop of Indian blood and who were adopted into the tribe years ago. On the matter of reserves I sometimes feel that the attitude of the Indian is more wholesome than the attitude of the white man. We hear, as apparently do you, some complaints that the Indian should not be restrained and that he should not be held on the reserve, that the reserve should be abolished and the Indian should go his way. After all, the reservation is his home. The Indian is free to come with us but if he wants to stay at home and maintain his family ties, his home ties, I do not see why he should not be allowed to do so. The fact is that even in the larger reservations where relatively few white people live, the association with the whites around the area is increasing all the time.

Mr. REID: Would you agree with the statement I have made, that the handling of Indians in the United States has been the same as in this country? I am one of those who think that eighty years or so ago the government, not knowing what to do, said, "We will put all the Indians on the reservations and keep them there"; and over the years we have kept them there and worked along those lines. Now, as a member of this committee, I am wondering if we should still continue that way. In those days the authorities decided that they would put the Indians on the reservations and they have kept them there ever since, and I am wondering how long this is going to go on—two hundred years or five hundred years; how long?

Mr. BRUNELLE: Is it not a fact, Mr. Reid, that instead of taking the Indians and putting them in the reserves we just left them where they were?

The CHAIRMAN: Now, gentlemen, we are not getting far with the witness; we are getting into a discussion among ourselves, and Mr. Zimmerman has to leave shortly.

Mr. BLACKMORE: Mr. Zimmerman was going to make a few statements off the record.

The WITNESS: It does not make much difference. Most of what I have said has gone on the record.

Mr. HOEY: There is one question I would like to ask. We have had proposals from time to time, and we have one before us now, from certain university groups of specialists, and they are securing support from insurance companies and other such organizations to undertake a complete survey of certain areas populated by Indians. We have undertaken, as you have undertaken, certain educational surveys before we established a school, and in northern Manitoba, at least, we have undertaken a couple of health surveys. These specialists propose to undertake a thorough survey—anthropological, sociological, economic, nutritional, health, educational—touching the whole orbit of Indian life. The survey before us now will be financed fifty-fifty by the Underwriters' Association and by the government, and we are likely to have a few more such proposals. I have been told that such surveys held in the East and in the Far East and in the South Sea Islands have brought about beneficial results. What I would like to know is if any such surveys have been undertaken on your reservations by independent bodies or by your department, or in co-operation?

The WITNESS: We have had a number of surveys along the same line. They were carried on in cooperation with another governmental agency. The attempt was made to collect substantially all the information in the fields you have mentioned. That program was financed out of emergency funds during the depression years. The material is still available and there are voluminous reports, but it has not been possible to make full use of all the material. These surveys were made only on a small number of reservations.

Mr. HOEY: Are those reports likely to prove helpful, or do you know enough about them?

The WITNESS: Yes, they were helpful, but there is much material in them that is not immediately useful. There is much historical information and anthropological information which is of relatively small value at any one moment. I grant that some of the background is needed in dealing with an Indian tribe. The more you know of the psychological condition of the Indian the better you will probably get along with us.

The CHAIRMAN: Gentlemen, apparently Mr. Lickers has no questions to ask, and I think we have about exhausted all subjects in connection with Indian affairs as far as Mr. Zimmerman is concerned.

The WITNESS: You have pumped me pretty hard, but the well is not yet dry.

Mr. REID: Before the witness finishes I want to express my own personal gratification for hearing Mr. Zimmerman, and I think I voice the sentiments of the entire committee.

The CHAIRMAN: Mr. Zimmerman, on behalf of this committee I want to express to you our thanks for the very informative discussion we have had here and for the excellent answers you have made to our questions. I should like to express the hope that there will be a frequent interchange of departmental officials between your department and our own department, because we have the same objective, and I think the result would be most helpful, not only us, but I think that we might contribute something to you from time to time.

The WITNESS: I am sure you could.

The CHAIRMAN: Therefore, on behalf of this committee I wish to express to you our sincere appreciation for your attendance here. I know that from my private conversations with members of this committee I have learned that they have been helped by your comments and the evidence which you have given.

The WITNESS: Thank you, Mr. Chairman and gentlemen. I would like to make this final observation. Perhaps it is not necessary, but I wish to make it. While some of my answers may have seemed positive or perhaps on one side of the question, I think our position, as I see it, is that we do not know all the answers. I do not want the impression to remain with you gentlemen that we are doctrinaire and that we know all the answers, because we do not. We have many problems. While I have tried to answer your questions as I have seen the facts, I do not want you to feel that just because we did certain things we, therefore, approve of all we are doing. We do some things under compulsion and some things we would like to change; and we are quite aware of the fact that we can do better.

The committee adjourned to meet on Thursday, May 22, at 11 o'clock a.m.

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