

TUESDAY JUL 8 1947



COMMISSION ON INDIAN AFFAIRS

CANADA

Ottawa, July 8, 1947.

The Right Honourable
C. D. Howe, P.C.,
Acting Minister of
Mines and Resources,
OTTAWA.

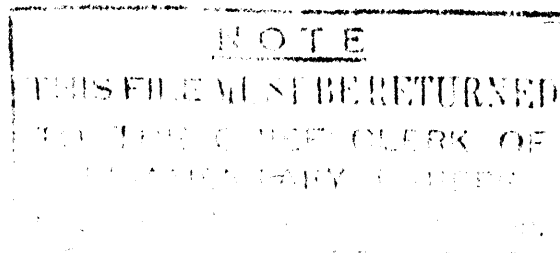
Sir,

I have the honour to submit to you the unanimous Report of the Commission on Indian Affairs, appointed under the Inquiries Act, by Order in Council PC 3797, dated 11th October, 1946.

This Report has been formally presented to His Excellency the Governor in Council and it would be appreciated if you would table it in the House this afternoon.

Respectfully yours,

Don. F. Brown,
Joint Chairman.



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REPORT OF COMMISSION ON INDIAN AFFAIRS, 1946
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OTTAWA, CANADA.

July 8, 1947.

TO HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

i. By Order in Council P.C. 3797, dated October 11, 1946, the undersigned were appointed Commissioners under the provisions of Part 1 of the Inquiries Act, Revised Statutes of Canada, 1927, Chapter 99, and were empowered

"to sit at such times as the Commissioners shall decide at various places in the Maritime Provinces and Eastern Quebec for the purpose of continuing the inquiry into and reporting upon all those matters mentioned in the Resolutions aforesaid (the Order of Reference to the Special Joint Committee of the Senate and the House of Commons, the Joint Committee was vested with authority to investigate and report upon Indian administration in general and, in particular, the following matters:

1. Treaty rights and obligations.
2. Band membership.
3. Liability of Indians to pay taxes.
4. Enfranchisement of Indians both voluntary and involuntary.
5. Eligibility of Indians to vote at Dominion elections.
6. The encroachment of white persons on Indian reserves.
7. The operation of Indian day and residential schools.
8. And any other matter or thing pertaining to the social and economic status of Indians and their advancement.)

which pertain to the Indian population of the named provinces; to visit such Indian reserves within the said areas as the said Commissioners may deem expedient; to hear evidence of any person or organization who may be affected by the said Orders of Reference and who may be affected by the said Orders of Reference and who may desire to be heard by the said Commissioners".

2. Pursuant to the said Order in Council the Commissioners therein named, on October 20th, 1946, set out on their itinerary through the "Maritime Provinces and Eastern Quebec", and held their final hearing at Quebec on November 6th, 1946.

3. The itinerary was designed to, and did, make it possible for your Commissioners to "visit such Indian reserves in the said areas" as they deemed to be "expedient", in view of the time at their disposal.

Meetings were held "at such places and times as were considered necessary for the purposes of the inquiry".

4. Your Commissioners considered themselves a "fact-finding body" which had the advantage of having been members of the Special Joint Committee of the Senate and the House of Commons appointed in 1946 and, for that reason, fairly well informed with regard to most aspects of the Orders of Reference set out above.

5. In the course of 18 days your Commissioners travelled 2850 miles by rail, land and water. All Indians were given an opportunity to make representations at well-attended meetings which were held on the following reserves: (in New Brunswick), Eel Ground, Red Bank, Burnt Church, Oromocto, Kingsclear, St. Mary's, Devon, Woodstock, Tobique and St. Basil; (in Nova Scotia), Afton, Chapel Island, Sydney, Eskasoni, Millbrook, Shubenacadie; Lennox Island, in Prince Edward Island; (in Quebec), Ristigouche (Bonaventure County) and Lorette. Chief James Athones was heard at Riviere du Loup, Quebec. On all reserves visited, Indian homes and schools were inspected, as was the infirmary at Tobique.

Elsewhere in our Report will be found the minutes of our proceedings and of the evidence given by approximately 170 witnesses. The written submissions presented to us form part of the record, as do certain written briefs which were later received by the Commission from members of certain reserves which were not visited.

6. Our findings and recommendations follow.

(a) Treaty Rights and Obligations.

Evidence was proffered at several meetings that the Indians of the Maritime Provinces and Eastern Quebec believe that the treaties signed at various times, but more particularly in 1725, between their ancestral chiefs and certain military representatives of His Britannic Majesty are, in all respects, binding upon His Majesty the King in right of the Dominion of Canada. It is the plaint of those who make that claim that the Indians do not to-day enjoy the rights and privileges conferred on their ancestors by those treaties.

Your Commissioners recommend, therefore, that at the next Session of Parliament a Joint Committee of the Senate and the House of Commons be again appointed to continue the examination and consideration of the Indian Act (Chapter 98, R.S.C. 1927) and all such other matters related thereto as may be referred to the said Joint Committee; that when appointed the said Joint Committee be empowered to appoint from its members such subcommittees as may be deemed advisable or necessary to deal with specific phases of the problems involved, but, more particularly, with the matter of treaty rights and obligations. This subcommittee should confer with

~~departmental officials who are conversant with the terms of treaties which affect Canadian Indians and report its findings to the said Joint Committee.~~

(b) Band Membership.

As can be seen from the following statistics, the Indian resident in the Maritime Provinces and Eastern Quebec derive their origin from only two Indian races: the MicMac and the Amalecite.

INDIAN POPULATION IN MARITIME PROVINCES

Province	<u>Racial Origin</u>	
	MicMac	Amalecite
Nova Scotia	2,363	---
New Brunswick	1,098	949
Prince Edward Island	266	---
Eastern Quebec	969	---
	<u>4,696</u>	<u>949</u>

This would explain why band membership is not a matter which concerns Indians in the Maritime Provinces to the same degree as it affects Indians in other parts of Canada. But evidence was heard that inhabitants of some reserves are most jealous of the "privileges" which they enjoy at their present location and are not disposed to accept with good grace the infiltration from other reserves, by marriage or otherwise, of Indians of even the same racial origin; nor are some willing to be moved from their present reserves and be re-located, even in better circumstances at other reserves in the same province, because of a fear of loss of employment from which they now derive some financial gain.

(c) Liability of Indians to pay taxes.

Generally speaking, the Indian does not feel that he should pay any taxes. It was found, however, at reserves situate close to populous centres, such as Millbrook, just outside Truro, Nova Scotia, where it is possible for an Indian to earn a living "off the reserve", and at Devon, New Brunswick, and Sydney, Nova Scotia, where he can make a living "on the reserve", that there is no objection, as a rule, to paying taxes on income so earned. Reference to the evidence given by Indians at Millbrook Reserve will show that they object to being centralised at Shubenacadie for the stated reason that they could no longer earn the income they presently derive from their employment in Truro factories and homes.

(d) Enfranchisement, voluntary or involuntary, of Indians.

It was generally found that the older Indians do not favour enfranchisement. They are of opinion that were they to be enfranchised they would lose certain rights and privileges to which they have become accustomed. The younger generation, particularly the ex-servicemen, realize the advantages to be derived from becoming enfranchised; but, unfortunately, in their formative years they were not shown ways and means of helping themselves to become other than "wards of the Crown".

A great deal of credit is due those ex-servicemen who have availed themselves of the advantages of military training and who are doing their best to improve their homes and home surroundings. Every effort should be made by the Indian Affairs Branch to see to it that these ex-servicemen are informed of their rights under veterans' affairs legislation which has been passed by Parliament for the rehabilitation of good citizens of the country who willingly went to war.

Your Commissioners are of the opinion that greater consideration should be given by the Indian Affairs Branch to affording the Indian veteran every opportunity under the provisions of the Veterans' Land Act to settle on the reserve of his own choice, and every encouragement to assume the rights and obligations of Canadian citizenship.

It is our opinion that the matter of enfranchisement should be left on a purely voluntary basis. The provisions of the Indian Act concerning enfranchisement should be carefully reviewed and clarified.

(e) Eligibility of Indians to vote at Dominion Elections.

There are many Indians who must, and do, pay taxes on the income which they earn "off the reserve". They feel that they should, for that reason, be given the right to vote at Dominion elections. Otherwise, they claim, they are penalised by being taxed without any voice as to how Parliament, in which they are not represented, allocates the taxes which they pay. Generally, those who do not pay taxes do not wish to be given the Dominion electoral privilege.

It has ~~been~~ suggested that the Indian population should be allowed to choose an Indian as the Parliamentary representative of all the Indians in Canada. In this there are inherent difficulties, since the Indian population, under the present basis of representation, would not be entitled to more than two members. It would indeed be difficult to choose any two Indians who would be acceptable to Indian voters in all Canadian provinces. There are other obvious difficulties.

(f) Encroachment of white persons on Indian Reserves

Most Indians view with disfavour the existence of persons other than Indians within the limits of a reserve. The Indian Affairs Branch holds a similar view, and is taking steps to terminate such encroachments on certain reserves within the Maritime Provinces.

(c) Operation of Indian schools, day and residential.

The education of Indian children in the Maritime Provinces and Eastern Quebec has the unique aspect, not to be found elsewhere in Canada, that regard must be had for the fact that the Indian population in those areas is, and for years has been, wholly adherent to the Roman Catholic faith.

The Indian schools, therefore, are separate schools; the residential school at Shubenacadie is under the direction of a Roman Catholic religious order.

The evidence shows that your Commissioners gave much attention to the schools in each reserve which they visited.

The principals of the schools visited all admitted that the institution and payment of family allowances has meant a decided improvement in school attendance, although in certain schools, at certain periods of the year, attendance does fall off; for example, during the potato-picking season many children are taken away from school and accompany their parents to the State of Maine, in order to take advantage of the very high wages there paid even to children.

The following statistics show the enrolment at Indian day schools as at March 31, 1946, and the number of children between the ages of 7 and 16.

PROVINCE	CHILDREN 7 - 16	INDIAN DAY SCHOOL ENPOLMENT
Prince Edward Island	62	28
Nova Scotia	472	380
New Brunswick	454	334
Eastern Quebec	<u>324</u>	<u>255</u>
	1,312	997

Cases were noted where the text-books used in the day schools were not those which had been passed upon or accepted by the provincial department of education. The Training Division of the Indian Affairs Branch has concerned itself with the curriculum to be followed in Indian day schools which now is, as near as is possible, that prescribed by the provincial educational authorities. All day school teachers should hold requisite certificates from the provincial department of education, and should receive salaries commensurate with their experience and aptitude and, as soon as possible, should be classified and graded as permanent civil servants and so become eligible for civil service superannuation.

We recommend that the Indian Affairs Branch make obligatory, in schools under their jurisdiction in the Province of Quebec, instruction in English as well as in French. Consideration should be given to the need for teaching some commercial subjects in the higher grades of all day and residential schools.

Your Commissioners inspected several schools which are in urgent need of repair and recommend the carrying out of all necessary repairs which departmental officials assured would be made as soon as materials and labour are available.

Shubenacadie Residential School

This school, constructed in 1928, is the only large school of its type east of Ontario.

Although the average attendance is 155 boys and girls, it has had as many as 165 children enrolled. The school provides for orphan and neglected Indian children from the three Maritime provinces. We were told that these children are all Indians, within the meaning of the Indian Act, but "from the appearance of them, some are quite far removed from the Indian", which can also be said of some pupils in most day schools which we visited.

The building is not of fire-proof construction nor, in the opinion of some Commissioners, is it sufficiently equipped with fire-escapes to ensure the safety of resident pupils and teachers.

The school has facilities for the teaching of crafts such as pottery, wood-carving and other native handicrafts. It also teaches agricultural pursuits, including stock-raising and dairying and owns some excellent pure-bred stock. Girls are taught home-making and domestic sciences, weaving and other handicrafts.

Your Commissioners are of opinion that the Indian Affairs Branch is well aware of the need for the services rendered by this school and takes effective means to ensure that the training and care given the pupils are adequate to enable them to get that good start in life which they might not otherwise have.

(h) Other matters pertaining to the social and economic status of Indians and their advancement.

It might be well to repeat here that the Indians in the Maritime Provinces and Eastern Quebec belong to two main racial origins, the MicMac and the Amalecite.

Their forefathers had to be proficient in hunting, fishing, fighting and in providing themselves with clothing and shelter, in order to survive.

During the 350 years since these natives first had dealings with races other than their own, they have, for many reasons, lost the fibre, energy and initiative of their ancestors, and have decreased in population.

The Indian Affairs Branch is obliged to, and does, make provision for the health, welfare and education of the few thousands of Indians in the areas once thickly populated by their forebears.

It is the opinion of your Commissioners, based upon actual investigation, that the Indian Affairs Branch, since 1940, has done much to improve the social and economic status of the Indians in the Maritime Provinces. We agree with the view expressed by Mr. R.A. Hoey to the 1946 Joint Committee (Minutes of Proceedings and Evidence, pp. 27,28): that

"consideration of ways and means whereby conditions on Indian reserves might be improved, and the problems (which confronted) us, appear to lend themselves in the main to a well thought out, long-range programme".

if the Indians of the present and future generations are to be so advanced educationally and economically that they will be able to enjoy the rights and privileges of, and assume all the obligations of, Canadian citizenship.

As time goes on, and the Indians are assimilated into the general body politic, the need for the special services now rendered to these "wards of the Crown" will gradually lessen. In the meantime, however, much as it will cost, Canada has a moral responsibility and a legal obligation to

meet with regard to the provision of our Indians with all necessary social services.

At present the Indian is greatly benefitted by the receipt of family allowances in the same manner as his neighbours, no matter what their racial origin. True he does not receive old age pensions, as such, nor do blind Indians receive a pension. We were asked by many Indians that such pensions be provided. Your Commissioners are agreed that the Government should give every consideration to providing Indians with an old age pension.

Whilst it is a fact that old Indians do not receive a pension, it is also a fact that they are given shelter, fuel, clothing and rations, without having to pay taxes of any kind. Consideration should, however, be given to the need for increasing or varying the amount and kind of rations, in order that the Indian diet may meet the standards of competent nutritionists.

7. Living conditions and housing.

Your Commissioners found that living conditions varied greatly from reserve to reserve.

Many Indian homes were visited which were quite comfortable and with which the occupants expressed themselves as very content. On the other hand, many homes were seen which, from the standpoint of sanitation and comfort left much to be desired. As a matter of fact they were hardly worse, certainly no better, than are to be found in sections known as "slum areas" in other Canadian communities.

Departmental officials blamed such housing conditions on shortages in building materials and the lack of labour, skilled or unskilled, during recent years.

That the Indian Affairs Branch is aware of what must be done to better such conditions is apparent from the

records of the 1946 Joint Committee. Speaking to that Committee, on May 30, 1946, Mr. Hoey, Director of that Branch, said :

"One of the outstanding needs at the moment appears to be a housing programme such as (that) outlined in the government's post-war programme. . . . The insanitary shacks in which many of our Indians now live should be replaced by sanitary dwellings".

Your Commissioners had the opportunity to inspect some of the modern houses under construction on various reserves and are satisfied that if the housing programme of the Indian Affairs Branch be carried out, the living and housing conditions of the Indians in the Maritime Provinces will be vastly improved and will compare favourably with such housing and living conditions as are enjoyed by other Canadians whose income is higher than that earned by most Indians.

Centralization.

Your Commissioners were impressed with what has been done in Nova Scotia, at Eskasoni and at Shubenacadie, where the Indian Affairs Branch plans to have the Indians live in well-organized and completely self-sufficient communities.

Your Commissioners are of the opinion that the success of the policy of centralization undertaken in the Province of Nova Scotia will depend on two factors:

- (1) on the educational programme provided at the Shubenacadie and Eskasoni reserves, and,
- (2) on the provision of sufficient economic resources and opportunities to enable the Indians located on these reserves to make a living for themselves and thus become increasingly less a burden on the taxpayers of Canada.

At these reserves, four-room, fully equipped schools have been established. It is our opinion, however, that in addition to this, fully qualified, experienced teachers should be employed. The course provided, both academic and vocational, should be based on the actual needs of the Indian population. In other words, it is the opinion of your Commissioners that the Indian boys and girls of these reserves should receive the training necessary to enable them to compete successfully with white citizens in the province.

Welfare and direct relief.

The one subject about which your Commissioners invariably heard the most complaint was the distribution of welfare and direct relief payments.

This is a matter of departmental administration which was fully discussed with the Indian agents concerned.

Your Commissioners do feel that many improvements can be made in this regard and are confident that the Indian Affairs Branch is endeavouring to make it as easy as possible for deserving Indians to be given every needed assistance to receive that amount and kind of direct relief as will make the recipient healthy and comfortable. The payment to the Indians of an old age pension would make the payment of welfare and direct relief unnecessary and would also avoid considerable administrative difficulties involved in the present system.

Homemakers' Clubs

There is one project of the Welfare Division of the Indian Affairs Branch which is deserving of every commendation and continued support: the institution of Homemakers' clubs, of which a very excellent example was seen on the reserve at Ste. Marie de Ristigouche, Bonaventure County, Quebec. We were given to understand that it is the intention

of the Welfare Division to organize similar clubs at other reserves in the Maritimes—and elsewhere in Canada. The need for such clubs and the benefits to be derived from them on all Indian reserves can not be over-emphasized.

8. Administration, generally, of the Indian Act.

At every reserve visited by your Commissioners complaints were heard involving various phases of the Indian Act, or agents who administer it.

Questioning of witnesses brought out the fact that in most cases the abuses complained of took place years ago when it was usual, in the Maritimes, to employ part-time agents.

However, now that, with one exception, Indian agents in the Maritimes are full-time officials, many of the abuses inherent to the old system have disappeared. We had the opportunity to appreciate the manner in which the present agents carry out their responsibilities. We believe that most of them are fully aware of the importance of their office. Yet we should like to emphasize, as strongly as possible, that there are qualifications of an Indian agent which can not be defined nor appreciated by officials of the Civil Service Commission who have not given careful study to the rare qualities, skills and aptitudes which must be possessed by every applicant for the position of Indian agent, or in fact, for any position at an Indian agency. These latter officials must have a sympathetic understanding of the Indians who will be under their charge; they must win and preserve the entire confidence of those Indians and be able to give them leadership and guidance so that the Indian can develop himself morally and economically and fit himself for eventual assimilation into full Canadian citizenship. These officials must also possess a good working knowledge of social welfare.

Devotion to duty, self-sacrifice and patience are other essential requisites of any person who intends to devote his life to the health, welfare and education of our Indians.

The Indian Affairs Branch must be given every assistance to recruit qualified teachers, doctors, nurses and social service workers, in order that the Indian population be not deprived of those services which are necessary to assure that population of the same care which is considered the just desert of other Canadians. The Indians of Canada must be permitted, and helped, to maintain themselves and their dependents with at least the same minimum standard of good health and living conditions as are considered necessary for their Canadian neighbours.

The revision of the present Indian Act, which has not been appreciably amended since 1880, undoubtedly should have such an ideal as its object. That revision should not be undertaken until the committee to which the duty is confided is given a full opportunity to hear from all Canadian Indians and from church and other organizations interested in the present and future well-being of those Canadians whose ancestors were the first natives of Canada.

Minutes of our proceedings and of the evidence which we consider should be on record are attached.

All of which is respectfully submitted.

Joint Charimen	(<u>(J. Fred Johnston) Senator (x)</u>
	(<u>Don. F. Brown,</u>
		<u>W. H. Taylor, Senator</u>
		<u>W. Bryce,</u>
		<u>W. Garfield Case</u>
		<u>Thos. Farquhar</u>
		<u>Wilfrid Gariepy</u>
		<u>D. S. Harkness</u>
		<u>Walter Little</u>
		<u>Leon J. Raymond.</u>

(X) Senator Johnston has seen and concurs in the report. His signature will be available later.