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SESSION 1948



SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE
EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

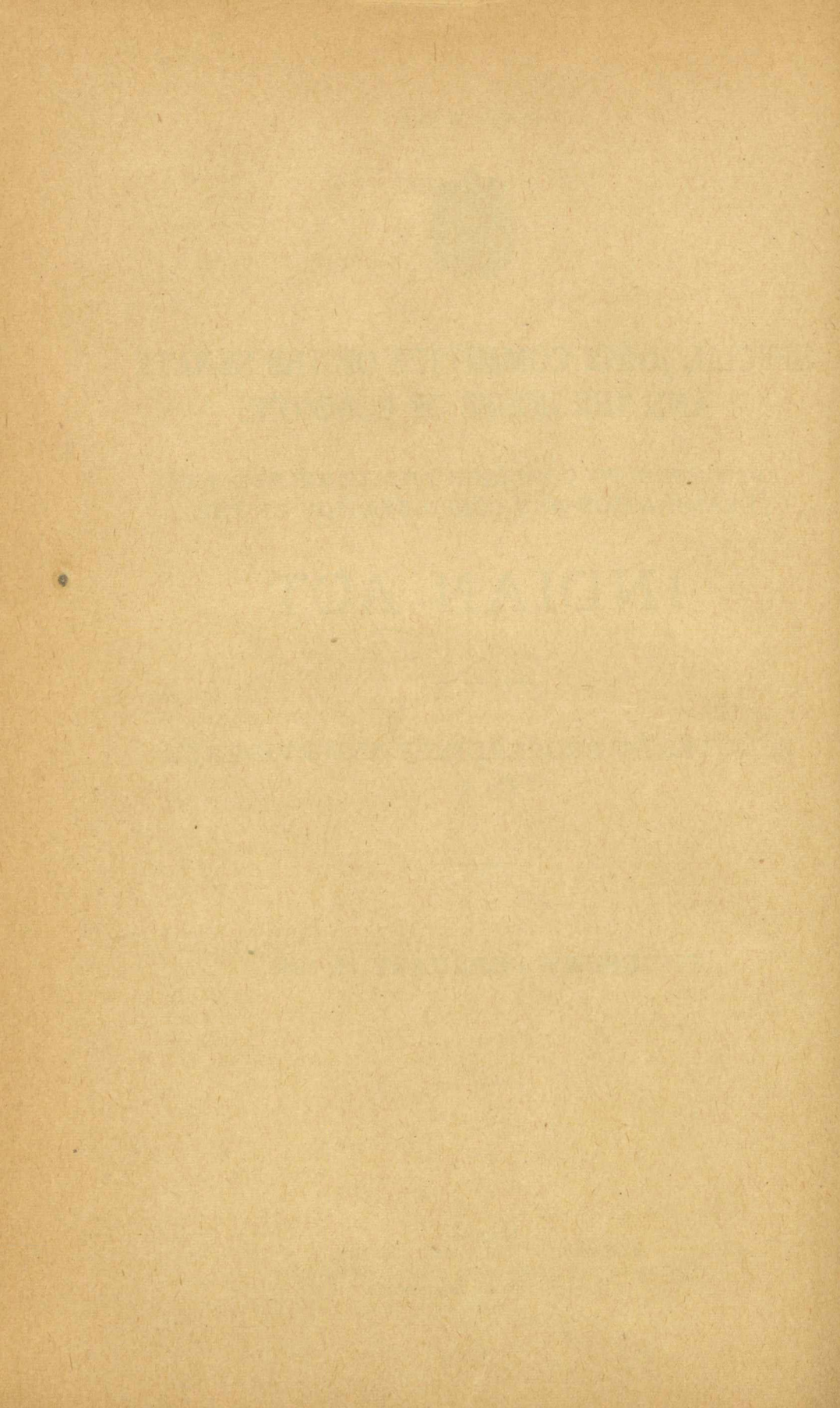
MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

THURSDAY, FEBRUARY 19, 1948.

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

1948



ORDERS OF REFERENCE

The Senate,

WEDNESDAY, 11th February, 1948.

Ordered: That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses to continue and complete the examination and consideration begun by a joint committee of the Senate and the House of Commons, pursuant to a resolution of the House on May 13, 1946, and continued by a Commission under the Inquiries Act, appointed by Order in Council P.C. 3797, dated the 11th day of October, 1946, and further continued by a joint committee of the Senate and the House of Commons, pursuant to a resolution of the House, on February 13, 1947, of the Indian Act, Chapter 98, R.S.C. 1927, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, the following matters:

1. Treaty rights and obligations.
2. Band membership.
3. Liability of Indians to pay taxes.
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. And any other matter or thing pertaining to the social and economic status of Indians and their advancement, which, in the opinion of such Committee, should be incorporated in the revised act.

That the following Senators be appointed to act on behalf of the Senate on the said Joint Committee, namely:

The Honourable Senators Blais, Dupuis, Fallis, Horner, Johnston, Leger, Macdonald (*Cardigan*), MacLennan, McKeen, Paterson, Stevenson and Taylor.

That the records, exhibits and evidence received and taken by the Joint Committee during the last session of Parliament and by the Commission aforesaid, be made available to the said Joint Committee and made part of the records thereof.

That the said Committee have power to appoint from its members such subcommittees as may be deemed advisable or necessary to deal with specific phases of the problem aforesaid, with power to call for persons, papers and records, to examine witnesses under oath and to print such materials from day to day as may be ordered by the Committee for the use of the Committee and Members of the House of Commons and the Senate.

That a Message be sent to the House of Commons to inform that House accordingly.

THURSDAY, 19th February, 1948.

Ordered: That the quorum of the Committee be nine members.

Ordered: That authority be granted to the Senate section of the Joint Committee to sit during sittings and adjournments of the Senate.

Attest.

L. C. MOYER,
Clerk of the Senate.

HOUSE OF COMMONS,

MONDAY, 9th February, 1948.

Resolved: That a joint committee of the Senate and the House of Commons be appointed to continue and complete the examination and consideration begun by a joint committee of the Senate and the House of Commons, pursuant to a resolution of the House on May 13, 1946, and continued by a Commission under the Inquiries Act, appointed by Order in Council P.C. 3797, dated the 11th day of October, 1946, and further continued by a joint committee of the Senate and the House of Commons, pursuant to a resolution of the House on February 13, 1947, of the Indian Act, Chapter 98, R.S.C. 1927, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, the following matters:

1. Treaty rights and obligations.
2. Band membership.
3. Liability of Indians to pay taxes.
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. And any other matter or thing pertaining to the social and economic status of Indians and their advancement which, in the opinion of such committee, should be incorporated in the revised act.

That the following members be appointed to act on behalf of the House of Commons on the said joint committee, namely:

Messrs. Arsenault, Brown, Brunelle, Bryce, Blackmore, Case, Castleden, Charlton, Church, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Glen, Harkness, Little, Matthews (*Brandon*), MacLean, MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*), Stanfield.

That a message be sent to the Senate requesting their honours to appoint senators to act as members of the Senate on the said special joint committee.

That the records, exhibits and evidence received and taken by the joint committee during the two last sessions of Parliament and by the Commission aforesaid, be made available to the said joint committee and made part of the records thereof.

That the said committee have power to appoint from its members such subcommittees as may be deemed advisable or necessary to deal with specific phases of the problem aforesaid with power to call for persons, papers and records, to examine witnesses under oath and to print such materials from day to day as may be ordered by the committee for the use of the committee and members of the House of Commons and the Senate.

That the said Committee shall report from time to time and that the provisions of Standing Order 65 limiting the number of members on special committees be suspended in relation thereto, and that a message be sent to the Senate to acquaint their honours therewith.

Attest.

ROY T. GRAHAM,

Deputy Clerk of the House.

THURSDAY, 19th February, 1948.

Ordered: That the quorum of the said Committee be nine members.

Ordered: That the said Committee be granted leave to sit while the House is sitting.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

REPORT TO THE SENATE

THURSDAY, 19th February, 1948.

The 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, beg leave to make their first report, as follows:—

Your Committee recommends:—

1. That the quorum of the Committee be nine members.
 2. That authority be granted to the Senate section of the Joint Committee to sit during sittings and adjournments of the Senate.
- All which is respectfully submitted.

W. H. TAYLOR,
Chairman.

With leave of the Senate,

The said Report was adopted.

REPORT TO THE HOUSE OF COMMONS

THURSDAY, 19th February, 1948.

The 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), has the honour to present the following as a

FIRST REPORT

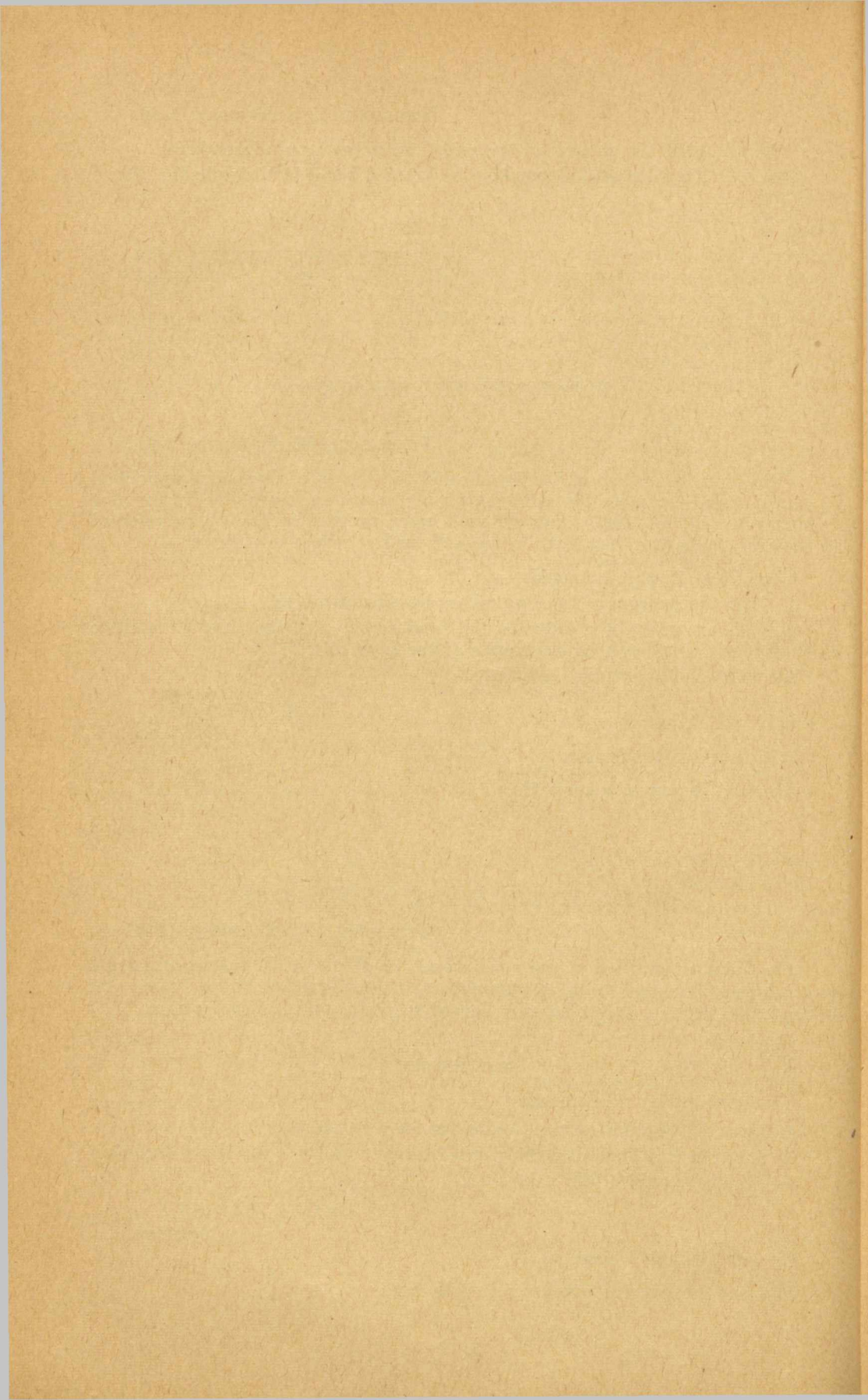
Your Committee recommends:—

1. That the quorum of the Committee be nine members.
 2. That the said Committee be granted leave to sit while the House is sitting.
- All which is respectfully submitted.

DON F. BROWN,
Chairman.

By leave of the House,

The said Report was concurred in this day.



MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

THURSDAY, 19th February, 1948.

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 a.m.

Present:

The Senate: The Honourable Senators Blais, Fallis, Horner, Johnston, Macdonald (*Cardigan*), MacLennan, McKeen, Taylor . . . 8.

The House of Commons: Messrs. Brown, Bryce, Blackmore, Case, Castle-den, Charlton, Church, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Little, Matthews (*Brandon*), MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*) . . . 17.

On motion of the Honourable Senator Johnston, seconded by the Honourable Mrs. Fallis, it was

Resolved: That the Honourable Senator William H. Taylor be Chairman of the Committee for the Senate.

On motion of Mr. Farquhar, seconded by Mr. MacNicol, it was

Resolved: That Mr. D. F. Brown be Chairman of the members of the Committee for the House of Commons.

The Honourable Mr. Taylor and Mr. D. F. Brown, M.P., took the Chair and expressed their appreciation of the honour done them by being chosen to act as Joint Chairmen for the 1948 Session of the Committee.

Mr. Brown (Joint Chairman) then made a statement to the Committee. (For text of statement, see Minutes of Evidence).

Mr. D. S. Harkness gave notice of a motion and his reasons for bringing the motion to the attention of the Committee. (For text of motion, see Minutes of Evidence).

Messrs. Reid and Case addressed the Committee.

The Chairman (Mr. Brown) suggested that the notice of motion filed by Mr. Harkness and the suggestion of Mr. Reid (see Minutes of Evidence) be referred to the subcommittee on Agenda and Procedure (to be named later). Agreed.

On motion of Mr. Little, it was

Resolved: That the quorum of the Committee be nine members.

On motion of the Honourable Senator Fallis, it was

Resolved: That the Senate be asked to grant authority for Senate members of this Committee to sit during sittings and adjournments of the Senate.

On motion of Mr. Matthews (*Brandon*), it was

Resolved: That the House of Commons be asked to grant leave to the Committee to sit while the House is sitting.

The Chairman (Mr. Brown, M.P.) informed the Committee that the Order of Reference to the Committee which, *mutatis mutandis*, is that of 1946 and 1947, authorizes the Committee "to print such materials from day to day as may be ordered by the Committee for the use of the Committee and members of the Senate and the House of Commons" and that the only matter to be decided in this regard was the number of copies to be printed.

On motion of Mr. Case, it was

Ordered: That 1,000 copies in English and 250 copies in French be printed of the Minutes of Proceedings and Evidence to be taken before the Committee.

It was agreed that the following subcommittees would be set up:

On motion of Mr. Blackmore,

The subcommittee on Agenda and Procedure would be composed of:

The Joint Chairmen and Messrs. Bryce, Case, Gibson (*Comox-Alberni*), Raymond (*Wright*), Reid, Stanfield, and the Honourable Mr. Dupuis.

On motion of the Honourable Mrs. Fallis,

The subcommittee on Treaty Rights and Obligations would include:

The Honourable Senators Taylor and Paterson and Messrs. Brown, Blackmore, Castleden, Gariépy and MacNicol.

On motion of the Honourable Senator Johnston,

The subcommittee on the revision of the Indian Act would be:

The Honourable Senators Taylor and McKeen and Messrs. Brown, Arsenault, Church, Farquhar and Richard (*Gloucester*).

On motion of Mr. Church,

The subcommittee on Indian Educational matters would be as follows:

The Honourable Senators Fallis and Taylor and Messrs. Brown, Case, Charlton, Matthews (*Brandon*) and Reid.

The Committee adjourned at 11.40 a.m., to meet again at the call of the Chair.

T. L. McEVOY

Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

FEBRUARY 19, 1948.

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 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

Hon. Mr. TAYLOR (Joint Chairman): Mr. Chairman, Mrs. Fallis, gentlemen; I have been asked by the chairman of the Commons section to say a word to you. First of all, I desire to express my appreciation at being again chosen as chairman of the Joint Committee on the Indian Act. I realize the responsibilities that go along with the work, especially if we hold meetings as frequently as we did last year. As joint chairman I realize that you have put me into this position probably to keep me quiet. However, I shall try to preserve order and decorum in the committee to the extent to which I am acting as chairman, and I shall be pleased to fulfil my duties. I thank you.

The CHAIRMAN: Mr. Chairman, Mr. Fallis, gentlemen. May I also express my appreciation and thanks to the members of the committee for having chosen me as joint chairman, chairman of the Commons section of this committee, for the ensuing year. I am also given this opportunity of expressing to you my appreciation for your co-operation in the past—the co-operation which has been extended by you to the Chair and to one another is reflected to a large extent in the harmony with which this committee has always conducted its work.

Now, for the future: we have come down to the period when we must produce results, and our work this year will be arduous and serious because we have before us the welfare of approximately 140,000 people—the Indian population of Canada—and if we keep in our minds the slogan which we have adopted in this committee—"Help the Indians to help themselves"—then the actions which we shall take will be for the benefit of all the Indians. At all times we have in our minds that slogan. Keeping the fact in mind that we are looking after the welfare of human beings, I am sure we will get along expeditiously and harmoniously.

May I again thank you for your selection of me as your joint chairman.

Before embarking upon our routine proceedings, there are some matters which I feel we should consider.

Members of the committee will recall that very valuable assistance was given us last March 28 by the Rev. Canon H. A. Alderwood, D.D., Superintendent, Indian School Administration of the Missionary Society of the Church of England in Canada, which was making representation to us on that date.

It is with regret that we have learned that Canon Alderwood passed on suddenly while attending the memorial service in front of this House on November 11 last.

Canon Alderwood came to Canada in 1912 and, after his ordination in 1917, went to western Canada and began his ministry in the diocese of Edmonton. He was later appointed Archdeacon of the diocese of Saskatoon and in 1943 was appointed to the position he held when he appeared before us.

I am sure that I speak for this committee in extending our deep sympathy to the members of his family and to all those with whom, and for whom, Canon Alderwood laboured so unceasingly.

Canon Alderwood was succeeded by the Rev. Canon J. W. House who, we regret, also passed on in December last.

Canon House was for seventeen years principal of the old Sun School on the Blackfoot Reserve at Gleichen, Alberta. May we also extend our sympathy to the family of Canon House and to those with whom he was associated.

On April 15th last this committee also heard representations by the Board of Missions of the Presbyterian Church in Canada through the Very Rev. Robert Johnston, M.A. Doctor Johnston devoted many years of his life to the missionary work conducted by his church among our Canadian Indians. He had been moderator of the Presbyterian Church in Canada, being well known in Ottawa because of his ministry at Knox Church in this city.

We regret to learn of the passing on 24th October last of Dr. Johnston.

I know that the committee would not wish me to neglect to put on record the gratitude which we feel for the outstanding work done on behalf of our Canadian Indians by the reverend gentlemen to whom I have just referred.

There is also another matter to which I would like to refer.

The resignation from parliament of the Hon. Grote Stirling, member for Yale, British Columbia, deprives this committee of the services of one who, in previous sessions, was a very faithful attendant at our committee meetings, and a very valuable contributor to the deliberations conducted herein.

During his long service in this house, Mr. Stirling's kindly manner and gracious conduct endeared him to the hearts of all, regardless of party affiliations. May, I therefore, both personally and on behalf of this committee, yes, and on behalf of the people of Canada, express to him our gratitude for the assistance he has been to us in the past and the hope that the future will hold for him an abundance of contentment and health which he so richly deserves.

May I also take this opportunity of welcoming to this committee Senator Léger who replaces Senator Robicneau, and also Mr. T. L. Church who replaces the Hon. Grote Stirling.

We trust that their work on this committee will prove as pleasant to them as our relationship with one another has proved to us in the past.

Now, the next business of the committee will be the fixing of our quorum.

Mr. HARKNESS: Mr. Chairman, perhaps before we go ahead with our routine proceedings this would be a good time to file a notice of motion. It reads as follows:—

Notice of Motion,—Whereas the 1946 Joint Committee on the Indian Act reported to parliament on 15th August, 1946, recommending, *inter alia*:—

5. That the Director of Indian Affairs Branch, Department of Mines and Resources, in conjunction with the Civil Service Commission and the Treasury Board take immediate steps to fill such vacant key positions as Indian agents and such other vacancies in Indian Affairs Branch which in the public interest must be filled forthwith; and the said report was unanimously concurred in by both houses of parliament;

Whereas the 1947 Joint Committee reported to parliament on 10th July, 1947, recommending, *inter alia*:—

10. That the Director of Indian Affairs should be given the status, if not the rank, of deputy minister to permit him to have direct approach to his and other departmental heads

14. That whenever possible a vacant position of Indian agent be filled by promotion of an assistant agent who will have had the opportunity of receiving training in all the duties of an Indian agent;

23. That future appointments of officials concerned with the administration of Indian Affairs should, where practicable, be restricted to applicants who have had previous experience in the field. Field Officers in the said administration should, from time to time be posted to the headquarters office of such administration; and the said report was also unanimously concurred in by both houses of parliament.

Therefore be it resolved: That this present Joint Committee on the Indian Act forthwith call and examine Messrs. H. L. Keenleyside, C. W. Jackson, R. A. Hoey and C. H. Bland, to ascertain the extent to which the above or any other of our previous recommendations concerning administration and personnel in Indian Affairs have been implemented and, if not, why and by whom the said recommendations were frustrated and thwarted.

The CHAIRMAN: Would you file that?

Mr. HARKNESS: Yes. I make that motion for three reasons—

The CHAIRMAN: First, is it not the usual procedure to give notice of motion and then when the matter comes up for debate to discuss it? The other members of the committee have not had an opportunity of perusing the contents of the motion, and I would think that in fairness to the other members of the committee the notice should be filed as a notice of motion and be taken up at our next meeting.

Mr. HARKNESS: Mr. Chairman, I was going to give the reasons for filing this notice of motion.

The CHAIRMAN: That could reasonably be given in a debate, could it not? You would have an opportunity at that time. However, this is a matter for the committee to decide. I would think that would be the proper procedure.

Mr. GIBSON: Mr. Chairman, I suggest it would give us something to work on, if Mr. Harkness gave us brief reasons, now.

The CHAIRMAN: Is that procedure acceptable to the committee?

Mr. REID: Mr. Chairman, may I ask if parliament did concur in the report or was it merely tabled? There is quite a difference. Many members may not be aware of it while others are. Very often a report is tabled in the House and it lies on the table. I wonder if parliament did concur in the report.

The CHAIRMAN: Yes. Both Houses did. Is it agreeable for Mr. Harkness to give, briefly, the reasons for his motion?

Agreed.

Mr. HARKNESS: Mr. Chairman, I make this motion for three reasons: first, from the point of view of the privileges of parliament and of this joint committee of parliament. I believe that our privileges have been infringed by the fact that certain of our recommendations which I have included in this notice of motion have not been carried out.

Secondly, I believe one of the chief duties of this committee is to inquire into the administration of the Indian Affairs Branch and to ensure that the best men be appointed to fill the vacancies and that all appointments to that Branch are being made in accordance with our recommendations and at the earliest possible moment, which again, I believe, has not been done.

Third, I speak from the point of view of the morale of the Indians—to ensure that they will have confidence that this committee is investigating thoroughly the administration of the Indian Affairs Branch; that they have no doubts in their minds that that work is being carried out by this committee. I think that is particularly necessary, due to the fact that I made a few remarks in the House of Commons which were replied to yesterday by the Hon. Mr.

Glen. There has been a certain amount of publicity in connection with the matter; and I think that in order to set the minds of the Indians, particularly, at rest that the entire matter brought up at that time should be thoroughly investigated. I expressed my belief on that occasion that efforts which I thought improper were being made to force the appointment of a superintendent-general for agencies. Mr. Glen in reply denied that statement, and in doing so saw fit—

The CHAIRMAN: Now, I do not want to interrupt you, and I know you want to be fair—

Mr. HARKNESS: I certainly do want to be fair; that is why I have filed this notice of motion. I shall be finished in half a minute.

Mr. FARQUHAR: I see no reason why Mr. Harkness should not be allowed to continue with his explanation.

Mr. HARKNESS: Mr. Glen in his reply saw fit to castigate the Civil Service Commission and an Appeal Board for rejecting the appointment of the man whom the department wished to appoint or whom they recommended for the job. It seems incredible to me that those bodies should be criticized for doing the job that presumably they have been appointed to do, and it seems to me that the delay of eighteen months in the appointment to this important position in the Indian Affairs Branch is due either to the department or to the Civil Service Commission. It is one of our jobs to determine who has been at fault and to ensure, if possible, that delays of this kind and embroglios of this nature do not recur. For these reasons I have given notice of this motion.

The CHAIRMAN: Thank you very much, Mr. Harkness. There is one matter I would like to refer to at this moment and that is that one of the reasons for the delay in getting our committee formed and started with our business has been the illness of our good friend "Scotty" Bryce. I am glad to see "Scotty" back with us. The name, of course, is William H. Bryce, but he is affectionately known as "Scotty". We hope he will be feeling fit enough to go through with his arduous duties. I am told by the clerk that his attendance record in this committee, during the last two years, has been one hundred per cent, and we would not like to have such a good record marred.

Mr. REID: Mr. Chairman, following Mr. Harkness' notice of motion, I think this committee should also inquire into an appointment that was recently made in British Columbia. I think it was our recommendation to the government that when appointments were being made within a province that if there were those within the service in that province who were eligible and capable to fill a promotion that those people would be moved up to the higher position. Now it appears that has not been done in British Columbia.

The CHAIRMAN: Do you give that as a notice of motion?

Mr. REID: Yes. May I also draw to the attention of this committee, and suggest that we should take note of it, that we have been castigated by a former Minister of Mines and Resources, in the Senate. When our report was before that honourable body last year he said—I will read his words—

The CHAIRMAN: Is this a debate of this year?

Mr. REID: Last year, 1947. And I quote: "As a matter of fact, most of the recommendatitons have no more value than wind that blows around the corner, so far as the implementation at the present time is concerned." I say that is a serious statement to be made by a former minister of the Crown—a former minister in charge of Indian Affairs—when discussing our recommendations to parliament. When such a person has this to say I think we should seriously consider whether we are wasting our time in this committee. I say that seriously. As a member of parliament I was not naturally in the Senate when the statement was made. Some of the members of this committee,

including Senators Fallis, Johnston and Taylor, took exception to the remarks made. However, I say that note should be taken by this committee of those remarks. Strong words were used in connection with our recommendations. Does the honourable senator mean to say that we have been sitting here for two years for nothing? It was an extremely strong statement to be made by a former minister who was once in charge of Indian Affairs. I, personally, if no one else, take strong exception to such words. In fact, I would like to have him come along here and tell us why he made them or what prompted them to be made. We are not in the House of Commons now and so can mention a senator by name in this committee; and I am doing so now; he should be called and asked to explain his reasons for such statements. I want to know. I am not allowed to go to the Senate. I therefore cannot challenge him personally. But as a member of this committee I am resting on my rights as a member of Parliament to bring this matter up at our organization meeting today.

The CHAIRMAN: Of course, we realize that the same rules apply to this committee—a joint committee—as apply in the House of Commons; we are all members of the House or of the Senate. We of the House section are members of the committee as members of parliament, and we get our authority from that house of parliament and are responsible to that house of parliament. My own thought on the subject is that it is up to us to prove that what that Senator said is not correct.

Mr. REID: I think it has been overwhelmingly proved, because none of the recommendations so far as I know have been carried out. I do not know that we need any more proof. Tell me one recommendation that has been carried out.

Mr. HARKNESS: That is the point of my motion.

Mr. REID: Let us not fool around with this matter. Either we are going to do a job or we are not. We as members of parliament are entrusted with a serious task and if our recommendations are only "a lot of wind that blows around the corner", let us disband. I have given a lot of my time to the work of this committee, as have all other members and I am putting this matter forward in all seriousness. If our recommendations do not mean anything, you Mr. Chairman have just answered what I said, that perhaps Senator Crerar is right.

The CHAIRMAN: As I was saying it is up to us to prove that what we are saying is going to be a fact. Our job is to revise the Indian Act, and, as yet, we have not got down to the revision. We are going to do that this year.

Mr. REID: Hold on. I know that is our task, but last year we made many recommendations, twenty-six in number. We made a certain number of recommendations the previous year.

The CHAIRMAN: Yes.

Mr. REID: You say they should not be carried out because we have yet to revise the Indian Act.

The CHAIRMAN: I did not say that. I said our first job this year is to revise the Indian Act.

Mr. REID: We made twenty-six recommendations last year. No. 17 was:

That when a promotion from the staff of an agency is not possible, a promotion should, when practicable, be made from junior officers in the district who may desire promotion and who are suited and qualified for a senior post.

As I say there has been a direct violation of that recommendation in the province of British Columbia, which proves that these recommendations may be just what Senator Crerar says they are.

The CHAIRMAN: We will take that as a notice of motion to this committee, and it will be discussed at the next meeting.

Mr. CASE: You say it is up to us to prove something. How soon do you expect we are going to be in a position to find out? I feel much as Mr. Reid does, that we want to know whether we are wasting time or whether our work means something. How soon are we going to come to grips with this?

The CHAIRMAN: I would suggest that these notices of motion be referred to the subcommittee on agenda and procedure and be dealt with at the next meeting. Is that agreeable?

Agreed.

We will now proceed with the next order of business.

See minutes of proceedings.

The committee adjourned at 11.40 a.m. to meet again at the call of the chair.



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. 2

TUESDAY, MARCH 2, 1948
THURSDAY, MARCH 4, 1948

WITNESSES:

- Mr. H. L. Keenleyside, Deputy Minister, Mines and Resources, Ottawa;
- Mr. C. H. Bland, C.M.G., Chairman, Civil Service Commission, Ottawa;
- Mr. R. A. Hoey, Director, 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

REPORT TO THE HOUSE OF COMMONS

TUESDAY, 2nd March, 1948.

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, begs leave to present the following as a

SECOND REPORT

Your Committee recommends that it be empowered to retain the services of counsel.

All of which is respectfully submitted.

DON F. BROWN,
Chairman.

Concurrence: March 4, 1948.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

TUESDAY, 2nd March, 1948.

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 and Johnston.—2.

The House of Commons: Messrs. Brown, Bryce, Blackmore, Case, Castleden, Charlton, Church, Gariépy, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*), MacLean, MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*), and Stanfield.—17.

In attendance: Messrs. H. L. Keenleyside, Deputy Minister, Mines and Resources; C. H. Bland, C.M.G., Chairman, Civil Service Commission; C. W. Jackson, Director, Administration and Personnel, Mines and Resources; R. A. Hoey, Director, Indian Affairs Branch; Dr. O. E. Ault, Director of Personnel Selection, Civil Service Commission; M. C. Crosbie, Mines and Resources; D. H. Russell, Indian Affairs.

Mr. MacNicol questioned the appearance in the public press of the substance of the report of the subcommittee on agenda and procedure before the said report was presented to the Joint Committee. Messrs. Brown and Case replied.

Mr. Case presented the first report of the subcommittee on agenda and procedure and moved the adoption thereof. (For text of report, see minutes of evidence).

After debate, the said report was adopted.

On motion of Mr. Bryce, it was

Resolved, That for the next two weeks this Committee do sit on Tuesdays and Thursdays at 10.30 a.m., until adjournment.

On motion of Mr. Bryce, it was

Agreed, That Mr. J. E. Matthews, M.P., (*Brandon*), be Vice-Chairman of this Joint Committee for the present session.

On motion of Mr. Case, it was

Ordered: That report to the House concerned be made asking that this Committee be empowered to retain the services of counsel.

On motion of Mr. Case, it was

Agreed, That the subchairmen of the subcommittees be as of last session, viz., of Treaty Rights and Obligations, Mr. Gariépy; of Revision of Indian Act, the Honourable Senator McKeen; of Indian Education, Mr. J. E. Matthews.

On motion of Mr. Reid, it was

Resolved, That this Committee now proceed to the hearing of the witnesses named in paragraph 2 of the report of the subcommittee on agenda and procedure, adopted this day.

Mr. C. H. Bland, C.M.G., Chairman, Civil Service Commission, Ottawa, was called, not sworn, made a statement and was questioned thereon.

On motion of Mr. Reid, it was

Agreed, That Mr. Bland be excused from attendance until such later date as the final report of the appeal board now considering the appointment to the vacant position in Indian Affairs of "general Executive Assistant" shall have been presented to the Civil Service Commission and made available to this Committee.

Mr. H. L. Keenleyside, Deputy Minister, Mines and Resources, Ottawa, was called, not sworn, made a statement and was questioned thereon. (For text of statement, see minutes of evidence).

The Committee adjourned at 1.00 o'clock p.m., to meet again this day at 4 o'clock p.m.

AFTERNOON SITTING

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

Present:

The Senate: The Honourable Senators Blais and Johnston—2.

The House of Commons: Messrs. Brown, Bryce, Blackmore, Case, Charlton, Gariepy, Harkness, Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*), and Stanfield—14.
In attendance: as noted above, for morning sitting.

Examination continued of Mr. H. L. Keenleyside, Deputy Minister, Mines and Resources, Ottawa.

From time to time Mr. R. A. Hoey, Director, Indian Affairs Branch, answered questions of members of Committee.

The Committee adjourned at 6 o'clock p.m., to meet again on Thursday next, 4th march, at 10.30 a.m., to proceed with the examination and consideration of the Indian Act.

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

HOUSE OF COMMONS,
THURSDAY, 4th March, 1948.

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 10.30 o'clock a.m.

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

Present:

The Senate: The Honourable Senators Blais and Johnston—2.

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Charlton, Church, Gariepy, Harkness, Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*)—15.

In attendance: Messrs. C. W. Jackson, Director, Administration and personnel, Mines and Resources; R. A. Hoey, Director, Indian Affairs Branch; W. M. Cory, Legal Section, Mines and Resources; D. H. Russell, Indian Affairs Branch.

The Committee proceeded to the consideration of the Indian Act, and amendments thereto.

Mr. Church asked to be informed at a later time whether Indians are citizens of Canada within the meaning of the Citizenship Act.

The Chairman impressed upon the Committee the need of giving careful but speedy consideration to the Act, in order that the Committee could report to the House not later than May 15th next.

Discussion followed as to the procedure to be adopted with regard to the consideration of the revision of the Act.

On motion of Mr. Charlton, it was

Resolved: that the Committee adjourn until Tuesday next, to permit departmental officials to prepare, for the use of the Committee only, mimeographed copies of amendments to the Act which the Department proffers for consideration by the Committee.

Mr. Jackson explained that these suggestions would not include amendments on which it is deemed necessary to have the advice of the Committee.

The Chairman announced that it is hoped that on Tuesday next the Committee will have the assistance of Mr. Lickers, Barrister, who, during the two previous sessions acted as counsel for the Committee; also that on Wednesday next it would be possible for the Chairman of the civil Service Commission and Messrs. C. W. Jackson and R. A. Hoey to attend and give replies to questions asked by Mr. Harkness on Tuesday, 2nd March last.

The Committee adjourned at 11.45 a.m., to meet again on Tuesday next, 9th March, at 10.30 o'clock a.m.

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

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

MARCH 2, 1948.

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 a.m. Mr. D. F. Brown, M.P., (Joint Chairman), presided.

The CHAIRMAN: Gentlemen, before proceeding with the business of the committee may I refer to the passing of Senator Robicheau who was a member of this committee last year. Senator Robicheau passed on, I believe, last evening. I am sure that I speak for this committee and each member thereof in conveying to Senator Robicheau's family our sincere sympathy and as well as the sympathy of this committee to the colleagues of the late senator.

The next item of business will be the first report of the subcommittee on agenda and procedure, and I will call on Mr. Case to read that report.

Mr. MACNICOL: Mr. Chairman, we read nearly all about it in the newspapers. Why was that report given to the press before it was given to this committee? Is it customary for a subcommittee to publicize in the press what it is going to recommend to a main committee?

The CHAIRMAN: What are you referring to?

Mr. MACNICOL: The subcommittee's report which was in the local newspapers.

The CHAIRMAN: I thought you were referring to the passing of Senator Robicheau. I am sorry.

Mr. MACNICOL: No. You had passed by that and started to deal with the subcommittee's report, and I was going to accept that—

The CHAIRMAN: I have no knowledge of the subcommittee having given to the press the report of the subcommittee. Did you, Mr. Case?

Mr. CASE: No. There are various news-gathering agencies—

Mr. MACNICOL: It was in the press.

Mr. CASE: I might say, Mr. Chairman, that one of the members of the press gallery called me to find out when this matter was coming up and I said it was coming up at our next meeting. I notice they associated Mr. Brown with it, but I do not know—

The CHAIRMAN: Now, if you are talking about what the press have asked me I may say that before even the first meeting of the main committee I had been asked on a number of occasions by various members of the press about what we would do, and I told them at that time as I repeat today that the committee itself will govern what is to be done by the committee and it will not be for me to have anything to say in that regard. They asked me what I thought would be done, and I said I felt that the committee would be very reasonable—that was before the subcommittee had ever met so there was not ever any report of what had happened in the subcommittee. It was merely my opinion given as a private member as to what I thought they might do. I am sure the subcommittee's report will bear that out.

Mr. MACNICOL: The press clipping is with another member who is not here this morning and contained details of what would be recommended to this committee. We have had that kind of matter up in the House so many times

with regard to members of the cabinet telling beforehand what was to be done in reference to certain matters; and it has been pretty well threshed out there that such reports should be given to the House before being given to the press.

The CHAIRMAN: I can assure you, as far as I am concerned, that I am willing to co-operate with the press at any time, on my own opinions; but I cannot express the opinions of any committee—especially when a committee has not met.

Mr. MACNICOL: As I say, I am sorry I gave the press clipping, which was quite a report, to someone else this morning who said he would be here. I have no other objection except that I think all reports of the business of this committee should be discussed here first.

The CHAIRMAN: I quite agree with you. So far as the committee is concerned, the committee's business is the committee's business; and I have no right as the chairman to say what the committee is going to do. I gave the press my personal opinion, and I think I was fairly reported.

Is there any further business before Mr. Case makes his report?

Mr. CASE: Mr. Chairman, this is the first report of the subcommittee on agenda and procedure:

1. *Agenda for Session of 1948.*

Your subcommittee recommends that every effort be made by your committee to complete without undue delay the examination of the Indian Act, so that the task referred to the committee may be completed this session.

Your subcommittee, therefore, recommends that your committee meet every Tuesday and Thursday; that the meetings on Tuesday, March 2nd, be restricted to the examination of the witnesses named in paragraph 2; that the meetings on other days be devoted exclusively to the consideration of the Indian Act, special meetings to be called on other days of the week when necessary.

2. *Notices of motion.*

Your subcommittee has considered notices of motion filed by Messrs. Harkness and Reid, on Thursday, February 19th.

Your subcommittee recommends that Messrs. H. L. Keenleyside, C. W. Jackson, C. H. Bland and R. A. Hoey be requested to attend a meeting of your committee to be held on Tuesday, March 2nd, at 11.00 o'clock a.m., and again at 4.00 o'clock on that afternoon, to give testimony, in order that your committee may comply with the request as set forth in the motions herein.

3. *Employment of Counsel.*

Your subcommittee recommends that both the Senate and the House of Commons be asked to empower your committee to retain the services of counsel.

4. *Subcommittees.*

It is recommended that the subcommittees set up on Thursday, February 19th last be requested to convene without delay, appoint their sub-chairmen and report from time to time to your committee.

All of which is respectfully submitted.

I move the adoption of the report of the subcommittee.

The CHAIRMAN: Adoption is moved by Mr. Case—

Mr. HARKNESS: Mr. Chairman, in connection with these subcommittees, is there no subcommittee on band membership? Which of the subcommittees handles that matter, if any subcommittee handles it? It seems to me that we had a subcommittee on that matter last year, although I am not sure.

The CHAIRMAN: Of course, as far as I am concerned, band membership—I am giving my own personal opinion again—would come under the revision

of the Act. It is our duty to revise this Act or make a new Act; and therefore the question of band membership would come under the revision committee.

Mr. HARKNESS: Did we not have a subcommittee on band membership last year?

The CHAIRMAN: No; we had a committee on treaty rights and obligations.

Mr. CASTLEDEN: Did that committee on treaty rights and obligations meet?

The CHAIRMAN: I believe so. They will be asked to convene and report as soon as possible to this committee.

After all, gentlemen, we must realize that we held sixty-eight meetings of this committee alone last year, and there were four subcommittees; I think the members of this committee have done fairly well.

Mr. CASTLEDEN: I am not making any criticism of them. One very important matter is this matter of Indian treaties, and I do not think the subcommittee—

Mr. GARIPEY: We had one meeting, and it was decided to let the officials of the department prepare a resume of treaty rights and obligations, and that is ready and should be submitted to the subcommittee within a short time so that it can prepare a report for this committee.

Mr. CASTLEDEN: I hope that subcommittee meets this year.

Mr. REID: Mr. Chairman, with regard to the first recommendation, I do not think the recommendation as stated is as I thought it would be, because if you remember what I said at the subcommittee meeting—and I am repeating it this morning—I took the stand, and I am taking it now, that this year nothing should interfere in any way with our getting the Indian Act revised and placed before the House of Commons; and I suggested to you that in regard to witnesses coming here, or any other extraneous matters, we should devote other days to hearing them, but that we should carry on religiously at least two days a week with our work on the Indian Act and the revision thereof. We have a formidable task; and if you will read recommendation No. 1 you will notice that it says:

Agenda for Session of 1948:

Your subcommittee recommends that every effort be made by your committee to complete without undue delay the examination of the Indian Act, so that the task referred to the committee may be completed this session.

Your subcommittee, therefore, recommends that your committee meet every Tuesday and Thursday; that the meetings on Tuesday, March 2nd, be restricted to the examination of the witnesses named in paragraph 2; that the meetings on other days be devoted exclusively to the consideration of the Indian Act, special meetings to be called on other days of the week when necessary.

Now, that was not the way I placed my views before the subcommittee. The view I expressed was that we should hear witnesses today, and, if other days are required, we should devote special days to carrying out this inquiry, but that this matter be not allowed to detract from the real business before this committee; I am just a little afraid, Mr. Chairman, that we will get into discussions here day after day on our regular meeting days, Tuesdays and Thursdays, then the end of the session will come along and we will not have the new Indian Act ready. That is the job we are to do. Now, we have witnesses before us, and we cannot help but hear them today; but I am going to propose that if we do not finish with them today we set further hearings for another day apart from our regular meeting days.

Mr. GARIPEY: That is what the report says.

Mr. BRYCE: I think it is very well covered. It says, "that the meetings on Tuesday, March 2nd be restricted to the examination of the witnesses named in paragraph 2." That refers to the two meetings today, this forenoon meeting and the afternoon meeting; and the rest has to do with our consideration of the Indian Act.

Mr. REID: You could read it to mean that the meetings will be on Tuesday.

Mr. BRYCE: Do not let us be lawyers; let us be laymen, and take it for granted.

Mr. REID: That is what I wanted—to have it clarified from a layman's point of view.

Mr. BRYCE: What you asked for and what you supported in the subcommittee is in that recommendation.

The CHAIRMAN: In order to clarify this matter, could we state now that we will meet at 4 o'clock today, if necessary, to dispose of the matters which are now before us; and if this matter goes beyond the meeting this afternoon that we will have a special meeting but that we shall not detract from our program as set forth by the subcommittee.

Mr. REID: In answer to Mr. Bryce may I say that it was a lawyer who drew this up.

Mr. CASE: The subcommittee wants our work completed by May 31, so that our report can be placed before parliament—

The CHAIRMAN: May 15.

Mr. CASE: May 15, yes. There was a specific date mentioned, when we should try to have our report before parliament so that our work will be completed.

The CHAIRMAN: In the committee's own inimitable way we are trying to cut red tape to the bone. We have taken our own ways of doing things, and instead of referring this to the committee and having it discussed here and having the committee proceed in the regular way, we have cut all that red tape and have asked these witnesses to come here today without your prior approval. Now, if that is agreeable, and if there is no further discussion, I will ask—

Mr. HARKNESS: All I was concerned about earlier was which of these subcommittees would deal with band membership, because I wanted to attend one of the meetings and put forward some ideas I have.

The CHAIRMAN: That would be the revision committee. Now, these committees, of course, have to meet and report, and we ask that they report as soon as possible so that the committee as a whole may discuss matters which they have taken up. Now, is there any further discussion?

Mr. MACNICOL: May I ask, Mr. Chairman, whether the hour of meeting at 10.30 rather than 11 o'clock would be satisfactory to most of the committee? The reason I ask that is that I have, always, a meeting at 11.30 on Tuesday morning, and I shall have to leave this morning at 11.30. If the committee were to meet at 10.30 I could be here longer.

The CHAIRMAN: Do you mean that you would like to make the hour of meeting 10.30 as a rule?

Mr. MACNICOL: Yes, as a rule. If that is satisfactory to the committee it is quite all right with me; 10.30 would be a more satisfactory time than 11 o'clock.

The CHAIRMAN: I do not know how that would affect the other members of the committee, because some of the members of the committee have a great

deal of correspondence and departmental work to take care of in the morning, and the only time they have to take care of such work is between the hours of 9 and 11. However, I will leave it to the committee to decide. What is the opinion of the committee on that point?

Mr. HARKNESS: Personally, I would be agreeable to that idea for the reason that I am on the Prices Committee, and it is going to be difficult for me to attend this committee as much as I should like; and the adoption of Mr. MacNicol's suggestion would give me a little more opportunity to be here.

The CHAIRMAN: Mr. Castleden, what do you think about this?

Mr. CASTLEDEN: I think it is all right. There is a great deal of work to be done. I sometimes find it difficult to get through all the work in the office before 11 o'clock, but I am willing to stand by the wishes of the committee.

The CHAIRMAN: Is there any further comment on this matter of the time of meeting?

Mr. BLACKMORE: Mr. Chairman, I presume that we should express our own frank opinions?

The CHAIRMAN: That is what we are here for.

Mr. BLACKMORE: I feel that 10.30 would be too early for me.

Mr. BRYCE: I was going to suggest 10 o'clock.

Mr. BLACKMORE: When do you get your work done?

Mr. BRYCE: At night.

Mr. BLACKMORE: My secretary is not available at night.

The CHAIRMAN: Of course, it is not only a matter of correspondence, but the departments are not open at night; at least I have not found them to be open at night very often.

Mr. CASE: I will vote either way, but 11 o'clock suits me best.

Mr. CHARLTON: I am in the same position as Mr. MacNicol; I have meetings on Tuesdays and Thursdays at 11.30 sharp, and I shall not be here either of those days. If the time could be put forward to 10.30 it would much more convenient to me.

The CHAIRMAN: Do you mean that on Tuesdays and Thursdays we will be meeting from 10.30 to 12.30?

Mr. CHARLTON: On Tuesdays and Thursdays I am tied up after 11.30.

Mr. MACNICOL: On Tuesdays I am in the same position—not Thursdays.

Mr. REID: This is a very important matter because if some members are not to attend that will be a drag on the committee, and we have all the work we can carry out in the revising of the Indian Act. I think we should agree on something suitable as to days and time of meeting.

Mr. BLACKMORE: I wonder if this would be worthy of consideration, that the members of the Indian Act Committee who are on other committees be excused from those other committees in order to attend the Committee on the Indian Act, because this committee has to prepare its report this year.

Mr. REID: Please bear in mind that if nothing happens this year it will be another twenty-five years before it may be possible to revise the Act. The Indians are expecting this revision; the country is expecting it; this is one of the most important committees which has been set up by parliament; and the Indians and the people have been waiting for this committee for seventy years.

Mr. MATTHEWS: This is just a matter of what is more convenient to members of the committee, and if 10.30 is a more convenient hour I shall be ready to support it.

The CHAIRMAN: I think Mr. Blackmore's suggestion is worthy of consideration. If members of the committee are going to leave our sessions they are going to be the losers and the committee also is going to be the loser. The committee may not be able to carry on its functions because of the failure of members to attend or of people withdrawing from the committee.

Mr. BRYCE: I move that we try to start our meetings at 10.30, for two weeks.

The CHAIRMAN: The motion is that we sit on Tuesdays and Thursdays between the hours of 10.30 and 12.30 for the next two weeks. Is it your pleasure that we sit from 10.30 to 12.30?

Mr. CASE: We must decide if we are going to do this for the benefit of those on other committees because they are going to miss an hour and a half of the work anyway, or miss an hour.

The CHAIRMAN: Members will have to determine which is the most important committee for them to attend.

Mr. REID: Every member will have to make up his own mind as to which committee is the most important.

The CHAIRMAN: In that case why change things at all?

Mr. BLACKMORE: It ought to be borne in mind that we have been training ourselves for several years in the matter before this committee. Nearly everyone can break into one or the other committees and do a fairly good job, but he cannot do it in this committee.

The CHAIRMAN: Well, we have a motion that we sit from 10.30 until 12.30.

Mr. BRYCE: Say 1 o'clock.

The CHAIRMAN: Is there an amendment to that motion?

Mr. REID: I suggest that we meet at 10.30 and adjourn when the committee sees fit. We may not want to adjourn at 12.30. Let the committee make its own rules.

The CHAIRMAN: That would be an amendment. Is that agreeable to you, Mr. Bryce?

Mr. BRYCE: Yes.

The CHAIRMAN: The motion now reads that we will meet at 10.30 on Tuesdays and Thursdays for the next two weeks and adjourn when we see fit. Is that carried? It is carried except for Mr. Castleden.

Now, there is another matter that I should bring before the committee and that is the matter of the appointment of a vice-chairman for this committee. Last year Mr. Matthews was the vice-chairman.

Mr. BRYCE: I move that Mr. Matthews be the vice-chairman again this year.

Mr. MACNICOL: I second that motion.

Carried.

Mr. MACNICOL: May I ask a question about counsel? Is it our intention to have the same counsel again?

The CHAIRMAN: Yes, I am bringing that matter up now. This is dealt with in paragraph 3 of the report of the subcommittee and it says:

Your subcommittee recommends that both the Senate and the House of Commons be asked to empower your committee to retain the services of counsel.

A motion would later on be in order to appoint Mr. Norman Lickers.

Mr. MACNICOL: I would be glad to move that at the proper time.

Mr. BLACKMORE: I would second the motion.

The CHAIRMAN: I should have said that we ask to be empowered to appoint counsel, not naming anyone. It may be there will be others we will want to name. A motion in conformity with clause 3 of the report would be in order.

Mr. CASE: I am inclined to think Mr. Lickers' name should be there if he is available because like our committee he has been here most of the time.

The CHAIRMAN: I was in error there. We have not yet the power to name counsel, and it may be we will want more than one counsel.

Mr. CASE: I see—we must ask to be empowered to retain counsel.

The CHAIRMAN: Yes. Would you move that?

Mr. CASE: I so move.

Mr. BLACKMORE: I second that.

The CHAIRMAN: It is moved by Mr. Chase and seconded by Mr. Blackmore that this committee ask the Senate and the House of Commons for power to retain the services of counsel. All in favour? Opposed?

Carried.

The next matter before the committee is the consolidated motions of Mr. Harkness and Mr. Reid.

Mr. CASE: Before we go into that, I was wondering if we could name the subcommittee chairmen so they could convene their subcommittees? It will not take very long.

The CHAIRMAN: The practice has been to have each subcommittee name its own.

Mr. CASE: Meetings will be convened then?

The CHAIRMAN: Yes. I see, of course, no objection to suggesting the names of the vice-chairmen as they were last year. The subcommittee on agenda and procedure is taken care of. As to treaty rights and obligations I would suggest that Mr. Gariépy, chairman last year, be reappointed chairman of that subcommittee.

Mr. CASE: I will so move.

The CHAIRMAN: Would you leave it until we get through?

Mr. CASE: All right.

The CHAIRMAN: Senator McKeen was chairman last year of the subcommittee on revision of the Indian Act. Mr. Matthews was chairman last year of the subcommittee on Indian education. A motion will now be entertained to have these gentlemen act as chairmen of such subcommittees.

Mr. CASE: I so move.

Mr. HARKNESS: I second that.

The CHAIRMAN: It is moved by Mr. Case and seconded by Mr. Harkness. All in favour? Opposed? Carried.

Mr. Harkness' motion is:

That this present joint committee on the Indian Act forthwith call and examine Messrs. H. L. Keenleyside, C. W. Jackson, R. A. Hoey and C. H. Bland, to ascertain the extent to which the above—

that refers, of course, to the recommendations made by this committee to parliament—

—or any other of our previous recommendations concerning administration and personnel in Indian Affairs have been implemented and, if not, why and by whom the said recommendations were frustrated and thwarted.

Mr. MACNICOL: Will you permit me to retire and thank you for changing the hour to 10.30 because that gives me an hour in the morning.

The CHAIRMAN: As I have previously indicated the committee in its wisdom has seen fit to cut red tape on this matter, and has already invited these gentlemen to be present with us this morning. If it is your pleasure we will now hear them.

Mr. REID: I so move.

The CHAIRMAN: Mr. Reid moves that these gentlemen be now heard. Would you like to hear Mr. Bland, Mr. Keenleyside, Mr. Hoey or Mr. Jackson first?

Mr. HARKNESS: I would suggest that as we are going to deal to a considerable extent with personnel, appointments, and so forth, that we might achieve a better base to work from, and a better understanding of the whole question, if we call Mr. Bland first, to give us a brief outline of the procedure in making civil service appointments. I know that I personally have always been, and still am, very much confused over all these things we hear as to competitions, rating boards, promotion boards, close competitions, open competitions, and so forth. I think if we get from Mr. Bland a brief explanation of just how promotions are made in the civil service we will have a better general idea on which to base further questions. After we have got that from Mr. Bland I would suggest that possibly we might ask him to stand down. We could then call him later on any specific matter on which we might want to question him.

The CHAIRMAN: Is it your pleasure, gentlemen, that we proceed with this matter not only this morning but this afternoon and on subsequent days, or do you want to finish it today? If so, we will have to ration our time.

Mr. REID: It is difficult to say, at this stage, if we could finish it today. We cannot say now whether or not we can. I differ from Mr. Harkness as to our procedure. I would call the deputy minister first. I would ask him as the head of the department to make a statement regarding the matter, particularly on account of the statements made in the House of Commons.

Mr. HARKNESS: I would agree with that except, as I say, I think there is considerable ambiguity in most people's minds in regard to how appointments are made in the civil service, in other words, as to what the procedure is. If we get a very brief outline from Mr. Bland we will be in a better position to ask subsequent questions of Dr. Keenleyside and others.

The CHAIRMAN: Gentlemen, if we adopt the procedure of going into general questions we are going to be here not only this afternoon and this evening but until doomsday.

Mr. REID: As long as Mr. Bland's statement is brief that is all right.

Mr. HARKNESS: I hardly think Mr. Bland would take more than five minutes.

The CHAIRMAN: Maybe we could caution all witnesses to be brief, and if you like we will put a time limit on them.

Mr. CASE: I do not see how you can put a time limit on them, but I think we can exercise some degree of judgment. As Mr. Harkness has said Mr. Bland may clear this thing up in five or ten minutes, and there will not have to be further discussion.

The CHAIRMAN: We also have Dr. Keenleyside. He would be able to give us all the answers, I hope, in connection with the implementation of the recommendations of the committee. Maybe you would like to hear him for a moment? What is your pleasure?

Mr. BLACKMORE: Why not get Mr. Bland through with his job first?

The CHAIRMAN: What is your pleasure? Shall we hear Mr. Bland or Dr. Keenleyside?

Mr. REID: As long as we have one of the witnesses now; let one of the witnesses get up and let us hear him now.

The CHAIRMAN: Who wants to go first, over there?

Mr. CASE: Let us have Mr. Bland.

The CHAIRMAN: Have you any choice as to which of you would like to go first?

Dr. KEENLEYSIDE: Mr. Bland could make a brief statement.

C. H. Bland, C.M.G., Chairman, Civil Service Commission, called.

The CHAIRMAN: I think, Mr. Bland, the Chairman of the Civil Service Commission, is well known to all of you. He has appeared before this committee on other occasions.

May I say Mr. Bland we again want to welcome you to the committee and trust the information you will give to us will be as valuable as on other occasions.

The WITNESS: Mr. Chairman and members of the committee: I should like to say at the beginning that I appreciate the opportunity to be with the committee again. I enjoyed my previous sessions with you, and I will be only too glad to co-operate with Mr. Reid's suggestion that I be very brief in this presentation.

I take it that what Mr. Harkness had in mind was a very brief statement of the main principles of the Civil Service Act regarding appointment to and promotion in the public service.

By Mr. Harkness:

Q. I had more in mind the procedure which is followed.—A. If I may give two or three principles first and then show what procedure is followed to carry out those principles perhaps it would be more satisfactory. The fundamental principle of course, of the Civil Service Act is appointment on the basis of merit, on the competitive basis, and the same principle applies to promotion. A secondary principle, though a very important one, is that preference must be given in appointments to persons possessed of the veterans' preference, who have the necessary qualifications for the posts to be filled. The third principle is that in positions outside the city of Ottawa a preference exists for qualified residents of the locality.

These are the main principles involved. In carrying them out the practice that is followed is that when a position becomes vacant applications are invited from the public, either from the Dominion as a whole if it is a position at Ottawa, or from the residents of the locality if it is a local position. The examination that is given to the applicants depends upon the nature of the position and the qualifications required. For clerical positions a written examination is usually a part of the test. For positions of a higher nature an examination of the applicant's qualifications as stated on the sworn application form, followed frequently by an oral examination, constitutes the usual form of test.

When the examination is completed the results are compiled, and the returned soldier, if there is one, who obtains the highest rating, secures the appointment. I should like to make it clear that the person who secures the highest rating, if not a returned soldier, does not secure the appointment. A returned soldier with a pass mark, or in other words, a veteran who is good enough to fill the job, will secure that job over a civilian who may have higher qualifications and a higher pass mark. That is a requirement of the Civil Service Act.

When appointments are made from the eligible lists compiled as a result of the examinations the persons appointed are subject to a probationary term, and the department is expected to observe them carefully, and if they are not

satisfactory to remove them speedily before too long a period has elapsed. If they are satisfactory after a period of a year they may be made permanent.

The procedure with reference to promotions is analogous. Applications are invited from the department or unit concerned. Ratings are given by the departmental officers who know the applicants best. The ratings are three-fold; one on the efficiency of the employee as it is revealed in his service, one on his fitness for the job that is vacant, and one on his length of service or seniority. The reports received from the departments are compiled in the Civil Service Commission and the person who secures the highest rating is selected for the appointment.

As a result of the 1938 parliamentary committee a new procedure was set up whereby at the conclusion of a promotional examination any unsuccessful applicant who feels that he has not been fairly dealt with has the right to make an appeal to the Civil Service Commission, and an appeal board may then be set up which consists of a representative of the department concerned, a representative of the appellant,—the procedure being that he can name a civil service organization to represent him—and a representative of the Civil Service Commission. A period of fourteen days is allowed for appeals. If there are no appeals the selection is confirmed. If there are appeals based on good grounds, an appeal board is held, and the Civil Service Commission then considers the report of that appeal board before confirming or declining to confirm the original selection.

I think, gentlemen, that is a brief outline of the procedure that is followed in making appointments and promotions. If there are any specific questions on the procedure that I can help to make clear I would be glad to do so.

By Mr. Reid:

Q. I have a question I would like to ask. I am not going to go into generalities. I want to confine myself to the case brought before parliament, the case as we have it here before this committee. My question is in regard to the appeal board. When an appeal is made by an applicant who is not successful what rules guide the appeal board? That is one question. My second question is what right or authority has the appeal board to change any of the regulations or qualifications required for that position? I note in this particular case we are discussing there was an appeal. The minister in his statement in the House said:

Having disposed of Mr. Randle's appeal, the review board, and I contend without any authority to do so, proceeded to review the ratings of the other candidates. In doing so they took it upon themselves to ascribe new duties to the position, different from those described in the advertisement. Then, without giving the candidate who had been rated the highest an opportunity of being heard, they recommended that that candidate did not possess the minimum qualification.

I hope you understand the question I have in mind. It has to do with the powers and rights of the appeal board, and in this particular case the reasons for any change they made and who gave them authority to make it.—A. The 1938 report of the special parliamentary committee on the operation of the Civil Service Act, as a result of which appeal boards were instituted, reads as follows:

To facilitate the adjustment of complaints of a civil servant where such complaints cannot otherwise be adjusted, your committee recommends that such complaints be adjudicated by a board of appeal consisting of a nominee of a civil service organization named by the appellant, a nominee of the deputy head of the department affected, and a nominee of the chairman of the Civil Service Commission, the latter of whom shall be chairman of the board.

Carrying out the general principle contained in that recommendation of the parliamentary committee the Civil Service Commission at once instituted the practice of appeal boards by asking the department concerned to name a representative, asking the employee who made the first appeal to name a representative civil service association, and appointing one of the commission's own officers to act as chairman of the board. While the recommendation itself does not go further than what I have read to the committee the interpretation which the Civil Service Commission placed upon it, and which it now places upon it, is that the appeal board should investigate any justifiable claim made by a dissatisfied applicant and find out what were the facts concerned. Those facts, without any administrative action, are then to be reported to the Civil Service Commission for action. In other words, the appeal board itself has no administrative authority. It is a fact-finding board, but when it reports the result of its investigation to the commission it then becomes one of the functions of the commission to decide what action it should take.

Q. Did they in this present instance follow exactly the procedure you have just outlined, and if so, was it the commission that set up the new rules governing this position?—A. In the case in question the appeal board held several meetings and reported in detail to the Civil Service Commission making certain recommendations. The commission considered the evidence submitted and the recommendations made and came to a conclusion as to what it should do.

By Mr. Richard:

Q. Can the appeal board, for instance, report to you that there were certain requirements which were set for that position, and that this candidate did not come up to those requirements, and add another candidate when they were not asked to deal with that?—A. The general duty of an appeal board in the mind of the commission is to investigate the complaint and to look into any pertinent facts relating to that complaint. What the commission wants is facts, and a fair consideration of those facts by the appeal board. We would feel the appeal board has a perfect right to report anything in connection with an examination which it finds to be unfair. It has no right to act upon it. It can only report it, but we feel that is the purpose of the appeal board.

By Mr. Reid:

Q. If you do not care to answer this question you do not have to, but the question I should like to ask and have answered is do you not think that is a rather dangerous power to place in their hands? For instance, after due consideration and advice from the department you put out an advertisement for a certain position with all the qualifications and all the requirements for that position placed in that advertisement. It is made public and the applicants apply. I take it in every case due consideration is given to what the position would require. Having done so do you not think it is rather dangerous—in the case of an appeal—for you as a commissioner to change that and say, "Well, we made a mistake; this, that and the next thing should be in there now", and put in requirements of your own?—A. I think the main purpose of the board and the main purpose of the commission in dealing with a promotion is to arrive at a just decision, and any consideration of facts that will bring about a just decision is a wise course to take.

Q. That is an answer and is not an answer.

By Mr. Gibson:

Q. Would you not think that probably the deputy minister should be the one to suggest the qualifications, knowing what he requires?—A. That is the case. The deputy minister does set the qualifications.

Q. Did the deputy minister in this case alter the qualifications as has been suggested by the minister?—A. Right.

Q. Did the deputy minister alter them or the Civil Service Commission? Did the Civil Service Commission alter the qualifications or did the deputy minister?—A. The qualifications as set by the department are investigated by the commission to make certain they are exact statements. Errors may occur in making statements. That is the purpose of the investigation.

By Mr. Reid:

Q. Did the Civil Service Commission go back to the minister or deputy minister in this particular case after the appeal board—

The CHAIRMAN: What particular case are we talking about?

Mr. REID: We are talking about the case that was brought up in the House by Mr. Harkness and dealt with later by the minister. There is only one specific case before the committee. I am rather surprised that you should ask me what case we are dealing with. I really am.

The CHAIRMAN: I need it for the purpose of the record, Mr. Reid.

Mr. REID: We are only dealing with the one case. I read specifically from *Hansard*. We are dealing with the particular case brought up by Mr. Harkness and which necessitated the witnesses we have here this morning. I asked Mr. Bland when the report was made to him by the appeal board did he then find out there was a further requirement suggested by the appeal board which was necessary or in line with the position?

The WITNESS: Certainly.

Mr. REID: If so where did he get the information?

The WITNESS: The matter of the appeal board report, of course, was discussed by the commission with the officers of the department.

By Mr. Reid:

Q. Then the officers of the department must have O.K'd it.—A. The officers of the department first furnished the qualifications. When the appeal board made its report alleging certain inaccuracies, the Civil Service Commission discussed the appeal board report with the department.

I should like to say here, Mr. Chairman, that I am quite glad to answer any question the committee wants to ask me, but I think it is only fair to the committee to say that at the present time this case is before an appeal board for consideration, and I would hope that board would be permitted to furnish its findings before there is a discussion.

Q. As far as I am concerned I am willing to abide by that statement. I trust that no question I have asked will be detrimental or unfair in any way with regard to the deliberations of the appeal board. I will come back to the general principle of procedure on appeal boards. I still have not got a clear answer—it may be my fault—as to how you carry out an action of this kind, how it is really carried out.

Mr. HARKNESS: In connection with your last statement I understood—

The CHAIRMAN: Did you ask a question, Mr. Reid?

Mr. REID: I do not think Mr. Bland has made it very clear as to who assumes the entire responsibility. Does the Civil Service Commission assume the entire responsibility for a change?

The WITNESS: The appeal board assumes responsibility for its own report. The Civil Service Commission assumes responsibility for any action that is taken on that report.

By Mr. Reid:

Q. That brings up another point. Is the commission bound to follow the appeal board's recommendation?—A. No.

By Mr. Richard:

Q. A report is made to you by the appeal board and you may adopt it, reject it or follow whatever course you choose?—A. Alter it in part or in whole or not at all.

Q. There is no finality to it? You are not bound by it?—A. No.

By Mr. Case:

Q. In other words, you can disregard the decision of the appeal board entirely?—A. Exactly; it is advice to the Civil Service Commission.

By Mr. Reid:

Q. Is the Civil Service Commission not entirely responsible for the whole affair? Are they not the bosses of the appeal board?—A. The commission is responsible for selection as to appointments. We ask the appeal board, however, to ascertain the facts, and to investigate the facts in an entirely impartial and independent manner. When we get their report it is our responsibility as to what action is taken upon it.

By Mr. Harkness:

Q. You said a moment ago that in this particular case of Mr. Pratt's, the appeal board was sitting at the present time. There was an account in the *Ottawa Journal* of February 17, which indicated that the appeal board had already finished sitting that day. In fact, the account is headed, "Appeal board cancels Pratt appointment". Is there another appeal board sitting on this thing?—A. No, in answer to your question—

Q. Or is this the same appeal board?—A. It is the same appeal board. If I give you detailed information in answer to your question, I am afraid it brings me into the field of discussing what the appeal board is doing at the present time. I think the committee would agree that it is desirable that the appeal board feel it is a free agent to act as it sees fit.

By Mr. Reid:

Q. Are there any or many appeals in which you do not concur?—A. Yes. Last year, we heard about 200 appeals. I think in about 10 per cent—no, less than 10%, about 5% of those cases we found there had been a misunderstanding or a misapprehension or error of some kind and remedial action was taken. We occasionally get reports from appeal boards with which we find ourselves unable to agree. Generally speaking, the appeal board makes a good job of it. It is because we want this appeal board to make a good job and I would prefer not to discuss it at the moment.

By Mr. Harkness:

Q. Just to clear up what is happening, Mr. Bland, you say that this is the same appeal board which is reported as having brought down its findings on February 17?—A. The appeal board held one session and adjourned for further evidence. It is meeting again with that fresh evidence before it. Does that answer what you had in mind?

Q. It does not necessarily answer it because as I say, this report is headed, "Appeal board cancels Pratt appointment".

The CHAIRMAN: That is a newspaper report.

By Mr. Harkness:

Q. Is that report incorrect? It is a report appearing in the newspaper and I am asking if that report is incorrect?—A. I would prefer not to discuss newspaper reports of the actions of the appeal board until the appeal board has held its sittings.

Mr. CASE: The report must either be correct or incorrect; that is just a statement of fact.

The CHAIRMAN: I do not think we should ask this witness to determine the correctness or incorrectness of a newspaper report on a matter with which the appeal board is now dealing.

Mr. CASE: Leave the newspaper out of it, then.

The CHAIRMAN: I think we are agreed that the witness has given a fair answer. We must consider that this is the same as a court case and we should not be discussing a matter which is *sub judice* at the present time. I do not think we should be discussing what the appeal board might find. I was brought to task this morning for having done a similar thing.

Mr. HARKNESS: According to the reports to which publicity has already been given the appeal board made a finding. Now, I think this committee is entitled to know whether that is correct or not.

The CHAIRMAN: I think the witness has already said that the appeal board has not made a finding.

Mr. HARKNESS: The report says that the board did make a finding and I think the committee is entitled to know whether it did or did not. I take it that probably, the situation is that the matter has been re-opened.

The WITNESS: No. I think that is a fair question, Mr. Harkness. The appeal board has not made a final finding. It made an interim finding and it is continuing its investigations.

Mr. MATTHEWS: I think Mr. Bland has gone sufficiently far in this matter to satisfy everybody. The matter is now before the appeal board and, certainly, we should not question him on reports appearing in the newspaper until that board has finally reported.

Mr. HARKNESS: So far as reports appearing in the newspaper are concerned, I think every member here has used reports appearing in the newspaper as a basis for questions to a minister in the House of Commons. It is the most common thing in the world. There should not be any objection to the using of newspaper reports as a basis for questions here.

The WITNESS: My point is this; if the appeal board had completed its determinations, had made its report to the commission, I would have no objection whatever to putting on the table everything that any member of the committee might want. However, while the appeal board is sitting I think it is undesirable we should be discussing the very thing that board is investigating.

Mr. HARKNESS: I am quite satisfied with your last answer, Mr. Bland. What I wanted to get at was whether this appeal board has made a finding or not. You say it did not, but it made an interim finding and it is now holding another meeting in order to come to a final finding. I am quite satisfied with that answer.

Hon. Mr. JOHNSTON: In view of the fact the appeal board handling this case is still working on it, we had better adjourn this whole proceeding until the appeal board has handed in its final report. We cannot get full information with regard to the matter while that appeal board is still sitting.

By Mr. Reid:

Q. There are a few questions I should like to ask Mr. Bland. Can an appeal board enlarge the duties of a position without first of all receiving the sanction of the Civil Service Commission?—A. The appeal board, Mr. Reid, can neither enlarge nor diminish the duties of a position. All it can do is ascertain the facts.

Q. That is a fair answer. My second question is this; has an applicant who is rated first in an examination and then, on an appeal heard by the appeal board, is placed second the right to appeal? You can see very easily why he should have?—A. You can be legal or you can be practical, as you remarked a few minutes ago, Mr. Reid. I would like to be practical in my thinking so far as this is concerned.

Q. I am rated first. Then, the appeal board raises the duties and I am ranked second. I want to go before the appeal board and the commission with my case; that is a practical question?—A. I would say the basis of operations in the mind of the parliamentary committee when they set up appeal boards and in the mind of the commission ever since has been an endeavour to bring about more just treatment. If any candidate has a legitimate claim to show injustice, the commission always wants to hear it. Obviously, however we cannot go on holding appeal after appeal or we would never get things finalized. So long as there is a claim of injustice the feeling of the Civil Service Commission is that we want to hear it and have it investigated.

By Mr. Castleden:

Q. If the appeal board makes its report to the Civil Service Commission and either the appeal board or the commission alters the qualifications, is the position again advertised with the new qualifications or does the commission go ahead and make an appointment?—A. May I make a comment on that? Neither the appeal board nor the commission alters the qualifications. What they try to do is to ascertain whether the original statement was a fair statement of the qualifications. What are the real qualifications? That is the purpose of any investigation that might be made. If the qualifications are found to be unfairly stated the first time, we try to get them right the second time.

Q. There was no altering of qualifications in this case?—A. There was no altering of qualifications, as I see it. The appeal board felt the qualifications as advertised were not the qualifications in the minds of the departmental officials who testified before the board. There seemed to be two separate positions involved, one being the one which was advertised and the other being the one which certain departmental officials felt was the real position. That misapprehension, the appeal board attempted to clear up.

By Mr. Case:

Q. Is the position then advertised with the revised qualifications?—A. Yes.

By Mr. Harkness:

Q. In following up what Mr. Castleden and Mr. Reid have said, has any appeal board ever altered any qualifications, to your knowledge?—A. I can recall several instances where the appeal board reported that the qualifications as advertised did not appear to be proper for the job in question.

Q. They did not alter them?

The CHAIRMAN: The appeal board has no power to alter them.

By Mr. Harkness:

Q. They just state the advertisement, in their opinion, was not a proper advertisement?—A. Yes.

By Mr. Bryce:

Q. You explained to the committee what took place with regard to the local situation?—A. Yes.

Q. For example, in Winnipeg, you have your Civil Service Commission which conducts an examination. Is that final?—A. Well, it may or it may not be. I will have to explain what I mean by that. For certain types of position, we give full authority to the Winnipeg office to make a selection. In other cases,

we ask them to hold an examination for further consideration by headquarters. In the one case, it would be final and in the other case it would be for further consideration.

Q. What makes the difference?—A. Our Winnipeg office is a fairly small office at the present time. For most positions, the ordinary run-of-the-mine positions, it can do a very good job. For certain technical positions we would need to have a more technical examination and, in those cases, we would ask to have the Winnipeg report sent to Ottawa.

Q. Then, who alters it here?—A. No one necessarily alters it at all. It is not for the purpose of altering it, it is for the purpose of ascertaining whether the rating or scoring done by the Winnipeg office was sufficiently accurate to be taken. It would probably be accepted. If there is nothing wrong with it, it will be accepted. It is not for the purpose of altering it, it is only for the purpose of making sure of it.

By Mr. Reid:

Q. Do all appeals from the appeal board come before the three commissioners or before you, personally?—A. The report of the appeal board in each case is seen by the three commissioners.

By Mr. Bryce:

Q. It would appear as though anything which is not satisfactory to Ottawa could be changed?—A. No, that is the last impression I would want to give.

Q. That is the impression I get. If you hold an examination in Winnipeg or Calgary for a local position and you do not like the results, then you bring it to Ottawa and change it to suit yourselves?—A. I would invite you to come down to the commission offices and we would put every file in front of you. If you can find one case like that—

Q. Do not tempt me?—A. You are welcome. Let me tell you what I mean. I have not made myself clear. The Winnipeg office is a field office whose duty it is to supply appointees for positions in the province of Manitoba. We have every confidence in them. We give them standards to which to work. We give them the fullest possible authority. In certain instances however—for example, if we were appointing a headquarters officer with high technical qualifications, would ask our Winnipeg office to do part of the work, to hold some examinations. Another part of the work may be done somewhere else, in British Columbia or elsewhere. Reports on all these operations come to Ottawa for final evaluation.

Q. Do you always lean backwards to give a vet. the job?—A. Yes, if he is able to do it.

By Mr. Harkness:

Q. In connection with these reports of the appeal board, they go to the Civil Service Commission for their action. Does a copy of the report also go to the department concerned?—A. A copy of the appeal board report goes to each member of the appeal board in the first instance. The report is finally adjudicated upon by the Civil Service Commission. A copy of the commission's decision is then sent to the department. I do not think we then send them a copy of the appeal board report because, I presume, they would already have it from their own officer. There is no objection to it going to them.

Q. In other words, their own officer being there, he takes it back to the department and it becomes part of their departmental files?—A. That is right.

Q. This particular appeal board which is now sitting in regard to the appointment of a superintendent general for Indian agencies— —A. A general executive assistant, under the present title.

Q. When was the job readvertised as a general executive assistant rather than as a superintendent general of Indian Agencies?—A. I cannot recall the date without the file, but it would be within the last two months I should think.

As a matter of fact, I do not think it was publicly advertised. I think the applicants in the first competition were advised that they would now be considered for the position of general executive assistant. I would say that happened within the last two months.

Q. This appeal board which is now sitting is sitting as a result of an appeal from those refused men on this new classification or new name?—A. Yes.

Q. When will that appeal board be finished its sittings?—A. I should think it should be finished very shortly; I hope it will.

By the Chairman:

Q. It is up to the board?—A. Yes, they have their findings to make on the investigation, but we hope to have a report very shortly.

By Mr. Harkness:

Q. What do you mean by "shortly"; within a week?—A. Yes, I should think so.

Q. The point I am trying to ascertain is when we will be in a position to go ahead and ask further questions. You do not feel you can go ahead while this matter is before the appeal board?—A. I hope you do not think there is any reluctance on my part to answer the questions of the members of the committee. I merely feel that the appeal board should be able to go ahead with its investigations without any outside discussion taking place concerning the matter which is before it. I will advise the committee as soon as the appeal board report is in.

Q. May I ask, between the time this appeal board sat before—which was the 17th, I think, of last month—and the present time when it is sitting again, has there been any re-rating or reclassification of the applicants for that position?—A. Well, that is a question, Mr. Harkness, I would prefer not to answer until the appeal board reports as it involves a procedure which the appeal board itself is investigating.

By Mr. Castleden:

Q. The appeal board has only the power to find the facts?—A. Yes.

Q. It could not alter the facts?—A. No.

Mr. HARKNESS: I do not see how that alters the facts, that no other rating has been made.

The CHAIRMAN: When you have a report made to us after the matter is "finalized", you can discuss these questions. Why should we press the matter now?

Mr. HARKNESS: There is this point which occurs to me; this particular appointment was brought up in the House of Commons and there was a discussion about it. Then, this investigation or enquiry by this committee was moved. Now, between the time those two things were done, according to the newspaper report, the appeal board made a ruling. Now, we find the appeal board—

The CHAIRMAN: That has been changed.

Mr. HARKNESS: Now, we find the appeal board has given only an interim finding and it is meeting again. This has happened in this interim of ten days or two weeks. What I am interested in knowing is whether there was or is any effort to circumvent this committee by presenting what you might call a *fait accompli* by the time this committee got down to the matter.

The CHAIRMAN: After all, this committee is going to govern its own procedure. After the manner is "finalized", then you can examine it to your heart's content.

Mr. HARKNESS: I just wanted to bring up that point.

The WITNESS: Mr. Harkness wants to have a definite answer as to whether or not any attempt has been made to circumvent consideration by this committee. I would say emphatically no. Once the matter has been dealt with by the appeal board, we will be only too happy to bring everything before the committee; that is, so far as the Civil Service Commission is concerned.

By Mr. Harkness:

Q. I am very glad to hear you say that. I thought I should put that before you.—A. My only reason for hesitating in answering some of the questions is that I feel the appeal board should have a fair chance to give consideration to the matter without outside discussion going on.

Q. The point is that outside discussion has already taken place?—A. Even so, I think the appeal board will do a better job if there is no outside discussion.

Mr. REID: I would move that this matter be postponed until the appeal board has reported. Then, we can discuss the matter intelligently. If it is *sub judice* now, we should not discuss it.

The CHAIRMAN: Is it your motion that Mr. Bland step down for the time being?

Mr. REID: That is right.

The CHAIRMAN: And we proceed with this matter at a later date at a special session?

Mr. REID: That is right.

Mr. GIBSON: I second the motion.

The CHAIRMAN: All in favour?

Mr. CASE: I think I should be privileged to ask Mr. Bland a few questions while he is on the stand. Everybody else has had a chance and now that the most inquisitive members are finished, they want to cut off the discussion.

The CHAIRMAN: I should like to give you an opportunity of asking your questions.

Mr. GARIEPY: Let Mr. Case put his questions.

By Mr. Case:

Q. I wanted to ask the witness whether the Civil Service Commission has the privilege of making appointments on its own?—A. Yes.

Q. Now, did you ever appeal to the appeal board yourself or does the appeal always come from the candidate?—A. I cannot recall a case in which it has not, Mr. Case, but I would not state there was not a possibility. After we have made a selection we might want to make a further investigation. However, I do not recall such a case and in every case the appeal has come from the candidate.

By Mr. Harkness:

Q. Just on that point, do the departments concerned ever refuse to accept your appointment?—A. Yes, they have the right to do so under the law. The law provides that the appointment by the Civil Service Commission may be rejected by the department.

Q. What happens in that case?—A. The next person is appointed.

Mr. REID: And the government takes the responsibility.

The WITNESS: Yes.

The CHAIRMAN: All in favour of the motion now before the committee? Contrary?

Carried.

Thank you very much, Mr. Bland. We appreciate your coming here today. Will you hold yourself in readiness to be recalled?

Is it your pleasure now to hear Dr. Keenleyside?

All in favour? Contrary?

Carried.

Dr. H. L. Keenleyside, Deputy Minister, Department of Mines and Resources, called.

The CHAIRMAN: Dr. Keenleyside, among other things, has administrative control of the Indian Affairs branch of the Department of Mines and Resources.

By the Chairman:

Q. Dr. Keenleyside, would you care to say anything in connection with this matter?—A. May I first of all say that I appreciate the opportunity of appearing before the committee. I know I am speaking for all the members of the department, and particularly for the members of the Indian Affairs branch, when I say that the appointment and the work of the committee is, in our view, the best thing that has happened in the administration of Indian Affairs in Canada over the last generation; we are hoping to have action as the result of the work of the committee which will change the whole complexion of the administration of Indian Affairs.

I would like, Mr. Chairman, if I may, to make a very brief statement with regard to the case that has been up this morning. My reasons for asking are these: ever since the matter first appeared in the newspapers and was first discussed in parliament I have been asked by members of parliament and by members of the press and by others for a statement as to what has been going on. The suggestion has been that as the executive officer in charge of the department I must have known what was happening in connection with this matter, and that I am the one who should be making a statement about it. I have refused up to the present to say anything about it to the members of the press or to others, because it seemed to me that the proper time to make such statements was when I came before this committee. However, I feel very strongly that on my first appearance before this committee, when such charges have been made in regard to the administration of the department, I should be permitted to make a statement about this particular case; and with your permission, sir, I should like to do so.

The CHAIRMAN: Is there any objection to Dr. Keenleyside making a statement? Very well, carried.

The WITNESS: Since the 15th of March, 1947, I have been the officer responsible, under direction of the minister, for the administration of the Department of Mines and Resources. This covers all units of the department, including the Indian Affairs branch.

In connection with the proposed appointment of Mr. Ford Pratt, therefore, I must and I do accept full and exclusive responsibility for any administrative action taken by the department during the last year. I should like my acceptance of this responsibility to be as clear as words can make it.

With this by way of introduction I would like to refer briefly to certain aspects of the case which require clarification.

To begin with, may I say that I dislike exceedingly the necessity of discussing in public, and particularly in the newspapers, the comparative merits and abilities of officials in the public service. I shall keep what I have to say in this connection to a bare minimum, but in view of what has already been said in parliament, in this committee, and in the press, I cannot avoid some comment.

First, as to Mr. Randle. It has been suggested that this officer of the department and candidate for appointment as general executive assistant has been badly treated. The impression has been created that he was recommended

for appointment by the Civil Service Commission and that he was improperly deprived of the appointment.

None of this is true.

Mr. Randle was never, at any time, recommended for this appointment by either the commission or the department. There was never, at any time, the slightest chance of his being appointed. He did not stand second in the competition. He was eighth. Acting quite within his rights, he twice appealed against the decisions in favour of Mr. Pratt by the Civil Service Commission. His first appeal was thrown out. The second has not yet been dealt with. Mr. Randle has had every possible consideration.

I turn now to Mr. Pratt.

During the past two or three years—both before and after I succeeded my distinguished predecessor, Dr. Camsell, as deputy minister—the department, with the assistance of the Civil Service Commission, has been making a most vigorous effort to improve the organization and to raise the standard of the personnel in the Indian Affairs branch. The existence of this parliamentary committee and the interest and advice of its members have been an inspiration to the officers of the department in their efforts to carry out these essential reforms.

Shortly after I joined the department I was told of the proposal to appoint Mr. Pratt to the post of general executive assistant in the Indian Affairs branch.

May I interject here that the date on which that title was introduced was not, as has been suggested, two or three months ago; it was the 27th of May, 1947.

I had known Mr. Pratt for many years and had a very high regard for his abilities. After carefully examining the record I wrote to the Civil Service Commission and asked that action be taken to bring this matter to a conclusion by confirming Mr. Pratt's appointment. Shortly thereafter it was suggested by the members of the commission that this appointment might be held in abeyance until a decision had been reached in connection with one or two other senior appointments which were under consideration. To this I agreed. During the following four months, by study of the situation in Ottawa and by examination of conditions in the field (where I visited over twenty reserves and a number of Indian areas in the Northwest Territories and the Yukon), I sought to extend my knowledge of the service and its personnel. When I returned to Ottawa we gave immediate attention, with the assistance of the Civil Service Commission, to the problem of appointments in the Indian Affairs branch.

Supported by what I had learned in the interim I again recommended that Mr. Pratt's appointment be confirmed. My reasons for this recommendation were the following:

1. As private secretary to the minister and as chief of personnel in the department, Mr. Pratt had had long experience in dealing with Indian matters, and with the personnel of the Indian Affairs branch, both at Ottawa and in the field.

2. He knew personally a great many of the Indian agents, had visited many of the reserves and had assisted the minister in dealing with Indian complaints.

3. He had had a long experience of successful and devoted activity in the public service.

4. He was a man of humane instincts, of fine intelligence, and of unquestioned integrity.

These were my reasons, and my only reasons.

I make no apologies for recommending that Mr. Pratt be appointed to the post of general executive assistant. I only regret that action has been so long delayed, and that this fine officer should have been subjected to the indignities of the last two weeks. I hope that the appointment will now soon be made. Mr.

Pratt will be a great asset to a branch that badly needs the qualities that he can bring to its service.

May I now refer to what seems to me to be the most serious aspect of the recent developments in this case? It is quite clear that on two different occasions a person in a position to know what was being done or discussed in connection with the appointment has made confidential information—including a document from a Civil Service file—available to a representative of the press. This is a serious charge, but the facts are quite plain. I assume that the Civil Service Commission which, I am satisfied, is not in any way responsible for what has happened, is taking the necessary steps to place the responsibility where it belongs. Until the person responsible for this outrageous act of bad faith has been located and named—and this should not be a very difficult task—everyone else connected with the case will be unjustly under suspicion. In my opinion, when the responsibility has been fixed, steps should be taken to ensure that the person concerned shall never again, under any circumstances, be allowed to participate in activities under the control of the Civil Service Commission.

Having thus clarified my position in relation to the problem under review I am glad to place myself at the disposal of the committee.

Mr. HARKNESS: Before I ask any questions in regard to what Dr. Keenleyside has said, I should like to make a short statement myself. Now, in the first place, there seems to be—

The CHAIRMAN: Is that agreeable to the committee that Mr. Harkness shall make a statement?

Agreed.

Mr. HARKNESS: The inference in bringing up this case is that I was attempting to attack Mr. Pratt, or something of that nature. Nothing has ever been farther from my thoughts. The inference is contained in what Dr. Keenleyside has said, and it was definitely stated in the House by the minister. I would like to make it absolutely clear once again—and I will repeat what I said at that time—that I have a high regard for Mr. Pratt; I have nothing in the world against him. My purpose in bringing the whole matter up was to try to see that the recommendations of this committee were being carried out in the first place; and, more important than that, that such appointments as are being made are best for the Indian service, and that the men who are most experienced and best qualified to carry out the work will get the jobs.

Now, in the second place, the inference has been given—as a matter of fact the statement was definitely made, without turning it up in Hansard—by the minister, that I was acting on behalf of Colonel Randle.

I would like to state very definitely that I have never seen Colonel Randle; I have never had a letter from him; I have never talked to him on the telephone; I know absolutely nothing about him except that he has been on the Six Nations reserve for a number of years. I may say that my information—all the information I have got, some of which it turned out was not correct in connection with this case—came from a totally different source, and Colonel Randle has nothing to do with it. I have never had any idea of acting on his behalf, and I am not now doing so. I should like to make that abundantly clear.

Now, I disagree completely with what Dr. Keenleyside has said that the most important and serious aspect of this subject is that a document which was supposed to be confidential got into the hands of the press. In my opinion, that is a very minor matter in comparison with the welfare of the Indians which this committee has been set up to investigate; I think much the most important factor of this whole case is whether this or any other appointment is the best one that could have been made, having the welfare of the Indians in mind. This matter which Dr. Keenleyside stresses as being so important, I think, is of very little importance in comparison with the other; and it is from that point of view

that I think we should be investigating this whole question—particularly investigating the entire question of administration and personnel of the Indian Affairs branch.

I should like to refer again to my resolution which contains, in the last part, these words: "to ascertain the extent to which the above or any other of our previous recommendations concerning administration and personnel in Indian Affairs have been implemented; and if not, why and by whom the said recommendations were frustrated and thwarted."

The case of Mr. Pratt is entirely incidental to that. I brought that case up because, as every member of the committee knows, it is extremely difficult to lay one's hands on a definite case. I happened to lay my hands on that particular case, and I brought it up as a matter of illustration. I think we can, when this appeal board has quit sitting, very well prosecute that as a definite example of whether recommendations are being carried out or not.

Now with that preamble, I should like to ask Dr. Keenleyside one or two questions?

The CHAIRMAN: Now, do you not think that in view of the fact that two personalities have been brought into this discussion that we could very well be rather guarded in our questions with regard to people and persons, and especially in the one case which is now, as Mr. Bland says, before the appeal board. We could go on indefinitely where other people and other positions are concerned—people who are not in a position to come here and defend themselves. Now, do you not think that under those circumstances—we have a great deal more to do with respect to the recommendations of this committee to parliament—I suggest to you that we now proceed with the other matters which were recommended by us to parliament and very well leave out personnel matters of Indian administration.

Mr. HARKNESS: Mr. Chairman, I do not want to go into personnel matters, and I would like to point out to you that I did not bring this case up again; it was brought up by Dr. Keenleyside; and in view of his statement I thought I should make a statement to make my own position clear.

Mr. RICHARD: How far are we going to go into this matter?

Mr. HARKNESS: In connection with the general question contained in this resolution, while I agree with Mr. Reid that we must get this Act completed this year, nevertheless I think an investigation of this kind into whether our past recommendations are carried out is fully as important if not more so.

The CHAIRMAN: I agree. That is what I want to get on with.

Mr. HARKNESS: Now, I wish to refer to the evidence of last year at page 1942, where Mr. Hoy makes this statement:

It is my hope that next year the committee will undertake and complete the revision of the Act. The longer I remain in the Indian service the more I am convinced that it is largely an administrative problem. I cannot see—for the life of me—at the moment, how you could revise the Act, or in what way you could revise it, that would mean much to the Indian population in the absence of sound administrative effort. I would say offhand that ours is about two-thirds an administrative problem and perhaps, about one-third a legislative problem.

Now, in view of that I think it is fully as important that we should look into the way in which the administration has been carried on and particularly to inquire into the extent to which our recommendations have or have not been implemented.

The CHAIRMAN: That is agreed. Let us get on with it.

Mr. HARKNESS: I would like to ask Dr. Keenleyside—

The CHAIRMAN: We have made certain recommendations; let us take them in order.

Mr. HARKNESS: These questions will be in regard to the recommendations we have made.

The CHAIRMAN: Can we not take these in order? You have got them now, 1 to 26 of the recommendations made last year, for instance. Let us see what has been done.

Mr. HARKNESS: That is what I am going to proceed to do.

Mr. BLACKMORE: Is there any reason why Mr. Harkness should not be permitted to ask his questions?

The CHAIRMAN: I see no reason at all, except that I want to get this matter if possible, through today, without getting into a lot of personalities.

Mr. CASE: I would like to hear Mr. Harkness and we are interrupting him.

By Mr. Harkness:

Q. My first question, then, is: what proportion of your time is given to the Indian Affairs branch?—A. I think that is an impossible question to answer, Mr. Chairman. On some days or some periods of time I am devoting practically all my time to Indian Affairs. At other times I am not doing it at all. It depends on what matter is of most importance on which I put in my own time.

Q. Do you consider that you can devote a sufficient amount of your time to Indian Affairs work in view of the work of the many branches of your department?—A. In view of the fact that the Indian Affairs branch has got a director who devotes all of his time to that work, the question is really a matter of whether the director is competent or not. In my opinion the director at the present time is a very competent officer, and as far as I am concerned I go into Indian Affairs matters when he brings them to my attention and feels that it is necessary to do so.

Q. Have you studied the reports of this committee for 1946 and 1947?—A. Certainly.

Q. When did you first read them?—A. I am sorry, Mr. Chairman, I am afraid my memory does not go back —

The CHAIRMAN: I think he said he had read them.

By Mr. Harkness:

Q. I asked the question. It is definitely a proper one.—A. If I get the point of your question, I may say that I read them some considerable time ago.

Q. In connection with the general one in 1946, then: "The hearing of departmental officials has disclosed the necessity for certain immediate administrative improvements which can be effected without the revision of any existing legislation, and which, when put into effect, will remove some of the causes out of which have arisen grievances and complaints of many Indians."

The CHAIRMAN: Which one is that?

Mr. HARKNESS: This is the first general part of our 1946 report. It is found in No. 21 of the proceedings.

Mr. REID: Has this any bearing on this evidence?

Mr. HARKNESS: Yes.

The CHAIRMAN: What he is dealing with are the recommendations which had been made in our third report, dated the 13th of August, 1946. This is the preamble. My own thought would be to get down to cases.

The WITNESS: I wonder if I might make a brief suggestion in connection with what Mr. Harkness asked as to whether I had read the reports or not? I not only read the reports, but I have studied the recommendations that were made with a great deal of care; and also the steps that have been taken as a

result of those recommendations. I quite agree that the desirable way to handle these matters is to take them up one at a time and ask me or the other officers of the department what has been done about them. As a result of my study of the matter a general summary has been made showing the number that have been carried out and the number that have not. If you are interested in hearing them.

The CHAIRMAN: Would that be agreeable?

Mr. REID: Personally I am very much concerned with the statement made by Dr. Keenleyside because I was one of those who raised the point about the recommendations. Before we leave this,—and so that the record may be kept straight and we are not jumping from one thing to another,—I should like to ask Dr. Keenleyside a question on the statement he made a few minutes ago. I should like to do that before we proceed with the recommendations. If we go on with the recommendations and then jump back, the record will not be clear. He made a statement regarding this case under discussion which was mentioned by Mr. Harkness in the House. Then Mr. Harkness proceeded to ask him some questions. I should like to ask him one question regarding it before we move on to the recommendations. I think that is only fair so that the record may be kept clear.

The CHAIRMAN: Is that agreeable?

Carried.

By Mr. Reid:

Q. My question is this. While I agree with much of what Mr. Harkness has said I cannot agree with him on the matter of "stealing" a document. I take that as a very serious thing. My question is what steps, if any, have been taken to find the culprit because if valuable documents can be mishandled in that way no documents are safe around Ottawa.

The WITNESS: I am afraid my answer must be that that is a matter for the Civil Service Commission; that while we are anxious to assist in it it is the responsibility of the Civil Service Commission to find out why the regulations of the commission have not been carried out in this particular case.

Mr. REID: Later on I will ask Mr. Bland that question, but I agree it is a rather serious matter when a valuable document can disappear.

The CHAIRMAN: Would it be agreeable to allow Dr. Keenleyside to give us the information he volunteered?

The WITNESS: This is a very brief summary made up because of the suggestion that has been made that the recommendations of the committee had not been attended to by the department, it even being suggested in certain cases that we had paid no attention to them at all. In general, of course, I do not think it is necessary to say that that is not true. We are just as much interested in these recommendations as the members of the committee are. We are very much pleased that the recommendations were made, and are doing our best to carry them out.

This is a summary of the 10 recommendations in 1946 and the 26 recommendations in 1947. There were 2, one in each set, that overlapped, and in consequence there was a total of 35 recommendations. Of those 35 there were 11 that were matters of government policy over which the department had no control, or else were matters relating to the procedures of the committee itself, or else referring to some department other than the Department of Mines and Resources. There are 11 in that category. That left a total of 24 recommendations on which the department was more or less free to act. I say more or less because in certain cases action depended on other departments or on the Civil Service Commission as well as on our own department.

Of those 24 there are 18 that were carried out, or are in effect. There were 4 that were partially carried out or are partially in effect, and there

were 2 that have not been acted upon. Instead of being delinquent on the whole 35, as has been suggested, the department failed to act on only 2 recommendations, and I am prepared to explain the failure on those two. In other words, in the relatively short time that has elapsed since the 1947 report of the committee the recommendations, with 2 exceptions, have been carried out as far as the department is concerned. It seems to me that is not a wholly unsatisfactory report.

Mr. REID: Would you see that a copy of that statement is sent to Senator Crerar, in my name?

Mr. HARKNESS: We are going to particularize—

The CHAIRMAN: Could we say that we are not interested in those that have been carried out?

Mr. HARKNESS: No, we are interested in them all.

The CHAIRMAN: I mean so far as questioning is concerned. Are you interested further in those recommendations that have been carried out?

Mr. HARKNESS: I do not think we are prepared to accept that they have been carried out. At least, I am not, as yet.

The CHAIRMAN: What is your pleasure, to take them individually?

Mr. HARKNESS: I think so.

The CHAIRMAN: Let us take number one. Shall we start with number one of 1946?

Mr. CASE: Is the chairman going continually to interrupt questioning of the witness? There has been constant interruption. We are not going to get anywhere. I say that with all due respect.

The CHAIRMAN: The committee is going to govern its own procedure.

Mr. REID: In fairness, I think we are somewhat away from Mr. Harkness' case and are now dealing with our recommendations, a matter that I brought up.

Mr. CASE: Mr. Harkness was still questioning.

Mr. REID: If you look at my motion it is, as I said a while ago, to ascertain the extent to which our previous recommendations have been carried out. Why not let the witness proceed and tell us about the recommendations?

Mr. HARKNESS: Certainly I want to have them particularized.

The CHAIRMAN: I have been charged with having interfered with members of the committee. Maybe I have. I do not deny it because I am trying to get the affairs of the committee completed, and I have to occasionally crack the whip. I do not intend to be discourteous to any member, and if I am, I am sure that members of the committee will reprimand me in the manner in which only they can do.

Shall we say that each member of the committee will have a certain time within which he may be permitted to ask questions, as we did last year, so that we may be fair to all members of the committee, or shall we go on with this examination not only today but tomorrow and every other day?

Mr. GRIEPEY: I suggest that we let Mr. Harkness proceed.

Mr. BLACKMORE: Hear, hear.

Mr. GRIEPEY: If we start going around the table it will take more than today.

Mr. RICHARD: It seems to me that the point that Mr. Harkness wishes to bring out is that he takes exception to the statement made by Dr. Keenleyside that these recommendations have been carried out. If Mr. Harkness will deal with them one by one he can point out the ones he thinks have not been adopted.

The CHAIRMAN: I want to be fair to all members of the committee and to give them each an opportunity to submit such questions as he wishes to the witnesses before us today. If that is your pleasure you will be the ones who will be making the rule, not I.

Mr. BLACKMORE: It seems to me Mr. Harkness should be permitted to proceed. I am not prepared to recommend that he should take all his points first. It may be it would be a good thing for him to take the first one and say what he has to say, and then let other members ask questions on that one.

Mr. REID: Would it not satisfy the committee if the witness made a complete statement as to the recommendations that have been carried out, taking our recommendations made in 1946 and 1947, and then allow Mr. Harkness to question him on those that were not carried out? I think the committee then would get somewhere.

The CHAIRMAN: I did not quite catch that.

Mr. HARKNESS: I think we should proceed with these one at a time and have whatever questioning there is by myself and everyone else on the recommendations as we deal with them.

The CHAIRMAN: Mr. Reid, of course, was the one who brought this up, in his motion.

Mr. HARKNESS: If you will read my motion you will see that is the very essence of it.

The CHAIRMAN: Let us get on with it. I am not going to argue. What is your suggestion, take them up one by one?

Mr. REID: My suggestion is that Dr. Keenleyside be allowed to make his statements as to the recommendations that have been carried out and those that were not carried out, and that following that we allow Mr. Harkness to ask any questions he wants to ask.

Mr. GARIEPY: I modestly suggest that is the wrong approach to the problem. We are not dealing now with what the government did or did not do or what the department did or did not do. We have made no final report. It just happens that one of the members of this committee has a grievance and he put it in the shape of a motion.

The CHAIRMAN: Two members.

Mr. GARIEPY: I am speaking of the one now. We can deal with one or the other or both at the same time. It does not matter, but let the two members proceed with their grievances. Then we will have the reply and be done with it.

The CHAIRMAN: Is that agreeable to the committee?

Mr. HARKNESS: I suggest we would save more time if we took these up one at a time. Then everybody who wishes to ask any question on the recommendation that we are dealing with can ask it at the time that we are dealing with it instead of going back over it time after time.

The CHAIRMAN: Is that agreeable to the committee?

Mr. BLACKMORE: And that Dr. Keenleyside be given a chance to make any comment.

The CHAIRMAN: Is that agreeable?

Carried.

Mr. HARKNESS: I think the first four recommendations of 1946 are not ones about which the department could have done anything. Then we come to No. 5.

That the director of Indian Affairs branch, Department of Mines and Resources, in conjunction with the Civil Service Commission and the Treasury Board, take immediate steps to fill such vacant key posts as Indian agents and such other vacancies in Indian Affairs branch which, in the public interest, must be filled forthwith.

Mr. REID: What is the number?

Mr. HARKNESS: No. 5 of 1946.

The CHAIRMAN: Dr. Keenleyside, would you care to comment on that?

By Mr. Harkness:

Q. What has been done in that regard?—A. That recommendation has been carried out, with the exception of one Indian agent appointment which remains unfilled. That is the Tyendenaga agency in Ontario. It is intended to fill it, but the man who is to be appointed to it, if our plans go through, is ill, and we are waiting for his recovery. Otherwise the recommendation has been carried out.

The CHAIRMAN: Any further questions?

The WITNESS: Incidentally I have all the details here in regard to the numbers and places, and so on, if anybody wants to see them.

By Mr. Harkness:

Q. What about "and such other vacancies in Indian Affairs branch"?—A. I did not quite get that.

Mr. RAYMOND: You have appointed an inspector in the province of Quebec and I am very glad of it.

The WITNESS: Oh, "such other vacancies"; the answer to that is simply that we are filling or have filled all appointments as rapidly as has been possible. There are certain senior posts that have still to be filled, including the one that has been under discussion in the committee here both this morning and at other times. In the posts outside we have certain reclassifications that are under way at the present time which have not been carried through as yet but which we hope will be very soon. The real point is that every position that has been established and confirmed by the Civil Service Commission, with the single exception of the Indian agent at Tyendenaga, has been filled at the present time, with the further exception of the post in the head office here for Mr. Pratt, if he is appointed to it.

By Mr. Bryce:

Q. As to the assistant Indian agents you are applying for now in Manitoba, are they all new positions that you are going to create now?—A. What is being done is that where possible we are bringing farm instructors under the terms of the Civil Service Act, and they are being called in this classification under the Civil Service Act, assistant Indian agent.

Q. Then that would consider an agricultural man suitable for filling an Indian agent's position?—A. That is what has happened, yes.

The CHAIRMAN: Any further questions?

No. 6. That the establishment for Indian Affairs branch, Department of Mines and Resources, be increased to provide for the appointment of at least two Indian agents at large.

The WITNESS: That recommendation also has been carried out. Mr. Waite has been appointed field agent, or Indian agent at large, for the province of Manitoba. Mr. Morris has been appointed for the province of Quebec and the maritimes. In addition to those two we have asked the Civil Service Commission to advertise a promotional competition for field agent in the province of Ontario and are thinking of doing the same thing in Saskatchewan.

The CHAIRMAN:

No. 7. That consideration be given by the Civil Service Commission to the desirability of placing additional classification of the Indian Affairs field staff under the provisions of the Civil Service Act.

The WITNESS: This is the question that Mr. Bryce raised, and the answer I gave him holds here. With the approval of the Civil Service Commission we have established the classification of assistant Indian agent, and we are hoping that the farm instructors will gradually move into that classification. In addition to that, however, there is the fact that Indian day school teachers are being brought under Civil Service Commission classification which will mean that they will be eligible for annual increments and for superannuation. It makes a very great change in the position of the Indian day school teachers, and a change that will enable us to get very much better teachers on the average than has been the case in the past when we have had to rely either on people who have been filled with enthusiasm to do the work or else on people who could not get a better job.

Mr. HARKNESS: How many of these teachers have been brought within the civil service now? What proportion?

Mr. HOEY: Oh, I would say in reply to that every fully qualified teacher, that is, every teacher qualified academically and professionally, is either in or in the process of being brought in.

By Mr. Harkness:

Q. What has been done in the matter of farm instructors? Have any steps been taken to bring them under the Civil Service Act?—A. They are being brought in under the Civil Service Act as assistant Indian agents.

Q. Do you mean to say that all farm instructors are now going to be assistant Indian agents?—A. We hope they will be gradually put into that position as they qualify for it, and as approval is given by the government for taking them out of the personal system of appointment and putting them under the Civil Service Commission.

Q. What about the ones who remain as farming instructors? Has any method been devised to bring them under the Act?—A. That is what I have been saying. We are trying to bring them all under the Act, and we will do it just as rapidly as we are allowed to do so.

Q. I would take it from what you have said some of them will remain as farming instructors?—A. There may be some of them who would not be competent to do the job as assistant Indian agents, and possibly they might be kept on as farming instructors, yes.

Q. Are those farming instructors who will remain to be brought under the Act? Are there any steps being taken to bring them under the Act?—A. Not as far as I know.

Mr. HOEY: They are really under the Act. Although the appointment is a ministerial one they contribute and qualify for superannuation allowances. The only handicap, as Mr. Bland knows, in the case of a ministerial appointee is that he cannot take part in a promotional competition. Apart from that he is a civil servant in a very absolute sense.

Mr. HARKNESS: Perhaps you will remember, Mr. Hoey, that we had a considerable amount of discussion on that very point in 1946. I think the general opinion of the committee then was that these men should be brought fully under the Civil Service Act. That is why I was asking the question as to whether there were any steps being taken to do that. Apparently they have not.

By Mr. Bryce:

Q. Coming back to the school teachers who are under the civil service now, does that include teachers appointed by the different churches or only teachers appointed by the department?—A. It will include teachers appointed by the churches as rapidly as we can do it—all teachers are not covered yet—whether appointed by the churches or appointed directly by the department. When one says "appointed by the churches" that really is a misnomer because they

are all appointed by the department, although we still take the recommendation of the churches in regard to the individuals in a number of instances, but the actual appointment is made by the department.

By Mr. Gibson:

Q. That applies only to teachers in residential schools, not to residential school staffs?—A. Teachers in the residential schools but not the rest of the staff.

The CHAIRMAN: No. 8 is the same as No. 1 of 1947.

That more direct methods be employed for the return of rentals collected on behalf of Indian lessors.

No. 1 of 1947 is:

That immediate steps be taken by all responsible officials to remove without further delay this longstanding grievance with regard to rentals due to Indians.

The WITNESS: Mr. Chairman, these two recommendations have only been carried out partially. We are doing everything we can to speed up the payment of the rentals, but the fact is that under the Consolidated Revenue and Audit Act we cannot do what the committee desired us to do. There has to be an amendment of that Act, or alternatively an amendment to the Indian Act. After discussion with the Auditor General we have decided that the most effective and simple way of handling it would be to leave it for an amendment to the Indian Act. They would prefer it that way, and as far as we are concerned we are anxious to have it done either way. If they will not do it one way we are prepared to do it the other way.

The CHAIRMAN: It is up to this committee to act upon it. Are there any further questions?

Mr. HARKNESS: Yes.

By Mr. Harkness:

Q. You said you were able to do this only partially. What do you mean by that?—A. I mean we have speeded up the methods that have been employed in carrying out the intention of the committee under the present regulations, but we cannot go beyond that until the regulations are changed.

Q. When was this done?—A. I do not know that I can give you any date for it.

Q. In our 1947 report we say:

Your committee notes with extreme regret that recommendation No. 8 of the said report of August 15, 1946, which was concurred in by both houses of parliament, has not yet been implemented.

That is the recommendation we are dealing with.

The CHAIRMAN: Where are you reading from?

Mr. HARKNESS: From our 1947 report.

The WITNESS: Probably I could answer that this way. When the committee's report was made available to us and as a result of discussions in parliament in the session that ended on the 21st of July last, I asked Mr. Hoey to come and go over with me all the recommendations that had been made by the committee, and to discuss what could be done to implement them. This was one of the points that came up at that time, and it was agreed then that while we could not do anything fundamental without changing the Audit Act we would do what was possible by speeding up the procedures within departmental control. I suppose you could say it began in July.

Mr. HARKNESS: How much speed-up have you accomplished?

By the Chairman:

Q. 1946?—A. July, 1947. I am afraid I cannot answer that.

By Mr. Harkness:

Q. It did take months for these rentals to move back and forth. Does it now take the same number of months or a fewer number of months, or is it down to weeks or days?—A. I should imagine that would depend on the individual case. In some cases we can probably get it done very quickly, and in others it would still take months.

Mr. BLACKMORE: If it would not involve too much time I would be interested in having Dr. Keenleyside show us just what sort of change would have to be made in the Indian Act so that we can see why it is difficult for the Department to implement the recommendation.

The WITNESS: I am afraid that is a technical subject that I would rather have the legal officer of the department answer. All I can say about it is after discussion with the Auditor General it was agreed that there had to be a change in the Audit Act or else change in the Indian Act, and it was then agreed the change would be made in the Indian Act. Just what the form of that change is going to be I am afraid I am not competent to answer.

By Mr. Blackmore:

Q. My concern is with what the difficulty is from which we are now suffering which needs to be remedied by a change. Is it that there is a lot of red tape involved?—A. In essence it is that the amounts collectable have to be paid to the Receiver General of Canada, into the general funds and then have to be drawn out again.

By Mr. Castleden:

Q. Are the legal officers of the department doing anything about a draft bill?—A. Yes, we have a draft of all the changes that we think would be desirable in the present Act and are prepared to discuss them with the committee when it is desired to have our view about them.

Q. They will be present at the revision, I presume?—A. Certainly.

Mr. REID: May I ask Dr. Keenleyside whether the members got it clear how many of the recommendations made last year have been carried out and how many have not been carried out, and why? I venture to ask whether the members of the committee really understood the discussion properly, because we have not the 1946 report before us?

Mr. RICHARD: We are going over them one by one, and we have got to No. 7.

Mr. REID: I am asking if we have that information on the record—whether the recommendations of 1947 have been carried out. I am asking that because I brought up that matter at the last meeting. If no one else wants that information I do.

The CHAIRMAN: If I understand you, you want the list of recommendations made; or do you want just the recommendations that have been carried out?

Mr. REID: No. You will remember that Senator Crerar in the Senate, when the report was tabled last year, said that the twenty-six recommendations made by us they were just "a lot of wind" and did not mean anything. I brought up the point; I said I would like to know if his statement is correct and to know how many recommendations have been carried out. Now, that question has not yet been answered, and I would like to have it answered sometime before the witness leaves the committee, either now or in the afternoon. Of the twenty-six recommendations passed by this committee in 1947, how many have been carried into effect and how many have not; and as regards those that have not been carried out, why have they not been carried out? If those questions do not interest the members of this committee it is too bad; but I do want that information.

The CHAIRMAN: Will you wait just for a moment?

Mr. MATTHEWS: I understood the witness to say that there were eleven of the thirty-five over which the department had no jurisdiction?

The WITNESS: Yes.

Mr. MATTHEWS: And twenty-four remained?

The WITNESS: Yes.

Mr. MATTHEWS: Of those twenty-four, eighteen are already in effect, four are partially in effect, and two have not been acted on; is that correct?

The WITNESS: That is correct, according to my computations.

Mr. HARKNESS: Are we going over them one by one to see what was done in each case?

The CHAIRMAN: Yes. We will adjourn until 4 o'clock.

The committee adjourned to meet again at 4 p.m.

AFTERNOON SESSION

The Committee resumed at 4 p.m.

The CHAIRMAN: Gentlemen, Dr. Keenleyside has a correction he would like to make, with your permission, in the evidence given this morning.

Dr. H. L. Keenleyside, Deputy Minister, Department of Mines and Resources, recalled:

The WITNESS: Mr. Chairman and gentlemen, you will recall that this morning we discussed the date on which the title of general superintendent of Indian agencies was dropped and the title general executive assistant was adopted for the purpose that we had under discussion. Inadvertently I said that the date was May 27, 1947; instead I should have said May 27, 1946. That is what I intended to say. It was done on May 27, 1946. That was the date on which the decision was reached in discussion with the Civil Service Commission to make the change, which was implemented by order in council on August 30, 1946.

By Mr. Case:

Q. So that the advertisement really was in error when they advertised for superintendent general of Indian agencies?—A. It was a misnomer actually. What happened, in my opinion, was the title which was given was not the proper description of the job. I just wanted to make that straight for the purpose of the record, Mr. Chairman.

The CHAIRMAN: No. 9.

Mr. HARKNESS: Mr. Chairman, we were dealing with No. 8 before recess, and during the intervening period I looked up the minutes and proceedings of No. 20 of 1946 which dealt with evidence we had on that point, and I have one or two more specific questions to ask in view of that.

The CHAIRMAN: That is the trouble with having recesses.

Mr. HARKNESS: Yes, people can always get more material.

By Mr. Harkness:

Q. On page 780 of those proceedings—the witness at that time was Mr. W. C. Ronson, Assistant Deputy Minister, Department of Finance, and he had been brought before the committee to give his evidence in connection with what could be done in the matter of rentals being collected for Indians by the department and payment of rentals to them—and he says, at page 780:

This is a bookkeeping procedure, and when I made some inquiry about it I was told that this was done as a matter of safety, also as a

matter of making certain collections in the event the Indian owed money. I think that is all, but that is the kind of thing that I assume is not provided by the statute, and could be changed by order in council or by arrangement between the comptroller of the treasury and the officers of the department . . .

And then at page 781 I find the following:

Mr. HOEY: As Mr. Ronson says, it is a matter that could be corrected by regulation. I do not know that, but I feel it could be. Is it your opinion it could be changed by regulation, Mr. Ronson?

The WITNESS: Unless it is contrary to the Consolidated Revenue and Audit Act which says that all public funds shall be deposited to the credit of the Receiver General. But my own opinion is that these are not public funds and that therefore this could be corrected by regulation. I should think the way to do it is for Mr. Hoey to get in touch with Mr. McIntyre and perhaps they can iron it out themselves.

What I am asking you is: Was Mr. McIntyre contacted and was it discovered that this could be done by changing the regulation or by order in council, and if so was any change made in the regulation or was application made for an order in council to correct the situation?—A. Mr. Chairman, in reply to that question the contact that was suggested was made; but in the subsequent correspondence we have received this letter from the acting chief treasury officer. It refers to a memo asking the question that has been set out there: "Since receipt of your memo of the 1st instant. . . " that is August, 1947, ". . . I have discussed the matter with the assistant comptroller of the treasury, and this will confirm our understanding that amendments to the Consolidated Revenue and Audit Act would be necessary to effect the changes you are prepared to consider."

Q. What was the date of that, Doctor?—A. I have not the actual date, but it was some date in August, 1947, because it is a reply to a letter dated the 11th of August, 1947, and it begins, "Since receipt of your memo of the 1st instant. . . "

Q. Have any steps been taken to have an amendment of that nature introduced by the Finance Department?—A. No. As I said this morning, we discussed the matter again with the Auditor-General and as a result of that discussion it was mutually agreed that the best way to do it would be by having an amendment to the Indian Act, and we are now proposing to suggest to the members of the committee that that be done in the revision of the Indian Act which this committee undertakes.

Q. It is suggested that that will cover it—because I understood from what you said the amendment to the Consolidated Revenue and Audit Act would be necessary?—A. That was the original reply, but it had subsequently been suggested that it could be done by amending the Indian Act. Incidentally the date of that letter I quoted is the 11th of August.

The CHAIRMAN: No. 9. "That the Indian Affairs branch immediately undertake the drafting of plans: (1) for the construction of such additional accommodation as is necessary to relieve the present overcrowding of certain Indian day schools; (2) to provide for the construction of such other Indian day schools as, in the opinion of the said branch, are needed."

The WITNESS: Mr. Chairman, we contend that this action has been taken because of the following facts: during the present fiscal year that ends on the 31st of this month, additional classrooms have been built to Indian schools throughout the country to the total number of fifty-eight. In addition to that seven teacheries have been built during the year. That, however, is only the beginning because of the plans for the coming fiscal year, plans now approved by the Treasury Board. Perhaps what I have to say should not be on the record.

The CHAIRMAN: Is it agreed that the witness speak off the record?

Agreed.

(Witness speaks off the record).

By Mr. Reid:

Q. Is this to take care of the overcrowding in certain Indian schools or is it partly that and partly to give more education to the Indian children?—

A. Both; it is intended to achieve both those things. It will not, of course, solve the whole problem of providing schools for the Indians because it cannot be done in one year. It involves materials and labour. It would not be a feasible thing to meet the whole deficit in this one year; but we are doing more than has ever been contemplated in any previous year, and as much as I think we can actually get done during the present year. May I speak off the record again?

Agreed.

(Witness speaks off the record.)

By Mr. Reid:

Q. In your opinion, going ahead with such a building program for schools, would it in any way interfere, with the committee in its final conclusion should they deem it advisable to propose that the Indian children, wherever possible go to provincial day schools? There is a thought in the minds of some members of the committee—not all—of having Indian children sent to municipal or provincial day schools. In that way we could get them out and among the white children—similar to what happened in British Columbia with the Japanese children mixing with our people—the better. I am raising that point now in connection with the extensive building program—should the committee bring in that recommendation?—A. No, I do not think that would be likely to happen. In a good many places it will, of course, be possible to have schools that are primarily Indian schools make provision for white or half-breed youngsters who are in the same vicinity—that is particularly true in the Northwest Territories and the Yukon—but in other places it is our endeavour to get the provincial authorities to agree that Indian youngsters should go to white schools which are already established. We are not building Indian schools in any place where it is possible for the Indian children there resident to go to an existing white school.

By Mr. Matthews:

Q. Are those mostly in new districts that have been established or are they replacing old schools?—A. Both. Some of them are taking the place of old buildings that should have been replaced long ago, and others are in new places where there were no facilities in the past.

The CHAIRMAN: No. 10: "That as benefits have accrued to many Indians as a result of fur conservation and development work undertaken by the Indian Affairs branch, steps be taken to extend the fur conservation and development program into those provinces into which it has not yet been introduced."

The WITNESS: Mr. Chairman, in response to that recommendation from the committee there has been a very great deal of activity in the branch of the department that has been dealing with fur conservation programs. The three most significant developments have been in connection with the Athabasca Delta, which is said to be the most promising of the Alberta areas; this is now being surveyed by the engineering staff of the Alberta government following correspondence and discussions with ourselves with a view to providing an area there that can be used for fur conservation programs. In addition to that we have had a review made of our relations with the province of Manitoba with a view to extending the work there. There was a meeting held at The Pas at which the whole situation was reviewed by our own and the provincial officials,

and it is hoped that as a result the system of registered trap-lines and other fur development activities may be greatly extended in Manitoba.

In the province of Saskatchewan, trapping on a planned basis will be permitted this year in a very large area that has been set aside by the Saskatchewan government. This is the result of an agreement that was made by the provincial government and the Indian Affairs branch of our department. This will extend greatly the work that is being done in Saskatchewan. I have here also some details about what is being done at Sipanok, at Onion Lake on the North Saskatchewan. I think it is, perhaps, unnecessary to go into that now. The point is that as fast as we can, with the personnel available in the fur conservation unit in the Indian Affairs branch, this program is being pushed ahead. The members of the department are very enthusiastic about it. They feel that it is one of the greatest contributions that can be made for the welfare of the Indians in the less populated districts.

By Mr. Reid:

Q. I would like to ask a question about No. 8, but if it has been answered before I shall let it drop. My question with regard to No. 8 is this: take the case of far-off places in British Columbia, like the Queen Charlotte Islands, where Indians rent places; have any steps been taken to have more direct methods of payment made rather than have those rentals come all the way to Ottawa and go back?—A. No, sir, it still has to be done in that way.

Q. You are looking into the matter, I hope, to see if some better system can be developed?—A. Except to speed up the collection and ship it to Ottawa and speed it up here by faster action from the Treasury there is nothing we can do until the Audit Act is amended or the Indian Act is amended.

The CHAIRMAN: Let us refer to the 1947 record. No. 1 has been taken care of. Now, No. 2: "That a commission, in the nature of a claims commission, be set up with the least possible delay to inquire into the terms of all Indian treaties, in order to discover and determine such rights and obligations as may therein be involved, or any subsequent substitution therefor, and to appraise and settle in a just and equitable manner any claims or grievances arising thereunder."

The WITNESS: Mr. Chairman, it was our view that this was a matter which was a serious item of government policy and that the Department, as such, would not be in any position to set up such a commission. Whether it would be advisable to have a commission or not is something, regardless of our view, which would have to be decided by the government.

The CHAIRMAN: No. 3: "That the questions involving band membership be left for definition and determination during the 1948 session when the Indian Act is next examined and considered;" —I presume there is no comment there.

No. 4: "That immediately parliament next reassembles a special joint committee be constituted with powers similar to those granted your committee on the 13th of February last;" —I suppose there is no comment there, either?

No. 5: "That the matter of enfranchisement of Indians be left for further consideration when the Indian Act is under revision;" —I assume there is no comment.

The WITNESS: This is one of the eleven.

The CHAIRMAN: No. 6: "Certain Indian bands resident on 'lands reserved for Indians', particularly in the province of Quebec, are compelled to pay taxes other than those imposed by dominion legislation. It is therefore recommended that a reference be made to the proper court to determine the legality of any taxation imposed on Indians."

The WITNESS: Mr. Chairman, this is one of the two recommendations on which no action has been taken. No action has been taken although it has been under review by the responsible officers of the department for some time.

It has been pointed out by those officers that it is difficult, if not impossible, to make out a case which would cover the innumerable types of taxes and imposts that vary from province to province. We have a suggestion here that in the province of Quebec, for example, specific cases have appeared before the courts and judgments have been rendered. It would seem that one of the difficulties is to obtain a ruling as to whether or not the particular provincial tax being dealt with is or is not a tax within the meaning of section 102 of the Indian Act. That is a matter again which I think we will have to have legal advice upon. I am not competent to comment on it.

By Mr. Harkness:

Q. Has any case actually been taken to the Supreme Court for what you might call a reference but not a court ruling?—A. No. I think I might add in answer to that point this fact that assuming that we had taken one of these cases to the courts since the committee made its recommendations in 1947, it would still be under consideration in some court at the time the alterations or amendments to the Indian Act are to be made. In other words, it would be more expeditious to leave this whole thing to be treated in the amendments to the Indian Act than it would be to take any specific case to a court; even if we could push that through quickly it would only cover one specific case and would not cover fifteen others. So we are hoping that this whole matter covered in recommendation No. 6 can be handled most expeditiously by leaving it to the action of this committee in its proposed amendments to the Indian Act.

Q. It seems to me it is a constitutional matter and can only be determined by the Supreme Court; it is a matter of division of powers between the provinces and the dominion essentially, and any amendments we may make to the Indian Act will have no effect upon taxes imposed by the provincial governments.—A. I am not a lawyer, but I would be inclined to think—

Q. I am not a lawyer either.—A. —that it would be simpler to have it brought up after the Indian Act goes into effect—that is, after the changes in the Indian Act go into effect, and have a decision made on the basis of the new Act.

Q. As you say, it is going to be a lengthy matter to take the matter to the Supreme Court, and I think the sooner that is done the better; but I cannot see that the amendments made are going to make much difference.

The CHAIRMAN: Is it your proposal, Dr. Keenleyside, that some case will be stated to the Court based upon legislation which we will put through this committee?

The WITNESS: That would be my suggestion, yes.

Mr. BLACKMORE: Mr. Chairman, I have been wondering whether this would be an appropriate question to ask? I would like to know what attitude the department as a whole takes towards this matter of taxing Indians; whether or not they are disposed to defend the Indian against the demands of the government to tax them or whether they take more or less a neutral view? Perhaps that is an unfair question; if so I withdraw it; but I must say that considering the treaties as they stand it is a monstrous outrage to tax Indians.

The WITNESS: Mr. Chairman, I am not sure just how far I am entitled to go as an official in expressing a personal opinion of that sort.

Mr. BLACKMORE: Do not put yourself in an embarrassing position. Probably it is because I wanted to express myself that I raised the question. I think personally, considering the treaties in which we guaranteed to the Indians they would not be taxed, that the present attitude of the Minister of Finance is completely reprehensible in taxing Indians. It does not matter how many Acts we pass or how we change Acts the treaties are there, and in most cases the Indians consider those treaties were agreed to last as long as the sun shone and the grass grew. The sun is still shining and the grass is growing.

The CHAIRMAN: And "the rivers flow"; do not forget that.

Mr. BLACKMORE: That is right. I think we ought to give quite a lot of recognition to that.

The CHAIRMAN: I do not want to get into any argument, but I was wondering in what particular has the federal government imposed taxation except to tax income earned "off reserve"?

Mr. BLACKMORE: That is sufficient.

The CHAIRMAN: You will find disagreement there. Let us not get into a discussion on that point.

By Mr. Harkness:

Q. Have you secured a legal opinion from the Department of Justice in regard to how you should proceed to have one of these matters brought up and have the authorities decide as to the rights of the provinces and the dominion to tax Indians?—A. Not to my knowledge. That may be corrected by the legal officers of the department, but not to my knowledge.

Q. I would suggest that should be done immediately.

Mr. RICHARD: That is a pretty big question. If an Indian claims he is not taxable because of treaties then no matter to what court we go, even if it is the Supreme Court of Canada, they would have to deal with the treaties, not with the powers of the provinces or the dominion to tax them. If the provinces have power according to the B.N.A. Act then you have to go back further and see whether we had the right to give them those powers if by treaty we could not do so.

Mr. BLACKMORE: Very well said.

Mr. REID: It goes further than that because in the province of British Columbia we had no treaties at all. Indians may fish for food. No licence is required; but there are Indians who are I am told making \$10,000 to \$15,000 a year from fishing. They have got to take out a licence for which they have to pay. One just cannot give a broad answer and say no taxation of Indians because in B.C. we have no treaty with the Indians. The Indians in that province have no treaty at all. They are in a special class by themselves.

Mr. RICHARD: Then you would not have to deal with treaties, but where there are treaties existing before the B.N.A. Act that would be a different situation.

The WITNESS: If I may add a further word, it seemed to be apparent to the officers of the department that it was the general view of the committee that an inviolability of the Indians from taxation, to put it that way, would be strengthened in the revision of the Act. In other words, in the revised Act there would be something stronger than article 102 in the present Act, and that if the matter is going to be put before the court it would be better to do it under a stronger and clearer section than the one we have at present. That may be a wrong interpretation of the facts but that was the way we felt about it.

By Mr. Harkness:

Q. I think the point the committee had in mind in making the recommendation was that one of the great complaints of the Indians was as to being taxed unjustly, as they believe, and without right, and it was one of the duties of the department to satisfy that complaint as far as possible by providing funds to take cases to the courts in the respective provinces, if that were necessary, which I presume it would be, to get the matter settled.—A. Under the present clause in the Act it seemed to us it would be not a question of just one case but it would be a question of a dozen cases or more because of all the different kinds of taxes. We were expecting that in the revised Act the clause would be so clarified that it might perhaps be handed in a single case. We were quite apprised of the fact that it would eventually end up in the courts anyway,

but we thought it would be a much better case from the standpoint of the Indians and of the department, which would be representing the Indians in this case, if we had a better statute base to go on.

Q. The point is the committee made a recommendation and as far as I can see nothing has been done about it. The department took it upon themselves to decide they would not carry it out.—A. I said at the beginning that this was one of the two cases in which we did not carry out the recommendation.

The CHAIRMAN:

No. 7. That encroachment of persons other than Indian upon lands reserved for Indians is not viewed with favour by either the members of the Indian band concerned, nor by the Indian Affairs branch. It is recommended that the Indian Affairs branch take immediate steps, consistent with the wishes of the Indian bands concerned, to remove from Indian reserves all persons other than Indians who reside in, or carry on business on an Indian reserve.

The WITNESS: Mr. Chairman, may I draw attention to the clause that "it is recommended that the Indian Affairs branch take immediate steps, consistent with the wishes of the Indian bands concerned." It is our desire as, of course, it was the view of the committee, that no additional encroachment should take place on the Indian reserves, and that as many people as possible who were now on the Indian reserves improperly should be taken off. We have run into difficulties in trying to carry out those two views, although we have done our best in relation to both of them. It has been difficult for one reason, because of the housing situation.

By Mr. MacNicol:

Q. What?—A. The housing situation. If we had forced all of the persons who are now on Indian reserves to go off it would have been difficult in many cases to find alternative places for them to stay. Also in many cases it was contrary to the wishes of the Indians themselves that the people should be sent off. Consequently, consistent with the wishes of the Indian bands concerned, it was not felt that we should take any overt action at this particular time to see that they were pushed off.

Finally in a good many cases there were leases which had been established before the committee made this recommendation, and which have yet some time to run. Obviously we could not violate the terms of those leases. I suggest that this recommendation has been carried out although I would be prepared to settle for the statement that it was partially carried out.

By Mr. Bryce:

Q. Do you run into the problem where you have got good highways running through a reserve and you cannot possibly control the flow of traffic where a road has been built through an Indian reserve?—A. Quite true.

By Mr. MacNicol:

Q. Have many been removed?—A. I am sorry; I am afraid I cannot give particulars as to that.

Q. Have any been removed from any reservation?

Mr. JACKSON: At Maniwaki there is a man who had lived there for over 70 years. We removed four or five branches of that family and paid the man for the investment he had in his property. Down at Caughnawaga we have done it in some cases, but Caughnawaga is the very worst reserve we have in Canada from that point of view. We were asked by the adjoining municipalities that if we put these people off where would they go. Then we have other people who have made leases who are widows and who are dependent upon the lease rental for their livelihood. They are very much against putting the lessees off. So you have two conflicting opinions there.

Mr. REID: Were you requested by the Indians to remove them?

Mr. JACKSON: At Caughnawaga, yes. One faction of the Indians wanted us to move them. Four or five years ago we had a Commission that went down there to investigate and it spent two weeks going into all the cases. We started to take action to get them off. Then when the war came a lot of these people living on the reserve were working in factories and they said, "Do not put them off or they will be moving away from these factories which want labour." We stopped that action at that time.

Mr. CASE: The leases that the gentleman refers to are made with the Indian band and with the approval of the department?

Mr. JACKSON: Some of those leases run for four or five years and in some cases ten years. We are trying to keep them down to a shorter period but there are cases where the tenant has a ten-year lease on the Indian reserve.

Mr. MacNICOL: I should like to ask if any families have been removed from the Mission Point reservation on the Restigouche. When I visited that reservation there seemed to be a good deal of contention on the reservation about it being taken up too much by white families.

Mr. JACKSON: I could not answer that question.

Mr. HOEY: I do not think so.

The CHAIRMAN:

No. 8. That the whole matter of the education of Indians be left over for further consideration. In the meantime, however, it is recommended that all educational matters, including the selection and appointment of teachers in Indian schools be placed under the direct and sole responsibility of the Indian Affairs branch.

The WITNESS: The first sentence, of course, is merely a direction of the committee to itself. With regard to the rest we are moving as rapidly in that direction as possible. All appointments as Indian teachers now are being made by the department, and in accordance with the standards set by the department.

By Mr. Reid:

Q. Are you taking steps to fill vacancies that have existed in certain schools in British Columbia for a year or a year and a half?—A. Yes, sir, we have done everything of that sort we can, and at the present time I think there is just one vacancy in the whole Indian school set-up. I should add that it is impossible to divorce the system immediately and completely from the system of teacher nomination by the churches because there are some places where up to the present it has proven exceedingly difficult to get teachers who will go in except through a missionary urge which usually finds its expression through membership in the teaching establishment of one or other of the churches. That, combined with the fact that it is the duty of the department to provide a teacher of a particular denomination in an area where the students are predominantly of that denomination, has resulted in our being prepared to accept nominations from the churches provided that the teacher in question comes up to the educational standards that we insist on for all of our teachers at the present time. The situation has been eased a good deal by the introduction of a new scale of payment for teachers in the Indian day schools. That has gone up very markedly in the last year, and as a result it is much easier now to get competent teachers than it was before. I hope that that favourable condition will continue.

By Mr. MacNicol:

Q. Are there many of your Indian schools vacant now?—A. No, sir, only one vacancy in Indian schools at the present time.

Q. Pardon?—A. There is just one vacancy.

Q. Only one in the whole Indian school educational system?—A. We are short of schools, but the schools we have are being staffed.

Q. Have you a teacher at Moose Lake?—A. I do not know.

Q. Northern Manitoba.

Mr. HOEY: I should think so. The last time I heard we had.

The CHAIRMAN:

No. 9. That the administration of all aspects of Indian affairs should be under one ministerial head.

Mr. MACNICOL: I agree with that, Mr. Chairman.

The CHAIRMAN: Shall we leave that?

Mr. CASE: I presume that is government policy, too.

By Mr. Harkness:

Q. I might ask if to your knowledge there have been any conversations or anything else done in connection with bringing that about?—A. I think I will have to rely on the statement that is a matter of government policy and that I am not competent to report on it.

The CHAIRMAN:

No. 10. The director of the Indian Affairs branch should be given the status, if not the rank, of deputy minister to permit him to have direct approach to his and other departmental heads; or, he should be named a commissioner who shall rank as a deputy minister and who shall have at least two assistant commissioners of whom one should be a Canadian of Indian descent.

By Mr. MacNicol:

Q. Which would be more effective, a deputy minister or a commissioner?—A. The first part of that is definitely government policy, and again I am not competent to comment. On the latter part of it I think we have accomplished something that would at least justify us in saying the views of the committee have been partially carried into effect. Immediately following the receipt of the committee's recommendation on this subject the question was viewed in relation to the departmental organization, and as a result a new senior official has been appointed with the title of superintendent of welfare. He has been added to the headquarters staff and is one of the four major assistants of the director of the branch. That is a partial compliance with what the committee recommended in the second part of their recommendation.

By the Chairman:

Q. Who is that?—A. The person I have in mind is Major MacKay who was head of the Indian service in the province of British Columbia and who came to Ottawa to take the post of superintendent of welfare. I should add, with regard to the appointment of an Indian to one of the senior posts, that we have been and still are looking for a person who would be competent to fill that job, but we feel that it would be a very great mistake to appoint an Indian to one of the senior positions unless we had a man whom we were sure was going to make good. If you put in an Indian who proved to be a failure it might have a serious effect on the whole procedure of using Indians in the service. The department is very much in favour of having Indians in the service in every position they can competently fill, but we are not in favour of putting them into positions where they would not be able to do the job properly and consequently bring discredit on the whole procedure of using Indians.

By Mr. Harkness:

Q. As far as the first part of the recommendation is concerned while it is possibly a matter of government policy I think you can tell us whether or not it has been done. I do not think that enters into the matter of government policy.—A. It has not been done. The director of the branch is still the director. I may say he acts as a deputy minister very frequently with my complete approval, but his official title is still director.

Q. That is to say, he has not been given the status. This recommendation was that he should be given the status if not the rank of a deputy minister.—A. I am not entirely clear as to what is meant by the status. I think perhaps it would be fair to say that Mr. Hoey as director of the Indian Affairs branch has a degree of control over the activities of his branch that would be approximately equal to that of a deputy minister in another department.

Q. The idea of the committee as I remember it, and as stated here, was to permit him to have direct approach to his and other departmental heads. Has he the right of direct approach to you and/or other departmental heads?—A. Yes. There is nothing to prevent the director of the Indian Affairs branch approaching our minister, and he does it very frequently, and similarly I would assume he would have equal access to the minister of another department, if he felt it necessary to communicate with him.

By the Chairman:

Q. In other words, Dr. Keenleyside, you and the members of the committee feel the same, that, where possible, red tape is now cut.—A. As far as our department is concerned we are trying to get rid of it entirely.

By Mr. MacNicol:

Q. I was going to ask a question in reference to something said about qualifications. We had a man before us a year ago, Judge Martin.

The CHAIRMAN: He is a magistrate.

Mr. MACNICOL: Magistrate—a very capable man, and apparently a man who is giving great service in that field of activity. He ought to be one worthy of consideration.

The WITNESS: I should like to speak off the record. (Off the record).

The CHAIRMAN:

No. 11. That Indians who are qualified for any position in the administration of Indian affairs, at any level, be given a preference for appointment to such positions within that administration for which they qualify or are suited.

Mr. MACNICOL: I think that is perhaps where I should have asked about Magistrate Martin.

The WITNESS: I think from what I have said in connection with the last recommendation it is clear that the department is very anxious that Indians should be employed, and that we are desirous of carrying out this recommendation. In fact, we have carried it out to this extent that we have asked the Civil Service Commission to include in the qualifications in the competitions for appointment as assistant Indian agent a preference for persons of Indian racial origin. In addition to that we have carried on an active recruiting campaign for Indians to be employed in the schools. At the present time there are in the Indian Affairs branch a total of 91 persons of Indian origin. Of these 36 are school teachers. The remainder are employed in administrative jobs of one kind or another.

By Mr. Richard:

Q. Has there been an increase in Indian teachers during the last year?—A. Yes, sir, a very marked one. I cannot give you the figures.

Mr. MACNICOL: They do very well, do they?

Mr. HOEY: Yes, very well. We have 5 at normal this year taking training assisted by the department.

The CHAIRMAN:

No. 12. That when the director of Indian Affairs becomes aware that an Indian agent shortly will be leaving the service, he should, in ample time before the said agent retires, request that the Civil Service Commission select and appoint a successor to the said agent, so that there shall be no interruption in the carrying out of the duties of that most important office in Indian administration, that of Indian agent.

The WITNESS: Mr. Chairman, immediately on the receipt of this recommendation of the committee the matter was taken up with the Civil Service Commission, and on the 29th of May last year the commission indicated that it was prepared to accept recommendations of the department for the immediate replacement of officers commencing leave prior to superannuation. We have carried out entirely what the committee recommended.

By Mr. Bryce:

Q. There will not be any time where there will be a six months' wait?—A. No six months' wait.

By Mr. MacNicol:

Q. You have an agency adjacent to The Pas. How long has that been vacant?

Mr. HOEY: The agent died a few months ago, and the appointment has been made. I am not sure whether it has been announced.

The CHAIRMAN: I wonder if we could keep our remarks on a general level, that is to say, not get into particular phases of the administration.

Mr. BRYCE: That is in Manitoba. It is important.

The CHAIRMAN: I agree with you, none more important.

No. 13. That the retiring leave of any agent or officer in Indian administration be granted to him simultaneously with payment to him in a lump sum of his leave payments instead of retaining him on the payroll pending actual retirement. This in order that the position may be filled without delay by the person selected and appointed to succeed the retiring agent or officer.

The WITNESS: Mr. Chairman, on the 19th February of this year the Treasury Board ruled that, in such a case, a temporary appointment may be made without reference to the board. I think that covers the point upon which the committee made its recommendation.

The CHAIRMAN:

No. 14. That whenever possible a vacant position of Indian agent be filled by the promotion of an assistant agent who will have had the opportunity of receiving training in all the duties of an Indian agent;

The WITNESS: That, Mr. Chairman, is being carried out as a regular part of departmental policy.

By Mr. Richard:

Q. Does not that conflict with your ruling or decision that an Indian should be given preference? Supposing an assistant is not an Indian, does he automatically step up to the position of Indian agent?—A. I should think that if there were a suitable person available in the agency he would be promoted

whether he was an Indian or not, unless there was some very good Indian candidate against him and no other place in which the Indian candidate could be put. Up to the present, we have not been in that happy position because the number of available Indian candidates of proper quality has not been very great.

By Mr. Case:

Q. I think Dr. Keenleyside said this morning the department is endeavouring to bring the farm superintendents or supervisors along— —A. Farm instructors.

Q. —as assistant agents; might those two policies eventually clash or, I suppose a person could be appointed a full agent if the occasion arose?—A. You mean jump up from farm instructor to deputy agent?

Q. You are going to make him a deputy agent?—A. The natural procedure would be for him to go from farm instructor to assistant agent and then be reclassified to agent. Wherever possible, we are doing that.

By Mr. Harkness:

Q. How many of these positions of Indian agent have actually been filled by promotion of the assistant agent or clerk, whatever the case may be?—A. I cannot answer that, but I should not think there would be very many as this particular recommendation only came in last year.

Mr. BLAND: I can answer that. Since the last report of the committee, 13 agents have been appointed. Of these 13, two were assistant agents. The reason for the comparatively small number is that, so far, there are comparatively few assistant agents. As the number of assistant agents increases, the promotions will increase also.

Mr. HARKNESS: Were any of those 13, people who had been clerks?

Mr. BLAND: Two of them: the rest were from outside the service.

The CHAIRMAN:

No. 15. That in view of the fact that Indian reserves are widely scattered across Canada and in view of the diversity of the problems confronting those charged with the administration of Indian affairs, the Indian Affairs Branch should be decentralized and regional directors be appointed to look after and to determine such matters as appropriately falls in their particular region or jurisdiction.

The WITNESS: Mr. Chairman, since this recommendation was made the position of Inspector of Indian Agents in the various provinces has been reclassified in accordance with the recommendation and the persons occupying the new posts are called regional supervisors of Indian agencies. This reclassification brought with it an increase in salary and an increase in responsibility.

In addition to that, provision has been made for two regional supervisors in the province of Ontario instead of one inspector, as was the case before. It is now the general policy of the department to put in regional supervisors in each of the provinces, and more than one where it is essential to have more than one. It is also our policy to give to them a very much increased degree of responsibility for the activities of the agent and other Indian officials in the province.

By Mr. Harkness:

Q. What increased powers have been given to these regional supervisors?—
A. The regional supervisor is reporting conditions directly to the head office. In other words, instead of having, as originally, a small degree of responsibility for what goes on in the various agencies, they now have a very large measure of responsibility. If conditions do not develop properly in any Indian agency in the area under their control, they are responsible for that.

Q. Is the situation now that the agent makes his reports which he formerly made to headquarters here, to the regional supervisor or does he still make them to headquarters?

Mr. HOEY: His quarterly reports are still made to Ottawa. In a great many cases a copy goes to his regional supervisor.

Mr. HARKNESS: What I am trying to get at is, what real increase has there been in his powers? What real decentralization has there been? How much red tape has been saved? How much more rapid and direct action can be secured, if any?

Mr. HOEY: Well, I do not know that I can explain in a sentence or two just what has been done. For example, up until a year or two ago, provincial conferences of Indian agents were unknown. Since this committee started, we have had a number of them. There was one last year in Ontario; one in Quebec City; one in each of the prairie provinces and one in British Columbia.

To these provincial conferences we send out one or two officials of the department and problems are discussed and responsibility is spread out. In addition to that we have been bringing to Ottawa—we have just concluded two weeks with the Inspector for Saskatchewan and the supervisor for Alberta is on his way to Ottawa now. We discuss the whole provincial program. We will discuss it with Mr. Gooderham when he comes down.

At the moment, we are putting the emphasis on increased production. We say to him, "Now, you undertake this and go ahead". In that way, we are steadily increasing the responsibility and, shall I say, informally cutting down the red tape by personal contact.

Mr. HARKNESS: Has the practical effect been that the agent has fewer letters to write or more?

Mr. HOEY: I would say that the Indian agents at the present time are writing more letters because their work has increased tremendously.

Mr. HARKNESS: That was my information, that they had many more to write.

Mr. HOEY: Last year, we distributed three and three-quarter million dollars in family allowances to 18,500 individual families. Some families were paid through the agent; some were paid direct; others were paid in kind. That is a tremendous responsibility, the disbursement by one division of the branch of three and three-quarter million dollars.

Mr. MACNICOL: In cash?

Mr. HOEY: In cash and in kind. Then, there is the Veterans' Land Act which has led to a great deal of correspondence. We are just starting in now to circularize the agents concerning the next Indian census which will be undertaken next year.

In addition to that the agents are acting as vital statistics officers for the Bureau of Statistics and for the vital statistics branch in each province. We have added tremendously—Mr. Bland may have the figures—to the staffs of the agencies in Canada. Agencies which had only an agent and no clerk now have, in some cases, a clerk grade 3, a clerk grade 2 and a stenographer grade 1. In that way, we are helping them out.

Reference will be made later to the fact that we have had a complete unit survey made. Probably Mr. Bland will deal with it. This survey stretched from the Atlantic to the Pacific and was made in order to determine the work at a given agency and the staff required to carry out that work effectively.

Mr. HARKNESS: The general point at which I was aiming was this; I have gained the impression—which may or may not be correct and it is for that reason I am asking the question—that very frequently, where an agent used to have one letter to write to you people in Ottawa he now has two letters to write, one to the regional supervisor and one to you. Whilst there has been a

supposed decentralization, actually there has probably been no greater power given to the regional superintendent to make decisions on the spot. For example, if an agent wants to repair a school and spend \$300 on it, he has to write to you, as I understand it, to get authority to do that. He cannot write to the superintendent or call him on the telephone and say, "Here, a hurricane last night took the roof off the school and we have to get it replaced immediately or the children cannot go to school". He has to write to you to get authority. I understand the supervisor has no authority to tell him to go ahead in such a case. Is that correct?

Mr. HOEY: If the roof were blown off the school?

Mr. HARKNESS: I just took that as an example.

Mr. HOEY: If the school were burnt down, he would have to communicate with us immediately. I do not know that I could give him the authority to proceed, nor could the deputy minister or the minister, for the simple reason that our estimates are made after we receive the estimates from the field.

The Indian agent at The Pas for instance, sends in his estimates. In those estimates he makes provision for the repair and upkeep of the school; wood or coal for heating the school; repairing the roads and so on. If he exceeds that estimate then the whole matter has to be reviewed here. We have to determine whether or not there is money available to meet that emergency. Three hundred dollars would not be serious, but a couple of thousand dollars would be, in case the school were burnt.

Mr. HARKNESS: How much money has an agent authority to spend without referring to anybody?

Mr. HOEY: It would depend upon whether the item under review was in his estimates or not.

Mr. HARKNESS: In an emergency, could he spend \$10 or \$20 or \$25? What is the limit he could spend in an emergency?

Mr. HOEY: I think if it were an emergency such as the breakdown of his car on the road or something like that, he could spend whatever was necessary to put it in shape.

Mr. HARKNESS: There is a limit to what he could spend without reference to a higher authority?

Mr. HOEY: Yes.

Mr. HARKNESS: What is it?

Mr. HOEY: I would say about \$200.

Mr. HARKNESS: That is the limit on an agent. Has the area supervisor a further limit to which he can go?

Mr. HOEY: \$500.

Mr. HARKNESS: Is that the same limit as prevailed before you made these changes?

Mr. HOEY: I think that a few years ago—well I do not know that they had authority to make any expenditure other than in an emergency.

Mr. HARKNESS: To bring it down to this particular matter, since the appointment of these district supervisors is the limit any different than it was before these people were converted from inspectors of agencies to district supervisors?

Mr. HOEY: When the present regulations were worked out there was only one senior officer in the field who could spend \$500 without reference to Ottawa and that was Major MacKay in British Columbia. We are gradually extending that to all the supervisors.

Mr. HARKNESS: Is the general direction in which we are moving towards the position where an agent could, say, telephone his supervisor or send him a letter to which he will get an answer in the course of two days instead of

several days when he sends it to Ottawa, and thus get matters settled without having to refer to an officer in Ottawa? Is that the general direction in which we are moving?

Mr. HOEY: After Mr. Matterton goes back, I should like the deputy to read his statement concerning Saskatchewan. Mr. Matterton will be in a position to call in his Indian agents, if he wishes to call them in, or communicate with them by letter and tell them exactly what next year's program is.

Mr. Gooderham, after he comes down here and we review the Alberta program with him, intends to call in his superintendents and assistants. He will then be able to tell them exactly what the year's program is and give them a clear board, if you want to call it that, to go ahead. That is the procedure we are following.

Mr. HARKNESS: Do you think any considerable amount of this letter writing to Ottawa is going to be cut out, and the consequent delay before anything can be done?

Mr. HOEY: I think the letter writing is going to increase for the simple reason we are doing substantially more work. It is amazing to me the additional amount of work we are doing.

This morning I received a statement that 150 or 160 families in the south James Bay area will receive this year a \$1,000 per family from the Abitibi beaver reserve. That will be paid to them in three or four payments. This is an entirely new source of wealth. It is a source of wealth which, ten years from now, may mean \$3,000 per family.

Mr. HARKNESS: You are going around my question, Mr. Hoey. You say there will be more letters to write because there will be more business. Assuming there is not more business, are these new appointments you are making going to reduce the amount of letter writing to Ottawa and therefore increase the speed with which decisions can be made; that is what I want to know?

Mr. HOEY: If the Indian program is going to be carried out the way I should like to see it carried out, it is going to result in more letter writing but less unnecessary letter writing. Let me refer again to family allowances. A child dies, and unless that death is quickly reported the payments continue. Well, recovery is simply impossible. A child is born and if it is not immediately put on the list, if it is not immediately qualified for allowances, we get a protest. In that way, our work is gradually extending.

We have 50 additional class rooms and, perhaps next year there will be 85. There is the appointment of teachers and communications with regard to that. I will bring over figures showing you how the receipt of letters has steadily increased from day to day.

Now, there is no great objection to that, provided unnecessary correspondence has been avoided.

Mr. HARKNESS: We are still not getting at my essential point. I think the reason the committee made this recommendation last year was because of the evidence given by Mr. Zimmerman from the United States Indian Department. His evidence was to the effect that the United States central office handles the finances in a broad way; the general policy and that is all. What you might call the minor matters of administration, actually, were carried out under the area supervisors—I have forgotten the name by which they are known in the United States. The point I am trying to get at is, are you moving in that direction?

The WITNESS: May I answer that? Is not the reply inherent in what Mr. Hoey said? A year ago there was one supervisor in the Indian Affairs branch, in the field, who could spend up to \$500 and now there are six.

Mr. HARKNESS: Yes, I asked a question in regard to that matter. I think that is an indication you are moving in that direction. Then, I wanted an answer

to the general question as to whether you were moving in that general direction. We had in mind that there should be a greater decentralization of authority so agents would not have to send letters in to head office on minor administrative matters. All that would be avoided if these officials would be given greater authority. Because of the greater responsibilities put upon them, they were to receive bigger salaries when they were converted into superintendents. The area supervisor, having been given a bigger job, would have a great deal more of what you might call the routine work delegated to him. Previously, it had to go through head office. Our idea was to take that work out of the head office so that the people at head office would have more time to spend on what you might call the important matters of administration and policy.

The WITNESS: Mr. Chairman, that certainly is the intention in the re-classifications which have been set up and it is progressively becoming the practice. I think it is fair to say it is certainly more the practice at present than it was a year ago.

Mr. RICHARD: The fact you have given them more authority to spend without reference to Ottawa gives them more decisions to make in the field which would, otherwise, be referred to Ottawa?

The WITNESS: Certainly.

Mr. CASE: Mr. Hoey said that the regional supervisor has authority to spend up to \$500 in case of an emergency. Is that for his provincial jurisdiction or is that for any one reserve?

Mr. HOEY: It is for any need that might arise.

By Mr. MacNicol:

Q. Mr. Hoey and Dr. Keenleyside spoke about the number of deputies or assistant supervisors who have been appointed. May I ask this question; how many of them were Indians?—A. None at all, sir, in the top category. I am not sure just what you are referring to, but if you are referring to the regional supervisors we have been talking about, none of them were Indians.

Q. Quite a few of them have been added to the service.

Mr. HOEY: We appointed an assistant Indian agent at Oka, Quebec, and there is a competition now just closed at Six Nations and there were four Indian applicants. I cannot say definitely, but I am sure that an Indian will be appointed assistant agent to the superintendent at Brantford. The announcement may be made at any time.

Mr. MACNICOL: That will be a fine step in the right direction. I was speaking about supervisors.

The CHAIRMAN: No. 16; that is the same as No. 6 in the 1946 report. Probably we could skip that.

The WITNESS: Mr. Chairman, I would like to make a statement about that, if I may, because I think we have some information that may be useful to put before the committee.

The CHAIRMAN: Before doing that I wonder if I could remind the committee that we will be closing at 6 o'clock and we will have to determine when we are going to continue with this evidence if we are not finished by that time. Tomorrow morning, I believe, will be out, but probably tomorrow afternoon could be arranged for, if that is agreeable, say, at 4 o'clock. We have determined that we will not encroach upon the Tuesdays and Thursdays so that it will have to be tomorrow or Friday. Is it agreed that we meet tomorrow afternoon at 4 o'clock?

Agreed.

The WITNESS: Mr. Chairman, I will not take more than two minutes on No. 16. Mr. Hoey has already referred to the unit survey which has been carried out during the last year and it has resulted in the overhauling of the whole

service. I think the committee might be interested in knowing that during the year there have been sixteen new positions created and there have been ninety-eight reclassifications. There has been an increase in the total staff of the branch, excluding the fluctuating staff which is taken on for temporary employment in the summer, from 698 to 802.

Mr. REID: The question I had in mind—Mr. Hoey touched on it—was this—it is something I had in mind when this recommendation went through the committee. I will mention one agency without naming the agent. I visited Lilloet agency and I travelled over the entire district with the Indian agent, and I could not see for the life of me how any man could do justice to the job and visit all the Indians and look after them and likewise carry out the duties in the office; as Mr. Hoey said, the duties in the office of writing letters and attending to correspondence, occupies all the time of a man. Now, it seemed to me that the agency there was in the same position that it was ten years ago before all these modern schemes came into effect. When I was discussing this matter before the committee it was my recollection that the duties in agencies had more than doubled. The Indians were not being looked after and it was no fault of the Indian agent whatever. It was not humanly possible for him to go say through the Fraser canyon and come down across Agassiz and visit all the Indians in that district and on certain islands there. He may visit them once a year, but he had no opportunity to know what was going on in his agency during the year with so large a territory and the work in his office so voluminous that, in my opinion, the work of the Indians was being retarded or the care of the Indians not properly looked after. In fairness, the Indian agent is doing everything humanly possible to care for those Indians. I would like to know whether circumstances like that have been looked into and what has been done. You could duplicate that in a great many places; that is not an isolated case.

The WITNESS: Although I am not personally acquainted with the situation at Lilloet I am sure that what Mr. Reid has said is true and is duplicated in a great many places throughout Canada. There is a great deal still to be done in the way of appointing additional Indian agents and assistants to Indian agents before we have a satisfactory staff.

Mr. REID: The whole matter will be reviewed?

The WITNESS: Yes. There are some very radical recommendations already being made in connection with the situation in British Columbia. This is perhaps the most complicated problem of all.

By Mr. Blackmore:

Q. While we are on that particular question I wonder if it would be in order for me to ask this question: Does the administration feel to any serious degree limited by financial considerations in extending the work or have you ample financial provision?—A. I think I can answer that in a way that will be both truthful and agreeable by saying that since this committee started its work financial support has been available for everything we have thought we could properly recommend to be undertaken.

Mr. BLACKMORE: Mr. Chairman, there is only one more thing I want to say and that is that if at any time there should be an indication that that condition did not continue we should be glad to be told about it.

By Mr. Case:

Q. The field staff has been increased by 114, and you are completing your survey?—A. Yes.

By Mr. Harkness:

Q. If you make a reclassification whose responsibility is that, the department's or the Civil Service Commission?—A. The recommendations would go

from the department to the Civil Service Commission which would either accept them without further investigation if they felt they were entirely reasonable or make a further investigation itself. I should like to say, however, that the Civil Service Commission sent one of its senior officers throughout western Canada for the purpose of reviewing the situation in the Indian Affairs services particularly, and many of these reclassifications were the result of what he recommended when he came back, combined with what the department had had already in mind to do.

Q. Who was this official, and when did he make— —A. Mr. Orr.

Q. When did he make the survey?—A. I am afraid I cannot answer for the exact date.

Mr. BLAND: The latter part of 1947.

Mr. CASE: How long was Mr. Orr out on that survey?

Mr. HOEY: He began that survey immediately after Christmas in 1946. He undertook a survey not only in western Canada but throughout the country. I think the only agencies he has not visited are in the Yukon, and he may have gone there.

The WITNESS: He was there.

Mr. HOEY: He has not completed the Northwest Territories fully yet. Take British Columbia. We have a heap of recommendations about twelve inches thick. Action on them was delayed awaiting the arrival of Major MacKay from the B.C. headquarters. It is under consideration now. Saskatchewan was under consideration last week. Alberta will be under consideration when our official comes here next week. There is a tremendous amount of work involved, not only in reclassifications but changed Indian agency boundaries, the drawing of maps; and we are proceeding with it and we are rather encouraged.

Mr. CASE: Is Mr. Orr still on that work?

Mr. HOEY: Yes, I think he must be. I get reports from him. He has been on it a year or so.

Mr. HARKNESS: In making that survey what does Mr. Orr do? Look into what the responsibilities of the job are and make recommendations as to what the classifications should be?

Mr. HOEY: I think Mr. Bland could explain what Mr. Orr's instructions were.

Mr. BLAND: The purpose of having Mr. Orr make this survey was to ascertain at first hand exactly what the demands of the agencies and the provincial demands were. He covered all the agencies in Canada, with the exception of a few in the far north, and consulted with the Indian agents, inspectors and the regional supervisors, as well as the head officers here; and his findings were embodied in a quite voluminous report indicating, in his opinion, the need for considerable more staff as well as higher pay for certain of these classes of Indian officers. That report has gone to the department. However, as Mr. Hoey says, the recommendations have not all been carried out; but the report is there indicating that more officers should be appointed and salaries increased; and substantial progress has been made in making appointments and increasing salaries.

Mr. HARKNESS: I am glad to hear that the survey has been made.

Mr. CASE: Is Mr. Orr a representative of the Civil Service Commission?

Mr. BRYCE: Did he travel by plane?

Mr. BLAND: I imagine he did on occasion.

Mr. BRYCE: I am asking if he travelled by plane and I think that is a quite sensible question because if you told me he did not I was going to tell you he did not go to half the places.

Mr. BLAND: I think he did.

Mr. REID: I am curious to know why this responsibility was handed to the Civil Service Commission.

Mr. BLAND: It is a responsibility of the commission under the Civil Service Act to report to the Treasury Board on departmental requests for additional staff or compensation, and we felt that in this particular case it was well worth while securing a report on the actual conditions in the field before we made our recommendations. I might say that the department agreed with us on that, and I am quite confident that a good deal of good has been done by having actual field surveys. It is difficult in Ottawa to know how things go unless you go out and see for yourself.

Mr. BLACKMORE: It will be quite salutary to have a man entirely out of the Indian department give us his frank observations on conditions.

Mr. BRYCE: I wonder if Mr. Bland could tell the committee the next time we meet where Mr. Orr has been.

Mr. BLAND: Yes, I can do that.

Mr. HARKNESS: As a matter of fact we might feel that it would be a good thing to call Mr. Orr at a later time and find out first-hand just what his findings were.

The CHAIRMAN: It will have to be at a special meeting.

Mr. CASE: I think it would well be worth a special meeting.

The CHAIRMAN:

No. 17. That when a promotion from the staff of an agency is not possible, a promotion should, when practicable, be made from junior officers in the district who may desire promotion and who are suited and qualified for a senior post.

The WITNESS: This is the policy of the department and is always followed subject to the qualifications that are embodied in the recommendation itself.

By Mr. Reid:

Q. I am interested in the work in British Columbia. Some change was made there. Mr. MacKay was brought to Ottawa and Mr. Arneil was sent to British Columbia. It seems to me that was a violation of recommendation 17. I am not finding any fault because both are estimable and efficient men, but I am wondering if there is an explanation why that rule was violated in that case?—A. Mr. Chairman, I submit respectfully that the rule was not violated because it says "when practicable" and when the persons are suited and qualified for a senior post. I would like to go a little further. British Columbia is, as I have said at a previous point in this discussion, in the most difficult situation in the whole Indian Affairs set-up, because of the great variety among the Indians there, in their status, in types, in their economic position and their general activities. There is a total of seventeen agencies in the province and something like fourteen hundred different reserves. It is exceedingly difficult administrative position, and in order to ensure that the work there is carried out as satisfactorily as possible I think we should get the best man we can find in the whole Indian service in Canada. When I was in British Columbia myself last autumn I met the officers there who might be properly considered for appointment to the post, or at least I met most of the officers who might be considered for appointment to that post. When I came back to the department here I discussed in great detail with the director of the branch and with others the alternatives that were available for that appointment, and in the end we came to the conclusion that the service would be best served if we appointed Mr. Arneil. In consequence that recommendation was made and was accepted by the Civil Service Commission. I agree that on the face of it, it may look as though we were stretching the bounds of this recommendation, but I think that

given the circumstances and the exceptional qualifications of the man who was appointed we were justified in reading into the recommendation permission to do what was done.

Q. I have known Mr. Arneil very well, and he had such a thorough working knowledge of the Indian situation in Ontario that it has always struck me that you would have thought there would have been someone coming along under Mr. MacKay to succeed him in British Columbia when Mr. Arneil's ability and knowledge was so valuable here.—A. One of the outstanding candidates in British Columbia who might, perhaps—I am not sure—have been given the appointment under other circumstances took ill just about the time the competition was at its height and as a result he no longer was available for the appointment; but it was just a matter of judgment and our judgment was in favour of Mr. Arneil.

Mr. BLACKMORE: Before we get away too far from the comment concerning the number of letters coming to Ottawa I should like to make this general observation that I think the authorities in Ottawa are quite sound in keeping their fingers on the whole situation across the country. They do not necessarily take over the authority and administer through the local people, but it is a good thing to know what is going on.

Mr. CASE: If you read clause 15 you will notice that the object of it, in making the recommendation, as it says, was definitely to get away from centralization.

Mr. BLACKMORE: I think that is quite true, but it does no harm to have the central authority in that excellent position to supervise and give leadership and general guidance.

By Mr. Reid:

Q. May I ask what the position of Dr. MacKay is?—A. Now?

Q. Yes.—A. He is superintendent of welfare in the head office of the Indian Affairs branch.

The CHAIRMAN:

No. 18. That when promotion within the staff of an agency is not feasible, the field of competition for applications from the general public should be made wide enough to ensure the selection and appointment of a fully qualified person.

The WITNESS: We have carried this out, Mr. Chairman, by arranging with the Civil Service Commission that in all cases of this kind the advertisement will be on a provincial basis and it is felt that this is wide enough to meet the point covered by the recommendation.

Mr. MACNICOL: Will applications be open to any returned soldiers?

The WITNESS: They are open to anyone, but the returned soldier gets the preference.

The CHAIRMAN:

No. 19. That examinations whenever possible, should be conducted by the district offices of the Civil Service Commission rather than at headquarters of the Civil Service Commission at Ottawa.

The WITNESS: That is a question for the Civil Service Commission, but I happen to know that the situation is that this recommendation is being carried out by the commission.

The CHAIRMAN:

No. 20. That Indian agents who have undergone a period of probation satisfactory to the director of Indian Affairs should be made permanent civil servants at the end of such probationary periods.

The WITNESS: This is the present departmental policy.

The CHAIRMAN:

No. 21. That, by order in council, appointments to the Indian Affairs administration should no longer be subject to the 'permanent quota' not in force, as imposed by the Treasury Board regulations.

By Mr. MacNicol:

Q. What does "permanent quota" mean?—A. In each department or branch of government there is a regulation made by the Treasury Board saying that a certain percentage of the employees may be made permanent, but not any persons beyond that percentage. It is a regulation that has given rise to a good deal of difficulty and I believe hardship in many cases in the past, and it is very frequently under attack by the departments.

By Mr. Bryce:

Q. Will these 114 new appointments be temporary?—A. They are all temporary to begin with. At the end of a year's service they may be made permanent.

Q. They will be reviewed at the end of the year?—A. Yes.

By Mr. Case:

Q. Do you say that No. 21 has been adopted?—A. Well, No. 21—the situation here is that at the present time the permanent quota within the Indian Affairs branch has not been filled because of certain peculiar conditions including the fact that the quota was a reasonable one to begin with. The possible number of permanencies has not yet been taken up, but it will be during the coming year and this whole question will have to be reviewed again.

By Mr. Matthews:

Q. I suppose you have not a copy of Treasury Board regulations?—A. No, sir.

The CHAIRMAN:

No. 22. That the preference accorded to any veteran be consistently accorded with regard to all appointments to positions in the administration of Indian Affairs.

The WITNESS: This is carried out in accordance with the provisions of the recommendation with the exception that there are certain cases where the veterans have disabilities which make it impossible to make the appointment—that is, physical disabilities. As you know, the Indian agent in many cases lives a pretty heavy life and a physical disability has to be taken into consideration.

Mr. HARKNESS: This is a question in which I am particularly interested. There are several appointments I would like to get more information on. I think, probably Dr. Keenleyside is not the right man from whom to get the information. He probably will not be familiar with particular cases of particular appointments. Is not that the case, Dr. Keenleyside?

The WITNESS: I am familiar with some of them, particularly if they are in the higher grades.

Mr. HARKNESS: I would like to go into some appointments—the Indian agent at Selkirk, Manitoba. Do you know anything about that?

The WITNESS: I do not know anything about that.

By Mr. Harkness:

Q. And the agent at Lesser Slave Lake?—A. No.

Q. And the appointment of Mr. Gendron, I think it is, as general Indian agent for Quebec?—A. Yes, I know about that.

Q. What can you tell us about that?—A. It is a promotion from a junior position within the service.

Q. Does Mr. Gendron enjoy the veterans' preference?

Mr. HOEY: I do not know. He was Indian agent at Maniwaki for a number of years. We thought of appointing him three or four years before but he was not interested in it. We finally persuaded him. He is one man we had to go out after. He is a particularly well qualified man. In addition to being a university graduate and having a thorough business training he was general manager of one of the most successful co-operative enterprises in the province of Quebec. With the Civil Service Commission we decided to call for a promotional competition to take the place of the inspector, Mr. Thibeault, who retired a couple of years ago. A competition was held and Mr. Gendron received the appointment, but I do not know whether or not he is a returned soldier.

Mr. HARKNESS: Dr. Keenleyside has not any knowledge of that. Perhaps we can go into that with another witness later, so that we can finish with Dr. Keenleyside now.

The CHAIRMAN: No. 23.

Mr. HARKNESS: There is also another appointment, that of Mr. Morris. Do you know anything about that?

Mr. HOEY: Mr. Morris—

Mr. HARKNESS: I mean Dr. Keenleyside.

The WITNESS: No.

Mr. HARKNESS: We will go into that with another witness.

Mr. MACNICOL: I should like to ask a question about the first sentence of No. 23.

The CHAIRMAN: We are on 22. Are you ready for 23?

That future appointments of officials concerned with the administration of Indian Affairs should, where practicable, be restricted to applicants who have had previous experience in the field. Field officers in the said administration should, from time to time, be posted to the divisional or headquarters office of such administration.

Mr. MACNICOL: My question pertains to the first sentence. All of us have been impressed with Magistrate Martin for one, and there were some others whose names I have forgotten who have appeared before us. Would that clause bar men of their qualifications from being appointed to an administrative post?

The CHAIRMAN: It would not bar them.

The WITNESS: What clause?

Mr. MACNICOL: The first sentence.

The CHAIRMAN:

That future appointments of officials concerned with the administration of Indian affairs should, where practicable, be restricted to applicants who have had previous experience in the field.

The WITNESS: I do not think it was intended by the committee that should be an absolute rule.

By Mr. MacNicol:

Q. Pardon?—A. I do not believe it was intended by the committee that that should be an absolute rule. Otherwise they would not have put in the qualifying clause "where practicable". I would think if we found a satisfactory Indian available for a senior appointment in the department that it would certainly be at least open to argument that he should be appointed rather than a person with field experience, depending on other qualifications.

Mr. HARKNESS: I think the point is covered by recommendation No. 11 in which we recommended that any Indian at any level be given preference if he qualified.

By Mr. MacNicol:

Q. Would the words "any level" prevent a man like Magistrate Martin from being barred by the words "who have had previous experience"?—A. No, I do not think that would make it impossible to appoint Magistrate Martin or anyone else whom we felt should be appointed.

The CHAIRMAN: No. 24.

Mr. CASE: Can we have a comment from Dr. Keenleyside on 23? We have not had his comment on that.

The WITNESS: That is quite correct, Mr. Case. The department in making appointments to senior posts in the head office gives preference, where other things are equal, to the man who has had experience in the field. That is a general regulation throughout the whole department. Other branches of the department, as well as Indian Affairs, have officers doing field work, and everywhere in the department it is and has been the policy to give preference, when other things are equal, to those who have had field experience. Recent examples of how this has worked out in the Indian Affairs branch are, of course, the case of Major MacKay who has recently come down to be superintendent of welfare, but in addition to that most of the senior officers in the branch have had experience in the field. I would cite for the record the case of Colonel Jones who is superintendent of family allowances and Colonel Neary who is superintendent of education, two of the most difficult and responsible posts in the head office.

By Mr. Case:

Q. Would it be a fair question to ask if Major MacKay sought the change from British Columbia, or were you more interested in securing him for this particular post?—A. The initiative came from here.

The CHAIRMAN: No. 24.

Mr. HARKNESS: No, Mr. Chairman. No. 23 is, in my opinion, one of the recommendations that enters very considerably into the matter of what is now known as the "general executive assistant" appointment which we decided this morning not to discuss, although there has been some reversion to it. In my opinion, this recommendation was set at naught in that appointment or attempted appointment. Therefore as the decision apparently is not to discuss the matter now I should like to have No. 23 stand, as it were, as we say when we are going over the estimates, and deal with the matter again.

The CHAIRMAN: I do not think we are passing on this. All we are trying to get is information.

Mr. CASE: We hope we do not have to review them all.

Mr. HARKNESS: I was hoping we would not have to review them at all.

Mr. CASE: Let it stand.

The CHAIRMAN: I see no objection to that. We can come back to any one of these recommendations if we so desire. No. 24.

That in the best interest of the administration of Indians affairs, if there be officials therein who are incompetent, or incapacitated, or for any reason unable to fulfil their duties, such officials should be superannuated or retired from the service, without undue delay.

The WITNESS: Mr. Chairman, this is the second of the two recommendations that have not been carried out. It is the most difficult suggestion that was made to the department by the committee. Mr. Hoey suggests that we are getting a new rating form which will assist in deciding who is competent and who is not. That, however, does not seem to me to be the essence of the difficulty. In any organization you will have some people who, as a result of a longer period of service, have moved some distance up the ladder. In some instances, as in the

British navy, if people do not reach a certain height on the ladder at a certain age they are dropped and find some other occupation. There is nothing of that sort in the civil service set-up in Canada.

Take a hypothetical case. If you have a man who has spent 20 or 25 years in the public service the fact that he is not up to a high standard of competence at the end of that time is not a sufficient justification under civil service rules for asking him to resign or for putting him on superannuation. There is no provision by which that can be done. The result is that you have in this, as in other branches of the government, certain people who for maximum efficiency could probably be replaced by others to the benefit of the service, but what machinery you would use to bring that about I frankly do not know, and we have been unable in the department to come to any conclusion as to a way in which this recommendation can be carried into effect.

By Mr. Harkness:

Q. In connection with people who are incompetent I can readily see the difficulty, but in connection with people who are incapacitated, by which I mean from illness or something along that line, is there no way you can have those people superannuated earlier than would be the case otherwise?—A. You run up against this problem there, that people who have been in the service for many years, and who have then become incapacitated, have almost certainly built up a very long period of sick leave to which they are entitled, and certain other forms of leave which they can use during the time of their absence on account of incapacitation. That may run to six months. It may run to more than that. The mere fact that a man is out of action for say a period of six months does not necessarily mean that he prejudices his position in the civil service. It is an extremely difficult problem, and in the department we would be very glad to have any suggestions from the committee as to how we can get around it. Naturally we are anxious to have as efficient a branch as possible. At the same time we are anxious to play the game with the people who are in it, and we do not want to be harsh or cruel in cutting people off just because, on account of age or some other reason, they are not as efficient as they used to be. We have to try to hold some kind of balance, and even in cases where we feel people should, for the benefit of the service, be dropped or transferred we do not know how to go about it.

Q. I agree that there should not be any harshness used with regard to people who are incapacitated. I understood from Mr. Hoey's evidence last year that apparently there were some cases of people who were incapacitated, but in order to enable those people to get a reasonable pension, in other words, in order to "play the game" by them, which I think should be done without any doubt, they had to be retained. There was no means by which they could be superannuated earlier because of their illness or physical incapacity. I was wondering if any progress had been made at all in looking after those people or finding some means by which they might be retired earlier, and if in actual fact any of them have been retired.—A. Mr. Hoey points out that in the last year there has been a change in the regulations which provides for deferred superannuation and which may have some effect on these cases, but I think the general answer to your question is no.

Q. Nothing has been done up to date?—A. I would rather have Mr. Bland answer that than myself. I do not know what can be done.

MR. BLAND: I think the evidence given indicates the difficulty of the problem. It is not however impossible to effect a satisfactory retirement in the case of a person who is physically incapacitated, and sometimes one might go a little further and stretch the meaning of the word "physically."

The two points of the problem seem to me to be, first, the maintenance of the efficiency of the service, which in some cases necessitates retirement, and

secondly fairness to the employee in question. The general tendency at the present time, particularly in the last year or so, has been to ease the legalities of the phrase and to permit the retirement on pension of persons whose efficiency was no longer as good as it should be. It still is difficult but I think progress has been made. I can recall some cases in which retirement has been made in the last year on those grounds.

Mr. HARKNESS: Would it be possible to correct that situation by amendment to the Indian Act, inasmuch as we are now rewriting it, as far as the Indian department is concerned?

Mr. BLAND: I think that the problem would come under the Superannuation Act rather than under any other Act. The committee has quite properly, and could again quite properly, emphasize the need for such action, but I think the action itself would require to be taken under the Superannuation Act.

Mr. HARKNESS: The only thing that this committee can deal with is the Indian Act as far as any amendment or revision is concerned, and I was wondering if by revision of that Act we could deal with this problem.

Mr. BLAND: Well, I cannot speak for the Department of Finance or the Superannuation Act, but I think it would be regarded as preferable that retirements in any department of the service should be made under that Act.

Mr. HARKNESS: I think it would be, too.

Mr. BLAND: What this committee could properly do would be to emphasize the need of fairly liberal action in that regard, particularly as far as the Indian Affairs branch is concerned. I do not think it is impossible to get action, but it does need some emphasis and some pressure to bring it about.

Mr. HARKNESS: Could I get an answer to my last question? Has any action been secured in any case or cases in the last year or two?

Mr. HOEY: We had one Indian agent retire as the result of illness without any compulsion. He just retired. That is the only case I can think of.

Mr. HARKNESS: Did he retire on pension?

Mr. HOEY: Yes.

Mr. HARKNESS: That is the only case you have in which action was secured.

The CHAIRMAN: Mr. Bland suggests it can be secured.

Mr. CASE: Was that the result of incapacity or inefficiency?

Mr. HOEY: No, not inefficiency.

Mr. CASE: That was incapacity?

Mr. HOEY: He had coronary thrombosis.

The WITNESS: That, of course, can always happen. Personnel may become seriously ill and retire on their own initiative, but I understood the recommendation to mean that the department should take the initiative in compelling or persuading an individual to retire because they did not think he was either physically capable of doing the job or that he was sufficiently efficient in it. On those points it is really an exceedingly difficult matter.

By Mr. Blackmore:

Q. Has Dr. Keenleyside information with which to give us some sort of idea about how many we have in Canada who might be characterized as being incapacitated in the Indian service?—A. Do you mean incapacitated or sufficiently inefficient to justify action being taken?

Q. Probably if we use incapacitated it would be more charitable and would be sufficiently explicit.

Mr. HARKNESS: Incompetence is always a matter of argument, but incapacity would be a different matter.

The WITNESS: I am afraid I would not want to try to estimate the number. I will satisfy myself, and I hope the committee, by saying I believe there are some.

The CHAIRMAN: No. 25.

That the project of building a central governmental hospital in northern Indian agencies, with nursing stations in far outlying districts, be proceeded with at once.

By Mr. MacNicol:

Q. Has any investigation been made as to the most suitable location which would serve all these northern agencies? I presume it means agencies north of the 60th parallel, or does it include all the northern agencies in Alberta, Saskatchewan and Manitoba? If so, there would only be three suitable places, Edmonton, Prince Albert and The Pas. Perhaps the department has been locating suitable places.—A. This really is a question for the Department of National Health and Welfare. About all I can do is to say that they feel they are carrying out the recommendation of this committee. As you know a contract has been given already for a hospital at James Bay. A military hospital is being taken over at Brandon. There is a very large hospital at Edmonton. It is the largest Indian hospital in Canada. There is a hospital also at North Battleford and a series of other hospitals are being planned or erected at the present time including one at Sioux Lookout. In addition there are number of nursing stations in northern Ontario and in northern Manitoba and in the northwest territories.

Q. They use the whole of one floor at The Pas.—A. I do not know what the situation is there.

Q. And do they not operate a hospital at Winnipegosis?—A. There is one at Norway House.

Mr. JACKSON: We have one at Winnipegosis.

The CHAIRMAN: No. 26.

That some statutory provision be made for the adequate care of aged, infirm or blind Indians; and that in the meantime rations given to Indians should be sufficient in quantity and quality.

The WITNESS: Mr. Chairman, this really refers to the matter of old age pensions which is a matter of government policy, a matter for government decision. I might say, however, we have within the last year made a very definite increase in the rations that are being supplied to the aged and indigent Indians throughout the country. It has gone up pretty nearly 100 per cent in monetary value, and the situation for those poor people is very much better than it was. Perhaps I should not say this, but the view of the department certainly is that old age pensions should be paid to the Indians.

Mr. BLACKMORE: Hear, hear.

By Mr. Harkness:

Q. I wonder if we could get not the monetary value but the actual goods that these Indians get. I think every one in the committee knows that one of the greatest complaints we got from the Indians was the issue of what they looked on as very inadequate rations to them. We have pressed in this committee that the old age pension should be given to them and have desired that they be treated better in the matter of the rations given to them, and so forth.

Mr. Chairman, I wonder if the witness could give his attention to the question that is being asked instead of the conversation going on there.

If the witness cannot give the information then we will call Mr. Hoey later and he can give the information that this witness has not got. The point was that the monetary value of the rations issued to Indians was for a long time under \$5 a month. Then it was around \$7.50 a month or \$7.20 or something

else. I think we all realize that with the increase in the cost of food that if an increase of 100 per cent in the monetary value was given to them it might still leave them with very inadequate rations. I should like to get just what the rations issued to them now consist of.—A. I do not suppose the honourable member wants me to give a breakdown of the actual food that is given to the Indians in all the different areas of Canada that come under this because, of course, it varies from place to place. I think what might be offered, however, as a general comment on his question is this: provision is being made in this year's estimates not only for the distribution of rations to the Indians in greater quantity and better quality than before, but in addition to that provision is being made for the payment of \$8 a month to indigent aged Indians in the coming year.

Mr. BLACKMORE: Eight dollars in cash?

The WITNESS: Eight dollars in cash in addition to the other items that are given.

Mr. HARKNESS: I wonder if at the next meeting we could have produced the present ration list in typically different parts of Canada, say British Columbia, the prairie regions, the Northwest Territories and the maritime provinces?

The CHAIRMAN: In view of the fact that we have completed the recommendations that have been made by the committee to parliament, would you consider it advisable to adjourn this subject until such time as the appointment referred to this morning has been confirmed and we are going to go back for re-examination and questioning, rather than having to meet to-morrow? I suggest we can dispense with to-morrow morning's meeting.

Mr. HARKNESS: There are these various appointments which I asked about and Dr. Keenleyside has not information on and which I think will take some time to go into.

Mr. MACNICOL: I notice in your last paragraph you mention Mr. William Zimmerman. I wish you to know that he treated me very nicely during last fall, although he is not now with the Indian department. He drove me to one of the reservations which he referred to last summer, and he wished to be remembered to the committee.

The CHAIRMAN: Thank you very much, Mr. MacNicol, I am sure the committee will appreciate that.

Mr. CASE: We have to hear Mr. Jackson and Mr. Hoey and we might get on with them if we went on tomorrow.

The CHAIRMAN: They will have to come back when we go on the next time. Could we not dispense with the meeting tomorrow?

Mr. BLACKMORE: I would rather dispense with the meeting tomorrow.

Mr. HARKNESS: As long as there is no undue delay.

The CHAIRMAN: Speak to the Civil Service Commission about that.

By Mr. Case:

Q. You made the statement that the department would like to see old age pensions made available to the Indians. You have given some thought and study to the matter and you are convinced it would be one method of giving them an advantage which the whites enjoy and at the same time eliminating some of this relief?—A. We hope so.

Q. You have not given any thought as to how that would be administered? Would you give the money to them or to the agent to administer?—A. I hope it would be possible in most cases personally to give it direct, because our underlying theory in all our dealings with them is to increase their sense of responsibility. Wherever it is possible to give it direct to them we hope it will be done. However, there may be cases in which a particular Indian group is

so backward that for a time we would have to assist them by administering it ourselves. We would hope to keep that to the minimum.

Q. Last year I think there was a direct recommendation by Mr. Blackmore or Senator Fallis that the Indians be included in the old age pension plan. Has there been any discussion in the department with respect to that?—A. Yes, there has been a good deal of discussion.

The CHAIRMAN: This committee last year reported to the Parliament last year unanimously recommending that the Government give immediate consideration to the advisability of granting old age pensions to Canadian Indians.*

The Committee adjourned at 6.00 p.m. to meet again on Tuesday, March 9 at 10.30 a.m. to proceed with the revision of the Indian Act.

* Third Report, Wednesday, May 7, 1947. See 1947 Minutes of Evidence, pp. 877 and 878.



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. 3

TUESDAY, MARCH 9, 1948
THURSDAY, MARCH 11, 1948
TUESDAY, MARCH 16, 1948
WEDNESDAY, MARCH 17, 1948
THURSDAY, MARCH 18, 1948
FRIDAY, MARCH 19, 1948

WITNESSES:

Mr. C. H. Bland, C.M.G., Chairman, Civil Service Commission;
Mr. H. L. Keenleyside, Deputy Minister, Mines and Resources;
Mr. C. W. Jackson, Director, Administration and Personnel, Mines and
Resources, Ottawa.

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

REPORT TO THE SENATE

THE SENATE,

MONDAY, March 8, 1948.

The 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) beg leave to make their second report, as follows:—

Your Committee recommend:—

1. That it be empowered to retain the services of counsel.
All of which is respectfully submitted.

W. H. TAYLOR,
Chairman, Senate Section.

With leave of the Senate, the said report was adopted.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

TUESDAY, 9th March, 1948.

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 10.30 o'clock a.m.

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

Present:

The Senate: The Honourable Senators Blais, Leger, Macdonald (*Cardigan*), MacLennan, McKeen, Paterson and Taylor.—6.

The House of Commons: Messrs. Brown, Bryce, Blackmore, Castleden, Gibson (*Comox-Alberni*), Harkness, MacLean, MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*), Stanfield.—12.

In Attendance: Messrs. C. W. Jackson, Director, Administration and Personnel, Mines and Resources; W. M. Cory, Legal Section, Mines and Resources; R. A. Hoey, Director Indian Affairs Branch; D. H. Russell, Indian Affairs Branch; also Norman E. Lickers, Esq., Barrister, Brantford, Ontario.

The Committee resumed examination of the Indian Act.

Mr. Reid suggested that consideration of the Act might be expedited if the Committee, at the outset, would decide whether the name "Indian" were to be perpetuated, or some other expression, such as "native Canadian" used.

Discussion followed. It was agreed, that, for the present, the Committee would proceed on the assumption that the word "Indian" would appear in the new Act.

It was agreed that Mr. Lickers and the Departmental officials concerned would meet and bring to the Committee at its next meeting suggestions with regard to the amendment of sections 2(*d*) and 14 of the present Indian Act.

The Committee adjourned at 12.30 p.m., to meet again on Thursday next, 11th March, at 10.30 a.m.

HOUSE OF COMMONS,

THURSDAY, 11th March, 1948.

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 10.30 o'clock a.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, Blackmore, Case, Charlton, Church, Farquhar, Harkness, Little, MacLean, MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*), Stanfield.—15.

In attendance: Messrs. C. W. Jackson, Director, Administration and Personnel, Mines and Resources; W. M. Cory, Legal Section, Mines and Resources; R. A. Hoey, Director, Indian Affairs Branch; D. H. Russell, Indian Affairs Branch; also Norman E. Lickers, Barrister, Brantford, Ontario.

Mr. Case presented the Second Report of the Subcommittee on Agenda and Procedure. (Text of Report appended hereto.)

On motion of Mr. Case, it was

Resolved, that the said Report be adopted.

The Committee resumed examination of the Indian Act, with particular reference to the definition of an "Indian" and the redraft of Section 185 of the said Act.

Mr. D. J. Allan, Superintendent, Reserves and Trusts, Indian Affairs Branch, made a statement with regard to Indian status and eligibility for band membership.

On motion of Mr. Case, it was

Agreed: That a subcommittee to be named by the Joint Chairmen meet to consider the wording to the definition section 2(d) and report back to the Joint Committee its finding.

Mr. Reid presented notice of motion that the Joint Committee give consideration to the matter of the eligibility of Indians to receive the benefits of provincial social services.

Notice of motion referred to subcommittee on agenda and procedure for consideration and report.

The Committee adjourned at 5.55 p.m., to meet again on Tuesday next, 16th March, at 10.30 o'clock a.m.

SECOND REPORT OF SUBCOMMITTEE ON AGENDA AND PROCEDURE

THURSDAY, 11th March, 1948.

1. *Employment of Counsel*

Your subcommittee recommends that your Committee retain the services of Mr. Norman E. Lickers, Barrister, Brantford, Ontario, as counsel for your Committee.

Your subcommittee further recommends that the fee to be paid Mr. Lickers shall be \$75 for each day's attendance at Ottawa on the business of the Committee and, in addition, his actual travelling expenses to and from Ottawa and his actual living expenses at Ottawa, as certified according to the rules of the House of Commons; the whole subject to termination at any time by your Committee.

2. *Revision of the Indian Act*

Your subcommittee recommends for your consideration

- (a) the attached definition of an "Indian";
- (b) the suggested redraft of Section 185 of the Indian Act;
- (c) Appendix EL, 1947 Minutes of Proceedings and Evidence, page 567.

All of which is respectfully submitted.

HOUSE OF COMMONS,

TUESDAY, 16th March, 1948.

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 10.30 o'clock a.m.

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

Present:

The Senate: The Honourable Senators Horner, Leger and Taylor—3

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Little, MacLean, MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*), and Stanfield—18.

In attendance: Messrs C. W. Jackson, Director, Administration and Personnel, Mines and Resources; R. A. Hoey, Director, Indian Affairs; W. M. Cory, Legal Section; D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves and Trusts; D. H. Russell, Indian Affairs; also Mr. Norman E. Lickers, Barrister, Counsel for Committee.

On motion of Mr. Bryce, it was—

Resolved: That until further notice the meetings of this Committee on Tuesdays and Thursdays commence at 11 o'clock a.m.

The Chairman announced that at 4 o'clock p.m., to-morrow Wednesday, 17th March, the Committee would resume hearing of Messrs. Keenleyside, Jackson, Bland and Hoey with regard to the matter of appointments, etc., in Indian Affairs Branch.

Consideration resumed of the Indian Act.

Sections 49, 50, 51, dealing with "Surrender and forfeiture of lands in Reserve will be re-drafted and submitted for further consideration.

The Committee heard submissions by Messrs. Jackson, Hoey and Allan.

It was agreed that the subcommittee would meet at 5 o'clock p.m. to-day to review the definition clause 2d ("Indian") and the matter of eligibility for band membership and report to the Committee on Thursday next, 18th March.

The Chairman announced that before taking up the examination of the Act section by section it would be advisable that the Committee should agree on general principles with regard to: voting by Indians at elections, provincial or Dominion; the right of Indian women to vote on matters affecting the band of which they are members; the purchase and consumption of beer, wine and spirituous liquors by Indians; educational matters.

It was agreed to have Mr. Case read a memorandum and to have it distributed in mimeograph form to all members of the Committee before Thursday next.

The Committee adjourned at 6.05 p.m., to meet again on Wednesday, 17th March, at 4 o'clock p.m.

HOUSE OF COMMONS,

WEDNESDAY, 17th March, 1948

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 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, Brunelle, Bryce, Blackmore, Case, Charlton, Farquhar, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*), (Vice Chairman), MacLean, MacNicol, Raymond (*Wright*), Reid, and Stanfield—15.

In attendance: Messrs. H. L. Keenleyside, Deputy Minister, C. W. Jackson, Director, Administration and Personnel, Mines and Resources; C. H. Bland, CMG., Chairman, Civil Service Commission; R. A. Hoey, Director, Indian Affairs Branch; D. H. Russell, Indian Affairs; Dr. H. A. Procter, Indian Health Services, National Health and Welfare; also, Mr. Norman E. Lickers, Barrister, Counsel for Committee; and, from Caughnawaga, Quebec: Messrs. Louis E. Beauvais; John Beauvais, Angus H. Canadian; Charles K. Canadian.

The Chairman announced that Mr. Keenleyside, called to appear today, would not be available for further hearings for at least one month, due to his departure from Ottawa on official business, and that, under the circumstances, it would be advisable that the Committee to endeavour to clear up today any matters about which it was considered Mr. Keenleyside can assist the Committee.

Mr. C. H. Bland, CMG., Chairman, Civil Service Commission, recalled, further questioned with regard to the appointment to the former position of General Superintendent of Indian Agencies in Canada and, later, the present position of General Executive Assistant, Indian Affairs Branch.

Mr. Bland withdrew, to be recalled later.

Mr. H. L. Keenleyside, Deputy Minister, Mines and Resources, was recalled, made a statement and was questioned thereon.

The Committee adjourned at 6.00 o'clock p.m., to resume this phase of its investigation on Friday, 19th March next at 11 o'clock a.m. The Committee will meet at 11 o'clock a.m., on Thursday, 18th March next, to resume consideration of the Indian Act.

HOUSE OF COMMONS,

THURSDAY, 18th March, 1948.

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, Johnston, Macdonald (Cardigan), and Taylor—4.

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Charlton, Church, Farquhar, Harkness, Little, Matthews (Brandon) (Vice-Chairman), MacLean, MacNicol, Reid (Gloucester)—14.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; R. A. Hoey, Director, Indian Affairs; W. M. Cory, Legal Section; D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves and Trusts; T. R. L. MacInnes, Secretary, Indian Affairs; D. H. Russell, Indian Affairs; also Mr. Norman E. Lickers, Barrister, Counsel for Committee.

The Chairman filed with the Committee copies of the Annual Report for the fiscal year ended June 30, 1946, of the Commissioner of Indian Affairs to the Secretary of the Interior, United States of America.

It was agreed that the Committee meet on Friday, 19th March next, at 11 o'clock a.m., to resume hearing of Messrs Jackson and Hoey with regard to appointments and promotions in the Indian Affairs Branch.

Consideration resumed of the sections of the Indian Act dealing with the purchase and consumption of intoxicants by Indians.

Messrs. Hoey, MacInnes and Allan made statements and were questioned thereon.

The Committee adjourned at 12.50 p.m., to meet again tomorrow, Friday, 19th March, in special session to resume hearing of Messrs. Jackson and Hoey.

HOUSE OF COMMONS,

FRIDAY, 19th March, 1948.

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 Horner, Johnston and Macdonald (Cardigan)—3.

The House of Commons: Messrs. Brown, Brunelle, Castleden, Farquhar, Gariépy, Harkness, Little, Matthews (Brandon) (Vice Chairman), MacNicol, Reid, Richard (Gloucester)—11.

In attendance: Messrs. R. A. Hoey, D. H. Russell, Indian Affairs; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

Mr. C. W. Jackson, Director, Administration and Personnel, Mines and Resources, called, made a statement and was questioned thereon.

The Committee adjourned at 12.55 p.m., to meet again on Tuesday next, 23rd March, at 11 o'clock a.m.

T. L. McEVOY,

Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

March 17, 1948.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 4 p.m. Mr. D. F. Brown, M.P., (Joint Chairman), presided.

The CHAIRMAN: Gentlemen, shall we come to order? Now, this is a special meeting of the committee for the purpose of continuing the examination of Mr. Bland, Chairman of the Civil Service Commission; of Dr. Keenleyside, Deputy Minister of Mines and Resources, Mr. Jackson and Mr. Hoey. We shall have to take Mr. Bland first because Dr. Keenleyside, by reason of the work in the House at the moment, has to await the pleasure of the Prime Minister who has been speaking until now, I understand. As soon as Dr. Keenleyside has finished his business with the Prime Minister he will come here. We are anxious to complete Dr. Keenleyside's examination because of the fact, as he informed the committee at the last meeting, that he is leaving on Thursday, I believe it is, the 18th, to travel through western Canada to the west coast on departmental business. He will be gone for a period of one month. We want to have him appear before us and discuss with him any matters connected with this committee before he leaves. Now, is it your pleasure that we proceed to hear Mr. Bland?

Charles H. Bland, C.M.G., Chairman, Civil Service Commission, recalled:

The CHAIRMAN: Mr. Bland, as you know, is chairman of the Civil Service Commission and has appeared before this committee on several occasions. His evidence given at the last meeting was not completed. If it is your pleasure we will now hear from Mr. Bland.

The WITNESS: Mr. Chairman and gentlemen, when I last appeared before this committee as a witness a number of questions were asked in connection with the proposed promotion of Mr. Ford Pratt to a position in the Indian Affairs branch of the Department of Mines and Resources. As an appeal against Mr. Pratt's promotion was then being heard by an appeal board the committee deferred further questioning until the Appeal Board had made its report.

As the Appeal Board's report has now been received and considered by the Civil Service Commission I should like to make a brief statement which I hope may provide the committee with the information it desires in connection with the matter.

Mr. Pratt has been considered for two posts in the Indian Affairs branch, the first in 1945 being that of general superintendent of Indian agencies, and the second, in 1948, that of general executive assistant.

For the first position the department advised the commission that it could be filled by promotion open to the permanent employees of the Department of Mines and Resources. The commission invited applications from the permanent employees of the department and secured ratings from the department on those employees who made application. The highest rating was secured by Mr. W. J. F. Pratt, assistant secretary and chief of personnel of the department.

and Mr. Pratt's promotion was approved by the commission, subject to the usual appeal procedure by which a period of fourteen days was allowed for appeals from unsuccessful competitors.

An appeal having been received from Colonel E. P. Randle, one of the applicants, an appeal board was constituted, consisting of persons who had had no previous contact with the preparation of the ratings, and composed of Mr. C. V. Putman, appeals officer of the commission as chairman, Mr. D. J. Allan, superintendent of trusts and reserves in the Indian Affairs branch, as representative of the department, and Mr. J. A. MacIsaac, vice-president of the Civil Service Federation, as representative of the appellant.

The board examined the various factors connected with the case and heard testimony from the director of the Indian Affairs branch and from the chief executive assistant of the department. There was an apparent difference of opinion as to the duties of the position between the director of the Indian Affairs branch and the chief executive assistant, the former regarding the post as one for a senior administrator who would be able to take direct charge of the work, and the latter regarding the position as being one for a special personnel officer.

The board's findings were as follows:

1. That the post was a senior administrative one and that the incumbent should be qualified to take over, under the director, the administrative direction of Indian agencies.

2. That there was insufficient evidence of the administrative experience or capacity of Mr. Pratt to justify his selection for the position.

The Appeal Board accordingly recommended that Mr. Pratt's promotion should be disallowed, which recommendation was approved by the commission and the department notified accordingly.

The commission was subsequently asked by the department to establish a position of general executive assistant, the duties of which did not involve the superintendency of agencies as had been the case in the previous position. The department asked that the ratings previously given by it to the original candidates, placing Mr. Pratt in first place, be accepted for this new position. The commission concurred in this, subject to the usual appeal procedure.

Colonel Randle filed another appeal against Mr. Pratt's selection and an appeal board was again convened, consisting of Mr. H. R. McNaughton, appeals officer of the Civil Service Commission as chairman, Mr. R. A. Gibson, director of lands and development services, Department of Mines and Resources, as departmental representative, and Mr. J. A. MacIsaac, vice-president of the Civil Service Federation, as representative of the appellant.

The Appeal Board held two meetings at which it considered the duties of the position as well as detailed ratings submitted by a departmental rating board on the qualifications of the candidates with reference to it and finally reported that after careful consideration of all evidence presented, the Appeal Board was unanimously of the opinion that Mr. E. P. Randle had been fairly rated and that his appeal should be disallowed.

Two members of the board were satisfied that the new ratings, as submitted, fairly represented the comparative qualifications of the candidates and recommend that these ratings be accepted. The third member accepted the ratings with certain reservations as to the relative qualifications of the two candidates standing highest on the list.

The commission has considered the report of the Appeal Board and in view of it believes that the promotion of Mr. Pratt to the position of general executive assistant should now be confirmed.

The CHAIRMAN: Are there any previous questions you want to answer at this point, Mr. Bland? Do I understand that there were some questions unanswered at the last meeting when Mr. Bland was with us? If so, would you like to submit your answers now?

Mr. HARKNESS: I have a number of questions I would like to ask in view of Mr. Bland's statement, and some of them are questions which I had asked before to some extent. The idea was, I presume, that we would go ahead with questioning now.

The CHAIRMAN: Is that the will of the committee? If so, you may proceed.

By Mr. Harkness:

Q. Mr. Bland, in connection with this first appointment when the job was advertised, I think, as general superintendent of agencies, you said that an appeal was entered against the appointment of Mr. Pratt to that position and that the Appeal Board found that the post required to be filled was a senior administrative one and that Mr. Pratt did not possess the qualifications for that position; that was the finding of the board?—A. For that particular post.

Q. As a matter of fact, did the board state in their findings that Mr. Pratt did not possess the "minimum qualifications" for the post?—A. I think the exact wording of the board's report was as I have quoted it; namely, there was insufficient evidence of the administrative experience or capacity of Mr. Pratt to justify his selection for the position.

Q. Well, I know that in view of this fact, particularly, that Mr. Glen stated in the House of Commons that this board recommended that the candidate—meaning Mr. Pratt—did not possess the minimum qualifications?—A. I think I had better quote the exact wording of the appeal board. Yes, the word "minimum" was used. The exact wording of the Appeal Board report was, "if it is an administrative job the board is unanimous in its opinion that Mr. Pratt has not the minimum qualifications for this position."

By Mr. Reid:

Q. What year was that?—A. That was in 1946.

By Mr. Harkness:

Q. Is it not also the case from what you have said here in connection with the difference of opinion between Mr. Jackson and Mr. Hoey as to this appointment that Mr. Hoey gave evidence to the Appeal Board that what was required was a man to assume and take over a good deal of the administrative detail, and actually be a sort of administrative head of the department under him?—A. The general gist of the board's report on Mr. Hoey's evidence was to the effect that Mr. Hoey felt this was a senior administrative position to be in charge of the administration of Indian agencies and that the officer appointed to it must be capable of settling administrative problems largely without reference to Mr. Hoey as head of the branch.

Q. In other words, what the director of the branch felt he needed was an administrator, and that was, in fact, what was advertised for?—A. That is correct.

Q. And is it also a fact that Mr. Jackson indicated to this board that the man he thought should be in the position should be a man who rather than being an administrator would be a selector and manager of personnel?—A. Yes, I think as a general statement that is correct, too.

Q. Is it correct that the board was very much amazed at securing this evidence from Mr. Jackson in view of what Mr. Hoey had already said?—A. I think the board was rather surprised to find there was such a difference of opinion.

By the Chairman:

Q. Were you present at the board meetings, Mr. Bland?—A. No, sir.

By Mr. Harkness:

Q. Subsequently in spite of advertising for a general superintendent the title of the job was changed to general executive assistant, and I assume the

qualifications were changed also?—A. I should like to put that another way, if I may. Instead of advertising again the position of general superintendent of Indian agencies it was the request of the department, concurred in by the commission, that applications should be considered for a general executive assistant instead of for a general superintendent of agencies.

Q. What were the qualifications which were laid down for this general executive assistant?—A. The main difference was the fact that he would not be responsible for the administration of Indian agencies.

Q. In other words, just the opposite to what the director had asked for?—A. I think it would be only fair to the director and to Mr. Jackson to say that in their minds I think there were two jobs. One job was that of general superintendent of Indian agencies which was a senior administrative post. The other job was that of assistant to the director on general executive work.

Q. Would it not appear as to Mr. Pratt's appointment to this job, having been turned down by the Appeal Board, that the department then changed the title and the qualifications to a job—

The CHAIRMAN: Wait a minute, Mr. Harkness.

Mr. HARKNESS: I am all right.

The CHAIRMAN: Just a minute. I do not think we should put Mr. Bland in the position of having to state what was in the mind of somebody else. All he can do is give us the facts as they happened.

Mr. HARKNESS: I think you should let Mr. Bland answer for himself. If we are going to inquire into this matter at all we have got to inquire into it. There is no use not asking this question and that question and the other.

The CHAIRMAN: I know. I am not trying to stop you asking all questions that are fair.

Mr. HARKNESS: I think this question will be fair.

The CHAIRMAN: And direct, but we cannot assume that this indirect evidence is going to be acceptable if you are putting him on trial.

Mr. HARKNESS: I am not putting anybody on trial. As a matter of fact I am trying to get to the bottom of this thing. To continue—

The CHAIRMAN: Ask what the facts are.

Mr. HARKNESS: If you will allow me to go ahead without interruption I think we will arrive at the facts.

The CHAIRMAN: I think that the committee would like you to bring out the facts, not what the presumptions are.

Mr. HARKNESS: Well, I will continue.

By Mr. Harkness:

Q. Would it not appear, as I said, that the title and the qualifications of the job were changed more nearly to fit Mr. Pratt's qualifications?—A. I think I answered that by saying that in my opinion there were two jobs. One job was the job of general superintendent of agencies. That was the job in which Mr. Hoey was mainly concerned. The other job was that of general executive assistant in which Mr. Jackson was more concerned. In the first case—

Q. Is it not a fact— —A. May I complete my answer?

Q. Certainly.—A. In the first case the job of general superintendent of Indian agencies was advertised and Mr. Pratt's promotion to it was disallowed by the Appeal Board, and disallowed by the Civil Service Commission. The second job, general executive assistant, was then under consideration, and for it Mr. Pratt was again considered.

Q. But is it not a fact that the ratings which were originally given for this post of general superintendent of Indian agencies were, at the request of the department, continued as the same ratings for this second post?—A. That

is true, but at the request of the second Appeal Board further ratings were given by the department because of the fact there were differences between the jobs.

Q. Is it not the case actually that this job called general executive assistant was in essence the same job as that of general superintendent of Indian agencies which had been previously advertised?—A. No, the facts do not indicate that, as far as I can see them.

Q. Pardon?—A. In my opinion the facts do not indicate it was the same job.

Q. The fact that at the request of the department the same ratings were to be used would indicate that?—A. I am answering from my point of view, not from the point of view of the department. From my point of view there were two different jobs.

The CHAIRMAN: If we are going to conduct a legal inquisition I think we should keep it on legal lines. If we are trying to find out information as far as this committee is concerned let us stick to the facts and ask the witness what he knows, what the fact is, not what he believes would be the result of certain facts.

Mr. HARKNESS: In all the evidence we have had before this committee and in all the evidence that is being heard at the present time before the prices committee witnesses are constantly asked to give their opinion.

The CHAIRMAN: But this committee has not been set up as a legal inquisition to look into the question of an appointment by the Civil Service Commission.

Mr. HARKNESS: It is not a legal inquisition.

The CHAIRMAN: I agree with you it is not, but you are trying to put it on that plane.

Mr. HARKNESS: It is not on that plane at all. It is an inquiry to try to get at what the situation was in this particular case.

The CHAIRMAN: Then get the facts.

Mr. HARKNESS: I do not see why you are making any objection to the questions I am asking.

The CHAIRMAN: Except that there is no use in our trying to ask what his opinion is on certain things. Ask what the fact is.

Mr. HARKNESS: We have been doing this ever since the committee was in operation. We have asked various officials their opinion on different matters. They are doing it every day in the prices committee, not only with officials but also with trade witnesses.

The CHAIRMAN: Heretofore we have been finding out facts as to the conditions on Indian reserves, how the Indians live, how they act, how they make an income, and all things pertaining to the life of the Indians. Now we are getting off on a side track in trying to set up a board of inquiry into the fairness or otherwise of an appointment by the Civil Service Commission. If that is going to be done I think we should draw a line.

Mr. REID: As a matter of fact, I was going to pursue Mr. Harkness' questions and challenge Mr. Bland if he had given an opinion. He has no right to give an opinion as to the duties. I am one of those who believe the Civil Service Commission is not in a position to know the duties of any department. They are civil service examiners, and after the department lays down the requirements it is their duty to test the applicants for that job. I do not see how Mr. Bland could be in a position to say what is required in the Indian Affairs Branch.

Mr. HARKNESS: I did not ask Mr. Bland to answer any question along that line. I merely asked him for his opinion as to the change in the name and the qualifications for that position.

The CHAIRMAN: Suppose you ask any member of the committee his opinion.

Mr. HARKNESS: As it happens I am asking Mr. Bland who is the witness at the moment.

The CHAIRMAN: Mr. Bland is here to give us facts. Let us stick to the facts.

Mr. HARKNESS: I think we will finish this inquiry a lot more rapidly if you will allow me to continue without interruption.

The CHAIRMAN: If I allow everybody to have his own way I suppose we would get some place, but where? My job is to be fair with the committee in imposing the laws and rules as set by the committee.

Mr. CASE: You must admit that the committee did set aside a certain time to hear this evidence. Mr. Harkness is trying to get at the facts.

The CHAIRMAN: I am quite content to find out all the facts that are available, but let us stick to facts, not what somebody else said to somebody else what he thinks somebody else was going to do.

Mr. HARKNESS: I should like to point out this is not a court. We do not stick to strict procedure as lawyers would understand it in court. We ask for opinions constantly from witnesses. I was asking for an opinion in this case.

The CHAIRMAN: I do not think it is a proper thing to ask for an opinion.

Mr. HARKNESS: I think it is. It is done constantly. In any event, let us get on.

By Mr. Harkness:

Q. In connection with this new title for the job, what were the qualifications which were laid down? Have you got those?—A. May I interject a remark here? If you want my opinion on these things I will have to give it to you correctly.

Q. Yes.—A. I do not think it was a new name for the same job. I think it was a different job.

Q. Well, what were the qualifications?—A. I have already said that I thought the main difference in the duties was the fact that this new job did not involve the administration of Indian agencies. I will read the exact qualifications given by the department if you would like to have them.

Q. All right.—A. This is the General executive assistant, Indian Affairs Branch department's statement as signed by Mr. C. W. Jackson:

Duties: Under the director, Indian Affairs Branch, to develop services and co-ordinate procedures having to do with the procurement and distribution of supplies, assignment, classification, transfer and payment of staff, checking and certifying of branch accounts, and the maintenance of branch statistics and records, and other related work; to train and supervise staff assigned and to make recommendations respecting the welfare of staff; to review reports and recommend action pertaining to the election or removal of Indian chiefs and counsellors; to co-ordinate the construction and maintenance programs of the branch; to deal with officers of the department and with other departments and with members of the public pertaining to the work of the branch, and as directed to represent the branch on committees and boards; as requested to advise on matters pertaining to branch operation and administration, and to recommend changes in administrative procedures, and to perform other related work as required.

Mr. REID: I wonder if Mr. Harkness would allow me to ask a question so that we will not have to come back to it.

Mr. HARKNESS: Yes.

By Mr. Reid:

Q. Were those the qualifications that were drawn up in the first instance?

—A. No, in the second instance.

Q. I think if we are going to have a full report we should have the first qualifications, too. Let us have the whole picture. If Mr. Harkness does not mind I want to find out about something else. We are all interested. Mr. Harkness is not the only one interested. I want to find out why the change took place?—A. The advertised duties for the position of general superintendent of Indian agencies read as follows:

To be responsible to the director of the Indian Affairs Branch for the administration of Indian agencies in Canada; to investigate and report on new appointments, changes in staff and promotions in the field administration; to instruct and give guidance to employees; to make recommendations on the grading of Indian agencies and the classification of Indian agents; to supervise the election and removal of Indian chiefs and counsellors, the implementing of law enforcement regulations, social services and all programs designed to improve the conditions of the Indians; to deal with administrative matters such as the adjustment of boundaries, the construction, repair and maintenance of buildings and roads, the purchase of equipment and stock, and to perform other related duties of a senior administrative character.

Q. Who drew that up?—A. It was drawn up between the Civil Service Commission and the Department of Mines and Resources.

Q. It seems to me there are three jobs all mixed up in that one advertisement, supervising the building of roads and buildings—

By Mr. Case:

Q. Just listening to the statement it is pretty hard to determine where the difference is in the qualifications.—A. I think there is a very decided difference because the first position, general superintendent of Indian agencies, has as its first duty the administration of Indian agencies in Canada. That does not appear in the other job.

By Mr. Reid:

Q. When the examination took place was it on the second?—A. I did not catch your question.

Q. When the examination took place, when the ratings took place, was it on the second or first?—A. There was an examination on both of them. In the first instance it was on the general superintendent of Indian agencies which I have just read. In the second instance the examination was on the duties I read for the position of general executive assistant.

Q. When was Mr. Pratt turned down first?—A. He was turned down for the position of general superintendent.

Q. On the first qualifications you read or the second?—A. The qualifications I have just read.

By Mr. Case:

Q. Was an appointment made?—A. An appointment was not made.

By Mr. Charlton:

Q. Has there been another list sent out for that job?—A. No.

By Mr. Harkness:

Q. Is it not a fact, as brought out earlier, that the same ratings, as far as the department were concerned, were used for both jobs?—A. With the exception that in the second instance, the department supplied supplementary ratings.

Q. At the request of the Civil Service Commission?—A. At the request of the Appeal Board.

Q. It strikes me from hearing you read those qualifications that the main difference between them is that in the first case the emphasis is on the handling of personnel, administration, and so forth. In the first advertisement, for a superintendent general, the emphasis to begin with is on the administration end of things as far as the Indian agencies in Canada are concerned, and secondly to deal with personnel. In other words—

The CHAIRMAN: Well—

Mr. HARKNESS: Just a minute.

The CHAIRMAN: Just a minute. My job is to conduct this meeting and to try to get some semblance of order and get the thing done in a systematic and orderly way. We are not here to get your opinion, Mr. Harkness. We are here to inquire from the witness as to what the facts are. Am I right or am I wrong?

Mr. CHARLTON: I think Mr. Harkness should be given a chance to ask questions.

The CHAIRMAN: Every other member of the committee has an equal opportunity.

Mr. CHARLTON: That is right.

The CHAIRMAN: No one member is going to be singled out in preference to another. We are not here to get anybody's opinion. We are not here to find out the opinion of any witness.

Mr. HARKNESS: I disagree with you completely, Mr. Chairman. We are here to get opinions. Every committee that has been set up by the House of Commons and by the Senate has gone into the matter of getting opinions at some time or other.

The CHAIRMAN: To be exact, this matter is not within the jurisdiction of this committee. We have made a sojourn into the fantastic, shall I say, for purposes of letting—

Mr. CHARLTON: There is nothing fantastic about it.

The CHAIRMAN: —of letting the committee inquire into the facts. We are developing more or less into a judicial committee here. If we want to get into a judicial committee and try this matter on the facts we will either have to have it referred to a proper legal committee or commission and have it tried by a judge or we will just find out the facts as we can find them out to assist the Indian affairs committee.

Mr. REID: I should like to make a suggestion. I am one of those who believe if we are going into this matter that the records should be produced. I should like to read them for myself. It cannot be done in a committee of this size. There are a lot of questions which one may ask to which a full and satisfactory answer may not be given. I am wondering if it would not satisfy the situation to name a subcommittee of the main committee, including Mr. Harkness, which could get closer to the entire matter and bring in a report. I have a lot of questions I should like to ask, and I should also like to see some of the records as well.

I want to see the advertisement that was put out. I want to see the qualifications. That has been mentioned. I want to ask if the qualifications were changed. I want to ask who changed them. If it was the board of review that changed them why did they change them? I want to find out if Mr. Pratt was brought in before the board of review or just Mr. Randle heard. There are about fifty questions I should like to ask if we are going into it fully so that I may be clear in my own mind as to whether or not there was any wrong done. At the moment I have an open mind, but if we are going into this let us go into it fully and completely. If Mr. Pratt should be exonerated then exonerate him.

If the Civil Service Commission should be exonerated then do that, too, but if we sit around here and just ask a few questions we will never get to the bottom of it. That is my opinion.

Mr. BRYCE: I have kind of lost track of what I was going to ask. You said, Mr. Bland, that the Appeal Board made a recommendation in connection with this appointment. What did you mean by that? Is that the usual custom when there is an appeal that they send back recommendations as to what should be done next time?

The WITNESS: The usual practice is that when an appeal board is set up it investigates the facts of the competition, ascertains whether or not there is truth in the appellant's claims, and makes a report to the commission on what it has found, with recommendations as to what action should be taken. As I said before, the Appeal Board can of itself take no action other than that. The responsibility then is that of the Civil Service Commission to decide what action to take. This was the normal procedure for an appeal board.

By Mr. Matthews:

Q. Am I right in this summing up of what Mr. Bland has told us, that the first position was to be that of general superintendent of Indian agencies plus a lot of other duties? It was decided Mr. Pratt did not have the necessary minimum qualifications for that position and he was not appointed. Another position came up a year later, that of general executive assistant to the director, not the position of general superintendent of Indian agencies, a different position, executive assistant under the director, and for that position it was agreed that Mr. Pratt did have the qualifications. Am I right in my deductions as to what you have said or am I not?—A. I think that is a correct statement.

Q. I think that should clarify everything up to date. That is exactly where we stand now. He was turned down for the one job because he was not considered eligible. He was recommended for the second job, I presume, because he was considered eligible.

Mr. CASE: It does not clear it up entirely in this sense, that naturally in our minds the question arises as to whether the qualifications were made to fit the man, because the other job has never been filled. That was the job they wanted to fill. They advertised it first.

By Mr. Reid:

Q. When the Appeal Board sat after an appeal was made to the Civil Service Commission by Mr. Randle, in reviewing the entire case what did they have before them? Had they the first qualifications before them or the second qualifications when they were judging it? That is important.—A. There were no second qualifications at that time. They had only the qualifications that were advertised for the first position. They had the departmental ratings on the various applicants for that first post. The qualifications for the second post arose only when the department asked that the position of general executive assistant be filled.

Q. Can you assure us when the board heard the case they were looking at all the applications, and their qualifications in the light of the second—A. When the first board looked at the applications they were looking at them in the light of the qualifications required for the post of general superintendent of Indian agencies. In the second case the board was looking at the applications in the light of the qualifications for the position of general executive assistant.

Q. Did they call in any officials?—A. In the first instance they called in Mr. Hoey and . . .

Q. Who?—A. Mr. Hoey, the Director of Indian Affairs, and Mr. Clarence Jackson, Chief Executive Officer of the department.

Q. Did they call any of the applicants?—A. So far as I am aware, no. I had better check with the report, though. No, there is no indication that any witnesses were called other than Mr. Hoey and Mr. Jackson.

Q. Is it customary for the board to call the applicants in on an appeal being made.—A. No, I would not say so.

Q. Suppose I apply for a civil service appointment and I am turned down; if I appeal against the decision and place the matter before the appeal board—I may have fallen down in my oral examination when I went before the three men—and if that is where I have fallen down and the board is reviewing it why do they not call me, the applicant? Why do they just take the papers the other man has written. There are two examinations, first a written examination and then you are called before three men, one from the Civil Service Commission, one from the department, and one from the Canadian Legion. Those three make a rating and the ratings go down before the civil service board. Now I am asking if I fell down on the oral would the Appeal Board give me a personal interview?—A. I will try to answer in this way...

Q. I am seeking light on the matter?—A. It is within the jurisdiction of the appeal board to call as many witnesses as the board thinks necessary in the particular case. In this case they apparently felt that they could deal with Mr. Randle's appeal by calling on Mr. Hoey and Mr. Jackson.

By Mr. Charlton:

Q. Both members of the department?—A. In this case, yes. The appeal board did include members who were not members of the department, however.

Q. Was there a civil service examination held for the first appointment as general superintendent?—A. A written examination?

Q. Yes.—A. No, the only examination consisted of a rating given by the officers of the Department of Mines and Resources.

Q. A rating by the department officers?—A. Yes.

Q. How was the application made, by written letter?—A. Applications of individuals were made on the formal application form of the Civil Service Commission, the standard form. They were again reported on by the department on a standard rating form.

Q. With a series of questions on the application form?—A. Yes.

Q. And that standing is judged by whom?—A. The decision as to a selection for a promotion rests on three things, length of service of the employee—and that is a minor factor, but it is a factor—efficiency of the employee in his previous employment; his fitness for the vacant post. Ratings are given by the senior officers of the department. In this case these three factors were considered; his length of service, efficiency and fitness for this particular post.

Q. Was the veterans preference a factor?—A. No, the veterans preference is not under the law applicable to promotion examinations.

Q. How did Colonel Randle stand in the examination?—A. He was eighth.

By the Chairman:

Q. In any event, Mr. Bland, it is true to say this appointment is made by the Civil Service Commission. There is no question about that?—A. This is an appointment to be made by the Civil Service Commission, that is correct.

Q. And it has been made by the Civil Service Commission?—A. That is correct.

Mr. CHARLTON: This is a reclassification is it not?

The CHAIRMAN: I beg your pardon?

Mr. CHARLTON: This is a reclassification is it not?

The WITNESS: No, it is a promotion.

The CHAIRMAN: Well the whole thing is a matter for the Civil Service Commission.

The WITNESS: That is true.

By Mr. Charlton:

Q. A matter for the chairman?—A. The Commission is responsible for making the selection.

Q. It is not under the department?—A. No. If I might endeavour to explain, the Civil Service Commission is responsible for making selections for promotion but it obviously must utilize the information which is in the hands of the department. Consequently the commission secures the fullest information it can and makes the selection on that basis.

The CHAIRMAN: Can the Indian Affairs Branch make the appointment on its own without regard to you?

The WITNESS: No.

Mr. CHARLTON: It makes certain suggestions.

The WITNESS: It supplies certain reports, yes.

By Mr. Matthews:

Q. Was there just one appellant?—A. Yes.

Q. And he was eighth on the list?—A. Yes.

By Mr. MacNicol:

Q. Had the gentleman who was successful in the examination been in the position before the appointment was officially made?—A. Dr. Keenleyside will be able to answer that question better than I can, but my information is that he had not.

Q. He had not been in the position?—A. No.

By Mr. Charlton:

Q. I understand, Mr. Chairman, Mr. Hoey of the Indian Affairs Branch asked to have a general superintendent of Indian agencies appointed?—A. I think that is true. The request came to us from the department proper. Mr. Hoey's request would go to the department and from it to the commission.

Q. It was Mr. Hoey's wish that he have a general superintendent of Indian agencies?—A. Yes.

Q. I understand that position has not been filled yet?—A. That is true.

Q. Has the application been sent out?—A. No, the Civil Service Commission has not again been asked to fill the position.

Q. That position is not of quite as much importance as the executive assistant?

The CHAIRMAN: There we are again getting off into the realm of other matters.

The WITNESS: That is a question for the department to answer.

Mr. CHARLTON: The answer is obvious.

The CHAIRMAN: Well, you can draw your own conclusions but we are here to find out facts. We are not here to go into the operation of the Civil Service Commission. We are here to help the Indians; we are not here to investigate the Civil Service Commission or to inquire into the operation of the Civil Service Commission. I think the whole matter is irregular.

Mr. HARKNESS: I take it that we have Mr. Bland here to give us such help as he can in the matter.

The CHAIRMAN: Yes, in the conduct of the Indian Affairs Committee, Mr. Bland is certainly here—

Mr. BRYCE: This is a special meeting for the purpose of discussing this case.

The CHAIRMAN: That is right, and let us get on to facts.

Mr. BRYCE: If anybody has any complaint let him have an opportunity of stating it.

The CHAIRMAN: Let us get facts of the case and let it be done now, but we are not here looking into the operation of the Civil Service Commission.

Mr. CASE: As a matter of fact there was a position advertised and Mr. Pratt made application for it. In the opinion of someone he did not possess the necessary qualifications so, as a matter of fact, the position was not filled.

The CHAIRMAN: Are you asking Mr. Bland a question?

Mr. CASE: I am directing the question through you, Mr. Chairman. Mr. Bland may comment upon it, but I am trying to state the facts.

The CHAIRMAN: Those facts have already been stated by Mr. Matthews.

Mr. CASE: We all know an appointment was made. Another position was advertised and Mr. Pratt was again a candidate. In that particular instance he had the necessary qualifications to obtain the appointment, is that a fact?

The WITNESS: That is substantially the case.

The CHAIRMAN: That is true. That is what Mr. Matthews said.

Mr. HARKNESS: There is one other stage which has been left out of the discussion and which occurred there. The appeal board recommended that Mr. Pratt did not have the qualifications for this job of superintendent general. Did the appeal board also recommend that someone else on the list had the qualifications and should be appointed, and, in fact, did it recommend the appointment of some other person?

The WITNESS: Here again I prefer to answer by reading the report of the board. The report of the board reads—in addition to the paragraph I have already read with reference to Mr. Pratt—"The two available members of the board recommend that the above finding be approved and some other selection than that of Mr. Pratt be made from those who apply."

The CHAIRMAN: Let me ask this question before we go any further? Assuming that we have found this is irregular what are we going to do about it?

Mr. HARKNESS: Well it is then up to the department to make a move, I would say, if we find it is irregular.

The CHAIRMAN: The department has not appointed us, through parliament, to inquire into the Civil Service Commission.

Mr. HARKNESS: The parliament of this country has appointed us to inquire into the general administration of the Indian Affairs Branch.

The CHAIRMAN: Right, and not the affairs of the Civil Service Commission.

Mr. HARKNESS: We are not examining the Civil Service Commission, we are examining into appointments—civil service appointments—to the Indian Affairs Branch.

The CHAIRMAN: Our terms of reference are right here, and you have them before you. We are to "report upon Indian administration in general and in particular the following matters:—"

Now the question has been answered time and time again that this is a civil service matter and not a matter for the Indian Affairs Branch. If the Indian Affairs Branch asked for the filling of a position, namely, the employment of an agent, the Civil Service Commission goes out to find a man and fill the position. The Civil Service Commission has nothing to do with the Indian Affairs Branch except to find an employee to fill the position that has been advertised.

Mr. REID: May I say this? It is my opinion and I am expressing it now that I would like to see this matter cleared up if for no other reason than to clear a man's name. There was a little stigma left on the name of Ford Pratt. A statement was made in the House of Commons and the matter was referred

to this committee—but there was a little stigma left to the name of Mr. Ford Pratt and I would like, for one, in all fairness to that man, to see that the wrong be removed. I do not know how it can be removed other than by investigation in this committee.

The WITNESS: May I make one brief statement?

The CHAIRMAN: Yes.

The WITNESS: I would like to say this, if I may. I hope that it will not be thought that I am suggesting what questions should be asked here—that is the function of the committee itself, of course—but at the last meeting of this committee I requested that the answers to some questions be deferred because of the fact the matter was before an appeal board. I would like to make one thing clear. The appeal board report has now been made and the Civil Service Commission has nothing to withhold from this committee in connection with what has taken place. If there are any facts I can give the committee, I am only too pleased to give them.

Mr. BRYCE: We do not seem to understand, or to be getting into our heads, what we are here for. You know that in the regular Indian committee meetings for the rewriting of the Act, I objected that time should be taken for discussing this matter while we had still to rewrite the Act. Now we have called a special meeting on the matter but it would now seem some of the questions of the members of the committee are ultra vires.

Mr. GIBSON: Sub judice?

Mr. BRYCE: No, concerning matters not within our reference. We set this day aside for the present discussion and if there is anything to be cleaned up, let us clean it up. If there is nothing to hide, let the questions be asked by anyone who wishes to ask them. Let us clean the whole thing up and do not let us hear anything more about it. Whenever you get a legal mind running a thing you are likely to never get anywhere.

Mr. HARKNESS: Right you are, Scotty.

The CHAIRMAN: I cannot say that I agree with you, Mr. Bryce.

Mr. REID: Wait a moment, is Mr. Bryce through?

Mr. BRYCE: Between Tom Reid and myself we will straighten the thing out in no time.

The CHAIRMAN: You will have the opportunity now then, Mr. Bryce.

Mr. HARKNESS: I would like to continue with this line.

The CHAIRMAN: Mr. Bryce says he wants to go ahead too.

Mr. HARKNESS: I was on a line of questioning when you interrupted me, if I may say so. I had asked one question and I had a second one ready to be asked when you interrupted me and then we had this discussion.

By Mr. Harkness:

Q. The question I had asked was whether the appeal board had recommended that somebody else be appointed to this position and the answer was yes. Now it is a fact that the department refused to accept that recommendation and instead threw the thing back to the appeal board?—A. The recommendation of the appeal board was submitted to the department with the suggestion that further selection should be made. The department did not concur in the suggestion of the appeal board that a further appointment from the list should be made. Here again I am perhaps answering for Doctor Keenleyside or Mr. Jackson, but as I understand it that is the situation. I think what was in the mind of the department at that time was that Mr. Jackson's conception of the post as an executive assistant was coming to the fore, and consequently, instead of proceeding with the appointment of a general superintendent of

agencies they directed their attention to the position of general executive assistant.

Q. In any event— —A. In any event no appointment was made nor was the commission asked to make one.

Q. All right. When this matter came before the appeal board for the second time, and in this case it was a job for an executive assistant with the qualifications you have given, the appeal board held a meeting and it was reported in the press—I have the clipping here dated February 17—"Appeal board cancels Pratt appointment." Apparently the appeal board met at that time and what did it do? What was its report?—A. That statement was not in accordance with the facts.

Q. February 17 was the date of the press report?—A. We have two reports from the appeal board and I will be glad to read what they say. The report of the appeal board made on February 17 reads as follows: "In fairness to all employees concerned, the board recommends a re-rating of the candidates on the basis of the actual requirements of this position at present, so that the review board may pass judgment on the appeal which has been filed by Mr. Randle."

Q. That was on February 17?—A. On February 17.

Q. What happened subsequent to that?—A. The commission advised the department of that request of the appeal board and asked the department to prepare and supply the board with those ratings, which the department did.

Q. Was there any difference in the rating which was made to begin with on the question of the job of superintendent general and the rating supplied on February 17?—A. I can answer that best by quoting the two ratings. The order of the candidates, that is the relative fitness of the candidates, was changed. Mr. Pratt still remained first in both cases but the order of the remaining candidates was changed, I think, in six instances. The ratings were themselves different. New ratings had been provided and the actual numerical ratings were different in the second case from the ratings in the first case. The general effect was that Mr. Pratt secured first place in both ratings but the order of the following candidates was different in the second competition to what it was in the first competition.

Q. Then the appeal board had an official meeting on this thing with new ratings before it at some subsequent time?—A. Yes, on March 3.

Q. On March 3?—A. Yes.

Q. That was the meeting to which you referred when you said they were unanimous in dismissing Mr. Randle's appeal?—A. Yes, in my statement I quoted from the report of the appeal board.

Q. And the appeal board at that time concurred in Mr. Pratt's appointment but the civil service representative did not concur?—A. That is not quite correct. The civil service representative accepted these ratings but with certain reservations as to the relative qualifications of Messrs. Pratt and Arneil. I do not think it is a correct statement to say that he did not concur.

Q. I am glad you corrected it.—A. The exact wording is "Two members of the board are satisfied that the new ratings as submitted fairly represent the comparative qualifications of the candidates and recommend these ratings be accepted. The third member accepts these ratings with certain reservations as to the relative qualifications of Messrs. Pratt and Arneil."

By Mr. Reid:

Q. I wonder if I may interrupt for a moment? In the case of a person who appeal against a decision—we will take the case of Mr. Randle who made an appeal—does he appeal against the decision rather than against the appointee? Did he appeal against the decision in February or was it against Mr. Pratt? You see there is a difference.—A. I would be very glad to file with the committee, or read to the committee, Mr. Randle's lengthy letter in this connection.

Q. I am just placing myself in the position of a candidate. If I was eighth or tenth or twelfth on a list I would not bother to appeal but if I was second I might say to myself there was something wrong and I would like an appeal board to hear my case. Did Mr. Randle appeal for himself or did he appeal against the appointment of Mr. Pratt?—A. I think he appealed against both. His last sentence reads: "You are again reminded of my long administrative experience in the army and as an official of agricultural organizations—"

The CHAIRMAN: Have you any objection to reading the whole letter?

The WITNESS: No.

The CHAIRMAN: Well please read the letter.

The WITNESS: All right.

Mr. REID: Yes, we want the facts.

The WITNESS: I put on the record Mr. Randle's letter of January 17, 1948.

COPY

DEPARTMENT OF MINES AND RESOURCES

Please Quote File

185/48

BRANTFORD, 17th January, 1948.

Mr. R. MORGAN, Secretary,
Civil Service Commission,
Ottawa.

Dear SIR,

Re: File 45-809G (PNM)

With reference to your above file of the 5th instant, announcing the selection of Mr. Ford Pratt for the reclassified position (formerly General Superintendent of Indian Agencies) of General Executive Assistant, Indian Affairs,—you will already have received my telegram of the 10th instant protesting the unfairness of the procedure adopted, and now with extreme regret my formal appeal is made.

Your letter states that the appeal should not be in general terms, but should contain definite reasons. The obvious difficulty and unfairness of that request cannot be questioned, as your letter of the 20th of December clearly states that new duties have been included.

Consequently, as the Commission has not seen fit to publicly disclose those duties, or the qualifications required, it is not possible for me in appealing,—because of ignorance and the blackout of essential facts,—to competently and fittingly present reasons.

Therefore this appeal must on this occasion, to some extent be based on a matter of principle,—as viewing clearly the circumstances and outcome of all that has occurred since the former competition was held, there is a strong feeling that much is not well with the Service, and that candidates entering competitions for promotion are up against circumstances which can at all times make promotion by just rating, unattainable,—however merited or qualified.

You will appreciate that without knowledge of the new duties assigned the reclassified position,—that it is possible they are laid down so that the qualifications unquestionably held by me would not suitably conform to the position, and would make my appeal an absurdity, and place the successful candidate in a much more favourable light,—which can hardly be considered a just procedure.

However, as the Commission has seen fit to use the documents of the first competition as a means of re-rating all candidates for the reclassified position,—it would appear justifiable for me to request that the contentions made in my previous appeal should suffice, where applicable on this occasion,—together with the reasons contained in this letter. As that appeal is already on your file, may it please be used, together with this letter.

One point is reasonably clear from the designated title of the newly classified position; that is, the occupant of the position would largely have administrative duties in the Indian Affairs Branch.

As stated in my previous appeal, my administration for a considerable number of years of the largest Indian Agency in the Dominion, should certainly give me a knowledge and experience of purely Indian Administration, not enjoyed by the successful candidate whose duties appear to be of a secretarial nature.

You are also again reminded of my long administrative experience in the Army, and as an official of agricultural organizations, and the extensive knowledge of personnel which is acquired through the duties these positions have involved.

You are advised the Civil Service Federation will represent me in this appeal.

Yours respectfully,

(Sgd) E. P. RANDLE,
Indian Superintendent.

Mr. REID: That was the second letter.

The WITNESS: That is the letter of appeal in connection with the second position, yes.

The CHAIRMAN: Are there any further questions?

By Mr. Harkness:

Q. Well you stated that this newspaper account on February 17 was incorrect in regard to the statements made therein. It states "The Board directed—both the Mines Department and the Civil Service Commission readily agreed withdrawal of Mr. Pratt's appointment and a new rating for all eligible candidates for this position." Is that incorrect?—A. The latter part of it is correct but the first part is incorrect.

Q. What do you mean by the first part?—A. It is correct that further ratings were requested, but it is not correct that the board said Mr. Pratt's appointment should be withdrawn.

Q. I presume this demand on the part of the Appeal Board for new ratings amounts essentially to a refusal to make the appointment on the old ratings?

The CHAIRMAN: No, no, no.

Mr. HARKNESS: But it comes to the same thing?

Mr. REID: I will tell you my opinion. We have dropped one man and we are asking why that man was dropped. There is no man capable of doing all the jobs you have set out there. That statement of duties is nonsense. Whoever wrote it? I would like to know who wrote it. The Appeal Board had every right to throw that thing out. It is a superman the department is looking for, not a man for the Indian Affairs Branch. Read it out to the committee and ask them if they can find a man to do that job.

Mr. FARQUHAR: That would not be the work of the Civil Service Commission.

Mr. REID: I do not know who drew it up. I would like to know what was in their minds when they drew that up.

The WITNESS: It was drawn up jointly by the Department of Mines and Resources and the Civil Service Commission.

Mr. REID: That is terrible. I thought at first there was only one department involved; now there are two.

Mr. BRYCE: There is something about the Selkirk agency.

The CHAIRMAN: Do you want to ask questions about the Selkirk agency?

Mr. BRYCE: No, Mr. Harkness asked a question before and I would like to hear the answer.

The WITNESS: I have the information for the other cases for which information was asked.

Mr. HARKNESS: That is not what Mr. Bryce is referring to.

The WITNESS: I think it is.

Mr. HARKNESS: I asked about four other appointments, as a matter of fact, but I would think, perhaps, we had better go ahead and clean up this one case before we go into these other three or four.

The CHAIRMAN: Now is the time to ask the questions if you want to.

By Mr. Charlton:

Q. There were obviously at least eight applications for this first job.—

A. There were eighteen applications for the first post.

Q. It seems rather peculiar there would not be one out of those eighteen to fill that position, does it not?—A. I think there could have been. There again perhaps I am getting into the thinking category. But it was the opinion of the Appeal Board and the commission that some of the applicants were qualified for the post.

Q. That they were qualified for the post?—A. Yes.

Q. Yet the position was not filled?—A. For the reason I have given you, that the department did not ask the commission to fill it.

Q. Because they changed their mind?—A. I cannot tell you that. That is a question that would have to be answered by the department.

Q. It is pretty obvious.

The CHAIRMAN: You can draw your own conclusions.

Mr. CHARLTON: I do, Mr. Chairman.

Mr. HARKNESS: On this particular case I have no questions.

The CHAIRMAN: Do you wish to go into some other case?

Mr. HARKNESS: I have asked about four other positions. I do not know whether it would be better to go on with this case now and go back to the others afterwards or not; I think it would be better to go on with this case.

By Mr. Reid:

Q. Are you, as chairman of the Civil Service Commission, satisfied with the last finding of the Appeal Board? Are you satisfied that everything is right?—A. I should like to answer that question in two parts, and I shall try to make it straightforward. I am satisfied that the Appeal Board and the Civil Service Commission were justified in disallowing the promotion of Mr. Pratt to the position of general superintendent of Indian agencies, and I am satisfied that we are justified in confirming his promotion to the post of general executive assistant.

The CHAIRMAN: Are there any other questions?

Mr. HARKNESS: Can we have Mr. Bland back in connection with these other cases?

The CHAIRMAN: The committee is quite at liberty at any time to ask any official of the government to come here and give evidence within their power or knowledge.

Mr. HOEY: Mr. Chairman, there is this point I would like to make, if I may be permitted to do so: when criticisms of appointments are made they have

a very unsettling effect. For example, there is the position in Manitoba. It appears regular. Mr. Bland will explain it. I am immediately inundated with letters and the head office staff are unsettled and they remain unsettled and to some extent rebellious and split for and against; and it is a bad condition to keep that kind of thing hanging over a staff if it can be cleaned up. They are matters that come wholly within the Civil Service jurisdiction, and so far as I am personally concerned I would like to see them settled.

The WITNESS: Mr. Chairman, may I add one remark to what Mr. Hoey has said? I have details of the four cases about which Mr. Harkness asked, and my belief is that it would not take long to get them out of the way.

The CHAIRMAN: Is that agreeable?

Mr. HARKNESS: That is agreeable. Will Dr. Keenleyside be available to this committee at another time?

The CHAIRMAN: He is in the building. He will be leaving tomorrow and will be gone for one month.

Mr. BLACKMORE: May I ask a question for my own satisfaction? Just what is the general nature of the problems we are going to consider before the committee during the remainder of this sitting? We have had this one appointment. Are we just keeping on with appointments?

The CHAIRMAN: Apparently so. These are matters having to do with appointments through the Civil Service Commission. Now, this is not within the jurisdiction of this committee, but we did take it upon ourselves because of the publicity that has been given to one appointment, to examine into that appointment, and as a result there have been other questions asked on other appointments. Now, while it is not within our power to do anything about it in the event we do find anything wrong, in order to clear the air shall I say, we have permitted this committee to make some inquiries into this matter and other appointments. Now, Mr. Bland has other cases here which have been asked about. Let us find out about them. Is that agreeable?

Mr. HARKNESS: Agreed.

The WITNESS: May I table one paper? Mr. Bryce asked at the last meeting for a report on the itinerary of Mr. Orr, who made a long survey of Indian agencies.

Mr. BRYCE: You told me where he had been and I doubted if he had gone to Norway House.

The WITNESS: I have a list of all the places he was at.

Mr. BRYCE: Did he go to Norway House?

The WITNESS: I would like to say that this survey made by the Civil Service Commission through Mr. Orr was the result of a recommendation of this committee in the summer of 1946. After this committee reported that more attention should be paid to the needs of agencies and the inspection of agencies; the Civil Service Commission felt it was most advisable that a survey in the field should be made at once. Mr. Orr started at the end of 1946 and concluded his survey by the fall of 1947. He made numerous reports of the survey of each agency and district. Those reports have been transmitted to the Department of Mines and Resources, and action in the way of additional staff, changes in methods and additional salaries have resulted from many of them. I do not know myself whether Mr. Orr was at Norway House or not, but these pages of the itinerary indicate where he was and the results. I do not see Norway House mentioned. I do not think he was at Norway House.

Mr. BRYCE: I had doubts of him being there.

The WITNESS: His statement was that he had covered agencies throughout Canada with the exception of those in the north, and he recommends that a

further survey should be made in the near future of the agencies that were missed.

Mr. BRYCE: My constituency can be called in the north.

The WITNESS: Yes. This will give full details, in any case.

Mr. BRYCE: From the coverage I have made it is necessary that somebody in the department go there.

The CHAIRMAN: We will table the itinerary.

The WITNESS: Mr. Harkness asked for information with respect to four cases: one was the promotion of J. E. Gendron to the post of regional supervisor in the province of Quebec; the second appointment was that of superintendent of the Indian agency at Selkirk; the third appointment is that of superintendent of the Indian agency at Lesser Slave Lake; the fourth is the case of John Morris of the Indian Affairs branch. I do not know what points you want to cover, but I shall be glad to give a short outline of what has happened in each case or I shall endeavour to answer questions.

Mr. HARKNESS: In connection with this case at Selkirk, Manitoba, I may say that I brought this up as a result of a letter which I received and perhaps I should read the letter to the committee.

The CHAIRMAN: From whom is the letter?

Mr. HARKNESS: It is from a gentleman whose name I do not mind giving to the committee, but he has asked me, if possible, that his name be not used for personal reasons in his present job. When you have heard the letter you will understand that he has good reasons for not having his name published. I will ask that the name be not put in the record or published in the newspapers. I can give the name to the committee.

The CHAIRMAN: What we are trying to do is get information from the Civil Service Commission while Mr. Bland is here, and I am trying to get you to ask questions to get out the facts. Is it the pleasure of the committee to hear this letter read?

Agreed.

Mr. HARKNESS: I will give the name, but I merely ask that the name shall not appear in the record. Having regard to this man's case, I think it is a reasonable request.

The CHAIRMAN: Is that agreeable?

Agreed.

The CHAIRMAN: Let us proceed.

Mr. HARKNESS (reads):

"I have been most interested in your discussions before the joint Commons-Senate committee on Indian Affairs. I refer to your criticism of the manner in which Indian department appointments are made.

In 1945, while serving overseas as a captain in the Canadian army (I enlisted as a private) I wrote to the Department of Indian Affairs inquiring as to the possibilities of finding a career with them after retirement from the army.

I had been approached while in the army in Canada and asked if I were interested in the position of Indian agent for the Norway House agency in Manitoba. At that time I was earmarked for overseas service and so replied.

In reply to my letter from England I was advised to apply for the position of Indian Agent at Selkirk, Manitoba, a position which was to be vacated in August, 1946.

My background for such a position is as follows:—

1. I was born and raised to school age on an Indian reservation at Fisher River, Manitoba, son of a Protestant missionary who served among the Cree Indians of Manitoba for fifty-two years.

2. Educated at the University of Manitoba but completed only two years of arts. Left university to supply a mission field for the United Church of Canada.
3. Two years' teaching experience on an Indian reserve at Oxford House, Manitoba.
4. Four years as missionary at God's Lake and Cross Lake in Manitoba. During these years in addition to church work, I administered the work of the Indian department, including issuing of relief and treaty supplies, dispensing of Indian department drugs, counselling in all manner of domestic, social and economic problems.
5. A study of the economic problems of the Indians carried on over a period totalling twelve years in the Norway House district. This included a study of agricultural possibilities for Indians, and developments in the fishing and trapping industries.
6. A first-hand knowledge of the workings of the Indian Act.
7. A clear insight into the problems of Indian education.
8. A first-class knowledge of the Cree language, including the reading and writing of the Cree syllabic system. This ability has given me, I am sure, an insight into the psychology of the Indian which cannot be achieved by a man to whom their language must be interpreted. (At the present time I am proof-reading and correcting errors in a book containing over 200 hymns written in the Cree syllabic system.)
9. First-hand knowledge of conditions on ten Indian reserves in Manitoba and a general knowledge of conditions on at least six others.

Any or all of the above can be confirmed by Dr. George Dorey, secretary of Home Missions, United Church of Canada, 299 Queen street, west, Toronto, Ontario. By background is also well known to Dr. P. E. Moore of the Department of National Health, Ottawa.

On my return to Canada in 1946 I made application for the position of agent at Selkirk, Manitoba. At that time I was a resident of Winnipeg, Manitoba, and had lived in Manitoba all my life.

The Civil Service Commission competition for the position was not called until April, 1947, and I was urged by the above mentioned Dr. Dorey to apply once more for the position. I did so.

I was in due time advised by the Civil Service Commission that my qualifications did not warrant any more consideration by that body than the initial perusal of my application.

To clear up a conclusion you may have reached ere reading this far, I will state my present situation. For two years I have held the position of superintendent of industrial relations in an organization which at present has about twenty-two hundred men on its payroll. My income is 20 per cent higher than the maximum salary paid for the Indian department position for which I applied. I am not suffering any pain in my present position and certainly would not have even considered leaving it to join the Indian department were it not that I feel that I have been given certain qualities which would enable me to render worthy service to a people who stand sorely in need of help from those who know and appreciate them.

My whole purpose in writing this is to express my belief that it is utterly shameful that the employment of men with 'field experience' as recommended by the Senate-Commons committee in 1947 is completely disregarded by people who should have the real interests of the Indians at heart. During twenty years of association with or observation of the Indian department I have felt that it was indeed a political football' and from my father's experiences I would say that this condition has applied for not less than forty years.

May your efforts to bring to light some of the methods by which appointments are made succeed!

P.S. The Selkirk agency position has been filled, I am told, by a former C.P.R. employee."

The CHAIRMAN: What is the date of that letter?

Mr. HARKNESS: February 20, 1948.

The CHAIRMAN: From whom?

(Name given to the committee.)

The CHAIRMAN: Gentlemen, Dr. Keenleyside is here now if you want to examine him before 6 o'clock.

Mr. REID: Let us have an answer to this case now.

The CHAIRMAN: As soon as we get through with this matter we will hear from Dr. Keenleyside.

Mr. MacNICOL: Mr. Chairman, I ask through you a question of Mr. Harkness with reference to the gentleman who wrote the letter. Had he himself, personally, any experience in managing the affairs of an Indian reservation?

Mr. HARKNESS: You heard his statement. He had spent twenty years of his life, part of it in carrying on some of the work of the department as a teacher on an Indian reserve.

The WITNESS: The answer to the question is that for this particular agency the department desired and the commission agreed that it was desirable that the new agent should be either a forester or an agriculturist. Only one applicant who applied had the qualifications required.

Mr. BRYCE: Was he a returned man?

The WITNESS: He was not a returned man. He was not an employee of the Canadian Pacific Railway. He had been employed at the Brandon experimental farm and he was selected by a board which had a representative of the Canadian Legion present, who agreed that none of the returned soldier applicants possessed the necessary qualifications.

By Mr. Bryce:

Q. Had he had any experience with Indians?—A. I could not answer that.

By Mr. Harkness:

Q. Who drew up the qualifications for this particular post?—A. They were drawn up between the department and the commission. In all these cases the qualifications are drawn up jointly by the department and the commission. In some cases the department sets out the qualifications and sends them to the commission for consideration. Very often there is a discussion between the commission and the department, and in this case that was the procedure followed.

Q. I would like to refer particularly to the discussions we had last year on this matter that university qualifications should not be necessary for an Indian agent. I think most of the members of the committee felt that a man who was best qualified by temperament, past experience and so forth, whether he had a university education or not, was the man who should be appointed.

The CHAIRMAN: Is that a question?

Mr. MacNICOL: I think, as we said two or three times in our discussion, that somebody on the reservation or a superintendent of farming should have an opportunity to apply.

By Mr. Bryce:

Q. I want to ask you a question. You say that the Indian agent at Selkirk had to be an agriculturist or a forester?—A. That was the desire of the department.

Q. Is that the desire with respect to every Indian agent you apply for?—

A. No.

Q. Why Selkirk?—A. Mr. Hoey could answer this better than I can but my understanding is that in the Clandeboye agency lumbering and agriculture are two of the main pursuits.

Q. Have you been there?—A. No, sir; I am only quoting what I am told.

Mr. BRUNELLE: Will you give me the date of that letter?

Mr. HARKNESS: February 20, 1948.

By Mr. Brunelle:

Q. Mr. Bland, on February 20, 1948, had the commission advised that man that he did not have the proper qualifications?—A. A letter was sent to all unsuccessful applicants advising them that they were not being further considered. I will read it to the committee:—

With reference to your application submitted in connection with the position of superintendent of Indian agencies—

By Mr. Charlton:

Q. What is the date?—A. May 30, 1947.
Reference Competition 47-550,
Superintendent, Indian Agency, Grade 2,
Clandeboye Indian Agency, Selkirk, Man.

Dear SIR: (MADAM)

With reference to your application submitted in connection with the marginally noted competition, I have to advise you that your qualifications and those of all other applicants were carefully reviewed by an Advisory Examining Board, and those who were considered to possess the education and experience most nearly in line with the requirements were selected for an oral examination. It was considered that if a sufficient number of suitable eligibles could be secured from this group, it would be putting the other candidates to needless expense and loss of time to examine them also. I regret to say that your qualifications, as set out by yourself in your application form, did not justify your inclusion in this group.

Yours truly,

(Sgd.) R. MORGAN,
Secretary,

Q. Is that a form letter?—A. Yes.

Mr. BRUNELLE: He knew he was not qualified when he got that letter. That letter was sent to him on May 30, 1947.

The CHAIRMAN: We have Dr. Keenleyside here now if you would like to take the next twenty minutes in examination of him. We hope we will have the pleasure of calling on you again, Mr. Bland.

H. L. Keenleyside, Deputy Minister, Department of Mines and Resources, recalled.

Mr. BLACKMORE: While Dr. Keenleyside is getting into position if it is in order I should like to ask a question concerning a matter of administration, if the committee sees fit to have the question asked. Then we would be able to go into the answers with the departmental officials next time we were together.

The CHAIRMAN: You would like to ask whom a question?

Mr. BLACKMORE: It will be a question for the whole administration.

The CHAIRMAN: Would you like to submit a question now? Here is Dr. Keenleyside. Would you like to put it to him.

Mr. BLACKMORE: I think Mr. Hoey would be the one.

The CHAIRMAN: Through him it will go to somebody else.

Mr. BLACKMORE: If the committee is willing to give about three or four minutes for these questions I should like to have them on the record.

The CHAIRMAN: You would like to submit questions and have them answered later?

Mr. BLACKMORE: That is right.

The CHAIRMAN: Is that agreeable to the committee? (Agreed.)

Mr. BLACKMORE: It has been brought to my attention—

The CHAIRMAN: There is this about it; we are on a special committee meeting now. Are those questions applicable to Dr. Keenleyside?

Mr. BLACKMORE: They are applicable to the whole Indian administration.

Mr. MACNICOL: Dr. Keenleyside is going away. Had we not better finish with him?

The CHAIRMAN: Yes, I think so.

Mr. BLACKMORE: I agree.

The CHAIRMAN: Dr. Keenleyside is the Deputy Minister of the Department of Mines and Resources, and has administrative control of the Indian Affairs Branch. Have you something you would like to say first?

The WITNESS: No, just to apologize to you and to the committee for my intermittent attendance this afternoon. It was not through choice I was not here for the whole of the discussion.

The CHAIRMAN: We appreciate that. Is there any statement you would like to make first before proceeding with questioning?

The WITNESS: There are perhaps two things that might be put on the record. The first is that in regard to the proposed appointment of Mr. Pratt. I think perhaps the committee does not recognize that it would have been possible to have had Mr. Pratt appointed to a senior position in the department by ministerial action, if all we had been doing was looking for an opportunity to have a job made for him, to put it that way.

It would also be possible to have advertised this position through the Civil Service Commission and confined the candidates to those who were engaged in Ottawa in the headquarters of the department, to have confined it to the members of the department in Ontario, if you like, to have confined it to members of the branch throughout Canada. Instead of taking any of those restrictive actions the department asked the Civil Service Commission to advertise the position only for everyone in the public service throughout the whole of Canada. In other words, there was no attempt made to restrict it with a view to making Mr. Pratt's chances better, if you want to interpret it that way.

The second thing that I think might perhaps be said—and here I would not take exception to what Mr. Bland has said but perhaps change the emphasis a little bit—is this. I think one would get the impression from the way in which Mr. Bland put the matter that there had been two distinct positions, the first one superintendent of Indian agencies which was totally abandoned, and then something else put in under the title of general executive assistant to the head of the Indian Affairs Branch.

In my reading of the documents in the case, and in the discussions that I have had with those who were connected with it, I have come to the conclusion that there was not quite such a clear distinction drawn between the two. What happened was the the original advertisement for a superintendent of Indian agencies was put out in a way that, I think, was rather an inadequate

expression of what the department, and I believe the Civil Service Commission, had in mind.

When the first appeal was taken and was upheld by the Appeal Board the officers of the department and of the Civil Service Commission looked again at the position, and in the discussions which then took place they decided that the original advertisement for it was not really an adequate description of what they had had in mind. They also decided that the title, "Superintendent of Indian Agencies" which had been taken over from a previous appointment, was not the most suitable title for the kind of duties that were really wanted. As a result of other discussions which took place in the spring of 1946, and which were brought to a conclusion of August of that year it was decided to re-word the advertisement to make it more clearly express what was desired in the new appointment, and also to change the title so that it would more adequately express what was really wanted.

In the correspondence between ourselves and the Civil Service Commission about it this was not described as a new position. It was described as a change in title or reclassification of the title. The point I am trying to make is this, that we did not want to appoint a new superintendent of Indian agencies who would have the same kind of responsibilities as the previous incumbent of that job had had because we found it had not worked very satisfactorily. What we wanted was a rather different set of duties which would have some of the responsibilities of the previous incumbent but which would have some additional responsibilities. The second advertisement clearly expressed what both the department and the branch and also the Civil Service Commission believed to be the proper duties for the kind of job that would make unnecessary the appointment of a new superintendent of Indian agencies, and would at the same time make it possible for the general executive assistant to do the job in the department that really needed doing.

The point of all this is we did not want another superintendent of Indian agencies in spite of the fact we at one time had agreed to an advertisement carrying that title.

The CHAIRMAN: Are there any questions?

By Mr. Reid:

Q. I am going to ask Dr. Keenleyside the same question I asked Mr. Bland. I presume you read the first advertisement?—A. Yes.

Q. Do you think it would have been possible to secure at the salary you were offering an individual with all those qualifications and requirements?—A. I often have doubts about that in civil service advertisements, and find it very difficult to believe that a person having all those virtues could be found, and if he could be found whether he would be inclined to take the job at the salaries that are offered.

The CHAIRMAN: Any further questions?

Mr. HARKNESS: Yes.

By Mr. Harkness:

Q. You stated this new job with the title of executive assistant you thought would be more in line with what was needed in the department. Is it not a fact that Mr. Hoey had asked for an administrative assistant?—A. I do not know what you mean by administrative assistant.

Mr. CHARLTON: General superintendent.

By Mr. Harkness:

Q. In filling this job of superintendent general of Indian agencies what he had in mind was a man to act chiefly as an administrator?—A. What he had in mind is the kind of person that is described in the advertisement for a

general executive assistant. If you want to call that an administrative assistant I have no quarrel with the title.

Q. I presume you have read the findings of the first Appeal Board?—A. I read the findings, yes. I did not read the copies of the documents that were attached to it that appeared in the newspapers.

Q. Is it not a fact that the Appeal Board found that Mr. Hoey had required a man, whose duties would be primarily of an administrative character, to relieve him of a great deal of the administrative load he was then carrying?—A. I think there was something of that sort in the report that was made by the Appeal Board, although just why or on what authority the Appeal Board itself should decide what the qualifications should be I do not know.

Q. I am not talking about the Appeal Board deciding anything. I merely asked if that was not the kind of man Mr. Hoey asked for, according to the findings of the Appeal Board and the report of the evidence Mr. Hoey had given.—A. Yes, I think I might agree to that.

Q. Is it not also a fact that the report of the Appeal Board stated that they were very much surprised at the evidence given by Mr. Jackson, that they said something along this line, that they—

The CHAIRMAN: What are you reading from?

Mr. HARKNESS: I am reading from notes I have. They said—

The CHAIRMAN: Is this a public document?

Mr. HARKNESS: It will be public after I have read it.

The CHAIRMAN: That is right; I have no doubt of that. What we are trying to find out is what you are reading from. You are reading from something.

Mr. HARKNESS: I am actually reading this note I have got.

The CHAIRMAN: This is supposed to be a part of a document?

Mr. HARKNESS: Which you can see is in my own writing.

The CHAIRMAN: Where did you get it? Where is the original document?

Mr. HARKNESS: I have here also a document which purports to be the report of this board.

The CHAIRMAN: Where is that from?

Mr. HARKNESS: Whether it is or not I do not know.

The CHAIRMAN: You have a document.

Mr. HARKNESS: That is what I am trying to determine.

The CHAIRMAN: Where did you get this one?

Mr. HARKNESS: I had this particular document typed for me, as a matter of fact, in the building here.

The CHAIRMAN: Where from?

Mr. HARKNESS: The original of it arrived in an envelope.

The CHAIRMAN: Where from?

Mr. HARKNESS: Where it came from I do not know. As I say, it purports to be the report of this appeal board. Whether it is or not I do not know. That is what I am trying to determine—amongst other things.

Mr. BRUNELLE: Why not have the real report of the board?

Mr. HARKNESS: I should like to have the real report of the board.

The CHAIRMAN: We had Mr. Bland here. He gave us the report.

Mr. HARKNESS: If Mr. Bland or anybody else is ready to table the reports of these respective Appeal Boards I will be only too happy.

The CHAIRMAN: He has already done that.

Mr. HARKNESS: No, he has not.

The CHAIRMAN: He read from them.

Mr. HARKNESS: He read certain excerpts.

The CHAIRMAN: He read from the original documents.

The WITNESS: I think perhaps if I may I should like to make my position clear in regard to this. I presume what Colonel Harkness has is the document that was subsequently reproduced in the newspapers here in Ottawa. I should like to say that document, whether accurate or not, was never made available to the department.

The CHAIRMAN: In other words, as I understand it this is supposed to be a report which must have been by one of the three members of the Appeal Board. Is that not correct?

Mr. HARKNESS: Well, it purports to be the document turned in by these appeal board people. I see the names are typed in at the bottom, MacIsaac, Allan and Putman.

The CHAIRMAN: Was it given to you by one of those three men?

Mr. HARKNESS: I have already told you how I got it. It was not given me at all.

The CHAIRMAN: That is the point. You told us it came in an envelope.

Mr. HARKNESS: That is all that I know about it.

The CHAIRMAN: Is it black market?

Mr. FARQUHAR: What does it matter how it came? Can you not allow someone to go ahead and ask questions when we have Dr. Keenleyside here?

The CHAIRMAN: There is no objection to asking questions, but he is reading from a report.

Mr. FARQUHAR: Then you should keep quiet and let us see what he is after.

The CHAIRMAN: What I am trying to find out is what this report is and where it came from.

Mr. HARKNESS: That is what I am trying to find out. As I said before it purports to be a report of the Appeal Board.

The CHAIRMAN: Then table the report.

Mr. HARKNESS: I do not know whether or not it is. I am asking some questions based on it.

The CHAIRMAN: We had Mr. Bland and the original report before us. The report will be available today.

Mr. BLACKMORE: I suggest that Mr. Harkness go ahead with his questions.

By Mr. Harkness:

Q. I understood from the evidence we had at a previous meeting that one copy of this report, if this is a copy of it, went to your department?—A. No, sir, it did not.

Q. That was the evidence. I think if we look it up we will see that is so.—A. I do not think anybody ever suggested that.

Q. You have never seen this report?—A. I read what I presume is the same report in the newspaper. That was the basis of the suggestion I made when I previously appeared before the committee that some steps of a disciplinary nature should be taken in connection with the purloining of a document from civil service files.

Q. I would suggest that I read this report into the record and then ask either Dr. Keenleyside or Mr. Bland whether it is actually a true copy of the report.

The CHAIRMAN: I do not think that we would be justified in accepting a copy of something which purports to be a copy of an original which we do not know ever existed, and which has been denied by this witness. If we want it

let us have the original, and let us not have anything which purports to be something that is not a fact.

Mr. HARKNESS: All right, I would ask that the original reports of the first and the second appeal board be tabled for the use of this committee.

The CHAIRMAN: We have no objection to bringing Mr. Bland back when we are finished with Dr. Keenleyside and asking him for any material that is necessary.

Mr. FARQUHAR: I do not think we should have it read into the record until such time as we know whether it is a correct report. I do not think there is any objection to asking questions on it.

The CHAIRMAN: Have you any other questions you want to put to this witness?

By Mr. Harkness:

Q. To continue the question I was asking, is it a fact to your knowledge that the first Appeal Board reported that they were very much amazed at the evidence given by Mr. Jackson, and that it was quite contrary to that given by Mr. Hoey in connection with what qualifications were required for this particular job at that time, that of superintendent general.—A. No, sir, I have not any evidence of that sort except what I read in the newspapers. What we received in the department was a statement to the effect that the Appeal Board had decided that the appeal by Colonel Randle should be disregarded. They then went on to add that they thought Mr. Pratt did not possess the qualifications that were defined in the advertisement, and they suggested that he be not appointed also, and thirdly I think they suggested that the second candidate in the standing should be appointed.

By Mr. Reid:

Q. Who was the second candidate?—A. Mr. Arneil.

By Mr. Harkness:

Q. I would think that so far as further questioning on this point is concerned it would be better to question Mr. Jackson or Mr. Hoey, so I will not question Dr. Keenleyside further on this point. However, having regard to the report of the Appeal Board which stated that Mr. Pratt did not have the minimum qualifications, according to the evidence we have had and the minister's statement, for this type of administrative post; and having regard also to No. 23 of our 1947 recommendations: "That future appointments of officials concerned with the administration of Indian Affairs should, where practicable, be restricted to applicants who have had previous experience in the field. Field officers in the said administration should, from time to time, be posted to the divisional or headquarters office of such administration", and having in mind that recommendation and the finding of this first Appeal Board, why did you continue to push for the appointment of Mr. Pratt?—A. Mr. Chairman, I continued to recommend the appointment of Mr. Pratt because I thought he was the man of all candidates who was the best suited to have the position when it was accurately defined.

Q. Well, in your opinion did Mr. Pratt have the field administrative experience which in our recommendation 23 we recommended should be possessed by people appointed to those central posts in Indian Affairs?—A. I think he had enough knowledge of conditions in the field to do better than anyone else who was a candidate for the job that was defined in the competition for general executive assistant.

Q. Did he, in effect, have any field experience?—A. If you mean was he ever stationed in the field, no.

Q. He had no field experience whatever?—A. No field experience was requisite for the particular job.

Q. I suggest, Dr. Keenleyside, that if you had been attempting to carry out our recommendation 23 you would have thought that field experience was requisite?—A. I think if you will read recommendation 23 there are qualifying clauses in that which make it unnecessary to give precedence to field experience over all other qualifications.

Q. It says, "where practicable." I see nothing in "practicable" that would have been against giving this job to a man who had had field experience.—A. Mr. Chairman, if it is a question of carrying out the letter rather than the spirit of the recommendations of this committee as contrasted with appointing a man who is manifestly superior to the others in the competition for a particular job and thereby lowering the standard of the Indian Affairs service I would, of course, have to make a decision to disregard in that particular instance the recommendation of the committee. I do not see how any public servant who felt the responsibility of the position could do otherwise.

Q. What that comes down to merely is that in your opinion Mr. Pratt was superior although the Appeal Board did not think so?—A. The Appeal Board was judging Mr. Pratt on what I have already said I considered to be an inaccurate statement of the qualifications that were required for the job. I am not criticizing the Appeal Board. I think, perhaps, under the circumstances with the definition that was given in the first advertisement that they had some justification for taking the step they did.

Q. In drawing up the new qualifications for this position of executive assistant, did you draw those qualifications so that they would more nearly fit Mr. Pratt's qualifications?—A. Well, in view of the fact they were drawn up something more than a year before I had anything to do with the Indian Affairs branch, of course, I had nothing to do with it personally; but if it is suggested that any of the senior officers of the department were so recreant in their duty that they would adjust the terms of an advertisement in order to suit a particular candidate, I suggest there is not an atom of truth in it.

Q. I not only suggest it; I suggest the Appeal Board stated it.

Mr. MATTHEWS: I suggest the Appeal Board came out very definitely in favour of Mr. Pratt. Any man who understands the English language cannot think differently. I do not like so much twisting of the facts.

Mr. HARKNESS: I do not think there is any twisting of the English language whatever.

Mr. MATTHEWS: You twisted one thing a minute ago that Dr. Keenleyside said.

Mr. HARKNESS: I have not twisted anything.

Mr. MATTHEWS: You did, not three minutes ago.

Mr. HARKNESS: I have already asked that these reports be tabled so that we can judge what they say ourselves.

Mr. MATTHEWS: That is right. We are right with you on that.

Mr. CHARLTON: I have a few questions I should like to ask Dr. Keenleyside if he is not going to be here tomorrow.

The WITNESS: I can be here tomorrow if necessary.

The CHAIRMAN: That may be all very well for Dr. Keenleyside but this committee has a job to do and its job is not to go into the operation of the Civil Service Commission.

Mr. CHARLTON: Dr. Keenleyside is not in the Civil Service Commission.

The CHAIRMAN: This whole inquisition is about the Civil Service Commission.

Mr. BLACKMORE: It is 6 o'clock.

The CHAIRMAN: It is 6 o'clock. A motion to adjourn is in order. We will now adjourn.

Mr. CHARLTON: Before the motion for adjournment is carried I want to ask if I will have the opportunity to ask Dr. Keenleyside a few questions tomorrow morning or some other time.

The CHAIRMAN: I have no objection to your asking any questions at all. We have a motion to adjourn. Is it your pleasure to adjourn?

Mr. CHARLTON: It is not mine. I will take about two minutes to ask the questions I have to ask.

Mr. BLACKMORE: In fairness to Mr. Charlton I would suggest that he be allowed to do so.

The CHAIRMAN: You withdraw the motion.

Mr. BLACKMORE: I would suggest that we give enough time tomorrow to have these questions answered.

Mr. MATTHEWS: Let him ask them right now.

Mr. CHARLTON: It will take a few minutes.

The CHAIRMAN: Put the question.

Mr. CHARLTON: It is more than one.

By Mr. Charlton:

Q. How long after the first job was advertised did you change your mind in the department as to the qualifications for that particular job?—A. After the report the the Appeal Board was received in the department there was a meeting with the members of the commission on the 27th of May, 1946, at which the whole subject was reviewed, and the details of the advertisement discussed, and so on. It was then agreed both that the advertisement was an inaccurate description of what was really wanted, and that the wording of the original advertisement was unsatisfactory, and it was agreed then they would make a change. That was the 27th of May, 1946.

Q. And yet Mr. Hoey still asked for a general superintendent of Indian agencies to be appointed?—A. Not after that, no.

Q. Obviously not.—A. I am afraid I do not get the point. I wonder if it could be elucidated.

Q. I should like to refer to page 34 of the evidence. I do take exception to one of your remarks. I think it is rather unfortunate it was made. I will quote one paragraph.

Mr. Randle was never, at any time, recommended for this appointment by either the commission or the department. There was never, at any time, the slightest chance of his being appointed. He did not stand second in the competition. He was eighth. Acting quite within his rights he twice appealed against the decisions in favour of Mr. Pratt by the Civil Service Commission. His first appeal was thrown out. The second has not yet been dealt with.

There is an inference there which I think it is rather unfortunate that it should be made by yourself or anyone else in the department. I think in that inference certain things may be determined not only to Colonel Randle but to other members of the staff of your department. I do not think it is conducive to harmony within the department. I am sorry to make that statement but I believe it, and I believe it has been done before. I believe certain things of that nature are not, as I say, conducive to harmony of operation and administration within the department because obviously now Colonel Randle's standing will not be as high as it was before.

The CHAIRMAN: What is the question?

The WITNESS: I am afraid I do not get the inference. If it is suggested that I should not have said there was never any chance of his being appointed, I think that is a fair deduction from the fact he came eighth. It is perfectly obvious to me.

By Mr. Charlton:

Q. Would it not have been better not said? He is a rather high official being on the largest reserve in Canada.

The CHAIRMAN: He is an Indian agent.

Mr. CHARLTON: Yes.

The CHAIRMAN: He came eighth.

Mr. CHARLTON: He had been there for a number of years.

The CHAIRMAN: Do you know what year he was appointed?

Mr. CHARLTON: I am not sure of that, around 1925 or 1926.

Hon. Mr. TAYLOR: 1935.

The CHAIRMAN: What is the question? After all, he is the one that started this.

Mr. HARKNESS: I do not think he started it at all. I do not think he had anything to do with it.

The CHAIRMAN: Did he not make the appeal?

Mr. CHARLTON: He applied for the first position. I am not here fighting for Colonel Randle. I am fighting for a principle that has been adopted in the department. I do not think it is a good one.

Mr. BRUNELLE: What is the question you are going to ask?

Mr. CHARLTON: I asked my question first. The other was a statement of fact. I believe that it has been a detriment to the operation of the Indian Affairs Branch.

The CHAIRMAN: I must confess I do not get the question.

Mr. BRUNELLE: You said you had two questions. You asked one; then you made a statement. Where is the second question?

Mr. BLACKMORE: I am sorry, but I cannot get the principle. I am listening very sympathetically but I cannot quite get the principle that Mr. Charlton has in mind.

Mr. CHARLTON: I am taking exception.

The CHAIRMAN: You are making a statement. Have you got a question you want to put to Dr. Keenleyside?

Mr. CHARLTON: I have no other questions now. I asked my question first.

The CHAIRMAN: That is a question which is not answered. I am like Mr. Blackmore; I do not quite see it.

Mr. FARQUHAR: I move we adjourn.

The committee adjourned.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
March 19, 1948.

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 a.m. Mr. D. F. Brown, M.P., (Joint Chairman), presided.

The CHAIRMAN: As I advised you yesterday Mr. Bland will not be able to be here this morning and will not be able to be here next week unless, of course, we demand it. He will, however, be available after next week. Of course, then we have our Easter recess intervening so that it does not look as though it would be convenient to have Mr. Bland come back until some time after Easter. If it is your pleasure we will hear from Mr. Jackson and Mr. Hoey this morning. As you know Dr. Keenleyside will be out of the city for a month on government business. Mr. Jackson and Mr. Hoey, you are both here. Have you something you would like to present to the committee at this stage, Mr. Jackson?

C. W. Jackson, Director of Administration and Personnel, Department of Mines and Resources, called.

The WITNESS: Yes, Mr. Chairman and gentlemen. First I want to thank you for giving me the opportunity of being able to say something about this matter. I must say I feel very keenly about it, not because of any part I have had in it but because of the injustice that has been done to Mr. Pratt. I wish to say at the outset Mr. Pratt did not seek the job. He was most reluctant to be a candidate in the competition.

When I first discussed the matter with him he stated that there had always been antagonism on the part of civil service organizations to private secretaries being appointed to government jobs. I pointed out to Mr. Pratt at that time he was then a member of the civil service for over thirty years and that that criticism should not apply to him. It was only after I pointed this out to him and emphasized the importance of the position in the branch that he consented to file his application.

I think I should point out to the committee that Mr. Pratt was then occupying and still occupies the position of chief of personnel in the branch. That position has a salary of \$4,320. The position for which he was applying has a salary range of \$4,620 to \$5,220. I mention that to indicate that there was only really a difference of \$300, whereas the publicity that has been given to this whole matter would indicate Mr. Pratt was being promoted to a job where the increase ran into thousands of dollars. I am sure if I had not strongly urged Mr. Pratt to be a candidate he would not be in the unfavorable position he is in today. Therefore, so far as he is concerned I am responsible for that. While I was glad to hear Mr. Bland state two days ago that the appointment had at last been confirmed by the commission I do not know whether Mr. Pratt will now accept that position, but whether he does or not it is only fair to him I should place on record a true and accurate statement of the facts. After I have done that I think it will be evident to most of the members of the committee that instead of there being any scheming on the part of Mr. Pratt,

or on the part of the department, or on the part of his friends, to secure this position for him there was scheming on the part of others to prevent his appointment, and that these efforts have continued up until the last few days or the last few weeks.

With those brief remarks, Mr. Chairman, and members of the committee, I have my file here, and with your indulgence I should like to start right from the beginning when this position was created in the first place and outline in detail just what took place, each different step, because I feel sure from the evidence I have heard that there is a misunderstanding on the part of many of the members of the committee as to what actually took place in connection with the filling of this competition. It may take some time.

By Mr. Reid:

Q. May I ask a question on what you have said just now? You have made a statement that is worthy of attention by this committee. I think you made the statement there were those who endeavoured to prevent the appointment of Mr. Pratt. The reason I ask this question is because I am one of those who have long held the view there is something worse in the civil service than members of parliament trying to exert influence, or political patronage, and that is the friendship patronage within the service which has grown up and which has become bureaucratic and is worse than anything that could be said of the government or a member of parliament. What I am wondering is who endeavoured to prevent?—A. I have my own ideas, but I think if you will give me an opportunity of telling the whole story right from the beginning you can draw your own inferences. Q. I think I could name them because in my eighteen years here there have been many cases where the government was blamed for appointments when it was inside the civil service itself that they were carrying on these machinations and manipulations, and we were held responsible for it.

Mr. FARQUHAR: I think it would be well if we heard Mr. Jackson's story and then we can ask him questions.

Mr. REID: All right.

The WITNESS: I might say this position of general superintendent of Indian agencies was created in 1936 when the department was amalgamated, that is, when the Indian Affairs Branch was made a part of the Department of Mines and Resources. The reason it was created was that our then minister thought it would be advisable to bring somebody who had had field experience to Ottawa, and so we created at that time a position that was known as general superintendent of Indian agencies. We did not then set forth any duties for the position. The order in council creating the position in the department just named the position. There were no duties set forth at the time that Mr. Christianson, the first occupant of the position, was assigned to it. Mr. Christianson came in and took over this work. Mr. Christianson came to Ottawa in December, 1936, and carried on his work for a number of years. It soon became evident to our minister, to the deputy minister and myself, and to the senior officials of the branch, that there was an overlapping of those duties with the duties of the other senior officers. Mr. Hoey will bear me out when I say that the occupant of that position "was getting into the hair" of some of the other officials of the branch. He was assuming because he was general superintendent of agencies he could do this and that—interfering with the duties of Mr. Hoey at that time, or some other person.

When Dr. Robertson, who was the inspector of Indian Agencies in Saskatchewan, died, it was decided to send Mr. Christianson to Regina, and he continued there until 1944 when on account of age he was retired. On his retirement which did not take effect until August, 1945, I believe—he had six months retiring

leave—steps were taken in February, 1945, to fill the vacancy. At that time I know I had, and I think Mr. Hoey had, a good idea what duties should be carried out by the person who was going to fill that position.

By the Chairman:

Q. What was that date?—A. In February, 1945. On the 15th of that month we sent over to the Civil Service Commission a formal requisition asking that the vacancy should be filled. I want to get these dates in chronological order if I may. On the 18th of May, nearly three months afterwards—

Q. 1945?—A. 1945—the commission forwarded a draft form of advertisement. That is the one which Mr. Reid referred to the day before yesterday. They sent it over to us for our approval. It did not set out the duties which I had in mind should be placed upon the position, so I made some changes in the duties. I want to point out to the committee what duties I added at that time. I will read to the committee the duties which were set out by the commission and then the changes that I suggested. The duties which the commission outlined were as follows:

To be responsible to the Director of the Indian Affairs branch for the administration of Indian agencies in Canada; to supervise the election and removal of Indian chiefs and councillors, the implementing of law enforcement regulations, social service, and all programs designed to improve the conditions of the Indians; to deal with administrative matters such as the adjustment of boundaries, the construction, repair and maintenance of buildings and roads, the purchase of equipment and stock, and to perform other related duties of a senior administrative character.

I returned that advertisement to the commission and suggested that we should add these words. I want to point out to the committee what I had in mind at least as to what some of the duties should be when the new appointment was made. I added these words, and I must say I did so after consulting with Mr. Hoey.

To investigate and report on new appointments, changes in staff and promotions in the field administration; to instruct and give guidance to employees; to make recommendations on the grading of Indian agencies and the classification of Indian agents.

The commission accepted those changes and the advertisement was published. I should like to read to the committee the letter which I wrote to the Civil Service Commission when I returned that advertisement. This letter is dated May 21, 1945, and is addressed to the Secretary of the Civil Service Commission.

Referring to your letter of the 18th instant reference to filling the above position, we have examined the draft advertisement which you prepared. You have changed the wording of the duties materially from those set out in our requisition. While they are substantially the same, it is our desire that we should emphasize particularly the duties pertaining to the appointment of personnel and the filling of promotions and other related staff matters. It is suggested therefore you should insert after the word "Canada" in the second line the following—

and then I inserted the words I have mentioned.

Following that letter the commission got out the usual mimeographed advertisement and it was sent out. The date for the filing of the applications was fixed as June 16, 1945. When the advertisements were sent to the department we sent them to all different branches of the department. You will recall Dr. Keenleyside mentioned when he gave his evidence two days ago—incidentally I want to correct a statement he made: he asked me to make this correction—the competition was open to all the government service. What he really meant to state was it was open to the whole department. As you know we have five

branches. Usually when a vacancy occurs that competition is restricted to the branch, but in this case we opened the competition to all branches and the headquarters staff of the department.

Q. What you mean by that is the Department of Mines and Resources, Immigration, Parks—A. Yes.

Q. All those under the administrative head of the Minister of Mines and Resources?—A. Whether they are employees at Halifax or Vancouver they were all entitled to compete. We did not restrict it to Ottawa or anywhere else. Applications for the position were then sent by the various candidates to the commission, and later on sent to us. On June 20, 1945, we received eight applications, and on June 21, 1945, we received five more applications.

Q. Is that the total?—A. Yes, eight and five, thirteen in all. I might say there were eighteen candidates altogether, but there were five senior officers of the department who were overseas, and as a rule we always rate those even though they do not apply. I think there were eighteen candidates altogether.

The practice is when the applications are received from the commission, the rating forms for the efficiency in the positions they occupy, are usually sent to the branch senior officers so they can advise us what marks we should give them. That is for the position which they presently occupy. The applications were sent out to the various branches. I have forgotten how many there were.

When they came back Dr. Camsell, who was then deputy minister, appointed Mr. Hoey and myself as rating officers. I think Mr. Hoey will confirm what I say in this, that he and I spent a whole morning—I think it was a Saturday morning—dealing with the applications. We went over them very carefully, and after we had placed the ratings for each candidate in their present position, confirming what some of the directors of the branches had given them, we then rated them on the back of the form for the competition and signed the forms. There was not—I am very definite in this statement, and I think Mr. Hoey will confirm me—any disagreement between Mr. Hoey and myself as to the ratings we gave the candidates. Quite true, when we were considering some candidates Mr. Hoey might know them a little better than I did, and I would consult Mr. Hoey, and if a candidate had had more to do with me than he had had with Mr. Hoey he would consult me. I have been in the department about two years longer than Mr. Hoey so I knew some of the candidates longer than Mr. Hoey and had an opportunity to judge their qualifications in some respects better than he did. When we signed the ratings we certified on the forms that are used in these competitions. “I certify on my honour”—that is, each one of us did—“that I have assigned the above ratings wholly on the basis of merit, and without any reference to personal or political considerations, and that the rating expresses my own independent judgment. I also certify that the candidate is not related to me.” That is the form we officially and formally signed when we completed our ratings.

Those ratings were sent to the commission on November 8, 1945. In fairness to the committee I should point out there is a gap between July and November, and the file does not disclose why it took us so long to make the ratings. I cannot find anything in the file. I have searched my memory, and I cannot explain it. There is a gap here of three or four months between July and November.

Q. Is it unusual in these applications?—A. No, it should have been done sooner.

Q. Is it usual to have such a delay as that?—A. No, it is not. I cannot understand it, and I cannot excuse it except it may have been that there was some delay in connection with the rating of the candidates who were overseas. I do not know, but there is nothing on the file to indicate why that delay occurred. I will have to take the responsibility for it because it does appear here. When I was checking the chronological steps that were taken that delay appeared, but why it is I cannot explain. I will have to take the responsibility for it.

The ratings were sent to the commission on November 8, 1945. On January 4, 1946, a letter was received from the Civil Service Commission accepting the ratings and approving of the selection of Mr. Pratt subject to the usual appeal. I should state at this time when the ratings were sent to the commission a letter was signed by Dr. Camsell, as I recall, and he expressed the view he concurred in the ratings, so the ratings were actually made by Mr. Hoey and myself—

Q. Who is Dr. Camsell?—A. He was the then deputy minister of the department. They were concurred in by him. I make the statement now that I did discuss the ratings with Dr. Camsell before they were sent to the commission.

Q. Can you tell me how long Dr. Camsell had been deputy minister?—
A. Since 1920 or 1921.

By Hon. Mr. Horner:

Q. He is retired now?—A. He was retired and Dr. Keenleyside was appointed in his place. Actually although there were only two rating officers who signed the rating forms Dr. Camsell concurred in the ratings. As I said before the ratings were sent to the commission on the 8th of November, 1945, almost a year after we first started the competition. On January 22, 1946, a letter was received from the Civil Service Commission advising an appeal had been filed by Mr. Randle. We were asked to nominate some officer of the department to act on the appeal. As Mr. Hoey and myself had acted as rating officers we could not act. I think at that time Dr. Camsell had retired or was absent and I was acting deputy minister and I selected Mr. Allan to represent the department on the appeal.

The commission was informed on the 25th of January, 1946, that Mr. Allan would act on the board. For some reason for which I cannot account the board did not consider the appeal until the 5th, 6th of 7th of March. It was the early part of March when they sat, and Mr. Hoey was called, and I was also called, to give evidence. I think Mr. Hoey was called the day before I was. He will no doubt tell you about what took place. I will tell you what took place when I was called the day following when Mr. Hoey gave his evidence. I went over to the board—

By Mr. Reid:

Q. This is the appeal board?—A. Yes, the first appeal board. That is the board held early in March, 1946.

By Mr. Gariepy:

Q. Who were on that board?—A. On that board the departmental representative was Mr. D. J. Allan, who is Superintendent of Reserves and Trusts in the Indian Affairs Branch.

The CHAIRMAN: He is the man who has been here with the committee for the last three weeks.

The WITNESS: Yes. Then there was Mr. MacIsaac who represents the Civil Service Federation. I think he is an employee of the Department of Pensions and National Health, or some other department of the government. I had never met him before. I am now informed he is a pension advocate in D.V.A. Then there was Mr. Putman, an officer of the Civil Service Commission.

By the Chairman:

Q. Putman?—A. Putman. When I went into the room where the board was sitting I first asked the members of the board if the proceedings before the board were confidential, and I was assured very, very definitely they were, that any statements we made there would be kept absolutely secret.

By Mr. Farquhar:

Q. Did all three act on this appeal?—A. The three were acting on the appeal. I then proceeded to go into the respective qualifications of Mr. Pratt and Mr. Randle, knowing that Mr. Randle was the appellant. I had hardly said two sentences before I was assured by two members of the board, Mr. Putman and Mr. MacIsaac, "Oh, do not bother about Mr. Randle. We are satisfied that he has no grounds of complaint, but we intend to proceed to go into the ratings of all the other candidates." I objected just as strongly as I could to that procedure, because I always understood when an appeal was made the appeal board was set up for the purpose of determining the complaint of the appellant and not of any person else. Notwithstanding my protest at the time the board said, "No, we have the right and we are going to go into all the other ratings." I think we spent nearly two hours talking about the qualifications and duties of the position and the respective merits of Mr. Pratt and the other candidates.

It was very evident in my mind—and I must say it was one of the most unpleasant hours I ever spent because to me it appeared as if I was talking to a stone wall—that their minds were absolutely fixed against Mr. Pratt being appointed to the position. Two of the members of the board had got it into their minds that the duties of this position were such as to be entirely different from what I had in mind, and I think what Mr. Hoey had in mind, when we set them out the advertisement. They had different ideas altogether as to what these duties were. To me it seemed they were trying to build up a case which would not suit Mr. Pratt.

In respect to Mr. Allan at that time he was sick and did not during the whole proceedings take any part in the discussions which we had during that afternoon. Anyway, after trying to satisfy these two members of the board, I realized after spending all the time I did that I was not making any headway. I said, "There is nothing more I can do", and I left.

That is the last I heard of the situation until we received a letter from the commission stating that the board had made its report.

By the Chairman:

Q. What was the date of that?—A. I want to refer to that letter particularly. The letter is dated May 21, 1946. It reads as follows:—

Relative to the above noted competition, I am directed to advise you that the commission has approved the report of a review board which recommended in part as follows:—

If it is an administrative job, the board is unanimous in its opinion that Mr. Pratt has not the minimum qualifications for this position and it is also recommended that Mr. Randle's appeal be denied as the board is satisfied, from the evidence obtained, that Mr. Randle is not as well qualified as a number of others who have been given higher ratings than he.

In reaching the decision that the vacant position was an administrative one, the review board was supplied with a memorandum from the organization branch of the commission, a copy of which is attached. The commission will proceed to fill this vacancy by the selection of the second name on the eligible list, that of Mr. Arneil, on advice from the department as to the date when Mr. Arneil takes over the duties of the position.

I may say that letter came like a bolt from the blue when I received it because I could not understand how the commission could accept any finding that the appeal board might make over the recommendation that Mr. Hoey and myself made which was concurred in by Dr. Camsell.

I might point out incidentally that Mr. Putman knew nothing about the administration of Indian affairs and Mr. MacIsaac knew nothing about the

administration of Indian affairs. On the other hand, Mr. Hoey and I had been associated with that work for ten or twelve years, and Dr. Camsell for a longer time.

As I said before I was very much disturbed about it, and I phoned Mr. Bland and asked if I could discuss the matter with the Civil Service Commission. Mr. Bland very kindly agreed to have a meeting. I met the members of the Civil Service Commission on the 27th of May, 1946, and we discussed probably for an hour or an hour and a half the findings of the board, the duties which the commission thought the position should have, and the duties which I and Dr. Camsell and others thought should go with it. When I finished I thought I had satisfied the commission that the appeal board was wrong. The commission pointed out to me that "you should have changed the title of the position. It is wrongly called 'general superintendent of Indian Agencies'." I agreed with them. I said, "Let us change the name. I do not care what you call it", but I knew and I think Dr. Camsell knew at the time the duties we had in mind that should be attached to it.

When I left the commission I understood that the title would be changed and that the commission would then reverse its previous decision and confirm Mr. Pratt in the appointment. At that time I went into the hospital with a bad eye and did not come back to the office until about the middle of July. I found that nothing more had happened to the position so I wrote to the commission on the 20th of July, 1946. For the information of the committee I want to put the letter on record. I think probably I am jumping one step too far. I should say when I got back to the office there was a letter from the commission dated July 17, 1946, which reads as follows:—

By direction of the commission, I am forwarding herewith a copy of a report suggesting a change in the title of position MR-IAH-6, from general superintendent of Indian agencies to general executive assistant, Indian Affairs Branch, with no change in compensation. If you concur in this change will you please notify the commission in order that action may be completed?

That is July 17, 1946. Attached to that letter is a memorandum from one of the investigating officers of the commission. I will not read it all because it is not necessary but I should like to quote this reference:—

The title "general superintendent" may not be a desirable one since it could be said that the director is in reality the general superintendent of the Indian agencies. In my opinion the position is that of an administrative assistant, responsible for general administrative matters for all the agencies in matters not covered by welfare and training or coming within the division dealing with trusts, but having to do with the general operation of the day-to-day work in the agencies. The responsibility would be to relieve the director and assistant director of much of this work, of which there is a considerable volume, and to co-ordinate under the director the work of the various specialized divisions of the Indian Affairs Branch.

Those were the duties which the commission thought should go with the position in July, 1946. In answer to that letter I wrote the commission as follows on July 20, 1946. I will not quote from the first part because it is not material. It is in reference to the matter of changing the title of the position.

As I explained to the commission at our meeting on May 27, there had been difficulty in properly assigning the duties to this position, and that was the reason why in the advertisement for the promotional competition, which was approved by the commission, an effort had been made to clarify and define them more definitely. It is a fact the old title suggested functions which overlapped the work of other divisions. On reading Mr. Morgan's letter* of May 21 last quoting extracts from the

report of the board of review and the memorandum of the organization branch enclosed therewith, it would appear the board had a mistaken idea of the duties to be performed by the successful candidate; in other words, for some reason they ascribed to the position duties which it was hoped, when the position was created in 1936, might be carried out by the then occupant, but which experience had shown was not workable. As an example, it was never intended that supervision over fur-bearing operations should be one of the duties of the position.

Mr. Hoey and myself as rating officers were aware of the difficulties mentioned, and we had a clearer idea of the duties and were in a position to judge the ability of the candidates to perform those duties. The same remarks apply to Dr. Camsell who concurred in the ratings. From my conversation with you I understand the commission is now prepared to confirm the appointment of the candidate who was given the highest rating, if a more desirable title is given to the position. It is suggested that it should be changed to "general executive assistant." The department is agreeable to this change being made. Later, if necessary, a more clear definition of the duties can be prepared. I will be glad to discuss this matter further with the organization branch at any time. In view of the somewhat position, it would be appreciated if the commission would take what extended delay that has occurred in connection with the filling of the necessary action as soon as possible.

That letter was written on July 20. I omitted to mention to the committee that when the appeal board—that is the first appeal board—made its report they made two reports to the commission, not one. One report was signed by Mr. Allan and was made on March 9th. The other report was made in May. Mr. Allan took sick on the 2nd of April, so the second and final report of the first appeal board was signed only by Mr. MacIsaac and Mr. Putman. An opportunity was not given to the department to have someone take the place of Mr. Allan who at that time was very seriously ill. Without any notification to us, or anything else, the appeal board proceeded in Mr. Allan's absence, without having any representative of the department on the appeal board, to ascribe duties to that position which were entirely different than what we had in the advertisement, and then made their report to the commission that Mr. Pratt did not have the qualifications for the position. Naturally I think the department was justified in protesting very strongly to the commission.

Following the letter which I wrote to the commission on July 20 we received the formal submission to council dated August 5 recommending a change in the title. It has to go through that form. It is signed by the members of the commission and then by the minister and sent over to Treasury Board. On the 30th of August, 1946, we received a formal note—this is a copy of the order in council—changing the title of the position from general superintendent of Indian agencies to general executive assistant, Indian Affairs.

Some person asked Mr. Bland the question the other day, "What has the department done with the other position?" There is no other position existing now. The title is changed. The position of general superintendent was merged or changed to that of general executive assistant. There is no other position of general superintendent open now. Mr. Bland was asked why the department did not fill it. I think he was a little mixed up as to what actually happened, but what I read is the formal order in council cancelling the old position. It is really not creating a new one but it is just changing the title of the old position.

By Mr. Harkness:

Q. If I might interject at that point the reason that question was asked Mr. Bland was because Dr. Keenleyside said this was a different position. If you look up his evidence of Wednesday I think you will find he says this was

a different job altogether.—A. They were not quite as close to the matter as I was. I think they misunderstood. What I have stated are the facts. That is why I am trying to set them out.

Q. That was Dr. Keenleyside's evidence, and that is why that question was asked Mr. Bland. Apparently there is a divergence of opinion between your evidence and that of Dr. Keenleyside on that point.—A. I think Dr. Keenleyside misunderstood. I am not saying Mr. Bland did it intentionally. I think he assumed the other position was still there. It is not. Here is the formal document, the order in council, P.C. 77/3663.

Q. As a matter of fact it was my contention that it was the same job. In the proceedings on Wednesday I was trying to insist it was the same job and Dr. Keenleyside was trying to insist it was a different job.—A. As I go on I will show when Mr. Pratt was finally appointed he was appointed to this same job. That brings us up to the 30th of August, 1946. On the 20th of November I had a conversation with Mr. Bland. I was urging him and the members of the commission from time to time to make the appointment.

By the Chairman:

Q. 1946?—A. 1946. I had a talk with him about it.

Q. With whom?—A. With Mr. Bland, and on the 22nd of November he wrote me this letter.

With reference to our conversation of the 20th regarding the position of executive assistant in the Indian Affairs division, the commission is of opinion that it would be desirable to secure an appointee to the position of assistant director, Indian Affairs, before deciding upon the incumbent of the executive director position. A promotion competition for the post of assistant director is accordingly being advertised at once, and we shall endeavour to expedite the selection in every way possible.

That is a letter from Mr. Bland.

The CHAIRMAN: November 22?

The WITNESS: Yes, 1946. Later on—I haven't got the date—I had a conversation with Mr. Bland and pointed out to him reasons, which I would not want to put on the record, why we did not wish to proceed with the appointment of assistant director of Indian Affairs, I think Mr. Bland concurred in the reasons at that time. I then urged him again to confirm Mr. Pratt's appointment. Nothing was done, so on the 17th of December, 1946, I wrote a letter to Mr. Bland and reviewed the whole history of the case up to that time. I shall be glad to put the letter on the record. It summarizes pretty much what I have told you today, and I do not want to take up the time of the committee needlessly, but I will make the letter available to anyone. As far as I am concerned our whole file is open to any member of the committee and to the general public; there is nothing to hide as far as I am concerned. I urged strongly in the letter and gave good reasons to the commission for the appointment being made.

The CHAIRMAN: Will you file that letter to be put on the record?

The WITNESS: I should be glad to read it out or put it on the record.

The CHAIRMAN: How many pages are there?

The WITNESS: Eight pages.

The CHAIRMAN: Shall we just put it on the record?

"In view of the difficulties that have arisen in connection with the promotional competition to fill the position of general superintendent of Indian agencies, now changed to general executive assistant, it seems advisable to review the facts and what has occurred to date.

The original submission for the filling of the position was forwarded to the commission on February 15, 1945, the duties to be performed and the qualifications were set out as follows:—

Duties:

To undertake the general supervision of field administration of Indian reserves in Canada; to make reports and recommendations on agency administration; to conduct special investigations as required; to investigate and report on new appointments, changes in staff and promotions in the field of administration; to instruct and give guidance to employ to make recommendations on the grading of Indian agencies and the classification of Indian agents; to consider and report from time to time on Indian agency boundaries and to suggest adjustments in such boundaries, if necessary, in the interest of better field administration; to make reports and recommendations respecting the erection and repair of agency buildings and the purchase of agency equipment such as boats, livestock, farm implements, etc., the construction and upkeep of roads on Indian reserves, construction and repair of bridges, dams, reservoirs, wharves, telephone poles, ditching, diking and irrigation projects; to perform general and miscellaneous duties relating to field administration involving the election and removal of chiefs and counsellors, social services, such as family allowances and relief, law enforcement and agricultural programs and to make recommendations with respect thereto; to conduct correspondence with field officers and other related work.

Qualifications:

Education equivalent to high school graduation; a knowledge of the administration of Indian Affairs and the problems involved; ability to investigate staff requirements, institute office procedures and to give guidance to employees; a knowledge of governmental personnel regulations and practices; a knowledge of agriculture; initiative, tact, sound judgment and vision.

On May 18, 1945, the commission submitted a draft copy of the advertisement for approval, the duties being set out as follows:—

To be responsible to the director of the Indian Affairs branch for the administration of Indian agencies in Canada; to supervise the election and removal of Indian chiefs and counsellors, the implementing of law enforcement regulations, social services and all programs designed to improve the conditions of the Indians; to deal with administrative matters such as the adjustment of boundaries, the construction, repair and maintenance of buildings and roads, the purchase of equipment and stock and the staffing of Indian agencies; and to perform other related duties of a senior administrative character.

On May 21, 1945, the advertisement was returned with certain suggested amendments. These were made following discussions with officers of the commission. These amendments were approved by the commission and the advertisement was issued containing the following statement of duties:—

To be responsible to the director of the Indian Affairs branch, for the administration of Indian agencies in Canada; to investigate and report on new appointments, changes in staff and promotions in the field administration; to instruct and give guidance to employees; to make recommendations on the grading of Indian agencies and the classification of Indian agents; to supervise the election and removal of Indian chiefs and counsellors, the implementing of law enforcement regulations, social services and all programs designed to improve the conditions of the Indians; to deal with administrative matters such as the adjustment of

boundaries, the construction, repair and maintenance of buildings and roads, the purchase of equipment and stock; and to perform other related duties of a senior administrative character.

Following the closing of the competition the commission on June 20, 1945, forwarded the applications to the deputy minister in accordance with the usual practice so that the ratings would be completed. Mr. R. A. Hoey, director of the branch, and myself were selected by the deputy minister to rate the candidates. The ratings were carefully made, approved by the deputy minister and forwarded to the commission by the deputy minister on November 8, 1945. On January 4, 1946, formal notice was received from the commission that Mr. W. J. F. Pratt had obtained the highest rating and had been selected for promotion, but that fourteen days would be allowed to permit any of the other candidates to appeal. On January 22, notice was received from the commission that an appeal had been received from E. P. Randle and that a board would be convened. We were asked to nominate a representative of the department and Mr. D. J. Allan was selected, the commission being so informed on January 25, 1946.

Mr. Hoey and myself gave evidence before the board some time during the first week in March and explained the duties of the position and gave the reasons for the ratings that had been made. It would appear the members of the board were in agreement at that time that the appellant, Randle, did not possess the necessary qualifications for the position; consequently the evidence at the hearing centred around the duties of the position and the qualifications of the candidate who had received the highest rating. I explained at some length and in detail to the members of the board, as I did to the members of the commission, when I met you on May 27, what work we felt should be done by the occupant of the position, the duties being generally those set out in the final advertisement. At the hearing two members of the board expressed very definite opinions on both of these subjects, although at the time they did not have before them the copy of the memorandum dated April 16, which was attached to your letter of May 21, nor had they examined the candidate whose qualifications and rating they were strenuously doubting. It is somewhat difficult, therefore, to understand what other evidence they had before them to reach the conclusion that they did at that time.

Some weeks following the board apparently asked that a further investigation be made of the duties and qualifications of the position of general superintendent of agencies and a report was made by an officer of the commission dated April 16, 1946. In view of the evidence given by Mr. Hoey and myself, it is difficult to appreciate why this report was obtained or from whom the information was secured, because there was no person as well qualified or in a better position to supply the information than ourselves. However, the report was made and apparently the final decision of the board was based upon it and upon some unknown source of information as to Mr. Pratt's qualifications. This latter statement is made because Mr. Pratt was not given an opportunity to appear before the board nor was anyone called other than myself and Mr. Hoey who had actual and intimate knowledge of the work he was doing and had been doing.

If, as may be inferred from your letter of May 21, the board based its decision largely upon the report of the investigator, one can understand the wrong conclusion reached. It is evident upon reading the report that the investigator had a mistaken idea of the duties to be attached to the position. In the first place he has set out the duties as those which were tentatively suggested in the original requisition rather than those which were finally decided upon and

approved by the commission, as set out in the advertisement. On page 1 of his report he makes the following statement:—

I understand that the general superintendent is responsible for the farming operations and those which may have to do with lumbering, fur bearing, etc., in so far as they do not come under the jurisdiction of the officer responsible for the welfare of the Indians.

This statement is incorrect. Again on page 2 he says, "The general superintendent is responsible for final recommendations with respect to the separation or amalgamation of existing agencies." This also is incorrect. The final recommendations would be made by the director, suggestions only would be made by the incumbent of the position, and then only after consultation with the heads of the other divisions. Again, on the same page it is stated, "He should know something of procedures in connection with the construction and maintenance of engineering works of all kinds and have a good knowledge of practices including farming, lumbering, fur farming, irrigation, etc." It is well known that the fur conservation activities of the branch come under the direct supervision of the superintendent of reserves and trusts. Also that the surveys and engineering branch and the technical officers of the other branches of the department are always available for advice and assistance in such matters.

Secondly, the report sets out the duties for the position which were tentatively suggested in the original requisition rather than those which were finally decided upon. Again, the qualifications were stated to be as follows:—

Education equivalent to university graduation; demonstrated ability to administer a large and specialized organization; at least five years of experience in the administration of an Indian agency or in work of a similar character; a good knowledge of administrative practice and procedure as related to personnel, the construction and maintenance of buildings, roads, wharves, reservoirs, bridges, irrigation projects, drainage schemes, etc.; a general knowledge of practices in various production fields such as are found on Indian agencies, including farming, lumbering, fur raising, etc.; a knowledge of Indian customs and the organization of facilities and services that have been provided to assist the Indians in all parts of Canada.

It will be noted that the above qualifications are entirely different than those set out in the original recommendation as quoted on page 2 of this letter.

It is evident that the investigator and also the board were of the impression and had wrongly concluded that the duties were to be those which it was hoped Mr. Christianson could perform when he was first appointed and which subsequent events showed were impracticable. I believe I satisfied the commission on this point when the matter was discussed with you on May 27. As a result the title of the position has now been changed to that of general executive assistant.

It is unfortunate that the representative of the department on the Board of review took sick on April 2 and was, therefore, not able to fully participate in the deliberations of the Board when the final recommendations were made. While a copy of the full report of the Board has not been forwarded to the Department, in the letter from the Commission dated July 17 it is stated that the Board recommended in part as follows:—

If it is an administrative job, the Board is unanimous in its opinion that Mr. Pratt has not the minimum qualifications for this position.

It is further stated that

in reaching the decision that the vacant position was an administrative one, the Review Board was supplied with a memorandum from the Organization branch of the Commission . . .

and that

the Commission will proceed to fill this vacancy by the selection of the second name on the eligible list.

It is appreciated that the final say in promotional competitions rests with the Commission under the Civil Service Act. The practice has been, however, to ask the Department to rate the candidates, which was done in this competition, and as has been stated the Commission approved of such ratings in the first instance. While no objection can be taken to the practice of establishing Boards to investigate complaints of candidates who feel they have a grievance, the legal authority for and the powers exercised by such Boards are questionable. There is nothing in the Civil Service Act or regulations which gives the Commission the right to delegate its authority in promotional competitions to another body. It is suggested the Commission cannot relieve itself of the responsibility for preventing injustices being done by relying entirely upon the recommendations of the Boards of Review, particularly when the latter do not appear to have any legal status and when as in this instance have gone much further than merely dealing with the complaint of one appellant.

It is apparently agreed by everyone that no injustice has been suffered by the appellant. Can the same be said for the candidate who received the highest rating? The acceptance by the Commission of the original ratings and the subsequent notification given to all the candidates was in effect public notice of the results of the competition. Very strong and definite grounds, therefore, should exist before the ratings are changed. The acceptance of the recommendations of the Board places the Commission in a peculiar position. It disagrees with the rating of the first candidate but is willing to accept the rating given to the second candidate. If the Rating Officers were wrong in the first case, upon what basis or evidence does the Commission accept the rating in the second case? No full and proper inquiry was made as to the qualifications of the other candidates, the Board apparently directing their efforts towards proving a lack of qualifications on the part of the first candidate. It would seem to be clear the decision was reached on the misunderstanding of the Board of the duties to be assigned to the position. No opportunity was given to the candidate affected of being heard. It would also seem to be clear there was a failure on the part of the Board to make a full and complete inquiry into his qualifications and the experience that he possessed. If the Board assumed that the qualifications were those set out in the investigator's report, one can understand the reasons for the decision, because Mr. Pratt has not the educational requirements specified nor has he had five years' experience in the administration of an Indian Agency.

On the other hand, the Commission has before them the carefully considered ratings of two senior officers who should be and are better qualified to determine the qualifications of any of the candidates to fill the position. The ratings were concurred in by the then Deputy Minister, who was also familiar with the work the candidates were doing; in fact, in regard to Mr. Pratt's work, Dr. Camsell has been associated with his activities for more than twenty years. To decide now that a civil servant with thirty-three years' service, more than half of which was spent as Private Secretary to the respective Ministers of Indian Affairs and the last eleven years as Assistant Secretary and Chief of Personnel in the Department, has not the qualifications for this position because it is an administrative one, is doing him the rankest kind of injustice. The decision would in effect be a bar to Mr. Pratt's further advancement in the Service—hardly a just reward for such long and faithful service.

The Department asks that the Commission should again consider the original ratings and review them in the light of all the facts and for the purpose of preventing a real injustice being done."

No reply was received to that letter. The next step was discussion by Dr. Keenleyside with Mr. Bland shortly after Dr. Keenleyside was appointed deputy minister. His appointment took effect the 15th of March, 1947. I wish to put on the record a letter which Dr. Keenleyside wrote to Mr. Bland on the 17th of the following month—the 17th of April, 1947.

We have canvassed the situation in the headquarters of the Indian Affairs Branch with a good deal of care and are prepared to recommend and request that you now take the first of the steps outlined in our recent discussion on this subject. The first step, as you will recall, is the appointment of Mr. Ford Pratt as General Executive Assistant in the Indian Affairs Branch. Subsequently we will be writing to you again with regard to the proposals which we will have to make in connection with the posts of Assistant Director and Superintendent of Reserves and Trusts. The first necessity, however, is to get the position of Mr. Pratt finally settled and both the minister and I will be very grateful if you will have this matter attended to at once.

Nothing further happened. There may have been conversations until November 29.

Mr. FARQUHAR: What date was that letter?

The WITNESS: April 17, 1947. We probably had conversations over the telephone with members of the commission but there is nothing on the file to so indicate.

On November 29, 1947, Dr. Keenleyside wrote this letter to Mr. Bland:—

With reference to the filling of the position of general executive assistant, Indian Affairs, in the Indian Affairs branch of the department at Ottawa, it is recommended that Mr. William James Ford Pratt, assistant secretary and chief of personnel (MR-A-51) in the administrative branch, be promoted to this vacancy, effective at once.

The new name of the position had the same number. Every position in the Civil Service is given a number.

The department after careful consideration selected this employee for promotion to position MR-IAH-6 for the reason that he was considered to be the one best qualified to perform the duties of the vacant position. The title of the position has been changed and the duties are now more clearly understood. It is definitely the opinion of the senior officers in the department that there is no other employee as well qualified or who has had the experience that Mr. Pratt possesses to carry out those duties.

I should be grateful if the necessary action could be taken as early as possible to have a certificate issued to authorize the promotion of Mr. Pratt.

The commission replied on the 16th of December, 1947, as follows:—

In connection with the filling of the position of general executive assistant, Indian Affairs, the commission has decided that a selection from the competition held for the position as formerly classified, general superintendent of Indian agencies, is not advisable, in view of the fact that the duties are different. However, advertising a new competition is not contemplated, as the commission feels that new ratings for the candidates in the old competition and, in addition, ratings for other employees in the Indian Affairs branch entitled to consideration, who were not applicants, would be sufficient, on the understanding that there will be an opportunity for appeals. The previous candidates and other employees are to be rated on the basis of the new duties.

A list of the applicants in the competition for general superintendent of Indian agencies is attached, and you are requested to have a departmental rating board set up to provide ratings for these and for other employees who should be considered.

The previous candidates will be advised that as the new position of general superintendent of Indian agencies has now been classified as general executive assistant, Indian Affairs, with new duties, no selection will be made from the competition already held, but they will be rated for the position of general executive assistant, and an opportunity to appeal will be allowed.

We took the position that that was very unfair to Mr. Pratt.

So on the 23rd of December, 1947, Dr. Keenleyside wrote this letter to Mr. Bland:—

I have your letter of the 16th instant in connection with the position of general executive assistant, Indian Affairs branch. You state a selection from the competition for the previous position is not advisable as the duties are different. May I point out that the duties of the present position are the same as those advertised for the previous position and they have not been changed. It is true, as pointed out in Mr. Jackson's letter to the commission of December 17, 1946, the Board of Appeal took upon themselves to ascribe new or different duties, but they were not the duties set out in the advertisement.

That is the letter which I did not read but which is being put on record.

The senior officers of the department who made the ratings in the first instance, and which were concurred in by Dr. Camsell, clearly understood what those duties were and rated the candidates accordingly. Therefore, I cannot see why it should be necessary to delay further the filling of the position by rating the candidates again, which in effect means the holding of another competition with all the resulting delays that are likely to follow.

I stated in my letter to you of the 29th of November that the department had considered Mr. Pratt to be the candidate best qualified to perform the duties of the position and that it was the opinion of the senior officers in the department that there was no other employee as well qualified or who had the experience that Mr. Pratt possesses to carry out those duties. This is still the view of the department.

As you are aware, more than two years have elapsed since the competition started. It is most desirable that there should be no further delay and it would be appreciated, therefore, if the commission would reconsider the matter and issue the necessary certificate assigning Mr. Pratt to the position.

On January 2, 1948, the following letter was received from the secretary of the commission:—

The commission has considered your letter of December 23 addressed to the chairman and in view of your further report in connection with the position of general executive assistant, Indian Affairs, formerly superintendent of Indian agencies, has agreed to accept the ratings given in the competition for superintendent of Indian agencies as the ratings for the position as now classified, general executive assistant.

The selection of Mr. Pratt has been confirmed with the proviso that the other candidates will be given the opportunity to appeal, if any wishes to do so.

The candidates already rated, other than Mr. Pratt, will be advised that on the basis of a further report from your department the Civil

Service Commission considers that Mr. Pratt has the best qualifications for the position and has selected him for appointment. They will also be advised that an opportunity to appeal will be allowed.

That letter is dated January 2, 1948.

Now, within the proper time Mr. Randle filed an appeal. That appeal, as Mr. Bland pointed out, was considered. On the Appeal Board there were Mr. Gibson, representing the department, Mr. McIsaac, representing the Civil Service—

The CHAIRMAN: Do you know what date that Appeal Board was or around what date?

The WITNESS: I was going to mention that Mr. McIsaac was representing Mr. Randle and Mr. McNaughton represented the Civil Service Commission. I have no definite information with me as to when that Appeal Board met except from the information contained in the story which appeared in both local newspapers on February 17, 1948. The newspaper story purported to say that the Appeal Board cancelled the Pratt appointment and went on to tell what took place before the board. Now, we always have considered the hearings before that board as confidential. Mr. Bland told you the other day, that the Appeal Board had not made its report at that time; but in some way or another one of the members of the Appeal Board must have given out to the newspapers what took place at the first hearing of the Appeal Board. At any rate, the Appeal Board did not complete its hearings on February 17. In fact, I only learned when Mr. Bland last gave evidence, what the formal decision of the Appeal Board was—that was the day before yesterday. Even up to the present time we have no formal notification from Mr. Bland that Mr. Pratt has been appointed to the position. I am glad to know that he announced yesterday that the commission had at last confirmed the appointment.

Following this first newspaper story there was a second one appearing on the 11th of March, 1948. This appeared in the *Ottawa Journal* on March 11, 1948, and it is headed "Appeal Board confirms Pratt"; and it goes on to say that this had been the third appeal against Mr. Pratt's appointment. It never was; it was the second appeal. Who gave the story to the newspaper, I do not know. We only heard the day before yesterday from Mr. Bland what the decision of the Appeal Board was; so it is very evident—I think it will be evident—that some person was getting stories in the papers to try to reflect upon Mr. Pratt's reputation or to stop his appointment to this new position.

By Mr. Farquhar:

Q. Would this come from one of the three members?—A. I think so; it could not come from anyone else. I said I only received the news two days ago, the copy of the report made by the first review board I have not seen. I understand Mr. Allan got a copy of the first report. I have never got a copy of the second report that is the report made by the board after Mr. Allan took sick. How it got in the newspapers or where they got it, I do not know; but it is very evident from the publicity I have seen that some person, as I stated at the beginning of my remarks, had been trying to discredit Mr. Pratt and to stop his appointment to the position. I do not think I have anything more to say, I am willing to put myself at the disposal of the committee and answer any questions I may be asked.

Q. Did the appeal board not ask for a representative from the department when Mr. Allan took sick?—A. No.

Q. The two members went ahead and did the work?—A. Apparently, because Mr. Allan was sick on the 2nd of April and he hovered between life and death for a good many weeks after that. The letter which I referred to which we received from the commission telling of the result of the appeal board

was accompanied by a report made by an investigator. This report is dated in April, 1946. After Mr. Allan took sick the two remaining members of that first appeal board apparently presumed upon themselves to go out and inquire as to what they thought the duties of that position were. If you like I might take the time of the committee to show you how they expanded those duties. If you want to take that time I will do it.

The CHAIRMAN: What is the pleasure of the committee? (Agreed).

The WITNESS: This is the report of the investigator which is referred to in Mr. Bland's letter of May 21st. You will remember he said the review board was supplied with a memorandum from the organization branch of the commission, a copy of which was attached. This copy which the commission sent us is headed "Memorandum to Mr. Putman." It goes on to say:—

I have made a further investigation into the duties of the position of general superintendent of Indian agencies.

Then he proceeds to set out what he felt those duties were.

By Mr. Reid:

Q. What are Mr. Putman's initials?—A. I think it is C. V. or something like that.

By the Chairman:

Q. What was the date of that?—A. It was attached to the letter from the Civil Service Commission dated May 21, 1946. That is the letter to which I referred.

Q. That is the 8-page letter?—A. No, the letter from the commission notifying us of the result of the appeal.

By Mr. Farquhar:

Q. Did I understand you to say that the appeal board changed the qualifications required by the candidates?—A. Very definitely; that is my view.

Q. Does that come under the work of the appeal board?—A. No. I do not know what the procedure of the appeal board was when they made their first report. Probably I had better mention that the first report made by the appeal board was dated the 9th of March, 1946. It is a rather long report. I think it is the one Mr. Harkness may have had. I have it here. I received it a couple of days ago from Mr. Gibson who was our representative on the second appeal board. He asked that the previous reports should be made available, and I secured these copies from Mr. Gibson after Mr. Bland had announced here the other day that the case had been decided.

Mr. HARKNESS: I think that report should be put into the record.

The WITNESS: I will be glad to put it in. Mr. Bland referred to it on Wednesday. I will be glad to put it in. It may be the same one you have.

Mr. HARKNESS: I asked the other day that it should be tabled.

The WITNESS: This is a copy which our member on the second appeal board got, and I assume it is one Mr. Bland should really file, the official one, but this I assume is a copy.

The CHAIRMAN: That is what I was going to point out, that when we have the original available it is quite unusual—

Mr. REID: I must leave at half past twelve. I wonder if I might ask some questions now.

The WITNESS: If you would allow me, there is one thing I should like to say. In this first report made by the first review board dated the 9th of March and signed by Mr. Allan this statement is made—

By Mr. Matthews:

Q. Signed by whom?—A. By the three.

The board finds itself in a position where a decision cannot be made until the above situation is clarified.

That is until the duties are clarified. Apparently after that they asked for a report from the organization branch as to what they thought the duties were. Then on the strength of that report the remaining two members made their final report to the commission.

The CHAIRMAN: Is it agreeable to the members of the committee that we should file this copy of a report when the original is available? (Agreed).

The WITNESS: It is a purported copy.

Mr. CHARLTON: Put it on the record.

The CHAIRMAN: Is that agreeable? (Agreed).

The WITNESS: I might say that attached to this is the second report. There is the first report made by the three members and then the second report made by the two remaining members.

By the Chairman:

Q. You said a moment ago this one was signed by Mr. Allan, Mr. MacIsaac and Mr. Putman?—A. Yes.

Q. Then that is the first report?—A. That is the first report, when the board did not reach any conclusion.

Q. I thought you said it was the second report.—A. No. I am now referring to the second one which is attached to this. There are two reports. The two reports made by the first appeal board are here. I want to point out that when the review board composed of the three members made their report they did not reach a decision. It is quite clear they did not reach a decision and, as the report says, "the board finds itself in a position where a decision cannot be made until the above situation is clarified." At that time they had a member of the department on the board. The board then proceeded to have somebody make a statement as to what they thought the duties were. The board met again with two members on it, without a representative of the department, and they made their report to the commission.

Q. Let me understand this. The first report is signed by all three?—A. Yes.

Q. And that said it should be clarified?—A. Yes.

Q. Then the remaining two members proceeded to file a second report?—A. Filed a second and final report.

By Mr. Gariepy:

Q. In that second report did they define further the duties of the appointee?—A. Yes.

Q. Was that a part of the second report?—A. Yes, it was a part of the second report. They attached a copy of a memorandum which was made by an officer in the organization branch in which he outlined many, many duties which we never intended should be attached to the position. It was clear the members of the review board had a mistaken idea as to what those duties were, much different than what we ever had. I attempted to satisfy them when I gave evidence before the board but was unable to do so.

By Mr. Farquhar:

Q. What knowledge would they have of the duties required?—A. I do not know. They had never been in the Indian Affairs department at all. They

presumed to know much more about the work and the duties and the qualifications of the position than Mr. Hoey and myself and Dr. Camsell did. They took it upon themselves.

Mr. RICHARD: Who is this?

The CHAIRMAN: The two members of the appeal board on the first appeal.

By Mr. Richard:

Q. Both of them seemed to know more?—A. They assumed to know more about it.

Mr. HARKNESS: If this were read into the record then we could question on it.

The WITNESS: I will put it on the record.

The CHAIRMAN: It has already been directed that they be put on the record.

Mr. HARKNESS: I think they should be read now so we can question on the basis of them.

The CHAIRMAN: Mr. Reid has to get away.

By Mr. Reid:

Q. There are one or two questions I want to ask Mr. Jackson. If some of them pertain to the Civil Service Commission or the appeal board and do not come under your authority then you may say so. Some of them should perhaps be asked of Mr. Bland. One of the questions I wanted to ask was when you were called before the appeal board did the appeal board have any records or information, or had they made any investigation previous to you being called in?—A. I think they had Mr. Hoey on the stand the day before. Mr. Hoey gave evidence before I did. The reports clearly indicate they called only Mr. Hoey and myself before the board, no other witnesses. Mr. Pratt was not called nor anybody else.

Q. Were all the ratings investigated by the appeal board, including Randle?—A. I assume they were because when I gave evidence the board stated right at the outset they were satisfied Mr. Randle had no complaint and they said, "Do not waste any time on Mr. Randle but deal with the other ratings."

Q. To your knowledge did the board hear any of the applicants?—A. Not at all.

Q. Then the board dealt entirely with the case from the records and information supplied?—A. That is right, except for the evidence Mr. Hoey and I gave.

Q. The reason I am asking this is because it is more than a matter of just Mr. Pratt's appointment. I am particularly interested in how the appeal board works, and if they are working properly.

Mr. CHARLTON: Hear, hear.

By Mr. Reid:

Q. To your knowledge was the final decision to give the position to the second applicant made by the appeal board or by the commission?—A. I think Mr. Bland stated the other day they called in the appeal board for advice, and it was the responsibility of the commission to make the final decision. I think that is quite right. When I went before the commission on May 27th I said, "Regardless of what the appeal board has done it is your responsibility to make the appointment, and I think you should make it." That is the stand we took from the time I waited on the commission on May 27th until the appointment was made a month or so ago.

Q. Did the appeal board send out any investigator before making their final decision?—A. Yes. They asked an investigator of the organization branch of the Civil Service Commission to inquire into what the duties of the position were.

Q. Will his name be on record?—A. I have a copy of it here. It is attached to Mr. Bland's letter of May 21st.

Q. Where did the investigator get his information as to the duties of this position?—A. He certainly did not get them from me. Where he got them I do not know.

Q. Did he get them from Mr. Hoey? Mr. Hoey, did he get them from you?

Mr. HOEY: When the investigator came over he had a discussion with me.

Mr. REID: About what?

Mr. HOEY: About the duties and responsibilities of this position.

Mr. REID: Then it would appear an investigator had made inquiries from the department.

Mr. HOEY: I think he went all over the branch. I do not know that but I am sure he did.

Mr. REID: He made a report in writing?

The WITNESS: Yes, it is attached to Mr. Bland's letter of May 21st. I do not want to take up the time of the committee but I wanted to show here very clearly how far he went in trying to ascribe duties to the position that none of us ever contemplated. I must say in fairness to him he went back to the duties we had assigned to the position of general superintendent of Indian agencies in 1938. He attached those to his report and started off with the assumption, "There are the duties for that position and they are still the same now."

By Mr. Reid:

Q. Did I gather from your remarks that when the board was discussing and investigating this case they were doing so in the light of the first advertisement and not on the amended advertisement?—A. There had never been any official change in the duties from the time they were advertised until Mr. Pratt's appointment. I must say a few weeks ago we did give new duties to the position after Mr. Pratt's appointment was made by the commission, that is when the commission certified Mr. Pratt's appointment, subject to appeal. The duties we advertised for that position back in 1945 were the same duties, never were changed.

Q. You did say when the commission first of all submitted a draft of the advertisement you added something to it?—A. Yes, I did.

Q. I come back to my previous question. When the board was considering the appeal were they considering the applicants in the light of the advertisement sent to you for correction first or the final one? There is a difference in the two.—A. The only one they could consider is the final one. The draft one they sent was just a draft. That is always the procedure. The commission sends over a draft advertisement. We put it in the form we think it should be in and send it back. That is the final draft, and that is the point I was arguing before the appeal board. I said, "There are the qualifications for the position." I will admit quite frankly, as you said on Wednesday, that they were very broad.

Q. The reason I am so anxious to know what the appeal board did is that it seems strange to me that the appeal board would decide without calling the applicants and having the applicants before them before the first decision was made.

The CHAIRMAN: Of course, in a court of law the appellant or the parties do not appear at the court of appeal.

Mr. REID: This is not a court of law.

The CHAIRMAN: I say in a court of law.

Mr. REID: We are looking for justice more than law. Sometimes I think there is too much law.

The CHAIRMAN: I am stopped.

Mr. HARKNESS: Mr. Reid, I think a lot of your questions would be clarified by the reading of these reports.

The WITNESS: If you will allow me I will read the duties.

By the Chairman:

Q. Do you want to read this report?—A. After all I am quite willing to read the report at any time, but what I was going to do was put on the record what this investigator thought the duties were to show how far he went over and above what was contained in the advertisement. After all we must stay with the advertised duties in these competitions, not have an investigator say what he thinks the duties should be.

By Mr. Reid:

Q. Do you think the investigator exceeded his authority?—A. Very much so, and had no right to. If he had come over and talked to me and said, "This is the report I am going to make" I would have said, "You have no right to change the duties." We know what the duties are. It is not up to some investigator of the Civil Service Commission who does not know the work to ascribe new duties to the position. He goes ahead in the report and says that the occupant of the position is to be put in charge of all lumbering operations, fur-bearing operations, things like that that we know were never included. Mr. Allan in the trust division is looking after the fur operations. The investigator referred to "looking after the construction of all buildings." We have an engineering and construction service in the department which takes over that responsibility. It looked as if there was some attempt to add duties to the position that the person who made the investigation should have known were too wide.

Q. Was that drawn to the attention of Mr. Bland?—A. I did when I had the meeting with Mr. Bland and the commission on the 27th of May. When I finished with Mr. Bland and the other members of the commission I left and went to the hospital quite satisfied the matter was all settled. When I left the meeting I thought it was the opinion, because I had made it quite clear, that whoever made the report—his initials are J. A. M—had got the wrong track altogether.

Q. Why did he not sign his name? It is not a secret document.—A. I do not know who it is. It may be Mr. Murray. I am not sure, but it is J. A. M. He attaches to his report here a statement of the duties which we tried to assign to that position in 1938.

By Mr. Farquhar:

Q. Is this investigator in the department?—A. With the Civil Service Commission—duties which Mr. Hoey and myself and the rest of us knew could not be carried out except by a super-man because they were overlapping with other positions. In the new advertisement we took out some of the duties which we had tried to assign to the position in 1938. We were new then. We were hoping it would work out but we found it would not. That is why when we came to create the new position we restricted the duties.

I must say that I regret more than anything else I did not change the title of the position at that time, but as you know there was a prohibition by the Treasury Board that you could not create a new position and fill it by promotion. That prohibition existed at that time. I did not care what the title of the position was as long as we got somebody in it. I realize now that if it had been called general executive assistant there would not likely have been this fuss and I do not think the appeal board would have got so

mixed up. I am not trying to assign any wrongdoing to the appeal board, but it is quite clear they were trying to say that all the duties and more, that we had tried to ask Mr. Christianson to do, should be given to the occupant of this position, which was absurd. A man doing what is referred to in this report signed by J. A. M. would be running the whole department. That is what Mr. Hoey and I were trying to avoid. We set out these new duties. Mr. Hoey was coming to me from time to time complaining that he was over-burdened with work and wanted somebody to take over personnel work.

As you know Mr. Hoey had only been in office about three months. Dr. McGill retired in December, 1944, and we started the competition in March, 1945, although we could not fill it until August because Mr. Christianson was still in it. Mr. Hoey had impressed on me very definitely that he must be relieved from a lot of this detail work, going over to the Civil Service Commission on boards, and everything like that. We all realized that if we were going to make any headway with the administration of Indian affairs we had to improve the staff. That above all else was most important.

Those were the instructions given to me by Mr. Crerar when I first went into the department, "do what you can to improve the staff in the Indian Affairs Branch." If I do say so myself I spent more than half my time in the last ten years night and day trying to improve the staff and administration in the Indian Affairs Branch. For nearly three years we have been trying to fill this position. Mr. Pratt was doing a lot of the Indian affairs work until the appeal was made. After the appeal was made he quite properly refused to do any of that work. Mr. Hoey and I and the rest of us have had to try to get along as well as we can until the appointment was made.

People are accusing me of finagling with the Civil Service Commission. I have been accused of favoritism and everything like that. I talked to a senior officer of a civil service organization the other day on the street. He said, "The whole matter stinks." I do not know whether he meant that it stinks from my point of view or stinks from the point of view of the opposition that has arisen in connection with Mr. Pratt's appointment. As far as I am concerned the matter does not stink.

Mr. REID: Well, if it smells they have contributed a great deal to it from what I have heard.

The CHAIRMAN: I was going to say something about a fox, but I will not.

Mr. FARQUHAR: I feel they changed the duties greatly.

By the Chairman:

Q. How about this? Do you want to read this memorandum at the moment?—A. I will be very glad to read it. I am not going to bother reading the investigator's report. Do you want me to read that? I think I should put on file the letter from Mr. Bland announcing the appeal. I think it is important it should go on the record. I do not want to take up too much time of the committee.

The CHAIRMAN: Is that agreeable? (Agreed.)

Suppose you give us a copy.

The WITNESS: That is Mr. Bland's letter and the investigator's report.

The CHAIRMAN: Give us the date of that so we will be able to identify it later.

The WITNESS: It is a document attached to Mr. Bland's letter of May 21, 1946.

The CHAIRMAN: You could send the reporter a copy of it.

The WITNESS: I will read to the committee this purported report of the first appeal board dated the 9th of March, 1946.

By Mr. Charlton:

Q. Mr. Jackson, you used the word "purported." Is this not a copy of the original report?—A. All I know is that Mr. Gibson, who was a member of the last appeal board, asked the commission to give him copies of the reports. He got these from the commission. I presume they are copies of the one Mr. Bland referred to. I got them from Mr. Gibson.

Q. I do not think the word "purported" should be used.—A. I am not sure it is a true copy.

The CHAIRMAN: It is purported. It is the same objection we made the other day when Mr. Harkness wanted to file something which was a copy of an original, and the original was available. The original of this is available, and the original should be filed.

The WITNESS: I am sure it is a copy as far as I know. I can not be absolutely sure because it is just a typewritten document as far as I am concerned.

Mr. CHARLTON: If that word "purported" is used it does not mean any more than the paper it is written on.

The CHAIRMAN: Exactly.

Mr. CHARLTON: If the original is available I think the original should be the one to go in the record.

The CHAIRMAN: Quite.

The WITNESS: Let Mr. Bland deal with that.

The CHAIRMAN: That is exactly what I was pointing out the other day.

Mr. LICKERS: That is from Mr. Gibson who was one of the members of the appeal board.

The CHAIRMAN: Mr. Charlton is still right. It is purported, and when we have the original document available we should have the original. However, the committee have over-ridden that and have stated we are going to file this purported one. Then when the original comes along we will have the original filed as well.

Mr. CHARLTON: Mr. Jackson has just said he is pretty certain it is a copy of the original. Why not go ahead with it then?

The CHAIRMAN: Because it must be a purported copy. He cannot identify it. He has not compared them.

Mr. CHARLTON: Let us go ahead and read it.

By the Chairman:

Q. Have you compared this with the original report?—A. No, I could not do that.

Q. Then what else is it but a purported copy?—A. I think the best thing to do is to let Mr. Bland produce the report. He had it here the other day.

The CHAIRMAN: Is it agreeable to have Mr. Jackson read this purported copy?

Mr. HARKNESS: I think Mr. Jackson should read it and we can ask Mr. Bland if it is correct.

The CHAIRMAN: Is that agreed? (Agreed.)

The WITNESS: There are two reports. I will read the first one and then the second one.

9-3-46
CVP/ML
REVIEW BOARD

General Superintendent of Indian Agencies,
Department of Mines and Resources, Ottawa,
Comp. No. 45-809

Appellant: E. P. Randle

Successful

Applicant: W. J. F. Pratt

Board Members:

J. A. MacIsaac, representing Civil Service Federation of Canada;

D. J. Allan, representing Department of Mines and Resources;

C. V. Putnam, representing Civil Service Commission.

The Review Board was convened in Mr. Putnam's office on Wednesday, March 6, and examined Mr. Randle's appeal, ratings and other relevant papers on file.

The advertisement was examined by the Review Board and it is noted that only the duties of the position were enumerated therein. Both the departmental representative and the employee's representative requested that they be supplied with the qualification requirements for the position and were advised, after careful inquiry was made, that no qualification requirements had ever been drawn up for this class.

That is an incorrect statement because they are right on the back of the application form.

All of the applications were examined and read in the Board, down to and including that of Mr. Randle.

The Board was impressed with the fact that the candidate rated in first position, W. J. F. Pratt, has never had any experience in the Indian Affairs Branch of the Department and his contact with Indian Affairs matters are only such as would be required by a Minister's Private Secretary.

At this point, the Board was greatly handicapped because it did not have definite qualification requirements to refer to and consequently it was felt necessary to call at least one of the rating officers, and it was suggested that Mr. Hoey, the Director of the Indian Affairs Branch, be asked to appear before the Board.

The Board was reconvened on Thursday morning, March 7, with Mr. Hoey, Director of the Indian Affairs Branch, in attendance. Mr. Hoey was questioned at length regarding the ratings given the first eight applicants, especially those of Messrs. Pratt, Arneil, and McCrimmon.

The question of the exact duties of the position being raised, Mr. Hoey read a lengthy memorandum which went into considerable detail and was his idea of what the General Superintendent of Indian Agencies' work should be. This explanation of Mr. Hoey was somewhat along the lines of that of the advertisement, but it was the opinion of the Board that the evidence of the Director was to magnify and expand the duties and responsibilities of the position beyond the normal meaning that could be read into the advertisement. He emphasized the importance which he attached to the practical administrative responsibilities of the position, stressing the point that the officer appointed to it must be capable of settling administrative problems without reference to himself as head of the Branch and of assuming full responsibility that the details of such settlements be carried out.

Mr. Hoey also stressed the fact that he and two or three other senior officers of the Indian Affairs Division had been carrying the load of General Superintendent for a considerable period of time and that he must be relieved of detailed departmental administrative matters. He said that he wanted a man in this position who would carry on the necessary work of the position without constant reference to himself and who would be capable of giving him the expert assistance indicated in the foregoing paragraph.

When questioned specifically about the superior qualifications of Mr. Pratt above those of Messrs. Arneil and McCrimmon, he said that he knew the work of Messrs. Arneil and McCrimmon very well and considered them most excellent employees, it being a very difficult matter to say which of the two was the better qualified for the vacant position, but that he had been guided by the Chief Executive Assistant of the Department, Mr. Jackson, in the ratings which were given Mr. Pratt. Mr. Hoey also stated that he was not intimately familiar with Mr. Pratt's work, that he did not know of any cases where Mr. Pratt had made any reports, etc., in connection with Indian Affairs matters on the one hand, while on the other, Mr. Pratt had for years been with various Ministers when Indian Agencies were visited and in attendance when various Indian delegations interviewed the Minister.

Upon further questioning regarding Mr. Pratt, Mr. Hoey suggested that he thought it would be desirable for the Board to have the advantage of Mr. Jackson's knowledge of Mr. Pratt's qualifications.

The Board was reconvened in the afternoon with Mr. Clarence Jackson, Chief Executive Assistant, in attendance. Mr. Jackson was questioned regarding the duties of the position and to the Board's amazement and quite contrary to the evidence given by the Director placed the strongest evidence on the responsibility of this officer to be appointed as General Superintendent of Indian Agencies, for matters of personnel, attaching little importance to the practical administrative duties stressed by the Director. Mr. Jackson presented the viewpoint that more careful selection of general staff, which would be the first duty of this officer to the virtual exclusion of all others, would solve the Director's problems.

Mr. Jackson expounded at length on the very superior qualifications that Mr. Pratt had in personnel work and the Board was forced to the conclusion that the position that Mr. Jackson had in mind for the General Superintendent of Indian Agencies was not that at all of an administrator of Indian Affairs, but a super-personnel officer who would staff the Branch with capable people.

The impression left on the Review Board by Mr. Jackson's evidence was that he was endeavouring to shape the position to the qualifications possessed by Mr. Pratt, rather than to endeavour to obtain an applicant who would meet most nearly the qualifications of the position as advertised, and as described by the Director.

In the opinion of the Board the advertisement falls short of placing before the candidates a true picture of the duties and responsibilities of the position as the said duties and responsibilities are interpreted by the Director. Conversely, the candidates could not understand from the published advertisement the extreme limitations placed on the duties of the position to that of an officer whose main duties would be to have charge of personnel as outlined by Mr. Jackson, the Chief Executive Assistant.

With these three varying ideas of the duties of the position, that of the advertisement, that of Mr. Hoey which in general is along the line of

the advertisement but more extensive and covering greater responsibility and that of Mr. Jackson which is that of a super-personnel officer, the Board finds itself in a position where a decision cannot be made until the above situation is clarified. If it is a personnel job, the Board considers that the position is not properly classified; if it is an administrative job, the Board is unanimous in its opinion that Mr. Pratt has not the minimum qualifications for this position, never having had, as far as can be determined, any kind of administrative experience.

The Board considers that, as outlined by Mr. Jackson before the Board, the position most nearly approaches the classification of Officer-in-Charge of Personnel, Indian Affairs Branch, a position already occupied by one of the applicants.

I do not understand what that means. It is not clear to me.

Mr. Pratt, has a part-time position, being now classified as Assistant Secretary and Chief of Personnel, in addition to his duties as Private Secretary to the Minister.

Mr. Jackson was also asked if it so happened that Mr. Pratt was given this promotion if he would relinquish his duties as Private Secretary to the Minister, it being the opinion of the Board that a man could not possibly give the service that Mr. Hoey expects of the person promoted to that position, unless he devoted full time to the job. Mr. Jackson said that it had been discussed with the Minister who said that perhaps within a month or two months or a year Mr. Pratt could be released to give full time to the position of General Superintendent of Indian Agencies.

The Review Board recommends that the Organization Branch be requested to have a senior investigator make careful inquiry into the duties of this position and present for the information of the board a statement outlining in detail the actual duties of the position and the qualification requirements for an employee to satisfactorily carry on these duties.

When the above is received, the board will then be in a position to make a final report in connection with this competition.

It is signed by J. A. MacIsaac, D. J. Allan and C. V. Putman.

Mr. MacNICOL: Who finally got the job, Mr. Chairman?

The CHAIRMAN: Mr. Bland told us the day before yesterday that Mr. Pratt has the job, so you see this is all love's labour lost.

The WITNESS: The second report, which I believe is also a copy—I believe Mr. Bland filed the original—it does not bear any date.

Mr. HARKNESS: The report you just read is word for word with the copy I have.

The WITNESS: This report is No. 45-809G. It is headed "Review Board; General Superintendent of Indian Agencies, Department of Mines and Resources, Ottawa, Competition No. 45-809." The appellant is E. P. Randle and the successful applicant W. J. F. Pratt. The board members are the same, J. A. MacIsaac, D. J. Allan and C. V. Putman, although Mr. Allan was not present at that meeting.

The CHAIRMAN: He was not in attendance.

The WITNESS: He was not in attendance. I will now read the report.

The Review Board was re-convened on Thursday, April 25, 1946, Messrs. MacIsaac and Putman being the only members available due to the very serious illness of Mr. Allan.

The board examined the memorandum of the Organization Branch *re* the duties of the position. It is amply evident that the position requires an appointee who has had extensive administrative experience, staff matters being a small part of the very numerous and varied requirements.

In view of the determination that this is an administrative position and as in its memorandum of April 9th to the commission it reported, on page 6 at top of page, as follows:—

. . . . if it is an administrative job, the board is unanimous in its opinion that Mr. Pratt has not the minimum qualifications for this position, never having had, as far as can be determined, any kind of administrative experience.

the two available members of the board recommend that the above finding be approved and some other selection than that of Mr. Pratt be made from those who applied.

It is also recommended that Mr. Randle's appeal be denied as the board is satisfied, from the evidence obtained, that Mr. Randle is not as well qualified as a number of others who have been given higher ratings than he.

It is signed by J. A. MacIsaac and C. V. Putman. Those are the two reports I have.

The CHAIRMAN: Is that the end of your statement?

The WITNESS: I will be glad to answer any questions I possibly can.

The CHAIRMAN: Are there any questions?

Mr. HARKNESS: I have some questions to ask. I thought perhaps someone else might have some questions. In your first statement, Mr. Jackson, and throughout your evidence, you placed emphasis on the fact that Mr. Pratt, perhaps, had been done an injustice. In other words, you gave the general impression you were looking at it entirely from Mr. Pratt's viewpoint and that, possibly, harm might have been done to him. Now, I should like to make it clear, as I have done before, I have not looked into the matter—

The CHAIRMAN: Gentlemen—

Mr. HARKNESS: Just a minute, please, I think I am perfectly entitled to say this.

The CHAIRMAN: You can do whatever this committee says you can do. All I am trying to point out to you again is that we are here to examine this witness and not to make statements.

Mr. HARKNESS: In order to ask questions one very frequently has to make a statement, which is what I am doing.

The CHAIRMAN: You would make a very poor lawyer.

Mr. HARKNESS: I do not pretend to be a lawyer. It has been pointed out by Mr. Reid and others quite frequently that we would make a lot more progress in this committee if a lot of the legal technicalities were left out.

The CHAIRMAN: We have left out enough to fill several volumes already.

Mr. HARKNESS: The most important thing to be considered in this committee is the welfare of the Indians. I should like to ask, in making your ratings for this position, to what extent you had in mind the welfare of the Indians, and in making your statement to-day, rather than the welfare of Mr. Pratt?

The WITNESS: I had the welfare of the Indians 100 per cent in mind; that is my job. I am paid to do that. I certified on my honour I did do it.

By Mr. Harkness:

Q. It appears from this report of the appeal board that, in their opinion, the qualifications of the position as advertised and as described by Mr. Hoey called for an administrative officer with experience—A. What is meant by that, I do not know.

Q.—in Indian affairs; now, did Mr. Pratt have any administrative experience?—A. Well, he had been chief of personnel for a good many years for the whole department, covering five branches, not the one branch but at the same time concentrating on Indian affairs work. I used to assign his work to him and he took quite a bit from my shoulders.

Mr. FARQUHAR: I should think that would give him a very wide experience.

The WITNESS: He was listening to complaints coming into the minister's office. The complaints were very numerous in the early days when Mr. Crerar took over. He would know what the complaints were. He knew the people who did not answer letters. He knew the good agents and the bad agents by the complaints coming in from the members and other people. He knew the good ones from the bad ones. He has had an opportunity of judging the staff.

By Mr. Harkness:

Q. You disagree with the findings of the Appeal Board in which all three members said that,

Mr. Pratt has not the minimum qualifications for this position never having had, so far as can be determined, any kind of administrative experience?

A. I put my judgment on that against Mr. Putman and Mr. MacIsaac who have never been in the department and don't know anything about it.

Q. This report was signed by Mr. Allan?—A. Mr. Allan was not well and did not take any part in the proceedings.

Mr. FARQUHAR: I think these men were talking about something in which they had no experience or knowledge themselves.

Mr. HARKNESS: I think we have to take the findings of the appeal board which is set up for the purpose of going into any disputed appointments and, at least, give them credit for giving their report in an honest manner.

Mr. FARQUHAR: I think some of us have had a great deal more to do with Mr. Pratt than they have and have knowledge of his experience and work. I have had a great deal to do with Mr. Pratt during the thirteen years I have been here. I have a great many Indians in my constituency. I have found Mr. Pratt one of the most efficient men in this department.

Mr. LITTLE: Hear. hear.

The WITNESS: If they had examined Mr. Pratt, it might have been all right. If they had called him before them and then gone into his qualifications, it would have been more fair. They did not do that. They did not give him an opportunity of defending himself. That was one of the things that rather annoyed me. Here is a man who is a candidate for a position, not being given a chance to make any protest at all. This is all done behind his back. The first thing he knows about it is when he is told that he does not possess the minimum qualifications.

By Mr. Harkness:

Q. The main point which appeals to me in these reports and the evidence we have been hearing is that the director of Indian Affairs required a man to do administrative work and take a great deal of the administrative details from his shoulders?—A. What is the difference between the two?

Q. The appeal board found Mr. Pratt had not had the experience. As a matter of fact, I think you stated or Dr. Keenleyside admitted that Mr. Pratt had no experience in the field.—A. Dr. Keenleyside did not make that statement.

Q. I think it is important, from the standpoint of the recommendation we made last year, that

future appointments of officials concerned with the administration of Indian affairs should, where practicable, be restricted to applicants who have had previous experience in the field.

In other words this appointment, in my view, is directly contrary to the recommendation that our committee made last year.—A. Actually, Mr. Pratt did not have experience in the field, but he had been up about a dozen times to The Pas and other places with the Minister dealing with Indian agents.

Hon. Mr. HORNER: Dealing with Indian agencies or political work?

The WITNESS: Dealing with conditions on Indian reserves. Mr. Pratt had an administrative position, and I think the positions of General Superintendent of Indian Agencies or general executive assistants are administrative jobs. They are all administrative. I am in an administrative job now, what is called "Director of Administration". I do not know what the Board meant. I do know what the dictionary meaning is for the word "administrative," but I do not know what they—the Board of Review—had in mind.

Q. I do not think you say Mr. Pratt had anything like the experience in administration—

The CHAIRMAN: Senator Horner has pointed out that Mr. Pratt was up in The Pas on political business. Now, having in mind that politics is the science of government, will you tell me what is political?

Hon. Mr. HORNER: I do not believe I need to tell you, you know what it is yourself.

The CHAIRMAN: I know very well what politics is. I know that politics is the science of government. Anything which will have to do with the governing of these Indians is politics. If you meant party politics, that is a different matter.

Mr. MATTHEWS: I cannot see the point of this discussion. The appeal board has met and has given its decision. The decision was unanimous. The Civil Service Commission has accepted that report and has made an appointment. As I see it, the matter is closed.

Mr. HARKNESS: I come back to the point I was on; as I say, I do not think Mr. Jackson will maintain that Mr. Pratt's experience was anything more than casual or an occasional visit to an Indian agency, whereas there are in the department several senior officials who have been working on the administration of Indian affairs for many years.

The WITNESS: I would not agree with that statement at all, I could not agree with it. Mr. Pratt has had a very wide experience and has travelled from one part of Canada to another.

The CHAIRMAN: Here we are, a committee of thirty-four members, and I venture to say there is not one member of this committee which is appointed to deal with the very lives of 130,000 people who has visited as many agencies or had as much administrative experience as Mr. Pratt has had. None of us has visited all the Indian reserves, with the exception of Mr. MacNicol—how many have you visited, Mr. MacNicol?

Mr. MACNICOL: About twenty-five reserves.

The CHAIRMAN: How many thousand reserves are there?

Mr. HOEY: 2,300.

The CHAIRMAN: Mr. MacNicol, probably the widest travelled man on this committee, in his travels has only been able to accomplish visits to about twenty-five reserves. When we start speaking about qualifications—

Mr. HARKNESS: Our qualifications would have nothing to do with this matter. We have been appointed as members of a committee of the House of Commons.

The CHAIRMAN: But we are dealing with the lives of 130,000 people.

Mr. HARKNESS: None of us applied for a job or were considered for a job by this department?

Mr. MATTHEWS: What is before the committee?

The CHAIRMAN: We have been off on a tangent investigating the inner workings of the Civil Service Commission.

Mr. MATTHEWS: Mr. Jackson is not a member of the Civil Service Commission, so I am wondering where we are.

Mr. HARKNESS: What I put before the committee was this notice of motion which I moved at our first meeting.

The CHAIRMAN: And which we have said was not in order, but in order to clarify the matter, we decided to have meetings in this committee and investigate it.

Mr. HARKNESS: I should like to point out, Mr. Chairman, that this motion was adopted by the committee and that is what is before the committee. This is really an investigation of the administration of personnel matters in the Indian Affairs Department.

The CHAIRMAN: I gave the reason why we adopted it.

Mr. MATTHEWS: Are you pressing for a vote?

Mr. FARQUHAR: I think we have all the facts before us now. Everything is on the record. We have not got a quorum here now, so I move we adjourn.

Mr. LICKERS: May I ask a couple of questions?

The CHAIRMAN: There is this about it; when it has been drawn to my notice there is no quorum, I have no other alternative but to adjourn the meeting.

Mr. CHARLTON: That is a very simple way of putting it down the drain, Mr. Chairman.

The CHAIRMAN: What would you suggest, Mr. Charlton?

Mr. CHARLTON: I would suggest we at least hear a few questions.

The CHAIRMAN: I am quite willing to stay if you can suggest some means by which we can do it.

The WITNESS: I am quite willing to stay and answer all the questions that you wish to ask me. I have nothing to hide.

The CHAIRMAN: I can fail to see the lack of a quorum, if you can take out of the record the fact that it has been drawn to my attention.

The WITNESS: I should like to get rid of this matter and let us get on with the next job. This has been going on for three years now. It is annoying to every person not to have it settled. We have been fooling around with the case for a long time. It has been the most annoying thing I have ever had in the department. I think an injustice has been done and I do not care whether I get out of the service tomorrow, I want to see it corrected. I think a real injustice has been done to Mr. Pratt. That is why I wanted to take the time today and get all the facts on the record. I have nothing to hide.

If we had had Mr. Pratt's appointment made when it should have been made, we would be much further ahead in the department than we are. We are having Civil Service examinations nearly every day and there are not the

trained staff to look after this work. All that is being sacrificed. To a certain extent, the rest of us have had to take it on with our other duties, but we have not the time to spend on it we should.

Mr. HARKNESS: The question with which we are concerned is whether the best men are being appointed to these positions or not. As I said before, I do not think it is a matter of injustice to Mr. Pratt or anything else of that nature, it is merely a question of whether the best men are being appointed. In view of the report of this appeal board which considered the case, and every other piece of information I have received, I have had considerable doubt of that. It was for that reason I brought the matter up.

The WITNESS: I am not trying to be critical at all. I know you are just as much interested in the Indians as we are. We are all here trying to do the same job. I am confident, if we had gotten ahead with this position and had it filled, it would have been much better. If Mr. Pratt does not accept this job—I do not know whether he is going to do so or not—I do not know what we will do. I do not know where in the dickens we are going to get someone to step in tomorrow and take over this job. I was talking to the deputy minister yesterday before he went away and I said if Mr. Pratt does not take this position, who are we going to get? I do not know where to get someone who has had the necessary experience. Mr. Hoey will tell you about the difficulties of Mr. Christianson coming—a good field man, trying to work with the intricacies of the Civil Service and all the red tape that we have to go through from day to day. It is important to have somebody who has knowledge of that and who can cut across the red tape and get positions filled.

Mr. HARKNESS: I think it is essential the positions be filled. I think this particular position and others should have been filled long ago.

The WITNESS: I think, Mr. Harkness, if you had enquired where that envelope came from, probably you would have gone further into the authenticity of the report. You could have asked me about it.

Mr. HARKNESS: The report is authentic.

The WITNESS: Not the first statement you made.

Mr. HARKNESS: What first statement?

The WITNESS: In the House of Commons; you were not given the true facts. You were misinformed, and if you had come to me, I would have shown you our whole file.

Mr. HARKNESS: It is quite correct, I was misinformed. From all the information I have obtained, and in view of these reports, I think the statement you made some time ago that somebody met you on the street and said, "The whole matter of this appointment stinks", so far as a large portion of the general public and the Civil Service are concerned, I think that is the case. A lot of these cases stink, as you say.

The WITNESS: That is why I want to put all the facts on the table.

Mr. HARKNESS: One of the ideas I had in mind in bringing this investigation about was to fry and bring out the correct facts, more or less to get the thing out in the open and let people know what the situation was. The way in which some of these appointments have been made, I think, is undoubtedly the cause of dissatisfaction and loss of morale in the department and in other branches of the Civil Service, so far as that is concerned. I think the same thing is true of the entire Civil Service morale. It would be much better if people were convinced there was no skullduggery in connection with any of these matters.

The WITNESS: I will make the statement, that there has been no skull-duggery in our department since I have been there.

The CHAIRMAN: Have you some questions you desire to ask before the gavel falls, Mr. Lickers?

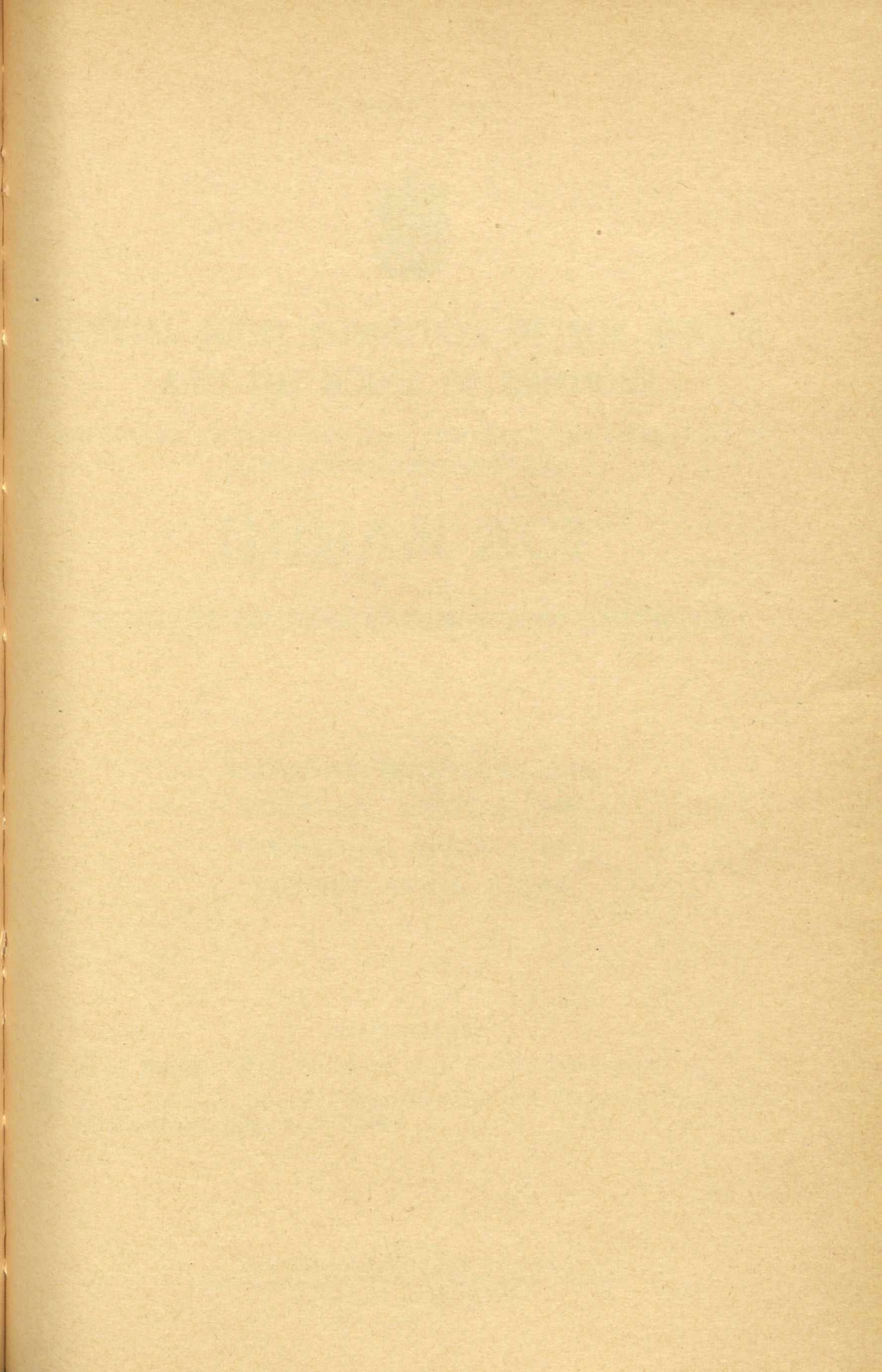
By Mr. Lickers:

Q. Yes, I should like to know, in your experience, is this the first time this has happened in your department that you have been delayed by the appeal board of the Civil Service Commission in making an appointment?—A. So far as appeals are concerned?

Q. Yes.—A. We have had other appeals, but they have been dealt with much more quickly than this one.

The CHAIRMAN: It has been brought to my attention there is no quorum present. It is now 12.55. I think it would be the consensus of opinion that this matter be dropped but since we have not a quorum present, I will have to adjourn it until some future date. It will probably be on Tuesday next.

The meeting adjourned.



SESSION 1948



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. 4

TUESDAY, MARCH 23, 1948

TUESDAY, APRIL 6, 1948

THURSDAY, APRIL 8, 1948

FRIDAY, APRIL 9, 1948

WITNESSES:

Mr. C. H. Bland, C.M.G., Chairman, Civil Service Commission.

Mr. C. W. Jackson, Director, Administration and Personnel, Department
of Mines and Resources, Ottawa.

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

1948

ERRATUM

Page 8, Minutes of Proceedings, Thursday, 19th February, 1948, the name of Mr. Brunelle, is to be inserted on the list of members of the sub-committee on Indian Educational matters.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

TUESDAY, 23rd March, 1948.

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 Senator Taylor.—1.

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Charlton, Gariépy, Gibson (*Comox-Alberni*), MacLean, MacNicol, Raymond (*Wright*), and Reid.—12.

In attendance: Messrs. C. W. Jackson, Director, Administration and Personnel, Mines and Resources; W. M. Cory, Legal Section; R. A. Hoey, Director, Indian Affairs; D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves Division; D. H. Russell, Secretary's Branch; also, Mr. Norman E. Lickers, Barrister, Counsel for Committee.

Mr. Reid again asked that the Committee give consideration to the matter of enabling legislation to permit the Provinces to take over health and education of Indians. Matter referred to subcommittee on agenda.

It was agreed that the departmental officials would draft proposals to give effect to the suggestion of Mr. Case with regard to the incorporation of reserves, and that such drafts would be brought to the attention of the Committee at a later date.

Consideration resumed of Indian Act.

Further discussion with regard to redraft of sections 2 (*d*) and with those sections dealing with: "Band Lists" and "Band Membership". The two latter as well as sections 126, 127, 128, 130, 131, 132, 133, 134, 135, 136, 137 to be redrafted and submitted to the next meeting of the Committee for discussion.

The Committee adjourned at 1 o'clock p.m., to meet again at the call of the Chair.

HOUSE OF COMMONS,
TUESDAY, 6th April, 1948.

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: Nil (In Recess).

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Charlton, Matthews (Brandon) (Vice-Chairman), MacLean, Raymond (Wright), and Reid—9.

In attendance: Messrs. W. M. Cory, Legal Section, Mines and Resources; T. R. L. MacInnes, Secretary, Indian Affairs Branch; D. H. Russell, Indian Affairs Branch; also, Mr. Norman E. Lickers, Barrister, Counsel for Committee.

The Chairman announced that he had asked the Speaker of the House of Commons to provide office space for the Counsel to the Committee who is now sharing an office in the Committee Branch with three other people. The Speaker informed Mr. Brown "that all available space is being used in the Parliament Building".

It was agreed that a subcommittee composed of the Joint Chairmen and Messrs. Raymond and Reid would call upon the Honourable the Speaker in order to stress the necessity for the provision of the space asked for by the Chairman in his letter of 12th March.

Consideration resumed of the Indian Act.

Mr. Raymond raised the question of Indians in his constituency who have no actual reserves. Mr. MacInnes stated that the matter of suitable reserves for the La Barrière and other nomad Indians in that area has been under discussion with the Quebec Provincial authorities. The matter is not urgent in the sense that these Indians are bush Indians, engaged in trapping, hunting and fishing and would not remain on allocated reserves, if such were available.

The Chairman reiterated the necessity for concluding the discussion of general principles with regard to Indian Affairs.

It was agreed that the Committee at its next meeting would discuss "location tickets"; that a day, at least, would be set aside to complete the matter of appointments and promotions to Indian Affairs, and that every effort would be made to complete as soon as possible the examination of the revised Indian Act, section by section.

The Committee adjourned at 12.50 p.m., to meet again on Thursday next, 8th April, at 11 o'clock a.m.

HOUSE OF COMMONS,
THURSDAY, 8th April, 1948.

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: Nil (In Recess).

The House of Commons: Messrs. Arsenault, Brown, Blackmore, Case, Charlton, Gariépy, Gibson (*Comox-Alberni*), Matthews (*Brandon*) (Vice-Chairman), MacLean, Raymond (*Wright*), and Reid.—11.

In attendance: (From the Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves Division; L. L. Brown, Reserves Division; T. R. L. MacInnes, Secretary; D. H. Russell; also, Mr. Norman E. Lickers, Barrister, Counsel for Committee.

Mr. Reid expressed the hope that the new Indian Act, when introduced, would not, as in 1880, originate elsewhere than in the House of Commons. The Chairman stated that he would make inquiries and inform the Committee on this point as soon as possible.

The Chairman announced that at 11 o'clock a.m., tomorrow, Friday, 9th April, a special meeting of the Committee would be called to continue and complete the matter brought before the Committee on 19th February last by Mr. Harkness.

Examination resumed of Indian Act. General discussion of sections 19-24, both inclusive.

The Committee agreed that trusteeship, as at present exercised, should be retained for the time being, except in cases where a band, by a majority vote, decides to remove themselves and their lands out of that state.

It was agreed that at the next regular meeting of the Committee on Tuesday, 13th April next, the Committee would discuss those sections of the Indian Act dealing with "Descent of Property".

The Committee adjourned at 1 o'clock p.m., to meet again tomorrow, Friday, 9th April, at 11 o'clock a.m.

THE SENATE,
FRIDAY, 9th April, 1948.

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: Nil (In Recess).

The House of Commons: Messrs. Arsenault, Brown, Brunelle, Bryce, Castleden, Charlton, Gariépy, Harkness, Little, Matthews (*Brandon*), (Vice-Chairman), MacLean, MacNicol, Raymond (*Wright*), and Reid.—14.

In attendance: Messrs. C. H. Bland, C.M.G., Chairman, Civil Service Commission; C. W. Jackson, Director, Administration and Personnel, Mines and Resources; D. H. Russell, Indian Affairs Branch; J. E. Morris, Indian Affairs Branch.

The Chairman announced that the sole purpose of this meeting was to continue and complete the examination and consideration of the matter brought to the Committee by the motion of Mr. Harkness on 19th February last.

Mr. C. H. Bland, C.M.G., Chairman, Civil Service Commission, was recalled and questioned. Mr. Bland agreed to file with the Committee the two reports made to the Civil Service Commission by the Appeal Board which considered the appointment of a General Executive Assistant, Indian Affairs Branch.

Mr. C. W. Jackson made statements from time to time.

Mr. Harkness asked questions with regard to: J. E. Gendron, promoted to regional supervisor, Province of Quebec; Superintendent, Indian Agency, Selkirk, Manitoba; (Mr. Bryce also asked questions with regard to this appointment); the appointment of a superintendent at Lesser Slave Lake and the position now held by J. E. Morris, Indian Affairs Branch. Replies were given by Messrs. Bland and Jackson.

On motion of Mr. Reid, it was agreed, on division, That this Committee is satisfied, on the evidence, submitted and considered, that there was no improper interference in the appointment of Mr. W. J. Ford Pratt to the position of General Executive Assistant, Indian Affairs Branch, but the Committee is not satisfied with the length of time taken to fill that key position, in view of the fact that this Committee, on August 15, 1946, recommended, *inter alia*;

5. That the Director of Indian Affairs Branch, Department of Mines and Resources, in conjunction with the Civil Service Commission and the Treasury Board, take immediate steps to fill such vacant key posts as Indian Agents and such other vacancies in Indian Affairs Branch which, in the public interest, must be filled forthwith.

Mr. Gariépy called the attention of the Committee to the omission of the name of Mr. Brunelle from the list of members of the subcommittee on Indian Education. It was agreed that a notation would be made in the next number of the Minutes of Proceedings and Evidence correcting this inadvertent omission.

The Committee adjourned at 1 o'clock p.m., to meet again on Tuesday, 13th April next, at 11 o'clock a.m.

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

MINUTES OF EVIDENCE

THE SENATE,
April 9, 1948.

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 a.m. Mr. D. F. Brown, M.P. (Joint Chairman), presided.

The CHAIRMAN: Order, gentlemen. The last meeting we held in connection with this Civil Service matter wound up our proceedings as far as the evidence was concerned. When we were closing we lacked a quorum so that we had to adjourn to meet at the call of the Chair. We agreed yesterday to meet today and wind up finally this particular subject. I will ask you your pleasure. I assume that there is no further evidence that we need. If there is no further evidence shall we declare the matter terminated? Or do you want to make any report or any suggestion? Is there any further evidence that you want to hear?

Mr. HARKNESS: I understand, Mr. Chairman, Mr. Bland was coming back—I see him here—and there was some discussion at the last meeting about getting the report of the second Appeal Board. We had the two reports of the first Appeal Board, but I understood that the idea was we were going to ask Mr. Bland to present the report of the second Appeal Board and any comments he might have thereon.

The CHAIRMAN: What is the pleasure of the committee?

Mr. MACNICOL: Will that get us any further with regard to the revision of the Indian Act? Is not that what we have got to get on with; get the Act revised?

The CHAIRMAN: Unquestionably. That is our first duty here. Of course we have got off on this side track and have spent some time clearing up this matter in regard to a Civil Service appointment. Now, as I said before, we cannot do anything about it even if we do find that there is something wrong with the appointment, and we have not found anything wrong; it has been perfectly regular—

Mr. HARKNESS: What did you say?

The CHAIRMAN: I said it has been perfectly regular.

Mr. HARKNESS: I disagree with you, and I think anybody who reads the evidence will disagree with your statement also.

Mr. GARIEPY: I think the evidence should speak for itself.

Mr. HARKNESS: The evidence should speak for itself.

Mr. GARIEPY: I see no reason for getting the second report. We will never finish the work of this committee if we keep digging in and out. We have had enough evidence in this committee to draw our own conclusions on this matter and I see no reason why Mr. Bland should be invited to make a second report. The full history of the appointment is before us now and it is up to us to judge on the evidence.

Mr. REID: Mr. Chairman, I recognize the strength of the views of the committee in not wanting to prolong this matter; perhaps they are right and it should not have been carried on so long. However, I am wondering whether we can leave this matter as it is without making some report. The matter came up first in the House of Commons and then this committee. It was something that was, shall I say, interjected into our deliberations, but we have been taking

evidence and hearing witnesses in special sessions of the committee, and if we were not on this matter today I doubt whether we would be in session at all. However, it seems to me that we have to make some final conclusion with respect to the matter. Therefore, I ask you, Mr. Chairman, what is your duty as chairman? What would you report? Suppose we get to the final reading of the bill and the matter crops up again in the House of Commons; suppose some member raises the matter then in the House and accuses this committee of having heard evidence and having remained silent with regard to it? Something further should be done. I do not want the matter carried on indefinitely because we have not got the time to devote to it. However, we have this special meeting to try to wind up the matter, and I am asking you as chairman what finding you are going to make to the House of Commons? Are you simply going to say that we heard witnesses; that we asked some questions and that is that?

The CHAIRMAN: Yes, I suppose we should draft some finding containing some results of our investigation. So far as the evidence is concerned it is my belief that we wound up taking evidence at our last meeting when nobody had any more questions to ask.

Mr. HARKNESS: Mr. Chairman, I do not think that was the case. As a matter of fact, as I remember the situation, a number of members had questions to ask, but we had to adjourn for want of a quorum.

The CHAIRMAN: I think the evidence will show that at that time we would have wound this matter up and the only reason we did not do so was that we had no quorum.

Mr. REID: I may say, as a member of the committee, that I do not know just how my mind is made up at the moment. I have sat here and heard all the evidence. There are many matters which are not clear in my mind. I asked Mr. Bland as to the relationship between the Appeal Board and the Civil Service Commission. We have not been told how information could go out from that board. I am not clear yet whether the Appeal Board rules the appointment or not. I have no idea why they waited a year or more before this man was appointed. To me this matter is left hanging in the air; the newspaper accounts still linger in my mind; accounts stating that Mr. Ford Pratt had been given the appointment due to preference or political interference, shall I say; and if no statement is made by the committee, Mr. Ford Pratt goes into that position with a little stigma or under a cloud. If that is the correct situation let the committee say so; if it not the correct situation, let that be the report of the committee.

The CHAIRMAN: Is it the desire of the committee to have any further evidence from Mr. Bland, or shall we proceed now to make our finding? What is the pleasure of the committee?

Mr. HARKNESS: As I said before, I understood—I think it was probably at the request of Mr. Reid—we were to get all these reports or documents before the committee.

The CHAIRMAN: Is it your pleasure to call Mr. Bland and get the matter settled? We want to have it determined today and get it out of the way. We have wasted a good deal of time already.

Mr. RAYMOND: So far as I am concerned, this matter should not have come before the committee at all. However, since we have gone so far with it we had better complete it right now.

The CHAIRMAN: Is it your desire to call Mr. Bland for a few minutes and get these documents filed which you wanted him to file?

Mr. GARIPEY: Out of deference for the member for Calgary East (Mr. Harkness), I agree.

The CHAIRMAN: Is that agreed?

Agreed.

Mr. C. H. Bland, C.M.G., Chairman, Civil Service Commission, called:

By the Chairman:

Q. Mr. Bland, you have already been before the committee on this matter of the Civil Service appointment of Mr. Ford Pratt to a position in the Indian Affairs Branch. What was the first document you were to file?

By Mr. Harkness:

Q. We had read into the record at the last meeting—have you read the proceedings of the last meeting?—A. Yes, I have.

Q. We had read into the record what purported to be the reports of the first appeal board, that is, the report of the appeal board on March 5th or 6th, I think it was; was that the actual report?—A. Well, Mr. Chairman, I had better confess at the beginning that I have not got the Ford Pratt papers with me. When I was asked to come this morning, I was told the matters to be discussed were other matters about which Mr. Harkness had asked and consequently I have not got the Ford Pratt papers. I can call for them and I will gladly file all the papers the committee wishes. I have not them before me at the moment.

As regards your question, I quoted from the actual report. It was a quotation from the report and that was incorporated in the minutes of the committee. I will be glad to file with the committee the complete reports; two filed in the original instance and two in the second instance.

The CHAIRMAN: Is that agreeable.

Carried.

By the Chairman:

Q. What were these other matters?—A. I do not know. I was asked to be present to answer questions which might be asked.

By Mr. Harkness:

Q. At a previous meeting we had gone into the appointment at Selkirk, Manitoba, to some extent, and I had also asked—I think you made a note of it—for some information about three other appointments and particularly as to whether the veterans' preference applied. My information was that it did not. I believe that was the case at Selkirk, Manitoba. I think the explanation given there was that it was required the appointee should be a graduate in agriculture or forestry and that was the reason why the man who was appointed was appointed.

The other matter was in connection with Lesser Slave Lake. I think the man appointed there was a man named Landry. Could you tell us anything about that particular appointment?—A. Yes. The position of Superintendent of Agency at Lesser Slave Lake was advertised throughout the province of Alberta in 1945. There were three returned soldier applicants. One of them was regarded as qualified and selected for the post. He was not found satisfactory by the department, the department was not ready to accept him. That disposed of the three returned soldier applicants.

Consideration was then given to the returned soldier applicants who had applied but who were not residents of the immediate locality of the agency. An examination was held of them and one of them, Mr. Adrien Landry, was selected and appointed on a temporary basis pending the return of the veterans. Mr. Landry has been occupying that post since 1946.

In the meantime, there has been a reorganization of the department, a reclassification of salaries and the post has been changed. Applications are now being invited from the residents of Alberta for this competition. We hope it will produce someone who is eligible and who will be appointed in a permanent capacity to the post.

Q. Have you any information as to why the first applicants were not satisfactory to the department?—A. There were three applicants and two of them were not regarded as possessing the necessary qualifications by the examining board which interviewed them. The board consisted of a representative of the commission, a representative of the department and a representative of the Canadian Legion. The reason two of them were not regarded as sufficiently qualified was that their final mark on the examination was not a pass mark. One of them secured 79 per cent and that was quite sufficient, 70 being a pass mark. The others secured 64 and 62, the main difficulty being that they lacked sufficient experience and were not regarded as suitable for the post.

The reason for the rejection of the one veteran who had passed the examination I do not know as that rejection was made by the Department of Mines and Resources. I imagine, however, that Mr. Jackson, who is here, could give the reason for that rejection.

Q. That is all you know about that particular matter?—A. Yes, except as I say the position is now being advertised. We hope to fill it in a permanent capacity.

The CHAIRMAN: Are there any other questions?

By Mr. Reid:

Q. To come back to the case which brought the committee into session this morning, I should like to ask a question regarding the long delay which took place, Mr. Bland, in the filling of the post. This matter ran on for over a year. What was the hold up?—A. The answer is simple, Mr. Reid. The commission declined to appoint or promote Mr. Pratt to the first position, superintendent of Indian Agencies. The department wished him to be appointed to it. It took a considerable period before it was agreed that the position would not be filled as the department required another position filled, namely, that of general executive assistant. The delay of over a year was due to the discussions between the department and the commission as to whether Mr. Pratt should be appointed to the position of general superintendent which the commission was not able to do, or whether another position should be filled, namely, the one Mr. Pratt has now filled.

Q. Did that not emanate from the report of the investigator who was set up by the two members of the appeal board?

The CHAIRMAN: There was a misunderstanding as to what was required by the branch.

By Mr. Reid:

Q. I understood there were three members of the board; one fell sick and the other two members took it upon themselves to call for a report from an investigator. This investigator, on his own initiative, drew up what he thought were the requirements of the job. Is that a fact?—A. No, that is not a fact. I would prefer to file the reports with you and let you read it for yourself. The appeal board consists of three members, one representative of the commission, one representative of the department and one representative of the Civil Service Federation. They filed a unanimous report and I filed that report with the committee.

By Mr. Harkness:

Q. That is the report we had read into the record last week?—A. That is true, yes.

By the Chairman:

Q. I think Mr. Reid was getting at the reason for the two members of this appeal board making a finding when the third one was not present.—A. They made a finding which was in accordance with the signed judgment of the third member already on file.

The CHAIRMAN: I think that is where we differ.

By Mr. Reid:

Q. Was not that where the first argument started as to what the necessary qualifications should be for the position?—A. When the board first met with the three members present, there was an argument as to—

Q. Is this the appeal board?—A. This is the appeal board. There was an argument as to what the duties of the position should be. The appeal was based upon whether Mr. Pratt possessed the qualifications necessary for the position of supervisor of field agencies. Naturally, the board discussed the duties in connection with this position. They found there was a difference of opinion, in the department with regard to the duties, between Mr. Hoey, the director, and Mr. Jackson, the executive officer. There was a difference of opinion as to whether the job was to be one of supervising field agencies or whether it was to be that of executive assistant.

By the Chairman:

Q. Now, the first appeal board report was by two members of the appeal board?—A. No, the first appeal board report was by three members. The second report was by two members, the third one having fallen ill.

Mr. HARKNESS: That is the report, as I said before, which we had read into the record at the last meeting.

The CHAIRMAN: I am reading from some notations I have here. On the 5th and 7th of March, 1945, the appeal board sat. The appeal board consisted of Mr. Allan, Mr. MacIsaac and Mr. Putman. Two members had made up their minds the qualifications could not apply to Pratt.

The WITNESS: I do not think that is correct, Mr. Chairman. I should like to file the report which speaks for itself.

Mr. CASTLEDEN: Would it be possible to get that report here and settle the matter?

Mr. HARKNESS: The report is in the evidence.

Mr. JACKSON: I have the first report. It is in two parts.

The WITNESS: The first appeal and the first report—here is a copy of the report signed by the three members.

By the Chairman:

Q. That is the first report?—A. That is the first report.

Q. Then, the second part of the first report— —A. It was based upon this one, after the first one had been made.

The CHAIRMAN: Would you like me to read those reports?

Mr. HARKNESS: They are on page 132 of the record.

The CHAIRMAN: Then, there is no sense reading it again. What other report is there you want to file? Is it just a matter of filing the original?

Mr. HARKNESS: No, there is the matter of the report of the second appeal board.

The WITNESS: There are two parts to the first report and two parts to the second report; altogether, there are four reports. I will file them all.

Mr. HARKNESS: I think that would be satisfactory. Then, we would have the history of the thing.

Mr. JACKSON: On the second appeal they dismissed it, so it was not an issue before the committee. I filed the two parts of the first report.

The CHAIRMAN: Are there any further questions?

By Mr. Harkness:

Q. There was an appointment of a man named Morris about which I asked for some information?—A. Could you give me any guidance as to what information you want? He has been an officer in the department for many years.

Mr. MATTHEWS: May I make a suggestion? I believe we should go ahead with the Pratt case first and dispose of it. Then, if there are others to be taken up, let us take them up.

The CHAIRMAN: If there is not too much we could get the whole story now. There is not a great deal in connection with this Morris matter, is there?

Mr. HARKNESS: I do not suppose so, but I do not know.

Mr. RAYMOND: I should like the committee to keep in mind the suggestion made by Mr. Matthews. It is a very good one.

The CHAIRMAN: My only desire is to get the whole matter out of the way today.

Mr. REID: Unless we have evidence to the contrary, I think a statement should be made that there was no political interference in connection with Mr. Pratt's appointment. If any member of the committee has proof that there was, let him bring it forward now. There was a statement made in the House that there was political interference, and it was for that reason it was thrown into our lap. I am going to move that a report of that kind be put in, that we find there was no political interference. If any member of the committee has evidence to the contrary, let him produce it now and we will argue about it. I have listened attentively throughout this hearing. In my opinion, there was a serious laxness on the part of the appeal board to which the chairman of the commission apparently has paid no attention, in that information was given to the press.

The WITNESS: I should like to take exception to that statement.

Mr. REID: How could reports appear in the press concerning the appeal board before they were given out if someone was not lax?

The WITNESS: I take exception to that statement. The chairman has paid attention to it.

By Mr. Reid:

Q. What attention has been paid?—A. An investigation is being made and I would be glad to tell the committee about it.

Q. I am glad to hear that. I raised that very point at one of our previous meetings.

The CHAIRMAN: I think that was one of the chief objections to the newspaper reports. Somehow, these matters have got out. We felt it was unfair to the department and unfair to the Civil Service Commission. I am glad to see an investigation has been instituted.

Mr. REID: I am one of those who believe we have to be careful that there is no political interference. As members of parliament we also have to be careful an organization does not grow up in which some people have their own way. Evil can arise in the two groups. We are endeavouring to protect

the public from the government and from what we call political interference, but you can have it arise on the inside of an organization. Sometimes, it is difficult to get at. These men cannot be defeated in an election.

The CHAIRMAN: What do you mean, it could arise in any organization?

Mr. REID: By means of the men in the organization using their influence either for or against a person. I know that is a serious statement.

The CHAIRMAN: An organization such as the Civil Service Federation, you mean?

Mr. REID: I do not know anything about the actions of that organization at all. I have no information concerning the Civil Service Federation at all.

The CHAIRMAN: I believe the committee is pleased to know an investigation is being held and that these matters which are of a confidential nature will be protected.

Mr. REID: I wish now this committee would report that we have found no political interference or influence in the appointment of Mr. Ford Pratt. I think that is due to him. If a member of the committee has any evidence to the contrary, let him bring it forward. I have listened carefully to the evidence and I cannot find anything.

The CHAIRMAN: Are you suggesting we make a report to the House?

Mr. REID: I do. You cannot leave it up in the air. The committee has a duty to perform.

The CHAIRMAN: Then, shall we proceed to draft a report? Before we discuss that, are there any other questions of Mr. Bland or Mr. Jackson?

Mr. RAYMOND: We were speaking about Mr. Morris.

Mr. CASTLEDEN: I believe Mr. Bland was saying he wished to make a statement in regard to the investigation. I think he wants to have it cleared up.

The WITNESS: Not at the moment, the investigation has begun but it is not completed as yet.

By Mr. Castleden:

Q. There is no statement you wish to make, then, with regard to the progress being made?—A. Not at the moment, except that steps are being taken to prevent such a thing happening in the future.

By Mr. Bryce:

Q. This sort of thing creates suspicion. You advertise for somebody, a special kind of agent, and you do not do the same anywhere else. We see men who have given years of service turned down for these chaps who are just fitted into the thing like a glove.—A. I do not think that was the case with regard to the Selkirk appointment. The department felt that it was desirable to have an agent with certain technical qualifications if such a man could be found for that agency. No veteran had those qualifications.

Q. You did not do that in any other case?—A. Oh yes, we did.

Q. No, you did not. You took bank managers and you took any person at all who suited the job.—A. Well I would like to make some remarks here off the record, Mr. Chairman.

The CHAIRMAN: Is it agreed that the witness shall speak off the record for a moment?

Agreed.

(Discussion off the record.)

The CHAIRMAN: Shall we now proceed on the record?

Mr. BRYCE: Well let us have all of this on the record or else let us have none of it on the record?

The WITNESS: The only reason I suggested keeping my remarks off the record was because they involved the reputation of one person.

Mr. BRYCE: I certainly do not want to damage anyone's reputation.

The WITNESS: I would like to say that in making selections for the Department of Indian Affairs or for any other department, in my experience the Civil Service Commission and the department itself is interested in getting the best man possible and at the same time comply with the law. In the Selkirk case there was no attempt to tailor the job for any one man. I do not think that Mr. Jackson or Mr. Hoey had any idea of the gentleman who might possibly get the job when they made up the application. It was decided after the hearing of evidence in this committee, and after the hearing of evidence secured by the department in the field, that many of the Indian agents were not sufficiently qualified in agriculture and forestry. It was decided that in the future it would be good business in certain instances if the agents concerned were to have those qualifications. I think the committee itself felt that the qualifications of agents should be improved. Towards that end the advertisements were issued for persons having agricultural and forestry qualifications. That is what happened in the Selkirk case and there was certainly no attempt to tailor the job for any one man. It did turn out that the one veteran applicant did not have the necessary qualifications and I appreciate why Mr. Harkness would have it brought to his attention. There was only one applicant who did have the qualifications and I was advised the others would not have been satisfactory. This man who was selected has done a splendid job on the agency.

Mr. REID: Well in fairness, I say that the ordinary outsider or citizen in reading the reports released in the press regarding the appointment could not help but come to the conclusion there was something wrong. For instance in the *Evening Journal* of February 14 it is stated that Mr. Hoey told the board he had been "guided" to agree to the top rating for Mr. Pratt. Now I have listened very attentively to the evidence given here and I have not heard any such statement made to this committee.

Mr. HARKNESS: If you will read the evidence at page 133 you will find that it is contained right in the report.

Mr. REID: Well I have not got the report with me. Then further the newspaper states that Mr. Hoey had been instructed by Mr. Jackson to agree with the high rating. Now if there is evidence that was the case let us have it but if there is no evidence of that let us contradict the statement.

The CHAIRMAN: To what portion of the report are you referring, Mr. Harkness?

Mr. HARKNESS: Just a moment.

Mr. REID: A report of that kind would leave a wrong impression in the minds of members of the public who read it.

Mr. CHARLTON: I think you are referring to the proceedings at the middle of page 133.

The CHAIRMAN: Where is it on that page?

Mr. JACKSON: The words used in the report are: "he had been guided by the chief executive assistant of the department, Mr. Jackson, in the ratings which were given to Mr. Pratt." He was not guided to agree. The other statement in the press was that Mr. Jackson had instructed Mr. Hoey to make those ratings. There is not one tittle of evidence to that effect, but that is what it said in the paper. It is certainly much different to say he was guided to agree with the report than to say that Mr. Jackson guided him in reaching a rating. In some

of the ratings which I made Mr. Hoey guided me. Mr. Hoey knew some of the men better than I did and in that case he would tell me about the man. Together then we would reach a conclusion as to the rating to be given that man. I did not guide Mr. Hoey to agree to anything, I guided him in reaching a conclusion as to the rating. When the newspaper said I instructed Mr. Hoey to agree it is an outright falsehood and it does not appear in this report.

Mr. HARKNESS: It appears in the second paragraph on page 133.

When questioned specifically about the superior qualifications of Mr. Pratt above those of Messrs. Arneil and McCrimmon, he said that he knew the work of Messrs. Arneil and McCrimmon very well and considered them most excellent employees, it being a very difficult matter to say which of the two was the better qualified for the vacant position, but that he had been guided by the Chief Executive Assistant of the Department, Mr. Jackson, in the ratings which were given Mr. Pratt.

Mr. JACKSON: I gave him advice.

Mr. CASTLEDEN: You guided him in the ratings given?

Mr. JACKSON: Yes, and properly so. You cannot find one word in this report where I instructed Mr. Hoey to make those ratings and that is what the newspaper indicates.

The CHAIRMAN: Well is there any further questioning regarding the Morris matter?

Mr. BRYCE: There is just one question. Do I understand that in the future when you folks are advertising for an Indian agent, and keeping in mind this idea that they should be better than they ever were before, are you requiring that the agents have forestry training and agricultural training?

The WITNESS: Not in every instance, but there are certain instances where it is required.

The CHAIRMAN: I think it would be safe to say, Mr. Bryce—

Mr. BRYCE: You do not need to say anything.

The CHAIRMAN: Well, I am going to say something, anyway.

Mr. BRYCE: You do not need to say anything, just go on with the business. I am disgusted with the whole thing.

The CHAIRMAN: Well, I am going to say this. If we continue to extend the duties of the Indian agent, and I think we should, we are going to have to raise the standard of Indian agents considerably.

Mr. BRYCE: Yes, until it suits the applicant.

The CHAIRMAN: I do not care whether it suits the applicant as long as he does the job.

Mr. BRYCE: Well, Mr. Chairman, I am finished anyway, so do not lecture me.

The CHAIRMAN: If I appear to be lecturing you, Mr. Bryce, please accept my apology.

Mr. BRYCE: Well, let us get on with the Morris case.

Mr. JACKSON: We have a Mr. Emmett Morris in the department. What do you wish to know about that case?

The CHAIRMAN: Is that John Morris?

Mr. JACKSON: John Emmett Morris. He was in the legal service and mapping division. His work there was not very active and we were short of staff in the Indian Affairs branch. Mr. Morris was temporarily transferred to the Indian Affairs branch and he was promoted to head clerk.

The CHAIRMAN: Is that the Morris that we had with us in the maritimes?

Mr. JACKSON: That is the Morris who accompanied you to the maritimes. When Mr. Thibeault, the inspector in the maritimes, was retired we put Mr. Morris in as acting supervisor in the province of Quebec. Mr. Morris has been acting in that capacity and we extended his duties to include the maritime provinces. I must say, Mr. Chairman, that you have seen his work and he is one of the very active chaps in the department. His services are most satisfactory and he works night and day to help the Indians. The only position he is occupying is that of a head clerk in the department and nothing else. He secured his position as a result of a competition within the whole department.

The CHAIRMAN: What is the question you want to ask, Mr. Harkness?

Mr. HARKNESS: I have had a considerable number of complaints about Mr. Morris' work in the maritimes. Those complaints particularly come from veterans with respect to the matter of his unsympathetic handling of the veterans attempts to take advantage of the \$2,320 to which they are entitled when settling on their reserves.

The CHAIRMAN: Is there something you wish to ask about the appointment? I think we should not get into the administrative end of the question. I think we should confine our remarks to the appointment of Mr. Morris.

Mr. HARKNESS: I would like to know if he is appointed as an inspector in charge of the maritimes and what his functions are?

Mr. JACKSON: He is now acting superintendent.

The WITNESS: He has not been appointed, he has been placed in an acting position by the department.

Mr. HARKNESS: What are his qualifications?

Mr. JACKSON: He has not been appointed but he has been doing good work in the Indian Affairs branch.

Mr. HARKNESS: You may think he is doing good work but the Indians think he is not doing good work. Particularly the veterans. They are complaining bitterly about his work and that is another thing. Now I want to know whether he enjoys the veterans' preference.

Mr. JACKSON: He has been in the civil service for years, long before I entered the service.

The WITNESS: He has been in the service since 1913, or before 1914.

Mr. CASTLEDEN: Is there any channel through which these people referred to by Mr. Harkness can appeal?

Mr. JACKSON: Yes, there is. They may appeal either to Mr. Hoey or the minister. I have not heard one complaint about Mr. Morris since I have been here.

Mr. REID: I would like to ask Mr. Bland a question on general administration? Apart from any accusations that may have been made regarding Mr. Ford Pratt's appointment is there any rule in the civil service whereby the secretary to a minister is entitled to an appointment in some branch of the service without any civil service examination? I understand there is such a rule but I am not sure.

The WITNESS: There are two answers to that question and I am glad that you asked it. The Civil Service Act provides that when a minister leaves a department his private secretary may be appointed to another position in the service. While the minister is occupying his office the private secretary, if a civil servant, gets the ordinary benefits received by members of the service. Mr. Pratt, while he occupied the position as secretary, was entitled to the same rights, and privileges as any other civil servant.

Mr. CHARLTON: Is it usual for a private secretary also to be a member of the permanent service?

The WITNESS: It is true in quite a number of cases. I think perhaps the majority are not civil servants but there are a number of permanent civil servants who occupy the position of private secretary.

Mr. CHARLTON: They carry a dual position.

The WITNESS: Yes.

By Mr. Harkness:

Q. Is there any other case where a private secretary is also the chief personnel officer of the branch or the department? I understand that Mr. Pratt, in addition to being private secretary, was chief personnel officer for the Indian Affairs branch.—A. He was chief personnel officer for the Department of Mines and Resources.

Q. For the Department of Mines and Resources?—A. That is true.

Q. I asked whether there was any other case of that?—A. I do not know of any other, no.

Q. It seems to me that creates a situation in which the influence of the minister, through his private secretary, on the making of an appointment is excessive.

Mr. CASTLEDEN: Did he receive pay for both positions?

Mr. JACKSON: No. Mr. Pratt is getting \$4,320 and he gets the secretary allowance which is from \$300 to \$600 on top of the Civil Service salary.

Mr. BRYCE: And in the Civil Service?

Mr. JACKSON: He did not get \$5,000.

The WITNESS: Any permanent civil servant might be chosen by the minister to act as his private secretary.

The CHAIRMAN: If this appointment is given to Mr. Pratt, and we assume that it will be, is that to mean a large increase in pay?

The WITNESS: No.

Mr. JACKSON: It is less, in fact.

The WITNESS: It always will be \$300—

Mr. JACKSON: Mr. Pratt is getting \$5,000 as private secretary and he will start off at \$4,620 and he will actually lose \$300 and some odd by accepting this position, but he will get \$220 more ultimately. Every year he gets an increase.

The CHAIRMAN: That is a maximum of \$5,220?

Mr. JACKSON: Yes.

The CHAIRMAN: For how many years?

Mr. JACKSON: I think there are three ranges.

The WITNESS: Two years.

Mr. JACKSON: Two or three years is the range.

The CHAIRMAN: Now, are there any further questions members wish to ask these gentlemen?

Mr. HARKNESS: As was pointed out a moment ago, is it not a rather anomalous situation to have a private secretary in charge of personnel? In other words, to a large extent to be responsible for appointments within the department?

The WITNESS: As I said to Mr. Bryce the law permits a minister to choose any permanent civil servant the minister wishes for his private secretary. I think several successive ministers have chosen Mr. Pratt as their private secretary. The position with regard to personnel in the department was one effected in the reorganization of the department in 1936. That was the reorganization which was made by Act of parliament at that time and this position was created.

Mr. REID: Was it not made necessary—to be honest—due to the fact that the Department of Mines and Resources was an amalgamation of three or four departments?

The WITNESS: That is right.

Mr. REID: There used to be a Department of Indian Affairs separate and apart and it was added to the Department of Mines and Resources.

The WITNESS: It is a consolidation of four departments.

Mr. GARIEPY: Can you tell us when Mr. Pratt was first appointed to some position—

The WITNESS: In the service?

The CHAIRMAN: When did he go to the Civil Service?

Mr. JACKSON: In 1913 or 1914. He has had thirty-five years' service.

Mr. GARIEPY: We can infer that he had a large experience.

The CHAIRMAN: We can also infer that nobody had more experience about the personnel of the department than had Mr. Pratt.

Mr. MATTHEWS: He was chosen in the first place as private secretary by the present Senator Crerar, was he not?

Mr. JACKSON: No, he was secretary to the Hon. Charles Stewart in 1923 or 1924, and he went into the National Parks Branch for five years after that.

Mr. REID: It was natural that during the years of opposition he went back to his old Civil Service office?

Mr. JACKSON: Yes.

The CHAIRMAN: Apparently three successive ministers in trying to find the best man for private secretary had gone to the Civil Service and had taken Mr. Pratt and they accepted his services as private secretary for those three different ministers.

Mr. GARIEPY: Except from 1930 to 1935 when the position was taken over by a man from Calgary without any examination.

The CHAIRMAN: Without any examination?

Mr. GARIEPY: I just forget his name. He was a local member in Alberta and resigned and was borrowed from Calgary and came here and had the position all through the Bennett administration, and nobody quarrelled about him.

Mr. CASTLEDEN: The position of what?

The CHAIRMAN: The position of private secretary, was it?

Mr. GARIEPY: No, he was one of the head officials.

Mr. JACKSON: He is referring to Dr. McGill.

Mr. GARIEPY: He never passed any examination and, in fact, had no previous experience. He had been a provincial member in Alberta and a personal friend of Mr. Bennett. He was taken from Calgary and brought down here and had the job all through the previous administration up to 1935.

Mr. BRYCE: Were there no Civil Service appeals?

The WITNESS: That was not a Civil Service appointment; it was an appointment by the Governor General in Council.

Mr. HARKNESS: The same thing was done subsequently, after Dr. McGill's retirement.

Mr. JACKSON: No, Mr. Hoey was appointed by the Civil Service Commission.

Mr. GARIEPY: In this case we have Mr. Pratt who has been on the job for a quarter of a century; he is known all over as a perfectly competent man and has complete experience. He is known for his probity, for his

character and so on; and we are simply losing time in this committee making an attack because he was selected for this position. He has been selected owing to his ability. He is a first-class public servant and he is above reproach; and we have not been shown here that he is excluded in any way on political ground. He gave fair play to every party, and why should his name be brought up in this way, meeting after meeting, when it is admitted by all that he is above reproach personally and able to fill the job that he is being called upon to fill?

Mr. HARKNESS: I think the point is, according to this report that we have in our minutes, that the Appeal Board did not think he was qualified to fill the position of Superintendent General of Agencies and therefore they turned down the appointment. I think that is the whole point at issue. According to the evidence we have, Mr. Pratt is the personnel man.

The CHAIRMAN: Shall we proceed to prepare a report? If we are through with these gentlemen we can proceed with our report. Are there any more questions any member wishes to ask these gentlemen? If not, we thank you very much, Mr. Bland and Mr. Jackson, for coming here today.

I presume, now, that a motion will be entertained. Mr. Reid has a motion. Do you want to proceed with that motion now, Mr. Reid?

Mr. REID: I should like to move that this committee find no evidence of any improper action on the part of Mr. Pratt—

Mr. HARKNESS: There has never been any suggestion of improper action on the part of Mr. Pratt—

Mr. REID: I am prefacing that.

Mr. HARKNESS: —at any time.

The CHAIRMAN: We have had some suggestions. Could I suggest this to the Committee: "That the committee have considered the matter of certain appointments to and promotions of the personnel in the Indian Affairs branch; and your committee is satisfied that on the evidence submitted there was no political interference in the appointment of Mr. W. J. Ford Pratt to the position of general executive assistant, but the committee is not satisfied with the length of time taken to fill that position, in view of the fact that this committee recommended on August 15, 1946, as follows:

5. That the director of Indian Affairs Branch, Department of Mines and Resources, in conjunction with the Civil Service Commission and the Treasury Board take *immediate* steps to fill such vacant key positions as Indian agents and such other vacancies in Indian Affairs branch which in the public interest must be filled *forthwith*.

Mr. REID: I will make that motion.

The CHAIRMAN: Has the motion any support? Mr. Raymond. What is your pleasure? Are you in favour of the motion?

Mr. CHARLTON: No.

Mr. HARKNESS: Would you mind reading it again?

The CHAIRMAN: "That the committee have considered the matter of certain appointments to and promotions of the personnel in the Indian Affairs branch; and your committee is satisfied that on the evidence submitted there was no political interference in the appointment of Mr. W. J. Ford Pratt to the position of general executive assistant, but the committee is not satisfied with the length of time taken to fill that position, et cetera."

Mr. HARKNESS: The first statement is that the committee is satisfied that there was no political interference. Now, I am not satisfied. I do not know what

kind of interference it was. I think it was chiefly departmental interference or departmental efforts. I would refer you particularly to this sentence in our 1948 Minutes on page 133:

The impression left on the Review Board by Mr. Jackson's evidence was that he was endeavouring to shape the position to the qualifications possessed by Mr. Pratt. . . .

The CHAIRMAN: Whose evidence is that?

Mr. HARKNESS: This is a report which we had filed, and I am reading from page 133 of our minutes.

The CHAIRMAN: Which report is that?

Mr. HARKNESS: It is the report of Mr. Putman, Mr. MacIsaac and Mr. Allan.

The CHAIRMAN: Is that the first board or the second board?

Mr. HARKNESS: It is the first board.

"The impression left on the Review Board by Mr. Jackson's evidence was that he was endeavouring to shape the position to the qualifications possessed by Mr. Pratt, rather than to endeavour to obtain an applicant who would meet most nearly the qualifications of the position as advertised, and as described by the director."

The CHAIRMAN: Where is that given?

Mr. HARKNESS: That is given at page 133 of the evidence. Now, whether we call that political interference or what, I do not know, but at the present time on the basis of the evidence we have had, and particularly from what this report states, I think there was certainly interference in the matter of filling that position. As a matter of fact, the long delay was due to the fact, that the department desired to have Mr. Pratt appointed and they refused to accept anybody else and as a result there was this delay of two or three years in the matter.

Mr. REID: I may be wrong, Mr. Chairman, and I may have the wrong information, but the way I look upon it after having listened to the evidence is this: I take an opposite view from that taken by Colonel Harkness.

Mr. HARKNESS: Do you not accept this evidence that I have just read?

Mr. REID: I will have to accept that evidence with this qualification, and I am repeating what I said at the beginning of the inquiry—

The CHAIRMAN: I think we should realize what they were trying to do. There are certain things that they wanted the appointee to do and Fort Pratt was qualified to do them, and he had been doing—

Mr. REID: I have never got it clear in my mind if the investigator was instructed by two members of the Appeal Board to go out and draft a new set-up for the job. My information—and it may be wrong—is that the investigator never went near the department and he never went near anyone. It appears to me that the investigator, in drafting a report, was endeavouring to draw up something against Mr. Pratt. I may be wrong in that.

Mr. HARKNESS: The only report we have so far in our evidence is this report contained in pages 132-134 of the evidence.

Mr. REID: There are other reports.

Mr. HARKNESS: We have other reports which are mentioned in evidence but this is the only one we have actually had filed; and it was not on the basis of an investigator being sent out by two members of the board; it was this Appeal Board—the whole three members sent in the report.

Mr. MATTHEWS: Mr. Chairman, is there any limit to the time we are to take in going back and investigating these matters? Are we to take up other appointments besides this one of Mr. Pratt?

Mr. REID: We will be here for ten years if we do.

Mr. MATTHEWS: I was wondering, in view of the amount of discussion, whether we should go further into the matter that Mr. Gariepy brought up.

Mr. BRYCE: I think the farther back you go the worse it would get.

The CHAIRMAN: We have to realize this—

Mr. CHARLTON: That was not a Civil Service appointment.

The CHAIRMAN: No, it was not.

Mr. CHARLTON: The one Mr. Gariepy referred to was not a Civil Service appointment; it was a case of appointing whom you want.

The CHAIRMAN: What we have to realize is that our job as an Indian Affairs committee is to revise the Indian Act and to do all we can for the Indians, and we have found in the actual work of the Indian Affairs committee that there has been absolute impartiality there. So, Mr. Pratt will be appointed if this work is wound up. Now, is it your pleasure to proceed with the motion on this matter now?

Mr. REID: Let us reach a finding on it and call the matter closed.

The CHAIRMAN: Is that agreeable? Are you in favour of that? Are you ready for this motion?

Mr. GARIEPY: I think, Mr. Chairman, that we should be allowed a little more time to read these reports. There is an argument between Mr. Reid and Mr. Harkness on one point regarding which I am not satisfied. No doubt the requirements were modified at a certain stage in the history of this appointment, and I want to look that up myself and see if there is not something there which would mean an addition to the motion as you have it. That is my own view. For that reason I would like to have this matter left over to be taken up at a subsequent meeting.

The CHAIRMAN: Could we suggest a meeting on Tuesday?

Mr. GARIEPY: On Tuesday I will be ready.

Mr. REID: I am content so long as we clean the matter up.

The CHAIRMAN: We have to get the matter cleared up. We are not doing the Indians any good by hanging fire on an investigation which is no business of ours.

Mr. HARKNESS: Mr. Chairman, I do not agree with the statement you have made on several occasions that this investigation is no business of ours.

The CHAIRMAN: Certainly it is not.

Mr. HARKNESS: I brought the whole matter up about the administration of the Indian Affairs department, as I said in my original motion, to ascertain the extent to which any of our previous recommendations concerning administrative personnel have been implemented. The whole point is that I have not been satisfied in my own mind, and I am not satisfied yet, that the recommendations that we have made in previous years have been carried out. As a matter of fact, the evidence we had from Dr. Keenleyside indicated that in a considerable number of cases our recommendations have not been implemented; and it seems to me that the department is not taking the steps it should to carry out the recommendations of this committee. I can see no sense in the world of the committee spending months of its time and accumulating thousands of pages of evidence on the basis on which we have made recommendations if the department is going to set aside those recommendations and in their own wisdom say, "Well, if we like your recommendations we will carry them out, but if we do not, we will not pay any attention to them."

Mr. MATTHEWS: I think we should check on that right now. How many recommendations were there, Mr. Harkness?

Mr. HARKNESS: I think there were more than twenty; I have forgotten.

The CHAIRMAN: Thirty-five. It is all in the evidence.

Mr. HARKNESS: It is all in the evidence.

The CHAIRMAN: Two of them were not carried out and that was because of governmental policy.

Mr. HARKNESS: If you look at the evidence again and read it very carefully, as I have done, I think you will find—I have not made a compilation of them—

The CHAIRMAN: We have the compilation made here.

Mr. HARKNESS: Dr. Keenleyside made a statement. We questioned him on each individual point. He said most of them had been carried out, but when questioned, if you will read his evidence, you will find that he made the statement I have—

The CHAIRMAN: What evidence is there?

Mr. HARKNESS: The evidence that appears in No. 2 of our proceedings.

The CHAIRMAN: Give us the evidence.

Mr. HARKNESS: If you will read that over and make this compilation you will find that the majority of those recommendations were not carried out.

The CHAIRMAN: That is not the finding.

Mr. MATTHEWS: I do not agree with that.

Mr. HARKNESS: That is the evidence, in my opinion.

The CHAIRMAN: That is your opinion and you are entitled to your opinion, but that is not the evidence as given before the committee.

Mr. HARKNESS: It was the evidence as given before the committee, in my opinion. There is room, I presume, for a difference of opinion on the thing. I am only asking the members of the committee to read that evidence.

Mr. MATTHEWS: That is what we want to do. Where is it?

Mr. GRIEPEY: I would move that the matter stand until Tuesday.

Mr. REID: I believe I was one of those who asked about recommendations which were not carried out. You will remember I brought before the committee a statement made by Senator Crerar that we were wasting our time. We did have a statement made by Mr. Keenleyside with regard to the number of recommendations carried out. We could confirm that at the next meeting. I do not think any report should go out from this committee that the recommendations were not carried out if they have been carried out.

The CHAIRMAN: The evidence before the committee is that out of 35 recommendations there are two which have not been carried out because of government policy, and will not be carried out until such time as this committee has brought in its report.

Mr. HARKNESS: I ask the members of the committee to read the evidence.

The CHAIRMAN: Give us the evidence right now.

Mr. CHARLTON: It is on page 106. Mr. Harkness is questioning Dr. Keenleyside.

The CHAIRMAN: Go ahead.

Mr. CHARLTON: This is a question by Mr. Harkness on page 106 of the evidence.

Q. I suggest, Dr. Keenleyside, that if you had been attempting to carry out our recommendation 23 you would have thought that field experience was requisite?—A. I think if you will read recommendation 23 there are qualifying clauses in that which make it unnecessary to give precedence to field experience over all other qualifications.

Mr. MATTHEWS: That is not the part at all.

Mr. CHARLTON: I am coming to it.

Q. It says, "where practicable". I see nothing in "practicable" that would have been against giving this job to a man who had had field experience.—A. Mr. Chairman, if it is a question of carrying out the letter rather than the spirit of the recommendations of this committee as contrasted with appointing a man who is manifestly superior to the others in the competition for a particular job and thereby lowering the standard of the Indian Affairs service I would, of course, have to make a decision to disregard in that particular instance the recommendation of the committee. I do not see how any public servant who felt the responsibility of the position could do otherwise.

Mr. REID: That is only one recommendation.

Mr. MATTHEWS: That is all irrelevant. There were certain recommendations made. Dr. Keenleyside made a statement as to how many of those recommendations had been implemented and how many were pending, awaiting this report. Now, that is what I want.

Mr. CHARLTON: This is where he made the statement he would have to disregard the recommendations of the committee if they were not in accordance with his personal views.

The CHAIRMAN: We could sit here arguing about those recommendations and the evidence we have from now—I was going to say until doomsday.

Mr. HARKNESS: The members of the committee will have to read the entire evidence to get it in their minds. We cannot read it now, it is too lengthy. It is contained in these three booklets.

The CHAIRMAN: Assuming we read the evidence and assuming we digest it, where will we be on Tuesday or any other day? Will we be farther ahead than we are today?

Mr. REID: I though we went over it.

Mr. MATTHEWS: This matter has been brought up and I want it cleared up right now at this session. How many recommendations were made and how many were implemented, that is what I want to get at.

Mr. HARKNESS: The only way you can get at that is by reading the evidence.

The CHAIRMAN: We have it here.

Mr. HARKNESS: As the evidence was given, I jotted down "yes" or "no" or "partially" beside our recommendations.

The CHAIRMAN: Assume we come to a conclusion which is contrary to the evidence as given by Dr. Keenleyside, or assume instead of two out of 35 we find there are 4 out of 35 recommendations which have not been carried out by the department, where are we then? What good is it? How are we helping the Indians?

Mr. HARKNESS: We are helping the Indians in this way; if these recommendations are now carried out and if in future the department goes ahead and carries out the recommendations rather than disregarding them in some instances, that will be a help.

The CHAIRMAN: Let me ask you this; how is that going to change the appointment of Mr. Pratt?

Mr. HARKNESS: That has nothing to do with Mr. Ford Pratt.

The CHAIRMAN: We have a motion before us.

Mr. CHARLTON: It is the general principle, not this appointment.

The CHAIRMAN: This motion is to the effect that this committee is satisfied there was no political interference in the appointment of W. J. Ford Pratt to the

position of general executive assistant, but the committee is not satisfied with the length of time taken to fill that position, in view of the fact that this committee recommended on August 15, 1946, as follows—that is the recommendation that positions be filled forthwith.

Mr. REID: Does Mr. Gariepy ask that the matter stand?

Mr. RAYMOND: We have been a long time considering this matter and Mr. Gariepy ought to be satisfied if we take the vote now.

The CHAIRMAN: I do not see how we are going to make any great contribution to Indian Affairs or the Indian Affairs administration by prolonging something which has evolved into a sort of political controversy.

Mr. GARIEPY: Has the motion which you have just read been moved?

The CHAIRMAN: Yes.

Mr. GARIEPY: I withdraw my motion, then.

Mr. HARKNESS: I take objection to your statement that this has become a political controversy.

The CHAIRMAN: One need only read the newspapers to ascertain that.

Mr. HARKNESS: So far as I am concerned there is no political controversy about it. It is a matter of the administration of the Indian Affairs branch with which I have not been satisfied, and the appointments to that service.

An Hon. MEMBER: A lot of us think otherwise.

Mr. HARKNESS: As I said a few moments ago, whether it is a matter of political interference or departmental interference, whatever you might wish to call it, I think there have been rather peculiar things going on. I am not satisfied that the recommendations of this committee are being carried out.

Mr. RAYMOND: I believe we have to consider we are dealing with human beings and not with angels. On many occasions since I have come to Ottawa we talked of human beings as if they were angels. After all, they are human beings trying to do the best they can.

Mr. MATTHEWS: I want to read this part of the evidence, I want to put it on record, in view of the statement which has been made because I resent that statement. This is a statement by Dr. Keenleyside on page 38 of the evidence taken on March 2, 1948.

This is a very brief summary made up because of the suggestion that has been made that the recommendations of the committee had not been attended to by the department, it even being suggested in certain cases that we had paid no attention to them at all. In general, of course, I do not think it is necessary to say that that is not true. We are just as much interested in these recommendations as the members of the committee are. We are very much pleased that the recommendations were made, and are doing our best to carry them out.

This is a summary of the 10 recommendations in 1946 and the 26 recommendations in 1947. There were 2, one in each set, that overlapped, and in consequence there was a total of 35 recommendations. Of those 35 there were 11 that were matters of government policy over which the department had no control, or else were matters relating to the procedures of the committee itself, or else referring to some department other than the Department of Mines and Resources. There are 11 in that category. That left a total of 24 recommendations on which the department was more or less free to act. I say more or less because in certain cases action depended on other departments or on the Civil Service Commission as well as on our own department.

Of those 24 there are 18 that were carried out, or are in effect. There were 4 that were partially carried out or are partially in effect, and there

were 2 that have not been acted upon. Instead of being delinquent on the whole 35, as has been suggested, the department failed to act on only 2 recommendations, and I am prepared to explain the failure on those two. In other words, in the relatively short time that has elapsed since the 1947 report of the committee, the recommendations, with 2 exceptions, have been carried out as far as the department is concerned. It seems to me that is not a wholly unsatisfactory report.

Mr. HARKNESS: My point, Mr. Matthews, is this; if you read the subsequent evidence in which we dealt with each of those recommendations in turn, you will find the evidence does not bear out that statement. Rather than there being only 2 recommendations which were not carried out, there were quite a few more.

The CHAIRMAN: I think you have the two confused with the eleven.

Mr. HARKNESS: No, I jotted this down as we went over the list. All I ask is that the members of the committee read the subsequent evidence. I think it will be found it does not bear out that particular part of the evidence.

Mr. MATTHEWS: I suggest, in fairness to Dr. Keenleyside, he be recalled.

Mr. REID: I do not think there is any general disagreement with Dr. Keenleyside's statement. He made quite a frank statement as to the number of recommendations which had been carried out. At the time he made the statement there was no great exception taken to it.

Mr. MATTHEWS: I have known Dr. Keenleyside for quite a while and I will not sit here and listen to certain imputations made against him any more than I would sit on any other committee and listen to any imputations made against my friend Mr. Harkness. That is the way I feel and I hope you will accept my assurance that there is nothing personal in this at all.

Mr. HARKNESS: I hope you will feel that I am trying to deal fairly in this matter, too.

The CHAIRMAN: Let us all kiss and make up.

Mr. RAYMOND: Fumer un Calument de paix.

The CHAIRMAN: Oui. I do not know what you are trying to say.

Mr. RAYMOND: The thing we desire is to have the spirit of our recommendations rather than the letter of our recommendations carried out. Do you not think so?

Mr. HARKNESS: Yes, I think so. I am afraid that is what we have not had.

Mr. RAYMOND: Certainly, a very good start has been made. I think you will admit that if you want to be really fair and I am sure you do not want to be unfair. Certainly there is an improvement in that department.

The CHAIRMAN: Well, we have a motion before us.

Mr. REID: I believe we have heard all the evidence. I believe each member of the committee has his mind made up one way or the other. It is my opinion, I may be wrong, but I think we could argue here for another year and not change the view of the various members of the committee.

The CHAIRMAN: After all, we must consider that our report is going to be either a boost or a knock to the appointment of Mr. Pratt who has been a faithful servant since 1914.

Mr. HARKNESS: What you are doing is placing this on the basis of the position of Mr. Pratt—

The CHAIRMAN: That is what the motion says.

Mr. HARKNESS: This whole thing, in my mind, was never on that basis. I have made it clear a dozen times that I asked for this investigation from the point of view of the welfare of the Indians. I think that is a matter of concern.

It is not a matter of Mr. Pratt or Mr. Pratt's particular appointment, it is a matter of how the administration is functioning and how appointments are being made.

The CHAIRMAN: As I say, because of statements made in the committee, statements made in the House, and newspaper reports, it has evolved around that point. We cannot escape it. I know that the members of the committee are most anxious to be fair to Mr. Pratt, to be fair with the commission and to be fair with themselves.

Mr. REID: I had hopes, but I doubt now if we will ever get a unanimous report. We could argue for another three or four months on this matter. You might as well put the motion. If there are members who disagree with it, of course, that is their privilege. Every member has his rights.

The CHAIRMAN: Is it your pleasure to proceed with the motion?

Your committee is satisfied that there was no political interference in the appointment of Mr. W. J. Ford Pratt to the position of general executive assistant, but the committee is not satisfied with the length of time taken to fill that position in view of the fact that this committee recommended on August 15, 1946, as follows—

Mr. MacNICOL: I did not hear the last part.

The CHAIRMAN: Shall I read the whole thing again?

Mr. MacNICOL: Please.

The CHAIRMAN: It reads as follows:

Your committee is satisfied that there was no political interference in the appointment of Mr. W. J. Ford Pratt to the position of general executive assistant, but the committee is not satisfied with the length of time taken to fill that position in view of the fact that this committee recommended on August 15, 1946, as follows—

that recommendation is taken from our 1946 report.

Now, if there is any way by which we can reach a unanimous decision, I am willing to listen to it.

Mr. CASTLEDEN: I think it will be very difficult to reach unanimity on it in view of the fact we have not all the evidence as to whether there was political interference or not.

The CHAIRMAN: This is based on the evidence as presented to us.

Mr. CASTLEDEN: Then, that ought to be put in the motion.

The CHAIRMAN: How else could we deal with it?

Mr. REID: Well, then, say it is based on the information presented to us.

The CHAIRMAN: If there is any evidence to the contrary, now is the time to have it.

Mr. CASTLEDEN: I have not any evidence but I am not satisfied there was not any interference.

Mr. RAYMOND: Could we put in the words, "according to the evidence we have"?

The CHAIRMAN: All right, if you are satisfied with that. We could say, "On the basis of the evidence submitted," or simply, "On the evidence submitted." Would you agree with that, Mr. Castleden?

Mr. CASTLEDEN: I am satisfied.

The CHAIRMAN: It would read, "On the evidence submitted there was no political interference in the appointment of Mr. Pratt, etc."

Mr. HARKNESS: As I said before, I do not like these words, "political interference." I do not know whether it was political interference or whether it was a working about in the department.

Mr. REID: What about using the words, "There was no irregularity"?

Mr. GARIEPY: No undue interference.

The CHAIRMAN: Shall we just drop the word "political"? There was no interference?

Mr. HARKNESS: All right.

The CHAIRMAN: Is that agreeable?

Mr. REID: I am a man of peace, yes.

The CHAIRMAN: Is that agreeable?

Your committee is satisfied, on the evidence submitted, that there was no interference in the appointment of Mr. W. J. Ford Pratt to the position—

Mr. GARIEPY: No improper interference.

The CHAIRMAN: Would that be agreeable?

Mr. BRYCE: If you phrase it in that manner it would be better to make no recommendation at all.

The CHAIRMAN: Then shall we leave the word "political" in?

Mr. REID: There is one bad feature about the word "political." It is such a wide term. I hear it mentioned in the House; almost everything is political. Whether you are a member of parliament or outside in some organization, you hear the word, "political."

The CHAIRMAN: From my own point of view, I want to be known as a politician.

Mr. CHARLTON: I don't.

The CHAIRMAN: I do not want to be known as a ward heeler. Politics is the science of government and if there is any higher qualification for being a member of a government than being a politician, I should like to hear of it.

Mr. BRYCE: Do not start fooling us, or yourself.

Mr. GARIEPY: I suggest the motion read, "No improper interference."

The CHAIRMAN: We are, of course, only making a recommendation.

Mr. REID: That is all right with me.

The CHAIRMAN: Is that agreeable now?

Mr. REID: That is agreeable to me.

The CHAIRMAN: Will those in favour of the motion please signify? Contrary?

Carried.

Mr. BRYCE: I do not think there should have been any recommendation made at all.

The CHAIRMAN: What would you have done?

Mr. REID: We did not ask for it.

Mr. HARKNESS: I do not think that is quite correct. I asked for this investigation.

Mr. GARIEPY: Mr. Chairman, I have the floor. In the booklet of February last—the secretary has the date—on the educational subcommittee the name of Mr. Brunelle was left out. I am asking that it be inserted. There has been a complaint in that regard.

The CHAIRMAN: I think we have decided about the subcommittee—

Mr. GARIEPY: Very well, but have it made right.

Mr. CASTLEDEN: I should like to ask whether the committee on treaties has been called?

The CHAIRMAN: We decided in the general committee, Mr. Castleden, that since most of these matters are going to be referred to the general committee anyway the work of the subcommittee would be rather useless.

The committee adjourned.

SESSION 1948



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. 5

TUESDAY, APRIL 13, 1948

to and including

MONDAY, JUNE 21, 1948

Third and Fourth Reports to Parliament

APPENDICES

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

1948

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
TUESDAY, 13th April, 1948.

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: Nil. (In Recess). *The House of Commons:* Messrs. Brown, Brunelle, Bryce, Case, Charlton, Farquhar, Gariépy, Harkness, Matthews (*Brandon*), MacLean, MacNicol, Raymond (*Wright*), Richard (*Gloucester*) and Stanfield.—14.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves and Trusts; E. Armstrong, Estates Officer; L. L. Brown, Trusts; D. H. Russell; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

The Chairman acknowledged receipt from Mr. Bland, Chairman, Civil Service Commission of true copies of reports of the review boards held in connection with the position of General Executive Assistant, Indian Affairs Branch. It was agreed to print, as an Appendix to the Minutes of the Committee, the report of the February 16, 1948 review board. (See Appendix HW).

It was agreed to receive and distribute to members of the Committee Briefs received from the Confederacy of the Interior Tribes of British Columbia. It was further agreed that the said Briefs be printed as Appendices to the Minutes of the Committee. (See Appendices HX, HY, HZ).

Consideration resumed of sections of the Indian Act dealing with "Descent of Property" (as re-drafted).

It was agreed that the next regular meeting of the Committee would be held on Friday next, 16th April, instead of tomorrow Thursday, 14th instant.

The Committee adjourned at one o'clock p.m., to meet again on Friday next, 16th April, at 11 o'clock a.m.

HOUSE OF COMMONS,
FRIDAY, 16th April, 1948.

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: Nil (In Recess). *The House of Commons:* Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Farquhar, Gariépy, Matthews (*Brandon*), MacLean, Richard (*Gloucester*).—10.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. D. J. Allan, Superintendent, Reserves and Trusts; T. R. L. MacInnes, Secretary; E. Armstrong, Estates Officer; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

Consideration resumed of the Indian Act.

Sections 25 and 27 (as re-drafted), 26 to 32, both inclusive; and 33 and 33A (the two latter to be re-drafted) were examined.

The Committee adjourned at one o'clock p.m., to meet again on Tuesday next, 20th April, at 11 o'clock a.m.

HOUSE OF COMMONS,
TUESDAY, 20th April, 1948.

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 Horner, Johnston, Leger and Taylor—4.

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Farquhar, Gariépy, Little, Matthews (*Brandon*), MacLean, Raymond (*Wright*), Reid, Richard (*Gloucester*)—13.

In attendance: (From Department of Mines and Resources); Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; B. F. Neary, MBE, Superintendent, Training; D. H. Russell; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

The Chairman informed the Committee that a Convention of the North American Indian Brotherhood has been called to meet in Ottawa on May 17, next.

The Chairman read letters from Messrs. George H. Ross, K.C., Calgary, Alberta and Walter L. Clink, K.C., Battleford, Saskatchewan, containing suggestions with regard to the revision of the Indian Act. *Ordered:* That these letters be filed for consideration when the pertinent sections of the revised Act are under examination and consideration.

A letter from Henry Jackson, Secretary, North American Indian Brotherhood, addressed to Mr. Walter Little, M.P., a member of the Committee, was read. *Ordered:* That the Clerk pass the letter to the Director, Indian Affairs for investigation and report.

The Committee resumed consideration of the Indian Act.

Mr. R. A. Hoey made a general statement with regard to Indian Education.

It was agreed that the subcommittee on Indian Education with the whole Committee present would meet at one o'clock p.m., Wednesday, 21st April, in Room 604 to hear a statement from Mr. B. F. Neary, Director, Training Division.

It was further agreed that the Chairman take up with the Honourable the Speaker of the House and others the matter of a Committee Room for subsequent meetings of this Committee.

The Committee extended a sincere vote of condolence to Mr. L. J. Raymond, M.P. (*Wright*), on the occasion of the death of his father.

The next regular meeting of the Committee will be held on Thursday, 22nd April, at 11 o'clock a.m.

The Committee adjourned at 1 o'clock p.m., to meet again on Wednesday, 21st April, at 1 o'clock p.m.

HOUSE OF COMMONS,
WEDNESDAY, 21st April, 1948.

The subcommittee on Indian Education appointed by the Joint Committee of the Senate and the House of Commons met this day at 1.00 p.m.

Presiding: Mr. J. E. Matthews, M.P. (*Brandon*).

Present:

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

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Charlton, Church, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Little, Matthews (*Brandon*), Reid and Richard (*Gloucester*)—13.

In attendance: (From Department of Mines and Resources): Messrs. H. L. Keenleyside, Deputy Minister; C. W. Jackson, Director, Administration and Personnel; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; B. F. Neary, MBE, Superintendent, Training; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

The Chairman expressed satisfaction that Mr. Keenleyside was present at this meeting, his first since his return from Western Canada.

Mr. Keenleyside made a brief statement with regard to his trip with particular reference to the Conference on Native Indian Affairs, sponsored by the B.C. Indian Arts and Welfare Society, held at the University of British Columbia on April 1, 2 and 3 last. Mr. Brown notified members that notices of the Conference had been received late during the Easter Recess.

The Chairman thanked Mr. Keenleyside for his informative statement.

Mr. B. F. Neary, MBE, Superintendent, Training, Indian Affairs Branch, made a statement with regard to Indian education.

The Committee adjourned at 2.30 p.m., to meet again on Thursday next, 22nd April, at 11 o'clock a.m.

HOUSE OF COMMONS,
THURSDAY, 22nd April, 1948.

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 Horner and Taylor—2.

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Charlton, Farquhar, Gariépy, Little, Matthews (*Brandon*), MacLean, MacNicol, Raymond (*Wright*), Reid and Richard (*Gloucester*)—14.

In attendance: (From Department of Mines and Resources): Messrs. H. L. Keenleyside, Deputy Minister; C. W. Jackson, Director, Administration and Personnel; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; B. F. Neary, MBE, Superintendent, Training; D. H. Russell; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

The Chairman read a letter from Mr. Andrew Paull, President, North American Indian Brotherhood, dated 19th April, in which the Committee is advised that a Convention of that Brotherhood will be held in the Auditorium of the Victoria National Museum, Ottawa, at 10 o'clock a.m., on Monday, 17th May. The Right Honourable the Prime Minister has been asked to meet the group on the 19th; the Convention hopes to consider the revised Act and take all necessary action to bring the opinion of the Brotherhood to the attention of Parliament.

The Chairman will acknowledge receipt of the letter and advise Mr. Paull that the Committee will be glad to have the opinion of the Brotherhood with regard to the revised Act but that at this time no definite undertaking can be given to receive a delegation from the Brotherhood.

Consideration resumed of sections of the Indian Act dealing with Indian Schools.

The Committee adjourned at 1 o'clock p.m., to meet again on Tuesday next, 27th April, at 11 o'clock a.m.

HOUSE OF COMMONS,
TUESDAY, 27th April, 1948.

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, *in camera*, at 11 o'clock a.m.

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

Present:

The Senate: The Honourable Senators Blais, Horner, Johnston, Leger, Macdonald (*Cardigan*) and Taylor—6.

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Farquhar, Gibson (*Comox-Alberni*), Harkness, Little, Matthews (*Brandon*), Raymond (*Wright*), Richard (*Gloucester*)—12.

In attendance: Messrs. H. L. Keenleyside, Deputy Minister, C. W. Jackson, Director, Administration and Personnel, Mines and Resources; R. A. Hoey, Director, Indian Affairs; P. E. Moore, M.D., Medical Services, Indian, Department of National Health and Welfare; B. F. Neary, MBE, Superintendent, Welfare and Training; Dr. Diamond Jenness, Dominion Anthropologist, Mines and Resources; also, Mr. Norman E. Lickers, Barrister, Counsel for Committee.

A discussion took place as to future sittings, and it was agreed that the Joint Committee would sit again at 4.00 o'clock p.m., on Wednesday, April 28, and at 11.00 o'clock a.m. on Thursday, April 29.

The Committee then resumed consideration of the draft amendments to the Indian Act.

Section 10, subsections 4, 5 and 6 thereof relating to education of Indian children were under study.

The Chairman filed two communications addressed to him, from Mrs. Julienne C. Williams.

The Committee adjourned at 1.05 o'clock p.m. to meet on Wednesday, April 28 at 4.00 o'clock p.m.

HOUSE OF COMMONS,
WEDNESDAY, 28th April, 1948.

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, *in camera*, at 4 o'clock p.m.

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

Present:

The Senate: The Honourable Senator Taylor—1.

The House of Commons: Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Castleden, Farquhar, Gibson (*Comox-Alberni*), Matthews (*Brandon*), MacLean, Raymond (*Wright*), Richard (*Gloucester*), Stanfield—13.

In attendance: Messrs. H. L. Keenleyside, Deputy Minister, C. W. Jackson, Director, Administration and Personnel, Mines and Resources; R. A. Hoey, Director, Indian Affairs; D. J. Allan, Superintendent, Indian Affairs; W. M. Cory, Departmental Solicitor, Department of Mines and Resources; Mr. M. McCrimmon, Chief Clerk, Indian Affairs Branch; Mr. F. J. G. Cunningham, Departmental Solicitor, Department of Mines and Resources; also, Mr. Norman E. Lickers, Barrister, Counsel for Committee.

The Committee resumed consideration of proposed amendments to the Indian Act.

The Committee discussed Section 5 of the Order of Reference, namely, Eligibility of Indians to vote at Dominion Elections. It was agreed that, at the next meeting, consideration would be given to a Resolution recommending that all restrictions as to voting by Indians be abolished.

The Committee adjourned at 5.20 o'clock p.m. to meet on Thursday, April 29, at 11 o'clock a.m.

HOUSE OF COMMONS,
THURSDAY, 29th April, 1948.

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.

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

Present:

The Senate: The Honourable Senator Taylor.—1.

The House of Commons: Messrs. Arsenault, Brown, Bryce, Blackmore, Case, Castleden, Farquhar, Little, Matthews (*Brandon*), MacNicol, Raymond (*Wright*), Richard (*Gloucester*), Stanfield.—13.

In attendance: Mr. R. A. Hoey, Director, Indian Affairs, Mr. D. J. Allan, Superintendent, Indian Affairs, Mr. M. McCrimmon, Chief Clerk, Indian Affairs, Mr. L. Brown, Reserves and Trusts, Mr. T. R. L. MacInnes, Secretary, Mr. W. M. Cory, Departmental Solicitor, Department of Mines and Resources; also Mr. Norman E. Lickers, Barrister, Counsel for Committee.

The Committee discussed Section 5 of the Order of Reference, namely, "Eligibility of Indians to Vote at Dominion Elections".

On motion of Mr. Blackmore, seconded by Mr. Farquhar, it was unanimously *Resolved*,—That the Committee recommend to the House that voting privileges for the purpose of Dominion Elections be granted to Indians on the same status as electors in urban centres.

The Committee resumed, *in camera*, study of proposed amendments to the Indian Act—"Section 102—Liability of Indians to Taxation".

On motion of Mr. Case, it was unanimously

Agreed,—That the Clerk of the Committee be instructed to write to Dr. Frederick F. Tisdall to convey the thanks of the Members of the Committee for his hospitality at the very enjoyable function held in Room 16, of the House of Commons, on Wednesday evening, April 28.

At 1.00 o'clock p.m., the Committee adjourned to meet again at 11.00 o'clock a.m., Tuesday, May 4, 1948.

HOUSE OF COMMONS,
TUESDAY, 4th May, 1948.

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 Senate: The Honourable Senators Blais, Dupuis, Fallis, Horner, Macdonald (*Cardigan*), and Taylor.—6.

The House of Commons: Messrs. Brown, Bryce, Blackmore, Case, Castleden, Charlton, Farquhar, Gibson (*Comox-Alberni*), Harkness, MacLean, MacNicol,

Matthews (*Brandon*) (Vice-Chairman), Raymond (*Wright*) and Richard (*Gloucester*).—14.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; D. M. MacKay, Superintendent, Welfare; B. F. Neary, MBE., Superintendent, Training; D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves and Trusts; L. Brown, Solicitor; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

The Chairman read to the Committee a telegram from Rev. P. R. Kelly, President, Native Brotherhood of British Columbia, requesting an appearance before the Committee to present important additional matters. It was agreed to ask the Brotherhood to submit in writing any such additional matters which will receive consideration by the Committee and determination of necessity for any further submissions. Mr. Kelly was also to be advised that no organizations or individuals have been asked to appear before the Committee prior to or after presentation of final report of Committee.

Consideration of Indian Act resumed.

Sections dealing with "Management of Indian Moneys" were examined.

The Committee adjourned at 1 o'clock p.m., to meet again on Wednesday next, 5th May at 1 o'clock p.m.

HOUSE OF COMMONS,

WEDNESDAY, 5th May, 1948.

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 1.00 o'clock p.m.

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

Present:

The Senate: The Honourable Senators Fallis, Horner, Macdonald (*Cardigan*) and Taylor.—4.

The House of Commons: Messrs. Brown, Bryce, Blackmore, Case, Castleden, Charlton, Little, Matthews (*Brandon*), MacNicol, and Raymond (*Wright*).—10.

In attendance: (From the Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; Dr. D. M. McKay, Superintendent, Welfare; D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves and Trusts; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

Consideration resumed of the Indian Act.

Sections 90-95 ("Management of Indian Moneys"); 34-38 ("Trespassing on Reserves"); and 40-45 ("Sale and Barter") were examined.

The Committee adjourned at 2.45 p.m., to meet again at 11 o'clock a.m., on Thursday, 6th May next.

HOUSE OF COMMONS,
THURSDAY, 6th May, 1948.

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, Leger, Macdonald (*Cardigan*)—5.

The House of Commons: Messrs. Brown, Bryce, Blackmore, Case, Little, MacLean, MacNicol, Raymond (*Wright*)—8.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; Dr. D. McKay, Superintendent, Welfare; D. J. Allan, Superintendent, Reserves and Trusts; D. H. Russell; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

Consideration resumed of the Indian Act.

Discussion of sections 40-45 ("Sale and Barter"); 46-47 ("Roads and Bridges"); 48 ("Lands taken for Public Purposes").

The Committee adjourned at 1 o'clock p.m., to meet again at the call of the Chair.

THE SENATE,
TUESDAY, 18th May, 1948.

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 Mr. Stevenson.—1.

The House of Commons: Messrs. Brown, Bryce, Case, Castleden, Charlton, Farquhar, Little, Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol, Richard (*Gloucester*).—11.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; E. Cunningham, Solicitor; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves and Trusts; L. Brown, Solicitor; D. H. Russell; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

The Honourable Senator Stevenson informed the Committee that owing to pressure of other Committee work he had not been able to attend this Committee earlier, but was able to do so, now that the Senate was in Recess.

The Chairman explained why it had not been possible to hold meetings during the past week.

Consideration resumed of the Indian Act.

Discussion of sections 48 ("Lands taken for Public Purposes"); 110-119 both inclusive (Redraft of sections dealing with enfranchisement of Indians).

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: Nil. (In Recess).

The House of Commons: Messrs. Brown, Bryce, Blackmore, Case, Charlton, Farquhar, Little, MacLean, Matthews (*Brandon*) (Vice-Chairman), Raymond (*Wright*) and Richard (*Gloucester*).—11.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. T. R. L. MacInnes, Secretary; D. J. Allan, Superintendent, Reserves and Trusts; M. McCrimmon, Reserves and Trusts; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

The Chairman and Messrs. Case, Raymond and Bryce joined in paying tribute to the late Senator J. Fred Johnston, who had been Joint Chairman of the Committee in 1946 and had since continued to be a very active member of the Committee. It was agreed that the Chairman would send a letter of condolence, on behalf of the Committee, to the widow and family of our deceased member.

The Chairman notified the Committee that a delegation from the North American Indian Brotherhood presently in convention in Ottawa would visit the House of Commons at 2 o'clock p.m., tomorrow, Wednesday, 19th May, to extend an address and present a ceremonial bonnet to the Right Honourable the Prime Minister. It was hoped that as many members of the Committee as could conveniently do so would attend.

Consideration resumed of the Indian Act.

Sections 93A ("Band Funds"); and 52 were examined.

The Chairman informed the Committee that he was in receipt of many requests from Indian organizations and bands asking for an opportunity to give new evidence to the Committee. It was agreed that all these would be asked to submit their briefs in writing for consideration by the Committee and that no witness would be heard orally, unless the Committee should decide otherwise, after study of the evidence submitted in writing.

The Committee adjourned at 6 o'clock p.m., to meet again at 4 o'clock p.m., Wednesday next, 19th May.

HOUSE OF COMMONS,
WEDNESDAY, 19th May, 1948.

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 4 o'clock p.m.

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

Present:

The Senate: Nil. (In Recess).

The House of Commons: Messrs. Arsenault, Brown, Bryce, Charlton, Farquhar, Gibson (*Comox-Alberni*), Little, MacLean, Raymond (*Wright*) and Richard (*Gloucester*)—10.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. T. R. L. MacInnes, Secretary; D. J. Allan, Superintendent, Reserves and Trusts; D. H. Russell;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

Consideration resumed of the Indian Act.

The following sections were examined:

- 67-70; 94-95A ("Powers of the Minister");
- 71-75 ("Patents");
- 76-89 ("Timber Lands").

The Committee adjourned at 6 o'clock p.m., to meet again on Thursday next, 20th May, at 11 o'clock a.m.

THE SENATE,
THURSDAY, 20th May, 1948.

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: Nil. (In Recess).

The House of Commons: Messrs. Arsenault, Brown, Bryce, Blackmore, Case, Charlton, Harkness, Little, MacLean, Matthews (*Brandon*) (Vice-Chairman), Raymond (*Wright*), and Richard (*Gloucester*)—12.

In attendance: (From Department of Mines and Resources); Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; D. J. Allan, Superintendent, Reserves and Trusts; D. H. Russell;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

Consideration resumed of the Indian Act.

Sections 96 (subsections 1-17), 97A, 97B, 97C, were examined.

The Committee adjourned at 1 o'clock p.m., to meet again on Tuesday next, 25th May, at 11 o'clock a.m.

THE SENATE,
TUESDAY, 25th May, 1948.

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 Senator Paterson—1.

The House of Commons: Messrs. Brown, Blackmore, Castleden, Charlton, Farquhar, Harkness, Little, Matthews (*Brandon*) (Vice Chairman), MacLean, Raymond (*Wright*), Richard (*Gloucester*)—11.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; D. J. Allan, Superintendent, Reserves and Trusts; T. R. L. MacInnes, Secretary; D. H. Russell;

Also, Mr. H. L. Keenleyside, Deputy Minister, Mines and Resources.

The Chairman distributed the Brief of the Confederacy of the Interior Tribes of British Columbia.

In reply to a question asked by Mr. Castleden, the Chairman advised the Committee that concurrence in the Third Report of the Committee, tabled in the House on 6th May last, would be moved at an early date.

Questions with regard to certain vacancies in the Indian Affairs Branch, asked by Mr. Stokes, M.P., were referred to the Indian Affairs Branch for reply which, when received, will be sent to Mr. Stokes by the Chairman.

Consideration resumed of the Indian Act. The following sections were examined: 97D(1-8); 105-109; 118-138.

The Committee adjourned at 1 o'clock p.m., to meet again this afternoon 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 House of Commons: Messrs. Arsenault, Brown, Blackmore, Case, Charlton, Farquhar, Gibson (*Como-Alberni*), Harkness, Little, Raymond (*Wright*)—10.

In attendance: as at morning session, except Messrs. Keenleyside and Allan.

Consideration resumed of Indian Act. Examination of sections 138-159 inclusive.

The Committee adjourned at 6 o'clock p.m., to meet again on Wednesday, 26th May next, at 4 o'clock p.m.

HOUSE OF COMMONS,
WEDNESDAY, 26th May, 1948.

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 4 o'clock p.m.

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

Present: *The House of Commons:* Messrs. Brown, Bryce, Blackmore, Case, Charlton, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol, Raymond (*Wright*)—11.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; D. J. Allan, Superintendent, Reserves and Trusts; D. H. Russell; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

The Chairman read to the Committee the following Resolutions adopted at the recent Convention in Ottawa of the North American Indian Brotherhood. Resolutions considered.

I. That the Government be requested to allow Indians to sit with the Indian Act Committee during the final stages of the revision of the Indian Act. Each province to be represented by the Indians chosen by the N.A.I.B. convention which is now being held in the City of Ottawa. The purpose of this request is to give the Indians a chance to study the structure of the new Indian Act and to suggest any change which in their opinion may be necessary for the welfare of their race, and that the expenses of such delegates be paid by the Government. Delegates so chosen: Thos. Jones, Cape Croker, Ont.; Frank Assu, B.C.; Ed. Beauvais, Quebec; Thos. Roy, Northern Ontario; Ben Christmas, Maritime Provinces.

II. That the N.A.I.B. request the Government of Canada that one of the Indian Treaties be submitted to a proper tribunal as a test case, on the validity of the terms of a Treaty in regards to Fish and Game. Counsel to be chosen by the Indians and financed by the Department.

It was *agreed* that the Clerk of the Committee notify the President of the N.A.I.B. of the consideration of the said Resolutions by the Committee and of the reasons why the Committee could not give effect to the Resolutions.

Consideration resumed of the Indian Act.

Sections 164 to 168 both inclusive; 99; 101 and 185 were examined.

The Committee adjourned at 6 o'clock p.m., to meet again on Thursday, 27th May next, at 11 o'clock a.m.

HOUSE OF COMMONS,
THURSDAY, 27th May, 1948.

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 House of Commons: Messrs. Brown, Bryce, Blackmore, Case, Charlton, Gibson (*Comox-Alberni*), Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol, Raymond (*Wright*), Richard (*Gloucester*)—11.

In attendance: (From Department of Mines and Resources): Messrs. C. W. Jackson, Director, Administration and Personnel; W. M. Cory, Legal Section; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; D. H. Russell; also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee.

Consideration resumed of the Indian Act and sections 101 and 185 again examined.

The Committee adjourned at 1 o'clock p.m., to meet again this afternoon 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 House of Commons: Messrs. Arsenault, Brown, Bryce, Blackmore, Charlton, Church, Farquhar, Gibson (*Comox-Alberni*), Matthews (*Brandon*) (Vice-Chairman), MacLean, Raymond (*Wright*), Richard (*Gloucester*)—12.

The Committee considered a letter from the Rev. Canon Henry G. Cook, Superintendent, Indian School Administration, of the Missionary Society of the Church of England in Canada, dated April 26, 1948, which enclosed an excerpt from Archdeacon Middleton, principal and missionary, Blood Reserve, Alberta, criticising a proposed new definition of "Indian", within the meaning of the Indian Act.

It was agreed that the Clerk of the Committee advise Canon Cook of the decision of the Committee, at the same time pointing out that the Committee has for months been sitting *in camera* and that any discussions or proposals therein are as yet confidential and that the Committee regrets any breach of confidence which made Archdeacon Middleton, or anyone else, aware of any inconclusive deliberations of the Committee.

Examination of sections 101 and 185 of Indian Act continued and completed.

The Committee adjourned at 6 o'clock p.m., to meet again on Friday, 28th May, next, at 11 o'clock a.m.

HOUSE OF COMMONS,

Friday, 28th May, 1948.

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 House of Commons: Messrs. Arsenault, Brown, Bryce, Blackmore, Case, Charlton, Church, Gibson (*Comox-Alberni*), Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol—11.

Consideration resumed of Indian Act. Sections not previously examined were taken up, also such other matters as Indian marriage, eventual creation of advanced Indian reserves as municipalities and such portions of the Order of Reference not already dealt with in Committee.

It was agreed that the subcommittee on agenda and procedure will undertake the preparation of the Fourth Report and that a draft thereof be submitted to the Joint Committee for consideration and approval, as soon as possible.

At 1 o'clock p.m., the Committee adjourned to meet at the call of the Chair.

HOUSE OF COMMONS,
MONDAY, 21st June, 1948.

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 8 o'clock p.m.

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

Present: The House of Commons: Messrs. Brown, Castleden, Charlton, Church, Farquhar, Harkness, Little, Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol—10.

In attendance: Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch; also, Mr. Norman E. Lickers, Counsel for the Committee and Liaison Officer for the Indians of Canada.

The Committee met *in camera* to consider the draft, submitted by the subcommittee on agenda, of the Fourth Report of the Committee.

After consideration of the said Report,

On motion of Mr. Case, it was

Resolved: That this Committee adopt the Fourth Report of the Joint Committee, as submitted by the subcommittee on agenda and procedure, and that the Joint Chairmen present the said Fourth Report to both Houses of Parliament tomorrow, Tuesday, 22nd June. Carried, on division.

On motion of Mr. Castleden, it was

Ordered: That there be printed as appendices to the Minutes of Evidence and Proceedings such additional briefs as have been received during the present session and not yet printed into the record.

On motion of Mr. Little, it was

Ordered: That the expenses incurred by the following witnesses before the 1947 Committee, as recommended by the subcommittee on agenda, be paid. The names of the witnesses concerned are: Rev. P. R. Kelly, D.D.; Rev. Ahab Spence, Paynton, Sask. and Mr. Boniface Guimond, Pine Falls, Manitoba.

At 10.30 o'clock p.m., the Committee adjourned *sine die*.

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

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
April 29, 1948.

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 a.m. Mr. D. F. Brown, M.P., (Joint Chairman), presided.

The CHAIRMAN: Gentlemen, let us proceed with our meeting. Yesterday, when we met in camera, we were discussing the question of voting privileges for Indians, and it was decided that we recommend to parliament that voting privileges for the purpose of dominion elections be granted to Indians. In other words, that the disqualification against Indians voting at dominion elections be removed entirely; with one qualification, that Indians be considered on the same status as electors in urban centres. That is to say, that for the purposes of dominion elections the Indians on reserves would have to be enumerated and the lists published, so that if any Indian was not properly entered on the enumerator's list he would have the opportunity of making an application for the addition of his name to the list. The result would be that the Indian would be in the same status as that of any other Canadian citizen living in an urban centre.

Now, a motion will be entertained recommending that we report to parliament and that this matter be considered and, if necessary, referred to the proper committee for further consideration.

Mr. LITTLE: What about Indians not on the reserves?

The CHAIRMAN: I presume so far as Indians not on reserves are concerned they would be in the same position as other Indians.

Mr. FARQUHAR: This refers to all Indians.

The CHAIRMAN: Now, a motion will be entertained along those lines.

Mr. BLACKMORE: I make that motion.

The CHAIRMAN: Mr. Blackmore so moves, seconded by Mr. Farquhar; all in favour?

Mr. MACNICOL: Mr. Chairman, I could not be here yesterday, and I am not going to refer to anything I would have said had I been here, but did you consider the South African system? There are two states in which the natives are allowed to vote; New Zealand, where they elect Maoris directly to the legislature; and South Africa where the blacks vote to elect whites, not blacks; but in neither case would the votes of either of these people—

The CHAIRMAN: We have considered that aspect.

Mr. MACNICOL: You did?

The CHAIRMAN: Yes.

Mr. MACNICOL: Both cases?

The CHAIRMAN: We considered the advisability of having Indians represented by Indian members of parliament and we were unanimously opposed to it. We did not believe there should be any segregation whatsoever.

Mr. MACNICOL: You opposed the New Zealand system; how did you deal with the South African system?

The CHAIRMAN: What is that?

Mr. MACNICOL: They elect whites.

The CHAIRMAN: They would be under the same category, I presume.

Mr. MACNICOL: Not the same. The white representatives would not have the power, representing the natives, to vote a government out.

The CHAIRMAN: We did not discuss the South African system, but my own thought would be that if the Indians were to elect Indian members—perhaps I did not understand you. Do I understand you to say that the blacks elect whites?

Mr. MACNICOL: Yes.

The CHAIRMAN: You say that in other words the Indians would elect some white member to represent them alone?

Mr. MACNICOL: Yes.

The CHAIRMAN: I still say that would be in the same category and that it would lead to segregation and we want Indians to be assimilated with the general population.

Mr. MACNICOL: They will not be much assimilated if they have not the say—

The CHAIRMAN: Yes, they would; they would vote like the rest of us.

Mr. MACNICOL: I am all for them getting the vote. I understand your program, your objective. There are about 135,000 Indians in Canada and perhaps 40,000 or 50,000 of them will vote and they will be voting in all provinces. They would not be able to elect anybody to represent their opinions because in each riding in which they vote the whites would dominate. Take a riding like Mr. Lickers'. All Indians would vote, but their influence might not be enough at any time to elect an Indian.

The CHAIRMAN: I say that as regards the 5,000 Indians in Mr. Lickers' constituency, if they were not properly represented by the man who was to represent them they would see to it, at the next election, that he would not be elected.

Mr. MACNICOL: They are not that powerful in Brant.

The CHAIRMAN: I think 5,000 is a strong vote.

Mr. MACNICOL: If all the Indians in Brant, Elgin West and Lambton voted together they would be a powerful vote. All right. I am all for it.

The CHAIRMAN: We have considered all these matters and this is what we have decided.

Mr. RAYMOND: May I ask Mr. MacNicol a question? Do you have any details about the way the South African people vote?

Mr. MACNICOL: I did not bring it down with me. I have studied it thoroughly.

Mr. RAYMOND: Are they exercising their right just like the white people?

Mr. MACNICOL: For the time the black representative is a white.

Mr. RAYMOND: Do they vote for the same man as the white man does?

Mr. MACNICOL: Yes. The whites and blacks do not vote together to elect a representative of the black race; the representative in the legislature is elected solely by the blacks themselves and he is a white man.

Mr. RICHARD: That is a matter that could be studied in the House. The report we make is that we recommend the Indians be given the right to vote. There are different angles to the situation; it does not preclude us from studying them.

Mr. BRYCE: If we start a system like that we would be voting for a Scotsman or an Irishman or something of that sort. Let them vote as Canadians.

Mr. FARQUHAR: I think we have discussed the matter from all angles. It was the opinion of all the committee that this was the solution to the problem.

Mr. MACNICOL: I am not going to oppose it, but the subject was not considered from the South African angle, and when the matter comes up in the House I will talk about it. The blacks vote, but they do not vote with the whites; but all the blacks vote together and elect so many representatives, but they elect whites. Perhaps later on they will elect blacks. I am asking myself how the Indian is going to have representation in parliament.

The CHAIRMAN: How are Scotsmen going to have representation?

Mr. MACNICOL: All right. It does not need to go any further than that.

The CHAIRMAN: Are you ready for the question? Shall we revert to our sittings in camera?

Mr. LICKERS: I think it would be well to get it on the record that although we are giving the Indians the vote we are not taking away any of the privileges they have in connection with property rights or in connection with their reserves.

Mr. RAYMOND: You can mention that. They are not losing their privileges; they stay as they are.

The CHAIRMAN: We want it distinctly understood that when the vote is given it is given without reservation and with no strings.

Mr. RICHARD: You would not mention any particular rights—existing rights?

Mr. LICKERS: Without disturbing any of the existing rights which they now have.

Mr. CASTLEDEN: It is quite evident we understand that there is no surrender by taking up the franchise. Some of them were fearful about this first step in citizenship; that as soon as they became citizens they would lose their rights under the treaty. It should be emphatically stated here that by the recommendation to parliament—and parliament will understand it—that none of the Indian rights are being interfered with in any way by granting this privilege, and that it is entirely optional with the Indian.

The CHAIRMAN: I suppose we should give a reason. We know that the Indians are paying sales tax on nearly all the commodities which they purchase. Many are paying tax on income earned off the reserve. Many pay other federal taxes, such as excise taxes and so on, and for that reason we feel they are entitled to vote.

Mr. LICKERS: On anything they purchase on the reserve they pay tax. The only tax they actually do not pay is the land tax and income tax for income earned on the reserve.

Mr. BLACKMORE: As was pointed out, fundamentally the Indians are British subjects and have been for hundreds of years. They were the first Canadian citizens. They have a right to vote. Also, it should be borne in mind that many Indians have fought and died for the freedom of Canadians.

The CHAIRMAN: Yes. We feel, too, that we cannot instil in the Indians a knowledge of our democratic principles and forms of government unless we give them the privilege of participating in that form of government.

Mr. BLACKMORE: It was also pointed out that although a number of the Indians might not have the education which one might expect them to have in order to vote intelligently yet because of the radio, which so many of the Indians possess, they are able to keep well informed on public affairs, and they do.

Mr. CASTLEDEN: In some areas.

Mr. BLACKMORE: They all can do it, even those who do not.

Mr. CASTLEDEN: Some of them cannot read.

Mr. BLACKMORE: They can listen to the radio.

The CHAIRMAN: I assume that this is unanimously carried?

Mr. MACNICOL: I want to see the Indian have representation in the House directly, if he can have it.

Mr. BLACKMORE: I think it would only be fair to Mr. MacNicol to tell him that when we were considering the possibility of having Indians elect an Indian, or two or three Indians across Canada, it was pointed out that it would be next to impossible to have an Indian travel the whole of Canada and present himself before the Indians. The same difficulty would surround a white man who was trying to represent the Indians as a whole across Canada.

Mr. MACNICOL: It is not impossible to direct that some member for whom the Indians were going to vote would represent them. They could vote as is done in South Africa.

The CHAIRMAN: I am not going to open up the debate again, but my thought on it would be the same as was stated by Mr. Bryce, that if the representative does not represent the people in his constituency he should no longer be a representative. If he does not represent the Indians in his constituency he will no longer be their representative, and that will be proved in a very practical way at the next election. He will be defeated if he does not represent the opinion of all the people in his constituency. We are not going to open up the debate; we went into all that.

Mr. MACNICOL: I am not opening up the debate. I said this was not done on the basis of the South African system.

The CHAIRMAN: We did not discuss the matter on the basis of the South African system; we did discuss the New Zealand system; but in my opinion the same principle applies.

Mr. MACNICOL: I am not opposing giving them the right to vote.

The CHAIRMAN: Are we unanimously agreed that this report should be made to parliament?

Mr. MACNICOL: I am not opposing that.

Mr. FARQUHAR: The motion has been carried.

The CHAIRMAN: I was wondering if it was unanimous. It is unanimously carried. We will continue in camera.

The committee went into camera.

HOUSE OF COMMONS,
May 18, 1948.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 4 p.m. Mr. D. F. Brown, M.P., (Joint Chairman), presided.

The CHAIRMAN: Gentlemen, will you please come to order. Before proceeding with the work of the committee I should like to make one reference of importance, and that is to the passing of Senator Johnston. Senator Johnston, as you know, was a member of this committee from its inception until the time of his passing. He was the first Senate co-chairman of the committee and carried on the work of co-chairman for the first session in which the committee operated. Since that time he continued to be a very valuable member of our committee.

Senator Johnston passed away suddenly on Sunday, May 9, at Regina, Saskatchewan. He had been in attendance at meetings of the committee during the week preceding his passing. I know the committee would wish me to express

its sentiments to Senator Johnston's widow and family, and to express to them our sincere regrets at his passing; to express also to them not only the regrets but the appreciation of the committee for the very valuable services that were rendered by the late Senator Johnston.

If it meets with your approval, I would suggest that an appropriate message be sent to Mrs. Johnston and the family.

Mr. CASE: Mr. Chairman, before you put the motion I would like to associate myself with the remarks you have just made. I would like to say I knew the late Senator during the days when he was serving as a member for his constituency in the House of Commons and, of course, I was able to know him a good deal better when I came to Ottawa. We have lost a very valuable member of our committee, one whose judgment was highly regarded and respected and a member whom it will be difficult to replace. He had a great interest in this committee. Those of us who were privileged to travel on the royal commission through the maritime provinces came to know something about the other side of his life, that is, his sense of good fellowship, the genial disposition he possessed. I feel each of us has suffered a personal loss in the passing of one who was so highly respected and so highly regarded.

It is a tribute to the man that he served Canada for so many years and that his contribution was considered such that he was rewarded by being appointed to the Senate. I know that he will be missed in that chamber; but particularly we as commoners will miss him most on this committee.

I wholeheartedly join with the chairman in expressing our sincere and deepest sorrow at his untimely passing, and I hope this message will be conveyed to his widow and to his family and that we will underscore our sense of appreciation of his fine services.

I was with him on the Saturday before he left for Regina, although I did not know he was going to Regina; I was deeply shocked by his passing. I know we all feel a deep sense of loss not only as members of this committee but in a personal way.

Mr. RAYMOND: Mr. Chairman, may I say one word about my late friend Senator Johnston? I had the opportunity of being very close to him when we were in the maritimes and since. I wish to say—and maybe I am being too sentimental in saying it—that he has been like a father to me and he has been like a father to my wife. That was more especially true when we were in the maritime provinces.

I remember a short time after we came back from the maritimes I brought my two children here to the House of Commons, to meet the Senator. In the name of my children, my wife and myself I wish to express our deep regret. To my wife and myself he was like a father and to my kiddies he was like a grandad. I feel his death very deeply.

Mr. BRYCE: Mr. Chairman, I do not think any more can be said. I regret deeply the passing of Senator Johnston. I was quite closely attached to Senator Johnston, perhaps in a different way from the rest: we roomed together when we were in the maritimes while we were going through the Indian reserves, and I got to know the man much better than I ever would have had we just been meeting one another around the House. We had the same interest in live stock and he made himself famous as a breeder and lover of Ayrshire cattle. We had that in common. I can only endorse what the other members of this committee have said, that we will miss him very much in this committee.

The CHAIRMAN: If it is your pleasure, gentlemen, we will see that an appropriate message is forwarded to Mrs. Johnston and the family, expressing our regrets at the passing of Senator Johnston.

(The committee then continued in camera.)

REPORTS TO PARLIAMENT

THURSDAY, 6th May, 1948.

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, begs leave to present the following as a

THIRD REPORT

Your Committee recommends that voting privileges for the purpose of Dominion elections be granted to Indians on the same status as electors in urban centres.

All of which is respectfully submitted.

W. H. TAYLOR,
DON. F. BROWN,
Joint Chairmen.

TUESDAY, 22nd June, 1948.

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, begs leave to present the following as a

FOURTH REPORT

Pursuant to a Resolution of the House dated 9th February, 1948, your Committee continued and completed "the examination and consideration of the said Indian Act begun by a Joint Committee pursuant to a Resolution of the House on May 13, 1946, and continued by a similar Joint Committee pursuant to a Resolution of the House on February 13, 1947".

Since May 13, 1946, there have been 128 meetings and 122 witnesses have been heard. In addition, 411 written briefs from Indian bands and organizations and from other individuals and organizations interested in the welfare of our Canadian Indians have been printed in the Minutes of Evidence.

During the present session your Committee diligently examined the Indian Act section by section and has agreed to report as follows:—

INDIAN ACT

Many anachronisms, anomalies, contradictions and divergencies were found in the Act.

Your Committee deems it advisable that, with few exceptions, all sections of the Act be either repealed or amended. The Law Officers of the Crown would, of course, need to make other necessary and consequential revisions and rearrangements of the Act which, when thus revised, should be presented to Parliament as soon as possible, but not later than the next session.

Your Committee recommends that immediately Parliament next reassembles a Special Joint Committee be constituted with powers similar to those granted your Committee on 9th February last and that there be referred to the said Special Committee the draft Bill to revise the Indian Act presently before the Law Officers of the Crown.

All proposed revisions are designed to make possible the gradual transition of Indians from wardship to citizenship and to help them to advance themselves.

In order to achieve these objectives, your Committee recommends, in addition to other recommendations hereinafter set out,

- (a) That the revised Act contain provisions to protect from injustice and exploitation such Indians as are not sufficiently advanced to manage their own affairs;
- (b) That Indian women of the full age of 21 years be granted the right to vote for the purpose of electing Band Councillors and at such other times as the members of the band are required to decide a matter by voting thereon;
- (c) That greater responsibility and more progressive measures of self government of Reserve and Band affairs be granted to Band Councils, to assume and carry out such responsibilities;
- (d) That financial assistance be granted to Band Councils to enable them to undertake, under proper supervision, projects for the physical and economic betterment of the Band members;
- (e) That such Reserves as become sufficiently advanced be then recommended for incorporation within the terms of the Municipal Acts of the province in which they are situate;
- (f) That the offence and penalty sections of the Indian Act be made equitable and brought into conformity with similar sections in the Criminal Code or other statutes;
- (g) That the Indians be accorded the same rights and be liable to the same penalties as others with regard to the consumption of intoxicating beverages on licensed premises, but there shall be no manufacture, sale or consumption, in or on a Reserve, of "intoxicants" within the meaning of the Indian Act;
- (h) That it be the duty and responsibility of all officials dealing with Indians to assist them to attain the full rights and to assume the responsibilities of Canadian citizenship.

Your Committee was given "authority to investigate and report upon Indian administration in general" and, in particular, certain other matters, viz:—

1. TREATY RIGHTS AND OBLIGATIONS

Your Committee recommends that a Commission in the nature of a Claims Commission be set up, with the least possible delay, to inquire into the terms of all Indian treaties in order to discover and determine, definitely and finally, such rights and obligations as are therein involved and, further, to assess and settle finally and in a just and equitable manner all claims or grievances which have arisen thereunder.

2. BAND MEMBERSHIP

To replace the definition of "Indian" which has been statutory since 1876, there must be a new definition more in accord with present conditions. Parliament annually votes moneys to promote the welfare of Indians. This money should not be spent for the benefit of persons who are not legally members of an Indian Band.

Your Committee believes that a new definition of "Indian" and the amendment of those sections of the Act which deal with Band membership will obviate many problems.

Your Committee recommends that in, the meantime, the Indian Affairs Branch should undertake the revision of existing Band membership lists.

3. LIABILITY OF INDIANS TO PAY TAXES

Your Committee recommends the clarification of those sections of the Act which deal with the exemption from taxation of an Indian's real and personal property on a reserve.

Your Committee, however, is of opinion that Indians should continue to pay taxes on any income earned by them off, i.e., away from their reserve, even though they do reside on or have an interest in a reserve.

4. ENFRANCHISEMENT OF INDIANS BOTH VOLUNTARY AND INVOLUNTARY

The revised Indian Act should, in the opinion of your Committee, contain provisions to clarify the present rules and regulations regarding enfranchisement.

5. ELIGIBILITY OF INDIANS TO VOTE AT DOMINION ELECTIONS

As part of the education and preparation of the Indian to assume his place in the Canadian body politic, your Committee recommended, on May 6 last, that "voting privileges for the purpose of Dominion elections be granted to Indians on the same status as electors in urban centres". This is a matter which, in the opinion of your Committee, should be referred to a special committee on the Dominion Elections Act, with a view to early implementation of the recommendation.

It is realized that many Indians are not anxious to have or to use the franchise, under the misapprehension that, if they do exercise it, they will lose what they consider their rights and privileges.

Many Indians who do not have the right to vote at Dominion elections do pay taxes on income earned away from the reserve, together with sales tax, gasoline tax, excise tax, et cetera. This is taxation without representation.

It is the opinion of your Committee that it would encourage Indians, particularly the younger ones, to interest themselves in public affairs, if they were given the privilege already recommended. Your Committee is further of opinion that the public generally would be given a better appreciation of Indian affairs.

6. ENCROACHMENT OF WHITE PERSONS ON INDIAN RESERVES

Your Committee recommends that the revised Act contain provisions to prevent persons other than Indians from trespassing upon or frequenting Indian Reserves for improper purposes.

7. THE OPERATION OF INDIAN SCHOOLS

Your Committee recommends the revision of those sections of the Act which pertain to education, in order to prepare Indian children to take their place as citizens.

Your Committee, therefore, recommends that wherever and whenever possible Indian children should be educated in association with other children.

8. SOCIAL AND ECONOMIC STATUS OF INDIANS AND THEIR ADVANCEMENT

Your Committee recommends that the Government consider the advisability of granting a pension to aged, blind, or infirm Indians. This is in addition to recommendations previously made with regard to the social and economic advancement of Indians.

9. INDIAN ADMINISTRATION IN GENERAL

In 1946 and again in 1947 the Joint Committee on the Indian Act made recommendations with regard to

administrative improvements which could be effected without the revision of existing legislation and which, when put into effect, would remove some of the causes out of which arise grievances and complaints of many Indians.

There are still some "administrative improvements" which your Committee deems advisable.

Your Committee, therefore, again recommends that the administration of all aspects of Indian affairs be placed under one ministerial head.

Your Committee reiterates the recommendation made by the 1947 Joint Committee on the Indian Act, viz:

10. The Director of the Indian Affairs Branch . . . should be named a Commissioner who shall have the rank of a Deputy Minister and shall have at least two Assistant Commissioners of whom one should be a Canadian of Indian descent.

10. PARLIAMENTARY INQUIRIES

Since 1867 there have been only two parliamentary inquiries into Indian affairs, each of which was very narrow in scope. One, in 1930, dealt with Bill No. 14, which contained amendments with regard to the adoption of the elective system of Chiefs and Councillors; the other, in 1926, was a Joint Committee which inquired into the claims of the allied Indian tribes of British Columbia.

Your Committee recommends that the rules of the House of Commons be amended to provide for the appointment of a Select Standing Committee on Indian Affairs.

In the opinion of your Committee such a Committee will be necessary for a few sessions at least, to consider and report upon the working out of any Indian Act and regulations framed thereunder.

Your Committee considers a lapse of more than 20 years without parliamentary investigation too long to permit of that good administration of a Branch or Department of Government which deals with such human problems as Indian Affairs.

11. ADVISORY BOARDS

Your Committee recommends that the Government consider the advisability of appointing such Advisory Boards or Committees as, from time to time, are deemed necessary for the carrying out of the provisions of the Indian Act.

12. OTHER COGNATE MATTERS

There are certain aspects of Indian affairs administration which, perforce, require co-operation between Dominion and Provincial officials, to bring about the future economic assimilation of Indians into the body politic of Canada.

Your Committee, therefore, recommends that the Government consider the desirability of placing on the agenda of the next Dominion-Provincial Conference, for consideration by the Provinces, the following matters:—

- (a) Education;
- (b) Health and Social Services;
- (c) Fur Conservation and Development and Indian traplines;
- (d) Provincial Fish and Game laws;
- (e) Provincial liquor legislation;
- (f) Validity of marriage solemnized by Indians, on Indian reserves, according to tribal custom and ritual.

Your Committee realizes that the matters above enumerated are matters which, normally, are dealt with under provincial legislative powers. However, it should be possible to arrive at such financial arrangements between the

Dominion and Provincial governments as might bring Indians within the scope of such provincial legislation, in order that there be mutual and co-ordinated assistance to facilitate the Indians to become, in every respect, citizens proud of Canada and of the provinces in which they reside.

13. APPENDIX

The Minutes of Proceedings and Evidence taken before your Committee are tabled herewith.

14. CONCLUSION

As this is the final report of your (1948) Committee, it is now considered fitting and timely to express due appreciation to all those individuals and organizations which, by their appearance before your Committee, or by carefully prepared written briefs, rendered valuable help to the deliberations of your Committee.

Officials from several departments of Government rendered particularly valuable service, as did Mr. Norman E. Lickers, barrister, who acted as counsel for the Committee and as liaison officer for the Indians of Canada.

All of which is respectfully submitted.

W. H. TAYLOR,
DON. F. BROWN,
Joint Chairmen.

Concurrence: House of Commons, June 26, 1948.

Adoption: The Senate, June 28, 1948.

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APPENDIX HW

45-809G

Review Board:—General Executive Assistant Indian Affairs Branch, Department of Mines and Resources, Ottawa, Ontario. Competition: 45-809.

Highest Ranking Candidate: Mr. W. J. F. Pratt, Assistant Secretary and Chief of Personnel. Entered Service: May 11, 1913.

Appellant:—Mr. E. P. Randle (rank 8) Superintendent, Indian Agency, Grade 4, Six Nations Indian Agency. Entered Service Sept. 19, 1935.

Departmental Rating Board: Mr. R. A. Hoey, Director Indian Affairs Branch; Mr. C. W. Jackson, Chief Executive Assistant, Department of Mines and Resources.

Review Board:—Mr. J. A. MacIsaac, representing Civil Service Federation of Canada; Mr. R. A. Gibson, representing Department of Mines and Resources; Mr. H. R. McNaughton, representing Civil Service Commission of Canada.

This Review Board was convened at 2.15 p.m. on Monday, February 16, 1948.

Mr. E. P. Randle, who had previously appealed this selection in January 1947, stated that he was handicapped in preparing his appeal through lack of specific information as to the present requirements of the position but in the absence of this information was basing his appeal on substantially the same grounds as before, namely, his administration for a considerable number of years of the largest Indian Agency in the Dominion which, in his opinion, should give him knowledge of and experience in purely Indian administration not enjoyed by the successful candidate whose duties appeared to be of a secretarial nature. He also submitted his long administrative experience in the army and as an official of Agricultural organizations and the extensive knowledge of personnel acquired through the duties these positions have involved.

In accepting the ratings given in March 1945 as a basis for selection for this position at the present time, the Civil Service Commission did so with the understanding that the duties of the present position are the same as those advertised for the previous position and have not been changed.

From information submitted to the Review Board by the Departmental Representative, it is evident that there has been a material change in the duties contemplated for this position.

Mr. Gibson indicated that since the retirement of Mr. M. Christianson, the former incumbent, in 1945 there have been several changes in the organization of the Indian Affairs Branch and in the allocation of the work. He stated that it is not proposed to use the appointee in any sense as an Inspector of Agencies or on field work, but as an immediate Executive Assistant to the Director of the Branch at headquarters in order to relieve the latter of a portion of his present heavy load. While many decisions would necessarily be based on reports received from the field it would appear that there would be very little actual field work involved. Mr. Gibson also stated that any construction work calling for scientific knowledge was now dealt with by an Engineer in another Branch of the Department.

In the light of the changes indicated, the Review Board is of the opinion that the ratings awarded in 1945 on the basis of the requirements of the position at that time would not necessarily represent the comparative qualifications of the candidates for the position as at present contemplated.

In fairness to all employees concerned, the Board accordingly recommends a re-rating of the candidates on the basis of the actual requirements of this position at present so that the Review Board may pass judgment on the appeal which has been filed by Mr. Randle.

(Sgd.) R. A. GIBSON,
Department of Mines and Resources.

(Sgd.) J. A. MacISAAC,
Civil Service Federation of Canada.

(Sgd.) H. R. McNAUGHTON,
Civil Service Commission.

Feb. 17-48.

H. R. McNaughton,
Civil Service Commission:

Having regard to the concluding sentence of this report, the Federation feels that due weight has not been given to the findings of the Board of March 1946, and with particular reference to the observations as contained in the last paragraph, page 5 (and continuing on page 6).

In view of the fact that new ratings are to be established on the basis of administrative experience, and as this is now an administrative post, one could scarcely anticipate a new list in the same order of precedence as the original one.

Then again, further action need not necessarily be a Randle appeal. As a matter of fact the Federation is hopeful that the findings of this new Rating Board will be entirely satisfactory to all concerned and that further action by this Board will be unnecessary. Should it be necessary to have the Board re-assemble, it will not be for the purpose of passing judgment on the appeal which has been filed by Mr. Randle.

The Federation also believes that further ratings should be prepared by a full board and not by two members only, and that applicants should be given the opportunity, if they so desire, to appear before such Rating Boards as is customary in the selection of personnel for important positions.

With these observations and tentative reservations I have signed this report.

(Sgd.) J. A. MacISAAC.

APPENDIX HX

CONFEDERACY OF THE INTERIOR TRIBES OF BRITISH COLUMBIA

P.O. Box 639,
 Steveston, B.C.
 March 31, 1948.

To the Special Indian Act Committee,
 House of Commons,
 Ottawa, Ont.

Honourable Sir:—

I have been instructed by the Chiefs, Councillors and delegates to the convention of the Confederacy of the Interior Tribes of B.C. to forward you a copy of the Petitions and Resolutions passed yesterday, and I was definitely instructed to ask, that your sympathetic action be given to these important decisions for their immediate implementation.

These grievances have existed too long to the detriment of the Indians, and early action implementing the recommendations of the Indian Act Committee that a "Claims Commission" be appointed by the Government at the earliest possible moment, should be executed now.

We also ask that these Resolutions and Petition be considered by the Indian Act Committee, as the Interior Tribes did not have the opportunity of having their delegates heard by the Indian Act Committee last year.

May I hope that you will acknowledge this letter and would be pleased to know your decision in the matter and thanking you, I have the honour to be,

Respectfully yours,

FRANK ASSU,
President.

CONFEDERACY OF THE INTERIOR TRIBES OF BRITISH COLUMBIA

Kamloops, B.C.

At a meeting of Chiefs, Delegates and representatives of the Confederacy of the Interior Tribes of British Columbia, held in the Community Hall of the Kamloops Indian Reserve of the Kamloops Agency within the Province of British Columbia, March 29th and 30th, 1948, the following Resolutions were adopted.

WHEREAS, in the opinion of this meeting, because of the many delays, misunderstandings and the invasion of our legal and hereditary rights, through the inaction of our legal trustees the Government of Canada, and because many actions of the white people have prejudicially affected the best interests of our people, by the loss of our legal and aboriginal rights, the time has come, when we must appoint a legal adviser, who shall be our Counsel and Solicitor in all matters.

RESOLVED THAT we do hereby appoint Mr. Henry Castillou, K.C., of Vancouver, B.C., as our Adviser, Counsel and Solicitor in all matters, and in particular the following fundamental subjects, which are based upon our native rights, as the aboriginals of this country:

1. THAT we immediately ask the Government of Canada, to forthwith discontinue the compulsory collection of Income Tax and that all moneys collected from Native Indians as Income Tax since the year 1943, be refunded to each one from whom it was forcibly and illegally collected, to be returned in the form of Government War Bonds.

2. THAT former Joint Indian Reserve Allotting Commissioners representing the Governments of Canada and that of the Province of British Columbia, and others whom we were led to believe were properly constituted officials, did allot (as is recorded in the Schedule of Indian Reserves of Canada, (1913)), certain quantities of water to be guaranteed for all time to come, for the explicit use of the Indians.

That an action was instituted in one of the Courts of this Province, which Court did render a decision giving the control of water for irrigation purposes to the Government of the Province of British Columbia, and,

That we do say that such decision was ultra vires because it contravened well established principles of British Justice, when we the said Indians, were not informed such a court was to be held, and because we were not represented before the court, whose decision took away from us the waters which had been allotted to us, as above.

3. THAT, in addition to our legal and hereditary rights, we also have our natural rights, to the above (Paragraph 2), and also to adequate grazing areas for our stock, without which it is not humanly possible to eke out an existence, which is also necessary to ourselves and heirs, so we request the allotment of adequate grazing areas to be allotted and guaranteed to us in a manner to be agreed upon.

4. THAT great tracts of land were for centuries recognized as the property of Indians or Indian families, upon which they alone or members of their family could use as a trap-line, as in many parts of the Province, trapping and hunting is the only means by which they can obtain a livelihood.

That we now understand the Government of the Province of British Columbia did pass laws with the view of preserving these trapping areas to the people, who in the past had used such areas as their own particular trap-lines, but through the inaction of the officials of our legal trustees, and because of our illiteracy, and because it was not made known to us by the Indian Agents, that all hereditary trap-lines had to be registered, many of these hereditary trap-lines are now lost to us, and some were illegally expropriated from the Indians even after they were registered under the direction of the Indian Agent, as required by the Government of British Columbia, and

That denial and prohibition to the native Indians of following their vocation of hunting and trapping is a denial of a legal, hereditary and a natural right, which works a hardship upon the Indians, as they are denied a livelihood.

That this Confederacy request Henry Castillou, K.C., to take immediate action, in co-operation with our representatives, to return to the Indians, their hereditary trap-lines, and those illegally expropriated from them, and to give to them those which were lost to them by the inaction of the Indian Agents of the Government of Canada.

5. THAT these and other fundamental requirements, including the right to procure fish and game for food, be guaranteed to us by statute, and not to be left to the discretion of any branch of the Governments or their officers for our benefit and our heirs to come.

That the Government and the Parliament of Canada, in their wisdom, and because of their knowledge that many things were wrong, and because there was great laxity in the administration of Indian affairs, did appoint a Joint Committee of the Senate and the House of Commons to inquire into the admin-

istration of Indian affairs, and the said committee did on the 10th day of July last present 26 recommendations to the Parliament of Canada, all of which were approved by Parliament, and,

That one of the recommendations was that a "Claims Commission" shall be appointed to inquire into the claims of the Indians and such other matters as may be relevant and be brought before the said "Claims Commission".

6. THAT we request the above fundamental requirements be brought by Mr. Henry Castillou, K.C., to the attention of the said "Claims Commission" or before any court of justice of competent jurisdiction, with the right to appeal from any decision to The Judicial Committee of His Majesty's Privy Council.

We further say and proclaim, that because of the historical fact, that our trustees the Government of Canada, have, since the advent of the white people into our country, failed to properly and adequately protect our interests, and because some of these natural and hereditary rights have been lost to us for many years, we say that the cost of restoring to us these necessities, or the securing of adequate compensation is the responsibility of the said Government of Canada.

That we petition the Government of Canada to pay to Mr. Henry Castillou, K.C., his fees and any costs that may be incurred in the prosecution of our just and proper claims.

In conclusion, because of the importance of these and relative subjects, we hereby resolve that copies of the above be despatched one to The Honourable the Prime Minister of Canada, one to the Superintendent General of Indian Affairs, one to each Honourable Member from British Columbia of the Senate, and one to each Honourable Member of the House of Commons from British Columbia, one to each member of the Joint Indian Act Committee of Parliament now in session, one to the Director of the Indian Affairs Branch, and one to be presented for concurrence to the next convention of the North American Indian Brotherhood.

Dated at the City of Kamloops, in the Province of British Columbia, this 30th day of March, A.D., 1948.

APPENDIX HY

CONFEDERACY OF THE INTERIOR TRIBES OF BRITISH COLUMBIA

Special Joint Committee
of the Senate and the House of Commons
on the Indian Act,
House of Commons, Ottawa.

Honourable Members of the Committee:

The representations, respectfully submitted, of the Confederacy of Interior Tribes of British Columbia on Indian Administration reads as follows:

Substitution of Paragraph 2, page 2004 of Minutes of Proceedings and Evidence No. 41 of the Special Joint Committee of the Senate and the House of Commons, Thursday, July 10, 1947.

(2) That a Commission, in the nature of a Claims Commission, be set up with the least possible delay to inquire into all the rights and obligations due the Indians, whether treaty or non-treaty Indians of Canada whether original Indians always resident in Canada or who were allowed to emigrate into Canada and settle.

To appraise and settle in a just and equitable manner and to provide adequate compensation for all rights and obligations taken away which cannot be given back and to give back the rights and obligations to all Indians, which can be given back to them.

First. The Treaty Indian who made an agreement with the white man.

Second. The Indian who welcomed the white and allowed him to peaceably penetrate in the Indian Lands.

Third. The Indian who was welcomed in the country by both Indians and whites and allowed to become one of us.

Substitute for Paragraph 11:

"That Indians who are qualified for any position in the administration of Indian affairs at any level, be given a preference for appointments to such positions within that administration for which they qualify or are suited.

That qualification or suitability in reference to the Indians mentioned above shall not be subject to Civil Service restrictions, but the qualification or suitability shall depend entirely on the question whether the Indian above-mentioned is capable of handling the position he is assigned to and a number of new positions for Indians may be made such as welfare and field work and housing work to work directly with Indians to encourage them in their efforts."

Add at end of Paragraph 12:

"Such agent, shall be acceptable to the Indians of the agency he is sent to and to have a good knowledge of the customs and habits of the said agency that he is in charge of so that he is capable of being a real agent of the Indians."

Add to Paragraph 14:

"Providing the assistant is acceptable to the Indians."

Add to Paragraph 17:

"And are acceptable to the Indians."

I cannot impress upon you that you must have men acceptable to the Indians. It is a waste of time and effort to place a man in a position over Indians whom they have no confidence in, and having him there is just a detriment to Indian affairs.

Add to Paragraph 19:

"That where Indians themselves are examined they are chosen for their ability to lead in the field and all Civil Service technicalities be done away with.

8. Redistribution of all Indian agencies having regard only to separate nations of Indians.

If one agency is too large divide into subagencies of that nation of Indians."

Dated at the City of Vancouver in the Province of British Columbia, this 12th day of May, A.D., 1948.

Confederacy of Interior Tribes of British Columbia

(Signed) FRANK ASSU,
President.

APPENDIX HZ
CONFEDERACY OF THE INTERIOR TRIBES
 OF BRITISH COLUMBIA

Special Joint Committee of the Senate and
 the House of Commons on the Indian Act,
 House of Commons, Ottawa.

Honourable Members of the Committee:

One million dollars is needed in B.C. for housing on native reserves, for example. On May 9th I took pictures of homes at Deadman's Creek, 35 miles west of Kamloops City. In this picture hereto attached, as it can be seen, are approximately 18 homes made out of logs, average size 20' x 18', with mud on roof, average 1½" to 2' thick, must be replaced immediately. The Kamloops Residential School has made wonderful progress in trying to build new homes at Deadman's Creek Reserve. With their own saw mill they have built and completed three 4-room houses, at the total cost of one thousand seven hundred dollars each, for the natives of Deadman's Creek Reserve, also two 4-room houses in other villages. Pictures of the old houses taken the same day with mud on roofs instead of shingles also attached. This is hard to believe in modern times. I should like to indicate that during the year 1948 such conditions should not exist in B.C. with all its resources and timber.

At the Kamloops Reserve, just two miles from the prosperous city of Kamloops, there are approximately 40 houses that should be replaced within the immediate future, at a cost of \$68,000, to alleviate deplorable and unhealthy unsanitary conditions. This could only be done by having this saw mill operated at the Kamloops Residential School with all their equipment such as trucks to haul lumber, which saves transportation costs when you have to haul thousands of feet of lumber. This particular saw mill which is now established is only operating in a small way and should be duplicated in other schools in other parts of B.C. Also a Government policy in the way of long-range assistance to Indians to operate commercial saw mills where feasible, and saw mills and fish canneries to Indians on coastal waters; also fruit canneries in interior areas. A special grant for this purpose should be immediately set up to give various natives self-sufficiency. A special grant of one million dollars as a start towards a continual housing programme, which should be spread out over a period of years.

Dated at the City of Vancouver in the province of British Columbia, this 12th day of May, A.D., 1948.

Confederacy of Interior Tribes of British Columbia.

(Sgd.) FRANK ASSU,
President.

APPENDIX IA

As members of the Graduate Student Christian Movement of the University of B.C. we endorse the following resolution:

BE IT RESOLVED:

1. That the officially declared objective of the Government of Canada should be such equalization of status between Canadians of whatever ancestry as will entail the disappearance of any specific Indian problem probably within a generation and certainly within half a century.

2. That all possible steps to that end should be taken at the earliest possible time, and specifically, that Indians should be relieved of all restrictions as to conduct, occupation, place of residence, civil rights, education, and equally applicable to the citizen body generally; and that the conferring and exercise of these and related rights be effectually disassociated from the economic and social sacrifices incidental to enfranchisement under the present Indian Act.

3. That in the case of Indians whose health, morale and earning capacity have been undermined or left undeveloped under present conditions and public policies, the Indians concerned be classed and treated as unemployables of whatever ancestry; that those classified as partially but not wholly self-sustaining be given such training, supervision and assistance, of whatever needed kind, throughout such a period as conditions may render necessary, and no longer;

4. That any Indian child shall be entitled to free education in the public school nearest to his parents' place of residence, or such other school as they may choose; and that, where attendance at an ordinary public school is impossible it shall be the duty of the federal authorities to provide educational opportunities equal in efficiency with those available in provincial public schools.

5. That persons of Indian ancestry shall be eligible, on terms of equality, with Canadians of any other origin, to enjoy the advantage of any and all social services financed by public funds; it being understood that expense thus devolving upon municipal and provincial authorities shall be reimbursed by the federal authorities.

6. That subject to the possible wisdom of providing, during the period of transition, for special Indian representation in the parliament of Canada, in accordance with practice in the case of the Maoris of New Zealand, all Indians shall be entitled to enrolment on the voters' list of the constituency within which they may severally reside.

7. That the Government of Canada should announce a definite time for the attainment of the objectives of this Dominion relative to its native peoples and that, in the meantime, progress reports should be issued at specified periods.

Signed Resolutions received from:

Joe Francis, 40 College St., Toronto.

Mr. and Mrs. James T. Melvin, Capilano, P.O., B.C.

J. Hundal, 40 College St., Toronto, Ont.

Robt. J. D. Morris, 12 East 39th Ave., Vancouver, B.C.

A. T. Peachey, 2192, West 11th Ave., Vancouver, B.C.

R. B. McLellan, Copper Mountain, B.C.

Mildred MacLeod, R.R. 2, Nanaimo, B.C.

Alistair MacLeod, R.R. 2, Nanaimo, B.C.

Teja Hundal, 3716 West 11th Ave., Vancouver, B.C.

APPENDIX IB

"LOVE AND HELP THY BROTHER"

UNION OF SASKATCHEWAN INDIANS

Box 91, Leask, Saskatchewan,
April 15, 1948.

Mr. D. F. Brown, Chairman,
Special Joint Committee—Indian Act
House of Commons,
Ottawa, Ontario.

Dear Sir:

On behalf of the Indians of Saskatchewan, I am forwarding to your Committee for your consideration and action a copy of resolutions drawn up and approved by thirty delegates representing the various Indian points in this province.

We hope your Committee will give these enclosed resolutions immediate action where possible.

All of which is respectfully submitted.

Yours sincerely,

GLADYS DREAYER,
Secretary-Treasurer.

Encl. 1.

RESOLUTIONS CARRIED

I. EDUCATION

(1) Whereas, the Treaty Indians, members of John Ballantyne Band, of Deschambault Lake and Pelican Narrows Band, represent bona fide locals of the Union of Saskatchewan Indians, and

Whereas, we reaffirm the representations made by the Union in May, 1947, with regard to Education and Schools, and

Whereas, we have forty-six (46) children, twenty-nine (29) of whom are of school age at Deschambault Lake and a greater number at Pelican Narrows, all of whom reside with their parents at permanent places of residence known as Deschambault Lake and Pelican Narrows.

Be it therefore resolved, that we petition the Indian Affairs Branch, requesting that a Day School with teachers be established at places hereinbefore mentioned at the earliest possible time.

(2) Be it resolved, that we reaffirm our representations on education contained in the Union brief of May, 1947, that is: all that portion contained on pages eleven to twenty-two, inclusive, and we also reaffirm our representations for the need of Day Schools, particularly in the Northern section of the Province, contained on page seventy of the May, 1947, brief.

(3) Whereas, the Union of Saskatchewan Indians has made representations to the Indian Affairs Branch with regard to education, and

Whereas, the need for education for Indians is such that early and immediate implementation of educational facilities is of paramount importance, and

Whereas, in the fourth report of the Special Joint Committee of the Senate and the House of Commons to both Houses of Parliament, at the conclusion of the 1947 sittings, it is recommended, among other things, "8. That the whole matter of education of Indians be left over for further consideration."

Be it resolved, that we urge in the strongest terms possible that immediate implementation be effected of our representation for the Indians, particularly for the Indians of Northern Saskatchewan.

(4) Section 15, of the May, 1947 brief. Be it resolved that Section 15 of the Union Brief of May, 1947, *be amended* by deleting all that portion beginning on the tenth line thereof.

II. HOSPITALIZATION (Northern Saskatchewan)

Whereas, the nearest accessible Medical Doctor and Hospital to Treaty Indian Bands, members of the Indian Reserves 184, 184A, 184B, 184C, 184D, and 184E reside at Flin Flon, Manitoba, and

Whereas, a great majority of our Indian brethren reside in and around the settlement known as Pelican Narrows, Deschambault Lake, and Jons Lake, and

Whereas, it is not always possible in cases of sickness for patients to be transported to Flin Flon for attention.

Be it resolved, that we petition the Indian Affairs Branch, requesting that a hospital be built at Pelican Narrows to serve the needs of Treaty Indians at the above mentioned places.

(2) Be it further resolved, that we reaffirm our representations of May, 1947 that all medical, hospital, and public health services should be made available to every Treaty Indian by the Dominion Government without any charge whatsoever.

III. NATURAL RESOURCES

(1) *Royalties*

Whereas, Treaty Indians have been required to make payment of Royalties upon Winter Furs, and

Whereas, The Treaty Indians of this Union, maintain that such payment of fees by Treaty Indians is contrary to their articles of Treaty,

Be it resolved, that we petition the Indian Affairs Branch, requesting that it either have this practice discontinued, or that it assume and pay all Royalty Fees on all furs caught by Treaty Indians.

(2) *Indian Forest Estates*

Whereas, Forest Estates upon Indian Reserves are being depleted, and

Whereas, under Sub-section 3, of Section 93, of the Indian Act, the Superintendent General may lease any part of Indian Reserve Land,

Be it therefore resolved, that we petition the Indian Affairs Branch to inaugurate a system of forest conservation by a more efficient method of operations, and

Let it be further resolved, that instead of surrendering our timber to tenders as presently in effect, that a system of contract by mutual agreement as between the Indians and timber operators be effected whereby the Indians may own the lumber instead of the lumber operator, thus assuring to the Indians a greater cash return than they are presently receiving.

(3) *Permits and Fees*

Whereas, Treaty Indians are subject to certain fees known as lease permits for purpose of building cabins on their trap lines, and

Whereas, the payment of these fees is regarded by the Treaty Indians as an abrogation of their Treaty rights,

Be it therefore resolved, that we petition the Indian Affairs Branch, requesting that Treaty Indians be not compelled to pay the fee for such leases and other relevant permits on Natural Resources obtained either on, or off the Reserves.

(4) *Destruction Natural Resources.* The following resolution was submitted by delegates from Northern Saskatchewan:

Whereas, as a result of the development of electric power facilities, located at Island Falls in Northern Saskatchewan, necessitating the periodic release of water from the power dam, which water has had the effect of destroying such natural resources as muskrat marshes and beaver colonies, and

Whereas, such destruction of natural resources has resulted in a reduction of the earning capacity of Treaty Indians resident along the sinuosities of the water course, and

Whereas, Treaty Indians, residing as above mentioned have not been compensated in any manner whatsoever for such loss of natural resources,

Be it therefore resolved, that we petition the Indian Affairs Branch to appoint a Commission to study the extent and nature of the destruction of these natural resources with a view that some cash compensation be accorded the Treaty Indians involved for the loss of these natural resources.

IV. EMPLOYMENT OF INDIANS.

(1) Whereas, it has been brought to the knowledge of the Union of Saskatchewan Indians that a treaty Indian, named Eli Wuttanee, after being recommended by a medical doctor, Dr. Kirby, has been refused employment at the new Indian Hospital at North Battleford, Saskatchewan, and

Whereas, the fourth report of the Senate and the House of Commons by 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", reads as follows:

11. "That Indians who are qualified for any position in the administration of Indian Affairs at any level, be given a preference for appointment to such positions within that administration for which they qualify or are suited."

Be it therefore resolved, that mere lip-service will not implement the conditions of the said recommendations, and that the Indian Affairs Branch be insistent upon the carrying out of this recommendation.

V. P.F.A.A.

Whereas, the Union of Saskatchewan Indians in its May, 1947 brief made certain representations with regard to benefits under the Prairie Farm Assistance Act, and

Whereas, the Treaty Indian farmers have not as yet been brought within the terms and provisions of this Act, and

Whereas, since the submission of the representations referred to a considerable number of Treaty Indians pursuing the vocation of agriculture have suffered crop failure due to drought conditions,

Be it therefore resolved, that immediate or early amendments be made to this Act to include the Treaty Indian Farmers, and

Be it further resolved, that a separate representation be made to the proper authorities urging immediate action upon this very important subject.

VI. INDIAN REPRESENTATION.

(1) Whereas, the Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act are entering into the third year, and

Whereas, it is indicated that matters appertaining to a proposed revision of the Indian Act will be considered by the said Committee during this year, and

Whereas, the Union of Saskatchewan Indians maintain that there should be Indian representation in the drafting of this Indian Act;

Be it therefore resolved, and we do hereby petition the Indian Affairs Branch that Indian representation be placed upon the said committee; and

Be it further resolved, that independent legal counsel be provided the Indian representatives by the Dominion Government at no cost to themselves.

VII. NON-TREATY SIOUX INDIANS OF SASKATCHEWAN.

Whereas, there is in the Province of Saskatchewan a considerable number of Sioux Indians (Non-Treaty), and

Whereas, there are certain anomalies in the status of these people in that when a male Sioux Indian marries a Treaty Indian woman, the said woman assumes the status of a Sioux non-treaty Indian;

Therefore be it resolved, that we petition the Indian Affairs Branch that it give special consideration to Sioux Indians in order that they may enjoy full rights and privileges of a full-treaty Indian.

RESOLUTIONS SUBMITTED AND PASSED AT MEETING OCTOBER 7, 1947, BETWEEN THE INDIAN AFFAIRS BRANCH, THE DEPARTMENT OF NATURAL RESOURCES AND OFFICIALS OF THE FISH BOARD, HAVE ALSO BEEN ENDORSED BY THE UNION OF SASK. INDIANS. RESOLUTIONS ARE AS FOLLOWS:

(22) We recommend that a joint Northern Development Programme be embarked upon by the Federal and Provincial Government with respect to the development of the North as a means of making the residents self-sustaining and that a Northern Development Programme be established on a 60-40 basis, similar to the Fur Programme.

(23) In view of the fact that commercial fishing is one of the mainstays in supporting the livelihood of the Treaty Indians and the Metis population in the North, as well as that of the whites, and as it is also a fact that a reasonable standard of living cannot be maintained at present high prices of goods and comparatively low prices of fish, we recommend that, in place of a work and wages programme, the Federal and Provincial Governments replace relief by payment of a subsidy on all fish produced in these Northern areas.

(24) We recommend that the Department of Natural Resources officials be permitted to issue Social Welfare to sick or destitute Indians or Metis where none other appointed for this purpose is resident in that area, and that such issuances be under the authority of the Federal Government in the case of Treaty Indians and under the authority of the Provincial Government in the case of the Metis.

(25) We recommend that an Educational Programme be drawn up to teach the Natives the proper use and care of their equipment and the proper handling of the product to ensure the highest possible return to the people and the lowest possible waste.

(26) We recommend that the administration of any joint agreement between the Provincial and Federal Government be carried on in a manner to avoid over-lapping and duplication.

(27) Whereas, in the past advances have been made to Northern natives only on the basis of making profits by exploitation of the natives, and

Whereas, the advancing agency has not been in the position of putting into effect any conservation or development Programme in the North,

We hereby recommend that the Government Agencies be called upon to take some definite part and action in regard to advances made to natives of the North.

(28) Whereas, we believe in a policy of supplying employment in development of our Natural Resources such as much better than administering social aid to natives of the Northern Areas, we recommend that the Federal Government should shoulder their rightful responsibility in assisting the Provincial Government in making advances to fishermen and trappers.

(29) It should be drawn to the attention of the Federal and Provincial Governments, the urgency of the present situation in regard to financing, grubstaking fishermen and trappers, and supplying them with equipment in order that they may have a livelihood this winter, and so, not become a Social Aid problem.

(30) Realizing the crying and urgent need for educational facilities for all the children in the North, with particular reference to Treaty Indians, and further that the building programme would provide a much needed works programme as well as providing practical adult education, be it resolved that the governments concerned be requested to reach an early agreement if not an immediate, agreement to provide the facilities and programme mentioned.

APPENDIX IC

B.C. INDIAN ARTS & WELFARE SOCIETY

Victoria, B.C.
CANADA

Miss Alice Ravenhill
Founder
President Emeritus

His Honour the Lieut.-Governor
Of British Columbia
Charles A. Banks
Mrs. Banks
Patrons

Mrs. A. J. Tullis
President

1513 Laurel Lane,
Victoria, B.C.,
May 10, 1948.

The Secretary,
Committee on the Revision of the Indian Act,
Parliament Buildings,
Ottawa, Ont.

Dear Sir:—I enclose a list of recommendations proposed by our Society, following the conference on Native Indian Affairs, held in the University of British Columbia on April 1, 2 and 3.

The report and recommendations, when printed, will be sent to members of your committee but in the meantime we felt that you should have an advance copy of the recommendations.

Sincerely yours,

ELLEN HART,
Corresponding Secretary.

RECOMMENDATIONS

A. *Arts and Crafts.*

1. Marketing of Handicrafts.—In view of the fact that the B.C. Indian Arts and Welfare Society has for a considerable period of time carried out a sustained experiment in the marketing of Indian Arts and Crafts, we recommend that the Society prepare an evaluation of the experiment with suggestions as to the possibilities for future development and expansion, and that these suggestions be submitted to the Indian Affairs Branch, Ottawa.

2. Sale of Crafts in National Parks.—We recommend that the Department of Mines and Resources be approached with the view of securing its co-operation in the fostering of plans to market Native Indian Arts and Crafts through the National Park Service of Canada.

B. *Health and Welfare.*

1. Tuberculosis.—From evidence presented by the medical officials of the Indian Affairs Branch, we are convinced that real progress is being made in the fight against this disease. We are impressed with the light quality of institutional treatment now available in several hospitals. However, we recommend that the Indian Affairs Branch give increased attention to preventive treatment on the reserves, and to Health Education.

2. (a) *Housing: Water Supply.*

Evidence has been presented to the Joint Committee of the Senate and the House of Commons investigating the Indian Act regarding the acute need for improved housing and water supply on the reserves. We recommend that every effort be made by the Department of Mines and Resources to remedy these conditions as soon as possible, and that plans for improvement be formulated jointly with native representatives in each area.

(b) *Housing at Canneries.*

At a number of canneries where Indian workers are employed, new housing units have been constructed in recent years. At others, replacements are urgently needed.

Much improvement has been due to the work of the Provincial Department of Health, which is now taking an active interest in cannery sanitation.

We recommend that in every cannery a Camp Council of Native leaders be chosen to make and enforce rules for the use of facilities provided.

3. *Old Age Pensions.*

Social Assistance for Unemployables.

Old and unemployable persons among the native people should receive the same benefits as white persons.

We recommend that the Federal Government confer with provincial authorities with the object of working out a scheme for providing such benefits.

The wellbeing of the Indian should not be sacrificed because of divided authority in administration.

4. *Indian Trust Funds.*

We recommend that a complete resurvey of the administration of Trust Funds be instituted, with a view to determining the most efficient use of these funds for the general improvement of the conditions of life among the Indians, and that pertinent information be made available to tribal bands.

5. *Nursing and Social Service Field Work.*

We recommend that immediate efforts be made to increase the number of field workers in general nursing and social service work. In this connection we advocate an extension of the system now in force in certain parts of the province, whereby the nursing services are provided by the B.C. Department of Health and Welfare and paid for by the Dominion Government.

C. *Education.*

1. *School Facilities.*—At the present time school facilities in many districts are inadequate, but our Society believes that the Indian Affairs Branch is now making a real effort to meet the situation. New schools and teacherages are being built, teachers' salaries have been increased and day school teachers are now included in a teachers' pension scheme. We recommend that efforts along these lines be continued, and that particular stress be laid on improving the qualifications of the teachers.

We endorse the avowed policy of the Indian Affairs Branch in placing the emphasis on the construction of Day Schools rather than Residential Schools, which will only be built where the operation of a day school is not practical.

2. *Course of Study.*—We recommend that the Course of Study continue to follow closely that of the Provincial Department of Education, but that the Native Culture and Tradition be woven into the teaching of such subjects as drawing, literature, and Social Studies.

The *Indian School Bulletin* now issued by the Indian Affairs Branch provides an excellent medium for extending information to teachers on native cultures.

3. School Attendance.—(a) Residential Schools: We assume as a basic premise that every Indian child should have the opportunity of attending school for the full number of hours per school year, and we are pleased to learn that the Indian Affairs Branch is striving to lengthen classroom instruction in Residential schools to 5 hours per day. We feel that satisfactory results can only be obtained if the hours at which the resident children are kept at school maintenance tasks are reduced to a minimum. The aim should be to provide the amount of work which will best contribute to the pupil's education and physical development. (b) Day Schools: Parents of children who attend Day Schools must realize the importance of regular school attendance and be ready to make sacrifices to keep their children in school.

We recommend that the Native Brotherhood and the North American Brotherhood carry on an educational campaign to create a deeper consciousness among native people of the need of regular school attendance.

4. Indian Children in "White" Schools.—We recommend the continuance of the system of sending Indian children to "white" schools. Unfortunately there is still a prejudice among some school boards in regard to the admission of Indian children to "white" schools. This Society is prepared to assist in a campaign to fight this prejudice. We wish to point out that the exclusion of Indians from these schools perpetuates the very conditions of which the school boards complain. We are asking the B.C. Indian Affairs Branch to keep us regularly informed regarding any special difficulties in the placement of High School pupils.

5. School Lunches.—Cases have been brought to our attention where children do not receive sufficient suitable food at home, to be in physical shape to benefit from their education. It is recommended that provision be made for serving at least a nourishing hot drink at noon. The amount of money now provided by the Indian Affairs Branch is not considered sufficient to provide a nourishing drink every day.

6. Teaching of English.—We recommend that measures be taken to teach all Indian children the English language before they come to school. Nursery schools would be the ideal solution of the problem but other helpful means could be worked out in many villages to prepare little children for English instruction in school.

7. Summer Courses.—We recommend that courses in the history and culture of the B.C. Indians be made available at regular intervals, preferably at Summer Schools, so that Indian Affairs Branch personnel, teachers in Indian Schools, etc. will have the opportunity of informing themselves upon these matters.

8. Teachers' Convention.—We recommend that a yearly Convention of Teachers in Indian Schools be instituted, for the mutual exchange of ideas, instruction and discussion of Indian school problems.

9. Youth Training School.—We recommend that an arrangement be made between the Indian Affairs Branch and the Department of Extension of the University of British Columbia for the holding of a regular Youth Training School for Native young people, providing brief courses of training in such subjects as leadership, health, home-making, elementary mechanics, handicrafts, etc. This would be an intermediate stage, the ultimate goal to be attendance at the regular "white" conferences.

10. References to Indians in Textbooks.—We recommend that those responsible for preparing readers and textbooks in Social Studies for Canadian school children should take pains to give a fair picture of past historical events regarding the Indians and present more material on their culture and achievements.

D. *Training of Teachers, Welfare Workers, Nurses, etc.*

1. Employment of Natives.—In view of the shortage of staff in the welfare educational and administrative services which deal with the native Canadian, we press for the immediate employment of Indians in these services.

2. Training Opportunities.—Publicly supported institutions such as hospitals should accept Indian applicants for training in nursing, etc. and, as the need is so great for trained personnel in these fields, should even make concessions to encourage Indian young people to enter these fields.

3. Nurses and Welfare Aids.—To meet immediate needs, one or two year courses for Nurses' Aids, Social Welfare Aids, Aids in Nutrition and other allied fields should be instituted and given at the educational level for which applicants may be found.

E. *Standing Committee on Native Indian Affairs.*

We commend the manner in which hearings have been held and evidence received by the Joint Committee of the Senate and the House of Commons investigating the Indian Act. We recommend that a Standing Committee on Indian Affairs be set up, to continue this work on a permanent basis.

APPENDIX ID

Mohawk Nation,
St. Regis Reserve,
May 11, 1948.

Joint Committee to Investigate the Indian Act,
Parliamentary Building,
Ottawa, Ontario.

Gentlemen:—We, the Chiefs of the Mohawk Nation who swear allegiance to the Six Nations Confederacy, as the only true government for our people, having assembled in council, have decided to call the attention of the Joint Committee to Study the Indian Act to the following facts.

The white man found a race occupying, owning and functioning under a most democratic form of government, when he arrived on this northern section of the North American continent. The French called the aborigines the Iroquois. The Dutch designated them as Maquaaas, while the English called them the Five Nations, later the Six Nations. Each nation controlled and operated its own local tribal affairs—somewhat similar to your own provincial governments. However, matters of war or sales of land were determined by a central government. They held the soil of their ancestors by allodial title, higher than fee simple, for they owned, occupied and functioned under their own form of government from time immemorial, paying tax or tribute to no other government. The British Crown recognized the Indians' right to the soil when, in the Royal Proclamation of 1763 act of October 7, it directed that Indian tribes remain undisturbed.

Many treaties have been made with Indian tribes. By definition, treaties are made between sovereign nations. The British and Canadian governments have repeatedly recognized the sovereignty of the Six Nations, not only by becoming parties to the treaties, but by instigating them in most cases.

Considering these facts:

(1) We occupy our territory, not by your grace, but by a right beyond your control.

(2) We hold original title.

(3) We have never voluntarily submitted to the domination of the Canadian government, and have never been conquered by it in a just war.

(4) According to International Law, no nation can legislate over another without first acquiring title to the land.

(5) Canada considers itself a democratic country. The basis of democracy is the rule of the people governed by the law. We submit that we, the people of the Mohawk Nation can find no bona-fide evidence that we had a voice in preparing the original Indian Act or in its revision. Since we reject the premise that the Canadian Parliament can make laws over us, it is only justice that said Parliament should denote the legal basis for enforcing its laws on the reserves.

(6) The burden of proof must be borne by you, for we wish to hold to the status quo which was established in the first encounter of red man with white.

Can you disturb this status? If so, you must expect that a decent respect for the opinions of mankind demands that you set forth the reasons that impel you to such disturbance of our status.

Let us now set forth the basic tenets by which we live as a political body.

We are members of the Six Nations Confederacy. To the government of the Six Nations we owe allegiance and to no other. We are prevented from submitting to the domination of Canadian laws by our constitution which translates in part: "Now we stand in a circle with our hands joined. If any man or any nation shall submit to the laws made by other people, they are no longer in but out of the confederacy, and shall be called 'they have alienated themselves'. Be strong so that if a tree fall on our arms, it will not separate us". This part of our own Constitution would prevent us from recognizing any laws that may be passed by the Canadian Parliament, as to the internal affairs of our Indian people on our reserved lands.

As to the interference in our affairs from outside sources occurring at the present time, we list these as only a small portion of the total number of our grievances.

(1) Fishing and hunting privileges were maintained as inherent rights, on our reservations, at least we were safe from licences and game seasons. Now we are to be disturbed in one of our traditional activities if the proposal of the local Indian Agent goes through. If we allow these interferences to continue, there will be more and more interference confronting us. Precedent will follow precedent and our autonomy will be destroyed eventually.

(2) The province of Ontario is assuming jurisdiction beyond its right in requiring licences to be taken out for our motor driven boats in reservation waters. We hereby protest that the St. Lawrence River runs through the St. Regis Reserve in this vicinity, and that unless and until the Province of Ontario can prove undisputed title to both banks of the river at the point in question, we of the St. Regis Band will claim a certain amount of voice in the regulation of river craft. The licensing of river craft constitutes an unwarranted and unwanted interference in the internal affairs of our reserve.

(3) Under consideration by the Canadian and American governments is the St. Lawrence Power Development Project, and Deep Waterway. We submit that all plans for such project call for the use of certain lands and islands in the possession of Indians. The use of the river through the reservation has been on the basis of certain agreements and franchises which have to do only with the present setup. In all justice any change in the waterway project must involve new contracts, title searches, and extinguishment of fee. We are prepared to state that any attempt to work injustice upon our people in the form of legislation without representation (the revised Indian Act), will result in a people less disposed toward co-operation, and co-operation is desirable in this era of world crises, when the grievances of small nations and minority races are aired in world conference and Canada can not afford to give other nations opportunity to accuse it of fostering persecution and invasion of rights.

We have already objected, in writing and submitted to the Joint Committee, to the high-handed action of the Indian agent of our reserve who seeks to appropriate land through questionable methods for what ostensibly is a project in the public interest. We hold this truth to be self evident, that the soil of our ancestors is the property not only of the present generation but also of the "children yet unborn". We must deliberate to the best of our ability in the administration of the lands we have left. We must be jealous of our inherent right to deal with our property and not be overruled by the white man agent who must needs care less about justice and more about results.

We believe that the bulk of our grievances can be traced to the undemocratic procedures possible under the Indian Act as it stands today. Since we have our own government and have no wish to be bound by the Indian Act, we as a majority do not take part in the election of our "Indian Act Councillors". Through inquiry among our people and testimony given in open council, we have gained this information, which we believe to be substantially correct.

Joe King, councillor, was elected by two votes, Mitchell Jacobs and Richard Cook.

John Debo, Councillor, elected by one vote, Andrew Benedict.

Paul Caldwell, councillor elected by two votes, Mitchell and Richard Seymore, at the Caldwell home.

Clifford White, chief councillor, by one vote, John Peters, at the home of John Peters.

In contrast, we refer you to the Constitution of the Six Nations. This Constitution (originally of the Five Nations) has been praised by many of the statesmen of the world as a remarkable instrument of true democracy. Legal historians state that our government has served as a pattern for all of the great democracies of the modern world. There is provision for woman suffrage, and a means whereby the voice of any member of the tribe can be heard on an equal footing with that of any chief. We have these nine Six Nations Chiefs:

1. Turtle Clan.—Tekarihoken, Aionwhatha, Satekariwate.

Under Tekarihoken is a war chief named "Aionwaehs" who acts as messenger and also speaks in council in behalf of the general public.

2. Wolf Clan.—Sarenhowane, Teionhekwen, Orenhrekowa.

3. Bear Clan.—Tehonakarine, Astawenserenta, Soskoharowane.

Each chief is nominated by a Clan Mother. Actual appointment must be with the unanimous approval of the clan that the chief represents. Impeachment is done at the order of the Clan Mother and executed by the War Chief.

We have hereby made the above representation with what small ability and what few resources were at our disposal. We trust that the Joint Committee will see the justice of a generous attitude on their part toward a people who have only the wish to remain as they are in this modern world when justice and human dignity has been found to be infinitely more important than material progress. We have held and still hold to the illustration made by that faithful servant of the King, Sir William Johnson, when our forefathers and he pledged a friendship that would last forever: we firmly clasp our hands. Then we bind about our arm a golden chain of friendship. We will forever keep this golden chain bright and free from rust. We are hopeful that the end of the chain nearest you will be given the same care.

Respectfully submitted,

PETER MITCHELL,
Chief, Turtle Clan, Tekarihoken.

DOMINIC COOK, Turtle Clan.

MOSES THOMPSON, Bear Clan.

APPENDIX IE

GOVERNMENT OF THE PROVINCE OF ALBERTA

DEPARTMENT OF EDUCATION

A resolution passed at a ratepayers meeting in Hobbema School on Wednesday, January 21, 1948.

Moved by E. Martin and seconded by F. J. Bowman, and carried:—

That the following statement and request be forwarded to officials of the Federal and Provincial Governments for their decision:—

Besides the half-breeds living outside of the Indian Reserves, there are other half-breeds living on the Reserves and these are either adopted by Indians, or came there by marriage of one parent to an Indian, generally a widow with children being married to an Indian man.

The problem is—Who is responsible for the education of these half-breed children living on the reserves, and what provision has been made or will be made for their education?

The opinion of the meeting was that the Federal government should look after these mixed breeds living on the Reserves and the other half-breeds are the charge of the Provincial authorities. It is not just a local problem, but has extensive proportions in the province.

The request is, that this problem be decided and the decision be reported to any school board or school authorities that would be affected thereby.

Submitted by,

A. J. LAW,

Secretary of the meeting.

APPENDIX IF

The following briefs are spoken in Carrier Indian language and translated and written out in English by Chief Jimmy J. Antoine. The whole brief was discussed and selected by:—

Chief Maxime George, Fort Fraser, B.C.
Chief Jimmy J. Antoine, Vanderhoof, B.C.
Councillor Frank Antoine, Vanderhoof, B.C., and,
Councillor Adanas Alexis, Vanderhoof, B.C., for all the Carrier Indians of Central and Northern British Columbia.

The habits and condition of living for Central British Columbia are mostly hunting, trapping, fishing and mixed farming.

But since the outbreak of war many of our boys joined the armed forces, and others went after exciting high wages, on military projects and timbering for war purposes.

And now the veterans and war workers came back on the Reserves, and found out that they are set back far as five years. Rehabilitation is certainly needed on these Carrier Indian Reserves.

For many year, many Indians know many places where there is good looking ore and ground of different nature. But since the Indians have been ill-treated and cheated, they are afraid to show them out. Nowadays, most of these Indians are logging, and they will be back home for spring time, to put in their four to ten acres of oats.

And in fall time they will be all out hunting and fishing, for dry meat and drying fish, and they go on back to work again.

We have one Residential School called Lejac, near Fraser Lake. It's about twenty-six years old. That means no civilization before that time for the Indians. We have had experience of the Residential School at Lejac. That it's one of the best and most up to date, perfect in everything. Clean, good clothes, lots to eat. But on the other hand the examples from some boys and girls are terrible. We know some of these boys tell their story, but they got away with lots of things. Some get away with a whole sack of peanuts, some whole block of cheese, some box of apples. They can enter in any store room with their own made keys, taken sample on piece of paper, every chance they get.

And when they quit school at sixteen with grade four or five they do not want to live with their parents, because their parents are poor and ignorant. So they go out to the city and town, and what next. They simply go crazy, and maybe drunkards, and make fools of themselves. And when they find out that they have not enough education through difficulty of securing a job, from town to town, they go home to their poor parents, and bring back with them only disgrace, including bedbugs, venereal disease, and sometimes pale face babies. So we believe that day-school is the best method for educating the Carrier Indian children. No matter how poor the parents might be, they raise their children in honesty, and the children go through many hardship with their parents, and when grown up they get wise to hardship.

The Northern remote Bands, as Fort Ware, Fort Grahame, Bear Lake and Takla Lake, the Indians from those points have no homes nor doctor nor education facilities. They live on fishing, hunting and trapping. Their country is a good mining country.

The Southern part of Carrier tribe are also far off civilization. They also fish, trap and hunt. This country is a good grazing country. Some have cattle and horses. Some work for white cattle ranchers.

Representation.

1. That the Indians be granted representation in the House of Commons.
2. That a British Columbia Indian representative be elected in the provincial election.
3. One delegate from every Indian Agency as a Tribal representative.

Supervision.

1. The Tribal representative should also be a supervisor knowing both languages—Indian and English.

Chief and Councillors.

1. The election of such Band for Chief and Councillors should be at most, every three years.

2. Right from the top rank of Indian Affairs down to the Indian Agent, they all are government officials, and are paid generous allowances by the Department. We do not see why the Indian Chiefs and Councillors are not counted as members of Indian Affairs, when all services and materials comes from them, or ends with them, responsibilities and difficulties, without any income.

Mining.

1. Since the Indians are not in position in education and in finance to operate a mine, we think our only protection against losing the discovery of such ore or placer, the government should supply the uneducated and trustworthy Indians with grub-stake and tools to prospect. If any discovery of such mine, the government should take over and employ the Indians, and pay percentage to the discoverer as partnership.

2. Education about minerals and mines should be taken into consideration for young intelligent Indians.

Industries.

There are industries on Indian Reserves such as farming, fur-farming, brick-yards and saw-mills. Loans of finances should be made available for establishments of self supporting Indians.

Trapping, Fishing and Hunting.

1. Traplines should be restored to the Indians by all means for the Central B.C. The Indians should use all the wild meat and fish any time for their own use.

Voting.

1. The Indians should be given the privilege of voting at Provincial elections without losing their possessions.

Education.

1. Establishment of non-denominational day-schools on Reserves. Retention of Residential Schools only for the care and education of the underprivileged and children from remote Bands, where day-schools are impracticable.

2. Establishment of vocational training centres so that our boys and girls after leaving school may learn useful trades and occupations, and high-school facilities be made available for those who qualify for higher education.

3. Catholic Missionaries are most wanted men by the Carrier Indian Catholics for their Spiritual affairs, but we believe that in education, religious affairs should be separate from the schools.

4. Qualified teachers should be approved by Provincial School Inspector.

Medical Services.

1. We request that a Sanitorium for treatment of tuberculosis and other communicable diseases be established at a central point within the Stuart Lake

Agency, and also a full time Doctor, qualified Public Health Nurse, and travelling Dental and Eye Clinics for regular visits to Reserves; distant from Doctor, a Dispensary should be provided.

Housing.

1. A supervisor should convince the Indians about better housing, which will lead to modern homes.
2. There should be an economical system of obtaining all housing materials with Government aid.
3. Overcrowding should be prevented.
4. Assistance in building should be provided, as head Carpenters.
5. Water supply should be made available at certain locations on Indian Reserves.

Agriculture.

1. Purchase of additional farm lands, particularly natural hay lands for stock raising, purposes for those who are agriculturally minded, and trying to obtain a living out of soil. Vegetable and fruit gardens should be encouraged.

Enfranchisements.

1. The Carrier Indians are not prepared either by civilization or by education for enfranchisement. But on the other hand the Indians pay all tax, as stumpage and royalty, real estate and school tax. The Indians should vote without enfranchisement.
2. Enfranchisement of Indians should be voluntary at one's own wish.

Intermarriage.

1. Intermarriage of Native Indian women with White persons should be prevented, because their children are only a nuisance to both Indians and Whites in Schools and Churches.

Welfare, Relief and Old Age Pensions.

1. Whereas, the relief rations issued to the aged and incapacitated are totally inadequate, we ask old age pensions for every Indian 60 years and over be paid at the same rate as to the Whites, and the relief rations for the sick and incapacitated be increased sufficiently to provide adequate necessities of life.

Indian Act—"Liquor Traffic".

1. That all sections of the Indian Act pertaining to intoxicants be abolished, and that the Indians be granted the privileges and be governed by the same laws and regulations as the Whites in this respect. Beer for beverage and for consumption should be sold on Indian Reserves on a similar time schedule as for Armed Forces between work hours.

Traplines.

1. Preservation of Beaver and Muskrats should be encouraged at certain points where Beaver and Muskrats are now trapped out.

Police.

1. We recommend that for control of Indians on Reserves, there should be Native Police employed by Provincial or Dominion Police Departments.
2. The Indians have been paying fines, unjustly.
3. The Native Police does not need education as long as he is an able bodied man.

Proving above mentioned, that one Indian man of Prince George has as an assistant as follows:—Mr. Parson, Inspector-Sgt. Walker; Tom Vandyke; Sgt. Clark; Det. McBrain; Dave Anderson; Provincial Game Warden, George Sole. Were all satisfied with their services, when they didn't know even

A, B, C. All have been acting as Special Police searching and trailing for about twenty years.

4. There also should be Game Warden and Forestry Service. Since the Indian pays Income Tax, Fur Tax, Royalty and Stumpage, he should have the right to apply for and get these jobs.

Agency Administration.

1. Whereas, the Stuart Lake Agency is far too extensive to be adequately supervised by one Agent, we recommend that a separate Agency be established at Burns Lake, B.C., to include Stellaquo, Burns Lake, Maxim Lake, Francois Lake, Cheslatta Lake and other Bands.

APPENDIX IG

Kitamaat, B.C.

January 5, 1948.

To the Honourable Gentlemen of the Special Joint Committee of the Senate and the House of Commons.

Gentlemen,—Whereas the purpose of your Committee is to revise the Indian Act, and

Whereas we believe that one of your main interests is the improved administration of Indian reserves and villages,

Therefore we humbly petition your Committee to make the following recommendation to the Department concerned,

That the Kitamaat Band, its village and reserves be transferred from the Bella Coola Agency to the Prince Rupert Agency.

While this may be a small matter as compared with your other interests it is of considerable importance to the Kitamaat people as the following reasons show:

1. Prince Rupert is the centre of the geographical district of which Kitamaat is a part and a considerable amount of Kitamaat business is already taken care of by the Prince Rupert Agency.

2. Mail service is a lot better between Kitamaat and Prince Rupert than between Kitamaat and Bella Coola and we get our mail returned in one week from Prince Rupert as compared with three weeks from Bella Coola.

3. Kitamaat is already under the supervision of the Prince Rupert office of the Department of Health and Welfare.

4. Kitamaat is only forty miles from Hartly Bay which is in the Prince Rupert Agency and the agent from that agency could reach us by adding only about four hours to his travelling time. He can, then, visit us much oftener than can the Bella Coola Agent who is lucky if he can visit us twice in a whole year.

5. It would increase the efficiency of the Bella Coola Agency by eliminating the long, four day trip needed to reach us. This would give the Bella Coola Agent more time in which to take care of the troubles of the rest of his far too extensive agency.

Because the Prince Rupert Agency, like the Bella Coola Agency, is at present under staffed we would also ask your Committee to recommend to the Department that the Prince Rupert Agency be provided with a staff sufficient to handle its present duties as well as the added duties which our transference would impose upon it.

We believe that this is a matter which should have been taken care of long ago and we know that if it is done it will be very much to our advantage as to that of the Bella Coola Agency. If your Committee will do this much for us you may be sure of our very hearty "thank you".

Signed by the Kitamaat Village Council as representatives of the whole Kitamaat Band.

Head Councillor—

FRED WOODS,

Council Members

DON GRANT,
ERNEST GRANT,
KELLY STEWART,
HEBER AMOS,
ALEX GRAY,
JOSEPH BELTON,
JONAH NELSON.

APPENDIX III

The Presbyterian Church in Canada began its mission amongst the Indians in 1866 near the present site of Prince Albert, Saskatchewan. An extensive work was begun on several reserves and churches were built.

When church union was consummated in 1925 a part of this task was undertaken by the United Church in Canada.

At the present time besides the work on the reserves we have two residential schools and one improved day school under the care of our Church—Birtle School, Manitoba; Cecilia Jeffrey School, Kenora, Ontario; and Mistawasis School near Prince Albert, Saskatchewan.

Birtle School—

One hundred and nineteen pupils enrolled, 63 girls and 56 boys, from the following reserves:

Mistawasis	25
Round Plains (near Prince Albert)	4
Rolling River	11
Elphinstone	14
Griswold	6
Valley River	1
Birdtail	15
Waywayseecappo	43

In the Birtle School the course of study as outlined by the Department of Education for Manitoba is followed and all subjects listed therein are taught. All grades attend for the full school-day period from 9.00 a.m. to 4.00 p.m. as in the Provincial schools. With the full-day system almost all children are able to cover the work outlined in the course for the year in that time. Four pupils are doing two grades in the one year. The highest grade is grade eight. Some pupils have voluntarily expressed their desire to return for further education but whether they will or not is yet to be known. In the great majority of cases the parents persuade them to stay home.

Special Subjects:

Household Science, which covers all phases and cooking, is taught to all girls over nine years of age. The four-year course outlined by the Extension Service Branch of the Department of Agriculture for Manitoba is followed. Each group receives one-half day per week of instruction and work and one evening per week. Near the conclusion of the term an Achievement Day is held in the school and all the work is displayed. The public is invited to the display and the articles are judged by a representative from the Extension Branch. Also articles

The boys in grades 3 to 8, inclusive, spend one-half day per week and one evening in Manual Training. This is the first year that a full course has been given in this work. As yet the workshop is too small and only hand tools are available, which limit the type and kind of work being done.

The girls and boys take a keen interest in both Household Science and Manual Training, and spend a great deal of their spare time on this.

Grades 3 to 8 each have two half-hour periods of physical training per week. Some of the classes are held in the auditorium and the others in the playrooms. In the warm weather they are held outside. Boys and girls are taken separately, and the period is spent in teaching folk dances, tumbling, physical exercises and organized games.

The nurse has taken health classes with all grades each week through the term. The senior girls are completing a course in Home Nursing and the senior boys a course in First Aid. These are the courses outlined by the St. John's Ambulance Corps and the students are writing the examination as set by this organization. The representative of the Corps will be visiting the school before the end of the term to test the students in the work covered.

Some vocal music is taught in each classroom by the teacher in charge. The children are very fond of singing. Six boys take violin lessons and there is a very good violin orchestra. They practise for fifteen minutes every day at noon. Twelve girls are taking piano lessons. Some from each reserve are selected; and each practises for half an hour a day.

Staff:

At present we have thirteen staff members. We hope to have a full staff by the beginning of September. The members of the staff are all very co-operative and there are some outstanding leaders among them. They take a very keen interest in the school and its progress, get along with the children exceptionally well and work together harmoniously.

Children's Transportation:

The children from the Birdtail Reserve are brought to and from the school by their parents, and the cost of transportation of the children from all the other reserves is borne by the school.

The biggest item of transportation is the cost of bringing in the children from the Mistawasis and Round Plains Reserves. They are taken part way by train and the rest of the way by truck. This amounts to a considerable sum each year. Each year the Department allows our Society a grant to cover part of the cost.

Sports:

Winter time is the real sport season for these children. The juniors enjoy sleigh-riding on the hills in front of the school. They have a number of hand-sleighs which were in constant use all winter. The rink was most popular with the seniors. Every boy had a pair of skates, as well as all the senior and intermediate girls who wished them. Every day all winter they were out either on the hill or on the rink with a supervisor. The boys took a keen interest in hockey and both the Pee-wee and Midget teams were successful in most games with white teams in the district. The Midgets won all matches.

In summer some football and softball are played. The little girls enjoy the swings but should have a few more. The little boys play a great deal in the bush near the school.

All the children look forward to a party each month. The juniors have their party from seven to nine in the evening which consists of games, supervised by one of the staff, followed by lunch. The seniors' parties usually start as soon as the juniors have left the auditorium for lunch. Theirs consist of contests, games, stunts and some dancing.

June brings the annual picnic and sports days each year. Every Thursday evening a moving picture is shown in the auditorium. One teacher has qualified as an operator of 16 mm. projectors. Films are obtained from the National Film Board free of charge and a number from the Visual Education Branch of the Department of Education. These are both instructive and entertaining.

Farm:

The Principal and Farm Manager strive to have the very finest of animals on the farm and the herd of cows is fully accredited. It is one of the best Dual Purpose herds in Manitoba.

The farm, including a quarter section owned by the Church, consists of approximately 880 acres. A great deal of it is waste land and much of it is hilly, rocky and slough. There are about 125 acres of arable land on the Church quarter and about 200 on the school property.

Most of the produce of the farm is used at the school.

CECILIA JEFFREY SCHOOL, KENORA

The enrolment at the present time at the Cecilia Jeffrey School is 125 but it should be 150. There are many children on the reserves who should be in the schools.

The course of study as outlined by the Ontario school curriculum is followed. Four boys are trying grade 8 this year. The academic work is good, considering the difficulties which the children have to overcome, such as learning a new language and becoming accustomed to school life.

Full-day school is held in the junior rooms and one-half day in the senior room, with the exception of grade eight, which is in school all day. The children who are not in school are attending some other class, such as domestic training, sewing or manual training.

Special subjects:

Special classes for the girls are held in home nursing, health, etc. In the sewing room the girls are taught how to make dresses, tunics, blouses and how to darn and make over clothes. In the kitchen they are taught how to prepare meals, the care of foods and are given instruction in housekeeping.

The boys in the manual training class are given instruction in wood working, repairing, electrical wiring, repairing and building radios, making crystal sets. On the farm they are taught gardening and the care of buildings. They also receive instruction in firing the furnace, pipe fitting, carpentry, glazing and shoe repairing.

The children, under a qualified band instructor, receive training in the playing of various instruments and over a period of years have shown their capabilities in the winning of honours at music festivals. The children also receive instruction in the classroom in singing.

Staff:

There are 15 on the staff. During the war years it was difficult to have all the members of staff as highly qualified as we would have liked but each year we are hoping that the standard will be raised.

Children's Transportation:

The children come from the reserves round about the Lake of the Woods. They are usually brought to the school by their parents, although on occasion the school boat is sent out to some of the reserves. This means that the cost of transporting the children of the Cecilia Jeffrey School is not so great as that of Birtle.

Sports:

Sports are found to be a very valuable aid to training, discipline and good health. Through the Royal Canadian Cadet Corps, skis, snow shoes, practice rifles and ammunition were procured. The school hockey team won the championship for the Kenora district and again had the privilege of playing the Winnipeg and Manitoba champions in Winnipeg.

The girls are gradually losing their shyness and are making considerable progress in skating, softball and basket ball. The girls use the senior classroom for reading and quiet games in the evening. The boys have a similar arrangement in the intermediate classroom.

Farm:

The farm of 220 acres is owned but only about forty acres are arable. Two farms are rented, totalling 250 acres, with about 60 acres arable.

The stock on the farm is of good breed and each year the produce is practically all used at the school.

The farm played a big part in keeping up the standard of good food. There was sufficient milk at all times and usually enough eggs for two or three meals a week.

MISTAWASIS DAY SCHOOL

The teacher at the Mistawasis school is the missionary in charge, who is deeply interested in the Christian life of this reserve, ministering to all Indians, old and young.

The children who attend the day school receive a hot meal at noon. Our Society gives a grant each year towards the cost of providing these meals. Bales of clothing are sent in to be distributed amongst the needy. The school and the manse are used as centres for any social gatherings of the Indians.

Comments:

While there are plenty of children on the Reserves, parents are not always willing to send them to school. One of the reasons why the children do not progress as much as they should in their academic studies is that they do not come in until they are nine, ten, and eleven years old rather than beginning at six years of age. One marvels at the progress they make considering that they have to get accustomed more or less to school life, learning a new language as well as new customs. We feel that a definite effort should be made to persuade the parents to bring their children to the school at the age of six years. Then we might have more who would want to go on beyond grade eight.

In both schools there is the need for sports equipment. The health and happiness of the children require that they be kept in the open air as much as the school program will allow, and if there is sufficient sports equipment provided they will be much more contented.

In the schools more labour-saving devices should be installed, so that the children would not spend needless hours in the ordinary routine tasks of washing dishes and preparing vegetables, etc.

In the manual training shops more equipment should be provided that the standard of training might be raised to a higher level.

In reports received from the schools we know that an attempt has been made during these last few years to try to develop the social spirit amongst the children, as well as to introduce among them some idea of organization—for example, Girl Guides, Canadian Girls in Training, and Mission Bands. Choirs have been organized in both schools and the natural love of the Indians for music is being carefully cultivated. We point with pride to our Band at the Cecilia Jeffrey School, which has won notable recognition at music festivals in Winnipeg, and we would remember those boys in the Birtle School who have been learning to play the violin, and the girls who have learned to play the piano. It is always our hope that on their return to the Reserves these children might awaken in the hearts of their own people the desire to develop their musical ability.

A great deal of use has been made of film projectors in the schools as a means of instruction and entertainment.

We are grateful for the increase made in the grants this year but we do feel that a still greater increase is needed if we are to get the right kind of members of staff and keep the schools up to the standard of efficiency which the department requires.

Religious Education:

In all schools careful thought is given to religious instruction. Each school day opens with Scripture reading and prayer in the classrooms. In the Cecilia Jeffrey School, the lower grades are now using for a guide the daily religious instruction as prepared for the schools in Ontario.

Chapel services are held for the whole school two evenings a week and on Sundays there are Church services and Sunday School, special services being held at Easter, Christmas and Thanksgiving.

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