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REPORT

OF THE

INDIAN ACT CONSULTATION MEETING

PRINCE GEORGE, BRITISH COLUMBIA

OCTOBER 14, 15, 16, 17, 18, 1968

PARTMENT OF INDIAN AFFAIRS NORTHERN DEVELOPMENT

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REPORT OF THE INDIAN ACT CONSULTATION MEETING
HELD AT
PRINCE GEORGE, BRITISH COLUMBIA
OCTOBER 14, 15, 16, 17, 18, 1968.

CO-CHAIRMEN

Mr. George Manuel,
P.O. Box 479,
Duncan, B.C.

Mr. Ronald Seymour,
Fort George Band,
Shelley, B.C.

Mr. A.C. Roach,
Superintendent,
Stuart Lake Indian Agency.

Mr. Nicholas Prince,
Necoslie Band,
Box 505,
Fort St. James, B.C.

Mr. J.V. Boys,
Regional Director of the
Department of Indian Affairs
and Northern Development.

BAND SPOKESMEN

BAND	SPOKESMEN
Necoslie	Mr. Nicholas Prince, Box 505, Fort St. James, B.C.
Stellaquo	Mr. Peter Luggi, Box 222, Fraser Lake, B.C.
Fraser Lake	Mr. Zaa Louie, Fort Fraser, B.C.
Stony Creek	Mr. Jasper Thomas, Vanderhoof, B.C.
Stuart-Trembleur Lake	Mr. Harry Pierre, Box 617, Fort St. James, B.C.
Fort George	Mr. Ronald Seymour, Shelley, B.C.
McLeod Lake	Mr. Andrew Solonas, McLeod Lake, B.C.
Takla Lake	Mr. Charlie French, Burns Lake, B.C.
Finlay River	Mr. Tommy Poole, Fort Ware, B.C.
Ulkatcho	Mr. Freddy West, Anahim Lake, B.C.
Alexis Creek	Mr. James Hunlin, Redstone, B.C.
Toosey	Mr. Casimer Isnardy, Riske Creek, B.C.
Williams Lake	Mr. George Abbey, Box 1, Williams Lake, B.C.
Kluskus	Mrs. Agnes Chantyman, Masko P.O., B.C.
Nazko	Mr. Phillip Patrick, Nazko P.O., B.C.
Anaham	Mr. Douglas J. Hance, Alexis Creek, B.C.
Quesnel	Mr. Dominic C. Lebrun, Box 1615, Quesnel, B.C.
Stone	Mr. Duncan Amut, Hanceville, B.C.
Alkali Lake	Mr. Charles T. Johnson, Alkali Lake, B.C.
Alexandria	Mr. Frank Joe, Box 115, Marguerite, B.C.
Canim Lake	Mr. Edward F. Dixon, Box 55, Canim Lake, B.C.
Moricetown	Mr. Johnny Mack, R.R. No. 1, Smithers, B.C.
Hagwilget	Mr. Alfred Joseph, New Hazelton, B.C.

BAND	SPOKESMEN
Hudson Hope	Mr. Thomas Hunter, Wonowon, B.C.
Slave	Mr. Harry Dickie, Box 449, Fort Nelson, B.C.
Fort St. John	Mrs. Marquerite Dominic, Rose Prairie, B.C.
Omineca	Mr. Thomas K. Morris, Grassy Plains, B.C.
Burns Lake	Mr. Frank Tibbetts, Burns Lake, B.C.
Lake Babine	Mrs. Margaret Patrick, Box 505, Burns Lake, B.C.
Cheslatta	Mr. Alex Peter, Grassy Plains, B.C.

CONSULTATION TEAM

Department of Indian Affairs and Northern Development	Mr. Cy Fairholm
National Indian Brotherhood	Mr. Walter Dieter
Department of Indian Affairs and Northern Development	Mr. Steve Roberts
Department of Indian Affairs and Northern Development	Mr. George Rimek
Department of Indian Affairs and Northern Development	Mr. Les Smith
Department of Indian Affairs and Northern Development	Mr. Arnold Fraser
Department of Indian Affairs and Northern Development	Mrs. Marian Smythe

October 14, 1968

The Co-Chairman Mr. Boys welcomed the delegates to open the meeting. In anticipation that some delegates might have wondered why the meeting was started on a National holiday, he explained that there were a number of meetings that had to be held yet and there was a need to utilize every day remaining until Christmas when all the consultation meetings had to be completed; however, he noted that the meeting to be held between the Indian representatives from every Band in British Columbia and the Federal Government was a first in history and perhaps it was something to be thankful for that the meetings should begin on Thanksgiving Day.

Mr. Boys then introduced Mr. George Manuel as a Co-Chairman pro tem. He said Mr. Manuel was a former president of the North American Indian Brotherhood and formerly a member of the Regional Advisory Council. Mr. Manuel was also Chairman of the National Indian Advisory Board. Mr. Boys told the group that they would be given an opportunity to choose a Co-Chairman later, if they so wished.

The Co-Chairman Pro Tem Mr. Manuel expressed a wish that all the delegates would be prepared to offer their views on the important matter of changes to the Indian Act. He asked all delegates to introduce themselves.

Mr. Nicholas Prince of the Nescoslie Band during the self-introduction of the delegates, found it necessary to advise the meeting that there were some delegates present who have not been to meetings such as the one underway and that discussion should proceed slowly for their benefit.

All delegates, in turn, stood and introduced themselves.

Mr. Boys introduced Mr. Walter Dieter and explained that Mr. Dieter was President of the National Indian Brotherhood and that he was attending all consultation meetings. He then introduced members of the Headquarters and field staff.

Mr. Prince wished to know if the meeting would follow the regular formal procedure. He was informed by Mr. Boys that the handling of the meeting would be in accordance with the wishes of the delegates.

Mr. Boys told the delegates that they would be given an opportunity to choose a Co-Chairman and they might also wish to establish an order of discussion and to set hours for starting in the morning and finishing at night. He said the usual procedure was to start at 9:00 o'clock and break at 12:00 o'clock and to resume at 1:30, closing at 5:00 o'clock. The majority of delegates indicated that they were agreeable to time schedule.

Mr. Ronald Seymour of the Fort George Band proposed that discussion of the Indian Act, section by section, be established.

Mr. Jasper Thomas of the Stony Creek Band agreed with the suggestion by Mr. Seymour.

Mr. Boys asked if the other delegates were agreeable with the proposal by Mr. Seymour. The majority indicated that they were in favour.

Mr. Boys asked Mr. Fairholm to address the opening remarks to the Indian delegates at this meeting.

Mr. Fairholm said that this was the eighth meeting that he and Mr. Dieter will have attended. They met first in Yellowknife with the Indian people of the Northwest Territories, then came the meeting with the representatives of the Indian communities of the Maritime Provinces held in Moncton, New Brunswick, then there were three meetings with the Indians of Ontario held at Toronto, Sudbury and Fort William, followed by a meeting with the Indian people of Saskatchewan at Regina and finally the meeting with the Indians of Quebec held in Montmorency, Quebec.

Mr. Fairholm explained that the meeting at Prince George was the first one held in British Columbia. The purpose of these meetings were to find out what the representatives of the Indian communities across Canada thought should be in the new Indian Act. He said that the Act dealt, at the present time, with such matters such as Indian status, membership, reserve lands, sale, management and leasing of lands, administration of estates, the selection, composition, powers and functions of Indian Councils, seizure of property, protection of treaties in some respects, education, taxation and liquor. However, the Act did not deal with many matters, such as housing, welfare programs, training for employment and many other matters concerning Indians in their everyday life. These were to be found in other federal and provincial laws or there was provision for them in the annual estimates that were passed each year by Parliament to provide funds to carry out various programs.

Mr. Fairholm said that the Indian delegates assembled at this meeting were there to represent their particular bands, to say what they thought ought to be done for the future. The prime role of the departmental officials was to listen to the delegates, to offer explanations about the present provisions of the Act and to help to make these talks as productive as possible, so that by discussion the Department could have a better idea about what the Indian people thought should be contained in the new law.

Mr. Fairholm went on to say that there were many views expressed by the Indian people in the past as to the content of the Act, and suggestions in this regard were made by individual band councils, by Indian organizations, Regional Advisory Councils and the National

Advisory Board; many questions that were set out in "Choosing A Path" were those raised by the Indian people somewhere across Canada.

The Department was told that the Government wanted a law which would allow the various Indian communities to choose for themselves how much of their own business they wanted to do. He thought that the Indians would like to make sure that powers of the people — that the powers of members of the Band, of the Band Council and of the Government were properly set out. They would perhaps like also to include in the new Act some other matters that were not in the present Act or they could perhaps go as far as to suggest that there should be no Indian Act at all. The delegates should say quite clearly what they thought should happen in their own particular communities and not to think about other communities; by freely expressing their own views, the Government would then be in a better position to suggest those changes that would be desirable.

Mr. Fairholm said that the report of this meeting would go not only to every spokesman, Chief, and Councillor concerned with this meeting, but to every Indian spokesman, Chief and Councillor across the country. The delegates here would also receive all the reports of the other meetings; the first reports were expected to be completed very shortly. They would then be in a position to make their own comparisons with what Indian spokesmen in other areas of Canada and other parts of British Columbia were saying about all matters that were of concern to them. The reports would also be received by all members of Parliament so that they would also have a better idea what the Indians thought should be included in the new law — this was very important because the final decision on this new law would be made by the members of Parliament. Mr. Fairholm said that both the Minister of Indian Affairs, Mr. Chrétien, and the Minister Without Portfolio who had been assisting him in this work, Mr. Andras, have said that there would be another opportunity for consultation, although the exact form of it had not yet been determined. It was also expected that a meeting would be held in Ottawa, probably sometime in January, 1969, when representatives of the various meetings, together with a nominee from each of the major Indian Associations would meet to review the reports from all the meetings across Canada. He then asked the Indian delegates before the meeting ended, to elect one person as their representative to go to Ottawa and one or two persons as alternates. He added that if any delegates had new ideas or change in ideas already expressed about what should be in the new law after reading reports from other meetings, it would be quite in order for them to write about it to the Department of they could write or tell their member of Parliament.

Mr. Fairholm concluded his remarks by expressing his hope that this meeting would be a very successful one.

Mr. Boys moved the meeting to the next item on the agenda which was the election of the Co-Chairman for the week to act with him:

Mr. Harry Pierre, seconded by Mr. Frank Tibbetts, moved that Mr. Nicholas Prince be the Co-Chairman.

Mr. Nicholas Prince said that the Indian delegates decided at their previous meetings held during the past three days that two Co-Chairmen should be elected from their ranks who would alternate each day.

Mr. Boys said that this was a very good idea and remarked that he would also like to have someone to replace him every other day:

Mr. Nicholas Prince, seconded by Mr. Jasper Thomas, moved that Mr. Ronald Seymour be the second Co-Chairman elected by the Indian delegates.

There were no other nominations, and after Mr. Peter Luggi, seconded by Mr. Charlie Johnson, moved that nominations were closed, the delegates unanimously agreed to the election of Mr. Nicholas Prince and Mr. Ronald Seymour as their Co-Chairman.

Mr. Ronald Seymour wondered whether or not it was necessary for the press to attend the conference.

Mr. Fairholm said that right from the beginning it was thought desirable that all the discussions be opened to the public since it would be very desirable for people generally to know what particular problems the Indian people faced and what they themselves thought should be done; so that there would be greater awareness of the Indian point of view -- and the best way of achieving this was to have not only open meetings where anyone who was able could come, but to have reports in the press about the meetings. All of the meetings to date had been completely open to everyone -- furthermore, some of the Indian people wanted them to be conducted in this manner.

Mr. Boys then asked Mr. Dieter, President of the National Indian Brotherhood, who attended all the meetings to date, to say a few words to the Indian delegates.

Mr. Walter Dieter said that he did not speak too often at these meetings, and that he did not want to say what happened at previous meetings because that could change some of the views of the delegates or it could stop them from expressing their own views. He said that his organization, which represented a number of Indian organizations across Canada, was trying to set up a group of people that would look after the complaints of the Indian people. He said that at the present time they had a group of lawyers who were studying various claims of the Indian people, such as in regard to lands and treaties; he felt that this was a start for the Indian people to be able to have more say about their future. He said that one of the main objects of his organization was, on the one hand, to preserve Indian culture and, on the other hand, to get a better understanding of those white man's ideas that were good and that would enable the Indian people to govern themselves. He asked the delegates to express frankly all their views and if they had anything they felt they missed at the meeting, he asked them to send him (he said he would give them his address at the conclusion of the meeting) any

brief or submission; Mr. Dieter assured the Indian spokesmen that the National Indian Brotherhood of Canada, representing almost all Indians in Canada, would give them its support.

Mr. Harry Dickie of the Slave Band asked Mr. Dieter whether his organization was supported financially by the government.

Mr. Dieter replied that the National Brotherhood of Canada was supported at the present time by nobody, although he got one contribution of about $55,000 from an individual. He said that in order to operate effectively, an organization of the size of the Brotherhood would require about $1,000,000 annually.

Mr. Dickie explained that he asked his question because he felt that if Mr. Dieter was paid by the Department, he would be looking after the interests of the Department rather than after those of the Indian people.

Mr. Dieter told Mr. Dickie that he could ask any official of the Indian Affairs Branch about the way in which he dealt with the Department.

Mr. Boys explained that Mr. Dieter was not in any way associated with the Department of Indian Affairs; he said that Mr. Dieter was travelling on behalf of the Indians of Canada.

The meeting was adjourned until 1:40 p.m.

The Co-Chairman, Mr. Nicholas Prince of the Nescoslie Band called the meeting to order. He noted that the Indian delegates had had a three-day warm-up session at the hotel to discuss the points among themselves. He advised that he would like the committee members to understand that some of the people are shy and that is why they decided to sit in groups from the same general area. In this way, if one is afraid to speak, someone else from the group may talk for them. He reiterated that consultation meetings are for the benefit of the Indians and that it was up to them to say what was required. He suggested that the meeting get down to business for there were only four and one-half day left of this sitting.

Mr. Peter Luggi of the Stellquo Band inquired as to how many Indians were involved in writing the booklet "Choosing a Path".

Mr. Fairholm advised that the various Regional Advisory Councils across Canada discussed the Indian Act, starting in the fall of 1965 and for part of 1966 and noted that there are more than eighty Indians from different parts of Canada on these Councils. The Regional Councils selected a National Indian Advisory Board consisting of

some seventeen or eighteen people. The various questions in the Booklet came from points raised by the Regional Councils, the National Board, Band Councils, Indian organizations and others.

Mr. Charlie French of the Takla Lake Band advised that he did not hear of this and that many things go on that the older generation do not hear about. The younger generation read, write and listen to T.V., but the older people do not know or understand the Act. He advised that everything seemed to be working well in his area with the Superintendent but today the Act and Medical Plan come up and the older people do not understand these changes. He noted that, with the Superintendent, if someone was ill, the Superintendent could be advised and an aircraft would be available quickly and the trip paid for by the Department, but with the Medical Plan, this does not happen. "We have problems and isolation", he said. He noted that he was here in place of Mr. Mark French who sent some papers for Mr. Nick Prince to read. He believed that in the future the young people will take over but the older people have to start now for them. The old people receive the old age pension, do a little fishing and hunting for exercise and food, but they know very little about the Act and the changes. He advised that he had the Booklet explained to him by some of the better educated people in his area, and was of the opinion that some points are good and some are not.

Mr. Prince believed that the question raised here was "were the isolated people taken into consideration when the booklet was prepared".

Mr. Dickie inquired as to whether the Advisory Councils were sponsored by the Government.

Mr. Fairholm advised that for many years in some Provinces, there was no one the Department could consult with to obtain opinions except each Band and since there were over six hundred communities, it was difficult to consult with each separately. In 1964 or 1965, it was suggested that there ought to be an advisory council, which was agreed to by the Department and regional councils were established by electing representatives from various zones within the region. In British Columbia there were also representatives from the Native Brotherhood of British Columbia, the North American Indian Brotherhood and the Homemakers' Clubs. The Department assisted by paying for such things as transportation to meetings and lodging. He noted that to that extent, it was sponsored by the Government. He also advised that there were similar councils in other Provinces.

Mr. Dickie inquired as to who represented his area, as he had not seen any representative in his area.

Mr. Manuel explained his involvement, which began in 1965, noting that in his area they were aware of the proposal and formed in their Agency a District Council which had a preliminary election. He noted that, in many areas, they were not as aware of the introduction of the regional council. He was of the opinion that the requests were confused with previous requests for representatives

for the British Columbia Provincial Indian Advisory Committee to discuss the Indian Act with the Federal House Committee. He advised that the member elected for the area under question was Mr. James Antoine but he did not know how people were involved in voting. He said that, at a Brotherhood Meeting in Kamloops in 1966, it was suggested that zone representatives should visit each Reserve in his zone but the Department did not undertake to finance this. He believed that the Indian people had a responsibility to raise the necessary money for travel and if they did, the representatives would be happy to visit each Reserve if they were invited. He believed he had a responsibility to visit but the people had a responsibility too. He advised that he had visited some Reserves in his zone to try and explain what was being done. Mr. Manuel said, in his opinion, the Booklet was not intended to be the final presentation which will be used in the new Act. The meeting was to get the opinion of the people of the area as to what type of Act was wanted. He believed that the Act would be as flexible as possible as the expectations of the Indian people vary a great deal.

Mr. Duncan Amut of the Stone Band inquired as to who wrote the Booklet in the first place and why.

Mr. Fairholm noted that the Booklet was actually written by people in the Department, based on discussions that had taken place in the Indian Advisory Council's National Advisory Board and views that had come from Indian organizations and band councils. He advised that the Booklet was prepared so that the Indian people would know what questions had been raised and so that these could form the basis for discussion. Mr. Fairholm, in answer to a further question from Mr. Dickie, noted that the initial idea of the Council was to obtain the personal views of the members. It was realized earlier that these members had no way to report back to the Reserves or to obtain information from them as they were working, so that the only available time for consultation was the week-end and at their own expense. This appeared to be a weakness in the system and a problem.

Mr. Dickie noted that the Department therefore was not aware that some Reserves were not represented.

The Co-Chairman Mr. Boys advised that notification was sent to each Chief in the Province on the proposal explaining how to nominate representatives and the system for voting, but many Bands did not participate. Since 1965 there had been a Regional Advisory Council Meeting about every three or four months and well documented minutes of these meetings mailed to each Chief at the addresses they had. It was difficult to know how else they could get this information back to the Reserves except by travel. He noted that perhaps, as Mr. Manuel had suggested, the Bands have a responsibility here.

Mr. Manuel believed that communications also break down sometimes during a change in Council. It takes time to send the change to the Regional Office and the previous Chief may not pass the material on to the new Council. He noted this also happens to the minutes of the National Advisory Board, but it is nobody's fault as it takes time to correct the lists and addresses.

Mr. Frank Tibbetts of the Burns Lake Band noted that many of the Chiefs and Councillors are not paid to do their job and in many places, they cannot get around because of scattered areas. He asked why they were not paid to do their jobs.

The Co-Chairman Mr. Nicholas Prince believed that it should also be understood that many Bands, especially the isolated ones, do not keep minutes or records of their meetings and are therefore not well informed. He noted that some of them had not seen the Booklet until they came here.

Mr. Jasper Thomas of the Stony Creek Band suggested that the meeting start on the questions and changes.

Mr. Harry Pierre of the Stuart-Trembleur Band asked whether the meeting must follow the Booklet or can reference be made to anything in the Act.

Mr. Boys noted that delegates were free to refer to the Act, the Booklet or to present their own ideas. He noted that one of the bigger problems was communication - trying to get each to understand the other so that the discussion would be good. He advised that he would be happy to hear of any ideas on how communication could be improved on a continuing basis. He said that he had considered using a special radio programme but this would not let people answer with their own views.

Mr. Douglas Hance of the Anaham Band suggested setting up an office on each Reserve, where there were enough people, where Departmental representatives could present a stated number of days per week or month to answer the peoples' questions to discuss their problems with them and to obtain their ideas and keep them informed as many Indians lack transportation to the existing offices.

Mr. Ronald Seymour of the Fort George Band inquired as to whether the Agency staff have too much control over the Band Councils as to who is nominated for Advisory Council.

Mr. Manuel advised that he was not aware of how all elections were handled but in his case, it was done by themselves and the Department excluded entirely. For the National Board, he advised that they elected their representative from the Regional Council and the National Board elected its own Chairman.

Mr. Boys noted that a letter was sent out from the Regional Office to all Chiefs and Councils and some Councils took them to the Superintendent for information and advice. Since it was a

new experience there may have been some departmental assistance in some areas, but not in all. He did not believe that generally Superintendents dominated. He noted that in respect to the Regional Council Meetings, the Department was informed as to what the Council wished to discuss. The Council had their own Chairman and runs their own show. He did not think there was much influence by the Department.

Mr. Dickie noted that perhaps Indians do not pay enough attention to their mail but often their letters go unanswered.

Mr. Boys agreed that this happens sometimes and apologized for it. He advised that the staff is instructed to answer all mail, but sometimes it takes time, particularly if other Governments or Agencies were involved.

Mr. Dieter noted that one of the first things that was recognized when starting the Federation of Saskatchewan Indians was the lack of communication between the Reserves and the Department. The Province was divided up into ten areas and they tried using tape recorders with tapes sent from his office on various programs in the appropriate tongue but this became too expensive. The Federation then received the approval of ARDA to hire Indian people to visit the Reserves, talk to the people, explain the programs, and what was happening throughout the Province. He advised that this was working out quite well, although distance was still a problem but it provided a vehicle for communication. This was the type of program they would try to do on a National scale although it would be very expensive.

Mr. Thomas Morris of the Omenica Band noted that he could understand their lack of funds as his Reserve was scattered and most of the time he could not distribute the papers and visit for lack of money. He advised that he went to see them all about this meeting. In his opinion what was needed was some understanding of what was going on and hoped to get some ideas from the other delegates in this respect.

The Co-Chairman Mr. Prince suggested that one of the purposes of the meeting was to suggest policies and the policy being suggested was that the Act be written so that ordinary people could understand it. Right now the Act was written for judges and lawyers but it must be remembered that changes cannot be made immediately.

Mr. Dickie believed that the Act should be taught to the children in school.

Mr. Peter Luggi of the Stellaque Band believed this was important to the future of the Indian children and it should be taught in school.

Mr. Dominic LeBrun of the Quesnel Band noted that he had been Chief for thirty-four years and knew what the people say and think. He advised that he could not understand or believe all he had heard or read during the meetings. He noted that he was against welfare and believed Indians should have the right to hunt and fish as before.

Mr. Prince reviewed the text on question one in the Booklet. He noted that there were only five days and he would like to have more comments from the floor.

Mr. Dickie suggested they start with Indian status so that all knew what we were talking about.

An Observer asked if they could have more discussion on the wording of the Indian Act.

Mr. Prince was of the opinion that all the delegates knew they were governed by the Indian Act regardless of whether they were on or off the reserve. "The question is why is there an Indian Act". When it was last revised there were no consultations like this. He noted that it had been suggested that there should not be an Indian Act. It was up to the delegates to say. He inquired whether the Indian Act set people apart from the rest of society as an Indian and not as a Canadian.

Mr. Luggi noted that the Indians born here were not Hindu.

Mr. Zaa Louie of the Fraser Lake Band was of the opinion that consultation must take place on a continuing basis and not once in a generation.

Mr. Douglas Hance advised that to him there was no question the Indians were the true Canadians.

Mr. Prince noted the people were called Indians because Columbus made a mistake. "Should the book be called the Indian Act. We are Canadians".

Mr. Douglas Hance was of the opinion that this was not a big question and the delegates were talking in circles.

Mr. Alfred Joseph of the Hagwilget Band noted they were only talking about the Indian Act and should not forget the White Act. The enfranchised Indian gave up his rights but should be considered too.

Mr. Prince was of the opinion that the meeting was not getting anywhere. Within the next five days they would have a chance to think about it and perhaps it could be answered then. Someone suggested Indian status as the subject. The word Indian keeps coming up and without realizing it they were talking about themselves as Indian. There had been an active discussion on this in their own session.

Mr. Dominic LeBrun noted that the Indians had been prevented from following their own way of life. He advised that the police once told him that he could get all the fish he needed with a hook but not a net. Indian rights should be returned.

Mr. Ronald Seymour believed there was no need to change the name. Even if it was changed it would not change their status. A bear is known by different names in different dialects, but this did not change the bear.

The Co-Chairman Mr. Prince noted that this was discussed at their previous session. Changing the name would not change the status or make a person better or worse. The meeting would like to know what each thought.

Mr. Harry Dickie did not believe it was so important to change the name. It was the Act that was important, not the name.

Mr. Charlie French did not see how the name could be changed.

Mr. Frank Tibbetts believed the name should remain the same since the Act deals with the Indian people, their rights and responsibilities.

Mr. Harry Pierre of the Stuart-Trembleur Lake Band inquired as to who named it "The Indian Act".

Mr. Fairholm advised that there has been legislation concerning "Indians" for over one hundred years, although they were not all called the "Indian Act". There were laws respecting the management of Indian lands and the prohibition of liquor sales to Indian people and certain laws about membership in Indian tribes and bands. These were all consolidated into one Act nearly one hundred years ago and called "The Indian Act" because it dealt with Indian matters. The name had continued to this day, so that in effect, it was the Parliament of Canada that gave the Act its name.

Mr. Prince noted there were such things as Liquor Act, a Housing Act and many Acts pertaining to things which are not human — then there was the Indian Act. He inquired as to why this should be so.

Mr. Douglas Hance inquired as to what else it could be called. Anything that was done must have a system, even in hunting. It was the system that counted. He asked "Why do we fear to call it the Indian Act?"

Mr. Harry Dickie noted that the flag was changed, they did not change the name. It is still a flag. He suggested the meeting proceed with other subjects.

Mr. Prince referred to the matter of Indian status which, he said, is touched upon by Sections 4 and 10 in the Indian Act. He asked the delegates whether they preferred to discuss the Sections of the Indian Act or to discuss the 34 questions.

Mr. Ronald Seymour moved that Indian observers be allowed to express their opinion of matters under discussion on the floor.

The Co-Chairman Mr. Prince asked for a show of hands to obtain the wishes of the delegates in regard to Mr. Seymour's motion. A majority was in favour of observers being allowed to speak.

Mr. Harry Dickie asked if the question regarding Band membership should not be discussed. Mr. Nicholas Prince replied that it would be in order for the delegates to discuss Band membership next.

Mr. Fairholm mentioned that there was another area which seemed to always come up for discussion at consultation meetings. He said there were certain rules set out in the Indian Act regarding membership. Some of the rules are not satisfactory to some groups but are satisfactory to others. He thought it was important for the delegates to say what was good for their own community. He referred to the question concerning the children of unwed mothers. The main question seemed to be "should the child of an unwed mother become a member regardless of who the father is". Under existing regulations, he said, a child is put on the Band list and the addition may be protested within a period of one year if it was felt that the father was not an Indian.

Mr. Harry Dickie was in agreement with the idea that children should take the status of their mother. He felt that the period for protesting should be reduced from one year to one month.
Mr. Fairholm said that some groups felt that children should always take the mother's status as everybody always knows who the mother is although the father might not be known.

Mr. Nicholas Prince mentioned that the term "non-Indian" did not always mean a white person but that it could refer to persons who were Indian but were enfranchised. He encouraged delegates to ask questions and stated that if they did not understand the matters being discussed, they should seek help from the delegates in their area.

An Observer asked Mr. Boys what would happen to children of unwed mothers if the children were not admitted to the Band. He asked who would take care of the children.

The Co-Chairman Mr. Boys presumed that the responsibility for children where there was no parental responsibility, would be looked after by the Provincial Welfare; however, he felt it was inconceivable that a case of absolute parental neglect would occur. He said the great concern was whether children should be Band members and not who should look after them.

Mr. Fairholm cited a hypothetical case to illustrate what could happen under the present Act. He said a child born to an Indian unwed mother could be put on the list as soon as it was born. If addition of the child was not protested, it would remain on the list. Later on, another child could be born to the same parents as the first child and if someone protested, the child would be removed if the father was a non-Indian. As a result, he added, there would be two children with the same parents where one would be a Band member and the other would not.

Mr. Nicholas Prince thought that most of the delegates were familiar with a particular case in Moricetown. He said that an Indian couple raised a child but could not adopt it and the child was taken away. If the Act was more flexible, parents in such cases could legally adopt children.

Mr. Manuel pointed out that where persons can be denied or deprived of Indian status through various means, the delegates should remember that there are no provisions in the present Indian Act for anyone to regain Indian status.

Mr. Duncan Amut of the Stone Band asked how old a child must be before it could lose its status as an Indian. Mr. Fairholm replied that a child might lose its status at any age. He said in cases where protests are made on grounds that the father of a child was a non-Indian, the child could be very young. If a child was to be enfranchised with its parents, it could be any age up to twenty-one (21) years. He added that the same circumstances would apply if an unwed mother married a non-Indian as she could take all her children of all ages up to twenty-one years with her.

Mr. Duncan Amut asked if an Indian woman's husband belonged to another Band would her child lose its status.

Mr. Nicholas Prince noted, at that point, that Mr. Amut's question was the type which they were faced with during the three-day meeting, when they discussed proposed changes to the Act; however, he thought Mr. Amut's question merely involved the move from membership in one Band to another.

Mr. Duncan Amut asked if the women could transfer to the husband's Band.

Mr. Prince replied "Yes".

Mr. Duncan Amut then wanted to know whether the woman would still hold her status.

The Co-Chairman Mr. Boys confirmed that the woman would retain her Indian status and would automatically become a member of her husband's Band.

Mr. Fairholm asked if there were any local problems involving the children of unwed mothers. Mr. Duncan Amut then said he had his children taken away by Welfare. He wanted to know if the Department could arrange for the children to be returned to him. The Co-Chairman Mr. Boys asked for clarification of Mr. Amut's question, and suggested that Mr. Amut was really asking whether a child could be returned to their parents where a child was taken into care by Provincial Authorities. Mr. Duncan Amut said that that was what he wanted to know.

The Co-Chairman Mr. Boys assured him that a child could be returned to the parents if the situation improved.

Mr. Fairholm mentioned that a child does not lose its membership just because it needs someone to look after it.

Mr. Harry Pierre asked whether a child could be rejected by the Band against the mother's wishes.

Mr. Fairholm said a child could be rejected only if a protest was made on the grounds that the father was not an Indian. He added that there were no other grounds on which to protest the addition of an illegitimate child.

Mr. Harry Pierre asked, with reference to a child born of an Indian woman and a non-Indian father, if rejection by the Band meant that the child would lose its status.

Mr. Fairholm wished to have an example of a case which could then be discussed.

Mr. Harry Pierre said that there was a part Indian child on his Reservation. The child, fourteen years of age, had lived on the Reserve over the years without any objection from the Band. He is not registered as an Indian, although he attends the Indian School.

Mr. Fairholm said he could tell of one kind of case where the same situation could have existed. He explained that prior to 1956, if there was a Statutory Declaration signed by the mother stating that the father of her child was not an Indian, the child would not be put on the Band List. He said that there were many such cases like the one given. He added that the law was changed in 1956 whereby illegitimate children were put on the Band lists first and removed only through protest on the grounds that the father was not a member of a Band. He said it could very well be that the father of the boy Mr. Pierre referred to was not an Indian and the child would not have been put on the Band List, although he might have continued to live with his mother and be raised in the community. The question really was, he stated, should that child have ever been in that position or should he have always been part of the Indian family with his mother. He said that this was the kind of thing one asked about for the future - what should happen to children in these circumstances?

The Co-Chairman Mr. Prince noted that the present Act states that a child of an unwed mother, whether its father was a non-Indian or not, remains a Band member. On the other hand, an Indian woman who marries a non-member loses her status and her children would not have Indian status either. It was confusing, he added, particularly as the children of unwed mothers are put on a Band list but the children of women who marry non-members are not.

Mr. Duncan Amut wanted to know more about the changes referred to by Mr. Fairholm. Mr. Fairholm said he referred to changes made in 1956. Mr. Duncan Amut asked whether the change was made in the Federal or Provincial law. Mr. Fairholm explained further that the change was made by Parliament in 1956. He said that in 1955 or 1956, he was with a group which met with Indians in British Columbia to discuss changes to the Act and that changes were made after the meetings.

Mr. Ronald Seymour asked if a child who loses its status and is later on adopted by an Indian family, could it regain its status. Mr. Fairholm replied that it could not under the present Act, and that was why coverage of this matter was included in the 34 questions. The Co-Chairman Mr. Prince thought that Mr. Ronald Seymour's question was a good one. He thought it was up to the Indian people to make changes as flexible as possible in order to solve the various situations and problems.

Mr. Douglas Hance asked how they would go about making it possible for children to regain status. The Co-Chairman Mr. Prince said the purpose of the consultation meeting was to change the policies to make it possible to readmit children into the Band. He said they should be concerned with future generations. The Co-Chairman Mr. Boys thought, with regard to Mr. Douglas Hance's question, that the best way for the delegates to make their wishes known was to pass a resolution.

Mr. Douglas Hance moved that in cases where an Indian child loses its status for any reason and is adopted later on by Band members, that the child be granted Band status again.

Mr. Dominic LeBrun mentioned that as there were many Chiefs present, he wanted their help to do something about putting a member off the Band List because she has been away 25 or 26 years. Apparently, the Indian Agent said that they could not be taken off the list for that reason.

The Co-Chairman Mr. Nicholas Prince read the following motion which was put forward by Mr. Douglas Hance: "for a child that has no Indian status at birth, the Section of the Act should be flexible enough so that this child can be readmitted to the Band and regain Indian status".

An Indian Observer (Female) asked if the motion included children of unwed mothers.

The Co-Chairman Mr. Prince replied that it would because on the Reserve the children have Indian status. He added that children of Indian girls have Indian status regardless of who the father might be.

Same Observer as above asked if the child has to be registered as having Indian Status, should the mother not have the privilege of deciding whether the child should receive Indian status.

Mr. Fairholm asked the observer to elaborate particularly with regard to what the mother might do.

Same Observer as above asked whether it should not be the privilege of the mother to register the child if she wanted to. She said it was a personal problem and should be left with the mother to decide.

Mr. Fairholm said he had heard similar views from other persons who thought the mother of a child might say she does not want to register the child at all, possibly because she didn't want anyone to know that she had had a child. The question was should she have the right not to register the child.

Mr. Douglas Hance thought that it should be the right of the parents to decide whether the child should be a band member or not.

The Co-Chairman Mr. Nicholas Prince asked what happens to children who are given up by their mother at birth and signed over to the Welfare. Do they have Indian status or are they automatically enfranchised.

Mr. Fairholm said that according to the present law, if the child is on the list, that child retains its membership and Indian status. Adoption at the present time, he said, does not affect the child's status.

The Co-Chairman Mr. Prince said that Section of the Act was really one-sided to his way of thinking. If an Indian family adopts a child of non-Indian status, that child cannot be at any time, he said, an Indian according to the Indian Act. He thought that this was unfair.

Mr. Dominic LeBrun cautioned his fellow delegates to speak for the Indian.

Mr. Nicholas Prince explained that Mr. LeBrun misunderstood his comments. Mr. LeBrun tried to explain how the present Act works in order that the delegates might have a better understanding to see what improvements could be made.

Mr. Jasper Thomas of the Stony Creek Band asked when a non-Indian married an Indian girl, does she lose her Indian rights.

The Co-Chairman Mr. Prince replied yes, according to the Indian Act. He said, however, that that posed a question as he wondered whether it might be better to accept the non-Indian husband into the Band. If he is interested in the Indian people and might actually be an asset to the Band, why should he not be accepted into the Band. He thought the Indian Act was one-sided, but that the Indians had to consider both sides.

Mr. Jasper Thomas agreed with the comments made by Mr. Prince, particularly that an Indian girl should not lose her membership when marrying a non-Indian. He repeated that the Section concerning enfranchisement should be deleted. He was interested in protecting Indian women.

Mr. Douglas Hance mentioned that he had already made a motion and wondered if it could be seconded and put out for further discussion.

The Co-Chairman Mr. Prince again read the following motion: "that for a child that has no Indian status at birth, the Section of the Act should be flexible enough so that this child can be readmitted to the Band and regain Indian status". He asked if there was a seconder. Mr. Harry Dickie asked, in connection with the motion, how a child could be reinstated if it was not of Indian status at birth. Mr. Douglas Hance said the matter could be discussed after the motion had a seconder. Mr. Ronald Seymour was prepared to second the motion if it was worded properly. He suggested that it might refer to a non-Indian child adopted by an Indian family would have the right to Indian status. Mr. Douglas Hance agreed that the motion should read as suggested by Mr. Ronald Seymour.

Mr. Jasper Thomas asked whether discussion concerned white children or Indian children. The Co-Chairman Mr. Prince said the discussion concerned non-Indian children that had no Indian status at birth. Mr. Jasper Thomas then asked if it was intended to give the child Indian status. When Mr. Nicholas Prince replied "Yes", Mr. Thomas said he did not agree with it at all.

The Co-Chairman Mr. Nicholas Prince asked Mr. Jasper Thomas what he thought should happen if an Indian child who did not have Indian status was adopted by an Indian family. Would he want the child to become an Indian or would he prefer to leave the child as a non-Indian?

Mr. Ronald Seymour wanted the Co-Chairman to clarify who a non-Indian is. The Co-Chairman Mr. Prince replied that a non-Indian is either a white man or an Indian who has been enfranchised. Mr. Jasper Thomas felt that the child should decide at the age of either 18 or 21. He confirmed that he meant this to apply to a white child who was adopted by Indians.

The Co-Chairman Mr. Prince felt that the matter could be discussed more thoroughly after the motion was seconded.

Mr. Ronald Seymour of the Fort George Band seconded the motion put forward by Mr. Douglas Hance.

The Co-Chairman Mr. Boys pointed out that where a child is adopted, the hope of the parents and society as a whole is that that child will grow up to all intents and purposes as if he or she were a natural child. He said in cases of children accepted for adoption, if a child is given for adoption, the adopting parents will not be told who is the natural mother of the child or who are the natural parents of the child. The natural parents will not be told who has adopted the child. It is all done for the protection of the child. It seemed to him if a child is to have Indian status after he is adopted by non-Indian adopting parents, then necessarily, it must be known where the child originated. That, he said, may be detrimental to the child's welfare when growing up. The opposite is true also where a non-Indian child grows up and doesn't enjoy Band status, he is not a part of the Indian family and cannot be treated to all intents and purposes as a natural child. The welfare of the child, he added, is of prime importance and the question of Band membership should be of secondary importance.

Mr. Douglas Hance said a child does not have to be part Indian but he could have relations on the reserve and this would make it easier for the parents to take the child as their own. Mr. Ronald Seymour agreed with Mr. Douglas Hance but felt the motion or clause should be flexible enough to avoid the automatic placing of Indian status on a child if he is adopted. He said the decision could be left up to the adopting family.

Mr. Dominic LeBrun agreed with what Mr. Ronald Seymour said. He felt that the Indians could live better before the white men arrived and now they want to make the Indians live like white men, but he said they would stay (live like) Indians.

The Co-Chairman Mr. Nicholas Prince posed a case where an Indian woman had married a non-Indian and was enfranchised. If the husband died later on and the wife does not want to return to her former reserve but her parents would like to take the children, the Act should be flexible enough to allow the children to return to the reserve and be given Indian status.

Mr. Jasper Thomas explained that that was the reason why he suggested that Indian women marrying non-Indians should not be enfranchised. He considered also that it was necessary for the Indian woman to have a place to return to along with her children if her marriage to a non-Indian did not work out. He stressed again that there should be no enfranchisement of Indian women upon marriage to non-Indians.

Mr. Peter Luggi of the Stellaquo Band said that on his reserve there was one girl who was married in New Mexico. She has been down there for eleven years during which time she did not return to the reserve. She returned this last summer with six children after her husband was killed. She went back to where her father

lives and she, along with her children, are there today. The children are going to the Indian school.

The Co-Chairman Mr. Nicholas Prince said the question of Indian status is very broad and what the delegates said or decided could be beneficial. He said the Act is what they will be governed by in the future.

Mr. Fairholm mentioned that the delegates were not giving final commitments on behalf of their Bands but that they were voicing opinions. He said that they should feel free to give their views.

An Observer (same as last) asked what the Branchs' present policy was for the protection of unwed mothers and the widows who have been married outside of the Reserve and want to return to it. The Co-Chairman Mr. Nicholas Prince told the observer that they had better deal with the motion that was presented earlier. He again read the following motion as presented by Mr. Douglas Hance and seconded by Mr. Ronald Seymour: - "For a non-Indian child that has no Indian status at birth, the Section of the Act should be flexible enough so that this child could be readmitted to the Band and regain Indian status".

Mr. George Manuel said he mentioned earlier that there was no provision in the Act to allow membership. You can dissolve membership, he said, in three ways; through enfranchisement, through marriage and just through protests if the child might have an Indian father. Indians can lose membership in the three ways but there is no provision which allows a child which is adopted by an Indian parent to have Indian status, although such a child could be related by blood to any of the delegates. He thought that the purpose of Mr. Douglas Hance's motion was to amend the Act and provide the machinery in the Act to provide for giving of Indian status to adopted children.

Mr. Douglas Hance noted that the motion was seconded and discussed and should be put to vote.

The Co-Chairman Mr. Nicholas Prince again read the motion, which was moved by Mr. Douglas Hance, as follows: "For a non-Indian child that has no Indian status at birth, the Section of the Act should be flexible enough so that this child could be readmitted to the Band and regain Indian status".

Mr. Ronald Seymour referred to that part of the motion where reference was made to "a non-Indian child who had no Indian status at birth". He said he tried to get it corrected earlier.

The Co-Chairman Mr. Boys wondered if the motion simply should be that "a child adopted by Indian parents should be accepted into Band membership".

Mr. Harry Dickie noted that Mr. Boys' version could include the adoption of non-Indian children.

Mr. Fairholm suggested that it could read "any child adopted by Indian parents becomes a member of the Band".

An Observer (Male) said that if the Act permits the Band Councils enough authority to make such decisions as to allow non-Indian children to be adopted, the Band Council should decide whether it will accept non-Indian children. The authority of the Band Council would assist in cases where former Indian women members return to reserves with non-Indian children, he said.

The Co-Chairman Mr. Nicholas Prince read Mr. Douglas Hance's motion as amended by an exchange of comments, as follows: - "That the Act be amended to that any child adopted by Indian parents be given Indian status".

Mr. Douglas Hance agreed with change.

Mr. Ronald Seymour agreed that the rewording of the motion was acceptable to them. The Co-Chairman Mr. Prince replied that the motion did not necessarily refer to white children, but any children having no Indian status.

Mr. Jasper Thomas asked why could it not cover the adoption of white children by Indian parents. He said he agreed with the first version of the motion.

Mr. Ronald Seymour thought that the matter could be left up to the discretion of the adopting Indian family.

The Co-Chairman Mr. Prince read the final version of the motion, as follows: - "That the Act be amended so that any non-Indian child adopted by Indian parents be given Indian status". He then called for a vote by a show of hands. Result: 24 - 0 in favour of motion. Some delegates abstained from voting.

The meeting was adjourned for the day.

October 15, 1968

The Co-Chairman Mr. Boys reminded the group that there was discussion Monday on the status of Indian women who married non-Indians. He asked if they wished to carry on with the same matter. He read Question 5 in "Choosing a Path".

Mr. Fairholm thought it would be useful in starting off to explain just what the present Act says. He said the Act sets out that a woman who marries always takes the status of the husband. If an Indian man marries any girl, it doesn't matter if she is a member of another Band or not a member of any Band. She takes on his status when she becomes his wife. An Indian girl marrying an Indian of another Band goes to her husband's Band. If she marries a person who is not a member of any Band, she then loses her membership and Indian status upon marriage.

Mr. Jasper Thomas thought that an Indian woman marrying a white man should not be enfranchised. He said such marriages last only 3 or 4 years, and the Indian women have no place to go. The Bands do not want them back because they are enfranchised and usually have a number of children. He thought the enfranchisement business should be deleted as there should be no enfranchisement from now on. At the same time, a non-Indian woman marrying an Indian man should be given an opportunity to say whether she wishes to become an Indian.

Mr. Nicholas Prince read Section 108 subsection (2) of the Indian Act and asked Mr. Fairholm to clarify whether there was any case where some of the children were not automatically enfranchised.

Mr. Fairholm mentioned that Section 14 of the Act is the part that says the woman goes with the husband so that would be the starting point. There is a further step taken when an Indian girl marries a person who is not a member of any Band and that step is the order of enfranchisement which Mr. Prince mentioned was set out in Section 108. As far as the children were concerned, it was purely discretionary. It depended on the circumstances that existed when the girl married. If she had children when she was married to a person who was not a Member of a Band, it doesn't necessarily mean that the children were enfranchised with her. If the children were being brought up by the foster father and were being taken care of as a member of the family, then the child may be enfranchised the same time as its mother. There are many children who are not enfranchised because they might be living with their grandmother, aunt, uncle or some relative in the home community. It depends in each case on what is happening to the children. He referred to the tables at the back of "Choosing a Path" to illustrate the number of enfranchisements under Section 108.

Mr. Duncan Amut asked how a woman from one Band would be affected if she married a man from another Band.

Mr. Nicholas Prince replied that Section 14 in the Act answers that question as it states that a woman who is a member of a Band

ceases to be a member of that Band if she marries a person who is not a member of that Band but if she marries a member of another Band, she thereupon becomes a member of the Band of which her husband is a member.

Mr. Harry Dickie said that if an Indian man was enfranchised and later on married an Indian girl, the girl would be automatically enfranchised along with all her children. He felt that this was not right.

Mr. Nicholas Prince thought that the motion of Monday would take care of the situation.

Mr. Harry Dickie then said that it was something he could not see where you have some 100% pure Indian people (children) enfranchised because the parents were enfranchised. He thought there should be some way the children should be able to get back on the list again when they are sixteen.

Mr. Fairholm acknowledged that Mr. Harry Dickie quoted the law correctly and confirmed that there was no choice left to the women now. Marriage of Indian women to non-members carries with it the loss of membership and whether it should continue this way has been raised by different people. Mr. Harry Dickie did not see how the Act could be changed.

The Co-Chairman Mr. Boys said that of course this was the purpose of the meeting. If the delegates felt that there were changes advantageous or beneficial to their people, then they could make a recommendation as to how they think the law should be changed. Mr. Harry Dickie thought that they did not have any solution at the moment because they went over it.

Mr. Fairholm asked if delegates had any opinions as to what might be the desirable thing. He thought he heard Mr. Harry Dickie say earlier that he didn't think it was quite right for an enfranchised boy to cause an Indian girl to be enfranchised upon his marriage to her. He asked if there should be some way found for the boy to have Indian status. Mr. Harry Dickie replied that they had no solution for the time being.

Mr. George Manuel directed a question to Mr. Fairholm. He asked how Section 4 Subsection 2 of the Act could affect the Section now under discussion. Mr. Fairholm replied that the Section referred to by Mr. Manuel does provide a way by which all Sections of the Act except 37 to 41 which deals with the surrender and sale of Indian reserve lands, could be done away with with respect to any one Band, any one Reserve or even a part of a Reserve. He supposed it would be possible under the present law to say that all the membership provisions that are now in the Act do not apply to the Fort Nelson Band or to any one Band. The Act was sufficiently broad to permit that although it had not been used that way so far.

Mr. George Manuel asked how many Bands ever applied for something under Section 4(2) and how many who have applied have been successful.

Mrs. Margaret Patrick of the Lake Babine Band said that under the present Act, the law is that an Indian woman who marries a non-Indian automatically becomes a non-Indian along with her children and they remain non-members even after the husband leaves the family or dies. She wanted to see a change whereby the mother and children could return to the Band after her husband leaves her or after he dies. Mr. Nicholas Prince agreed with Mrs. Margaret Patrick fully.

Mr. Edward Dixon of the Canim Lake Band said he had discussed the subject with someone who was an Indian but who was not of Indian status according to the Act because his parents were enfranchised. The person wanted to return to membership. He mentioned the return of band funds in cases where persons might be admitted to membership again.

The Co-Chairman Mr. Boys referred to Mrs. Margaret Patrick's proposal regarding the return of women to membership under certain conditions and asked if there were any other comments. Mr. Fairholm asked if Mrs. Margaret Patrick would include an Indian woman who was deserted. Mrs. Patrick said she includes cases of desertion when she mentioned the husband leaving.

Mr. Nicholas Prince thought that in a case of desertion, the Band should have the authority to decide whether a woman should be allowed to return to membership. He supported his viewpoint by stating that in a lot of instances where a non-Indian husband deserts his Indian wife, there is always the possibility that the husband will return and the couple would be re-united. He wondered what would happen in such cases.

Mr. Harry Dickie indicated there could be additional problems. If a woman marries a white man a second time, would a woman be allowed to be admitted back to the Band a second time. He thought some provision should be made to allow a return to the Band one time only.

Mr. Fairholm said there was another way to look at the problem, and that would be that the Indian girl would never lose her status. However, in cases where a woman marries a non-Indian, he said her children might not be Band members. The idea would be that the woman would be a member of the Band for her lifetime.

The Co-Chairman Mr. Boys asked how the delegates felt about the status of a non-Indian woman who marries an Indian. Mr. Jasper Thomas in reply to Mr. Boys said that it should be up to the woman to decide whether she wants to be put on the Band list. Mr. Douglas Hance on the same subject, said the matter should be given a lot of consideration. He said the Indian boy could have possessions on

the reserve and be well respected and it would not be fair to abolish the rights of the boy so that he would end up with nothing on the reserve.

Mr. Harry Dickie thought there were many cases where non-Indians married Indians to share in the holdings on reserves. The Co-Chairman Mr. Boys said his question concerned the situation of a non-Indian woman marrying an Indian who lived on a reserve. His marriage, he said, would not alter the Indian's status at all. It would be just a question of the status a non-Indian woman should enjoy if she married the Indian. He would still retain his Band status, his property on the reserve and all his rights as an Indian. The question was whether the group felt that the non-Indian woman should become an Indian and enjoy the rights and privileges of an Indian person. He added that at the present time the non-Indian woman does become of Indian status. He asked if the group felt there should be any change. Mr. Harry Dickie thought that there should be no change. Mr. Jasper Thomas said there should not be an enfranchisement at all.

Mr. Harry Dickie asked what non-Indian women lose when they marry an Indian. The Co-Chairman Mr. Boys was not aware of the non-Indian woman losing anything. In many cases, he said, she might even gain something. He said there have been some reactions in some meetings that it was not desirable to admit to membership anybody who is not of Indian blood and that the question was asked to get the reaction of the group.

Mr. Nicholas Prince read Section 108(1) of the Indian Act and asked whether it was necessary for the Governor in Council to make the order for enfranchisement or is it an automatic procedure.

Mr. Fairholm explained that it was the procedure that is laid out. The process of enfranchisement where a person may voluntarily give up membership in his Band at present requires the application by the individual family head, the report of the Minister that the person has applied and final action taken by the Governor in Council. Mr. Fairholm was not sure why the Governor in Council was named other than for the reason that enfranchisement was considered to be a very serious and irrevokable step and therefore required approval by the Government. He said the consequences which followed enfranchisement were far reaching and it was considered to be rather a serious process which required safeguards.

Mr. Nicholas Prince referred to Subsection 2 of Section 108 and said it always states that 'the Minister may by Order in Council declare' and yet enfranchisement is automatic. He wanted to know how it could be automatic and yet approval of the Governor in Council is required.

Mr. Fairholm said he and Mr. Nicholas Prince were talking about two different things. He said it was automatic for the girls who marry non-Indians but not automatic for anyone else. Any other person who wanted to be enfranchised had to apply for it on a

voluntary basis. Section 14 referred to girls upon marriage. The Governor in Council did not proceed with the enfranchisement of women marrying non-Indians until they had filled out a form, although she had automatically lost her membership under Section 14.

Mr. Duncan Amut asked about the religious aspect when a couple of different religions marry. The Co-Chairman Mr. Boys replied that the religious aspects were of a personal matter and that religion had no bearing on membership matters. He asked the delegates whether they thought the Section in the Act dealing with enfranchisement was adequate or whether they thought it could be improved upon.

Mr. Nicholas Prince said his own feeling on the Indian Act was that it would take a lot of work from Section 108 to 112. He felt they were not getting anywhere. The question of Indian status, he said, was really a big question. He did not know exactly what should be done but he did think changes were required. He thought the delegates should have a discussion of the matter among themselves.

Mr. Harry Dickie suggested that question 2 be discussed because there were so many other matters which had a bearing on powers of the Council.

Mr. Edward Dixon felt that there should be more authority vested in the Band Councils who could have more say in respect to enfranchisements and related matters. He felt that the Act should be amended to read, with respect to enfranchisements and readmissions to Band membership, that the Minister or Governor in Council may do certain things with the consent of the Band Council.

Mr. Nicholas Prince read question 2. He thought it was a leading question and he felt the reference to 'field staff' should be omitted. He could not understand why there should be any question that the Band Councils should have more authority, particularly as all questions in "Choosing a Path" seemed to have a bearing on the powers that the Band Councils might have.

Mr. Harry Dickie said the present Act repeatedly states that 'the Minister may' but he felt this should be changed to 'the Minister shall'. He considered that the present Act gave the Minister too much opportunity to make decisions.

The Co-Chairman Mr. Boys wondered if there were some things in which the Minister does not need to be involved at all.

Mr. Harry Dickie said that is where question 2 is involved. He added that the group agreed there should be increased delegation of authority for both the field staff and Indian Band Councils. If the field staff was excluded, the Band Councils would still have to deal through Ottawa but the field staff is right on the scene. If

the field staff was given more authority, dealing with them would just be like dealing with the Minister.

The Co-Chairman Mr. Ronald Seymour referred to a part which stated that 'the Minister may authorize the Deputy Minister' and added nothing is said about the part which states that 'the Act shall be administered by the Minister of Citizenship and Immigration who shall be the Superintendent General of Indian Affairs.' According to Section 3, Subsection 1, the Minister is the only one who shall administer the Act.

Mr. Harry Dickie repeated that the increased delegation of authority to Band Councils was most important.

The Co-Chairman Mr. Boys said the Section is obsolete because of the change of Departments. He said what the Section really means is that the Minister shall be responsible to Parliament for the administration of the Indian Act and he may delegate such responsibility and such authority to people in the Department as he sees fit. He does in fact do this. Mr. Boys said there were 123 sections in the Act, and many of them have subsections, there were 111 places where one can read that 'the Minister may,' 'the Minister shall' or 'with the advice and guidance of the Band Council the Minister will'. He said it was left up to the Minister to have the final authority in most of the provisions in the Act as it stands. He thought the group was saying that the Act was too restrictive. Mr. Harry Dickie said that was correct.

The Co-Chairman Mr. Boys suggested that the meeting should continue with question 2 in the "Choosing a Path". Mr. Harry Pierre said that this question was very important because he understood that the Department of Indian Affairs wanted to pass the authority to Indians so that they could look after their own affairs as much as possible. He felt that in importance, this question was really No. 1, and he agreed that it should be discussed.

Mr. Nicholas Prince said that this question was important to the delegates because a great number of Indian people were depending on them to ensure that the policies on which they decide would be beneficial to the Indian people. He said that the Indian people -- the Chief and the Band Council, should have more authority in conducting their affairs especially in matters such as land leases or in cases where resolutions had to be made. At the present time, it took up to 5 months to get an answer in regard to land leases -- it was at the discretion of the Department of Indian Affairs. He said that it could well happen that some people who were interested in leasing land on a reserve would not wait 5 months for a decision from Ottawa and would rather lease

land elsewhere. The band thus lost a source of revenue. He said that because of its importance, this question No. 2 should be discussed by all the Indian spokesmen, because even when dealing later with other questions they would still have to come back to this fundamental question. Mr. Harry Dickie said that the Band Councils should be able to make decisions.

Mr. Nicholas Prince brought up the matter of communications at the meeting -- he thought that some of the people did not understand the issues which were being debated. He wondered whether it would be proper to translate the proceedings in the native tongues.

In the debate which followed it was agreed that to translate the proceedings into the five different native tongues, which would be needed, it would be an extremely time-consuming process and that the meeting should continue to discuss the items in English only; the Indian delegates would meet in groups in the evening and discuss among themselves those items for which a clarification was needed. Each group could then select a spokesman who would present the views of their group the following day.

The Co-Chairman Mr. Boys concluded this discussion by a suggestion that if any delegate did not understand the discussion and indicated that he would like to have it interpreted, it could be done at the time.

Mr. Harry Dickie repeated his conviction that Indians should have more authority, and asked other delegates to express their views.

Mr. Peter Luggi agreed that the Indian people should have more authority on their own reserves; by being able to decide themselves what should be done, they would speed up considerably the present procedure under which they had to wait a long time for a decision of the Indian Affairs Department.

Mr. Harry Dickie asked the delegates to vote on question No. 2. All the Indian delegates unanimously voted in favour of delegation of authority to Band Councils and field staff so that they could make more decisions.

Mr. Nicholas Prince stated that there were only a few spokesmen who had made a contribution at the meeting and he asked other delegates to express their views.

Mr. Peter Luggi wanted to know why the Department of Indian Affairs appointed Chiefs and Councillors on the reserves and did not give them power to do what they liked to do -- he said that most of the Indian Act stated that the Minister could do this and that. He felt that there were many things that Indians were able to do for themselves.

The Co-Chairman Mr. Boys read question No. 3.

Mr. Fairholm, on Mr. Prince's request, explained the meaning of this question by giving a few examples where this procedure was used. He said that there were some golf courses and motels on Indian reserves; this brought up the question of liquor in these establishments which would have been prohibited by Section 93 of the Indian Act which prohibited the sale of liquor on reserves; there were cases when individuals who operated these establishments applied through Band Councils to have parts (a) and (b) of Section 93 deleted insofar as the particular reserve was concerned and therefore make it legal to sell liquor there. The provision was also used to enable the Band Council to authorize leasing of land held by individuals by waiving Section 58 (3) and also Section 28 of the Act which said that Indians were unable to enter into agreements for leasing. The provision was used in a few instances; under the present Act this could be done by the Governor-in-Council without asking the Indians. In practice, it was not done that way, it had always been done at the request of the Indians of the particular band, but the Act did not say that. The question then was whether the consent of the Council was required first before the provision was used.

Mr. Harry Dickie said that Band Councils should be able to decide on this matter because it was their land and it involved their people and thus their consent should be required.

Mr. Nicholas Prince mentioned that the question involved basically the same idea as question No. 2; he reminded the delegates that when dealing with question No. 2, he had said that it would be necessary to come back to it while discussing other questions and he felt that this was the case right at that time; it was again the question of giving Band Councils more authority.

Mr. Harry Dickie said that all the delegates had already agreed that field staff and Band Councils should get more authority -- he felt that this question involved the same matter. Mr. Nicholas Prince felt that this particular section of the Indian Act should be deleted. Mr. Peter Luggi agreed with Mr. Prince that it should be deleted.

Mr. George Manuel asked what would happen if a band were successful in its application to the Governor-in-Council to delete, insofar as this band was concerned, the section of the Act on membership -- would it give the Band the authority to include in its membership non-status individuals? Mr. Fairholm said that was a difficult question; there would be no rules at all then -- it would be up to the Band to decide what they wanted to do. Mr. Harry Dickie said that this was something that the Band Councils had to keep in mind when they were considering entering into any kind of negotiations with outsiders if they got that authority. Mr. Fairholm thought that it would be possible for the Band to set up its own rules -- but even then it would still be facing the same kind of problems that already were discussed at the meeting, in trying to determine its own rules.

Mr. Nicholas Prince said that he was in full agreement with the conclusion of paragraph 2 of page 4 of the paper "Consultation with the Indian People" which stated that "It has been suggested that the Governor-in-Council should not be able to exercise the powers now outlined in Section 4 unless the Band Council is in favour;" he said the consent of Band Councils was needed because all the sections of the Act dealt with the Indian people. Mr. Fairholm said that in its recommendation the National Advisory Board stated that the authority under Section 4 should not be exercised without the consent of Band Councils.

Mr. George Manuel said that the real issue in regard to Section 4 (2) was the fact that the Governor-in-Council had this authority which could in theory be used without the consent of Indians, although in practice this was not done. Mr. Harry Dickie said if that section was not used it could not be good and should be deleted.

The Co-Chairman Mr. Boys said that it seemed to him that there was agreement among all those delegates who took part in the debate on the question that the section should never be used without the consent of the Band Council concerned.

All the delegates unanimously voted that there had to be consent of the Band Council before the Government suspends the application of any section of the Indian Act.

The Co-Chairman Mr. Boys said that the following questions, up to No. 13, dealt with matters that the Indians might want to discuss first among themselves in groups in the evening before they would express their views. For this reason the meeting went to Question No. 13 concerning Indian Estates.

Mr. Fairholm said that Section 42 - 49 of the Act dealt with the estates; the Minister was given exclusive authority to deal with estates of the Indian people on reserves. The Minister acted as if he were a court: he approved wills, or could disapprove of them, and was responsible for the administration of estates. If a person dies without a will then the Minister had to ensure that an administrator was appointed and the assets of the individual were passed on to the heirs. Mr. Fairholm explained that in every province of Canada there were laws regarding the estates of people -- ordinary courts dealt with matters involving estates. He said that the amount that a widow received was greatly different under the Indian Act than under the provincial law -- the Indian widow was now restricted to the amount of the value of an estate up to $2,000 -- in British Columbia the widow got the first $20,000.

Mr. Edward Dixon of the Canim Lake Band brought up Section 20 (1) which stated that no Indian was lawfully in possession of land on a reserve unless, with the approval of the Minister, possession of the land had been allotted to him by the Council of the band. He said that in his region they had problems in this aspect; since the end of World War II, the Indian soldiers were not told that they had a piece of land on the reserve, they only got a small amount of money.

He said that they leased the land, and after two years this land could be taken away from them — he felt that this situation affected Question No. 13.

The Co-Chairman Mr. Boys said that Mr. Edward Dixon spoke about possession of lands in the reserve and the provision for a Certificate of Occupation to be given for a period of two years and then if the land was handed down from father to son, this provision did not apply — it only applied in the case of land that had been owned by the Band and was then assigned to a Band member personally. In the case of land owned by somebody who dies or who wished to hand it on to his son, he had a perfect right to dispose of his land as he saw fit.

Mr. Harry Dickie wanted to know what advantages would the Indian people have if they were to come, in regard to their estates, under the provincial law. Mr. Fairholm said that there were several things that had to be taken into account. At the present time departmental staff did a lot of work in regard to Indian estates. It meant that the individual, where there was a will could appoint an Indian who could be a relative, to act as the executor of the estate since he had the right now. In some cases at present, a member of the Indian Affaris staff had some responsibilities and the Department had some lawyers in Ottawa who prepared the paper work for the final settlement of the estate which had to be approved in the name of the Minister. For very small estates that do not involve land there probably would be some advantages for Indians to handle them themselves. Where land was involved it would be up to the heirs to make sure that the estate was settled in order to determine who was supposed to have the land. If there were three of four persons all claiming the land and it was not settled soon there would arise a situation where nobody would know who owned what parcel of land. These cases could then involve some problems-it would depend a lot on how seriously the individual took it. If the land was of small value, the heirs might not bother at all about getting the estate settled — this happens all over the country anyway — but it might cause more complications within a reserve than it does elsewhere because one of the things that keeps the land record straight outside of a reserve is that land is subject to tax and if an individual does not clear it up the land is then sold for taxes. In this way the matter gets cleared up. This could then cause some problems where Indians have Certificates of Possession — where they do not have them it did not make much difference. There is another factor especially in the larger estates; they would be faced with some costs because heirs would probably go to a lawyer to get the estate settled for them — these were the things that the delegates had to keep in mind.

Mr. Douglas Hance said that the Band Council should have the authority of handling estates. He said that there were over 600 people on his reserve and one member died suddenly last year. He

had no relations at all and there was a problem with what to do with his estate. He said that he did not know what happened to the money and asked Mr. Cooper from the Williams Lake Agency to give an explanation. Mr. Gordon Cooper said that the estate in question was not yet settled. The recommendation was that the proceeds of the estate be credited to the Anaham Band trust funds.

The Co-Chairman Mr. Boys said that there were provisions for cases of this nature in the present Act — how property should be distributed in the event that no will was left and it stated that if there were no relatives of a certain degree, then any interest in the land on a reserve would rest in Her Majesty for the benefit of the Band. He told Mr. Douglas Hance that it would seem that the property in question would go to his Band.

Mr. Nicholas Prince said that there was something in Section 45 (2) and (3) which was confusing and he asked for an explanation.

The Co-Chairman Mr. Boys said that there were cases that he was aware of where a person had written a piece of paper and produced it as a will of somebody who died, and in effect it was not written by the deceased person at all but by a person who hoped to benefit from his estate. A court decision was then needed to pass a judgment whether or not a will was a legal instrument.

Mr. Fairholm explained that in regard to his own will, the court would have to probate it to ensure that it was indeed his own will; he said that the choice of the word "approved" in Subsection (3) of Section 45 was not a right one since one accepts a will as being that of a certain person — the word "accepted" might make the section clearer.

The Co-Chairman Mr. Boys told the delegates that they had to consider the fact that the Act contained a number of provisions at the present time that had application only to Indian people. Indian people are citizens of Canada, citizens of the Province of British Columbia. In some cases perhaps the delegates would agree that the provincial law is at least as effective as the Indian Act and that they may see fit to recommend the elimination of some sections; he said that this was not necessarily the case in regard to estates but that the delegates should keep this in mind when dealing with any provisions of the Indian Act.

Mr. George Manuel thought that the question was the under the present Act the Indians had no access to provincial courts to have their wills or any of their estates probated through them, since the Minister had the sole authority. He told the delegates that there were on his reserve many outstanding disputes regarding lands and that they were in existence for long periods of time. The Department of Indian Affairs was reluctant in many cases to render a decision because these disputes were controversial and outstanding for so long that there was no real proof of the ownership of these lands; so it was left to the Band Council to decide.

Since the Chiefs and Councillors are normally related to many band members they do not like to make a decision because it may affect their relationship with their own relatives or may even affect their political career as Chiefs or Councillors. He said that since he was a little boy there was a dispute about the ownership of a piece of land — both parties to the dispute were related to him. Years went by, he grew up and became the Chief on his reserve and the dispute was still not settled. He was finally asked by the Department of Indian Affairs to render a decision — and since neither he nor the Band Council wanted to make a decision in this case, they passed a resolution asking for a permission to take the case to the provincial court so that an objective decision could be reached. Subsequently, they got from the department thirty days to take the case to court. Then came the question of payment for the expenses involved — his Band had very little money so they were not prepared to pay — it was decided that the expenses would be paid by the party to the dispute who lost the case. Since both parties were afraid they would lose and would have to pay for it, they did not take the case to the court within the thirty days. Finally, the Band Council decided to divide the land into two halfs; though the disputants were not too happy about it, the dispute was finally solved.

Mr. Nicholas Prince suggested that the Indians should have the right and responsibility to deal with their estates under the provincial law.

The Co-Chairman Mr. Boys said that the whole question regarding estates would be easier if everybody would make a will. There was however, a great reluctance among people to make a will because they often feel they have lots of time for doing that. Under these circumstances, it is much more difficult to administer the estate of a person who dies without leaving a will than it is with a will; furthermore, a will is quite a simple and inexpensive document both to prepare and to execute. He said that those who had the responsibility for administering estates under the Indian Act at the present time were most happy when they found that the deceased person left a will because it was specific and much quicker. The same thing happens among the non-Indian people and there is an official of the provincial government, the Public Administrator who has the same responsibility for administering estates of people who die without leaving a will, and it is a long process. He said that whatever may result from the discussions - whether the descent of property is left in the Act or whether it comes under provincial law, it still was a very good thing for all persons to make a will to ensure that the transfer of property will be speedy and simple when it becomes necessary. He mentioned that there was a section in the Act which said that where no provision was made in the Act specifically, then the laws of general application in the Province would have effect. If the provisions dealing with the descent of property were eliminated from the Act, then the law of the Province would apply to Indians as well as non-Indians in this regard.

Mr. Ronald Seymour mentioned a case of a person who had a certificate of possession and who died, leaving unpaid debts. He wanted to

know whether the province would have the right to sell the land in order to pay the debts, if Indian estates came under the provincial law.

Mr. Fairholm said that as he understood it, the Province would not have such right; the only thing that the provincial law would say where a person left no will was that the estate would go to next of kin, sons and daughters etc. — the provincial law was pretty much the same as Section 48 of the Act. However, this would not affect the land, it would still be a part of the reserve, but it would have to be divided if there were, for example, two or three sons or the land could be sold to another Band member and then the money divided among the children. It is possible now for the Minister to refer an estate to a provincial court under Section 44. Some of the bigger estates or where there was a real dispute as to the validity of a will have been referred to a provincial court — but again it was the Minister who made the decision.

Mr. Harry Dickie said that he was not yet prepared to answer question No. 13 because he felt that he needed more time to think it over; he said he spoke only for himself and not for other delegates.

The Co-Chairman Mr. Boys mentioned that Mr. Nicholas Prince expressed the opinion that estates should be dealt with in the provincial courts. One thing which the Indians should be aware of is that they probably would have to engage the services of a lawyer to look after the estate and this would be a charge against the property. At the present time all of the estates, except for the very large ones which the Minister may direct may be probated in provincial courts, were administered by the Superintendents and there was an administrator of estates in Ottawa who made the final disposition of the property.

Mr. Fairholm said that most estates, except where there were Certificates of Possession, where there was just personal property, caused no problems and were quickly settled — it was in cases where land was involved that problems tended to arise, - where there were Certificates of Possession.

Mr. Harry Dickie brought up the question of payment of legal fees in regard to estates. He said he understood that if the Indians took a case to a provincial court, they would have to pay for legal fees themselves; he wanted to know what was the present procedure under the Indian Act.

The Co-Chairman Mr. Boys said in the case of the larger estates that had been referred to the provincial courts the costs of administration had been charged against the estate.

Mr. Fairholm said that he took a couple of cases in Ontario and tried to figure out what the costs might be; they involved land, money in the bank, a few bonds and for an estate where the value was between $3,000 - $5,000, the total charges for transfer and every-

thing else came to about $240, using the tariff of fees that lawyers charge for estates work. He said that the legal fees involved depended a lot on the value of the estate itself. About one-third of all Indian estates in Canada, numbering about 300 a year, involved land - the rest was personal property. The Department has not been charging Indians, with the exception of very large estate referred to the courts, for administering their estate. The case to which Mr. Fairholm referred to earlier would cost about $240 if administered under provincial law through a lawyer but would not cost anything at the present time since it was administered by the Department of Indian Affairs under the Act. Mr. Fairholm mentioned that the sample case he brought up involved land — where there was no land involved, legal fees would probably be lower than $240.

The meeting was adjourned until 3:30 p.m.

The Co-Chairman Mr. Ronald Seymour of the Fort George said that the meeting would continue in discussing Question No. 15.

Mr. Nicholas Prince asked if Question No. 15 applied to Section 68 of the Act. Mr. Fairholm answered that it applied partly to Section 64 (h) — it was there now, in part. He said that even if the Band had complete control of the funds under Section 68, then they could make loans directly to the individual band member, but at the present time it could only be from revenue funds, not from the capital funds which are dealt with by Section 64. At present, it is not possible for the capital funds to be transferred to the bank account of the Band.

Mr. Nicholas Prince said that they had on their reserve two applicants who got loans for houses through CMHC and they had to use their band funds to guarantee their loans. Mr. Fairholm asked whether the two band members put up their land or houses as security to the band. Having received an affirmative answer from Mr. Prince, he said that there were many different purposes for which such loans could be obtained. The Co-Chairman Mr. Boys said that under one of the provisions of the housing arrangements for Indians living at the present time on reserve, the on reserve housing program, a band member could apply for a loan and he might get a contribution from the Department but he might have to finance the balance of his loan through a mortgage. He gets the funds from CMHC but the loan is guaranteed by the band; if the band member who gets the house failed to meet his mortgage payments the band would have to repossess his house and they would have to take also the land on which the house stands. This was being done at the present time.

Mr. Fairholm said that there was a further question — if the government had a fund that the individual could borrow from, should he be able to put up his land as a security on the condition that it could not be sold outside of reserve. It would have to be kept within the reserve. Mr. Duncan Amut of the Stone Band asked if these loans were guaranteed by the Indian Band or by the Department

of Indian Affairs.

Mr. Fairholm said that where the band had funds it could well do the guaranteeing. He knew of a couple of cases where the Department of Indian Affairs had done the guaranteeing. In one case there were quite a number of houses built on the reserve and the people wanted to have houses built that cost a great deal more than the $7,000 subsidy (about $17,000), so they borrowed the difference from CMHC and the loan was guaranteed partly by the band and partly by the Department.

Mr. Nicholas Prince asked whether those "On Reserve Housing" loans could also be obtained by bands that were under Section 68. Mr. Fairholm said that this was really an individual's application — quite often the individual made the arrangement because he was personally interested in his house. He could make his specifications in regard to the house and since the costs could exceed what he had and what he could get from the housing program might get a loan for which he needs a guarantee. He said that insofar as the principle was concerned, it did not make too much difference whether one was or was not under Section 68.

Mr. Nicholas Prince said that the individual Indian mentioned in Question No. 15 should have a Certificate of Possession in order to be able to pledge his right to land to the band as security for loans. Mr. Fairholm said that it indeed did apply only to those Indians who had Certificates of Possession — those who did not have a Certificate had really nothing to pledge.

Mr. Harry Dickie of the Slave Band wanted to know what he would have to do if he wanted to own a piece of land on his reserve. The Co-Chairman Mr. Boys explained that if Mr. Harry Dickie's Band Council decided that he was entitled for a piece of land, or if Mr. Harry Dickie made an application for a piece of land for a certain purpose he could be granted, first of all, a certificate of occupation. This is to prevent somebody just getting land in the hope of selling it to somebody else later. The intention is that anybody receiving a piece of land should develop it for the purpose that it is given to him for — such as grazing of cattle or farming — during the two year period. If the land had properly been developed by the person who was given the Certificate of Occupation during this period, then he was entitled to a permanent certificate — that of possession. If the person did not do anything with the land, the Certificate of Occupation may be cancelled at the end of two years and he would not be entitled to the land. This was the procedure in regard to obtaining a Certificate of Possession.

Mr. Harry Dickie said that if a person had to apply to the Band Council for a piece of land he could ask for all that portion of the reserve where there was the most valuable land.

The Co-Chairman Mr. Boys said that it could be that the Band Council would consider that and say to him that he applied for 200

acres of the best part of the reserve — but they were prepared to give him only 50 or 20 acres and no more. This decision was purely up to the Band Council and not for anyone outside of the reserve.

Mr. Duncan Amut of the Stone Band wanted to know if it were possible for an individual who was transferred from another band to own a house in the new reserve.

The Co-Chairman Mr. Boys said that if he was legally transferred from one band to another, then he was the member of the band that he transferred into and then he was entitled to own a house there as any other member of the band. If a member of another band comes to live on a reserve because it is nearer to his job or for any other reason, he may lease a piece of property on the reserve from the band council and pay an annual rental for it just as a non-Indian may do the same thing, but he would not be entitled to own any land in a reserve except in reserves owned by the band to which he belongs.

Mr. George Manuel said that some reserves had very large band funds and some band members liked to borrow money to make improvements on their own — such as a house, roads or even starting a business — but there was no provision right now in the Act to allow a person to borrow money from his band. This question attempts to make a provision for individual band members to borrow money from their own band funds and also at the same time to allow the band council to go into the lending business to its own band members to start some endeavour on the reserve. He added that even if a band member were to lose his land possession to the band council, he still had an interest in it as the band member.

The Co-Chairman Mr. Ronald Seymour asked the delegates to vote on question No. 15.

All the delegates unanimously were in favour of that question.

Mr. Ronald Seymour then read question No. 16.

Mr. Fairholm in explanation of this question, gave an example of a band who leased land for 10 years and it knew that it was going to get $1,000 a year revenue for the next 10 years. There might be a project which the Band Council would like to carry out right away — the Council could then borrow, for example, $5,000 cash immediately and promise to repay it in 3 years and as a guarantee for that they could put up their expected revenue from the lease of land. An individual might be in the same position — in order to get money for the present he might use future income as a guarantee for security for a loan — the question was whether Indian people think that this was a desirable thing.

Mr. Edward Dixon of the Canim Lake Band said that it would all depend on the source of income. He said that they had a lot of trouble on his reserve; they leased out property the last couple of years, and it would be hard to use it as a guarantee for the band due to the fact that the person who leased the land was unable to pay the annual rental.

The Co-Chairman Mr. Boys mentioned one case where this had proved very valuable to a group of Indians. It involved the Musqueam Band in Vancouver who were very fortunately situated within the boundaries of the municipality of Vancouver and their property was very valuable. They had a number of leases which a substantial income. They wanted to set up a new housing subdivision, put in roads, water and sewer facilities and to build new homes, valued at about $18,000 each, for every member of the band. Had they waited and saved up the money from their leases they would not have been able to undertake the project for about ten years. However, they asked CMHC for a loan of $450,000 and they assigned a portion of their lease monies over a period of 10 or 15 years and as a result of this assignment the refund of the loan was guaranteed by the Minister of Indian Affairs to CMHC, the Indians got the money and they are now having a very fine new housing subdivision.

Mr. Harry Dickie of the Slave Band wanted to know if an individual band member who wanted to borrow money from the revenue fund had to go first to the Band Council. Mr. Fairholm said that this was so because the band council had the control over money.

Mr. Nicholas Prince thought that question No. 16 was indeed very well defined. He said that if a band wanted to make a loan it was the business of every band member to know about it since source of their revenue would be used as security for the loan. Mr. Thomas Morris of the Omenica Band thought that it was a good idea; he was interested in improving his reserve and would also like to have a loan for this purpose.

Mr. Duncan Amut said that his band submitted a request for a water system years ago and all they got were promises and nothing else. The Co-Chairman Mr. Boys said that he would find out why his band did not get a water system and would inform Mr. Amut before the end of the week.

Mr. Harry Dickie wanted to know where the government got the money for loans of this type. The Co-Chairman Mr. Boys informed him that the government got the money from the taxes of the people of Canada.

Mr. Harry Pierre of the Stuart-Trembleur Lake Band said that it was a good thing provided the loan was used for a good purpose; it would help improve the reserve and he could not see how anyone could lose if this question was agreed to.

The Co-Chairman Mr. Boys said that he wanted to explain that the government was paying for putting water systems only on those reserves where the bands had little or no money — where the bands had substantial revenue or capital funds, they were expected to make a contribution for this purpose. Mr. Duncan Amut said that there was a shortage of water on his reserve and it was for that reason that he asked about their request for a water system. Mr. Boys said that he was very glad that Mr. Amut asked his question because he wanted to know what were the plans for his reserve in this regard.

Mr. Harry Dickie said that he was in favour of all the three questions dealing with obtaining loans — Questions Nos. 14, 15 and 16. Mr. Jasper Thomas of the Stony Creek Band said that he agreed with Mr. Dickie — he did not see anything wrong in these questions. The Co-Chairman Mr. Ronald Seymour asked the delegates to vote on Question 16 — all voted unanimously in favour of this question.

The Co-Chairman Mr. Boys informed the meeting that Mr. Paul St. Pierre, the member of Parliament for Coast Chilcotin had joined the meeting.

Mr. Fairholm told the delegates that in all provinces of Canada there were educational systems; provinces generally are responsible for education. There were certain provisions in the Indian Act regarding education for Indian children, set out in Sections 113 to 122. The Act provided authority for the government to enter into agreements with the Province, with the school board, or with the charitable or religious organization for the education of children; it also provided authority for the Minister to operate and maintain schools and there were certain other related provisions such as those regarding school attendance and so on. Every province had school regulations regarding attendance - the school age for children. In some provinces there was provision for public schools and separate schools — depending on whether the majority of people in a community were Protestants or Roman Catholics. In British Columbia the law was that there were no separate schools on religious grounds. About 50% of Indian children in B.C. attend the federally operated schools and 50% go to schools operated by various school boards in the Province. He said education was a very important matter and asked the delegates to discuss the subject thoroughly.

Mr. Harry Dickie asked if education of Indian children came under provincial law would he be able to send his children to the school of his choice or would they have to go to the nearest school?

Mr. Fairholm said that since he was not familiar with the situation in B.C., he would explain the situation existing in this regard in Ottawa. There is a school board there that establishes schools in various parts of the city and usually the children go to the nearest school — this situation is true throughout the Province of Ontario. Insofar as British Columbia was concerned, Mr. Boys would provide the answer on his return.

Mr. Nicholas Prince said that he was extremely interested in education. There was disagreement among the Indian people about the standards of teaching between the federally and the provincially operated schools. He thought that there was a very noticeable difference between the educational standards of the federal and provincial schools on the one hand and between parochial and Indian Day Schools situated on reserves. If it was up to the Minister to make regulations with respect to standards of teaching, why was it, he asked, that the teachers of the parochial and reserve schools did not have the same level of qualifications as in other schools?

Mr. Fairholm suggested that maybe the Indian people should comment on the point raised by Mr. Prince.

Mr. Harry Dickie said that he did not agree that teachers in provincial schools were better qualified than those in federal schools; he thought that this could be the case where there were separate schools, but he did not know about the conditions of such schools. He said that he was in favour of the education of Indian children remaining under the federal law mainly because he was able to send his children to schools of his choice at the federal government expense. Mr. Douglas Hance also did not think that the federal teachers were inferior to the provincial teachers, all of them had to have certain qualifications. Mr. Harry Dickie added that he had found out that there were some teachers in provincial schools who were not as good as teachers in the Indian schools. He then said that the main reason why he preferred to send children to residential schools was that in such schools they had better accommodation, regular hours and meals and were thus able to learn much more than they would have been able in their homes where the conditions for studying were not so favourable. He said that if he would also be able to send his children anywhere he wanted under the provincial law and the provincial government would pay the expenses involved he would not be opposed to bringing education of Indian children under provincial law.

Mr. Nicholas Prince asked for an explanation of the term "separate schools" contained in question No. 18. Mr. Fairholm said that the people of British Columbia were in a unique situation. In most provinces of Canada there was provision in the provincial law for a public school and for a separate school based on whether one is a Protestant or a Roman Catholic. If the majority of people living within a community — for example in Alberta where Mr. Fairholm grew up — belong to the Roman Catholic faith, then the public school was a Roman Catholic School and the separate school was a Protestant school. Where the majority were Protestant the public school was a Protestant school and the separate school was a Roman Catholic school. Mr. Fairholm said that he understood that in the Province of British Columbia there were no distinctions whatsoever based on religion as far as the school system was concerned which made this Province somewhat different from most of the other provinces. It did not mean that there were not those kind of schools in British Columbia but they were parochial schools which were not tax-supported schools.

Mr. Nicholas Prince said that he understood that many of the teachers of the parochial schools attended by Indian children were so called "lay-apostles" from various European countries. He wondered whether their qualifications were the same as those of teachers in provincial schools. Mr. Fairholm said that the Department tried to get teachers always from within the Province but it was not always possible to fill all the posts with such teachers, and they had to recruit from various parts, not only of Canada, but also from other countries. The Federal Government had not been bound by teachers' certification of a particular province

to operate in federal schools but in provincial schools they must be certified by the Province in which they teach.

Mr. Nicholas Prince said that the question stated that there were two ways in which the law could be written; he wanted to know if it was a federal or a provincial law. Mr. Fairholm answered that it would be possible to say in the Indian Act that the laws of the Province in which the school was located should apply - then several Sections of the Act would not be needed - such as Section 119 which states that an Indian child who is either expelled or suspended from school or who refuses or fails to attend school regularly, shall be deemed to be a juvenile delinquent within the meaning of the Juvenile Delinquents Act. He added that this was quite a bit different from various provincial acts in that it makes such an Indian child a juvenile delinquent by law - it almost made a child have a criminal record by law. He said it was suggested by some Indian groups that this Section should come right out because it was not fair to Indian children at all.

Mr. Nicholas Prince asked about the difference between Sections of the Indian Act dealing with education and the provincial law. Mr. Fairholm said that there were quite a few differences between the education of Indian children and others. First of all, there is no voice, in the Act, for the Indian people; they could now have some voice in provincial schools in B.C. - where they are registered as voters; the attendance laws as noted were also quite different in the Indian Act from those contained in the Provincial Law. Insofar as the certification of teachers and curriculum were concerned, they were the same under the two systems.

Mr. Nicholas Prince asked for a copy of the Provincial School Act. The Co-Chairman Mr. Boys said that copies of the Act should be available either from the Government Agent in Prince George or from the Superintendent of Schools. He said the Provincial Act was a very lengthy document dealing with many more items in regard to all aspects of education than the Indian Act. Mr. Prince said that the question was asked whether they wanted provincial laws in regard to education. Since none of the delegates read the Provincial Act they were unable to compare it with the Indian Act and to answer the question.

Mr. Edward Dixon of the Canim Lake Band said that they had no problems in their community insofar as education was concerned. All their children have been going to public schools, they also had a kindergarten, the older children went by bus to high school; the Indian parents went to school meetings regularly; all the children were integrated and the School Board had also been very good. He said that more people should be involved in school business and take their part not only as parents of children attending the school but also as members of the community they live in.

Mr. George Manuel said he completely agreed with Mr. Edward Dixon - parents should be more involved in matters affecting the

education of their children. He said that in his area some of the Indians were quite involved with the local provincial school authorities. He added they have an Indian who sits on the School Board and represents the Council of the Band and attends regularly and reports to the Band Council about school activities. They also have a school committee which attends school board meetings. It was also possible for Indians to vote and run as candidates for trustees for school board provided they register before the end of August.

The Co-Chairman Mr. Ronald Seymour adjourned the meeting at 5:20 p.m.

Co-Chairman Mr. Nicholas Prince said they left off at the previous session with the subject of education for which complete answers to some questions were not provided. He said there was the question as to whether the educational system should be put on a Provincial level. He personally thought that the Indians were not very familiar with the Provincial system. He mentioned that Mr. Tataryn, the District Superintendent of Schools for the Northern Interior, would be available to provide information. He said education was very important to the Indians and that it was the responsibility of the delegates to comment on what they think should be done.

Co-Chairman Mr. Roach, Superintendent, Stuart Lake Indian Agency, pointed out that Mr. Boys was called away and that he would be taking Mr. Boys' place as Co-Chairman for the day. He introduced Mr. Tataryn, who, he suggested, be asked to sit at the conference table.

Co-Chairman Mr. Nicholas Prince agreed.

Mr. Tataryn gave a brief background to education:

"There are two systems of education under which you come. One system of education is as given to you through the Indian Act, where the Federal schools are operated for your benefit. These Federal schools are operated right across the whole of Canada. They are built by the Federal Government, they are operated by the Federal Government and the Federal Government hires the teachers for them. These schools are built on the Reserves. They were built quite a while ago. These schools supposedly are non-denominational. A phrase comes in here, also written into the Act or written into the understanding of it that the church, whenever it was involved with the people, would also look after the spiritual guidance and help with the education of the youngsters. So in some instances you have on the reserves private schools built by the Catholics, the Anglican Church or any other protestant denomination. These schools are operated through the religious orders. They started when the expenses for the operation of the school were paid for by the religious orders. Later on, the Government helped the

religious orders to operate these schools. So that, we had these two schools - the schools operated by the Federal Government and the schools operated by the Church. In addition, as the Country opened, the education of the children was left in the bands of the Provincial Government. So now you find yourself in a position where you have three kinds of schools - your own schools on the Reserves, the Church schools and the Provincial schools. This is not a very efficient system to operate. The aim of the Federal education authorities is to try and consolidate the education of the youngsters under one system. We are attempting at the present time to consolidate education under the Provincial system so then you will not have a Federal school, a Parochial school or denominational school and a Provincial school. You'll have one system. Now, we are having some difficulty in this transition because more and more of your children are coming to schools. Maybe I should just pause here and see what kind of problems we do have in connection with these schools.

First, if you live on the Reserve and there is no Provincial school and no Parochial school nearby, then we establish and maintain a school on the Reserve. Usually the Reserves are quite a distance away from a centre and we attempt to make sure that all the children between the ages of 6 and 16 come to school. The teachers who live on the Reserve are the prime factors in making sure the children attend school. The curriculum they follow is that of the Province. In most of our schools in the three Agencies, Burns Lake, Stuart Lake and Fort St. John Agency, our schools go from Grade 1 to Grade VI - those are the schools on the Reserves. If there is a reserve near a town, we ask the parents where they wish to send their children because this, according to the Act, is one of the privileges that you have. You have a choice as to the schools you send your children to but with these limitations - you are responsible first to send your children to the nearest school. If the nearest school is in town, then we will try to provide transportation if necessary to get the children in. Whether we hire our own buses or whether we buy services from the Provincial Government and if your children go to this Provincial School and because your Reserves are not taxable, the Federal Government pays approximately $25.00 per child per month for attending the Provincial school, in lieu of taxes. So, therefore, your child could go to Provincial schools and get the benefits of a Provincial education and it is your responsibility as parents

to make sure that the child attends regularly. Another choice that you have under Section 117, on Page 38 - - 'Every Indian child who is required to attend school shall attend such school such school as the Minister may designate but no child whose parents are Protestant shall be assigned to a school conducted under Roman Catholic auspices and no child whose parents are Roman Catholic shall be assigned to a school conducted under Protestant auspices, except by rigid direction of the parents'. There are many interpretations that can be put into this. The Minister can say "I am the one to decide where your child is sent because the Minister is responsible for the expenses incurred. Second interpretation - - the parents can say 'I want to send my child to a school where my own religion is taught'. The Minister may say it is not feasible because it is too expensive, it is not good because that means separating the child from the parent. - - I'm talking of boarding and residence schools. Therefore, the Minister will say 'Maybe it will be better if you just continue to send your child to the town school and perhaps the religious part will be looked after by the priest or the minister who comes in periodically'.

Co-Chairman Mr. Nicholas Prince asked, in connection with the contents of Section 117 of the Act, why should the Minister designate which school a child should attend. He asked what would happen if the parents wished to send their child to a better school than the one the Minister had in mind.

Mr. Tataryn said that when the Act was written up, the part on education came after the responsibility was laid down that the Federal Government should look after all the Indians. Therefore, it was the responsibility of the Federal Government to look after the Indians to the best advantage of the parties concerned. Sometimes the Minister considers that it is more profitable for the child to attend the school nearer home than sending him away to a Residential school. Therefore, the Minister will advise that a student attend the Provincial school or the school nearest to him.

Mr. Fairholm said he would like to add one point in further clarification. He said the Minister has been given authority in many areas due to the way the Act is written. The Minister has the authority to operate schools and to enter into agreements for the education of Indian children. It is, he added, another area in the Act where the Minister has been given the authority to decide where Indian children shall go to school; however, he does not have the authority, he said, to send children of one faith to a school

operated under the auspices of another faith, except where the parents so direct. He added that the situation was the same in a number of areas in the Act where the Minister was given that kind of authority in the past and it seemed to him that the delegates might wish to consider what should be done for the future.

Co-Chairman Mr. Nicholas Prince read aloud Section 120, Subsection 2 of the Act:-

"Where the majority of the members of a band are not members of the same religious denomination and the band by a majority vote of those electors of the band who were present at a meeting called for the purpose requests that day schools on the reserve should be taught by a teacher belonging to a particular religious denomination, the school on that reserve shall be taught by a teacher of that denomination".

He asked if the Indians were governed by the Act, what happened if a teacher of a particular denomination did not have the qualifications equal to the Provincial level.

Mr. Tataryn replied that first, an attempt, was made to hire a Catholic teacher for a predominantly Catholic community. The Department tries to hire a Protestant teacher for a protestant community. He enquired whether someone could propose a resolution to discuss an extension of fact where they should have the privilege of choice as to where they should send their child. He asked if there was anyone there that could propose topics such as this to thrash out.

Co-Chairman Mr. Nicholas Prince acknowledged that that was the purpose of the meeting. He said there were a lot of things in the Indian Act that pertained to education and that he asked previously what difference there was in the Provincial School Act and the Indian Act. He said he did not receive much of an answer and he asked the question again. He referred to the children in the Provincial schools, the laws regulating education and educational standards in B. C. and wanted to know if those matters were governed in the same manner as the Indians are governed under the Indian Act.

Mr. Tataryn outlined the similarities in Provincial and Federal Education. The Minister in the Provincial system meant the Educational Minister and he had certain powers and authority; the ages for attendance were the same, that every child seven years up to sixteen must attend school. He explained Section 117 was only the same in two provinces in the whole of Canada, in British Columbia and in Manitoba. The other provinces, he did not think, had that, because in other provinces in

Canada the provincial system did recognize the denominational schools - the private schools as we call them. So Section 117, would be the same in the B. C. School Act and the Manitoba School Act. In the other School Acts it was not even there because all schools were supported by the provincial governments. This problem still has to be thrashed out and solved. The Truant Act he said, in the Public School system of the province was way stronger than it was in Section 118 of the Indian Act here because here were fines levied against the parents if they did not send or failed to send the child to school. They could be taken to Court while Indians could have their Family Allowance taken away. He referred to Section 118 and the fact that an Indian child who is expelled or suspended from school, refuses or fails to attend, shall be deemed a juvenile delinquent and comes under the Juvenile Court. That he said was the same with the Provincial Acts. As soon as a child was expelled from school under the age of sixteen, he immediately became a case for the Juvenile Courts. But usually, through Counsellors and Psychologists they eliminate the very few cases which come to light.

Mr. Fairholm in an effort to clarify a point, wondered whether the Provincial Act states, where a person is expelled or habitually late, that a person shall be deemed or may be deemed to be a juvenile delinquent. He had noticed in one Provincial Act that it was "may be deemed", which he said was altogether different in meaning than "shall be deemed", which would make a person a delinquent irrespective of whether he goes before the Court.

Mr. Tataryn stated with reference to two words "shall and may" that teachers and school authorities counteract that move by saying "I am not expelling a youngster, I am suspending". They seldom use the word expel.

Mr. Fairholm pointed out that in the Indian Act a person would be deemed to be a juvenile delinquent even if he were suspended. He thought, in that regard, that the Indian Act might be harsher by making a person a juvenile delinquent where the others might not make them a juvenile delinquent.

Mr. Tataryn said that they do not try to make it into a juvenile delinquent case if they can help it. He claimed Manitoba and British Columbia had Section 121. Section 122 was in all the Acts and in addition, while the Indian Act had only two pages, the School Act of the Provinces would be a book about one half an inch thick. He reiterated that there was a parallel, a sameness, between the provincial and the federal similarly with the curriculum. They follow the curriculum of British Columbia in federal schools, so Indian children have the same work books, the same tests given to them, the same levels to follow and the teachers who teach in those schools have the same qualifications. In some respects they had higher qualifications. The Department had more teachers with degrees in their federal schools on

a percentage basis than in the non-Indian schools.

Co-Chairman Mr. Nicholas Prince asked if the information given referred to schools on reserves.

Mr. Tataryn replied that it was.

Co-Chairman Mr. Nicholas Prince then asked about the children that are attending Parochial schools. He doubted that the teachers in the Parochial schools had the same qualifications as Provincial schools. He said he knew of a case where a person who could not speak English properly was teaching in a Parochial school and yet was expected to teach the children to speak English. He wanted to know how the situation was allowed to exist in Parochial schools. He asked if the teachers should not have some sort of an exam before they started to teach in the Parochial schools. He also asked whether the Parochial schools were not under federal jurisdiction with regard to the Indian students.

Mr. Tataryn replied that it was a problem in Manitoba and B.C. where the Parochial schools were not recognized by provincial authorities. Therefore a provincial inspector did not have the authority, unless he was invited, to come to inspect the teachers in the denominational schools. Until such time as the provincial authorities recognize those schools so an inspector can go in and the provincial government could say teachers must have those qualifications before they would be allowed to teach in a school. There was a comparison between the qualifications of the teachers in the separate schools - with the qualifications in the public schools. The teachers in the Parochial schools over the last three years were more highly qualified on paper than the teachers in the Provincial schools. They had trouble in the provincial system to qualify the teachers: In Prince George, it was October and there had been some teachers who started in September who were no longer teaching because they could not be understood by the children: The provincial government was getting around it by sending out to all Provincial School Superintendents in B.C. a memorandum, saying no teacher should be teaching in a school who did not have a certificate to teach. There were no teaching permits or special permission given for teaching to any teachers this year for the first time in B.C. In Departmental schools in Burns Lake, Stuart Lake and Fort St. John, all teachers were qualified on paper.

Co-Chairman Mr. Nicholas Prince again thought the information applied to schools on reserves. However, he said the Indians had many students going to the Parochial schools. He was interested in knowing what the

Federal Government thought of the fact that the Provincial government does not recognize the Parochial schools. He also wanted to know how the Parochial schools could operate without being recognized by either the Federal or Provincial Governments under a federal or provincial school system.

Mr. Tataryn replied that last year he had tried to inspect the schools at Burns Lake, Vanderhoof, Fort St. James and Fort St. John, but he found that his inspector's report would not be recognized by the provincial system; then the schools would be criticized for their teachers. The authorities who operate these schools try to have the teachers up to provincial standards and most of them were up to provincial standards if not better. He agreed there were some teachers as mentioned who were brought in from Australia with the qualifications and a license to teach in that country in Prince George the kids cannot understand them. He pointed out that they were familiar with other curriculum but here they got lost as far as the book work was concerned and they couldn't teach well. It had happened that some teachers who were not qualified to teach in a provincial system, as a last resort had been asked to teach in denominational schools. Because the latter were short of teachers and because they could not pay the teachers as well as the province. The funds came from bingo games and from donations. There was no grant for books, no grant as far as the teachers' wages were concerned or the operation of the schools. In this way there was a struggle to get teachers that satisfy the conditions necessary for putting across the curriculum for the youngster. It was a problem and not a very definite answer.

Co-Chairman Mr. Nicholas Prince referred to the questions in "Choosing a Path" and said the group did not know who had prepared the questions. He read question 18. He then asked, supposing that all federally operated schools were put under the provincial school system, what would happen to the Indian children that were attending Parochial schools. He wanted to know if they would go under the same system too.

Mr. Fairholm thought, in view of Mr. Prince's question, that there would still have to be some special provinsions in the Indian Act to provide for separate schools in those provinces where there is no legal provision for them, such as in British Columbia.

Mr. Tataryn agreed and said it was as a good time as any to have a resolution come from the delegates.

Co-Chairman Mr. Nicholas Prince acknowledged that Indian children attending Parochial schools were integrated. He was most concerned with the way in which these children would be effected in the event Indian education was put under the provincial education system. He again asked what would happen to the children attending Parochial schools

if education is put under the provincial law. He added that the problem was one of those matters that was not taken into consideration when the questions were put in the book "Choosing a Path". He did not want the Indian children to experience the same language barrier as he and the other delegates experienced. He wondered if there were any delegates who might have some comments on the matter.

Mr. Douglas Hance said the Indian Act covered education but he thought it only dealt with the basic matters. He wondered if the Federal Government had additional regulations concerning education.

Mr. Tataryn replied that they had regulations to go by, especially for administration. He pointed out that he would like to have a school committee on every reserve. He also mentioned kindergartens and nursery schools as a number one priority all over the country. Other regulations might deal with midday lunches or educational assistance or transportation of children to schools.

Co-Chairman A. C. Roach referred to Mr. Prince's question that asked what would happen if the education of the Indians was put under the provincial law. He asked Mr. Fairholm if it would be safe to assume that the Department would try to bring about a regulation to provide for the automatic inspection of Parochial schools and any Indian Day Schools on reserves, if it was the unanimous wish of the Indian delegates attending the consultation meetings in B. C.

Mr. Fairholm mentioned that they were getting views of people in the area as to what the future law might be. He thought there had to be a distinction made between a private school and a publicly operated school. He said he had the liberty in Ottawa to send his child to a public school if he so wished. There were private schools in almost every province. Sometimes the education level offered is very good and sometimes it might be less than the standard or level offered in other schools. The private schools were not usually inspected by government. They were privately operated and they gave education which in some cases might be based on religious faiths. Sometimes there were schools for those whose parents could afford to send them to private school, such as an all-boys school. There was Ashbury College in Ottawa where some of the people in the embassies send their children. It has a certain reputation and it has achieved a certain tradition so that people would like to have their children go and attend. He doubted if such a school was inspected by the Provincial Education Department. He said it was possible to have private schools and publicly supported schools, exist side by side.

People have choices. Sometimes they might choose one or the other. He said he didn't think that a private school that was wholly private would necessarily be inspected by a provincial or federal government - if it was really a private school.

Mrs. Margaret Patrick wondered if Indian children shouldn't go to a school where they would be treated the same as any other Canadian children and where they would learn the same things and mix with other Canadian children. She asked also if Parochial schools should not come under the provincial laws so that the children could obtain the right kind of education.

Mr. Fairholm said Mrs. Patrick had a very good point. In view of the importance of the subject, he said he would appreciate as many views as possible.

Mrs. Marguerite Dominic of the Fort St. John band thought it was the parent's choice to choose the school for the children to attend. She said they had a problem with catholic teachers. They had nine teachers in four years, she said, so they closed down the Reserve school two years ago and sent the children to a white day school. They thought, she added, that it was good for the children because they knew the children have learned a lot more since then.

Mr. Tataryn asked if he was in a position to make a resolution.

Mr. Fairholm replied no, that that was the privelege of the delegates only, and that the Indian Affairs staff was present primarily to listen.

Mr. Harry Dickie was of the opinion that it was up to the parents as to where they wished to send their children. He felt the parents should be interested in knowing what kind of schools there were. If they were not inspected by the school inspector because there wasn't a law in the Provincial Act or Federal Act, he felt that it was up to the parents to decide on a school. He indicated the parents have the privilege to look, and should, into all aspects of a school's system before sending the child there.

Mr. Fairholm thought that it came down to practical problems sometimes. If there was a school to serve a community and everyone in the community wanted to send their children to sixteen different schools, he imagined a problem would be created. As far as he was concerned he said that in Ottawa he would have to send his children to the school located within the district. It was operated by a local school board and he said he had a chance to influence the School Board by electing it every three years. He added that he had the opportunity to either run for candidate and operate the school system or vote for candidates. A school served part of an

area in the community. If he didn't really like the school that is provided for him, he had an option of sending his child somewhere else, but usually he would have to pay to operate the school where he was living and then have to pay to send his child to another school. He said that was the kind of problem people run into. If everyone had the opportunity to send their children to private schools, he said he did not know how community schools could be operated. Usually, when a school district is formed within a province, it is expected that the children in the district would normally attend that school because they would be going from their parents' home. He noted that someone asked a question as to whether one would have an opportunity to send a child to residential school if it was operated under provincial law. "The residential schools more and more are becoming hostel types. They are student residences rather than in the academic sense of running schools, so that you could have a complete separation of the academic work of a school. Yet those that require - those who would normally go to the student residence could continue on. I wouldn't forsee a change in those who find it necessary to go to a student residence, because I expect these will still be used. There are quite a number of places, I think here in British Columbia, as elsewhere, where children are going to student residences and then going to a school nearby. Sometimes, I think there is classroom associated with the residence, so it varies".

Mr. Harry Dickie said he understood that Mr. Prince wanted to know why it was that private schools were not supervised the same as provincial schools. In view of Mr. Tataryn's remarks, Mr. Dickie then understood that provincial schools were inspected in accordance with provincial laws. In returning to Mr. Prince's views, he thought that the question was "why are the private schools not run on the same basis as provincial schools".

Co-Chairman Mr. Nicholas Prince welcomed the adult education group from School District No. 57 numbering thirteen students.

Co-Chairman A. C. Roach also welcomed the students and extended to them his congratulations for their interest in education and told the delegates that the meeting would continue in dealing with the question of education.

Mr. Tataryn suggested that Father O'Reily who was in charge of the educational system of Parochial schools in this region be allowed to explain to the delegates the Parochial system.

Co-Chairman A. C. Roach said that the delegates would have to decide whether or not they wanted to hear from Father O'Reily and

asked Co-Chairman Mr. Prince to handle this matter.

Co-Chairman Nicholas Prince asked the delegates to vote. All unanimously agreed to allow Father O'Reily to talk.

Father O'Reily thanked the delegates for allowing him to speak about Parochial schools. He said that they were asking the provincial government for inspection which was promised. In one school district it already had been put into effect and by the end of the present school year this inspection should be in all Parochial schools. He said that he would also provide the delegates with a complete list of all Parochial school teachers showing their qualifications. All the Parochial schools have followed the B. C. curriculum and their students had to pass provincial examination in Grades 7, 11 and 12. In B. C., there were over 1,200 Indian children integrated into the Parochial school system, of which more than 500 were those located north of Quesnel.

Co-Chairman Mr. Nicholas Prince asked whether the Parochial schools had the authority to suspend teachers if they were not qualified under provincial law.

Father O'Reily said that any school in B. C. who wanted to hold its recognition had to come up to the standards of the Province. If an inspector rules that a teacher had no proper qualification to teach, it would be very foolish, if not disastrous, for any school authority to disregard such a recommendation. Furthermore, Parochial schools having Indian children had contracts with the Department of Indian Affairs and any Indian Affairs inspector would certainly take action to ensure that any teacher without proper qualifications would be dismissed without any delay.

Co-Chairman Mr. Nicholas Prince asked how the Federal Government could enter into contracts with schools which were not recognized by the federal and provincial governments.

Father O'Reily said that the provincial minister of Education, Mr. Petterson, had promised recognition of the independent schools.

Mr. Edward Dixon of the Canim Lake band felt that one point should be brought up; that the question of Indian children attending Parochial schools should be left to various local school boards for decision and the Department of Indian Affairs should not be involved.

Mr. Harry Dickie introduced, after a brief debate concerning the wording of his proposal, the following motion which was seconded by Mr. Edward Dixon:

> "Be it resolved that we, the representatives of the Indian people wish that we, as individuals, have the right to send our children to a Public, Denominational

> or Parochial School, kindergarten, special schools for retarded children, or trade schools and in such cases federal authority assume financial responsibility. Be it further resolved that our children if sent to such schools should have a provincial inspector and other authorities to apply the provincial Act".

Mr. Fairholm repeated his statement made to the Indian delegates on the opening day - that they were not making final decisions or commitments, nor was the Government making any particular commitments, but that the prime purpose of the meeting was to hear the views of the Indian spokesmen representing their people; their views did not need to be the same but they should represent the true feelings of their communities which could be quite different from others. Even if the motion, which was being discussed at the time, were agreed to, or rejected, by the delegates, it was still not binding upon themselves.

Co-Chairman Mr. Nicholas Prince said that before he would ask the delegates for a vote on this matter he would like to have it thoroughly discussed.

Mr. Jasper Thomas said that Catholic Schools did not have qualified teachers; they were getting them from all over Canada and overseas. Catholic Schools should have the same teaching standards as provincial schools; if this were done, he would not mind under which law the education of Indian children, would be. He would go along with the majority of the Indian people on the subject.

Mr. Ronald Seymour asked about the present financial arrangements in B. C. in regard to schools for retarded children.

Mr. Tataryn said that Indian Affairs first of all tried to get the child in the federal school on the reserve; then, if the child needed special attention, because he was, for example, a slow learner, Indian Affairs tried to place him at federal expense in a school suitable to the child and to the wishes of his parents. In Prince George, Indian Affairs would bring the child in from the reserve, find a boarding place and enroll him in a special school which was available there.

Mr. Douglas Hance said that insofar as Section 114 (a) to (d) was concerned he agreed with the federal law but he agreed with the standards of education required by provincial law.

Mr. Thomas Morris agreed with Mr. Prince that education was very important to the Indian people; he wanted to accept Mr. Dickie's motion, which he felt was very good although he did not understand fully all of its implications.

Co-Chairman Mr. Nicholas Prince said that Section 114 of the Act, brought up by Mr. Hance, was one of those Sections which protected the Indian people. The wording of Section 114 should, however, be changed from "The Minister may ....." to "The Minister shall .....". He said that there was another aspect whether or not Indian schools should go under provincial law. What would then happen to those subjects dealing with Indian language, culture, and custom which were being taught under the federal law.

Mr. Edward Dixon felt that the second part of Mr. Dickie's motion should also include vocation schools. Insofar as Parochial schools were concerned, there should be a time limit for the terms of their teachers. They were now too long and they ran things their own way.

Mr. Alfred Joseph said that they had a Catholic School, who teachers were qualified and took their job seriously. They had no wages to hinder them as did teachers of public schools who stayed only a year or two. Their prime objective was the teaching of children; all children were completely integrated.

Mr. Douglas Hance said that they had the same situation as Mr. Joseph. They had a Catholic school, teachers were dedicated to their job. A person told one of their teachers, a Catholic Sister, that he would not do things which she had to do for a million bucks. She replied that she would not do that either. She was doing it for something much more important than a million dollars. He said that they were very much satisfied with the school.

Mr. Peter Luggi said that it was up to the parents to make sure that their children attended school regularly. They should give them encouragement so that the children would like to go to school. If they did not go to school regularly, they could not learn enough and the blame should really be placed on parents rather than on children.

Mr. Harry Pierre stated that pressure should be applied on parents to see that children attend school. There should be a law that each school had to be inspected to ensure its standards.

Co-Chairman Mr. Nicholas Prince wanted to know when the Parochial schools were established in British Columbia.

Father O'Reily said that the first Parochial school was established in 1849 in Victoria on Vancouver Island.

Mr. Tataryn said that the first public school Act was written in 1869, but it was not fully effective until about 1885.

Co-Chairman Mr. Nicholas Prince asked if the Parochial schools were governed by the Indian Act or by the Provincial School Act.

Father O'Reily said that in reality they were governed by both of them because they guarantee the Federal Government that they will follow the B. C. curriculum and the Federal Government would not otherwise enter into contracts with Parochial schools.

Co-Chairman Mr. Nicholas Prince asked what would happen to Parochial schools if Indians were to decide to have their school systems under provincial law. Would the Parochial schools go along?

Father O'Reily answered in the affirmative.

Co-Chairman Mr. Nicholas Prince adjourned the meeting for lunch, informing Mr. Dickie that his motion was still left open for discussion.

Co-Chairman Mr. Nicholas Prince called the meeting to order and enquired whether the delegates wished to continue with the same subject - education.

Mr. Harry Dickie noted that there had been considerable discussion respecting separate Roman Catholic Schools but little about the non-Catholic schools. He asked if these operated in the same way.

Mr. Fairholm advised that it was his understanding that in B. C. there was no provision for separate Catholic and non-Catholic schools - just one provincial school system. He noted that in some provinces there was legislative provision for minority religions-separate schools.

Co-Chairman A. C. Roach in answer to a question of Mr. Tibbetts, advised that attempts were made to place retarded children requiring special attention in an appropriate educational institution and board them if possible, in special homes or on occasion, in an institution, depending on the circumstances.

Mr. Fairholm added that in some larger cities there are special classes for such children to which the child was bused daily and returned home. These included auxiliary classes, opportunity classes, special classes in some schools, and may be operated on a regional basis.

Mr. Tataryn in answer to a question by Mr. Tibbetts respecting the transportation of crippled children, advised that in B. C. the educational bodies relied primarily on service clubs or private transportation. He noted that arrangements were made to transport the child to and from their classes and ensure that the child was cared for.

Co-Chairman A. C. Roach added that in special cases, where needed, he believed a child could attend a school programme in the hospital.

Mr. Harry Dickie suggested the meeting vote on the resolution previously put forward by him. He noted that perhaps the wording was not quite right, through ignorance, and perhaps it really should be two. He requested that the resolution be re-read.

Co-Chairman A. C. Roach noted that the wording was not important, it was the ideas and views that were necessary.

Co-Chairman Mr. Nicholas Prince re-read resolution as follows:-

"Be it resolved that we, the representatives of the Indian people wish that we, as individuals, have the right to send our children to a Public, Denominational or Parochial School, kindergarten, special schools for retarded children, or trade schools and in such cases federal authority assume financial responsibility. Be it further resolved that our children if sent to such Schools should have a provincial inspector and other authorities to apply the provincial Act".

He noted there had been some discussion of the resolution but not many comments. He inquired whether the delegates thought Indians should go under the Provincial School system or remain under the Indian Act for Education, Section 114. He noted there may be some protection under the Indian Act, so the Indians may or may not lose by changing.

Mr. Fairholm noted that the choice doesn't have to be either-or, the delegates could chose some of both by a blending of the two. They could for instance, retain those parts of the Indian Act which they thought were necessary for protection. He noted that in fact such a blending already existed since the Act or the Department regulated certain aspects of Education and in others the existing provincial regulations were used.

Mrs. Margaret Patrick noted that in effect, it would be possible to have special provisions for separate schools and therefore a choice but using other provincial laws, regulations and standards.

Mr. Fairholm noted that the question and the comments indicate that Indians could use the provincial laws but when that law did not provide for separate schools, the Indian Act could apply.

Mr. Douglas Hance noted that using provincial laws bothered him somewhat, by changing the Indian Act we could be abolishing Section 114.

He noted that Section 87 in the Indian Act related to legal rights and was something similar to school provision. He read Section 87 of the Indian Act. He reminded the delegates that they were non-Treaty Indians so that legal rights were important, particularly as they related to hunting and fishing; however, he added that the province, under their laws prevent and punish them for so doing. Mr. Edward Dixon suggested they remain non-treaty.

Mr. Harry Dickie enquired as to how these proposals would affect Treaty No. 8.

Co-Chairman Roach advised that Indians in certain parts of British Columbia were under Treaty No. 8 and that Mr. Dickie was from this area. He enquired whether the delegates realized that the reference to the Indian Act for schools was in respect to Indian Day Schools. Mr. Fairholm also noted that it was not so much a question of location as operation. He advised that there were schools located on some reserves entirely operated by a province or local school authority, under agreement.

Mr. Dominic Le Brun (Quesnel) said that he was at the Kamloops meeting five years ago and the Indian people asked for their land back. One person said that,"Indians had land only as Indian reserves and didn't have land outside of it". He said he belonged to an Indian Reserve but now the government wanted to change the Indian people by using different terms. He said the Indian people had an Indian Parliament before the White man. Indians, he said, hunted fish and meat and had done so all their lives. He did not want to join any other peoples, but wanted services.

Co-Chairman Nicholas Prince noted that there had been considerable discussion although some questions apparently not fully answered and other sections of the Act were involved. He reminded the delegates that the decision made at the meeting would not necessarily be the deciding factor in amending the Act but that they would be considered. Before putting the resolutions to a vote, he asked for further comments.

Mr. Douglas Hance advised that he did not know how the revision would be done - by the Minister, by Order in Council or by Parliament. He suggested that the meeting should have a delegate present when the Act was being changed to go over the whole proposal.

Co-Chairman Roach noted that the entire proceedings were being taped and that summarized minutes were being made, which will be mailed

to all delegates. He advised that there would be further consultation when the points raised in the minutes would be reviewed and if necessary, the tapes would be available. He added that a delegate from each meeting would be invited to those further discussions. He also reiterated that the main purpose of these discussions was to obtain views, comments and requests for amendments but these were not guaranteed.

Co-Chairman Nicholas Prince reread Resolution No. 1; "Resolved that, we the representatives of Indian people, wish that we as individuals have the right to send our children to a public denominational, or parochial schools, kindergartens, special schools for retarded children, or church, and vocational schools, and in such cases, federal authorities assume financial responsibility." The m otion was carried by a majority of the delegates.

Resolution No. 2; "Be it resolved that our children if sent to such schools, should have a provincial inspector and other authorities to apply the provincial schools' Act."

The motion was carried.

The Co-Charman reminded the delegates that only two days remained for the meeting and suggested that if they had any special matters they wished to discuss, they should so advise one of the Chairmen so that it could be considered by the delegates.

Co-Chairman Roach asked for comments on Question 19.

Chief Margaret Patrick of the Lake Babine Band was of the opinion that all adult members of the Band should be permitted to vote on surrenders since the land also belonged to the off-Reserve members.

Co-Chairman Roach, in answer to a question from Mr. LeBrun, advised that under agreement with the province, off-Reserve Indians should apply for Welfare through the local Social Welfare office; while persons living on the reserve should apply through the Department of Indian Affairs.

Mr. Harry Dickie could not see why off-reserve Indians should be barred from voting on anything that pertained to the Band. He was of the opinion that just because an Indian had the opportunity to work off the reserve did not mean that he had no interest in the reserve or band business. He also noted that such people may have children and, therefore, had the right to protect their interests.

Co-Chairman Roach in answer to a question of Mr. Thomas, advised that the question under consideration was not related to enfranchised

Indians, just those who were still Band members but did not live on the Reserve.

Mr. Jasper Thomas was of the opinion all had the right to vote since they were band members.

Co-Chairman Nicholas Prince advised that the question could involve Section 58 (4) of the Act. He read the particular section which involved surrender. He enquired whether a non-resident person should be allowed to vote in cases where he may claim the land under which the gravel was located when the sale of the gravel may be important to the development of the reserve.

Mr. Harry Dickie suggested that in special cases it should be the responsibility of the Band Council to make the decision as to whether an individual may vote.

Co-Chairman Roach in answer to a request, noted that the current regulations on voting limited it to those band members of age who were normally domiciled on the reserve. He added that this phrase sometimes caused problems in definition. He further noted that he understood some bands had requested this requirement be waived. With regard to sale of gravel, he said it depended entirely on whether or not there were titles claimed to the particular piece of property. Normally, a Band Council resolution was sufficient for the sale of gravel which was then forwarded to Ottawa, to obtain a permit.

Mr. Frank Tibbetts, enquired how the off-reserve voting privileges could be worked for a band member overseas in the armed forces.

Mr. Edward Dixon believed individual Indians belonging to the band should vote.

Mr. Douglas Hance noted that the question and its possible implications still bothered him as he believed Section 87 of the Act was involved. He noted that since they were non-treaty, they had not yet surrendered anything to the Government, yet there were some things being given up to Provincial laws such as the right to hunt.

Co-Chairman Roach agreed the term "surrender" was confusing. In fact, the Bands were not giving up anything in surrendering land; what they were doing was giving the Minister the right to lease the land for the benefit of the Band. He did not believe anything was being given up to provincial laws in respect to this question.

Co-Chairman Nicholas Prince suggested the meeting take into consideration Section 39 of the Act.

Co-Chairman Roach noted that the term "surrender" was used because of Section 37 in the Act. He said that, in effect, it meant that the Minister could on behalf of the Band and subject to the Band's directions, make appropriate leases. He agreed the term could be confusing.

Mr. Alfred Joseph enquired whether this meant the Minister could do away with the section on enfranchisement, and Mr. Fairholm was of the opinion that there was authority for an order by the Governor in Council to remove Sections 108 to 112 of the Act in respect to a specific band.

Mr. Frank Tibbetts was of the opinion all members should be able to vote but the matter should be up to each band by By-Law.

Mr. Fairholm enquired whether the delegate meant those members of age could vote providing they came back to the reserve to do so. Mr. Frank Tibbetts was of the opinion a non-resident had the right to be notified of any upcoming vote.

Mr. Harry Dickie noted that there could be a member living many miles away but who had extreme interest in the reserve but not necessarily any land. If he was not given the right to vote, it would not be fair. However, someone living off a reserve but holding land on a reserve for speculation may be different. Generally, he believed off-reserve residents should be able to vote and would if the matter was important enough to them.

Co-Chairman Nicholas Prince asked about urgent matters requiring a vote as to whether or not an off-reserve resident should be contacted and perhaps taken away from his job; or whether in these cases the policy or right should be delegated to the Council. Mr. Frank Tibbetts believed the Band Council must make decisions on urgent matters.

Mr. Frank Tibbetts believed that a person who could not leave his job could not vote either. Mr. Douglas Hance agreed with Mr. Dickie and was of the opinion that regardless of whether he was absent he still had an interest. In so far as losing his job was concerned, it was up to him to make his decision or best arrangements. He noted that he himself, in order to attend the present conference, had to obtain a leave of absence.

Co-Chairman Nicholas Prince utilized the flip-board to indicate that it may be possible for a large number of non-residents to out-vote the residents on a lease which could be of financial benefit to the residents but hardly affect the non-residents.

Mr. Harry Dickie suggested that in matters of this type the decision should be left up to the Council.

Mr. Fairholm enquired if it would make any difference if the proposal was one of a sale.

Chief Margaret Patrick was still of the opinion that off-reserve residents had a right to vote, since they were still band members with an interest in the reserve whether they outvoted the residents or not.

Co-Chairman Nicholas Prince reiterated that in the example only the resident would benefit, not off-reserve residents and enquired what would be the results if the residents were out-voted.

Mr. Fairholm noted that lease money goes into the band funds which belong to the whole band. He added that he was aware of one reserve which had only one resident and enquired if this person should be permitted to make all decisions himself.

Mr. Ronald Seymour believed that on or off the reserve, a band member had the right to vote as he had an interest in the reserve. Mr. Alfred Joseph believed that as long as the Council knew the address of those living off the reserve, these people should be consulted.

Co-Chairman Nicholas Prince suggested that authority should be delegated to the Council to establish a policy by By-Law concerning voting on surrenders. Mr. Harry Dickie enquired whether Council could make such a By-Law.

Co-Chairman Nicholas Prince was of the opinion they could but it would be necessary by resolution to come under Section 82.

Mr. Fairholm said the thought that to delegate such authority to the Council would require an amendment to the Act to include it as a power of the Council. He noted that the problem frequently arose and gave as an example the case of a band member who lived within 100 yards of the reserve but whose vote was challenged because he was a non-resident. He wondered whether off-reserve residents should be penalized for moving off, since all retain an interest in the reserve land and funds and, therefore, ought to have the right to vote. He added that the Act currently states one must be ordinary resident. He compared such voting to non-Indian municipalities where a land owner, whether living within the municipality or not retained the right to vote. He noted that some delegates had not spoken and that previously the meeting had discussed the need and possibility of speaking in their own tongue and the use of interpreters. He enquired if this had a bearing on the fact that some did not appear to be contributing.

Co-Chairman Nicholas Prince adjourned the meeting for coffee.

Co-Chairman Nicholas Prince remarked that they had discussed the question (Question 19) during the coffee break.

Mr. Harry Dickie asked Mr. Fairholm how Section 87 applied.

Mr. Fairholm replied that the Federal Parliament alone has the right to legislate for Indians and Indian lands. However, the provinces legislate about many matters such as Education, Health, Estates, mentally incompetent people, etc., Section 87 states that where Canada makes no specific legislation for Indians, then on those points the laws of the provinces apply to Indians in the same way as to other people, provided they do not contravene the Indian Act and the Treaties. An Indian is a citizen of a province and laws which are not specifically covered by the Indian Act or the Treaties apply to him.

Mr. Harry Dickie asked if this applied to surrendered lands?

Mr. Fairholm said it did but the law must be interpreted. He noted a case in point where a Justice in one of the Provinces decided that a municipal zoning by-law applied to Indian Lands which had been leased. The decision had been handed down in September of this year.

Mr. Harry Dickie replied he was afraid if they voted this way they might lose something more important.

Mr. Douglas Hance said when a thing was law, it was serious. If they go out and get a moose or go fishing, the authorities might punish them. He did not see an answer to it.

Co-Chairman Nicholas Prince believed that only those members of the Band living on the reserve should be allowed to vote.

Mr. Douglas Hance stated Section 87 seemed to tie in with surrender and seemed to involve legal rights.

Mr. Fairholm said that Section 87 also offers protection but some Indian Bands might want to take advantage of Provincial legislation.

Mr. George Manuel asked if, in respect of Section 87, did Provincial Law apply to hunting and fishing?

Mr. Douglas Hance believed that it did as Question 19, on surrender, tied in with Section 87.

Mr. Fairholm replied that it also tied in with Section 37. The question was, who was entitled to vote on the sale or leasing of land. If a Band wanted to lease or sell ten acres of Band land, should any reserve residents have the right to vote or all members of the Band?
Mr. Harry Pierre said that all the people living off the reserve should vote and asked for a vote on the question.

Mr. Frank Tibbetts agreed with the idea of a vote.

Mr. Edward Dixon said he did not agree. There were vast differences in reserves. In some cases there were large sums of money involved.

Mr. Frank Tibbetts thought that the Band Council should have the right to decide who should vote.

Co-Chairman Nicholas Prince asked if they should allow all to vote or should Band Council decide who should vote?

Mr. Zaa Louie stated they were all entitled to vote.

Co-Chairman Nicholas Prince asked what happened when Band members were living all over the country?

Mr. Frank Tibbetts believed Band Council should have the right to decide who should vote.

Mr. Phillip Patrick said they would have to change the Act to allow all to vote.

Mr. Dominic LeBrun remarked that they wanted to stay with the Indian Act. He said that before the White man came they were free. The White man had brought education and drink and made them sign a paper, but the Indians were still there.

Mr. Thomas Hunter said there were not many White men here before 1911 -- but then many came.

Mr. Nicholas Prince requested a vote on Question 19. He asked how many felt that all adult Band members living on or off reserves should have the right to vote on the surrender or leasing of land?

Mr. Edward Dixon maintained that the Band Council should have the right to decide who should vote.

Co-Chairman Nicholas Prince questioned whether he meant that they should delegate the authority of deciding who should vote to the

Band Council. Mr. Edward Dixon replied in the affirmative.

Mr. Douglas Hance asked how anyone could be asked to vote on surrender -- on giving up something? Could it be worded differently.

Mr. George Manuel stated surrender was a misleading term. It did not always mean selling, it could mean leasing.

Mr. Fairholm commented that perhaps they should keep the word surrender only for selling, and deal somewhere else with leasing through other provisions in the Act. Could another word be found? Surrender, he reminded them had a particular meaning in law.

Mr. Thomas Morris stated they must vote on it. He thought the Band Council should have the right to decide who should vote.

Mr. Douglas Hance said surrender meant giving up. When one surrenders to a soldier one gave up everything.

Mr. Fairholm said that before 1951, the words relinquish and surrender were used in the Act for both sales and leases. This had the disadvantage of blocking many good leasing proposals.

Co-Chairman Nicholas Prince said the word relinquish sounded too final.

Mr. Fairholm stated Section 38, subsection 2 used the words conditional, unconditional, qualified and unqualified. A conditional sale might be that the price would be set at $500 or $100 an acre. Unless these conditions were met there could be no sale. Unconditional sale would set no terms. A qualified lease could stipulate that it be for 10 years only or only to be used for farming or only at a price of $10 an acre. On these could be no qualifications on the leasing. More frequently conditions and qualifications were being laid down and if they were not met there was no deal.

Mr. Dominic LeBrun remarked that in one reserve in a town an Indian cemetery was taken over.

Mr. Edward Dixon said lands were often surrendered for public utilities. He thought the Band Council should decide. Some roads were going right through reserves for other people to use.

Mr. Fairholm said Section 35 made it possible to use reserve lands for public purposes. The Band Council must be consulted. Roads for reserve purposes were decided by the Band Council. The Province had the right to use 5% or 1/20 of reserve lands for roads or public works.

Mr. Alfred Joseph said that in some cases it had been difficult to collect payment. Mr. Fairholm noted it was often difficult to decide whether the Band or an individual should be paid.

Co-Chairman Nicholas Prince read the question: "Are you in favour of allowing all adult members of a Band to vote on surrender for lease or sale?"

Carried.

The meeting turned to question 20 dealing with whether the Minister should continue to have authority to order surveys and subdivisions or whether this authority should be given to the Band Council.

Mr. Fairholm stated that Section 19 of the Act gave authority to the Minister but in practice Band Councils were being consulted. Mr. Alfred Joseph recommended that more authority on this question, and on such matters as roads and water systems, be given to Band Councils. Co-Chairman Nicholas Prince said there was no need for the field staff to be included in the decision. Band Councils could decide for themselves. He added that they had thrashed this question out last week and agreed that the Band Council and not the Minister should have the authority.

Mr. Phillip Patrick observed that Indians not the Minister had to live in the houses.

Mr. Alfred Joseph asked who would pay for surveys and subdivisions if this authority was given to the Band Councils?

Mr. Fairholm said there would be no difference in the practice of payment.

Mr. Harry Dickie said the Minister would still have the authority as set out in question 20. If it was not passed, the Minister would still have the authority and they would not be getting anywhere.

Mr. Fairholm said there seemed to be some fear that by passing it somehow, they might be losing something. He suggested that the real issue here was to have the authority to ask for something to be done, or to have a say that if the road was to go somehwere it would be the Council who would determine its course and not the Minister. This would give the band power to authorize a subdivision on the reserve for example.

Co-Chairman Nicholas Prince then asked for a vote on those "in favour of giving the authority to order surveys and subdivisions to the Band Council rather than to the Minister."

The motion was carried.

Mr. Fairholm pointed out that a related matter was whether or not to delete Section 34 of the Indian Act, sub-Sections 1 and 2.

Mr. Alfred Joseph inquired if this had anything to do with the miscellaneous reserve resources and was advised by Mr. Fairholm that such was not the case.

Mr. Phillip Patrick observed that they did not need this section in the Indian Act.

Mr. Fairholm pointed out that it was an oversight that no question on the matter was raised in the list of questions. However, this oversight was caught in the notes on "Choosing A Path".

Mr. Edward Dixon moved and Chief Tibbetts seconded: "that Section 34 of the Indian Act be deleted".

The motion was carried.

Mr. Fairholm reminded the delegates that he would try to make translation services available if there were some delegates who would prefer to speak in their own language.

Adjournment.

October 17, 1968.

Co-Chairman Jeff Boys said he understood that discussion of Question 20 was completed on Wednesday, October 16, during his absence. He asked the delegates what they would like to discuss next.

Mr. Harry Dickie read a letter in accordance with instructions from his Chief. (Dateline: Fort Nelson, B.C., April 21, 1964. To: Hon. René Tremblay, Minister of Citizenship and Immigration, Parliament Buildings, Ottawa, Ontario. From: George Behn, Chief, Fort Nelson Band, and Harry Dickie, Councillor.) The letter read as follows:

> In regards to the bill C-130 which is an act to provide for disposition of Indian Claims and of which we were advised of by the Ministers of Indian Affairs we would submit for your attention the following items.
>
> That as although we had been resident around Fort Nelson for at least 150 years a land reserve was not gazetted nor our allotted 25,000 acres until 1962. Although provision was made in Treaty #8 some 50 years ago.
>
> As a result in delay of surveying and dedicating this land for our reserve we were not granted mineral rights, and whereas our traditional hunting and trapping area has been exploited by gas exploration companies diminishing our revenue - we would claim all mineral petroleum and other rights be granted to the band and that any and all lands held at the Fort Nelson, Prophet River, Fontas Reserve, and snake river Valley reserve as well as Kantah on our behalf also be inclusive of these mineral rights.
>
> Furthermore as there is at least one producing well within the confines of our reserve, that we be granted royalites therefrom and from all subsequent wells drilled thereon and that we be re-imbursed by the Provincial Department of Land and resources for any revenue garnered by them on their land lease sales to oil companies and this amount be added to our band fund.
>
> We would also like to have your commission straighten out and establish payments for rights of ways of gas and any other pipelines crossing our reserve, now and in the future for a fixed initial amount and an annual rental of 10% per annum of this amount.
>
> At present we were in negotiation with B.C. Hydro who ran a pipe line across lands set out for us but not as yet surveyed. At the original time, knowing that we did not have the land in our name we granted the rights for over a mile of right-of-way for 500 dollars. This we did as we understood that as the land had only been set aside for us and not surveyed - our claims were doubtful and it was advisable to make the original but unsatisfactory negotiations

now in effect but which we would like reviewed by your commission.

Then there is the unresolved matter of sawmill and planer mills and camps for the above situated on our lands and which has been there since 1959 - there again due to the fact that we understood the land was only earmarked for us but not actually in our possession. At this time a verbal agreement was entered into but no recompense granted to us. In the meantime owners of the various set-ups have changed hands numerous times and no firm policy or revenue arrived at. We would like to claim for a set annual rental from 1959 until now and a definite sum established for future years.

The claim also arises persuant to this of the matter of a road leading to the millsite from the Alaska Highway through the reserve for which we feel compensation should be forthcoming.

While we are not aware of the mill actually cutting any of our timber without prior arrangements we would request that this matter be looked into and a firm policy set out between the department and the operators.

Another item is the matter of land that we had staked out for our own reserve and which we understood would be surveyed in the amount allotted to our band which our band voted on and which was, before completion of survey definitely the land in question when we took our vote, several plots were sold in parcels and parts to private enterprise and individuals while the department of Indian Affairs or its agents dallied in the survey, leaving it too late to negotiate with the interested private people and companies.

They in the meantime, without our consent gained access and rights through the Provincial Department of Lands and Forests while our hands were tied.

In this respect we are claiming that this land amounting to some 50 acres which were included in the unsurveyed reserve and so coming to us have reduced our reserve in some approx. 50 acres. This land should revert back to us and a lease negotiated with the owners of the parcels of lands on a long-lease basis.

In this regard we would also request that the Provincial Government should grant us the money they got from the sale of these lands and that together with the nominal rent per annum for the acreage would not deplete our meagre resources and make an income for our band fund.

We also feel justified in claiming for land we had to buy to get an access road into our village. From the time we sought this land a further 6 lots were disposed of by the Provincial Government and people moved on to them. We

claim thereon also a nominal ground rental for lease on these lands which should revert back to our reserve.

We also would advise you that we bought some land from a Joe Dahl and pre-empted land owned by the Catholic Church with whom we have not negotiated and would therefore ask that our band fund be re-imbursed for the amount paid to Dahl and that this matter of the road be settled satisfactorly to all and compensation arrived at by the fairest means as outlined by your commission.

Another matter pending and unresolved which we would request that you deal with is as follows: At the time the provincial department of Highways put in a road from Mile 296 Alaska Highway to a river crossing known as the Sikinni bridge, we received no payment.

We understood however, that they would give us an access road into and out of our village and serve and maintain this road. This has not been honoured and we would like this established in a businesslike, fair and equitable manner.

There is also the matter of a farming scheme in which the department broke up some 50 acres with a view to our people farming it. An appropriation was received and equipment supplied. Then without our consent the machinery was taken away and no compensation received. This of course put the farming matter at a standstill. Could you also adjudicate on this matter.

While we realize it comes under provincial jurisdiction the matter in a change of regulations in beaver hunting makes this operation not economical. At times it is necessary to shoot beaver, closure of the season in our area April 30th is impractical for with the late season we have and for which we are equipped and prepared to follow our traditional trapping practices we find this only possible and economical if the season is extended to and remains open to May 15th in this area.

There is also the matter of goods outlined by the treaty of 1911, which has not been met and we would like compensation for shortages and ommissions. We would also seek clarification of the intention of these goods and the amounts revised to a more practical quantity.

We would also request an accounting of where our money goes and has gone from the formation of the band under treaty.

We understand that we are allowed to spend only the interest and would like an accounting brought up to date and then an annual report from 1964 on.

Thank you for your attention in these matters. Any

further information you require we would be pleased to pass along to you.

We have only drawn the major matters to your attention and tried to omit the minor grievances.

Mr. Dickie said that they have not received a reply and that they were still awaiting an answer.

Co-Chairman Boys expressed regret that an answer had not been received from the Minister's office. If Mr. Dickie would provide a copy of the letter, Mr. Boys said he would take it up with the Minister's office and have it traced. He mentioned that there were two or three changes in the Department since the letter had been written and that it would be necessary to go back into the records for preparation of a reply.

Mr. Fairholm observed that the contents of the letter referred to Bill C130. He recalled that early in 1964, Bill C130 was sent out to all Band Councils in Canada along with requests for their comments on a Bill which had been introduced in Parliament to establish an Indian Claims Commission. He believed there were roughly 300 briefs or representations made concerning the Bill. The claims legislation which had been introduced, he said, provided for dealing with certain transactions or claims that had arisen in the past and which might be put forward by various Indian Bands across Canada. He said the proposed legislation was amended in some respects following receipt of all the briefs received from different groups across Canada and a new Bill was introduced in June of 1965, and was known as Bill C123. The Bill was given first reading in the House of Commons. It was given second reading which was approval in principle and referred to a Parliamentary Committee. However, the Parliamentary Committee did not have an opportunity to deal with it because in about August of 1965, the then Government decided to call an election which was held in November of that year. The election meant that the legislation that had been proposed in the previous Parliament stopped and had not become law. He thought the Bill was related quite a bit to the kinds of items covered in the letter read by Mr. Dickie. In the fall of 1965, Mr. Fairholm added, there were representations made to the Minister of Citizenship and Immigration and very shortly thereafter to Hon. Mr. Laing, from Indian leaders in the Province of British Columbia, asking that the legislation not be proceeded with immediately or at least until the Indian people in the Province had an opportunity to consider their position further. That happened nearly three years ago, he said, and he was not sure what further action had been taken by Indian people in British Columbia. In any event, he added, he did know the B.C. Indian people wanted to consider their position regarding what is commonly referred to as the Indian Land Question which was primarily of interest to those who were not within Treaty No. 8. Mr. Fairholm said he thought the Speech from the Throne mentioned the establishment of an Indian Claims Commission in the present session.

Mr. Douglas Hance in referring to the letter read by Mr. Dickie, thought that Mr. Dickie wanted something from the Provincial government as well. He said the Minister had very little to do with the Province regarding the Indians. Mr. Hance noted that Indians pay provincial taxes

and he was not satisfied with the services the Indians get in return. The setting aside of range lands was perhaps the biggest help they get from the Province, he said, but they would then gradually lose it back to them. The rangelands were paid for by the Indians, he thought, through the animals they get on the rangeland by so much per animal. Other settlers moved in, also, and made application for the same area. Even though the Indians ask and fight for denial of applications from new settlers, the Indians lose out. If the situation continued he added, the Indians will keep losing until they end up with nothing.

Co-Chairman Boys said he understood what Chief Hance was talking about. He said the recognition of Indians by the Province was not satisfactory. Because of that and the fact that all Indians pay all taxes in the Province, except land taxes, the Branch recently had a study made of the taxation of Indians in the Province. The study was being made by a team of experts from the University of British Columbia who were in the process of completing a report. As a part of the team's study, they were also examining the services that were granted to Indians in return for the taxes they pay. He hoped that the report would be a useful document in negotiating with the Province on behalf of Indians or helping Indians negotiate for themselves with the Province for more and better services. He thought the question of the availability of rangeland for Indian ranchers was just one of many things that must be recognized by the Province of British Columbia.

Mr. Fairholm added, in reference to the letter read by Mr. Dickie, that if there were things that could be dealt with through administration and that did not require legislation, they could be looked into by Mr. Boys as indicated. However, he said there were some things that would have to be dealt with through the claims commission.

Co-Chairman Boys read Question 21 and asked if they agreed that the provisions giving the Minister authority to operate farms on reserve land should be repealed?

Mr. Fairholm mentioned that Question 21 concerned Section 70 of the Indian Act. He explained that the term "repeal" meant to take out - to remove. Under Section 70 he said, there was authority for the Minister to operate farms on reserves. A good many years ago there had been a few farms operated by the Department on some reserves, particularly in Manitoba, Alberta and Saskatchewan. More recently, any community farms had been operated by Band Councils or the Bands themselves. Section 70 was a carry-over of a provision started 70 or 80 years ago but he noted that it was not used now. To his knowledge, the provision had not been used since 1951.

Mr. Nicholas Prince asked what would happen if Indians in one half of the province wanted provision for the Minister to operate farms and the Indians in the other half did not. Mr. Fairholm noted that they had not yet discussed changes of the Act with Indians in Manitoba and Alberta.

Mr. Jasper Thomas did not agree that the Minister should have the authority to operate farms on the reserves. He felt that such operation should be turned over to the Band Council. Mr. Fairholm said that that was

the general proposal - that the Council and only the Council might carry on if they wished to have a community farm.

Mr. Douglas Hance acknowledged that the Minister had power to operate farms on the reserves. With respect to rangelands, he felt that the Minister should have some power, also, over the Province in order that the Minister might protect the Indians and the rangelands allotted to them.

Mr. Fairholm thought that there might be a real problem to provide, in the Indian Act, control over lands that are under the Province. Frankly, he could not see how it was possible for the Indian Act to have any control over provincial lands.

Mr. Jasper Thomas thought that the Minister just operated farms for treaty Indians. He felt that they could not leave the Minister out if they were going to operate farms on the reserve. Mr. Thomas indicated that they needed the Minister's financial assistance to operate farms as the operation of farms could not be financed solely by the Indians. Mr. Fairholm thought there was some misunderstanding by Mr. Thomas. He explained that the question concerned operation of a farm by the Minister who would hire the people to operate farms and be in complete control of the farm. He said that the arrangement would be entirely different from the operation of farms by individual Indians. He again stated that the Minister does not operate any farms on Indian reserves today. Any community farms in existence, he said, were operated by Band Councils or Bands.

Mr. Jasper Thomas understood that when the Minister was involved in farming, all the proceeds or profits would be taken by the Minister. That was the reason why he thought the Band Council should decide what farming was to be done on reserves.

Mr. Fairholm said that he just received the following telegram from the Minister without Portfolio, Hon. Robert Andras:

> "Deeply apologize to you all for my inability to attend the meetings in Prince George. Until today I had planned to be with you on Thursday and Friday, but I just learned that mechanical problems with the aircraft now makes this impossible. I do want to meet you and will do so as soon as possible. In the meantime, I will closely read the transcript of your meetings."

Mr. Fairholm said that he was sure the delegates and the officials were sorry to hear that Mr. Andras would be unable to attend the meeting.

Mr. Harry Dickie asked Mr. Fairholm if he was able, in the Minister's absence, to make decisions in his place. Mr. Fairholm replied that it would entirely depend on the nature of the decision. Mr. Nicholas Prince said that he did not feel any final decision needed to be made. Nothing final was to come out of this meeting. Mr. Fairholm agreed with Mr. Prince; the prime object of the meeting was for the Indian delegates to express their views.

Mr. Harry Dickie said that the Government sold to Veterans Affairs an Indian Reserve belonging to the Fort St. John Band. It was about 40 square miles of very good land and the Indians also owned mineral rights on this parcel of land. In exchange the Indians got some other small pieces of land but without the mineral rights. They feel that they got a very bad deal by losing their mineral rights. They therefore ask for a piece of land just bordering their reserve which is good land for farming. Their present reserve is too small and not suitable for farming.

Mr. Fairholm said that he did not know the history of that particular land transaction but he suspected that at some time there was a surrender for sale. It would be under Section 37 of the Act and the land disposed of. The question was what happened in this case insofar as the mineral rights were concerned since the new land had no mineral rights attached to it while the land which was given up had these rights. He said that there would be a record that would explain what happened. Up to 1947 when oil was struck at Leduc, Alberta it was rarely the practice anywhere to reserve mineral rights.

Mr. Harry Dickie said that there were two other reserves, the Blueberry and Hudson Hope reserves had mineral rights. He felt it was not right that some reserves had these rights and others not. They had these rights before the law was passed in the Province that there would be no more mineral rights - but the Indian people were here before the Province.

Mr. Jasper Thomas wanted to know when the Provincial Government took away mineral rights from Indian Reserves of British Columbia.

Mr. Fairholm said that basing his answer on recollection, it would appear that about 1912 there was an agreement between the federal and provincial governments which is referred to as the MacKenna - McBride agreement. There had been for many years before then a dispute as to size of reserves and Indian rights; one of the terms of the 1912 agreement was the 50 - 50 division between the Province and the Band for any mineral rights that might be found. This did not apply to the Peace River block at that time. He was not sure whether or not this provision applied to the railway belt - 20 miles on each side of the CPR line - where reserves were established. In 1943 the British Columbia Mineral Resources Act was passed which again set up a 50-50 division between the Province and the Band. Mr. Jasper Thomas asked why the Indians were not allowed to sit at those meetings which resulted in the loss of mineral rights of the Indian people. The Indians want to have all of their mineral rights back.

Mr. Nicholas Prince said that they had lost a reserve containing very good farm land prior to 1916 but he had not seen any reports on that. They had obtained another piece of land in exchange.

Mr. Fairholm said that the 1912 agreement provided also for setting up a Royal Commission to examine the size of reserves in British Columbia, to add to the reserves or to cut off parts of the reserves; Mr. Prince was probably referring to the cut off land - lands which were taken from reserves that existed at that time. Other lands had been added. This was the result of the work of a Commission of 3 or 5 people. They had presented a complete report showing in detail all their recommendations

which were not always acceptable to some groups in the Province.

Mr. Thomas Morris said that he did not understand why the Indian people did not have the mineral rights in their reserves; he said that he had heard that nobody was entitled to any minerals found more than 6 inches under the surface of land. He felt that the problem presented at the meeting by Mr. Dickie should be looked into.

Co-Chairman Boys said that when the reserves were set aside initially before the turn of the century, in the 1880's, there was an agreement at that time between the Province and the Federal Government that the minerals underlying Indian reserves would belong partly to the provincial government and partly to the federal government for the benefit of the Indians and the division was made that precious metals such as gold or platinum would belong to the provincial government and all other base metals would belong to the Indians. The trouble was in the fact that it was impossible to mine one sort of metal without another. Later an agreement was reached that if a mining operation were conducted on or under an Indian reserve, all of the profit would be divided 50-50 between the provincial government and the federal government for the Indians owning the reserve. This provision was recognized by all governments until the present provincial government which went on record as saying that they did not recognize that Indians had any rights to any minerals underlying Indian reserves. There had not yet been a case where there had been a mine developed on a reserve, and when there was, the case would have to be tested in the courts. It seemed fairly well documented that the original agreement was that precious metals would belong to the provincial government and base metals to the Indians.

Mr. Nicholas Prince felt that the correct interpretation of that agreement was that precious metals belonged to the white people and dirt to the Indians. Co-Chairman Boys said that far more was derived in British Columbia from copper, zinc and lead than gold. Insofar as Mrs. Dominic's problem at Fort St. John, Mr. Boys said that records would have to be examined to find out exactly in what way the land was exchanged. At the time of this transaction, the Fort St. John Ageny was not a part of the administration of the British Columbia region, but it was under the Alberta region where the records were kept. He promised Mrs. Dominic to find out what happened and to let her know about it.

Mr. Edward Dixon felt that Section 88 did not provide Indians with any protection in this regard.

Mr. Fairholm said that where the mineral rights were clearly with the land the mineral rights would not be disposed of but rather surrendered under Section 37 and once having been surrendered, then the administration of it was carried out under regulations made under Section 57. But first of all, the Band would have to surrender their minerals for exploration, and development if a mineral, oil or gas was found. The protection would therefore lie in Section 37 which provides that no land in a "reserve shall be sold, alienated, leased or otherwise disposed of" with a surrender; mineral is part of the land and if the rights to the undersurface went with it then it is a part of the land under Section 37.

Mr. Harry Dickie said that it seemed to him that the oil companies leased land outside of reserves for exploration in British Columbia. They had to do a certain amount of work within a certain period of time; on the reserves there was no such provision and the companies could hold leases for as long as they wanted without having done any work.

Co-Chairman Boys said that the safeguard could be made by the Indians at the time when they surrendered their land; they could build in the surrender all the conditions they wished to have - such as giving the oil company a year to commence its explorations. In other words the Indians could set the conditions.

Mr. George Manuel wanted to know if Section 35 could apply in the case that valuable minerals were found on a reserve. Mr. Fairholm replied that this would not be possible since Section 35 referred only to taking land for public purposes.

Mr. Harry Dickie said that in his area there were parcels of land which contained Indian cemeteries in the old campsites. This land had been lost years ago. He felt that the government should give the Indians back this land, including mineral rights, so that nobody could explore for minerals in places where the Indians buried their dead. Mr. Fairholm said that his understanding was that under the Criminal Code of Canada it was an offence for anyone to tamper with burial grounds which were regarded as being sacred.

Mr. Edward Dixon said that they had the same problem as that described by Mr. Dickie and thought that records at Victoria should be checked. Co-Chairman Boys suggested Chief Dixon check with Superintendent Cooper who would look into this matter and let him know what he found out.

Mr. Frank Tibbetts said that Section 70 of the Act should be deleted, and this should be left to the Band and Band Council rather than to the Minister. Mr. Douglas Hance did not agree with Chief Tibbetts; he felt that no decision should be made in this regard.

Mr. Walter Dieter said that he did not understand how it was possible that under the Proclamation of 1763 the Indians were left out insofar as lands and minerals were concerned. Furthermore, under Section 146 of the B.N.A. Act how the people of British Columbia left out the Indians who did not get a fair deal at all. Indians of Saskatchewan, although they got cheated quite a bit, still had mineral rights.

Mr. Nicholas Prince said that no land was ever surrendered by the B.C. Indians. He said that there were many Sections of the Indian Act which dealt with lands, and it was precisely for this reason why he was against the Indian Act. Indian lands in B.C. were indeed the whole of the Province of B.C. Mr. Douglas Hance said that there was no settlement insofar as Indian lands in B.C. were concerned. He asked the delegates to express their views on this matter.

Mr. Duncan Amut asked whether an Indian who is a member of one band could own land on a reserve belonging to another band. Co-Chairman

Boys said that legally, under the present Act, an Indian can only own land on reserves owned by the band to which he belongs. If he transfers from one band to another, he must give up or dispose of his holdings on the reserve of the band he has left; there is a provision for these cases in Section 25 (1) and (2) of the Indian Act.

Mr. Harry Dickie wanted to know if, when Treaty No. 8 was signed with the Federal Government, the Provincial Government of British Columbia had also been represented. Co-Chairman Boys said that he was unable to answer this question. This required some research. Mr. Boys promised Mr. Dickie that he would find the answer for him.

Mr. Nicholas Prince wanted to know what the provisions of Treaty No. 8 were. He thought that they possibly affected only people and not lands. It was something which needed to be looked into. He also asked if Section 70 was ever used in northern British Columbia. Co-Chairman Boys said that it was not used in recent years. There was such a department operated farm in the 1930's on the Kamloops reserve.

Mr. Nicholas Prince suggested that Section 70 should be strongly put into effect in order to help the Indian people in British Columbia in general and in Chilcotin country in particular, in their farming operations. The Minister should help these people in providing them with modern means of farming - under Section 70.

Mr. Douglas Hance introduced Mr. Paul St. Pierre, the member of the federal parliament for his constituency.

Mr. Paul St. Pierre thanked Chief Hance and all the delegates for allowing him to say a few words. He said that one of the best features of these meetings was the fact that the Indian delegates were not being pushed one way or another. They themselves were the people who did the pushing. He thought that the conference should have had some type of translation equipment which would enable those delegates who were not too familiar with English to present their views in their own language which they used on their reserves. He told the delegates that no final decisions were to be made at the meeting and that the delegates were able to change in future those views which they expressed at this time. He asked the delegates to express their views on all those subjects which were bothering them at the Conference, and not later to the people on their reserves.

Co-Chairman Boys said that the Indian farmers have been given instruction. There have been workshops and seminars organized by the Department of Indian Affairs with the Department of Agriculture of the Province. Invitations to various meetings have been sent to Indian farmers, chiefs of bands and councillors in order that they would be more familiar with the problems of farming.

Mr. Douglas Hance felt that the Minister could be more helpful to the Indian people by approaching the provincial government if requested or given consent to do so by the band council. He said that farming and ranching were very important to the Indians living in the Chilcotin country. They were getting nothing from the British Columbia government; it was vital for them to get some ranch lands. They had received some of these lands but

were gradually losing them again to the Province. Regardless of the Indian protests, their lands were getting smaller and this was one matter where the Indians rely on the Minister to work with them as a team. He should approach the provincial government on this matter. Mr. Nicholas Prince gave Chief Hance complete support and said that only those Indians who were living in farming country understood their problems and they should receive full support from the Minister.

Mr. Duncan Amut asked what procedure should be followed by the Indians in order to get help from the Minister insofar as farming was concerned. Co-Chairman Boys said that he could tell him what happened in the Fort St. John area in recent years. People there had never traditionally been farmers. They had reserves that could be developed into farmlands. The Department employed men with good agricultural knowledge and experience for the benefit of the Indians in the area; assistance was given to them to acquire the necessary machinery and large areas of their reserves were cleared and brought under cultivation. The Indians had done this themselves. It was not conducted as an operation by the Minister with him employing the people. The Indians had received the guidance of the project officer, of the agriculturalist on the reserve and since they then had excellent crops, they had obtained prizes in the local fall agricultural fair for the past several years. They had some good herds of cattle. They made good profits out of which they are paying all those who participate in this, and they were putting some of their funds into their bank account. It was a very successful project for all the Indians of the area which demonstrates what could be done by Indians themselves with the help of the Department.

Mr. Harry Dickie asked why there were no development officers in the Fort Nelson area. Co-Chairman Boys said that there were more development officers per capita of Indian population in his area than anywhere in the Province, because the people were nomadic and had not undertaken any agricultural operations until very recently. For this reason more assistance was given to the Fort St. John Agency. If Mr. Dickie were to make a request to the Superintendent, one of these development officers would come and give them advice and guidance as to what the Indians in the Fort Nelson area could do insofar as agricultural operations were concerned. Mr. Harry Dickie said that they needed some assistance not only in the area of agriculture, but also in others such as for example the logging operations. Mr. Fairholm said that the assistance referred to by Mr. Boys was made available through the annual estimates that were voted by Parliament each year to provide funds for all types of projects, and not because of Section 70 of the Indian Act. Mr. Nicholas Prince said that his band made a resolution requesting a community development officer and received him within a very short period of time.

Mr. Harry Pierre said that under Section 70 it did not necessarily mean that the Minister had to put farms on the reserves but he should help those Indians who wanted to go farming as individuals.

Mr. Douglas Hance brought up some of the troubles on reserves. He was wondering how he could put into effect a regulation which would enable the Chief of the band to refuse the admittance to a disorderly member of his band in the reserve for a certain period of time - from a

month to a year. It should be put into the Act so that it could be dealt with by the provincial law. Mr. Boys said that he did not know precisely what machinery should be used to allow the Chief to banish a member of his band, charged with creating disorder, from the reserve. He said that he would be most interested in hearing views of the delegates on this subject. If all agreed that this was a good suggestion, it could then be worked out by legal experts; it could possibly be in the form of a by-law.

Mr. George Manuel said that Chiefs Douglas Hance and George Abbey told him how much they were concerned about law and order on their reserves. They had been completely unable to enforce any form of law and order on their reserve. Both of them had been shot at. They went many times to the R.C.M.P. to try to get assistance and they had not yet been successful in getting it. That was the reason why Chief Hance suggested that amendments to the Indian Act be made so that they would have more authority such as disallowing a member of the band to reside on the reserve for a certain period of time. Chief Hance thought that such measure might be effective in enforcing law and order on his reserve. He then asked Chief Abbey to explain his problems.

Mr. George Abbey of the Williams Lake Band referred to a time when the Superintendent from his Agency had come to his reserve: As he was standing beside his car talking to the Superintendent one of his band members took a shot at him. The Superintendent had gone to the member's house, taken the rifle away from him and the person went to jail for eighteen months. As soon as the band member had returned, he had taken another shot at him one night when the chief was walking around the settlement to see that there were no disturbances. Mr. Abbey had then asked the person why he was trying to kill him. The band member had answered that the Chief had not tried to help him: He wanted welfare assistance. The Chief had then gone to the Superintendent and they had obtained welfare assistance for that person and the case was thus finally solved, but he mentioned that if that member had gone to him in the first place and asked for help rather than shooting at him, all could have been settled at once. There were on his reserve many young people who, when drunk, go after him but when they were sober they did not speak to him at all. Mr. Harry Dickie said that he supported Chief Hance's suggestion in regard to maintaining order and law on reserves. These cases were very serious everywhere on reserves. On his reserve they had people in hospital with knife wounds and there were instances where people were shooting at each other. Some action was definitely needed. Mr. Duncan Amut wanted to know where a member of the Band would go who had been forbidden to reside on his reserve for a period of time as suggested by Chief Hance?

Mr. Nicholas Prince said that he had had troubles of this nature. He had had some of his teeth knocked out by a member of his band who had had his water shut off. He wanted to know what was the Minister's jurisdiction over Courts as provided for by Section 44 of the Act. He said that the Act did not contain any provision which would give the Chief full protection under the Criminal Code of Canada. Mr. Fairholm said that the Criminal Code applied to all residents within Canada. It was true that there was no specific provision for the purpose mentioned by Chief Prince.

Insofar as Section 44 was concerned, the Minister was given exclusive jurisdiction regarding the estates of the Indian people and, as mentioned previously, the courts even do not have the power unless the Minister gives it to them because he is given all the authority with respect to Indian estates on reserves.

Co-Chairman Boys said that Section 44 applies only to estates, not to order and law generally. In Section 80, however, under subsections (c) and (d) the Band Council could make special provisions concerning the observance of law and order on the reserve. There were some particular circumstances that could be met by a by-law.

Normally law and order in the Province of British Columbia was the responsibility of the Attorney-General of the Province. There was a long standing arrangement with the Province of British Columbia that it was the responsibility of the Attorney-General of the Province to provide for law and order on reserves and off-reserves. He had at his disposal as an enforcement body the R.C.M.P. in unorganized territory, and municipal police forces where reserves were situated within the boundaries of municipalities. It was, of course, one thing to make by-laws for special circumstances in any given Indian community and it was another thing to enforce them. There would have to be discussions with police authorities if the Indian delegates were proposing to make a special by-law for this purpose, as to how it would be enforced and to what extent they would be prepared to help the Indian Chiefs to enforce it. Mr. Prince replied that too many cases of this sort were ignored by the R.C.M.P. who prefer to pick up a drunk than a person who shot at another person. He said that they had had that summer a case of a band member breaking into houses, and when the R.C.M.P. was asked for help, they did nothing about it.

Mr. Douglas Hance asked why this particular issue could not be enforced under the Indian Act rather than under the provincial Attorney-General. He thought that some of the band members who were known as no-goods needed help. Some of these had large families, others were juveniles returning from schools. In some of these cases, help was needed. Law and order was somewhat different from the provisions for some form of assistance. Chief Hance asked why this should be separate. Mr. Boys said that the responsibility for law and order generally rested with the Attorney-General and the police authorities. If there were special circumstances that require special attention in an Indian Community and the Indians decide to pass a by-law to meet their needs - enforcement of such provision would have to be discussed with local police authorities. This need could perhaps be met by appointing a member of the band as a special constable with the powers of enforcement of the by-law on the reserve.

Mr. Douglas Hance asked who would pay the special constable if the band had very little or no money at all? No member of the band could be expected to act as a constable, receiving no salary and doing all the dirty work for the R.C.M.P., while the R.C.M.P. received high salaries. Mr. Prince replied that Chief Hance could get money under the Grants to Bands described in the blue circular No. 4. Mr. Boys added that such financial assistance could indeed be given. He suggested to Chief Hance that he discuss the matter with the Superintendent.

The meeting was adjourned until 1:50 p.m.

Co-Chairman Ronald Seymour noted that the question before the meeting was No. 21 in the Booklet "Choosing a Path":

"Do you agree that the provisions giving the Minister authority to operate farms on reserve land, should be repealed?"

Mr. Harry Dickie was of the opinion that before lunch the Meeting had been discussing the matter of a By-Law related to order on the reserves.

Mr. Peter Luggi believed the matter of education required further consideration. He noted that children attending school, particularly high school, in residential or foster homes obtained a clothing allowance, room and board and other benefits. He enquired why children attending the same grades but living at home did not get such allowances, particularly clothing. Mr. Boys advised that children going to school and living at home part of the Welfare allowance was for school clothing. Mr. Peter Luggi said he was referring to children going to the same grades in High School.

Co-Chairman Ronald Seymour wished to know whether the meeting was considering Question 21 or not.

Mr. Peter Luggi indicated he understood the delegates were free to return to any subject if some points were missed or unclear, and therefore he would like to return to the matter of education. He noted that he was referring to High Schools where they did not get clothing allowance, such as was available at Prince George - not necessarily in residential schools. Mr. Harry Dickie advised that he had the same problem. In addition, he noted that there were student council fees and other expenses requiring money and it was difficult for some families to afford it.

Mr. Peter Luggi noted that allowances were not being received on his reserve. Mr. Harry Dickie advised that the situation was the same on his reserve.

Mr. Peter Luggi reiterated his question and asked why they didn't get allowances as in Prince George.

Mr. Nicholas Prince was of opinion the meeting was straying from the issue and becoming confused on different subjects and suggested that the meeting keep order.

Mr. Fairholm enquired whether it would be useful to set aside a specific time, such as the first hour Friday morning to consider any points and questions that the delegates would like to bring up or to clarify.

Co-Chairman Jeff Boys enquired if it was the meeting's wish to discuss education.

Co-Chairman Ronald Seymour noted that the meeting had discussed education on the previous day but some points apparently were not brought up. He suggested that these be settled first.

Co-Chairman Jeff Boys, in answer to the question by Mr. Luggi advised that children attending school from home could obtain special assistance through Welfare if necessary. For those children in residential schools a clothing allowance was paid directly to them as their parents could not claim for them under Welfare since they were not living at home.

Mr. Nicholas Prince noted that many children living at home and attending High School did not get clothing allowance, yet those living away from home did get such an allowance, even though those children cost the government more money. He believed all should get an allowance. Mr. Jasper Thomas believed it was a matterfor the local Band Council to consider and request. He said that he had received a clothing allowance for his children in this way, even though they were living at home. Mr. Fairholm believed the explanation by Mr. Thomas was of assistance. He noted that if required the Band Council could make an appropriate request.

Mr. Nicholas Prince noted that the matter of a clothing allowance had been brought up at a recent District Band Council meeting. He did not know whether a copy of the Minutes had been forwarded to the Agency or Regional Office. He advised that the meeting had requested information as to which students could obtain a clothing allowance and which could not. He asked when such a decision would be made? Co-Chairman Jeff Boys advised that a decision of this type was made by the Regional Superintendent of Education. He believed the main point was that arrangements were made to ensure that all children in school were properly dressed although the funds may come from different sources or programmes.

Mr. Douglas Hance enquired if Question 18 of the booklet had been reopened. He thought it was finished.

Co-Chairman Ronald Seymour noted that the main point was to ensure each matter was discussed, not necessarily to make a final decision.

Mr. Douglas Hance suggested the meeting proceed using the question in the Booklet as the agenda.

Mr. Jasper Thomas in answer to Mr. Boys' question, suggested that one hour for the consideration of matters not covered by the booklet questions or unclear matters was insufficient. He believed that there were many points outside of the specific questions in the booklet which were also important.

Co-Chairman Ronald Seymour enquired whether it was agreeable to start Friday morning on general matters, but to keep on with the questions in the booklet when the meeting had stopped.

Mr. Harry Dickie advised that before lunch the meeting was discussing the keeping of order on the Reserve and By-Laws. He enquired what would be done if the Council, charged with maintaining law and order, was itself out of order.

Co-Chairman Ronald Seymour noted that By-Laws would come up later in a subsequent question. He suggested the meeting consider Question 21, which was under discussion before lunch.

Mr. Douglas Hance noted that in effect the meeting was discussing the management of reserves and lands.

Mr. Edward Dixon made a motion, seconded by Charlie Johnson: "that Section 70 of the Act be amended to read 'the Minister shall promote Indian farmers to operate farms and may employ such persons as he considers necessary to instruct such Indian farmers and may purchase and distribute without charge, pure seed to Indian farmers'".

Mr. Duncan Amut enquired whether this would be carried out through the Band Council or the Minister.

Co-Chairman Ronald Seymour was of opinion that the motion would permit Council to operate the programme, and also to operate a farm.

Mr. Douglas Hance enquired whether the motion was in respect to Section 70 only, or would it include other questions such as 12, 19, which would require a co-ordinator under the Band Council.

Co-Chairman Ronald Seymour advised that the motion only related to Section 70.

Mr. Duncan Amut wondered how this could be worked out. Could one sell it and, if so to whom?

Mr. Ronald Seymour asked if they were still discussing the question of Band Council By-Laws.

Mr. Douglas Hance said he thought he made a motion that this be included in the Indian Act. (Section 80, subsection (d))

Mr. Douglas Hance said he would like to refer to Section 80, Sub-section d, that Band Councils have authority to pass bylaws preventing disorderly conduct.

Mr. Nicholas Prince enquired if Mr. Hance meant that he would like to have a separate section in the Act to deal with disorderly conduct?

Mr. Douglas Hance replied affirmatively and believed if they were to send such a proposal to the Minister and it were denied, they could still pass a satisfactory by-law. He thought problem people could be suspended from Band privileges.

Mr. Nicholas Prince said that Page 28 of the notes dealt with Section 80 right down to sub-section (n), giving the Band Council power to operate a police force to enforce laws against crime. Under the present Indian Act the Band Council could use these powers if it wished.

Mr. Douglas Hance noted they were not incorporated and had no municipal grants.

Mr. Nicholas Prince pointed out that Question 21 related only to Section 70 of the Act.

Mr. Douglas Hance asked if it would come under reserve management? Mr. Fairholm said that was correct.

Mr. Douglas Hance then said he wished to withdraw his motion and said that the confusion existed because they have different problems. He thought that Williams Lake should have been at the Kelowna Meeting.

Mr. Boys thought that decision should be made after they had discussed all the questions. It was true that there was a limited number of ranching and farming people at the Prince George meeting; however Question 21 did not refer to reserve management. It dealt with the question of the Minister giving up authority for the operation of farms in favour of his providing funds to Bands for farming instruction and for the distribution of seed. It was not concerned with disorderly persons. We can discuss that under Question 33.

It was agreed after further discussion to bring up matters not touched on the next day.

Co-Chairman Ronald Seymour asked the meeting to consider Question 22 which he said concerned only the Prairie Provinces and not them.

Mr. Harry Dickie said his Band was affected.

Mr. Fairholm stated that it did not concern British Columbia or the Peace River area.

Co-Chairman Ronald Seymour passed on to "Question 23".

Mr. Fairholm said an explanation was in order. Years ago Indian Superintendents had often acted as Justices of the Peace but they did not do that now in B.C.

Mr. Nicholas Prince enquired about other Provinces.

Mr. Fairholm replied it was his understanding that Indian Superintendents did not perform that function any longer in Canada. The Courts were now being used and Indians were being appointed J.P.'s. The Department did not recommend that its employees be appointed to those positions.

On a call by the co-chairman the meeting voted in favour of a motion by Mr. Dickie to delete the section.

Co-Chairman Ronald Seymour asked the meeting to consider Question 24 covering the deletion of those sections of the Indian Act dealing with liquor.

Mr. Harry Dickie said Indians were allowed to go into bars. They could buy liquor in the liquor stores, or in beer parlours. Some reserves permitted liquor after a band vote and those that didn't vote, could not take it on the reserve. He suggested the sections be repealed, however he

commented that the regulations could be kept as a check on old timers. He then read a comment from one reserve member.

> "White man's fault let him find the remedy. White man long time ago he steal from us, everything where we hunt, they steal our fur, even our women and our daughters, even today they still do lots of things. Maybe they should use firewater to change these things, if he wants to be like us, but I know the Government makes lots of money on firewater, they don't care about us, and at the same time they give us a bad time when we get drunk. Like I say this mess is white man's fault. Let him change it. You know, white man he make medicine for bad cold, sore belly, if his heart is sore he make medicine for that. Firewater is no good he should make medicine for that, too, but he can't do that. He make lots of money for firewater just like long time ago, white man sure like money. My grandpa's father he see us today he go back in the grave quick."

Mr. Thomas Morris suggested that there were Indians who drank every day and couldn't quit. They were picked up and fined. He said everybody wanted the Sections repealed.

Mr. Nicholas Prince stated, Sections 93-4-5-6 and 6A should be repealed. They should be governed by Provincial legislation. (Several people spoke in favour of their repeal).

Mr. Fairholm pointed out that Section 96, 98 and 99 also should be considered.

Mr. Edward Dixon moved, seconded by Mr. Charlie Johnson: "that Sections 93 to 99 be repealed"

The motion was carried.

The meeting moved to Question 25.

Mr. Nicholas Prince said it refers back to Question 2 and the Band Council must have the authority.

Mr. Fairholm explained that at present all leases must be signed into leases on its own. The question had often been raised should the Band Council not have this authority at least for leases of a short term nature. It would be necessary to change the Indian Act to provide this authority. The question arises about the length of a short term lease.

Mr. Edward Dixon said the duration depends on what type of lease it was.

Mr. Douglas Hance stated it refered back also to Question 19 regarding whether all adult members of a Band would have to vote on surrender of land.

Mr. Fairholm said it would be possible to lease land for a short

term without surrendering it. The Band could have this right if the Act were changed.

Mr. Harry Dickie thought perhaps the Band should have the authority for leases up to five years.

Mr. Douglas Hance thought five years was a long time. There was need of a sliding basis of cost in leasing, because the price of timber as an example could change very much in five years. They could be caught off-guard in the terms of leasing.

Mr. Nicholas Prince suggested one could sell timber outright, but one might have the authority to lease small parcels of land - say 2 acres - up to five years, renewable every year and the price could keep up with surrounding property prices. Civilization was moving in on them and it was to their advantage to have the right to boost the price at the time of renewal of the lease.

Mr. Fairholm said one could draw up a contract for 10 years and include in the contract the right to adjust rates every few years. It depended on the contract that was signed.

Mr. Thomas Morris replied it was a good idea to review contracts regularly: Grazing land could be leased for a short term.

Mr. Edward Dixon noted they'd had trouble in the past. They had leased the land and the farmer could use it any way he wanted. They had closed the lease and while he owed them money and they had to spend $1,100 to repair fences.

Mr. Jasper Thomas asked about leasing land for housing.

Mr. Nicholas Prince suggested that it be put in the contract that the price would be reviewed every so often, then if not satisfied, the lease could be cut. The Band Council could, if the authority was given, lease land for the benefit of any individual member.

Mr. Phillip Patrick indicated problems his people had with the whiteman's ways and laws.

Mr. Phillip Patrick speaking on behalf of his people of Nasko Band said many didn't know what the law meant, especially the way that the white man interpreted it. He said he was 500 years behind the time. He said he had ten children, five girls and five boys, who had to go to school. The Department had made the arrangements for the children to go to school, and they were learning, but they didn't understand the Indian Act or what it consisted of.

> "They opened beer bottles for me. I went and got drunk, yes. They said that I could drink all I wanted. I went to jail 10-20 times. I don't understand what is the meaning of the law. I went to jail, then I paid a fine - I went to work to pay my fine. I just don't understand the law. I don't even understand what is my law. Now on this, how could you help

me out. In B.C., where I come from, they don't understand your language. No, they don't understand you at all, I know that. They don't know what you're talking about. In my Indian language, if I was talking to you, you wouldn't understand me". He referred to Mrs. Chantyman who had ridden a horse 50 miles to get to the meeting. He said she would not speak, as she was too shy.

He asked for them to be put into plain language. He then referred to Mrs. Chantymen who had ridden a horse 50 miles to get to the meeting. He said she would not speak as she was too shy.

Mr. Harry Dickie read a note Mrs. Chantymen had written:

"Why are white people taking Indian Crown land rights? Why are Indian people left isolated on their Reserves? For instance in case of an accident, a person may be dead before help arrives or transportation obtained to get the injured to a hospital."

Mr. Boys brought the meeting back to leases by stating that long term leases require that the land be surrendered to the Crown because the Band Council was not incorporated. They could put in any conditions they wished; however, if the land was leased for a big development such as in Vancouver, the developer was going to invest a lot of money and would want some assurance. Even in such a case, the lease could stipulate that the price be reviewed every five years in keeping with property values. A short term lease could be for the erection of a cabin or for agricultural purposes. In preparing a short term lease the Band Council should have the advice and help of a lawyer to make sure the lease was sound and to their advantage. Chief Jasper Thomas added that a lease was a chance to make money.

Mr. Fairholm noted that if the authority was given to Band Councils in the Indian Act they would not have to exercise it with the guidance of the field staff. Mr. Harry Dickie asked what they would do if the Superintendent was not competent in this line. Mr. Boys noted that at the Regional Office, they had specialists in land use. They were at their disposal. The Superintendent would call them in for them. He added they should also seek legal advice so that their lease would stand up in court and not be defeated.

Mr. Alfred Joseph said the Field Staff were still in the hands of the Minister.

Mr. Boys explained that the Band Council had the right to seek advice wherever it wished, but the Field Staff would help if they wished. They were free to have their own lawyer. Many Bands retained a lawyer.

Mr. Alfred Joseph wished to give the authority to the Band Council, but wondered for what duration of leases.

Mr. Nicholas Prince agreed and said it still tied in with Question 2. They could leave it up to Band Councils to decide for how long a duration.

Mr. Harry Dickie suggested it would be alright if the Band Council could get legal help.

Mr. Alfred Joseph enquired whether the help of the Field Staff was necessary?

Mr. Fairholm answered that it was up to the Band Council to seek advice from whomever it wished. Mr. Douglas Hance suggested five years with an option to review every year. Mr. Nicholas Prince recommended talking of short term leases, but asked what happened if a big industry wanted to move in. There might be money for a 21 year lease, but not for five years. Mrs. Margaret Patrick said that from what she understood long term leases require that they surrender the land. Mr. Harry Pierre pointed out they would have to be fair to the person who was leasing. He believed it should be 21 years with the option to review every 5 years.

The meeting adjourned for the day.

October 18, 1968.

Co-Chairman Jeff Boys said the group had decided the day before to start the Friday session discussing matters that had been discussed earlier in the Conference but on which further discussion was required. He suggested that each of the delegates around the table be given a turn to introduce the matters of concern to each.

Mr. Peter Luggi drew attention to the fact that children going away to school receive assistance for clothes, board, room, etc. He wanted to know why the children attending the same grades but who live at home were not extended the same assistance.

Co-Chairman Jeff Boys said there was provision made where all of the tuition fees and books were paid for for every child who went to school no matter whether he went to school from home or from a boarding home. He said there was a specific clothing allowance for the youngsters who were in boarding situations and in the case of a youngster who went to school from his home there was also provision for assistance but it came through the Welfare allowance. If assistance for a child going to school from home was required and they applied to the Superintendent, they could get exactly the same assistance. They could get clothing assistance as part of the welfare allowance and out of this they could purchase clothing for their youngsters going to school.

Mr. Peter Luggi indicated there were permits required every time the Indians go hunting and fishing. He said they do not like that.

Co-Chairman Jeff Boys said that the permits were a provincial requirement, that he would take note of the objection although there was not much he could do about it. He added that Mr. Luggi's argument was with the Provincial Department but he would be glad to support the Indians in a reasonable argument put forth.

Mr. Zar Louie thought that all business before the delegates would not be completed before the end of the meeting and he asked that another meeting be held. He indicated that he wanted the Indians to finish within their own time limit and not according to the time set by the Branch.

Mr. Fairholm offered information regarding another meeting. He said that there would be another opportunity for discussion on the revision of the Act. Both Mr. Chrétien, Minister of Indian Affairs and Northern Development, and Mr. Andras, Minister without Portfolio at

other meetings held said there would be another opportunity given to the Indian representatives to discuss revisions. The nature of the meetings or how the discussions or consultations might be had had not been determined in any way. He did not know how the further discussions would take place other than that there would be another opportunity given.

Mr. Jasper Thomas said he wanted a bigger reserve. His reserve was too small. With regard to the R.C.M.P., he said he wanted the service for the safety of the Indians. The reserves need them so much because of liquor and children. He said the Indians wanted to survive just like the white people in this country. He said he had asked for R.C.M.P. services before but was refused with an explanation that he had to have more people on the reserve. However, he said Indian tax-payers pay for the R.C.M.P. he wanted the service for his people.

Mr. Harry Pierre and Mr. Ronald Seymour had nothing to present.

Mr. Andrew Solonas referred to the immigration policy of the Canadian Government. He said the Indians owned most of the country before. Now, he added, the Canadian Government brings in immigrants who get all the good jobs while the Indians were not given the good jobs. He wanted to know why the Indians should not be given an opportunity to learn something. He thought Indians were smart and were able to learn any skill. He said the Canadian Government did not even ask the Indian whether it was all right to bring the immigrants into the country.

Mr. Charlie French acknowledged that he had not spoken at the meeting up to that tine. However, he said he was in agreement with the various comments made by Chief Jasper Thomas. He added that the Indians kill only what they need and do not waste anything. Mr. French had been a guide for years. He said he had seen Americans kill all they wanted and he could not understand why they did it. He also stated that he would like a bigger reserve due to the increase in membership. With regard to the leasing of land, he thought it was not good for the Indians in the first place. He also expressed a wish to have the services of the R.C.M.P. on his reserve. Mr. Boys agreed that the Indians were good conservationists.

Mr. Tom Poole had nothing special to present.

Mr. George Abbey asked why it was that a long time ago they had a lot of grazing land but now they did not have any. He wanted to

know if there was any chance to get grazing land for stock.

Co-Chairman Jeff Boys realized it was a problem for Indian cattlemen all through British Columbia where ranchers had come into the province and all seem to get some grazing rights to the exclusion of the Indians who were in the country first. He did not know what the answer was but he thought that he would have to involve the Indian cattlemen in discussion with the British Columbia Department of Lands who administer grange lands. He said he would arrange to bring about a meeting and arrange to bring in some Indian delegates from each part of the province so that they could express themselves on the matter to see if something better for the Indians could be arranged. He said everything was up to the provincial government and the federal government was not in a position to make any promises except that it would certainly attempt to arrange the discussions.

Mr. Douglas Hance said he had three questions to ask. Question No. 1 concerned farming and ranching, including rangelands. He thanked Mr. Boys for his statements on ranching and rangelands because he thought it was something on which they needed the assistance of the Minister. If it was necessary, he thought they should approach the provincial government concerning more land for the reserve. He recommended that Branch field staff continue to work on reserves. He said Question No. 2 concerned the problems that his reserve was having with some of the members and that the reserve needed R.C.M.P. services. Question No. 3, he said, dealt with hunting and fishing. He said his members wonder why when they have the rights they still must get permits. He agreed with the other delegates who were greatly concerned with hunting and fishing rights.

Co-Chairman Jeff Boys said he had discussed policing with the head of the R.C.M.P. in British Columbia, on a number of occasions and had made submissions to him to have a policeman stationed on some of the larger reserves or in some isolated areas where he would serve several reserves. He spoke of places like Bella Bella which was an Indian community of over 1,000 people; the Nass River where there were four reserves quite close together with a total population perhaps in excess of 1,200 persons. He said they had not been successful in persuading the R.C.M.P. to leave a man at such places. The Attorney-General of British Columbia in both cases, he said, had appointed an Indian as Magistrate so that an R.C.M.P. Constable could hold court and dispose of cases when flying into the area. He said he was aware of the problem of policing and the maintenance of law and order in Indian communities and he had made representation on behalf of Indians. He said if the Indians had a strong case and they feel strongly about the matter that by all means they should take it

up with their members of parliament who could bring pressures to bear, whereas the people in the Department were not in the same position.

On the question of hunting and fishing rights, he said, if the Indians felt their rights were being jeopardized by the Provincial Department or by individual conservation officers, they should not give in to the pressures but maintain their rights. He said if they did not, they would lose them. He added that there had been a number of cases where Indians had questioned changes that had been brought about in their traditional rights and they had gone to court. The Department had paid the cost of defence where a case was proving a point of law which was of general application to all Indians in the area. He suggested that the Indians not give in too easily.

Mr. Dominic LeBrun said the Indians owned Canada before the white man. The Indians could do what they liked. Now, he said, there was an Indian Department in Ottawa and Indian Agents all over British Columbia and he asked what they were doing with the Indians. He said he wanted the Indians to still do what they like. If the Indians wanted to go hunting now, there was the game department. If the Indian wanted to fish, there was the fish department. He said there was no fish department before the white man came to the country and there was no game department before the whitemen came to the country. He added that there was no fire-water either before the whitemen came to the country. Before 1914, he noted there were not any of these in the country. He wanted to get game and fish back in the Indian Act like a long time ago. Long ago the Indians had their nets into the lakes to fish. Now they were stopped by the game department from using a net but the Department officials said the Indians could fish all they wanted with a hook but not with a net. He wanted to see the Indians put under the old Act as before.

Mr. Edward Dixon had several points to raise. First was the powers of the Council. In his opinion, Band Councils should be given more power to run their businesses. He thought that there were too many fingers in the Bands business. He remembered when his Band ran its own saw mill and made $32,000 in nine years. It was not only money for the Band but also provided work. He felt that more liberal laws in that respect could help the Bands to raise funds.

For his second point, Chief Dixon mentioned that people were buying land on a speculative basis and he asked why the Indian people could not buy land as well. His third point concerned mineral rights which he felt should be taken up at a separate meeting. About his fourth point, that of hunting fishing, he said he has seen more moose going down the road than in the bush. He thought that there should

be a better voice from the Indian people regarding the game laws in this country. His fifth point concerned education. He said he noticed quite a few delegates who were reluctant to speak at the meeting and he thought there should be some way to bring their young people in from way out areas for a better education so that the Indians would have future leaders who would know what they were doing. At the present time, he said, it was hard for many people to travel into certain areas. A lady had mentioned before that she had to ride horseback for 50 miles to catch a bus and he asked why a road could not be built in her area so that she would not have to go through such hardship. In summary, his main concern appeared to be increased powers for the Band Councils.

Mr. Charlie Johnson had one point he was concerned with and that was the historical review made by Hugh Conn at Smiths Falls. This, he said, referred to the Royal Proclamation of the King of England in 1763 which dealt with hunting, trapping and fishing. He was advised at Smiths Falls that at the time the Royal Proclamation was made, the seasons were year round but now it looks like the Province has changed all that. Fines have resulted, convictions, burning out of traplines by forest rangers working with the game wardens. He found out that several delegates had never heard of the Royal Proclamation and he wondered where or now this communication had not been transmitted to the Indians.

Mr. Fairholm explained that the Royal Proclamation of 1763 was the proclamation that had set up the government of that part of Eastern Canada formerly called New France. After 1763 when the British took over the area from the French-speaking people in what was now part of Quebec and Ontario. The Proclamation had set out the boundaries of the province of Canada or New Quebec. One of the terms in the Proclamation, he said, provided for the right to hunt by the Indians in the territory not included within that particular part. All the areas that were outside of the Hudson Bay Grant were reserved for the Indians as their hunting grounds. There had always been a question, he added, of whether or not the Proclamation of 1763 extended to what was now British Columbia. A judge dealing with a case in British Columbia had said that it did not apply in British Columbia. In any event, it had not been settled whether the Proclamation applied as far west as British Columbia. It was not a question of the lack of communication or something stopping at the regional office. He explained that the Proclamation was something like a law and that it was available for anyone to read in Volume 6 of the Revised Statutes of Canada (1952).

Mr. Charlie Johnson stated that under the Migratory Birds

Convention Act the Indians were not protected when they shot migratory birds such as ducks or cranes. He said Mr. Conn had told them that the Indians were not protected. The Indians were not exempted from the Migratory Birds Convention Act. Mr. Fairholm agreed that Mr. Johnson was quite correct. He explained that in 1916 or 1917 there was an agreement made between the United States and Canada to protect migratory birds, primarily geese and ducks, because it had been felt by some in the different governments that unless the birds were protected in some way that soon the sportsmen would probably be the cause of the birds becoming extinct. He said there were a couple of species that did. A Migratory Birds Convention Agreement was made and later it was made an Act. It restricted hunting of migratory birds to a certain season although the closed seasons vary from one area to another. The Indian people have made representations in light of their traditional rights. Last March there was a meeting in Ottawa by a Committee of Indian people, including a representative from British Columbia, where a proposal was put forward by the Wildlife Service which would permit Indian people to hunt migratory birds any time of the year except during the breeding or mating season. The proposal was not acceptable to the members of that Committee on a number of grounds. It was felt that full rights to hunt should be restored and there was a question as to whether it was legally possible to make the change. The matter was being looked into further.

Mr. Frank Joe was concerned with trapping and hunting rights. He was not happy about the need to obtain a permit even to fish. He said his Band had to have a piece of land for grazing.

Mr. Alfred Joseph pointed out that there used to be excellent fishing in the Hagwilget Canyon prior to the removal of an obstruction in the Bulkley River. The Department of Fisheries had wanted to remove that obstruction for a long time. There were meetings at which the people protested against the removal of the obstruction because then the fish would not have stayed any more in the Canyon but would have moved up-stream. Ignoring the resolutions and protests of the people, the Department of Fisheries had gone ahead and moved the obstruction in the river. They had said that if their fishing was affected by this removal, the Department of Fisheries would supply power boats and other supplies so that the people could go fishing further up in the river. But nothing had been done, although this happened more than 10 years ago. The fishing in the river had been completely destroyed and the Indian people now had to go to another village to buy their fish for winter supply. He wanted to know what had happened to the promised power boats.

Co-Chairman Jeff Boys said that he was unaware of this

matter but the Department of Indian Affairs would arrange for its Fisheries Officer to take this matter up with the Department of Fisheries and with Chief Joseph, as the representative of the Hagwilget people.

Mr. Alfred Joseph brought up the matter of employment on, and in the vicinity of the Hagwilget Reserve. He recalled there had been a saw mill in New Hazelton which employed Indians for the past 15 to 20 years, and they were experienced workers. When the mill shut down, and not much work was left in this community, all the Indian workers were laid off, but the white men remained. Chief Joseph said that there was a general practice in any community where there was a shortage of work, to lay off the Indian workers first. Furthermore, the new crew of white men which was hired in the saw millat New Hazelton had no experience at all - but the experienced Indian workers who had been laid off were not rehired. This he maintained was a clear case of discrimination against the Indian people, and there were many such cases.

Mr. Thomas Hunter said that they had no trap lines in the vicinity. He had a registered trap line more than 25 miles away. He said that they had also bog land but were too far away from them. His reserve was surrounded by white men who were mostly farmers who had lots of cattle. The Indians on his reserve had no cattle but lots of horses. He explained that there were many white men who had several hundred heads of cattle on the land which actually belonged to the Indians. Mr. Hunter said that he needed trap lines right in the vicinity of the Reserve. He said there were many young couples who went to the town for several days to beer parlours and left very young children unattended at home. Some children were as young as two months. Some young men make lots of money but spend it all on liquor and beer. He recalled that in 1912 there had been no beer or liquor on the reserve but later white men had set up liquor stores. There were many at Fort St. John. Young children went there also for liquor and all drink. To make matters worse, they all now drink on the reserve from the oldest to the youngest and it creates many problems. He said that he wanted to go fishing and hunting any day of the year.

Mr. Boys suggested to Mr. Hunter if he had some local problems he might discuss them with the Superintendent.

Mr. Harry Dickie said that he wanted to place on record several matters which he felt should be mentioned; health and welfare, land, hunting, fishing and trapping, campsites, transfer to another Band; he thought that at least some of these matters should be discussed by the Indian delegates before the end of the meeting.

Mr. Thomas Morris said that his people had lost traps and cabins because nobody had told them that their trapping territories would be flooded and they had had no chance to remove them or at least to save their traps, when Alcan flooded the region. They had never received any payment for their cabins or traps. They had tried to get some payment from Alcan, but Alcan refused to pay on the pretense that they had not seen the cabins. He said that he had tried to get help from the Native Brotherhood but they had wanted too much money. His people were very poor and they could not afford to pay for a trip to Vancouver to present their case; so his people, already so poor had suffered a devastating blow by completely loosing all their cabins and traps without any payment. He said that his own family had suffered very badly: his father had lost all of his traps and cabins. He said that trapping on this flooded area was extremely dangerous before the ice goes out and the distance is very great to their new trap line, since they had to wait until the ice goes out. They may, if they were fortunate get only five days of the trapping season left for their beaver trapping and that was quite insufficient. Often it was a complete loss of time for his people to go there trapping. Thus they had no income. He asked that the trapping season be extended for his people.

Mr. Thomas Morris supported the views of those Indian spokesmen who had asked for their hunting and fishing rights. He said that in his area there had been good hunting for birds but since Alcan flooded his area there were no birds left. He said that the ancestors of the Indian people in the Region had worked out a very good system of boundaries by using lakes, rivers and rocks for that purpose - they knew precisely where the boundaries were of their hunting grounds. Now they were unable to hunt and they depended so much on it in order to be able to eat every day. Their Old Age Pension was not sufficient.

Mr. Boys asked Chief Morris if the area he was referring to was the one flooded by the construction of Kenny Dam and Chief Morris replied that this was so.

Mr. Frank Tibbetts said that Chiefs and Councillors had not the power they should have. They had to have power to be able to do those things the Indian people ask for. They should not have to depend all the time on the Minister who takes too long to make a decision. He said that there was discrimination in the parochial school at Burns Lake, where the Indian children have generally a reputation of being less intelligent; so they were put into slow-learning classes without any consultation or enquiry. Teachers did not understand the Indian children who were dropping out of the school and take the easiest way out.

Mrs. Margaret Patrick said that she wanted to say many things but they had already been dealt with by other spokesmen. She said that the tourists were taking much more moose out of her area than her people, who had no meat. In so far as the British Columbia Medical Plan was concerned, it was much too expensive for her people who had very little money.

Mr. Duncan Amut wanted to know if those who had a lease on the reserve had the right to carry firearms for hunting and trapping on the leased land. Mr. Boys said that anybody who had a lease on reserve land was subject to the same laws as anybody who was living off the reserve with no right whatsoever to carry firearms on the reserve. If he met the legal requirements of other non-Indians he might, of course, carry firearms on that area which he had leased, but he must meet all the requirements of the non-Indian person in any other part of the Province.

Co-Chairman Nicholas Prince said he had very many points which he wanted to raise such as what would happen if an Indian leased a piece of land and minerals were found there; who would then have the right to these minerals. At the present time Indians had no such right. A provision for that was needed in the Indian Act. On the question of hunting and fishing rights, he said that Indians must have such rights because they were here long before the white man and because they depended on it to eat every day. Chief Prince said that the Indian delegates had really not sufficient time to deal with all the questions and issues on which they were asked to present their views. They needed at least two or three weeks. He said that five days were quite insufficient since some of the delegates had not even read the Indian Act. He said that he was fully in agreement with all those delegates who had already complained that there was not enough time for discussing all issues. Mr. Frank Tibbetts agreed with Chief Prince and asked whom should the Indians ask for more time.

Co-Chairman Nicholas Prince said that the Indians should not ask for more time but that they should demand more time as it was impossible to complete all the questions. He thought that there should be no time limit for such a meeting; it should close only after all the issues were thoroughly discussed. Mr. Duncan Amut said he also wanted more time. Mr. Frank Tibbetts said more time was definitely needed. Chiefs and Councillors who represent many people have not yet been able to decide on many issues which were going to affect the future of their people. He said that the delegates would not make the same mistake as did their forefathers.

Co-Chairman Nicholas Prince reminded the delegates that they were representing at this meeting not only their particular bands, but that they were a part of the whole Indian population of Canada; they were, therefore, representing all Indians in Canada. Part of what they were saying at this meeting would go into the policy which would result in a new Indian Act. They had problems because they were governed by the Indian Act which was written without the participation and consent of the Indian people. Now the Indians had a chance for the consultation; there might be a new revision of the Act in the next generation - in 30 or maybe 50 years. So the delegates had to have wisdom now to express themselves and present the views and wishes on behalf of all the Indian people of Canada. He told the delegates that they had an old-timer among themselves, Chief Cominic LeBrun; they should think about what he had said because there was wisdom in his talk. Chief Prince concluded his remarks by saying that the Indian people were true Canadians who did not want to be pushed out into a second society in Canada as they always had been.

Mr. Douglas Hance said that there was no commitment whatsoever by Parliament that recommendations made by the Indian people at this meeting would be recognized; he said that it was impossible for the Conference to come up in five days with anything that was important to Indians.

Mr. Amut in answer to a question from Co-Chairman Prince said he had only received the booklet "Choosing a Path" about two weeks before and that had not been sufficient time for him to study all the problems.

Co-Chairman Nicholas Prince said that this case demonstrated the fact that many Indians living in isolated areas did not receive the booklet until very recently and this was a very big handicap to the Indians.

Mr. Fairholm stated that the Department sent between 40,000 to 50,000 copies of "Choosing a Path" to all known heads of households of which the Department had as record last March. It was possible that some Indians did not receive a copy if their names were not on the list in the addressograph machine - he was now wondering how many people did not receive the booklet last March.

Mr. Harry Dickie said that everyone in his area had received a copy, every head of the family, old women included. It was difficult, however, to get his people to attend the meetings where this book had been discussed. He then brought up the question of Indian health. He read a section from Treaty No. 8 where the

government said "We promise that supplies of medicine would be put in the charge of persons selected by the Government at different points and would be distributed free to those Indians who may require them..... We assured them, however, that the government would always be ready to avail itself of any opportunity of affording medical services, just as it provided that a physician attached to the Commission should give free attendance to all Indians whom he might find in need of treatment as he passed through the country....."

Co-Chairman Jeff Boys said that if the delegates wanted the discussion of health services as they affected them, there were at the meeting two representatives of the Indian Health Services, Department of National Health and Welfare in Vancouver, Dr. Springer and Mr. Shaw.

Mr. Harry Dickie asked if the health of Indians was under the provincial or under the federal law.

Mr. Shaw replied that at the present time the aim was for the provinces to extend health and medical services to the Indian people on reserves on the same basis as they were extended to other citizens, and on the same basis for payment. He then read a statement which gave a general history of the medical services in the Province of British Columbia.

"At the present time, the aim is that the provinces, will extend health and medical services to Indian people on reserves on the same basis as they are extended to other citizens, including the same basis for payment. The Department feels that Indian people, should be full and equal citizens of the province in which they reside. However, if any such arrangements are lacking, it is the firm resolve of the Minister to make sure that no Indian person talks necessary attention because he has not the means or because isolation makes it impossible for him to arrange it for himself."

"In this province, there is a Hospital Insurance Plan granting all residents, including Indian people, the right to be referred by their doctor to the community hospital. Indian people have access to provincial mental hospitals and as provincial plans progress, will have access to such are in community hospitals. Indian people have provincial tuberculosis hospitals. All residents, including Indian people, are admitted by referral from doctor to doctor, to various special and referral centres, such as the Vancouver General Hospital, the Health Centre for Children and some instances to the Charles Cansil Hospital in Edmonton."

"In the Province of British Columbia, there is now a plan

for doctor attention to all, including Indian people. Provincial officers made the following comment in respect of this plan: It is the responsibility of every resident of the Province, to enrol in the plan and to maintain coverage for himself and his dependents either individually or through employer or through a person acting on his behalf. The Provincial Officers, in talking about the plan, list benefits. Some of the major ones are that the plans includes all medical, surgical and obstetrical services in the home, office or hospital. There is no limitation on the number of services, as long as they are medically required, and so on. It provides at least once a year, the services of eye specialist, doctor of medicine, or an optimist for the examination of eyes. The community hospitals, in the province make a charge of a dollar a day. The Medical Plan provides help toward enrolment, but there is a small balance payable by the person concerned, because the Province of British Columbia does not offer further help to Indian people. Indian Health Services stands ready to pay these bills, on behalf of those Indian people who cannot do so."

"Such things as, transportation, medicines, dental attention and eye glasses are not yet provided to Indian people by provincial arrangement, and Indian Health Services stand ready to insure that these necessary attentions are not ignored so far as Indian people are concerned. In respect of Public Health attention, in Indian communities, we have the assurance of Provincial Officers that they are eager to provide this attention, as soon as they have the number of people necessary, so that they can do so. In the meantime, Indian Health Services does make some attempt to provide Public Health attention to Indian communities. In this particular area, the application of these various intentions on the part of the Department, are under Dr. Springer's direction. I would suggest that if there are particular questions in this regard, that he is probably more able than I am to answer them."

Mr. Walter Dieter said that Treaty No. 8 clearly stated that the government would provide medical services for the Indian people regardless of their financial situation and there was a moral obligation that the people of Canada or the medical services owe the Indians. The Indian people used to provide their own medical services in the past and were able to look after themselves.

The government, however, had started to prosecute the Indian Medicine Men and would not let them operate and this had necessarily placed on the government a moral obligation to provide the Indian people with medical services. Mr. Dieter protested against the treatment that the Indians were now getting and repeated his statement

that, under the terms of Treaty No. 8 all the Indians and not only those who had no money, were entitled to free medical services. In his opinion Treaties should be kept not only by the Indian people but also by the government and the medical issue this was a clear case of government breaking the Treaty.

Mr. Harry Dickie said that nowhere in the Treaty was there anything about the government providing free medical services to only poor Indians - all of them were clearly included. He then asked for an explanation about the position of the provincial government at the time of the signing of the Treaty, and at the present time, in this regard.

Dr. Springer said that Treaty No. 8 covered, in British Columbia, only the Fort Nelson area and there were no other treaties in British Columbia. He conceded that Mr. Dickie had a point if the interpretation of Treaty No. 8 was as he had read it at this meeting. In so far as the position of the provincial government in this regard was concerned, health matters related back to the British North America Act and were considered primarily within provincial jurisdiction. Federal Medical services had sought the best arrangements for medical care that could be found and where these lay within resources of the provincial department of health they had been accepted and extended as far as the provincial Department of Health was capable of coping with those extensions. He asked Mr. Dickie if he had provided him with enough background.

Mr. Harry Dickie replied that this matter was still a little foggy to him.

Mr. Douglas Hance remarked that the Indians of British Columbia were under the British Columbia Medical Plan, but he felt that they were still not fully covered because there were some cases when an Indian obtained a prescription from a doctor to get medicine in a drug store. Sometimes when the Indian had no money, he was unable to get any medicine from the drug store and in many cases it was extremely important to get these medicines quickly without any delay as it could lead to the spreading of contagious and infectious diseases. He said that he was really surprised to find out that this matter, according to Section 80 (a), came under the Band Council's By-Law. He wanted to know how could he, as the Chief, force this poor Indian to get medicines when he had no money. He said he was unable to see how this Section could be enforced.

Mr. Fairholm explained that by-laws made under Section 80 (a) could very well be a garbage pick-up by-law: that is, everyone was required to dispose of their garbage properly and in that way the

spread of infectious diseases would be prevented. Some Band Councils had actually passed garbage disposal by-laws under Section (d). He then reminded the delegates that his, Mr. Boys', Dr. Springer's and Mr. Shaw's role was to explain the present policy or the present law, but they were not attending the meeting to argue or to defend what had gone on before. It was the role of the Indian people to present their views or suggestions in regard to the changes they felt should be made, and they should do so freely and frankly.

Mr. Edward Dixon stated that he had noticed in some drug stores in his area that the Department of Indian Affairs had sent them a list of those Indians who could not buy their drugs. He wanted to know why this was so, because the band council was in the best position of knowing who should be eligible.

Dr. Springer said that he could speak about the Miller Bay Zone where he had some measure of supervisory control and which did not include Chief Dixon's reserve. He could vouch for the lists of needy Indians eligible for prescription drug supply having been compiled in consultation with the Chief and band council, with the Agency Superintendent and with the medical services nurse or doctor in the area. These lists were supplied to druggists for their guidance in supplying drugs without charge to these persons. The lists were revised at least once every three months; where it was feasible they were revised on a monthly basis. These lists were prepared by the Department of National Health and Welfare, and not by the Department of Indian Affairs as mentioned by Chief Hance. In the interim, should an Indian become "medically poor" and his name did not appear on the current list which the druggist had in his possession, there had been provision made for a supply of "identification form medicines", valid for a thirty-day period from the date of issue. These may be sponsored by a Chief, a Councillor, a Medical Services representative or by the Agency Superintendent. It should, therefore, not happen that any Indian unable to buy his drugs from the drug store should go without them.

Mr. Edward Dixon wondered whether it would be advantageous to the Indians to get drugs directly from the Department of Indian Affairs. If a man were hurt he would be unable to go to the drug store to buy the drugs.

Dr. Springer pointed out there were many ways in which arrangements could be made for the delivery of these drugs - through the public health nurse, a relative or special delivery from the drug store concerned. In so far as the reserves in isolated areas were concerned, Indian Health Services had been stocking drugs on such reserves.

Mr. Fairholm said he understood that Mr. Dixon wanted to know what would happen if a man not covered by workmen's Compensation and who worked on his reserve, got hurt. As he then would be unable to earn any money to buy the groceries and other things, would he then be eligible for Medical Services.

Dr. Springer stated that such a person would qualify for assistance from Indian Health Services in obtaining his drugs, medical treatment and so on.

Mr. Harry Dickie recalled that some time ago, doctors and nurses had come to their reserve and told the Indians that they should get the hospital plan. They had explained to them that they would have to pay so much a year and then they would be insured. They had also told the Indians that the Department of Indian Affairs would pay premiums for those Indians who were unable to pay for them themselves; some, who had a little money, would only pay 50% and the other 50% would be paid by the Department of Indian Affairs. He said that the Indians did not like these suggestions. They also had an Indian Health nurse who occasionally came around, but they lost her some time ago. The Indians were not happy with the situation - doctors going around and trying to sell them a medical plan which they did not want and then the visits of the Indian Health nurse having been discontinued.

Mr. Ronald Seymour asked who was looking after the distribution of drugs from the stock of medical supplies on the reserves in isolated areas?

Dr. Springer replied that the Indian Health Service appointed lay people or nurses for this task who then received a stipend for their community service in general health. The stock contained only simple medicaments that were easily understood by these people.

Mr. Ronald Seymour referred to a program on television which had dealt with this question. It was shown that on a few reserves they had lay dispensers who were taking a few classes in first aid and then they were termed as qualified - he wondered whether this was right.

Dr. Springer asked Chief Seymour who termed such persons as qualified.

Mr. Ronald Seymour answered that it was the Minister of National Health and Welfare.

Dr. Springer stated that the Minister of National Health and

Welfare was his Minister and if he said it, it was true.

Mr. George Abbey asked if his rights would be lost in subscribing to the Provincial British Columbia Medical Plan; also whether or not he had a choice of enrolling under Medicare or being serviced directly by the Indian Health Services.

Dr. Springer replied that in regard to Chief Abbey's first question, the answer was that one could not lose what he did not have in law. In practice one also did not lose but gains because, for the first time, he would have a choice of doctor services under the British Columbia Medical Plan. In answer to the second question the fact was that it was the responsibility of every resident of British Columbia to enroll in a registered plan. The British Columbia Medical Plan was one of seven registered insurance carriers for doctors' services in British Columbia at the present time.

Mr. Walter Dieter told Dr. Springer that answers he had handed down were not matters of law but matters of policy. The Indians had proved that in Saskatchewan there could not be a law because they could not prosecute an Indian on medical grounds. Dr. Springer said that he had meant that since the Indian Act does not make statutory provision for health services, therefore, an Indian person cannot lose what is not in law in the first place. Mr. Walter Dieter replied that the Treaty was definitely the law. It was just a matter of interpretation that the Department wanted to use what they hand down as policy. And it was this policy that the Indians had objected to. They had given a fair exchange; they had given so many millions of acres of land for medicare.

Mr. Harry Pierre wanted to know if there were any provisions in the medical plan that doctors should go on the reserve and check people's health. Dr. Springer replied that there was nothing in the British Columbia Medical Plan which obligated a doctor to set up or conduct his practice in any special part of the Province, or to encourage him to make field clinic visits. In isolated areas where it is impracticable for the Indian people to get to a doctor, Indian Health Service sent out field teams of a nurse and a doctor on a periodic basis. Mr. Harry Pierre expressed his surprise and said he had never seen any such team in his area. Dr. Springer stated it was their practice to visit Tache reserve on a once-monthly basis.

Mrs. Margaret Patrick said that they, at Fort Babine, had the same complaint as Chief Pierre - they had not seen such teams.

Mr. Jasper Thomas remarked that he did not understand anything

in regard to the provincial medical plan - he needed more explanations; without them he was unable to make any decision in the matter. He suggested that the Department of Indian Affairs should look after everything and Medicare should be under the federal and not the provincial government.

Mr. Jeff Boys told Chief Thomas they had a District Council which met periodically and discussed problems affecting people in his area. He suggested to Chief Thomas that they invite Dr. Springer to one of their meetings and in this way they would have the best opportunity of getting explanations of all the problems in the field of medical services.

Dr. Springer indicated that three weeks ago he had attended a meeting at Stony Creek and another meeting had been slated with their zone medical officer for October 27, so there was no lack of communication between Indian Health Services and the leaders of the reserve when the invitation was extended.

Co-Chairman Mr. Boys adjourned the meeting until 1:55 p.m.

Mr. Fairholm requested delegates to recall two matters: Firstly, the need for selecting a representative to attend further consultation meetings after the new year and one or two alternatives, in case the chosen person was unable to attend; and secondly, to give any briefs or written material to the rapporteurs to be included in the Minutes.

Mr. Boys noted that delegates had transportation deadlines to meet and would be leaving. He therefore took the opportunity to thank all for attending and complimented the delegates on their depth of interest.

Mr. Frank Tibbetts also extended his thanks, noting that although they had not completed all of the questions that many things were accomplished and most of the points had been covered.

Mr. Douglas Hance asked to be excused as he had to leave shortly to hold discussions with the provincial government respecting water rights. Apparently, an application had been approved by the provincial government but the Council had not received any replies to their letters. He noted that the meeting was discussing Question 25 respecting land leases - how they should be handled, whether Chief and Council had or should have authority; the question of surrender, absentee voters and how would the council contact them. He believed advertisements in the paper would help to notify absentee Band members of a forthcoming vote and would also let everyone know that land was available which could produce competition. He thought that with the Chief and Council handling leases, it could become personal but it should be public and the Band members informed. He added education would be required in the future and he was going to ensure that his children received a proper education as it was important to them, Canada, and other countries. He noted that many subjects had been discussed and although decisions may not have been made the points were on tape and he hoped that they would be considered.

Co-chairman Nicholas Prince thanked Mr. Hance for his remarks. He requested nominations for choosing of a delegate to attend the follow-up consultation meetings.

Mr. Frank Tibbetts enquired as to how the choosing of a delegate would be done, who would be responsible for writing the letters for nomination, and who would write to them of the various procedures required.

Co-chairman Jeff Boys suggested that he should act as Chairman of this part of the meeting since Mr. Prince might be a nominee. He advised that there would be no need to send letters, as just the delegates present at this meeting would be involved and the election of a delegate could be accomplished at the meeting. He noted that an alternate delegate would be required.

Mrs. Margaret Patrick nominated Chief Nicholas Prince; SECONDED by Chief Frank Tibbetts.

Mr. Harry Dickie nominated Chief Douglas Hance; SECONDED by Chief Edward Dixon.

Co-chairman Jeff Boys, in answer to a question from Mr. Dickie, advised

that the delegate chosen would represent all areas represented at the meeting, regardless of whether the Band was under Treaty 8 or not. In answer to a question from a non-delegate, who had suggested a person from the Canadian Indian Youth Council, he advised that nominations were limited to official delegates at the meeting.

Mr. Fairholm added that the possibility of representation from associations and other groups such as the Canadian Indian Youth Council could be discussed separately and considered by the Minister. He reiterated that the person being chosen at this time was to be a representative of the delegates who had taken part in the meeting and therefore was aware of all of the discussions and points of view that had been expressed.

Mr. Ronald Seymour moved that nominations be closed; SECONDED by Chief Margaret Patrick (Lake Babine)

CARRIED.

Co-chairman Jeff Boys advised that Chiefs Prince and Hance had been nominated as the meeting delegates. He enquired whether the choice was to be by ballot or show of hands. The meeting decided to choose by ballot and Mr. Boys appointed a committee of Mr. George Manuel and Mr. Walter Deiter to count and check the ballots.

Co-chairman Boys in answer to a question by Mr. Dickie advised that each delegate present had one vote and voting would not be by groups. He further advised, on the question of Chief Abbey, that the nominees were permitted to vote.

The committee conducted the balloting and reported to the Co-chairman who announced that Chief Nicholas Prince had been chosen by the meeting as their delegate.

Co-chairman Nicholas Prince thanked the members for their confidence in him and if he attended the meeting would say his piece on their behalf.

Co-chairman Jeff Boys advised that an alternate delegate was required in the event of Chief Prince being unable to go. He requested nominations.

Mr. Jasper Thomas nominated Chief Ronald Seymour SECONDED by Mr. Zaa Louie.

Mr. Harry Pierre nominated Mr. Harry Dicke; SECONDED by Chief Alfred Joseph.

Mr. Harry Dickie nominated Chief Douglas Hance; SECONDED by Chief George Abbey.

Mr. Jasper Thomas MOVED that nominations be closed; SECONDED by Chief Charlie Johnson.

Co-Chairman Jeff Boys advised that the three nominees for the position of alternate were Chief Ronald Seymour, Mr. Harry Dickie and Chief Douglas Hance. He requested the delegates to vote by writing the name of their choice on the ballot. He requested the committee of Messrs. Manuel and Deiter again to act for this vote.

Mr. Harry Dickie advised that Mrs. Agnes Chantyman had asked him to read into the minutes a request for more adult education on the reserve, electricity and roads to reduce the problems of isolation.

Co-Chairman Boys reminded the delegates to pass any submissions, written comments or briefs to the rapporteur to be included in the minutes.

Mr. Harry Dickie advised that the Fort Nelson Recreation committee was holding a drive to raise funds for their building and requested any financial support possible. He noted that the facilities were open to all and that the people of Fort Nelson took an active interest in the native people. He added that this Band had referred a request for funds to the Department for approval.

The Committee reported to Co-Chairman Boys on the results of the election of an alternate delegate. Mr. Boys advised that the results of the vote were:-

(1) Mr. Harry Dickie (Slave Band)
(2) Chief Ronald Seymour (Fort George)
(3) Chief Douglas Hance (Anaham)

He noted that in the event Chief Prince was unable to attend the further consultation meetings on behalf of this group that Mr. Dickie would do so; if Mr. Dickie could not go, then Chief Seymour would; and if Chief Seymour was unable, Chief Hance would be requested to attend. He thanked the committee for carrying out their duties in respect to the elections.

Mr. Harry Dickie thanked the delegates for selecting him. He advised that he had recently bought a series of books on how to talk in public so that when he returned home from this meeting, he would study them in order to do his best.

Co-Chairman Nicholas Prince advised that he must leave shortly to attend meetings on Medical Service and Fishing Rights. He suggested that if anyone had any points to bring up in this respect that they so advise him.

Mr. Ronald Seymour thanked the delegates for their confidence in him. He noted that if neither Chief Prince nor Mr. Dickie could attend the meetings, he would do so and ensure that the points of their meeting were considered.

Mr. Douglas Hance thanked the delegates and advised that if he attended the further meetings he would do his best. He added that he had had previous experience in talking with parliamentarians.

Co-Chairman Nicholas Prince advised that the meeting should now consider Question 26, which he read. "Should the Minister at the request of the Band Council be able to enter into leases up to twenty-one years without a vote of the Band? Should a vote be required for longer term leases?"

Mr. Fairholm advised that currently, before Band held land could be leased it required a vote of the members. He noted that the suggestion had been made that the Band Council be given the authority to approve leases up to a certain number of years and that a vote be required only for leases having a longer term. Mr. Harry Dickie, Mr. Harry Pierre, and Mrs. Margaret Patrick believed a vote should be held. Co-Chairman Nicholas Prince suggested the delegates review the background notes on Question 26. He believed a vote should be held on any term longer than twenty-one (21) years.

Mr. Frank Tibbetts was of the opinion that the Band should be able to select its own procedures and policies.

Co-Chairman Nicholas Prince believed that this again involved the matter of voting age, non-resident voters and other matters proving that in considering one question, many others also require consideration. Mr. Frank Tibbetts held that in this question it was up to the Council to have the say.

Co-Chairman Nicholas Prince enquired whether Mr. Tibbetts meant that it was up to the Council to decide who was to vote or up to them to make the decision on the lease.

Mr. Jasper Thomas was of the opinion that non-residents sometimes question the voting when they return if they had not had a vote.

Co-Chairman Nicholas Prince believed it was up to the Council to notify non-residents of any votes when they return. The welfare of the Band was up to the people but the Band Council should have the authority to decide eligible voters. He believed all should have the right to vote. He thought the council should make it known that land was up for leasing and then Indians interested in the welfare of the Band should come home to vote. He further believed the entire matter should be considered by the Council and that they should notify all eligible voters to help overcome dissension.

Mr. Douglas Hance believed the best way to notify the voters was by advertisement in the local papers. This would also advertise to all that land was available for leasing which might create competition. He believed that would be fair to all parties.

Co-Chairman Nicholas Prince said Question 26 had been well discussed and then entered and read Question 27.

An observer suggested that the property tax levied against a non-Indian lease should be paid to the reserve for improvements.

Co-Chairman Nicholas Prince agreed with the comment from the audience. He advised that this had previously been brought up.

Mr. Fairholm advised that a study was being undertaken in an attempt to ascertain how much taxes were being paid on lands leased by non-Indians and what returns were received. This point had been raised in other places. He also advised that some provinces had already taken action. For example, he noted that in Saskatchewan 50% of the land taxes levied against non-Indian leases on reserves must, by law, be returned to the appropriate Band Council. He indicated that the matter was continually being discussed with the Provincial governments and although some progress had been made, it was happening slower than the Indian people would like to see. They would like to see either return of taxes or services in lieu of the taxes.

Co-Chairman Nicholas Prince announced that Question 27 was under discussion. Mr. Fairholm said that Mr. Dickie had brought some prepared answers to several of the remaining questions and that in view of the shortness of time the meeting might care to hear his thinking.

Mr. Harry Dickie gave his prepared answers.

Question 27
Yes - to first part of the question re capital funds;
Yes - to second part re revenue funds;
To the third part - the Band Council should have complete control over these funds together with the superintendent.

Question 28
Yes - it should be required by law that there be a vote of the Band in deciding any changes in the system of local government.

Question 29
Yes - we should have the same voting age as that required by provincial law.

Question 30
Yes - Candidates for Band Council Office should meet the age requirements of provincial law for candidates for municipal office - provided they have the knowledge of how to run Band affairs.

Co-Chairman Nicholas explained Question 31. Under the present system a Band nominates its three best men for Chief. The two who lose the vote are not even members of the Council and their valuable experience is lost to the Band for the next two year period. Whereas if Question 31 were adopted, there could be one single list for Chief and Councillors and the man who got the most votes would be Chief and the others would be Councillors.

Mr. Fairholm explained the present system and suggested that some Bands wanted it to be possible under the Act to choose the method of elections described in Question 31.

Mr. Frank Tibbetts raised the Question of Hereditary Chiefs and stated that he was one. Co-Chairman Prince replied that a Band could continue the method if they thought it fit. Mr. Fairholm confirmed that a Band did not have to choose their Chief nor hold their elections according to Section 73 of the Act.

Mr. Frank Tibbetts stated that many people were away at election time and then complained about the officers elected.

Mr. Fairholm said it was the same in non-Indian communities. He pointed out that on the first page of the present Indian Act it stated that in the case of a Band to which Section 73 does not apply, the council and Chief may be chosen

according to the custom of the Band. Then followed a clarification of the one-list system suggested in the question and the meeting generally agreed that it should be included in the Act.

Mr. Harry Dickie continued with an affirmative answer to both parts of the question 32.

Question 33
Yes. There are no two bands alike.

Question 34
Yes.

Co-Chairman Mr. Jeff Boys enquired as to any suggestions regarding the terms of Councillors and whether the terms should be overlapping.

Mr. Harry Dickie replied that he believed the terms of office should be at least two or three years, and there should be overlapping to provide continuity.

Co-Chairman Nicholas Prince noted that under the present Act the Council was elected for a two year term.

Mr. Harry Pierre gave a "yes" to both parts of Question 32 and pointed out that if a new bunch were put in they would have to start over.

Co-Chairman Jeff Boys referred to the necessity for continuity of Band business. The records and files were the property of the Band and should be turned over to an incoming new Council.

Mr. Fairholm explained that there were set terms of office for School Boards and Municipal Offices. There was some movement in the School Boards towards a three-year term. Good men could always be re-elected.

Mr. Dominic LeBrun said their Chiefs were elected every three years. He wanted to talk about wild animals and fish. Before the white man came there was no Game Department or no Fish Department.

Co-Chairman Nicholas Prince remarked that he was saying that their aboriginal rights should be protected. They needed game and fish to supplement their food supply. He asked why it wasn't in the Indian Act to protect their aboriginal rights under law.

Mr. Fairholm said he could not tell them all the rights about fishing and hunting. There were, he believed, some areas of B.C. where it was possible to take game for food and also in the three Prairie Provinces on unoccupied lands. On Vancouver Island the Indians of one group were under treaty and the B.C. Game law did not apply to them. In various ways in certain parts of the country, hunting and fishing rights are curtailed.

Mr. Harry Dickie replied that no two Bands are alike and to Question 33 he said "Yes". He gave the same answer to question 34.

Co-Chairman Nicholas Prince said he didn't know, in relation to Question 34, how many bands had business to conduct except a little leasing. No bands there had business on the reserves but asked the delegates if they wished to manage one themselves if they had any in the future. He pointed a band would have to come under Section 68.

Co-Chairman Mr. Boys replied that, while not many bands there had business, in some parts of the Country there were bands with substantial business. There were many people who had moved away from reserves and who did not profit from these businesses. They should have the right to profit from such resources. They should not be deprived of these. This proposal for a Band business corporation came from the Hawthorn report.

Co-Chairman Nicholas Prince stated he did not want the Minister involved in it.

Mr. Fairholm noted it would of course, be at the request of a band, and there were some large developments taking place, including high-rise apartments.

Mr. Harry Dickie referred back to question 32 and said if they started a little business, they would have the sole control of it and they would have the help of the superintendent if it came to big business.

Co-Chairman Nicholas Prince noted that time was short, but he would like to say that having thrashed out these questions, he would be in touch with them if he had the finances before he went to Ottawa. He asked them to write to him. He said they were part of the whole Indian population in Canada and it was their responsibility and destiny. He stated it had been a good meeting and there was real pride that they had conducted themselves so well.

Mr. Frank Tibbetts said he hoped that in representing them at Ottawa, Chief Prince would get as much authority as possible for the Band Council and Field Staff. He didn't want the Minister to get in there.

Co-Chairman Nicholas Prince replied that the Minister wouldn't.

Mr. LeBrun said he would like to talk about the things he had mentioned before. He said he was not going to change his mind, about the Indian Act. He had attended all the meetings and he knew the chief and all the delegates in the room, and had discussed with them the things that he wanted. He wanted very much to go back like before, and not listen to the Indian Department; or to the Fisheries Department. He mentioned that when he fished the fish from his own reserve, but the Fisheries Department came to his reserve every year, to give him a permit. If by any chance, they would not give him a permit, he would not quit fishing but simply go out the reserve and get a permit elsewhere. He said he was the chief of his people. The Fisheries Department told him, "We cannot sell nets anymore, you can fish all you want, with hooks."

Mr. LeBrun continued by saying "When the white men came to this country, they killed everything, mooses, deers, etc. Sometimes, when they killed a moose, they just cut off the horns and left it there, that's all they did. When another man and myself went out hunting, we found some of the steers that were killed by the white men. Only the horns were cut off. When we found it, we took it home and ate it. We never throw anything away. Even the foot, leg, we cut them off and make soup and then after we eat it. But, white men don't do that. I would like very much to see us going back to the old ways."

Co-Chairman Nicholas Prince commented that they would not see each other for some time. He would like to thank everybody for their participation. He was proud of the fact that everybody was showing concern for the Indian people.

Mr. Harry Dickie suggested that it was a large responsibility for one man to represent them at Ottawa and suggested there might be two. Co-Chairman Nicholas Prince agreed with him. The question of payment of Chiefs and Councillors was then raised.

Co-Chairman Mr. Jeff Boys explained briefly the Grants to Bands programme for administrative purposes in Bands, in order to relieve the Chiefs and Councillors of some of their duties which would be carried out by Band Council Administrators. It was suggested at this point that some small bands could not qualify for these funds.

Co-Chairman Nicholas Prince suggested that this matter could be discussed at District Councils.

The question of timing was raised and Mr. Boys said that while it was late to receive such grants for this year, it was now the time to apply for next year so that the full time job of a Band Manager could be available to Band Councils. He could do a great deal of work for the Band.

Mr. Harry Pierre said that they had done a great deal of work and he hoped that people would listen to them.

Mr. Dickie interpreted a statement by Mr. Hunter of the Halfway Reserve by saying that his reserve had a large area under cultivation, but they didn't have enough machines. That was what he meant by too large reserves; too much cultivation, and not enough machinery to handle it.

Mr. Frank Tibbetts expressed his appreciation on behalf of this Band.

Mr. C.I. Fairholm said they had spoken about hunting and fishing rights, education, and the desire for more control of their affairs and thanked the delegates for their comments.

Mr. Walter Dieter expressed appreciation for the "man to man" treatment, as did Mr. Pierre, Mr. Sidney and Mr. Reynolds.

Co-Chairman Nicholas Prince then declared the meeting adjourned.