

REPORT
OF THE
INDIAN ACT
CONSULTATION MEETING

MONCTON, NEW BRUNSWICK
JULY 29, 30, AND 31, 1968

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DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

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DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ROGER DUHAMEL, F.R.S.C.
Queen's Printer and Controller of Stationery
Ottawa, Canada
1968

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REPORT OF THE INDIAN ACT CONSULTATION MEETING
HELD AT
MONCTON, NEW BRUNSWICK
JULY 29, 30, and 31, 1968

CO-CHAIRMEN

Mr. Wallace LaBillois,
Box 10,
R.R. No. 1,
Dalhousie, N.B.

Mr. Bart McKinnon,
Regional Director, Maritimes,
Department of Indian Affairs and
Northern Development.

BAND SPOKESMEN

BAND

SPOKESMEN

Sydney

Mr. Richard Matthews,
Membertou Street,
Sydney, Nova Scotia.

Eskasoni

Mr. Alexander Denny,
Eskasoni, Nova Scotia.

Whycocomagh

Mr. Gabriel Googoo,
Inverness County,
Nova Scotia.

Chapel Island

Middle River

Mr. Francis Pierro,
Nyanza,
Victoria County, Nova Scotia.

Afton

Mr. Peter Pierro,
1186 Prince Street,
Truro, Nova Scotia.

Pictou Landing

Mrs. Catherine Thomas,
R.R. No. 2,
Trenton,
Pictou County, Nova Scotia.

Truro

Mr. Laurence Paul,
Halifax Road,
Truro, Nova Scotia.

Shubenacadie

Mr. John Knockwood,
Micmac Post Office,
Hants County, Nova Scotia.

BAND

Bear River

Annapolis Valley

Acadia

Lennox Island

Big Cove

Red Bank

Eel Ground

Burnt Church

Eel River

Pabineau

Fort Folly

St. Mary's

SPOKESMEN

Mr. Richard McEwan,
Box 89,
Bear River, Nova Scotia

Mr. John A. Smith,
Cambridge Station,
Kings Co., Nova Scotia.

Mr. Charles Paul,
Yarmouth Indian Reserve,
Yarmouth Co., Nova Scotia.

Mr. John Sark,
Tignish, P.E.I.

Mr. Anthony Francis,
Big Cove, N.B.

Mr. Lemey Peter Paul,
Red Bank, Northl'd. Co.,
N.B.

Mr. Joe Larry, Jr.,
Northwest Bridge,
N.B.

Mr. John Dedam,
Burnt Church, Northl'd. Co.,
N.B.

Mrs. W. LaBillois,
R.R. No. 1,
Box 10,
Dalhousie, N.B.

Mr. Paul Prisk,
R.R. No. 5,
Bathurst, N.B.

Mr. Louis Knockwood,
Dorchester, N.B.

Mr. Paul J. Paul,
197 Paul Street,
Fredericton, N.B.

BAND

Oromocto

Kingsclear

Woodstock

Tobique

Edmundston

Buchtouche

SPOKESMEN

Mr. Willard Paul,
R.R. No. 1,
Oromocto, N.B.

Mr. Walter Paul,
R.R. No. 6,
Fredericton, N.B.

Mr. William Paul,
South Esk.
Northl'd. Co., N.B.

Mr. George Francis,
Maliseet, N.B.

Mr. Harold R. Bernard, Jr.,
R.R. No. 2,
Edmundston, N.B.

OTHER REPRESENTATIVES

Regional Indian Advisory Council

Regional Indian Advisory Council

Regional Indian Advisory Council

Regional Indian Advisory Council

Regional Indian Advisory Council

Regional Indian Advisory Council

Mr. Frank Paul,
Burnt Church,
Northumberland County, N.B.

Mr. Andrew Francis,
Site 4, Box 4,
Big Cove, N.B.

Mr. Charles Bernard,
R.R. No. 2,
Edmundston, N.B.

Mr. Noel Doucette,
R.R. No. 1 St. Peters,
Richmond County, N.S.

Chief Gerald Gloade,
Box 474,
S.S. 1,
Truro, N.S.

Chief Harold Sappier,
55 Sappier Street,
Fredericton, N.B.

Regional Indian Advisory Council	Chief Charles Francis, Eskasoni, C.B., N.S.
Regional Indian Advisory Council	Mr. Charles Bernard, Whycocomagh, C.B., N.S.
Regional Indian Advisory Council	Mr. John Bernard, Micmac, Hants County, N.S.
Regional Indian Advisory Council	Mr. Frank Jadis, Lennox Island, P.E.I.
Union of New Brunswick Indians	Miss Elsie Paul, 87 Paul Street, Fredericton, N.B.

CONSULTATION TEAM

Minister of Indian Affairs and Northern Development	Hon. Jean Chrétien
President, National Indian Brotherhood	Mr. Walter Dieter
Department of Indian Affairs and Northern Development	Mr. C. Fairholm
Department of Indian Affairs and Northern Development	Mr. Len Brown
Department of Indian Affairs and Northern Development	Mr. Greg Harris
Department of Indian Affairs and Northern Development	Mr. Gordon Miller
Department of Indian Affairs and Northern Development	Mr. William Fox
Executive Assistant to the Minister of Indian Affairs	Mr. John Rae

July 29, 1968.

The co-chairman, Mr. Bart McKinnon* welcomed the delegates to the second meeting in the Indian Act consultation series and introduced the consultation team from Ottawa and indicated that the Honourable Jean Chrétien, Minister of Indian Affairs, and Mr. Len Brown of the Department would be arriving for the afternoon session. Mr. McKinnon said that the team was travelling right across Canada to hear the views of all the bands on proposed changes to the Indian Act. He suggested that agency and regional matters should not be brought up in the conference and then introduced the Chairman of the Maritime Regional Council, Mr. Wallace LaBillois who had agreed previously to co-chair the meeting.

Mr. Wallace LaBillois, the co-chairman then introduced Mr. Dubé, Special Assistant to the Minister of Veterans Affairs. Mr. LaBillois then asked for the delegates' cooperation especially in the expression of their concerns about changes to the Act to the Departmental officials. He said that he wanted the Government and the people of Canada to realize that the Indian people of the Maritimes wanted, and expected changes to the Act. He said that the Indian people should be able to govern their own affairs just like other communities across the country or around the world. He said it had been a significant gesture on the part of the Government to support and back a recent court case concerning Indian people. He said that perhaps it showed that the Government intended to help the Indian people to help themselves. He then asked each delegate to introduce himself.

Mr. Fairholm said that the consultation team's job was to find out what the Indian people felt should be in a new law to replace the present Act and that such an Act had to provide for those things found only in the Indian community which no other law could cover. He said that it might well be that only such special legislation could cover such matters as lands set aside as reserves. He said the present Act did not deal with many matters such as welfare programs, housing programs, training for employment and many other things. He said these items were to be found in other federal and provincial laws.

Mr. Fairholm said that the delegates were asked to come to the meeting to speak on behalf of their people, and the Government wanted to listen, and not to defend what had gone on before, nor to argue about the merits of what the Indian people wanted. He said that the team would explain what the present Act said and how it worked if the delegates so desired and would suggest possibilities for changes if the delegates wished. He said there had been many past discussions on the Act since 1965, and that the Government was desirous of proceeding with a new Act that would allow various bands to choose for themselves how much self determination they wished to assume. He said that there were many things that would work in Indian communities in the Maritimes which would not work in other parts of Canada and for this reason the Government would be asking the Indian people of the Maritimes to suggest what they themselves wanted, but this would not stop other Indian communities across the country from having what they wanted in the law. He said that the law could not be set out in plain or simple

Note: *Due to the use of electronic recording apparatus, the speakers in some cases may have been wrongly identified.

words since the words and phrases had to have special meaning for the courts of law. He pointed out that if the law was to work, it had to be precise and exact, so that the finished Act therefore might be hard to understand because of its legal language. Many of the delegates' suggestions might therefore not be recognized in the new Act. In other cases, it might not be possible to carry out some of the suggestions, he said, but in any event the government would keep the Indian people informed about these matters. He acknowledged that the views of the Maritime Indians would be heard and would be reported to the Canadian people by the news media. He confirmed that the team would report their suggestions to the Government so that members of Parliament would know what had been said when they came to review the new legislation. Many Indian people including the Regional Advisory Councils and National Advisory Board had examined the main features of the present Indian Act which had appeared to require amendments and had reflected on some of the underlying proposals that would seem to be required in the new Act that would reflect the objectives and desires of the Indian people. He said that after discussions had concluded, the booklet "Choosing a Path" was prepared and questions were set out so that various viewpoints could be recorded. He suggested that the questions were not all-embracing and many more could be asked. He knew that many Indian people would have liked more time to discuss the issues, but every day that passed delayed revisions to the Act for those Indians who wanted the changes to be considered now. He reiterated that the Government had therefore decided to proceed with the consultations so that it could speed up things as much as possible. If there were second thoughts about some of the issues on the part of the delegates concerning the new law at the end of the meeting, then the delegates and others could write to the Department and make their additional views known. He said it would also be possible to write to the local Member of Parliament and submit further views on the revisions to a parliamentary committee which the Government has said it would establish to review the legislation before it was passed into law. He pointed out that the present meeting would not be the last opportunity where the Maritime Indians would be able to present their feelings on the new Act.

Mr. Walter Dieter of the National Indian Brotherhood then brought greetings from the western Indian people and said that they were anxious to change many of the things in the present Act that prevented them from doing those things that other Canadians did. He said that the Indians of the Prairie Provinces were of the opinion that they were just as capable of minding their own business affairs if given the opportunity and the education. He suggested that equal opportunity meant having the same education and opportunities as other Canadians and that one of the things that the Prairie Indians had objected to was that the Act seemed to be something that was forever permanent; - especially with the insertion of safeguards for their treaties. He continued by saying that change had come upon them; that the Act should only last five or ten years, not forever, and that it should be flexible enough to allow for constructive change. He pointed out that this did not imply that the Indian people would lose their cultural heritage or their language but other Indians in other provinces wanted to proceed with the changes and if the Maritime Indians did not get down to work, they were liable to get left behind.

Mr. LaBillois the co-chairman suggested that the delegates begin with question No. 1 in "Choosing a Path" with regard to the name of the Act, and then continue on through the questions. He informed them that the Indian Act had been on the statute books for many years and that the present name outlined the way in which

Indians could govern the affairs of the reserve communities and set up rules for the management of Indian business. He said that it was not necessary to suggest a suitable name at the meeting but that the delegates could send suggestions to the Department where they would be sorted out. He said that these suggestions would then be reported to the bands for further discussion.

Mr. Charles Bernard of the Advisory Council, Mr. Vincent Barlow of the Indian Island Band, Mr. John Knockwood of the Shubenacadie Band, and Mr. Lemey Paul of the Red Bank Band suggested that the name should not change, and it was agreed by a general consensus of the delegates that the present name of the Act should remain.

Mr. LaBillois the co-chairman speaking on question No. 2 with regard to delegation of authority said that it should not be necessary to get approval for everything that Indians did from Ottawa. He said that field staff and Indian people should be able to make their own decisions, as this would lessen the time taken to get things done.

Mr. Paul Paul of the St. Mary's Band, Mr. Lemey Paul, Mr. Vincent Barlow and Mr. Charles Bernard said that authority to make decisions should be given to the Band Councils.

Mr. Paul Prisk of the Pabineau Band said that any decisions made by Indian individuals or bands should be checked out by Ottawa to ensure that there was no error in their judgment. He said however, that Ottawa should not have the final say in the matter.

Mr. Fairholm said that he had a great personal belief that individuals should be able to make decisions for themselves and that public servants in general shouldn't be required to check to see if a right or wrong decision had been made. He said the public servant also made mistakes. He personally didn't think there was anything wrong with making a mistake, and suggested that people had to learn from their errors.

Mr. Alexander Denny of the Eskasoni Band said that the majority of his Band questioned how much of this authority should be given to the field staff. He said that his Band felt that field staff should not have the authority to decide on important matters unless the Band Councils were consulted.

Mr. Fairholm said that the Department was always ready to provide advice but in legal matters, one should consult a lawyer or one could consult a provincial agency or other professional people who would provide advice.

Mr. Anthony Francis of the Big Cove Band wondered what specific guide lines should be taken if Band Councils did have more authority, such as what specific decisions the Band councillors would make and what kind of authority the Band Council as a whole should have.

Mr. LaBillois the co-chairman suggested that this matter could be answered when discussion came up on other provisions of the Act.

Mr. Fairholm then read Section (3) (2) of the Indian Act and said that documents such as leases, sale of sand and gravel, etc., could only be signed by one of three persons, the Minister, the Deputy Minister or the Assistant Deputy Minister of Indian Affairs. He said this meant that many legal documents from all across the country had to be signed by one of those three persons.

Mr. LaBillois the co-chairman asked the delegates if they were quite clear on the various types of delegated authorities.

Mr. Lemey Paul asked who the field staff were as mentioned in question No. 2 and Mr. LaBillois said that these persons would be the Superintendents, Assistant Superintendents, etc., of the Department.

Mrs. Catherine Thomas of the Pictou Landing Band pointed out that the majority of her Band felt that the Band Council should be given permission to make certain rules and to sign certain documents.

Mr. Richard Matthews of the Sydney Band said that his band felt that the Chief and Council should administer their own problems except those parts involving great sums of money which the Agency would decide on.

Mr. Charles Francis of the Advisory Council said that he was not certain about the delegation of authority. He thought that field staff should not only deal with financial and administrative matters but should work closely with the Band Councils.

Mr. LaBillois, the co-chairman said that there should be no fear that delegation of authority to the field staff and band councils would be detrimental to the Indian people. He said it would mean that the power that the Minister now had under the present Act would be passed down to the lower levels for quicker action on local problems.

Mr. John Bernard of the Advisory Council said that the Chief and Council should have this delegated authority and not necessarily the field staff, nor anyone from Ottawa. He agreed that the Band Council should learn from their mistakes.

Mr. Fairholm offered a further clarification of the sections on delegation of authority in the Act. He felt that the section only provided authority for the Minister and the Department to do certain things. He said that the Band Council, representing the Band, had a responsibility to carry out certain functions that were not necessarily the responsibility of the Minister. He said that in the Department the Minister was required to sign things himself but this authority would be shared at the local level where the administrative staff were actually working instead of concentrating it in Ottawa. He felt this was a reason for delay in the approval of Band Council Resolutions.

Mr. Harold Bernard of the Edmundston Band said that the Band believed that authority should be delegated to both bodies -- the Band Council and the field staff. This, however, would exclude outright sale of any lands, he said.

Mr. Paul Prisk wondered what would happen if the Department of Indian Affairs was abolished. He said that the Indian people would have no representation in Ottawa and the Band Councils would have no one to write to.

Mr. LaBillois said that there was no indication that the Department would be abolished since it was just a matter of delegating more authority out to the Band Council and the field staff.

Mr. Anthony Francis said that he was in favour of delegating more power to the Band Councils but wondered about how much power they should have. He also wondered about the division of power between the Band Councils themselves and the Regional and local staff.

Mr. LaBillois, co-chairman asked the delegates to consider that some individual bands desired more authority and autonomy, while others did not wish to take responsibility for these things. He said that perhaps the new Indian Act would be flexible enough to allow Bands and Councils to take on as much authority as they desired.

Mr. John Sark of the Lennox Island Band agreed that the delegation of authority in Section 3 (2) of the Act should be broadened all the way down the line to include the Band Council.

Mr. John Bernard said that at present the Department really dictated what they wanted for the Indian people.

Mr. Harold Bernard asked if these matters would not be covered under Section 68.

Mr. LaBillois agreed and said that the Governor-in-Council could, by an Order, let a Band control its own lands and revenue monies in whole or in part and that this Order could be amended or revoked. He said that this particular point could be brought up later.

Mr. Anthony Francis speaking on Band Council by-laws, said that such by-laws should be approved at the regional office and not require the Minister's signature. He said that if all of the power pertaining to Indians rested with the Band Council, then there would be no unbiased body to decide which powers the Bands should exercise. He felt that there had to be specific details worked out about the exercise of this Band Council power. He said that it would be impossible to take all the authority from the Minister since some of these powers were vested only in the Parliament of Canada.

Mr. Fairholm elaborating further, added that many specific matters that the Minister was now required to undertake should be delegated to other people.

Mr. Charles Francis said that, as an example, the Minister could tell a Band that they were not capable of handling a new housing program on their reserve.

Mr. Fairholm said that after all the suggestions had come forward from all the meetings across Canada and after the suggestions had been reviewed by the Government, a draft Bill then would be prepared and would be sent back to the Indian Bands and Councils who would then study the draft in detail. He said that, therefore, there would be another opportunity for the Indian people to look more at the specifics of the draft Bill after it had been prepared.

Mr. Alex Denny of the Eskasoni Band asked who would prepare the Bill.

Mr. Fairholm said that the Government had agreed in general that after hearing all of the reports of the meetings, it would set out the general items that should be put into the Bill. He said that this information would then be turned over to the Department of Justice who would draft such information into legal language according to the requirements of the Government and Parliament.

Mr. Alex Denny asked how the Government was going to decide what proposals would be the fairest and best for the Indian people from among all the recommendations since the Maritime Indians were in a minority position as far as the rest of Canada's Indians were concerned.

Mr. Fairholm said that the Government wanted to have an Act that would accommodate the Indian people of the Maritimes as well as those from British Columbia. He said that the Act would probably provide many different choices so that Bands in other parts of the country could use those provisions in the Act that they wished to.

Mr. John Sark said that Section 3 (2) should be changed to broaden the Minister's delegation of authority to the regional level and then from the regional level to the different Bands in the area. He added there might have to be guidelines for each different Band or area.

Mr. LaBillois suggested that the delegates were saying that the question should be sent back to the reserves who would more or less set the guidelines -- which would mean that the people themselves would decide whether they wanted to accept such responsibility.

Mr. George Francis of the Tobique Band said that perhaps Section 77 should also be considered before a decision was made on Section 3 (2). He felt that the length of the councillors' terms was an important issue to discuss at this time.

Mr. Charles Bernard said that authority should be given to the Chiefs and Councils and that there should be no guidelines whatsoever. He thought that the matter had already been settled with regard to the question of the delegation of authority.

Mr. LaBillois suggested that they proceed with question No. 3 since they could see what guidelines and particular authority should be taken from the Minister and passed down to the Band Council, as the discussions proceeded through the remaining Sections of the Act. Mr. LaBillois then proceeded to read question No. 3.

Mr. Lawrence Paul of the Truro Band said that his Band thought that a person or band should not be excluded from provisions of the Act without first being consulted.

Mr. Willard Paul of the Oromocto Band agreed.

Mr. Anthony Francis said that if any band was excluded from the Indian Act it would mean that individuals in that Band would no longer be Indians and they would lose their status. He said that Indian status was their human birthright. He suggested that this Section in the Act be removed entirely.

Mr. Fairholm pointed out that authority under certain sections of the Act could be delegated to Band Councils by the Governor-in-Council on application of a Band. He said that there were certain sections in the Act where it was not necessary for the Minister to consult with the Indians before making a decision. He thought that the question should be whether it was right or wrong for the Minister, before making decisions, to consult Band Councils.

Mr. Lemey Paul of the Red Bank Band asked why any Band would want to exclude themselves from the Indian Act.

Mr. LaBillois mentioned a few examples such as those Band Councils who wished to administer their own welfare. He said that this power was now vested in the Crown, however on the other hand, he added, some Band Councils would find the administration of welfare financially impossible.

Mr. Anthony Francis asked if the exclusion of a Band from provisions of the Indian Act meant loss of Indian status.

Mr. Fairholm then commented further on Section 4 (2) of the Act and mentioned that it did not apply to Sections 37 to 41 concerning sale of reserve lands but it might apply to those sections on liquor that the band might wish to have removed for the efficient operation of a business enterprise such as a motel on the reserve. He continued by saying that although the sections on liquor might be removed, the sections with regard to sale of the reserve land on which the motel was located could not be.

Mr. Fairholm in answer to a question as to whether any band had opted out from provisions in the Act said that the Michel Band in Alberta in 1959 had made a request to be enfranchised as a band on a voluntary basis.

Mr. Anthony Francis asked if repealed sections in the Act carried out by one Council could be reincluded by another Council a few years later.

Mr. Fairholm stated that the Governor-in-Council might by proclamation revoke any such declarations so that the provisions of the Act could in effect be brought into force again.

The co-chairman Mr. LaBillois received the general support of the delegates on this question and then proceeded to ask the meeting to consider the question of children of unmarried Indian mothers.

Mr. Willard Paul said that his band would like children of unwed mothers to be treated the same as the children of married parents and Mr. Anthony Francis and Mr. Harold Bernard agreed.

Mr. LaBillois felt that the decision should be left up to the discretion of the unmarried mother as to whether her children should come into Band membership.

Mr. Vincent Barlow of the Indian Island Band, Mr. Paul Prisk, and Mr. Richard Matthews agreed that children of unmarried Indian mothers should take the status of their mother.

Mr. Richard Matthews felt the child should be given a chance to decide at 21 years of age if he wanted to be an Indian.

Mr. Vincent Barlow said that although he had agreed on the first part of the question, he did not agree that a person should be able to change his status at 21 since an Indian was always an Indian.

Mr. LaBillois the co-chairman then proceeded to the next question concerning the relationship of an Indian woman to a non-Indian male and their resultant illegitimate children.

Mr. Fairholm explained that children of common law relationships involving an Indian man and a non-Indian girl, would not be entitled to be registered as Indians but could be registered on the subsequent date of the couple's marriage. He said that children of Indian girls living with non-Indian males would, however, be entitled to membership but if the couples were married the family unit would be non-Indian.

Mr. William Paul of the Woodstock Band speaking on question No. 4 said this would mean that the family would decide what the child would be, whereas the meeting had previously agreed that the child should decide for himself when he reached the age of 21. Now, he said, if the mother were to marry a non-Indian, the child would become non-Indian. He reiterated that they would be deciding for the child before it reached the age of 21 whether he should have Indian status or not.

Mr. Paul continued by saying the mother had no right to decide what her child should be only perhaps at the time of birth for registration purposes. He said that the child should be able to decide at 21 whether he would wish to retain or relinquish Indian status.

Mr. Anthony Francis said that a child should keep the status that it had when it was born. He said an illegitimate child by an Indian woman would have Indian status. If the Indian woman were to then marry a white man, the child of the first marriage would still remain an Indian. Similarly, the woman marrying the non-Indian should never lose her status. He said Indian people living off the reserve had such freedom and they didn't need to change their status as Indians. He said it was important that there be no status change if Indian people wanted to keep their identity. He said Indian people could live anywhere they wanted and would be tax paying citizens just as other Canadians. He felt that they didn't have to leave their status to do that. Mr. Francis suggested that in specific cases where Indian persons were living common law, the children should be registered as Indians.

Mr. John Sark said that under the present laws of the province for those persons who are living common law, their children were under the control of the mother and would take her status. He thought the delegates had pretty well felt that children of unmarried Indian mothers should take the status of their mother, they should also agree that they should always retain their status as Indians. He said if an Indian woman married a non-Indian however, the child would retain his status until he was 21 at which time he would be free to withdraw from band membership.

The general consensus of the meeting was that Indian people should not be required to give up their Indian status.

Mr. McKinnon the co-chairman mentioned however, that a situation might develop where half the family would have Indian status and half the family would have non-Indian status.

Mr. William Paul suggested that the questions concerning children of unmarried mothers seemed to conflict in that each one depended on the other for an answer.

Mr. Fairholm said that when parents were living common law but were later married, the children born to them became legitimate.

Mr. John Sark said that there could be two different kinds of marriages, one where two Indian persons married and one where an Indian and a non-Indian married, in which case he said, there would be in the same family Indians and non-Indians. He said that in other societies such problems did not exist.

Mr. LaBillois the co-chairman suggested that the Indian Act really discriminated against children of such marriages.

Mr. John Sark said that if a child was born of an unmarried Indian woman, that child would have Indian status and should never lose it or be required by law to give it up even if the Indian woman married a white man. He said that whether there were Indians or non-Indians in the same family they were still children of the mother.

Mr. LaBillois the co-chairman then proceeded to question No. 5.

Mr. Vincent Barlow speaking on the question of whether Indian women marrying non-Indians should take the status of their husband, felt that such women should retain their Indian status. If a divorce were to result, then they could return to their own reserve. He said this would also apply to a white woman marrying an Indian.

Mr. John Knockwood of the Shubenacadie Band said that his band felt that an Indian woman who married a non-Indian should lose her Indian status but in the case of desertion or death, she would be entitled to come back to the reserve and live as other Indians.

Mr. Willard Paul said that the Indian woman should take her husband's status.

Mr. Anthony Francis felt that a non-Indian woman should become an Indian upon marrying an Indian man. He said, however that an Indian woman would not lose any rights nor gain any if she married a white man, therefore, she should not lose her status upon marriage. He said that Indian people born with Indian status should always maintain that status.

Mr. Fairholm asked what would happen if the Indian woman who had property on the reserve such as a house, a farm or a business married a white man. He wondered if she should be able to bring her husband with her and raise her family on the reserve.

Mr. William Paul said that the Indian woman might not want to return to the reserve but her white husband might want to since the family would not have to pay taxes.

Mr. Walter Dieter of the National Indian Brotherhood mentioned that a problem had come up in Alberta where some bands had large assets. He said that when an Indian girl married a white man, he would often leave his wife and take the band funds.

Mr. William Paul said that there should be a clause in the Act so that no individual would be able to withdraw money from the band funds at any time and that such monies would only be used for the development of the reserve. The Indian woman who married a white man would, upon divorce or death of her husband, be able to regain her Indian status.

Mr. Fairholm pointed out that there were certain rights that Indians had under the Act and that these rights were taken away when an Indian person withdrew from band membership.

Mr. Anthony Francis said that Indian status should not be eliminated for any reason and Mr. Vincent Barlow agreed.

Mr. John Sark said that a white man would not gain anything in the Maritime provinces from marrying an Indian woman. He said that the Act would probably prevent the white man from investing money from his own pocket into something like a farm and the Indian woman would not be able to sell the land or the house to a non-Indian.

Mr. Anthony Francis said that if the white husband was banned from living on the reserve, the Indian woman's property nevertheless still belonged to her. He said that he assumed most married people wanted to live together.

Mr. Charles Francis of the Advisory Council said that the woman could dispose of the property legally if she didn't want to maintain it. He stressed that non-Indians, however, should not be able to inherit reserve property.

Mr. John Bernard of the Advisory Council said that Section 110 stipulated that non-Indians were not allowed to keep inherited property. He said that it was at present unfair for an Indian woman who had married a non-Indian to have to dispose of the property. He said there were a number of different ways this could be solved, such as disposal of the property after the woman died or disposal within the Band after so many years.

Mr. LaBillois the co-chairman said that from the humanitarian point of view, an Indian woman marrying a non-Indian should take the status of

her husband and that provision should be made so that if she was deserted or became a burden on the State, she could automatically return to the reserve in full status. He said that this was the real issue to be considered and that the question of property rights could be settled when these sections were discussed.

Mr. Charles Francis said that in a great number of cases, Indian women returned to their reserves after being deserted by their non-Indian husbands, and in some cases were discriminated against by the Band Councils.

Mr. John Bernard wondered what would happen to the five or six children of such a relationship and whether they would be permitted to return to the reserve with their mother.

Mr. Charles Francis said that the Band Councils in such a case would have to weigh the situation very carefully and come to a decision. He said that if the woman was well liked on the reserve, then the Band Council should be flexible enough to accept her back.

Mr. Fairholm said that this would mean that the Band Councils would have the power to decide whether a woman would be able to return to the reserve and in some instances would depend on whether the woman was acceptable to the Band Council.

Mr. John Bernard said that any woman who married a non-Indian became subject to Provincial and Federal laws as well as any other Canadian and that if she was deserted by her husband, divorced, or her husband had died, then she was the responsibility of the province which could probably take better care of her than the Department of Indian Affairs.

Mr. Charles Bernard thought that it wasn't as important to worry about how the woman was taken care of as it was about her Indian status.

Mr. Anthony Francis said that the discussion seemed to reflect that some Indian women who had married white men would be treated differently. He said that if they were to make an application to the Band Council to be reinstated, some councils would accept these women while other councils might refuse. He said it would be a simple matter if such women maintained their status as Indians after a legal separation, divorce or death. He said that the children should be permitted to return to the reserve and have Indian status if the mother wished it.

Mr. William Paul suggested that a non-Indian man might decide not to support his family and let his wife return to her reserve where the Department of Indian Affairs would take care of her.

Mr. Joe Larry of the Eel Ground Band then asked about the provisions for trespass and if this would apply to the situation already under discussion.

Mr. Fairholm said that trespass involved other matters, but that if individuals were invited onto the reserve by other Indians, then there might be

no grounds for a trespass charge. He said for example, if a non-Indian deserted his wife and she moved back to the reserve but he returned again and again to the reserve to see the woman, it probably wouldn't come under the trespassing provisions.

Mr. Anthony Francis suggested that such visits were looked upon as being contrary to the Indian Act in some bands, since the man in most cases was considered to be no good and as such was usually charged with trespassing.

The meeting adjourned to reconvene at 1:30 p.m.

The Honourable Jean Chrétien, Minister of Indian Affairs then addressed the delegates as follows:

"This is my first meeting with an Indian community since I was appointed Minister a few weeks ago. For me, it is a very important day because this new task that Prime Minister Trudeau has given me is a big one and a very challenging one and I'm very proud that the Prime Minister has asked me to look after the Indians of Canada. Being from a minority group in this country, I understand what it is to be a member of such a group. There are many problems but there are a lot of virtues too. We have to be proud to be members of a minority group because our background becomes very important and you the Indian people of Canada have to be proud to be Indian because you were here a long time ago. You should be very proud of your culture; work to preserve that culture because it means a lot to Canada. It is part of the history of Canada and I know that you are proud of being Indians and you are proud of being Canadians as I am proud of being French-speaking and a Canadian. Canada is a great country, and all of us are a part of that country.

I am very glad to be in New Brunswick to meet the Indian people who live in the Maritimes because it is important for me to meet you. I am also glad to have the opportunity to come to a part of Canada that is so similar to the eastern part of Quebec from where I come. This is a great day for me and I am glad that we are meeting together.

It has been 17 years since the Indian Act was last revised. In that time, there have been many changes in the Indian situation as well as in Canada generally. Since 1951 the needs and desires of the Indian people have changed greatly. The needs of individual Indians have also changed. Bands and individuals are coming to us with things which the Act, as it stands today, simply

does not allow. Between 1959 and 1961, a parliamentary committee heard briefs from Indians all across Canada. Many want to do things they can't possibly do if the Act isn't changed. We were informed by the Regional Advisory Councils and the National Indian Advisory Board that a new Act should replace the present Indian Act. They felt, and we agreed, that many of the provisions of the Act prevent the Indians from assuming the responsibilities they are seeking. The formal process of changing the law is always slow and difficult and there are many steps involved. It takes time. If the Indian Act is to be revised before 1970, a start has to be made now. After a new Act is passed, there will be amendments required because the Indian people will progress and conditions will change. As long as we come up with an Act that can hope to meet the needs of the Indian community in a broad way, we will be far ahead of where we are today.

More and more Indian associations, groups, band councils and individuals have been asking that the Indian people be consulted about matters affecting them. I agree entirely that consultation has to be quicker and better organized. We have established Regional and National consulting groups but we thought we should get a broad view of what all the Indian people feel about something as basic as the Indian Act.

The present form of consultation available to the government is through the Band Councils, the Regional Indian Advisory Councils and the National Indian Advisory Board. All the major Indian associations are represented on these Boards. We have a good cross section of the Indian community but to give us a broader, deeper view, we embarked upon a series of nationwide meetings with spokesmen from all the Indian communities, and we sent out a consultation hand book, "Choosing a Path". We asked the Indian people to give their views and appoint spokesmen. It would have been desirable to have a team meet with Indians in every community but there are over 500 bands and more than 2,000 reserves in Canada. We did not think we should ask the Indians to wait for so many meetings before changes could be made in the Act. That is why we have called these meetings. If all goes well, we will have completed the first talks by the end of the year and I hope, and it is my goal, that we will finish the consultation which we are having right now by the end of the year.

I am asking the Indian people at each of the nineteen meetings to appoint a spokesman from among your members to attend a meeting in Ottawa in January. This meeting will review the reports from all the meetings which have been held. I am going to ask each of the Associations comprising the National Indian Brotherhood to send a representative and, of course, Mr. Dieter will be there. The results of the meeting in January will be sent to all of you. It will go to every Member of Parliament and to all the newspapers, radio stations and television stations. The people of Canada will know what you have said. If we continue these present meetings and keep to our timetable, I hope that we can have a new Indian Act by this time next year. It may not be called by that name and that is one of the questions that will be discussed. But a new Act will replace the present Indian Act as we know it. If this consultation works, as it should, the Indian people will have had a full voice in making the law.

I'm not here to answer your questions. I am here to listen to you because we want to involve you, the Indian people of Canada, in the process of making changes needed to permit you to be involved in your own destiny. You want the things to change for all the Indians of Canada and we agree. We want you to make a way of life that will be suitable to your goals, your culture and your desires. I want to consult with you, I want you to express your views. I do not think that I will be in a position to agree with you all the time but I want to have your feelings on the various issues involved. I know that it is important for everyone - for any group to express their desires, and I am sure that if we work in collaboration together we can be good friends and I will make sure that you will continue to be proud of being Indian and that you will be proud of being a Canadian as well!"

Mr. LaBillois the co-chairman thanked the Minister for his address. He said it would seem from the Minister's remarks that the Indian people in the Maritime region were embarking upon a new era. He then introduced the Minister's Executive Assistant, Mr. John Rae and Mr. Len Brown of the consultation team.

Mr. Fairholm summarized the preceding discussion of the delegates by saying that an Indian woman marrying a non-Indian would remain a member of the band as long as she desired. He said the question arose as to what would happen with the husband and the children if there should be a divorce or separation or death; did the husband and his children have the right to return to the reserve?

Mr. William Paul said that he had expressed his views on this particular question and that if it was the general feeling of the delegates that the woman should retain her status as an Indian woman, then this should be the case until after her husband died or until she was divorced. To allow an Indian woman to retain her status as an Indian while married to a white man would leave the way clear for white persons to live on the reserve. Mr. Paul was insistent however, that children should be allowed to remain on the reserve until a certain age such as 16 or 21, at which time they would leave when they were capable of supporting themselves.

Mr. LaBillois the co-chairman then indicated that the Minister would be prepared to answer specific questions from the floor.

Mr. Charles Francis said that before the election a large sum of money had been marked for Indian development and medical services. He asked the Minister if this election promise was to be carried out.

Mr. Chrétien said that he knew funds were available but was not sure exactly how much. He said that there would be a meeting on August 14, 1968 concerning Indian medical care at Tobique.

Mr. Anthony Francis said that at the commencement of the meeting the Department asked the Indians to be more involved in making decisions and decide what they wanted to do. He wondered if there were any Indian people involved in the Indian policy making area of the Department of Indian Affairs.

The Minister said that the Department was at the moment in the process of involving Indian bands across the country in a more active participation in the administration of their own affairs and he thought that this was the right approach. With regard to the personnel of the Department of Indian Affairs involved in the policy making of the Department, Mr. Chrétien said he had not studied the matter as to how many Indians were on the staff. He said that he hoped there would be more Indian people involved however and that they would be in a position to become further involved in future years.

Mr. Charles Bernard said that the Maritime Indians had many problems with regard to welfare and housing etc., and suggested that perhaps the government could take the initiative to promote the employment of Indian people.

The Minister agreed and said that it would be a constructive goal for the Department to follow. He said that every human being should be able to work and not live on relief. He said that it was not always easy for people to find jobs because of the particular geographical areas that they lived in and that it was easier for Indians living closer to the large cities to get jobs than those who lived in the far north or in some provinces where they were far away from the central development of Canada. He said that it was sometimes difficult to find programmes for these people but with the priorities that he had in mind it was necessary to try to emphasize an economic solution in every community.

Mr. Charles Francis asked if the proposed federal-provincial conference to take place in the fall would have on its agenda a proposal for the Department of Indian Affairs to delegate its administration to the provinces with regard to welfare, education and other programmes.

The Minister said that there were meetings being held with the provincial government but they were not for the transferring of the responsibility of Indian people from the federal government to the provinces. The Minister also said that the Indian people within each province were citizens of that province just as anyone else and that the role of the Minister of Indian Affairs in Ottawa was to protect the interests of the Indian people in whatever province they lived. He said that provinces should extend to their Indian people all the services given to other citizens of the province. He pointed out that responsibility for Indian people remained with the federal government but the Indian people should enjoy all the rights as any other provincial citizen. He said in some cases it might be desirable and advantageous for Indian children to attend public schools with other white people. He said the federal government would reimburse the provinces for any Indian children attending such schools. He mentioned that there were some Indian people who were members of school boards. The Minister reiterated that he did not want to impose anything upon the Indian people except to assure them that they were able to receive all the rights of every citizen of the province in which they lived.

Mr. Wallace LaBillois the co-chairman asked the Minister if he would take it upon himself in the next year or so to visit as many bands as possible. Mr. Chrétien said that he also had another Minister, Mr. Andras, assisting him, and that he too would be visiting some of the reserves when he himself was unable to go. He said that the Department wanted the Indian people to feel that they were part of the development of policies affecting Indians within the government.

Mr. Alex Denny asked who was taking care of the Band Council Resolutions that normally went to the Minister's office.

Mr. Chrétien said he was not certain of the person in charge but that it was very important that Band Councils pass their resolutions on to him since they could be assured they would be studied very carefully. He said it would probably be impossible for him to read each one of them since there were over 2,000 reserves in Canada but he said that there would be competent individuals to look at each one of them and to act upon them. He said no band resolution would be overlooked, and that it would be an integral part of the process of consultation. The Minister mentioned he received a lot of letters and resolutions from Band Councils and that it was not the same thing when it came to the office of the Minister rather than the Department but the regional organization was very useful in dealing with such matters since they were responsible to the Department as a whole. He said if these individuals were not competent, then he would inquire and correct the problem. He said that one of the greatest problems seemed to be that there were too many things that the Minister had to decide himself and that this increased the delay when so many things had to be sent to him. He felt that there should be more flexibility so that decisions could be made at the local level and in a short time, and that there should be a way to deal with decisions of the band concerning local problems quickly, perhaps at the regional office and not at the ministerial level.

Mr. Harold Sappier of the Regional Advisory Council asked when the Indian Claims Commission was going to be set up.

The Minister said that it was now in process and that they were waiting for a reply from the British Columbia Indians who had not made up their minds as yet to the kind of representation they wanted to make.

Mr. Charles Francis asked who decided whether a band was able to take on more of its own responsibility for local affairs.

The Minister said that a band and the government would have to consult and agree on whether the band itself was able to take on more responsibility. He said not everything should be decided by himself as the Minister. He said sometimes it would be difficult to find a compromise.

The meeting then returned to a discussion of question No. 5.

Mr. Richard McEwan of the Bear River Band suggested that an Indian woman should always keep her Indian status.

Mr. Walter Paul of the Kingsclear Band said that his people had decided that an Indian woman marrying a non-Indian should take the status of her husband.

Mr. Paul Prisk of the Pabineau Band said that if an Indian woman married a non-Indian, she should take the status of her husband and that if a non-Indian woman married an Indian man, she should take the status of her husband as well.

Mr. Harold Bernard of the Edmundston Band said that his band had decided that the sections pertaining to No. 5 should not be changed.

Mr. Richard Matthews of the Sydney Band said that the woman should take the status of the husband only if she chooses to do so.

Mr. William Paul of the Woodstock Band said that there should be no change in the Act and the woman actually did make a choice when she married a non-Indian.

Mrs. Catherine Thomas of the Pictou Landing Band suggested that in some cases where an Indian woman married a non-Indian and he came to live with her on the reserve but subsequently died, she would not have to depend on government help.

Mr. Peter Pierro of the Afton Band said that in Part (a) of question 5 the woman should revert to Indian status if she became legally separated from her husband or he died. In Part (b) of question 5 the Afton Band suggested that if an Indian woman left the reserve and married a non-Indian she would take his status and would only regain her original status if she returned to the reserve and were to marry another Indian again. The children would return to Indian status but could give it up if they so desired.

Mr. LaBillois the co-chairman summarized the discussion by saying that the general consensus seemed to be that Indian women marrying non-Indians should take the status of their husband but that if their husband died or there was a divorce, the Indian woman would be able to return to the reserve and regain her Indian status.

Mr. Fairholm said that there seemed to be two points of view, one that the Indian woman would take the status of her husband as at present, and secondly, that the Indian woman would retain the right to decide for herself whether to retain her Indian status or lose it.

Mr. Anthony Francis said that it was not fair for anyone to make legislation to take status away from a person. He said that it was necessary to think of a person's right as a human being to retain his own status.

Mr. Francis continued by saying that when an Indian woman chose to marry a non-Indian, it was usually on the basis of law and not on the basis of status. He said that a non-Indian should accept an Indian woman on the basis of her status if they were desirous of being married. He felt there was nothing to stop any Indian person from exercising his rights outside the reserve and giving up Indian status would not really affect any special rights. He said that if the Indian people wished to remain a strong cultural entity in Canada, they must retain their status since there was no real advantage whatsoever by giving individual Indians the choice to give it up.

Mr. Paul Prisk said that they had come to the conclusion that when an Indian woman married a non-Indian she would take the status of her husband but, if the husband died or left the wife, then the provincial government would provide for the woman's welfare. He said there would be no reason why such a woman would not be able to rent a house on the reserve and have the provincial government provide for her well-being. He said that if it was the case of divorce and the court decided for the Indian woman, then the husband would continue to provide for the children. He said it would seem logical that the provincial government should provide for the woman because she had become in effect a non-Indian and where she chose to live was not the real issue.

Mr. Vincent Barlow of the Indian Island Band said that an Indian would always be an Indian whether he withdrew from Indian status or not. He said he thought Indians should keep the status with which they were born.

Mr. Anthony Francis said it did not matter if a person was cared for on or off the reserve since it was still some government's money that was looking after the person. The main thing, he suggested, was that the person had to retain and maintain his status as an Indian.

Mr. George Francis of the Tobique Band in considering the question of an Indian male marrying a white woman, thought that perhaps a white woman should not gain Indian status at all. He said that he didn't like white women or white men handling community problems on his reserve.

Mr. Charles Bernard of the Eskasoni Band said that every person was entitled to make one mistake and to ask for reinstatement after withdrawal from his band. He said that if a girl had made a mistake by marrying a non-Indian, then she should be reinstated. He thought that the children should be able to gain Indian status and therefore be integrated into the band.

Mr. LaBillois the co-chairman said that it was quite possible that the Maritime Indian delegates were the only group of people in Canada faced with such a problem on membership. He said the question of membership meant a decision about whether a person was a band member upon marriage and not because of colour or any other matter.

Mr. George Francis said that a married Indian woman who had become enfranchised and then wished to return to the band after the death of her husband would have in many cases the permission of the band council but what would happen if the Department of Indian Affairs didn't wish her to return.

Mr. Fairholm said that the question of the Department of Indian Affairs interfering in such a matter was not the real issue but other problems did arise such as providing the woman with housing, etc., and as far as the Department was concerned, this would probably depend on whether she became a member of the band again.

Mrs. Catherine Thomas of the Pictou Landing Band said it seemed to be her band's feeling on question No. 4 that children should take the status of the mother regardless of who the father might be and also it seemed to be the consensus of the band that an Indian woman who married a non-Indian should be permitted at some later date to return to the reserve. She said this was the same case as an unmarried woman who had children by a non-Indian. She said it seemed to be the band's opinion that such a woman would be allowed to live on the reserve and that she or the band would provide for the children. She suggested that the delegates seemed to disregard the Indian woman who married a non-Indian.

Mr. William Paul of the Woodstock Band said that it seemed to be the opinion of the delegates that once the child of an unwed mother was born, it would automatically take on the status of the Indian mother.

Mr. Fairholm pointed out that the delegates were expressing three different points of view. The resolution of these varying points of view by still allowing the kinds of choices that different groups of Indian people wanted would be a very difficult problem, he said.

The Minister, Mr. Chrétien said that there would be a meeting in Ottawa in January where representatives from each of the nineteen meetings would come to give a summary of their views. At this meeting an analysis would be made of all of the opinions expressed and discussed across the country.

Mr. LaBillois the co-chairman summarized the discussion on question No. 4 and said that the opinions of the delegates seemed to be mixed in that some felt the woman should take the status of her husband and that upon

application at the death, desertion, separation, or divorce, the woman would be readmitted to the Band, therefore regaining her Indian status. He said that it seemed to be the consensus of the delegates that a white woman who married an Indian would gain Indian status.

Mr. Noel Doucette of the Advisory Council said that if the Band were to rule on applications of such women, it would mean that there would be a great variation since some bands would be reluctant to admit enfranchised women to Band status while other bands would be quite open to the idea.

The Minister, Mr. Chrétien said that it seemed to be a problem of what was and what was not just.

Mr. Fairholm said that the delegates had said quite clearly that it seemed there would be difficulty for the Band Council to make such a decision since there could be a variation in policy between band councils located in neighbouring or adjoining communities.

Mr. Richard McEwan of the Bear River Band wondered whether the children would remain as non-Indians if a woman was readmitted to Band status.

Mr. Charles Francis said that he thought it would be right for an Indian woman to regain her band status with the consent of the Band Council if she so desired. The Council would have the responsibility to see that she was housed and to ensure that she had the amenities which others in the community had. He said that perhaps the Act should reflect that a regaining of band status would be the sole choice of the mother and not the Council and that the responsibilities the Council would assume, would be as he had mentioned previously. The children would also take the status of the mother.

Mr. Bart McKinnon, the co-chairman then informed the delegates that they would be given passes to the Men's Press Club in Moncton.

Mr. John Bernard of the Advisory Council moved that the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development become an honorary Micmac Indian Chief.

Discussion then ensued as to whether the Minister should be made an honorary Micmac or Malisett Indian Chief. It was suggested that the Minister become a member of the Maritime Indians with an honorary title as Chief.

The delegates agreed and Mr. Wallace LaBillois, the co-chairman then presented the Minister with a headdress and the hand of friendship was extended to him from the delegates present.

Mr. Chrétien said that it was a pleasure to be so honoured and accepted the title with great pleasure.

A discussion then took place as to what title should be given to the Minister and it was agreed that it be 'Glooscap'.

Mr. Wallace LaBillois, the co-chairman on behalf of all of the Indians in the Maritimes, welcomed the Minister as a blood brother of the Maritime Indians with a name of 'Chief Glooscap'. Mr. LaBillois then outlined the background to the name 'Glooscap' as follows:

"Glooscap is a tradition in the Maritime Provinces and Canadian folklore. Glooscap was a great and noble person. He was wise; he had the greatest wisdom there was; he had the greatest strength there was and he had the greatest heart there was and it is only fitting for you as the first Minister to come down and meet the Maritime Indians. We hear that your wisdom equals that of Glooscap and that you will be worthy of the name Glooscap. There are many legends about Glooscap; the whole of Cape Breton Island was supposed to be the charter for his canoe. His canoe just measured into the whole of Cape Breton Island and all the lakes, and there was one island that was his pillow. He was a really kind and dedicated person. Whenever an Indian had any problem, Glooscap was always there to help solve these problems. When Glooscap left Cape Breton Island, he left a message for the Indian people and he told them that if ever there came a time when the Indian Nation was sinking, he would be back to save us. You are that man. So I think, Mr. Minister, that I express the feelings of all the Indians in the Maritimes when they welcome you to this Treaty".

Mr. LaBillois then returned to the former discussion and asked if the views expressed by the delegates so far would be incorporated in the new Act by the Government.

The Minister, Mr. Chrétien said that the Government would have to consider the various representations from all of the meetings as a whole and that if other views by other Indians coincided, then this would add weight to the Maritime Indians' suggestions.

Mr. Harold Bernard said that the Maritime Indians' great grandfathers had followed paths in the past and what was good for them did not seem to be good enough for the present generation. He said they were now following paths they did not know at all in this day and age. He said that he wanted to travel on super highways and not pathways. He said the path seemed to be an obstacle and suggested that if the Indian people really had a choice, then they should travel on paved super highways where all the Indian people could walk abreast not one behind the other. He felt that the Indian people at the moment were going around in circles by coming back to the same place where they started and that they would never change. He stated that in order for the Indian people to mix in the white man's society so that they could respect themselves, they would have to use more respectable and modern words. He said it would be important to increase their vocabulary. He said for example the word "chief" in itself meant "head man" and that it was not a correct word nor was it dignified. The other words were "band" and "reservation". These words were a disgrace to the Indian people.

Mr. LaBillois, the co-chairman then asked if there was anything that the delegates would like to see changed in question No. 5.

Mr. Anthony Francis said that at some time in the future when the Indian Claims Commission Bill would be enacted, there could be a time when the Indian people would enjoy certain Treaty rights and it would be most important for Indian women to also enjoy these same Treaty rights.

Mr. LaBillois, the co-chairman then suggested the meeting proceed with a discussion on adoption.

Mr. Fairholm said that at present under Section 2 (b) of the Act, a child meant a legally adopted Indian child and that if such a child was adopted by another Indian couple, the child would remain a member. Where such an Indian child was adopted by non-Indian parents, he would still remain a member of the Band. A child who was neither an Indian nor a Band member but adopted by a Band member would not become an Indian under the present legislation. A non-Indian child might legally be adopted but there would be no change in status under the present law. This could result, he said, in one family having a natural Indian child and the same family adopting a white child who would be of non-Indian status. Such a child would not be able to come into Band membership even though he was legally adopted by the Indian family. He said that there was no way to really find out how many non-Indian children were adopted by Indian families since adoptions were usually confidential. The Department of Indian Affairs would only know when an Indian child was adopted by parents of Indian or non-Indian status.

Mr. Paul Prisk said that his Band believed that the adopted Indian child by non-Indian parents should take on the status of the foster parents. He said they would also agree with the point that if an Indian girl married a white man, she would lose her Indian status.

Mr. Vincent Barlow said he didn't think councils should be able to change the status of children because they were adopted. He reiterated, once a person was an Indian, they were always an Indian. He said that no legal adoption whatsoever could change one's status.

Mr. Anthony Francis felt that a non-Indian child should retain his rights and status if adopted by Indian parents and if an Indian child was adopted by a non-Indian family, it would still retain his status as an Indian. If the Indian child came from a particular Band and was adopted into another Band, he would then become a member of the latter Band. He said that Indian people should not decide what status the child should be on an ad hoc basis.

Mr. Fairholm clarified the ensuing discussion about whether provincial law with regard to adoptions affected Indian status. He said that adoptions carried out by provincial law at present meant that the child was considered as a natural born child of the adopting parents and the child would have all the rights as if he was born to that couple. He said this was what most provincial laws stated on adoptions. Mr. Fairholm pointed out that non-Indian children adopted by Indian parents at present do not now acquire Indian status. He said that in such cases if a child was brought up on the reserve and educated in the ways of the reserve, the child would become an

Indian in many ways but the person would not be able to own property since he was not a member of the Band and he could not share in the assets of the Band. Such a person would have to move off the reserve. He said that adoption took place according to the adoption laws of the province and, according to that law, would be regarded as a natural child of a couple but in the Indian Act the phrase "legally adopted Indian child" was used instead of legally adopted child and this implied that a child, though legally adopted, would not be of Indian status unless he was an Indian child.

Mr. Brown said that while the province had a right to pass a law with regard to adoption, the province had no right to say what adoption would mean in terms of Indian band membership. He said that the federal government had the only say in that matter. In a reply to Mr. John Bernard, Mr. Brown said that in some cases the court might make a decision unfavourable to an Indian family wishing to adopt a child since the court could feel that it would not be in the best interests of such a child to be adopted.

Mr. Alex Denny said that a family wishing to adopt a child would have to be financially and emotionally capable of adopting.

Mr. McKinnon the co-chairman said that there were many reasons why a province would not grant an adoption. He said the age of the couple had a great deal to do with it and the financial capability of the family was also considered.

There was then a discussion about the rights Indian people had concerning the adoption of non-Indian children and the refusal by some authorities to permit this.

Mr. Fairholm clarified the situation by saying that the Indian Act at present did not say that Indian people could not adopt children but it did say that non-Indian children could not become band members.

Mr. John Bernard of the Advisory Council asked how old a person should be to adopt children.

Mr. Fairholm replied that this was something that the judge always considered when he looked at the circumstances of the family and whether it would be in the best interests of the child for such an adoption. He said it could vary between individuals and families.

Mr. John Bernard suggested that some provision should be included in the Act where Indian families would not be able to adopt children after the parents had reached a certain age.

Mr. Fairholm said that such a provision was set down in most of the adoption laws of the province without reference to a specific age, however, since this was usually determined by the court.

The Minister, Mr. Jean Chrétien then addressed the delegates as follows:

I must say very frankly that I've been very much impressed by the seriousness of the discussion and the expression of your very frank views. It is evident that you have discussed the matter well

even though you have not come to unanimous agreement. It is a new process that we are now undertaking and I think I should congratulate you for your seriousness, your attention to your work.

I am very glad that I had the chance to come. I think that it has been a very useful day for me. I'm very happy with the kind of meeting we have set up. I hope it is going to give good results. I think that you will have the same kind of discussion for the next two days. I want to thank you for taking time in coming and making the meeting successful. Thank you very, very much for your reception. I'm glad that you have made me one of your honorary chiefs. I want to thank you for that very much. I hope that our relations in the future will be good -- that our relations will be frank. I think that if we are able to have such meetings, we will be, in the future, in a better position to have more frank discussions. I don't think that we will agree all the time, because if we do, it's going to be dull. I was glad to see that within your people, you have different opinions and that is good. It's going to be very difficult, I know, to find a consensus for everything and I will probably be put in a position of having to make a lot of decisions that will be very difficult to make. You can be assured that I will devote all my time in the future to getting you involved in your affairs ... to give you a sense of participation and to make the band very democratic in the sense of giving you the opportunity to make your own decisions. It is in this spirit that I want to tackle the problem. I hope that you will offer me your collaboration and your advice as you are in attending these meetings to discuss the future of your people. I realize that you are very proud of being both Indians and Canadians and I want to congratulate you again.

It is too bad that I did not introduce one of my good friends, David MacDonald who is the Member of Parliament from Prince Edward Island but he has left the meeting. Only one thing wrong with him - he's a Tory! I wanted to tell you that he took a keen interest in your deliberations and was present this morning and at the beginning of the afternoon. Thank you and have a good discussion for the next two days.

Mr. Richard Matthews of the Sydney Band, Mr. Walter Paul of the Kingsclear Band, Mrs. Catherine Thomas of the Pictou Landing Band, Mr. Harold Bernard of the Edmundston Band and Mr. John Knockwood of the Shubenacadie Band all voted 'no' to question No. 6.

Mr. John Sark of the Lennox Island Band said that they had answered this question in the affirmative. He said that they had strong feelings about the fact that adopted children should be in status with their parents. He said that children adopted by non-Indian parents should likewise take the status of those parents.

Mr. Richard McEwan of the Bear River Band said that his Band had decided the same thing and that children adopted by parents should take the parents' status. He said that the children could then decide at 21 if they didn't want to remain Indian.

Mr. Willard Paul of the Oromocto Band and Mr. Paul Paul of the St. Mary's Band said that their Bands had voted 'yes' to question No. 6.

Mrs. Catherine Thomas said that she thought children should be given a chance to decide at 21 whether they wished to remain Band members.

Mr. Charles Francis of the Advisory Council said that non-Indian children should become part of the adopting Indian family or full members of the Band.

Mr. Fairholm wondered what would be the case if Indian children were adopted by non-Indians.

Mr. Anthony Francis of the Big Cove Band said that his Band had come to the conclusion that they should accept such non-Indian children as Indians who would then have Indian status. He said if the Indian people found it so difficult to accept Indian women marrying non-Indians, why then should they find it so easy to accept non-Indians as Indian people who, in effect, become Indian members of the Band enjoying Indian rights that should be only for the Indians themselves.

Mr. Fairholm then presented the following example: If an Indian girl were to marry a non-Indian and they had a child and both were killed in an accident, could the child be adopted by the Indian girl's married sister or brother living on the reserve? Could the child be adopted by its aunt or uncle and become a full member of the family?

Mr. Anthony Francis said that this would be possible because the child would be half Indian.

Mr. Fairholm asked how such a distinction could be made.

Mr. Anthony Francis replied that from the Act, a person who was half Indian resulted from the mother who was formerly an Indian but married the non-Indian father.

Mr. Fairholm suggested that under the present law their child was a non-Indian.

Mr. Dieter of the National Indian Brotherhood said that a non-Indian child living on the reserve had no protection for education and no other benefits if he was not adopted. He had no protection from the Indian Affairs Department and if his parents did not pay taxes, he couldn't participate in the provincial school education system. He said he personally knew three or four cases where the child was left without an education because his parents were not taxpayers, yet he was living on the reserve. He couldn't qualify to receive any education from the Department because he was not an Indian and he couldn't qualify to get an education from the province either.

Mr. Fairholm, in replying to a question by Mr. Charles Francis, said that the Department had never been able to find out how many non-Indian children had been adopted by Indian parents in the Maritime provinces since such children did not come into membership.

Mr. Brown said that the courts at present often refused to approve such adoptions as they knew the child would not become a member of the Band and wouldn't be able to receive the normal benefits of Indian status.

Mr. Anthony Francis suggested the section remain as it was, since if it was changed, a number of non-Indians would then have Indian status.

Mr. Charles Francis said that the Maritime Indians should review and amend the section as the situation changed or improved. He said it would be difficult to comment on at this time.

Mr. Vincent Barlow of the Indian Island Band said that the delegates seemed awfully anxious to weaken their powers as Indians whereas they should be strengthening their powers.

Mr. John Bernard of the Advisory Council then raised the question of education and said that on his reserve there were three children going to school who were not Indian but lived on the reserve. He said that neither the Department of Indian Affairs nor the provincial government would pay for their education.

Mr. Paul Prisk of the Pabineau Band said that in the Maritimes and especially in New Brunswick, provincial sales tax was paid by Indians, yet the Indian people did not get any assistance from the provincial government even though they were contributing to the provincial tax coffers.

Mr. Prisk then continued on the subject of adoptions and said that a non-Indian child or even a half breed was not really accepted in the Band and yet he was not really accepted into white society either. He said that neither the provincial nor the federal government would provide for the child and in many cases the child was left on his own. He said for this reason he felt that the child should be able to be adopted by an Indian family and have a place in society regardless if it was the white society or the Indian society. He said that such a child must belong to one or the other not the way it was at present. He said that half breed children who were half Indian and half white didn't have any chance to participate in society and they were discriminated upon by Indians and whites alike. He said the provincial government asked for all kinds of taxes from Indian people yet they didn't provide any services and certainly didn't give a chance to the Indian people to be

heard when the hunting season came around. He pointed out that the Indian people couldn't even get a free licence to hunt where they wished. He said that if an Indian child was adopted by white parents, then the child should take the status of the white parents and be protected by the provincial government. If the child was an Indian and had Indian status, the federal government should provide the educational opportunities for him.

Mr. John Sark suggested that an adopted child really became part of the family and if such a child was not of the same status as the parents, then the child was set apart from the natural children of the parents.

Mr. Anthony Francis said that after the child was married and he later found out that he was a non-Indian born of white parents but adopted by Indian parents, he might not wish to remain as an Indian and further problems and complications could arise.

The co-chairman Mr. LaBillois said that such a child could give up his status at 21 if he so desired.

Mr. Anthony Francis agreed that it should be up to the child to decide.

Mr. Fairholm said there had been a number of requests to the Department by individual Indian families who were raising such children and wanted to adopt them and bring them into Band membership. If such children were not members of the Band, then they could be out at twenty-one years of age. These children would be able to inherit their parents' property but would have to immediately dispose of all their inherited assets and would no longer then be part of the community. He said individuals who were adopted had enough personal problems without adding to their difficulties since many wanted to know who their parents were.

The meeting then adjourned at 5:15 p.m.

July 30, 1968.

Mr. Wallace LaBillois, the co-chairman summarized the discussions of the previous day by saying that the general consensus with regard to adoptions seemed to be that the children would take the status of the adoptive parents. There were a few reservations that the status of the child should remain as it was before adoption. He suggested that perhaps further explanations or opinions could be expressed by the delegates to give a little clearer consensus.

Mr. Harold Sappier of the Advisory Council suggested that perhaps the consensus was that the child should not take the status of the adoptive parents.

Mr. LaBillois said that the delegates should clearly express this point and he called for a vote. Fourteen delegates agreed that non-Indian children, adopted by Indian families should have Indian status, twelve delegates said that non-Indian children should not have Indian status. He then proceeded to question No. 7 in "Choosing a Path" concerning withdrawal from Indian status.

Mr. Fairholm then referred the delegates to Sections 108 to 112 on enfranchisement. He suggested that some Indian people wanted the term 'enfranchisement' to be dropped since it had no particular meaning.

Mr. Willard Paul of the Oromocto Band said that the term should be dropped and that Indian persons over 21 should be able to decide whether they wish to withdraw from Indian status.

Mr. Vincent Barlow of the Indian Island Band suggested at 21 an Indian child should be able to give up his Indian status if he wished to do so.

Mr. Paul Prisk of the Pabineau Band said that after a person became twenty-one, he should be able to decide if he wanted to withdraw from Band membership. He mentioned, however, that he did not like the idea of the children of a family who had withdrawn also having to lose their Band membership if they had not reached twenty-one years of age. He also suggested that with regard to Band withdrawals or enfranchisements of a whole Band, there could be a minority group that would not wish to do so. They should be able to remain in membership he said.

Mr. Fairholm said that by dropping the term 'enfranchisement', there would probably be no complications and that if an individual chose to withdraw, provision could be made in the Act for such a person.

Mr. Charles Bernard of the Advisory Council suggested that individuals would probably be a little more careful in withdrawing from Band membership if they knew that once they had taken out their share of Band funds they would not be able to get back into membership unless perhaps provisions were made for some form of repayment.

Mr. Harold Bernard of the Edmundston Band said that the general consensus of his Band was that the term 'enfranchisement' should be dropped and the words "withdraw from Indian status" be substituted. He said that with regard to Part (b) of the question, the decision should be left to the individual himself.

Mr. Fairholm explained the term 'enfranchisement' in that, throughout the years, it had normally meant the right to vote not only for Treaty Indians but for others as well so that there was some significance to the term. He said that the only way the Indian people at one time could achieve the right to vote in elections was to become enfranchised. This, of course, did not apply today.

Mr. Lemey Peter Paul of the Red Bank Band mentioned that in a sense, enfranchisement was compulsory for girls who married non-Indians.

Mr. William Paul of the Woodstock Band said that the term 'enfranchisement' should be withdrawn, and that, when an Indian person moved off a reserve, it should be automatically assumed that he would become a responsible citizen taking part in both provincial and federal elections and subject to all forms of taxation. He said the only advantage to living on a reserve at present was that the Indian people on the reserve were exempt from property taxation but when an Indian person decided to leave the reserve permanently then he automatically became subject to provincial law. He said the Indian people now have the right to vote in federal elections and in all provinces except Quebec whether they lived on or off the reserve.

Mr. Vincent Barlow said that one could move off the reserve before becoming enfranchised. He said that some people thought that by withdrawing, one could have more freedom, but this was not necessarily the case. He said that dropping a term and substituting new wording would not really be as significant as the actual process of withdrawal from a Band.

Mr. Charles Bernard suggested the consensus of the delegates seemed to be that the term 'enfranchisement' should be dropped but that the delegates did not want the whole provision abolished from the Act.

Mr. Richard Matthews of the Sydney Band also suggested that the term should be dropped since it had no more meaning to the Indian people.

Mr. Anthony Francis of the Big Cove Band also said that the term should not be used since all Indian people had the right to vote. He said the term 'withdrawal' should not be used either since an Indian should be able to withdraw from Indian status without any stipulation. He said it was important that the Indian people preserve and maintain their Indian culture and he noted that 7,369 Indians had changed or withdrawn from Indian status. He suggested that it was inconceivable to him why anyone would want to withdraw since Indian people could live in the same way off the reserve as they could on the reserve. He thought that probably the individuals wanted to obtain the few dollars from the Band funds that they were entitled to receive upon withdrawal. He said in the present Act, Indian people were deciding for future generations and their children which they had no right to do. He said there should be no legislation outlining what an individual could or could not do, since this would be contrary to the Canadian Constitution and the Bill of Rights.

Mr. Fairholm agreed that monetary reasons were factors in the consideration of an individual to withdraw from Indian status but that there were several personal reasons that one would never know about. He said that in some cases the monetary resources were only five or six dollars for an individual so that in many cases there could have been other considerations.

Mr. Brown said that he had been intimately connected with a Band that had withdrawn or had been enfranchised in Alberta. He said that he had talked with every adult member in the group and asked them individually as well as collectively why they wanted to be enfranchised and there was never any really concrete answer from any of them. He said they just wanted to forget the band and live in the city. He said that their feelings were so clear on the matter of enfranchisement that the Government agreed to proceed.

Mr. Alexander Denny of the Eskasoni Band suggested that they wanted to become full Canadian citizens.

Mr. Dieter of the National Indian Brotherhood said that he knew quite a few of these people personally and several of them were sorry that they had enfranchised. He said several of the Indians from that Band were now living on the Hobbema Indian Reserve, a number of them were living in Métis colonies and some were scattered all over the country.

Mr. Harold Bernard of the Edmundston Band read a dictionary definition of 'enfranchisement' as follows:

1. to free from slavery.
2. to admit to citizenship.

He said that Indian people were already citizens in the country and therefore the term should be dropped.

Mr. Wallace LaBillois the co-chairman then introduced Mr. Eymard Corbin, Member of Parliament for Madawaska-Victoria.

Mr. Harold Sappier thought that if a person wished to withdraw from Band membership he should be able to do so without changing his Indian status.

Mr. John Knockwood of the Shubenacadie Band suggested the word 'enfranchisement' be dropped from the Act but if the phrase was not removed another clause should be added so that people who had become enfranchised would have the right to be reinstated as band members, pay back his per capita share of the band funds, and return to the Indian reserve within one year.

Mr. Charles Bernard of the Advisory Council suggested that the period should be five years.

Mr. Vincent Barlow said that 'enfranchisement' should be dropped from the Act entirely. He said that an Indian should be free to come and go from the reserve as he wished. He said that such an Indian should not lose his Indian status by any means.

Mr. Anthony Francis suggested that most Indian people enfranchised to obtain a share of the band funds but they didn't really understand the consequences. He said when the money was spent and when they wanted to come back they weren't permitted to do so by virtue of the present law. He said that perhaps Indian people enfranchising should not be able to take a share of the Band funds with them and that such funds should be used solely for the purpose of developing the reserve. If a number of people withdrew from the Band, then a great deal of the band funds could be lost to the band. He suggested that Canadians who became U.S. citizens didn't get their per capita share from Ottawa upon leaving Canada.

Mr. John Knockwood suggested that an enfranchised person wishing to return to the reserve as a band member should be obliged to repay his band per capita share before returning to the Band.

Mr. Charles Francis then raised the question of employment of Indian people and said that the Department would not accept the responsibility of employing two or three thousand Indian people in Nova Scotia.

Mr. Anthony Francis said that the Indian people had the same opportunities with regard to employment as everyone else in Canada.

Mr. Charles Bernard agreed and said that it did not matter whether one was Indian or not; if the job was available and the person was there. Indian or white and he could do the job, then there was usually no discrimination. One should not have to change one's status to do this he said.

Mr. Louis Knockwood said that there certainly was discrimination in employment practices.

Mr. Fairholm said that the issue seemed to be that individuals had the right to do what they wanted to do, and that persons should either be entitled or not entitled to assets of the band when they withdrew from membership. Mr. Fairholm also said that the issue of who would share in the band funds depending on whether one live on or off the reserve was also an important problem to discuss.

Mr. Fairholm reiterated and that under the present Act when a person applied for enfranchisement, and withdrew from the band and such application was granted, then the person no longer was a member of the band and was not entitled to return to membership as outlined in Section 12. He said this was the individual's choice. Under Section 15 of the Act, when a person was enfranchised, he was entitled to one per capita share of the band funds. He said in some cases it might vary between \$1.00 to \$4,000 or \$5,000 per band member depending on the band's liquid assets.

Mr. John Sark said that his band agreed that the term 'enfranchisement' should be dropped and perhaps even the whole Section. He said that it was agreed that Indian women marrying non-Indians should also keep their status.

Mr. Paul Prisk said that if the enfranchisement section were left in with regard to the whole band being enfranchised, then the minority rights of the dissenting band members should also be protected so that such minority groups could retain their band status. He said that at present it didn't even have to be a majority vote.

The consensus of the meeting seemed to be that the minority rights and the rights of individuals should be protected in such cases.

Mr. Charles Francis suggested that the whole section on enfranchisement be dropped from the Act completely but that sections referring to band property could remain in the Act.

Mr. Anthony Francis suggested that the sections relating to questions 7, 8, 9 and 10 in "Choosing a Path" should be dropped altogether. He said that it seemed to be the consensus of opinion from several of the delegates that there would be no gain whatsoever for Indians to enfranchise and any member from a band could more from the reserve, be a tax payer, and still retain his Indian status. He said that there should be a stipulation where no individual on withdrawing from band membership could take the band funds with his.

In reply to a question by Mr. Richard Mathews, Mr. Fairholm said that an Indian person working in the United States or moving to the United States, would not necessarily lose their Indian status and such a person could be away for an indefinite period of time. He said that the only exception to this was the compulsory enfranchisement provision that came into effect when an Indian woman married a non-Indian man.

Mr. Charles Francis and Mr. Charles Bernard suggested that those sections relating to questions #s 7, 8, 9, and 10 should be eliminated from the Act.

Mr. Anthony Francis also said that there probably wouldn't be any advantage for a whole Band to withdraw from Indian status and wondered why a person would want to lose his Indian status since he had rights just as any other Canadian.

Mr. Fairholm said that some Indian people did withdrew from Indian status perhaps to gain the small monetary benefits.

Mr. Richard McEwan disagreed however, and said that a person would not withdraw because of monetary reasons but perhaps for personal reasons. He said it should be completely voluntary and up to the individual.

Mrs. Catherine Thomas said that her Band felt that it should be up to the Band to decide whether an Indian as an individual should be enfranchised. Such individuals would, she said, be required to state their reasons for withdrawal.

Mr. LaBillois summed up the discussion and said it would seem that the delegates felt that there should be no change in that part of the

Act which dealt with Indian status and that sections on enfranchisement should be removed. He said some delegates felt, however, that the Act could be written in such a way so that those bands that wished to could be enfranchised or could remain under the Act. He said that the Indian people should realize that they were the only minority group in the world that could get away from the discrimination that enfranchisement brought. He said that he thought Indian people across the country would like to expand the Act so that they would have more freedom to be able to do things within the meaning of the law. He then referred to question #9.

Mr. Fairholm said that at present in Section 4, bands could request that certain sections of the Act not apply to them and suggested that this could also be applicable to sections on enfranchisement.

Mr. William Paul suggested that perhaps the Maritime Indians should meet a second time to reconsider such vital issues as enfranchisement when the rest of the Indians across the country had further discussed the provisions.

Mr. Willard Paul returning to Questions 8 and 9 felt that children under 21 years of age born of a married Indian couple should be able to retain their Indian status until 21.

Mr. Paul Prisk said that a married couple should be able to withdraw from Band status and that Indian children born from this family should be able to exercise their individual rights by retaining their Indian status until 21 when they would be able to decide for themselves. He said that this same thought would also apply to withdrawal of a group of persons from a band. The same suggested provisions with regard to underage children should also apply.

Mr. Louis Knockwood suggested that withdrawal and enfranchisement meant becoming a white man.

Mr. Vincent Barlow reiterated that he didn't see where withdrawal from Band membership either individually or as a Band was in any way beneficial and suggested that such sections be eliminated from the Act.

Mr. Fairholm then suggested that the Section 12 (1) (a) (iv) might be eliminated since it was a form of compulsory enfranchisement based on blood content.

Mr. Harold Bernard again read the dictionary definition of 'enfranchisement and emphatically suggested that the word be eliminated and a suitable word substituted.

Mr. Fairholm elaborated on Section 12 (1) (a) (iv) and said that it sets out a form of compulsory enfranchisement since a person could be thrown out of band membership at twenty-one years. He said that if an Indian man, a member of the band, married a woman who was not an Indian and they had a male child and the child upon reaching eighteen or nineteen years of age married a non-Indian woman and they had a child, this child

would be out of band membership at 21. He said this Section had not actually become effecting yet, but in another few years it would start to apply.

Mr. Lemey Peter Paul said that this situation should be left up to the band to decide.

Mr. John Knockwood said that the Section should be removed.

Mr. Harold Sappier suggested that this issue was the same as that of adopting a child. Since the child should take the status of the father, therefore, Section 12 (1) (a) (iv) should be repealed.

There was some feeling among the delegates that all the enfranchisement and withdrawal provisions should be placed in one section of the Act so that in effect, Sections 108 to 112, and Section 12 (1a) (iv) would be eliminated as would questions 7, 8, 9, and 10 that dealt with these Sections.

Mr. Paul Prisk said that he would have to refer this matter to his band for an opinion since he could not give a 'yes' or 'no' at the moment.

Mr. Harold Bernard suggested that the meeting proceed to deal with each and every item individually rather than collectively and that at the end of the meeting if one item conflicted with the other, then these parts could be reconsidered and reviewed.

Mr. Paul Paul suggested that each representative should have a chance to answer the proposed questions and be able to express their own views.

Mr. Harold Sappier suggested that Indians should be able to withdrew from band membership.

Mr. Paul Paul said Indian persons twenty-one years of age should be able to withdraw from band status if they wanted but that children should have to wait until twenty-one before a decision could be made.

Mr. George Francis felt that the term 'enfranchisement' should be dropped and that other words could be substituted.

Mr. Willard Paul suggested that the term 'enfranchisement' should also be dropped and that persons should be able to decide on their own at twenty-one if they wished to decide to withdraw from band membership.

Mr. Walter Paul said that the term 'enfranchisement' should be dropped and that Indians wishing to withdraw from band membership should be able to do so of their own free will without losing their status as Indians.

Mr. William Paul said that the term 'enfranchisement' should be withdrawn since it no longer applied. He said that Indian persons should

not be able to withdraw from Indian status but should have the right to leave the reserve.

Mr. Harold Bernard suggested that the term 'enfranchisement' be dropped and that "withdrawal from Indian status" be substituted. He said that in any case withdrawal would be a personal decision.

Mrs. Elsie Paul read a statement about band withdrawal:--
"...these clauses should be completely left out of the revised Act. In all instances there has been the financial factor in making Indians lose their Indian status. There will be no financial reason for an Indian person or persons to leave their Indian status. Let the other legislation be changed or amended; let Indians always stay Indians. It is very important that we keep our Indian status".

Mr. Frank Paul and Mr. Andrew Francis also agreed that the term should be withdrawn.

Mr. Anthony Francis said that the term 'enfranchisement' should not be used in that if Indians wished to leave the reserve, they could do so without losing their status as Indians.

Mr. Vincent Barlow suggested that the term 'enfranchisement' should be dropped entirely and that Indians should be free to leave their reserve and come back or return if they wished without losing their status.

Mrs. Wallace LaBillois said that the term should be dropped and that Indians should be able to withdraw from Indian status.

Mr. John Dedam said that Indian people should be able to return to Indian status if they wanted.

Mr. Lemey Peter Paul agreed with the rest of the delegates.

Mr. Paul Prisk said that individuals desiring to withdraw from band membership should be able to do so. He said that children under twenty-one should remain Indians until they reached their twenty-first year.

Mr. Joe Larry suggested that a person should be able to withdraw from Indian status if he wished to do so, but not be able to take any money from the band funds.

Mr. John Sark said that the term 'enfranchisement' should be withdrawn and replaced with another term. The withdrawal of an individual from band membership should be a personal decision with the band funds being held by the band council.

Mr. Frank Jadis and Mr. Richard McEwan said that Indian people should be able to withdraw from Indian status if they wished to do so.

Mr. John Knockwood said that the term 'enfranchisement' should be dropped and that an Indian should be able to leave or return to his reserve without being enfranchised.

Mr. Peter Pierre said that the term 'enfranchisement' should be dropped and that an Indian should be able to leave the reserve, forfeiting his Indian rights, at any time. He said that once such an Indian person had withdrawn, he should realize that he must never be again forced to return. Children, however, would have the right to return if they were under 21, he said.

Mrs. Catherine Thomas said that there were two opinions on her reserve; that an Indian should not be able to withdraw from Indian status simply by stating he wished to do so. There should be a Band meeting and a petition presented as well by the withdrawing member. She said the other opinion was that if a Band member wished to withdraw from Band membership, the Band itself would not have anything to say regarding the petition.

Mr. Laurence Paul felt that an Indian should be able to withdraw from Band membership if he so desired but that his children should remain as Indians until they were at least 21 when they could decide on their own.

Mr. Richard Matthews said that he was of the opinion the term 'enfranchisement' should be dropped and that an Indian should be able to withdraw from Indian status if he wished.

Mr. Noel Doucette suggested the word 'enfranchisement' be withdrawn from the Act and that a person should be able to freely withdraw from a reserve and Band membership if he wished to do so.

Mr. Alex Denny said that the term 'enfranchisement' should be dropped.

Mr. Fairholm said that so far 16 delegates indicated that the word 'enfranchisement' should be dropped from the Act and that 17 delegates had indicated that an individual should be able to withdraw from Band membership if he so desired. Two delegates said that Indian persons should be able to drop Band membership without losing Indian status, three said they should be able to leave the reserve and not lose their Indian status, one said that the Act was an obstacle and should be eliminated, one said that all the enfranchisement sections should be dropped from the Act and one said that individuals should be able to withdraw from Band status but not be able to take any funds. There were two that had no comment and one said that the band's opinion was divided since part had suggested that the Band should comment to the person withdrawing and the other part said that the individual should have a free choice in the matter.

Mr. LaBillois then called for discussion on Question #8.

Mr. Fairholm said the question really was whether enfranchisement had to take place with joint application of a man and woman or if enfranchisement could take place with either the husband or wife.

Mr. Harold Bernard said that both should be 21 before enfranchisement could take place.

Mr. Laurence Paul also said that the married couple should wait until both were 21 years of age even if they married at 16.

Mr. Paul Prisk said that the married couple should wait until they were 21 before a decision on enfranchisement could be made even if one of the partners was 19 and the other was 50.

Mr. LaBillois called for a vote on Question #8. There was one for and seventeen against, making it almost unanimous that married couples under 21 where both or one of the partners were under the legal age, should not be able to withdraw from Indian status.

The meeting then adjourned for lunch and then reconvened at 1:30.

The meeting reconvened at 1:30 p.m. and the delegates agreed to meet again from 7-9 in the evening.

Mr. LaBillois said that there seemed to be some concern about whether the delegates had actually received answers from their bands and asked for an indication of how many had come to the meeting with instructions from their bands.

Mr. Harold Bernard said that every delegate had sufficient opportunity and time to consult with their band members on every question in "Choosing a Path" and that the delegates were in attendance to represent the people's decisions on the various matters. He said that the meeting would be further ahead if the delegates would convey their people's decisions without stating their personal views. He said that personal views could be brought up when the meeting reviewed each question later.

The Co-Chairman polled the delegates and found that about fifty per cent had come with specific instructions from their bands on the various matters under discussion.

Mr. Alex Denny suggested that only the delegates from bands should be able to vote on specific matters since persons from the Advisory Council were not sent from the bands.

The Co-Chairman said this was not an issue as far as he was concerned and that delegates from the Advisory Council were still expressing the views of the Indian people of the Maritimes.

Mr. Harold Bernard returning to question #9, said that his band felt that the answers should be 9a - no; 9b - 21 years of age and 9c - yes.

Mr. Fairholm, in referring to Section 108 (1) of the Act, said that at present a child could not remain a band member once his parents became enfranchised. He said if this Section were to be changed, it should be indicated by the delegates.

Mr. Alex Denny expressed some concern that there were delegates present who did not understand the present provisions of the Act which were

most important to an understanding of proposed new sections.

Mr. Charles Francis said that three days was simply not enough time to discuss such important matters.

Mrs. Catherine Thomas agreed and said that many of the Indian people in the Maritimes simply did not understand the questions that were put forward and that the Department seemed to be pressing the delegates at the meeting to provide answers and reasons for these answers. She suggested that the delegates were being pressured into giving certain view points when they basically didn't understand the questions.

Mr. Fairholm said that in discussing the Section on enfranchisement with regard to children, several different areas and several band councils had mentioned that children should not be enfranchised with their parents at all.

Mr. Charles Bernard returned to the previous topic that Mrs. Catherine Thomas was discussing and said that he wondered also if the delegates really understood the thirty-four questions that were set out with regard to changes in the Act.

Mr. Alex Denny suggested that the Department had never approached the Indian people properly before; just the chiefs and the councils.

Mr. LaBillois the co-chairman said that very few Indian people in the country really understood the Act and that it was necessary to see what was going to happen in the future that would affect Indians. He said that it was up to the delegates present to try to show as much wisdom as possible in trying to make certain decisions so that the Indian people would have a better way of life in the future. He suggested that fifty years ago the Treaties were the only things that the Indian people knew about and that they were now living in a different age and had to come to grips with the present situation. He suggested that each and every provision in the present Act was important to the Indian people and should be brought out in the open. He suggested also that if the delegates did not have the time to discuss all of these provisions, then the Department of Indian Affairs should be told that the main issue as far as the Maritime Indians were concerned was that they would like to see more individual freedom built into the new Act. He said this would especially apply to freedom for band councils, so that provincial legislation would recognize Indians.

Mr. LaBillois suggested that particular reference to human rights for Indian people should also be included in the Act so that there would be no split decisions by the Supreme Court of Canada in defining what various sections meant. He said that discussions taking place at the present meeting were most important to future generations and that it was most important to impress on the Department of Indian Affairs the fact that such safeguards should be built into the Act. He warned that it would be impossible in the next three days for the delegates to indicate to the Government every little change required in the new Act, but that the Government should consider and understand the feelings of the Indian people of the Maritimes in that they wanted more

freedom to be able to move around, to be able to develop their reserves, to be able to maintain their rights as Indians on their reserves and to be able to have the provincial courts recognize them as human beings having specific rights. He said these were the most important things that should come out of the meeting. He suggested the Government should be able to interpret what the Indian people were saying in the Maritimes and that the meeting should not worry about small details such as where certain sections should be eliminated and what provisions should go where.

Mr. LaBillois pointed out that what the Indians had said over the past few days was that they really wanted changes in the Act and that they were interested in protecting their children so that they wouldn't make any wrong decisions. He suggested that these would be the things that the delegates wanted to tell the Department, but that they had great difficulty in expressing themselves in the white man's tongue. He mentioned that the Government should realize that it would perhaps take two or three days for the delegates to express themselves just on enfranchisement provisions alone. These were the hard facts. He reiterated that it was impossible for the delegates to cover the whole Act and that perhaps the meeting should now proceed to discuss the really important things that they felt should be changed, and those things should be changed immediately. He said that perhaps it would be necessary to have someone consult with each band council explaining the various sections of the Act and obtaining views from each band.

Mr. William Paul pointed out that the delegates realized that there was insufficient time to discuss the various provisions and that a representative of the Union of New Brunswick Indians had written to the Regional Director, Mr. McKinnon, requesting that more time be allotted to the meeting but that this request was ignored. He said that the Indian people had perhaps failed to realize that any Act that was drawn up was not drawn up to the advantage of the Indian people but drawn up to the advantage of those who were writing it. He said the Union had requested more time and that the meetings should have been postponed until November. He suggested that while the Department of Indian Affairs had innumerable staff in the field to consider the various provisions, the band councils did not have the time nor the staff to consult with band members in the time the Department required. He said that he had stated to other members of the Woodstock Band that a number of the questions raised were ambiguous and discriminatory and that perhaps it would be possible in January after all of the discussions had been collated to have another meeting where the Maritime Indians could see what was adopted by the Indian Affairs Department and, perhaps at that time, another discussion could take place.

Mr. Charles Francis asked if the questions and matters relating to revisions of the Act had been completely discussed in the Yellowknife Meeting that had just been held.

Mr. Fairholm mentioned that the situation was a bit different in the Northwest Territories in that there were no reserves and that bands in the Northwest Territories had no band funds. He said the main issue there was membership, the setting up of reserves, and the settlement of Treaty rights.

He said they had not discussed many of the thirty-four questions for these reasons. Mr. Fairholm then said that the Department had received a letter from the Union of New Brunswick Indians early in July over the signature of the President of the Union suggesting postponement of the consultation meeting until November, and that a reply had been sent to the Union by Mr. Churchman, the Director of Indian Affairs.

Mr. Alex Denny expressed some concern that there would not be time to discuss the remainder of the thirty-four questions and wondered what steps should be taken to cover the rest of the important concerns that the Maritime Indians had with regard to the Act.

Mr. Laurence Paul said that he would like to comment on what had been raised in his Band. He said that there had been two meetings held in Millbrook with each meeting being about five hours in length and only four questions were discussed.

Mr. Vincent Barlow said that his Band had discussed the Act for two days for a total of about 15 or 16 hours.

Mr. Fairholm said that the consultation meetings would last until Christmas and if there was to be another meeting, as the Minister had suggested, in January the legislation would have to be drafted after that time and then made available to members of parliament. He said it would then be sent out in the form of a draft bill to all the Band Councils to look over and perhaps there could be a committee of parliament formed as indicated in the Booklet, to study and hear representations some time next year. During that period, he said, suggestions could be made to the Government by different Indian Associations, Bands and individuals. He said the present meetings were not necessarily to make decisions but to primarily find out what the views of the Indian people were.

Mr. Charles Francis said that the delegates were trying to accommodate the Government by answering the thirty-four questions but that it was impossible to answer them in three days.

Mr. Fairholm, in reply to a question from one of the delegates as to whether they could be presented in the form of a brief, said that this would be a good idea and that if anyone had their views in the form of a brief, they could be put into the official report of the meeting as the views of the particular band.

Mr. Charles Francis said that if he had understood correctly, the Government was giving the Indian people the opportunity to amend and remove sections of the Act and that while the thirty-four questions were only suggestions, it was the Act itself that was being discussed.

Mr. John Bernard suggested that the topic of education should be discussed as a priority item.

Mr. Laurence Paul said that the top priority should be sections 72 and 87 of the Act.

Mrs. Catherine Thomas suggested that the priority topic should be question 17 -- the Canada Pension Plan.

Mr. Fairholm said that the present educational provisions were found in sections 113 to 122 of the present Act and provided that the Governor-in-Council could enter into agreements with the Government of a province, a public or separate school board, or a religious or charitable organization for the education of the Indian children. He said that in the years since 1951 there had been quite a few arrangements made with local school boards where Indian children were attending local schools. He continued by saying the Act also provided for certain attendance rules which, in some cases, were not the same as those of the province. These rules were found in sections 116 and 119 in particular. He said that the question was whether Indian people should have special rules for education outlined in the Act or whether they should depend on school regulations which existed in each province.

Mr. Vincent Barlow said that the present educational provisions in the Act should remain as they were since there didn't seem to be any particular problem with them.

Mr. Fairholm said that if one spoke of the rules of attendance under the Act then it was an offense for an Indian child not to attend school regularly and such a child was deemed a juvenile delinquent. He said that under provincial law a person who didn't attend school was not considered a juvenile delinquent by law.

Mr. Noel Doucette said that it was discrimination just as it was with jobs. He also said that under the present Act there was nothing where a parent had any say about his child's education since it was either the Minister, the Indian superintendent or the teacher who had the authority. He said that Indian people also had no school boards on reserves and there was no way of having direct influence upon their children's education.

Mr. William Paul said that in New Brunswick there was some representation of Indian people on school boards.

Mr. Vincent Barlow asked what would happen as far as assistance was concerned for Indian children if provincial educational systems were adopted.

Mr. Fairholm said that as far as assistance was concerned, there was no suggestion that such kinds of assistance now given would not be continued. He said it was really a question of local regulations under which Indian children attended school and whether they should be similar to the regulations that apply to non-Indian children.

Mr. Charles Bernard said that the present system of education under the Act should not continue. He said that he knew of a classroom where there were three different grades in one room and the teacher was not able to cope with the situation. He said that his children had suffered through this situation before they began attending the integrated provincial school.

Mrs. Catherine Thomas said that her Band thought provincial laws and special provisions should replace the present system of federal education. She said that the educational provisions outlined in the Act had been a bargaining power on school boards by the federal government but did not really affect individual Indian people.

Mr. Harold Bernard suggested that there was usually quite an improvement in educational standards of Indian children where local schools were located on the reserves.

Mr. LaBillois said the majority of the delegates seemed to feel that provincial schools were superior to the federal schools but that the Indian people should not necessarily adopt the provincial educational system even though there was an indication that it was far superior to the present federal system..

Mr. Charles Francis interjected by saying that no one really had said that the provincial school system was that much better.

Mr. Walter Paul said that in his band about 25 children were going to integrated schools and that the federal government was providing educational books and clothing allowance for these children. He was thankful for such things but the band was afraid that these things might be abolished if the province took over the entire educational system. He said the band had agreed to send all the children to the integrated schools so that all the children would be attending the elementary grades.

Mr. Alex Denny wondered why non-Indian children shouldn't be able to attend reserve schools.

Mr. Fairholm said that this was the case for some schools in the northern part of Alberta. The schools on the reserve, he said, had been taken over by the Northland School Division and children of an area attended one school. Some were located on reserves, some were not. He said that at Norway House in Manitoba the children went to a school which was located on a reserve. He said that he understood arrangements were made at Restigouche for the same setup.

Mr. LaBillois the co-chairman said that the situation in Restigouche had been going on for four or five years and children were being brought in from fifteen or twenty miles away to attend classes from kindergarten up to high school. He said that at the beginning there was no provision in the Quebec school system to accommodate Indian persons on the school board, but this was now being changed.

Mr. Fairholm said that what had been suggested could now be done by local groups making local arrangements. He said it was a matter of agreement between the bands and the communities.

Mr. Charles Bernard indicated that in order for persons to become members of school boards they had to be tax payers. This was hurting Indian members who wished to become involved in such school boards.

Mr. Fairholm said that until a few years ago, it was impossible for any Indian in Canada living on a reserve to be a member of a school board, but things were now being changed gradually for the better. As he recalled, taxation was no longer a basis for deciding whether residents could sit on school boards in New Brunswick. In Ontario, band councils could appoint persons to represent the band on school boards in which their children were involved, although the province hadn't yet gone all the way in saying that Indian persons could be elected to the boards. He said that in British Columbia, during the last year they had amended their school Act so that Indian persons could become electors under the Education Act, even though they lived on reserves. In Saskatchewan they had amended their legislation to make it possible for Indians not only to be on school boards, but even to have school districts under provincial legislation.

Mr. John Bernard said that there were two Indian persons on the school board in Shubenacadie.

Mr. Andrew Francis said that this was why he saw no reason to change the present educational provisions in the Act.

Mr. LaBillois said that there had been a recommendation made by members of the National Indian Advisory Board that a kindergarten system be adopted and added to the present provisions of the Act. He said that his personal opinion would be that no one should make it compulsory for children four, five or six years of age to attend school.

Mr. Harold Bernard, speaking on the question of discrimination in schools, said that he hadn't personally encountered it.

Mr. William Paul said that there was always discrimination involving minority groups.

Mr. Lemey Peter Paul wondered how his band could have a high school and trade school established on the reserve.

Mr. LaBillois referred Mr. Paul to the Education Directorate of the Department of Indian Affairs.

Mr. Charles Francis said that he was under the impression that the provincial government had been approached by the Department of Indian Affairs to accept a great deal of the responsibility for education on the reserves but that the province did not want to accept it. As an example, Mr. Francis cited a story of a man who had been operating a school bus from the reserve and the province had taken it over. He suggested as the Minister had said previously, that if the bands wished to administer their own Indian services in their own communities, then education and public welfare were some of the issues that should be controlled by the band.

Mr. LaBillois the co-chairman then summarized the discussion and suggested that the delegates consider whether it would not be feasible if they adopted provincial laws on individual reserves for education so that any reserve that wished to adopt the provincial educational system, could do so and any who wished to retain the present system, could do so.

Mr. John Knockwood said that his band was in the process of integrating children into the provincial education program. He said they had their own school committee and that the Department of Indian Affairs was paying for transportation of the children to go to the school. He suggested that there should be a clause in the Act that would say that such services now provided by the Department would be carried on so that the children would be able to continue in the same provincial program.

Mr. Harold Bernard suggested that a motion be made whereby the Indian people maintain the current system of education under the present Act.

Mr. Charles Bernard suggested that motions be delayed until further discussions had taken place on education. He said he thought that if the Indian people did not adopt the provincial school system, then the children were going to suffer.

Mr. LaBillois suggested that the real question was whether the Indians of the Maritimes should adopt provincial education law since many of the Indian children were being integrated into provincial schools at the present time.

Mr. Joe Larry suggested that if the Federal Government built better schools and supplied better teachers, there would not be a need to eliminate the federal school system on the reserves.

Mr. Anthony Francis said that some small reserves might wish to adopt provincial law and they should be able to do so. He said, however, on some larger reserves the federal schools should be maintained and this should also be permitted.

Mr. Fairholm clarified the issue by saying that federal schools could be operated on reserves using provincial law with regard to school curriculum and attendance regulations. The children would attend school from six to sixteen years of age and follow provincial attendance regulations. He said it was not a question that there could not be federal schools, but that the general policy for the federal schools would be the same as those for the provincial schools. He said that in this way there would be no need for some of the special provisions in the Indian Act.

Mr. Charles Francis reiterated that it seemed the Government wanted to turn education over to the province, which in turn would make things better for the Indian people.

Mr. McKinnon the co-chairman said that he believed integrated or joint education was better for Indian children for many reasons. He said at present Indian children were the only ones in Canada who were educated entirely by themselves. He realized many Indian federal schools were not large enough to employ enough teachers and that they could not possibly produce up to date methods of comprehensive planning such as the provinces were doing. He pointed out that everyone knew that the provinces were at the present time getting

away from the one room school and making large consolidated schools where many subjects were taught and where the children were screened into careers or areas where they could make the best possible use of their life. He added that in Indian federal schools, many teachers were in some cases over generous in the treatment of Indian children who were often late for school, did no homework and had excuses. He said that the federal teachers were much too lenient in that they did not insist on standards that the provincial schools did. He said that in many cases Indian children would be deprived of such broad educational benefits and programs as athletics, travel, and in contacts with other Canadian students. He informed the delegates that the Department would always recognize the right of Indian parents to decide whether or not they wanted their children to go to integrated schools and that the Federal Government was still prepared to operate schools on reserves where parents wanted them.

Mr. William Paul said that federal law with regard to education should remain the same for Indian people and if provincial law were to be adopted then some of the concessions that Indian children had now would be lost. He said that students in more isolated communities were at a disadvantage as it was, and that if provincial law was adopted and forced integration resulted, further disadvantages would arise. He added that it was important for children to gain some familiarity with the English language and not to put the younger children into off-reserve schools until they had gained this knowledge.

Mr. Vincent Barlow suggested that the educational provisions should remain as at present in the Indian Act.

Mr. Fairholm clarified the question by Mr. Harold Bernard and said that over fifty per cent of Indian children now went to provincial schools.

Mr. Harold Bernard inquired as to whether there had been any difficulty in integrating students under the provincial school systems.

Mr. Fairholm said there had not been any difficulty that he knew of and there did not seem to be any curtailment of benefits, although these two issues were separate.

Mr. Richard Matthews asked Mr. McKinnon how the school system worked in Sydney and whether it was provincial or federal.

Mr. McKinnon said that a federal school was operated on the reserve until a number of years ago when, with the consent of the parents, the school was closed and the children moved to a provincial school in the city.

Mr. Fairholm said that at present under the Indian Act the Federal Government operated schools for Indian children but it would be possible if the Act were changed to have a provision so that the Federal Government would operate the school for Indian children in accordance with provincial law, in other words, the school would still be a federal school, but the rules and regulations would be those of the province.

Mr. Charles Francis said that it was a matter of opinion whether the provincial system would provide better education and that it was perhaps only an administrative matter to transfer responsibility from the federal to the provincial level.

Mr. LaBillois the co-chairman said it seemed that a good majority of the delegates felt that the provincial system was better and asked the delegates if they wished to keep the present Sections 113 to 122 in the new Act.

Eleven delegates indicated that the present educational provisions should be included in the new Act and one delegate voted against.

It was agreed unanimously that additional provisions on education should be written into the new Act, whereby a band could adopt the provincial system if it so desired.

In reply to Mr. Alex Denny with regard to the age of children attending school under the Act, Mr. Fairholm said that under the Act it was compulsory for a child to attend school from seven to sixteen years. It was difficult to force children to go to school due to some parents' lack of understanding of the opportunities available to their children. In general, he said parents across Canada wanted their children to go to school, especially if school facilities were available. He added that in many cases, at the request of the Indian people, the Department had adopted a kindergarten program so that children could start school earlier and not lose time or repeat grades.

Mr. Alex Denny said it was most beneficial if Indian children could attend integrated schools from an early age such as kindergarten.

Mr. LaBillois said that the Department was making a special effort to set up kindergartens for younger children right across the country, especially in the northern areas, even though such programs did not come under the provisions of the Act.

Mr. Charles Gorman, the Regional Superintendent of Education for the Maritimes said that kindergartens were established on all the major reserves in the Maritimes with the exception of Shubenacadie which, he said, would have a kindergarten next year. He stated that in Tobique, Kingsclear, Eskasoni, and Burnt Church there would also be kindergartens in operation if there were enough children to justify the program and where there was adequate accommodation available.

Mr. Alex Denny said that he would, therefore, prefer provisions in the Act which would lower the compulsory age from seven to perhaps five years.

Mr. Vincent Barlow wondered where children of the small reserves could attend kindergartens if it was impossible to erect a classroom on the smaller reserves.

Mr. LaBillois said that he lived about three miles from the closest town but had made arrangements with the local school board to pay for transportation costs. He said that in more isolated cases, classes were held right on the reserve. He suggested that perhaps Mr. Barlow might speak to the Superintendent who would look into the situation and make the necessary arrangements.

Mr. Charles Bernard repeated that there was only one teacher on his reserve teaching three different classes and he wondered how the situation could be rectified.

Mr. Fairholm sympathized with Mr. Bernard since he said he had also taught multiple grades for one year and that it was impossible under such a system to give individual attention to each student. He said that this was why larger schools were much more satisfactory with students being transported to them.

Mr. Anthony Francis suggested that Section 119 of the Act be removed completely.

Mr. Harold Bernard said that Section 119 would fall in the provincial area and that arrangements between the federal and provincial education authorities would take this Section into account.

Mr. Walter Paul said that his children were told to attend integrated schools without his permission. He suggested that the new Act set out a Section whereby the parents must be consulted. He made special reference to a situation where children were in integrated schools and the parents were Roman Catholic.

Mr. LaBillois said that this didn't seem to be the general case, since there were four different schools in his community and the Indian students were going to all four schools at the choice of the parents. He said all the schools were not run by Catholic organizations either.

Mr. Bill Fox of Information Services asked if Mr. Paul's children were going to a school operated by the Church or a public school, and Mr. Paul said that they were going to a public school.

Mr. Fox said that children were not transferred to a school run by the Church unless the parents gave their consent. He said the children would have to attend some school when they reached the proper age, however, whether it was Church-run or public.

Mr. Laurence Paul said that the band sent their children to the St. Mary's school but they had some problems so they formed their own school committee on the reserve and got together with the teachers and the principal in Truro. He said that up until last year because of some of the problems they were having between the children, the teachers, and the parents, many of the children were failing, but the majority of them passed after meetings were held on the reserve. He said he did not understand how St. Mary's school could be so overcrowded. He said that the school board at St. Mary's had no Indian on the board and there seemed to be nothing that the Federal Government

could do about the over crowding. He said the band was paying \$200 per person for each child to attend the school but in Truro the residents were paying \$18 per year for their children to attend the school.

Mr. McKinnon said that actually the per capita share was about \$35 for each Indian student which was about one-fifth or one-quarter of the total share that the Government paid to the school board. He said the problem of over crowding was due to the original school being a parish building. He said that they couldn't tell the school board to build more classrooms even though the ratio of Indians to non-Indians had warranted an increase in facilities.

Mr. Harold Bernard said that his reserve was enjoying the privileges of integrated schools through arrangements by the Federal-Provincial Educational allotments. He said the kindergarten program would really be beneficial for the reserve, not only by integrating the Indian students into the Canadian way of life, but also by enriching their own personal education.

The delegates unanimously agreed that provisions should be made in the Act to accommodate kindergartens.

Mr. LaBillois said that he had been hearing from Indians all across the country about the necessity for Indian languages to be taught to young Indians. He said that it should be possible to include such provisions in the new Act.

Mr. William Paul mentioned that he knew Dr. Carl Peters personally from Harvard University who was the Head of the Linguistic Department there. He said that Dr. Peters had spent a number of weeks with the Commission gathering information on the feasibility of introducing Indian languages into the school curriculum and from his conclusions, he said that it would be possible in five years to introduce such a program into the provincial school system in New Brunswick.

Mr. Noel Doucette suggested that he would go along with this providing problems like those between the English and the French speaking peoples didn't arise when the Indian languages were introduced.

Mr. Harold Bernard said that he didn't think the Indian language itself had any effect on the Act and that while it was agreeable to maintain the Indian heritage, they were not dealing with this subject at the present time.

Mr. Anthony Francis wondered if it was wise for the Department to allot large sums of money for building schools off the reserves. He wondered if it was the province or the federal government that was supplying most of the financing since if it was the province, it would be the taxpayer's money being used and Indian people were already paying the education tax.

Mr. Fairholm said that in general, revenue came from municipal taxation and also provincial grants and by sales of debentures. He said that to the extent Indian children would go to the school, the federal government would make a contribution towards the capital cost of the school.

Mr. Charles Bernard speaking on the question of teaching the Micmac language said that there was probably no one that would be able to teach the hieroglyphics for the language. He said that he could write the language himself but was certainly not qualified to teach it.

Mr. LaBillois said that there was no question about those that did not know the language but it would be more difficult to get persons to teach it. He said that there were three or four persons in Cape Breton who perhaps would be able to undertake this task.

Mr. Lemey Peter Paul said that he thought an Indian should retain his Indian language and also his Indian status.

The delegates agreed by a majority vote that an effort should be made by the Department to maintain a continuing policy on Indian language.

Mr. Anthony Francis returning to the question of monies allotted by the Department to help build schools in the province of New Brunswick, said that perhaps some of these monies could be set aside to provide better clothing and lunch money, etc. He said that the Indian people paid social service and education tax to the province and there was no reason why the Department should provide money for such schools outside of the reserve.

Mr. Brown commented on the possibility that the province was being paid twice for education services provided to Indians by suggesting first that the Indian contribution to the education tax revenue, while unknown, is probably quite small and secondly that the province would likely be contributing to the cost of Indian education. He said that under a recent agreement with New Brunswick, Canada pays a fixed amount per year for each Indian child attending an integrated school. He could not recall the actual yearly amount payable under the agreement, but, suggested the meeting assume it is \$300.00. The agreement is for a three-year term. However, if education costs rise during this period and this is happening everywhere, then by the third year of the agreement the province may find that its actual cost in relation to each student is \$500.00 per year. In short, in the final year of the agreement, the province may need to provide \$200.00 of its tax revenue to make up the difference between the actual cost and the amount it receives from the federal government for each Indian pupil. He mentioned that this situation had arisen in relation to an education agreement with the province of British Columbia.

Mr. Fairholm said that the best solution would be for the Indian people of the Maritimes to approach the Provincial Legislature and tell them that the bands were contributing to the revenue of the province and the local municipalities, and they wanted some recognition for the contributions they were making. He said that in some provinces Indian bands were being recognized and payments were being made to them.

Mr. Charles Francis suggested that the Indian people in the Maritimes should retain their identity by keeping the name of the Act the same. In order to continue and further their identity, they should have something kept the same such as the name of the reserve. On the other hand, they should also fight for equal rights to pay taxes like white persons.

Mr. Charles Bernard asked if some of the delegates would meet together after the evening session to discuss the Veterans Land Act with representatives of the Veterans Affairs and perhaps some representatives from the Department of Indian Affairs.

The meeting then adjourned for dinner to reconvene at 7 p.m. for the evening session.

Mr. Fairholm began the evening's session by stating that the procedure would be that reports of each consultation meeting would be sent out to every spokesman across the country and to the band councils. He said that every band in British Columbia would then know what had taken place in the Maritimes.

The co-chairman Mr. LaBillois then began the discussion on self-government -- questions 28-32, and band elections.

Mr. Fairholm said that most bands in the Maritimes now elected their councils. In some cases the chief or councillor could be chosen for life. In some cases the chief retained his position thirty or forty years by band custom but in the Maritimes he understood, there were regular elections for band council every two years so that the particular matter under consideration might not apply. He said there were other matters in the elective system that the Maritime Indians might wish to discuss such as changes in the elective system at the request of a band.

Mr. Charles Bernard said that in his band a chief councillor was elected every two years and a Grand Chief was also selected who was the spiritual advisor for the band.

Mr. Fairholm said that there were over one hundred bands across the country that selected their councilmen by tribal custom. He said that the term of office of the hereditary chiefs and councils ranged from a short period of time to life.

Mrs. Catherine Thomas asked what the Grand Chief or the spiritual advisor did for the band and what advice he gave them.

Mr. LaBillois said that Cape Breton was the only place where the band selected a Grand Chief and this was no reflection on other Maritime bands or on the Indian Act itself. He suggested that those interested could perhaps get together with Mr. Bernard after the meeting and discuss it.

Mr. LaBillois said that he realized how difficult it was for Indian people to accept the white man's law but many laws had been made without consultation with the Indian people, so that now many did not accept such laws and policies laid down by lawyers in high government circles.

Speaking about the conduct of the meeting he said that he had been trying with patience to recognize and hear every delegate without trying to offend anyone.

Mr. Brown explained that under Section 73 of the present Act, the Minister can decide that a Band should change from one system of election to another without consulting the Band. If they wish the Band to have the deciding voice in respect to changes, then there will have to be changes in the wording of the Section.

Mr. Charles Bernard asked what the difference was between the local government system and band custom.

Mr. LaBillois said that with regard to band custom, the system for choosing a band council takes place without reference to the Indian Act.

Mr. Fairholm said that with regard to the system of band custom, the councillors were in most cases hereditary councillors for life, in other cases, the councillors were chosen at a particular time and these persons could be kept for an indefinite period, as long as they were acceptable to the majority of the band members. There were a variety of customs but the Sections of the Indian Act such as 73 to 79 did not in such cases apply. He said that many bands who had chosen their councillors according to tribal custom had preferred to hold band elections every two years and when this preference was made known to the government, then they came under the election provisions of the Act.

Mr. Fairholm said that at present, the Minister could change a band council's system of electing councillors from the traditional band custom to an elective system under the Act without consulting the band. He said that the Department had been asking for a band vote on the matter if a band wished to adopt the electoral procedure in the Act.

Mr. Harold Sappier suggested that bands wanting to keep their system should be able to do so, and that this should be enshrined in the law.

Mr. George Francis said that the term of office for councillors should be more practical. He said that the chief and councillors should hold office from one to three years.

Mr. Anthony Francis said that it had been suggested that the new law should provide for changes regarding a system of elections that a band council might wish to adopt and that such changes would require the vote of only a majority of those voting and agreeing that changes should be made. He said that if the Indian people desired such safeguards, it should be included in the Act. He added it would be up to the band whether they would wish to adopt the customary selection of band councils and if they ought to adopt the voting age of the province, etc. He said there seemed to be some difficulty with the term "self-government" since it usually meant that kind of government where local band councils would handle all of the money appropriated by Parliament regarding housing, welfare, etc., and where the band council had full control of their money, budgeting it for housing, welfare, etc.

Mr. Vincent Barlow said that he agreed with Mr. Francis and that the majority of the band members should have to vote on such changes.

Mr. Alex Denny asked for an explanation of Section 74.

Mr. Fairholm said that the wording of the Section was not clear and that it was difficult to distinguish between the chief or the council as outlined in Section 74 (2). He said it didn't say from what band a person would have to come although it probably implied that a person would have to come from his own band.

Mr. Alex Denny said he wouldn't appreciate other persons from other reserves running for office in his band.

Mr. Fairholm said that under Subsections 2 of Section 74 it might be possible for a white man or a non-Indian to be nominated for Chief since it didn't say that the person had to be a member of the band.

He said that this Section would probably have to be changed so that it would be absolutely clear that councillors and chiefs as candidates for elections would have to be band members.

Mr. Vincent Barlow strongly felt that candidates for office in bands had to be members of such bands.

Mr. Richard Matthews said that Indian persons eligible to be nominated for office should run in any Band.

Mr. Fairholm said that perhaps the Section would have to be worded so that members of bands on or off reserve would be those eligible to run for office. Mr. Fairholm suggested that the term used would probably be "elector of the band".

Mr. Alex Denny said that from Section 2 (1) (e) of the Act, "elector" meant a person who:

- (1) is registered in a band.
- (2) is 21 years of age
- (3) is not disqualified from voting at band elections.

Mr. John Sark said that this Section should be changed and revised to include the permission of the band before any changes were made in regard to bringing such a band or the majority of the bands under the optional provision. There seemed to be general agreement from the delegates that question 28 be approved.

Mr. Sark suggested that Section 74 and Section 2 be studied together to avoid any conflicts that might result.

Mr. Noel Doucette said that the delegates might make recommendations on certain sections of the Act, only to find out later that there were other sections that could reverse their recommendations.

Mr. Fairholm suggested that they cover the whole area and then when they felt it was necessary to return to any particular section, they could do so and restudy the matter.

Mr. Vincent Barlow agreed and said that it was perhaps better to discuss the general areas to be changed rather than the specifics.

Mr. LaBillois then proceeded to outline question No. 29 in the handbook.

Mr. Fairholm explained that it had been suggested that the right to vote be given to all members of the band who were old enough to vote in provincial elections whether they lived on or off the reserve. He said that the age for voting in the Maritime provinces was 21 and that if the proposed change was accepted, a voter or elector would be defined in the new Act as a person who was a registered member of the band and of the legal voting age living on or off the reserve. He said that the present the voting age of 21 in the Act applied to all Indians across the country; however the provinces had different voting ages. He said that it had been suggested that band voters in band elections should be able to vote for chiefs and councillors at the same age that they were able to vote in provincial elections.

Mr. Harold Bernard and Mr. Richard Matthews said that until the present time the voting age had always been 21 and he proposed that this age be maintained.

Mr. Vincent Barlow thought that the voting age should be 18 years of age. He suggested that younger electors would have newer and better ideas.

Mrs. Catherine Thomas said that her band felt the voting age should be 18 but that the qualification age for candidates should be 21.

Mr. Charles Bernard said that if the Federal, Municipal and Provincial governments adopted lower voting ages then this is what should happen in band elections as well. He suggested that the voting age should be 18.

Mr. William Paul said that the voting age should be set at 18 under the Indian Act.

Mr. Laurence Paul suggested that the Maritime Indian delegates should go along with the provincial governments and that the voting age should be 21. He said that if the present voting age under the Act was lowered to 18, it would go against the whole election system in the provinces.

He said that if the provincial voting age was lowered to 18, then that would be all right for the aands to lower their voting age as well but not until this took place.

Mr. John Knockwood said that his band felt the voting age should be that of the province. He said that if the provincial age was lowered to 18 then the reserve voting age should also be 18.

Mr. Walter Paul said that his band felt the voting age for chief and councillors and band elections should be 21. He said that if the age was lowered to 18 then the city government and the provincial government would feel the band electors were irresponsible.

Mr. Lemey Peter Paul said that the voting age should be 21 because this was the legal age in the province of New Brunswick.

Mr. Paul Prisk said that the voting age should be left at 21 since that was the age of voting in the New Brunswick provincial elections. Mr. Prisk asked why the federal government enfranchised Indians without notifying or letting Indians know that they could vote in federal elections or provincial elections and wondered what section this came under in the Act.

Mr. Fairholm said that a number of Indians had asked the federal government to extend the federal vote to them because the only Indians living on the reserve who could vote were veterans and their wives. He said that now, all residents on reserves could vote in elections as in 1960 the Canada Election Act was changed to that effect. He said that over the past 15 years voting in provincial elections had varied from province to province so that only in Quebec the Indians did not have the franchise.

Mr. William Paul said that the Indian people were not citizens of Canada, they were residents; they were North Americans, and in that sense, the international border did not really exist.

Mr. Richard Matthews said that ex Indian servicemen living on or off the reserve were allowed to vote before other Indians and he wondered why.

Mr. Laurence Paul said that it meant that if Indian people voted in federal elections they lost their right to cross the international border and that this was not necessarily the case. He said that as far as he knew, Canadian authorities had not stopped American Indians from crossing into Canada and that they had the right to vote here. He said Indians had the right to travel back and forth from Canada to the United States for work and this privilege was granted by the United States Government in the early 1930s to steel workers in Montreal. He said that when an Indian person went to work in the States, he had to pay a head tax of \$6.00 per person so that every time he came home, another \$6.00 had to be paid if they returned to the States to resume work. Finally, he said after 9 or 10 years of discussion with lawyers there was an agreement that the Indian people could come and go across the border as they pleased without paying the head tax.

Mr. Paul said that a telegram had come from the Opposition Party in Ottawa prior to the Federal election saying that if Indian persons did vote and exercised their franchise they would not lose any of their rights.

Mr. Andrew Francis said that he was in Ottawa when a meeting had been called to discuss the giving of the right to vote to the Indian people and there were representatives there from Indian Bands all across the country.

In reply to a question by Mr. Prisk, Mr. Fairholm said that the right of an Indian person to vote in elections did not mean that he was 'enfranchised' under the Indian Act but he was 'franchised', meaning he had the right to vote.

Mrs. Catherine Thomas suggested that the voting age for band elections should be 18.

Mr. Fairholm said that there was no specific section in the Canada Elections Act relating to the question of Indian people voting in Federal elections. That meant all Canadians including Canadian Indians could vote in Federal elections.

Mr. Brown speaking on Section 76 (1) of the Indian Act said that Indian persons living off the reserve were not entitled to vote in band elections. He said that perhaps this could be discussed since some Indian people had strong views about this especially those living off the reserve, who said they should have the right to vote even if they were living off the reserve.

Mr. Fairholm asked if perhaps persons should be able to vote in band elections who lived off the reserve and who were interested enough to return and take part in the elections.

Mr. Vincent Barlow felt that Indian band members living off the reserve should have the right to vote in band elections since they had not withdrawn from band membership but were simply living off the reserve.

Mr. Richard Matthews felt that the whole problem stemmed from the fact that there was no real system of enumerators checking on the election lists before voting took place. He said in some cases there were 10 or 12 persons on the voting lists who were dead. He suggested that the Department make up the voting lists by checking each family on the reserve according to normal enumeration procedure.

In a reply to a question by Mr. LaBillois, Mr. Fairholm said that there was no provision in the Act at the moment for the remuneration of electoral officers or the enumeration of electors on a reserve. He said, however, that it was covered under the band election regulations so that when an election was to be held, a voters' list was to be prepared and posted so that it could be checked by members of the Band.

Mr. Laurence Paul said that Mr. Charles Paul who was a member of the Acadian Band would not be able to vote for chief on the Truro reserve even though he was living on that reserve. He suggested that perhaps they should follow the provincial election law which stated that persons must be resident in the province at least 6 weeks before they could vote in an election.

Mr. John Bernard suggested that persons living off the reserve should be able to vote in band elections.

Mr. Alex Denny said that persons could be employed off the reserve yet living on the reserve and still be able to vote in band elections.

Mr. Andrew Francis asked the Department if a band member living off his reserve could vote in band elections on his own reserve or on a reserve where he owned property.

Mr. Brown said that this problem was dealt with in the regulations and that the interpretation of these regulations was in some places quite difficult. He said that one question arose as to whether a person was resident on the reserve; if he had left the reserve for a year or two and if the person's intention was to return, was he really living off the reserve and when, or during what period of time, must he return? He said that owning a house on a reserve did not necessarily mean that a person was a resident on any reserve. Owning a house on another reserve and being a member of his own reserve did not necessarily give him resident status either.

Mr. Francis suggested that perhaps this section should be eliminated.

Mr. John Sark suggested that they follow the Canada Elections Act or the Provincial Elections Act.

Mr. Harold Sappier suggested that they follow the provincial election regulations.

Mr. Fairholm said that there could be two kinds of voting procedures for band members; those living on or off the reserve who could vote for land sale or leasing of reserve property and those persons living on the reserve who could vote for matters relating to local government.

Mr. Richard Matthews wondered why the Department couldn't enumerate the reserves six weeks prior to band elections just like civic, provincial and federal elections so that all the voters would be on the voters' list. Therefore, he said, those not on the reserve or those returning to the reserve would not be able to vote if their names were not on the voters' list.

Mr. Noel Doucette suggested that many persons were off the reserve attending school such as college students and they would not be able to vote in band elections.

Mr. Richard Matthews said that this could perhaps be covered in the enumeration when it took place six weeks prior to the election.

Mr. John Sark said that under provincial law and the Canada Election Act, students could return to their constituency to vote.

Mr. Andrew Francis said that in New Brunswick a person could only vote in the one particular place.

Mr. LaBillois the co-chairman said that the indication of the delegates seemed to be that they should follow the provincial election regulations on the reserve when elections were for local Band Councils such as Chiefs and Councillors and that there should be a difference in the term of office for elections.

He said that with regard to Section 39 of the Act those Indian persons who were members of bands and who were 21 years of age ordinarily resident on reserves could vote for land surrender proposals. He said that there had been complaints that this provision of the Act discriminated against those who, although property owners on the reserve were part-time residents off the reserve. He said that many Indian persons in this position maintained that they had just as much interest as if they resided on it, that their absence was not necessarily permanent, and that their individual property rights could be affected by surrender proposals. He said they maintained if they were interested enough in what was taking place on the reserve to travel back and vote on a surrender, they should be entitled to this privilege.

Mr. John Sark felt that persons having property on the reserve but living off the reserve should have the right to vote on any such surrender proposals.

Mr. LaBillois said that the question seemed to be whether there should be a variation between the several kinds of elections.

Mr. Laurence Paul said that persons living off the reserve should not be entitled to vote.

Mr. John Sark said that voting for Chief and Council and surrender proposals should be one and the same thing and that persons living on or off the reserve should be allowed to vote on council elections and surrender proposals.

Mr. Paul Prisk suggested that persons living away from the province of New Brunswick for say a number of years and returning to New Brunswick would, in the case of hunting or fishing require a non-residence licence. He said this meant that they were non-residents.

Mr. Harold Bernard thought that a person must be a resident of a certain locale for a certain period of time. He said that he felt when it was time to vote on the surrender for land, a band should allow persons off the reserve to vote on such particular occasions.

Mr. Anthony Francis suggested the confusion could be eliminated if the delegates adopted the first paragraph on Page 24 of the background material:--"If these changes were accepted, a voter or elector would be defined in the new Act as a person who is a registered member of the band holding the election, who is of the legal voting age, and who may live on or off the reserve." He said this would be the simplest way out and that they could also adopt a provision where such a person would not be able to run as a councillor or chief as long as he was living off the reserve.

Mr. Lemey Peter Paul said that such persons living off the reserve should not be able to vote in band elections but was confused as to the distinction between those voting for the election of chiefs and councillors and those voting in band elections for land surrenders.

Mr. LaBillois explained that the problem hinged upon the word 'elector' since the word 'elector' referred to the election of the chief or council and that it also referred to a person voting for the leasing and surrender of band land.

Mr. Fairholm said there were a number of ways to look at the issue; one was to say that any member of the band was entitled to vote no matter where the person lived outside the reserve or on the reserve if he was of the legal voting age (18 or 21 etc.). He said the other way was to decide that a person had to live on the reserve entirely and be of the legal voting age (18 or 21 etc.) to vote or run for office. He said that there was another way however, where in matters of local government the Chief and Councillors and qualified electors would have to live on the reserve but for all other kinds of votes such as surrenders for land, etc., those qualified electors (18 or 21 or whatever was established) living off the reserve could vote as well.

The vote having been called by the co-chairman, Mr. LaBillois, it was unanimous that both parts of the third alternative was the most acceptable to the delegates.

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Mr. LaBillois the co-chairman suggested that the delegates might wish to present briefs to be entered into the official report of the meeting.

Mr. Frank Paul asked if another day could be allotted for further discussion.

Mr. LaBillois the co-chairman said that the Departmental officials would assess what had been covered during the morning session and make a decision at noon whether they could attend further meetings. He said that the officials had future commitments and had also arranged flights back to Ottawa during the afternoon.

Mr. Joe Larry asked who appointed the Indian Chairman for the meeting.

Mr. Fairholm said that he took the responsibility for the appointment of the co-chairman since the Department had asked the Chairman of the Regional Indian Advisory Council if he would be good enough to act as Chairman of the consultation meeting. He said this had been done in the Northwest Territories Meeting. He added that there was some difficulty in extending an invitation to the Chairman of the Maritime Advisory Council since the new Council had not met, so the invitation was sent to the past Chairman, Mr. LaBillois.

Mr. Charles Francis suggested that the co-chairman was appointed by the government and that the meeting would not wish to continue with the government appointed co-chairman. He suggested that the floor should have the right to appoint the Indian co-chairman of the meeting.

One delegate, addressing his remarks to Mr. LaBillois, said that there was no personal grievance against the present co-chairman but that the grievance was with the method of appointment of the co-chairman for the meeting.

Mr. LaBillois said that he had received a letter from the Department asking him to be the co-chairman for the meeting and he agreed that the delegates should have the right to elect a Chairman from the floor and left the Chair.

Mr. Charles Francis then made a motion that the delegates nominate Mr. Wallace LaBillois as co-chairman for the duration of the meeting.

Mr. Charles Bernard seconded the motion.

Mr. Richard Matthews called for the vote but Mr. John Bernard said that the delegates had agreed no motions would be allowed for the duration of the meeting, so that the previous motion was not in order. He said the Department of Indian Affairs should have allowed the delegates to select the co-chairman at the beginning of the meeting. He said it seemed that the meeting was not for the Indian people, but for the white man.

A number of delegates were concerned that Mr. LaBillois had left the chair and Mr. Andrew Francis said that they appreciated the fact very much that Mr. LaBillois had acted as co-chairman but it was important to settle the issue of the government appointing an Indian automatically as co-chairman.

Mr. LaBillois said that he had no personal feelings about the matter and felt that the delegates were within their rights by telling the government that they did not proceed correctly in appointing the co-chairman.

There were a number of expressions from the various delegates that Mr. LaBillois should resume the chair.

Mr. Fairholm suggested that a motion would be in order in this case to appoint a co-chairman for the rest of the meeting.

Mr. Andrew Francis then moved that Mr. LaBillois should return to the chair.

Mr. Charles Bernard seconded the motion "that Mr. LaBillois return to the chair as co-chairman of the meeting because of his great versatility and understanding of the Indian people's problems".

Mr. McKinnon then put the question to the delegates and it was agreed that Mr. LaBillois return as co-chairman.

Mr. LaBillois the co-chairman then suggested that the meeting continue with the questions on self-government and especially with question No. 30.

Mr. Charles Bernard said that he was nominated to run for chief on his reserve but the band members voted against him since he was a police officer. He said however, while he disagreed with the delegates in attendance he would say 'yes' to question No. 30.

Mr. Richard Matthews wished to return to the subject of enumeration of eligible voters six weeks prior to an election. He wondered who would pay for the setting up of such voters' lists and the enumeration of them. He suggested that perhaps a band grant could be used or the Department of Indian Affairs could enumerate the band members.

Mr. Fairholm said that the best way to have an enumeration would be for the band to establish its own electoral officers and carry out the enumerations on its own by preparing the voters' list six weeks prior to the election. He said there would then be an opportunity for additions or deletions to the list.

There was then some discussion about delegates repeating issues that had been brought up previously and that a number of representatives had left the meeting so Mr. Anthony Francis suggested that the co-chairman should have the discretion to ban persons who were obstructing the progress of the meeting.

Mr. Peter Pierro suggested that perhaps it would be a good idea to ask each delegate in turn to give their views on the question under consideration since this would give each representative a chance to express his band's views on the subject.

Mr. Charles Bernard suggested that the time remaining should be proportioned so that all the delegates would have equal opportunity to speak. He said that he had a brief that he would like to present to the meeting.

Mr. LaBillois said that there were a number of delegates who felt that they should speak for their band specifically on certain matters, and that he was willing to proceed around the table and let each delegate speak on behalf of his band.

Mr. Paul Paul speaking on behalf of his band said that some form of enumeration procedure prior to band council elections should be established.

Mr. George Francis spoke on the subject of electoral officers and suggested that the electoral officers should be Indian persons.

Mr. Willard Paul then proceeded to read the brief of the Oromocto Band on the thirty-four questions from "Choosing a Path" (see appendix A).

Mr. Walter Paul said that he would like to elaborate on question No. 30. He said his band had replied 'yes' to the question, but that there should be some provision in the new Act for the exclusion of reserve police constables for nomination to band councils. He said that the band felt that the council itself should have some say about who was to do the policing on the reserve.

Mrs. Elsie Paul of the Union of New Brunswick Indians then read a prepared statement by Andrew Nicholas Jr., the Vice President of the Union of New Brunswick Indians (see Appendix B).

Mr. Anthony Francis then spoke at some length on the decisions that his band council had made with regard to revisions to the Act. He said that the most important issue for his band was Indian status. He said they talked about women who married non-Indians losing their status as Indian people. He said this was unfair to women because they were born Indians. He said it was the Indian woman's birth-right to maintain that status, regardless of what happened. There should not be any stipulation whatsoever, for an Indian woman to lose her status and that they should always be able to return to their reserve and band membership if they wished to do so, even in

the case of her husband dying or in other cases where they would have to return to the reserve. He said that questions 7, 8, 9 and 10 regarding withdrawal from Indian status should be eliminated since there was nothing to be gained if an Indian was to leave his status or if a reserve or group of Indians were to leave their status. He said another important issue was income tax on the reserves. He understood the Department wished certain people who lived on the reserves to contribute to the Canada Pension Plan by means of taxation. As far as he was concerned, there should be no further contributions made by the Indian people in order to achieve any more of these particular social services. The Indian people had already made their contribution, a large contribution, toward the development of the country as a whole. They had given up their lands, they had given up their natural resources, and these things should be sufficient contribution for them to enjoy various social welfare programs. Mr. Francis also mentioned Section 72 of the Act regarding regulations. He said the whole issue of Section 72 hinged around the word "may", may provide regulations for medical and health services for Indians. He said that he was of the opinion that the government should and must provide full medical services for Indians without means tests, not 70 per cent. The present means tests were a large hindrance for Indian people receiving medical services and that dental services also should be included. He added that with regard to Section 88, where Indian property was not subject to seizure, this Section should remain as it was since it was one of the protections that the Indian people had in today's society. He said that if the Indian business man wished to borrow money for business, such monies should be available to him through the Department so that he would not necessarily have to mortgage his own property. There should be a special fund set aside for this purpose. Mr. Francis then referred to Section 87 with regard to legal rights. He said that the Section outlined legal rights subject to the terms of Indian treaties. He said that this seemed to be a very controversial issue since the treaties made between the Indian people and the Colonial Powers and the present governments should be enshrined in Section 87 of the Act, enabling such treaties to become legal documents and accepted in courts. He said that all Indians felt their treaties should be honoured but that they had a very difficult time in proceeding with cases in courts since the treaties themselves had no status in the eyes of the law. He said that there was no criminal law or Act of Parliament that validated the treaties made with the Indian people, but if they were to be inserted in Section 87, they would be then legalized and respected.

Mr. Francis then read part of a treaty made with the Colonial Powers in the year 1779 as follows:

*And we do also by these presents for ourselves,
and in behalf of our several Constituents hereby
Renew, Ratify and Confirm all former Treatys,
entered into by us, or any of us, or them
heretofore with the late Governor Lawrence, and
others His Majesty King George's Governors, who
have succeeded him in the Command of this Province.*

*In Consideration of the true & # & #
performance of the foregoing Articles, on the
part of the Indians, the said Mr. Francklin as
the Kings Superintendant of Indian Affairs doth
hereby Promise in behalf of
Government.*

*That the said Indians and their Constituents
shall remain in the Districts beforementioned
Quiet and Free from any molestation of any of
His Majestys Troops or other his good Subjects
in their Hunting and Fishing.*

Mr. Francis said that as far as he was concerned, the Indian people had the legal right in a court of law and if they wished to have the treaties enshrined in the Indian Act, they could do so and there would be no problems. He said that it would be impossible for all of the spokesmen present, to express their views on every aspect of the Indian Act but he wanted to see the Indian Band Councils of the Maritimes given a chance to prepare briefs dealing with every question and to send it to the Parliament of Canada by a specific date and then it could be studied so that the Government would have all the views of the reserves of the Maritimes. He also mentioned that when they did write to the Government they would suggest that the consultation team going across the country should have Indian persons on it.

Mr. Vincent Barlow suggested that with regard to question No. 24 the liquor provisions should be removed from the Act since there did not seem to be any of these kinds of problems on the reserves. He said that band councils should not interfere with personal matters such as drinking.

Mr. Lemey Paul said that candidates running for councillor and chief should be at least twenty-one years of age and should be members of the band.

Mr. Paul Prisk said that he felt at many times afraid in his own country - afraid of the way things were in the present Indian Act. He said he often wondered if he had a country or not, especially when he thought of Section 12 and the compulsory enfranchisement provision enshrined in it. He said that the Department could 'kick out' a person who had been a band member and such a person would become an alien in his own country - an outsider living in Canada - a man without a country. He also said that if an Indian living on his reserve was working off the reserve, in a construction company or a mining company, he had to pay federal income tax, part of which went to the province. He said there was also provincial sales tax. He said the only thing the Indian people didn't pay for was property tax. He pointed out that there was an example of a Treaty that was made with the Government in 1500 or 1600 and this Treaty was to be renewed every 100 years but when Confederation came, the Treaty was disregarded.

He said he understood that traditional band elections still remained in some bands and that tradition had been part of the history of Canada. He added that for the Indians, hunting and fishing at one time was the most important thing in their lives. He said, on the other hand, one could say that the provincial government had provided for Indians to hunt on their reserves, and that if this was a privilege, it could be taken away from

Indicates word omitted from original document.

the Indian people at any time. Perhaps this was the reason many Indians drank so they could hide from their fears of the white man. He said as far as Section 12 was concerned, all the federal government had to do was send out a letter saying that persons were no longer Indians and yet, on the other hand, enfranchised Indians were not white men - not white men because they were Indians in the first place - their thinking was Indian and they were brought up on the reserve and had reserve characteristics. He said many Indian people were getting along in the white world but many weren't. Mr. Prisk said he didn't see any reason why the Indian people could not hunt anywhere in Canada because the Indian people were the original inhabitants and the Great Spirit saw fit to put the Indian people on the North American continent and He also saw fit to put the white man in other countries. He said that the white man came to North America and stole the country by force. He said that the Treaties that had been signed in good faith had been ignored by the Canadian people and the Government. Many of the letters written to the Department were ignored. He said that the Treaties and the Act should be revised and that the promises made two or three hundred years ago should be maintained today and that if any man wanted to hunt and fish, he should have the right to do so. He pointed out it was presently necessary for him to have a licence in order to transport skins from one place to another. All the Indian people ever did was to pay, pay, pay, pay in their own country and to fear what would happen to them. He said that the provincial government was involved on the Indian reserves in such things as the Indian Timber Regulations Act and they have made agreements that game wardens or the Royal Canadian Mounted Police or sheriffs or police officers or constables could enter the reserve and nothing can be done about it. He said if they objected, they were told that they were obstructing justice and would be arrested.

He said for some reason or another a white man could do anything he chose or wished to do on an Indian reserve and the Department of Justice wouldn't bother doing anything, but let one Indian or two try to set a net and get a couple of fish for his own consumption and he is brought into court and convicted. He said he wondered how free the country really was; it was free for some people but not necessarily for the Indian people.

Mr. John Sark said that he would like to speak on some of the questions listed in "Choosing a Path" relating to the Act. He said that in many sections and in many matters, the Minister had final authority concerning local affairs on reserves. He said that his band's opinion was that they should have more actual say in their own local government affairs. His band was divided as to whether they should be able to pledge their property for loans. He said other items discussed were welfare programmes and specifically the Canada Pension Plan. He said on his reserve a large percentage of the people were on welfare and wondered if such persons could be included under the coverage for the Canada Pension Plan at least in part. He suggested that the total premium for the Canada Pension Plan for welfare recipients and others working for private employers should be paid by the Department. He suggested also that authority for the Minister to operate farms on reserve lands should be repealed from the Act and that the liquor sections could be given some consideration for repeal as well, although he

wasn't certain of the specific protections that the sections on liquor gave.

Mr. Sark suggested strongly that Indian health services should be incorporated into the legislation. Since the band had tried several times to get some sort of medical or health service available to the reserve and that it was difficult at isolated times of the year to get doctors to come. He mentioned that there had been one general practitioner on the reserve in the last two years and that in many cases Indian people became quite sick before they were able to get to a hospital. If service was established on the reserve or in the general area, then such cases could be cut considerably. In one case a child's cold had developed into pneumonia.

Mr. Sark mentioned that in 1949 there was a resident nurse on the reserve who handled all the drugs as well and the amount of sickness was cut considerably as were the numbers of persons requiring hospitalization. Apparently, welfare services were not able to hire additional staff to assist on the reserve and were not allowed to spend any more money and in many cases the matters were passed on to the Department of National Health and Welfare. Many of the Indian people, he said, did not realize that National Health and Welfare was paying medical bills. Mr. Sark also raised the question of Treaties and reiterated that they were simply not honoured by the government today. Another point that the band strongly suggested was that they should have the machinery that would enable them to handle their own affairs.

Mr. Sark suggested that the Indian Act should be so flexible that it could apply not only in the coming year but in future years as well. He knew that promised changes were coming and that it was necessary to have the Act quite flexible, but as far as he was concerned, complications arising from these matters should be left up to legal persons to take care of. He suggested that some machinery should be set up so that, either through the band councils themselves or through the bands and the Department, they could approach the provincial government to include Indian people in applicable provincial legislation such as sales tax, cost of medical services, cost of insurance schemes, schools, etc. Mr. Sark said these were the official opinions of his band.

Mr. Richard McEwan of Bear River Band said that they had two meetings on their reserve concerning the thirty-four questions and had answers to all of them except Nos. 11 and 18.

Mr. McEwan then read his submission into the official record (see Appendix C).

Mr. McEwan continued by saying that he had attended the number of meetings and seminars and that he would like to commend the Department of Indian Affairs on the job they had done for the Indian people during the last few years. He said that he had noticed at several meetings that if you mentioned religion or if one mentioned God a frown came on the faces of some people. He said this was something he couldn't understand. He mentioned the fact that the former Minister of Indian Affairs, the Honourable Arthur Laing,

had said in a letter he had read that it was time that education was taken out of the hands of religious organizations. Mr. McEwan suggested that the society that exists today was built on religious belief and religious organization and that the Minister had perhaps forgotten. Mr. McEwan said he would also like to mention the fact that quite a few non-Indian people didn't seem to realize that there were such things as Indians in Canada. He said many of the non-Indian persons in the country were unfriendly to the Indian people. He said there were a number of things that the Indians themselves could do to improve their own situation. He said that they had talked quite a bit about what they wanted, what rights they needed and so on but that the Indian also had to show some responsibility to do these things and to do them in the best possible way. Mr. McEwan said those Indian people that held offices in the band on the reserve had a tremendous responsibility. Sometimes there was friction between the elected representatives and the Departmental officials.

Commenting on the Bear River Band's answer to question No. 26, Mr. Fairholm said the authority as in Section 35 of the present Indian Act made provision for the taking of lands for public purposes, such as highways, power lines or utilities, etc. The practice had been in recent years for a Department of Highways or a company who wanted to put in their line or go through a reserve with a highway, to approach the band council first and come to some agreement as to what the compensation should be. If there was an agreement on the compensation, the Governor-in-Council would then grant authority for expropriation.

Mr. McEwan said in 1962 the Nova Scotia Power Commission went through their reserve and laid a pipe through to the firehouse and he didn't know whether they paid into the band funds or not. He then pointed out that for persons to hate each other did not solve problems and no one advanced. The colour of one's skin shouldn't have anything to do with one's feeling for that person.. This attitude had to be changed, he added, since if Indian people wanted to get along in the community, they had to accept the non-Indian people in Canada since there was no other way but getting along with them. He mentioned there were three problems that the Indian people faced: a lack of education, alcoholism and being an Indian. He said he had felt many times that he would like to get away from the pressures of society and return to the old ways of doing things. He knew a lot of white people had the same feeling.

Mr. John Knockwood said that he would like to see the section on compulsory enfranchisement withdrawn from the Act. He said the provision found in question No. 12 with regard to the sale of reserve land should be kept. He suggested the present rule should be retained since it could result in individual Indians selling parts of the reserve. With regard to question No. 14 he added that Indians living on the reserve should not be allowed to use their personal property for security for loans since large numbers were on welfare and a great deal of their personal property had been allotted to them by the government. With regard to question No. 22 he suggested that this dealt only with Indians from the prairie provinces and that the Indians of the Maritimes were not competent to answer the question.

With regard to question No. 23 he said it should be repealed. Question No. 24 with regard to liquor provision should be repealed. The voting age should be that of the province with regard to question No. 29. Covering question No. 32, the term of office should be three years and the Council should not be elected from a single list of ballots. Councillors' terms should overlap on a period of 18 months for the Chief and then a later 18 months for the Council. On question No. 9, families wishing to withdraw from a Band should not take their children with them. The children should be able to decide at the age of 21 however, if they wished to remain in Band membership. He suggested that medical services had been cut back and that medical transportation had been taken away from the Indian people. With regard to education he said that it was up to the individual reserves how they wanted their educational systems to be set up. With regard to Band grants he said that if the government wanted the Indian people more self-supporting, then the Band grants would give them an opportunity to look after their own affairs. He suggested that if a Band was to have a clerk or a Band manager who was to take over the operation of the administrative aspects of the Band then there should be a clause in the Act, which stated that the Indian Affairs Department would **drop out** after a period of ten or twenty years and the Provincial Government would then take over. He suggested the Department of Indian Affairs should always be available however to assist the Indians with resource personnel.

Mr. Peter Pierro then read his Band's submission (see Appendix D).

Mrs. Catherine Thomas then read her Band's submission (see Appendix E).

Mr. Charles Bernard representing Whycocomagh then read his submission (see Appendix F).

Mr. Noel Doucette said that some people called the present Indian Act legislative discrimination because when it was first written, the Indian people did not have a vote. He thought that many Indians felt that the Act they were now working on did not do what they thought it intended and they were getting the opportunity to voice their views but the words were placed in their mouths by means of the questions in "Choosing a Path". He said he didn't like anyone else picking the path for him especially if the path came to a dead end.

He said that many of the Indian people could not read English and that it was difficult to translate it to another tongue, since many of them had not had the chance to go to school. The Department always asked questions and expected answers but the Indian people never got answers. The Indian people had been living in isolation, poverty and with a substandard education and no economic growth along with 100 years of paternalism and the government expected them to go it alone. He said the mistakes weren't made by Indians in the past. The Indian people needed help from every level of government especially from the provincial government who had been hiding behind the idea that Indian people were a federal responsibility. The Indian people needed the help of all of the Canadian society. He suggested that perhaps many of the people in Canada were not able to help since the Indian Act gave people the

opinion that they were a lower form of life. He said that changes had been made in the Act in past years but the Indian people were just coming to realize how backward these changes were and that no machinery had been set up to remove sections that had become obsolete or no longer required such as enfranchisement sections. He said other sections that should be abolished were the liquor provisions. It was still against the law to bring liquor on the reserves even for the minority group that would vote for a liquor referendum. He said this didn't happen in non-Indian communities. If such a community voted dry, the population could still bring liquor into their homes. He said Section 20 and Section 35 of the Act outlined the fact that the lands and reserves of the Indian people were not their property and they did not own the land. He said it was important that the Indian people work together and that he was impressed with parts of the book "Choosing a Path", such as Part 1 of the introduction at the bottom of Page 1. He said the Indian people should become involved in such things as health, employment, housing, economic betterment, economic development and the freedom to run their reserves along with the facilities to make these things work. He said such words and phrases as "may", "should", "discretion of the Minister" and "superintendent", words that don't even appear in the Indian language, should be eliminated from the Act.

Mr. Alexander Denny mentioned that his Chief and the band's legal counsel had recommended he not read his band's brief, however, he had some important things to mention. He said one of these was health and that he couldn't find anywhere in the Act, reference to health services. He said although the Indian people were the fastest growing ethnic group in Canada, this wouldn't be the case in the future if health services were curtailed as the government was suggesting. He also stressed the fact that social services of all kinds were required by the Indian people and that such social services should be included within the new Act.

Mr. Charles Bernard then read the St. John River Band's brief into the minutes (see Appendix G).

Mr. Bernard then gave his personal views on some objectionable terms in the Act. He said the Chief of the band should be called another name like "mayor" or some equivalent Indian word. He said that the terms "reservation" or "reserve", "band" and "tribe" should be eliminated from the Act. He suggested a suitable term might be "community" or "Indian community". He said that phrases such as "Minister may" should be replaced by phrases such as "the Minister shall" or "the Minister should".

Mr. Vincent Barlow said that there had been some expression of feeling among the delegates that a meeting should be held in closed session with just the Indian spokesmen in attendance to decide who was going to represent the meeting in Ottawa and to discuss other important issues.

The co-chairman Mr. LaBillois suggested that in the remaining time the meeting should discuss Section 87 dealing with Indian rights and health and social service.

Mr. Joe Larry presented a copy of the Treaty that was signed by Michael Francklin, in 1779 to the meeting and said that this was the Treaty that they felt should be included in the new Act (see Appendix H).

Mr. Vincent Barlow suggested strongly that the Treaty signed by Mr. Francklin in 1779 should be inserted in the new Act since it would protect every Indian that came under the new legislation. He then referred to question No. 31 in "Choosing a Path". He said he did not think that this would be the proper way of selecting a chief, and that the chief should be nominated and voted by the band as a whole rather than from a list of candidates.

Mr. Andrew Francis felt that the chief should be elected as a councillor but that there should also be an official opposition in the council, and that the law should be changed to permit this.

Mr. Paul Prisk said that if one assumed that the Treaty could be included in the Indian Act, would the provincial government, he wondered, honour the law and not prosecute Indians hunting off their reserves?

Mr. Brown said that such questions were being examined by the legal advisers of the government at the present time as to whether they could be included within the new legislation.

Mr. Andrew Francis wanted to know if the Indian Act superceded all other laws of Parliament especially with regard to Section 87.

Mr. Brown said that the Act would supercede any laws of the provinces. He also pointed out that in the sense that this had been interpreted in the courts, no provincial law was applicable which was in conflict with an Indian Treaty or an Act of Parliament.

Mr. Vincent Barlow regretted that he had not presented his brief to the delegates but since time was running out, he would present what he thought was the most important issue in his band, namely question No. 20. He said his band felt that band councils should be able to order surveys and subdivisions on their respective reserves rather than the Minister. He said with regard to question No. 2 that the band council should not have to consult with the Minister of Indian Affairs for everything they had to do in local matters or even at the regional office of Indian Affairs.

Mr. George Francis said that under the Indian Health Regulations, the Minister of National Health and Welfare had to render medical assistance and services to Indians in the areas where they resided.

Mr. Fairholm said that he was not familiar with the operation of the Department of National Health and Welfare and so therefore couldn't give very detailed information about it but it was his understanding that across the country, the Department had entered into agreements with doctors to provide services on a fee basis and that this fee basis was not as generous as the doctors normally received from other patients.

Mr. Alex Denny suggested that perhaps the Department of Indian Affairs and those responsible for handling the consultation meetings could make available such representatives from the Department of National Health and Welfare who could give concrete answers to their questions.

Mr. Fairholm in reply to a question by Mr. Charles Bernard of the St. John River Band said that doctors are assigned to certain areas that had Indian people living in them, and that if attention was required then they could go to the assigned doctor as required.

Mr. Fairholm added that from what he had heard, there ought to be other kinds of meetings held from time to time to discuss a wide range of other matters that did not necessarily touch directly on the Indian Act.

Mr. Paul Paul and Mr. Willard Paul said that they lived close to towns and cities where medical services were available and so there was not really a problem in their case.

Mr. Walter Paul commenting on question No. 14 on legal rights, said there should be provisions made in the new Act, where, if an Indian was in a good financial position to mortgage or lease his personal property or household property, provision should be made so that an Indian could do this if he was in a position to repay such a loan. He said with regard to health services he would like to see them incorporated into the new Act especially the transportation services connected with the health aspects which, he said, were lost a year ago to patients going to doctors and hospitals on his reserve.

Mr. William Paul speaking on medical services already being supplied to the Indians, said that his band had felt for a number of years that it had been quite inadequate, and that an April meeting in Fredericton discussed Section 72, Subsection (g) of the Act where the Governor-in-Council could make a regulation. He said that these terms implied that it depended on what the particular mood of the Governor-in-Council happened to be at the time. He said such words as "may" should be eliminated from the Act and the word "shall" be substituted. He said he lived close to a main town and had no real problem with medical services.

Mr. Andrew Francis said that it was important to have doctors from the government speak to the Indian people's questions on medical services.

Mr. Anthony Francis said that the Treaty with regard to hunting and fishing rights should be incorporated into the Indian Act. With regard to conservation he said a number of reserves had hunting and fishing rights within their boundaries, but he couldn't recall any instances where an Indian person had shot an animal out of season.

Mr. Vincent Barlow said that he didn't think any person, without written permission from the Minister or an authorized representative of the Band, should be allowed to issue permits to any one to enable the removal of

reserve minerals and stone and gravel, etc. He said perhaps the power of forbidding such things to be removed from the reserve should be exercised a little more strongly.

Mr. Paul Prisk said there seemed to be quite an incongruity between the fact that Indian persons were arrested for hunting off the reserve yet white persons were often not convicted. With regard to medical service, he said a little more help was required and with regard to education, he said that children who were Indians and going to school should receive more assistance such as free lunches, etc.

Mr. Joe Larry speaking on the removal of sand and gravel from the reserve, said that his band had received remuneration for material that had been taken but that it had been put in the capital fund instead of the revenue fund where they could have used it any time they wished to. He said he wondered whether the money could be transferred from the capital to the revenue fund. He said if the money was needed they would have to write to the Minister which would take a couple of months before action was taken. He said another important issue was the transportation of welfare recipients in need of medical services.

Mr. Fairholm said that at present the proceeds from the sale of capital assets such as gravel, would come under the capital fund. He said a change would have to be made in the present law if the bands desired to transfer monies from one fund to another. He said that the point Mr. Larry had raised would be considered very carefully by the government and by parliament.

Mr. LaBillois suggested that capital funds and band funds could be further discussed when the sessions convened the following day.

Mr. Charles Bernard representing the Whycocomagh area referred to Section 72(g) and said that there was no ambulance service available in his area and that the Department should be providing for such health services.

Mr. John Sark wondered if under Section 72 (1) the treaty was actually being carried out and then read this Section in conjunction with Section 80 (a). He said he was wondering that if the regulations were in effect for medical services, how broad they were, and if the council could make regulations or by-laws covering health services and if it could be a joint effort.

Mr. LaBillois said that the matters outlined in Section 80, probably referred more to the control of health such as public health.

Mr. Fairholm said the health regulations were made in 1953 and they dealt with primarily infectious disease. He said he didn't think it covered health and medical services in the broad sense but more on quarantines.

Mr. John Sark referring to Section 72 (1) (e) wondered what was meant by "other places of amusement".

Mr. Fairholm said that this would probably mean theatres and bowling alleys, etc.

Mr. John Sark referred back to the general provision involving application of provincial law and treaties to the Indian people. He wondered if bands made regulations pertaining to operation of theatres, the provincial law in some cases would no longer apply.

Mr. Fairholm said there were regulations governing the operation of poolrooms, dance halls and theatres.

Mr. John Sark said that normally Indian people were not taxable or not supposed to be taxes, yet when they operated a store on a reserve the provincial law stated that they had to pay sales tax. He wondered if this was applicable to reserves.

Mr. Brown said that it depended on the province in which the reserve was located. He said in some of the provinces there was a dispute over whether provincial sales tax applied. He said that in Ontario the position of the province was that they would collect such a tax but on Indian purchases from Indian stores on reserve there would be no sales tax charge, even off the reserve.

Mr. Charles Francis said that it seemed that the Indian people were being told that National Health and Welfare had a responsibility for health services, yet, the Act read that the Department of Indian Affairs had the responsibility.

Mr. Fairholm said legislation was made by the Parliament of Canada and that there were many Departments of the Government of Canada carrying out various functions of the government. He said that the Department of Indian Affairs had no funds devoted strictly to medical health services since the program itself was operated by the Department of National Health and Welfare. He said the Department of Indian Affairs had other types of programs but not health programs, and that health services were strictly under the Department of National Health and Welfare. Other matters pertaining to Indian people were under the Department of Indian Affairs.

Mr. Fairholm added that in 1945, the government decided that the health services for Indians should be placed with the Department of National Health and Welfare and since that time all health matters had been dealt with by that Department. He said that the responsibility to parliament for health services rested with the Department of National Health and Welfare for Indian people in this respect.

Mr. Charles Bernard said that the Indian people were not consulted under the regulations of the Governor-in-Council, Section 72 of the Act when it said that the Department would provide for the treatment of health services for Indians.

Mr. Brown said that the delegates' views on the matter of health and welfare would be brought to the attention of the Government.

Mr. Richard McEwan said that in many cases he had paid funds out of his own pocket to transport injured children to a hospital since National Health and Welfare would not pay for the bill.

Mr. John Knockwood said that the set doctor's fees on his reserve were \$100.00 per year. He said that for this fee the doctor had to take care of all the Indians on the reserve, which was virtually impossible to do. He also suggested that Section 119 on juvenile delinquency should be removed from the Act.

Mr. Noel Doucette suggested that the sections in the education provisions relating to the truant officers should be amended so that such truant officers would be persons other than police officers. He suggested also that the powers of band councils should be broadened so that Indian people could really take on their own responsibility. He said the council could decide on many matters with regard to medical and educational benefits for the band.

Mr. Charles Francis suggested that there should be something established within the Department of Indian Affairs and for the Indian people themselves as to what responsibility the Department had amongst the Indian people. He suggested that the Department was passing various programs from one Department to another without consulting the Indian people and they had become confused as to who had what responsibility and at what level of Government.

Mr. Andrew Francis said that he would like permission from the meeting for his lawyer to speak about the rights of Indian people in New Brunswick.

On approval of the delegates, Mr. J. Daniel MacLennan spoke to the meeting:

Of course I am not an Indian but I'm a Scotsman and we Scotsmen are just as proud as the Indian of our race and our language. Everybody here knows, Mr. Chairman, that from time to time cases come out that involve the fishing and hunting rights of Indians. And the reason, I suppose, that I was asked to say something here by Mr. Francis is that there are two cases apparently before

the courts that are dealing with this subject, and one is here in New Brunswick, and the other one is Nova Scotia. Most people realize it is not proper to comment too fully on cases that are before the court before a decision is made, and I don't intend to do that. I'll state very briefly what the circumstances or the grounds for the cases are, and the present disposition and the state of these cases.

In the New Brunswick case, Martin Francis, a Micmac Indian in the Big Cove reserve, was charged with fishing without a licence in the Richibucto River contrary to the New Brunswick Fishery Regulations. Mr. Francis was convicted in Magistrate's Court and this case is now before the court and the case has been argued and briefs have been submitted but there has been no decision given at this time. And the other case is a Nova Scotia case in which I was involved and Noel Francis was charged with hunting out of season contrary to the Lands and Forests Act in Nova Scotia. We won that case in the Provincial Judge's Court but the Crown saw fit in Nova Scotia to appeal and it is presently before the courts. These two cases are, of course, different inasmuch as the New Brunswick case depends largely on Treaty rights which we do not have to any great extent in Nova Scotia. The Treaty rights boil down to the question, 'Are these Treaties going to be given any weight at all or are they going to be regarded as agreements that can be abrogated or ignored by the respective governments?' There are Treaties, of course, that are argued from time to time that are ineffective because they pass out of date or because they only apply to a certain area. There are Treaties which appear to be still in effect and it also appears that the Indians, when they entered into these treaties, did so in good faith and these things must be argued to a conclusion. In the Nova Scotia case, I have to point out that Mr. Francis made a mistake because when he was speaking before, he said he did not know of any Indian who was charged with hunting on a reserve out of season. Unfortunately, my client was charged with just that, and he does not deny that he did it nor do I. In fact, my argument was that he did it and he had a right to do it because he was doing it on a reserve ... on an Indian reserve ... which was set aside by an Order-in-Council. We won that case in the Provincial Judge's Court. This, of course, also depended on the interpretation of Section 87 of the Indian Act which says that subject to any treaties and subject to any other law enacted by the Parliament of Canada the provincial laws would apply.

There were no regulations made by the Government of Canada and so the other laws did not apply. This is our argument anyway. Not one argument. What we had in common apart from the treaties was the Royal Proclamation of 1763 which confirms, or rather which purported to confirm the treaties and the agreements which were made with various Indians which gives far more effect to the previous case because it confirms those establishing the rights of Indians to hunt and fish after that time. Now this proclamation has never been abrogated by the Government of Canada. It is still in the Revised statutes of Canada and still remains therefore in effect as far as the courts are concerned. Unfortunately, some of the courts did not recognize it. It's still there. To be brief, I will summarize this thing to give it some meaning:

1. Hunting and fishing has always been and continues to be a very important part of an Indian's life and a very important part of his rights. And it appears that throughout North America, Indians continue to regard it as very important
- and
2. It appears that in the courts in recent years a broader interpretation has been given to the various laws of Canada and the Province and the Treaties and the Proclamations that give Indians any rights whatsoever. Courts have now a tendency to give it a broader meaning which means that the Indians get a more generous interpretation of these laws. And there are various good signs.

In fact, Mr. Fairholm said a little while ago that these meetings should not be restricted to meetings on the revision of the Indian Act but should come about from time to time when issues arise that are of general interest to Indians throughout the area on various subjects. In addition to that, the Minister who was here the other day, I think encouraged many of the delegates here so they told me, and I think probably that the remarks of the Prime Minister in his direction to the Minister as we read in the paper, was also a good and hopeful sign if this is followed through. If not, the Indians will draw their own conclusions.

Now, and this is my conclusion, the British North America Act gives the Parliament of Canada the sole jurisdiction and authority to enact rules, laws and regulations pertaining to hunting rights -- now the same laws of course give the Parliament of Canada the right to delegate this authority to the Provinces. This has been done in certain cases and there

have been certain conventions, but in the area of the work concerned here, there has been no specific delegation at all so this right is still insisted upon legally in this part of the country. Now, in view of the fact that this meeting was called for these Indian delegates to give their advice to you gentlemen representing the Branch of Indian Affairs, it is appropriate I think to suggest in considering these changes that the Government of Canada assume clear responsibility for the authority that it now has, and that in making these changes in the Indian Act that wherever it is appropriate, to make it clear that Indians have this right and that it be inserted in the Indian Act. If the Government wants to delegate this responsibility, it should also be made clear in the appropriate parts of this Act so that every time an Indian fishes a salmon or kills a deer he won't have to go to court for a month or two or perhaps a year or two for doing so. So I would say simply that this right, apart from the case that is before the court, that the Government of Canada has authority over these matters and in this area of the country it has not been delegated and it should be made clear -- these rights should be had or not had.

Mr. LaBillois the co-chairman expressed publicly his appreciation to the citizens of the city of Moncton and generosity to the Indian delegates while they had been in attendance at the meetings. He also expressed his sentiments to Mr. Walter Dieter, and asked him to return to the Maritimes whenever he had the time. He said he would also like to express his appreciation to the other people sitting in the back who had taken their time to be in attendance at the meetings, to the members of parliament, to civic dignitaries and to the Department of Indian Affairs Officials and Regional Agency Officers who had also attended. He thanked the press who had given such excellent coverage on both radio and television and especially his appreciation to the team from Ottawa. He said he believed that he would express the sentiments of all the Indian people in the Maritimes and the delegates present when he said that they appreciate the opportunity for the meeting and suggested in his closing remark 'for God's sake write the Indian Act so that we can understand it'.

Mr. LaBillois also thanked Mr. Daniel MacLennan for the many hours of work that he had put in on the legal aspects of the Act for the Maritime Indians.

Mr. Fairholm said it was a pleasure to take part in the discussions and was sure that every delegate would learn a great deal from the meeting in that this was another step in the consultation process. He said that it was not the end of such kinds of meetings and that they would continue for other kinds of programs and policies. He said he hoped that the discussion on the changes that could be made, would be of benefit to each community of Indian people and to individual members within that community. He said he

had gathered from the meeting that the Indian people had stressed a great desire for more authority and responsibility in local matters and not only from a personal point of view but also from the point of view that certain restrictions within the Act should be eliminated. He said that many of the delegates had raised issues particularly close to each one's heart, and to the problems that were in their home communities such as medical services, and that many had spoken on treaty rights. He concluded by saying that the Department would be glad to receive any further submissions and representations from individuals or family groups as a whole and if there were any further discussions delegates should feel free to change their minds. He said that Mr. Francis had mentioned that each band should write a brief and send it in to the Minister of Indian Affairs and he agreed.

Mr. Vincent Barlow then thanked the co-chairman, Mr. LaBillois for doing such a wonderful job.

Mr. Walter Dieter said that he had learned a lot of things at the Moncton meeting and would take their messages back to the West with him. He mentioned the National Indian Brotherhood, of which he was Chairman, and hoped that the Maritimes would have a good representation on this body.

The meeting adjourned at 4:30 p.m.

APPENDIX A

S U B M I S S I O N

Mr. Willard Paul--Oromocto Band

2. We would like more responsibility and authority given to Band Council so that many of our problems can be solved more readily.
3. We do not think that persons or bands should be excluded from the provisions of the Act without consulting them first. Consent should be required.
4. We would like all the children of unwed mothers to be treated the same as full-blooded Indians regardless of who the father might be.
5. Yes, we feel that an Indian woman should take her husband's status. A non-Indian woman should gain Indian status after she marries an Indian.
6. We agree wholeheartedly that non-Indian children adopted by Indian families should gain Indian status.
7. The term "enfranchisement" should be dropped. We feel that if an Indian reaches the age of 21 he should be able to decide whether he wishes to withdraw from Indian status.
8. Again, we feel that a man and woman have been married, and are able to decide to take this step then this same couple should be able to decide for themselves what they wish to do regarding their Indian status.
9. Our band would like to see a new clause stating that if the head of the household decides to give up Indian status his children under 21 should retain their present status as Indians until they reach the age of 21 years.
10. We feel that a simple majority vote is needed. But we feel also that Indians who wish to remain on the Reserve should have their rights protected so they could form another band and have a share of land, band funds and other transactions.
11. Your suggestions are appropriate for our band but we also feel that no parcel of land owned by an Indian should be taken away because of neglect. The maintenance of his property may not be kept up because of illness or other misfortunes.

12. The present rules about selling reserve land should be retained.
13. We feel that the right and responsibility should rest the present regulations under the Act rather than be under the various provincial laws
14. Our band does not wish to pledge property as security for loans even though not doing so would hinder our advancement. We feel that with the strong emphasis now placed on education the younger generation will be able to cope with loans on their own initiative. At present some people would not like to pledge property for loans as they do not understand or may not understand the terms used and would not comply with the terms due to a lack of understanding.
15. Individual Indians should be able to pledge their right of possession to the band or government as security for loans, in order to broaden our credit, clauses could be made where the government could take the pledged property and use it as it sees fit until such time as the debt is paid.
16. Yes, Indians should be able to borrow money from leasehold income.
17. Indians here do not wish to pay toward the Canada Pension Plan as we feel that there is not enough money earned on the Reserve or the available jobs are not steady in most cases.
18. We feel that provincial law with special provisions for separate school where there is no legal provision for them now should replace the present sections of the Act. The children are already following this pattern of education in our area already.
19. Yes, we feel that adult members who do not reside on the Reserve but are property holders on that reserve should be allowed to vote on surrender proposals.
20. We feel here that band councils should be allowed to take the responsibility to authorize surveys, subdivisions and determine the location of roads etc. on their own reserves.
21. The council should be allowed to operate farms rather than the Minister of Indian Affairs on the reserve.
22. Applies mainly to the Prairies.
23. Yes, we would like to have this section repealed.
24. No change.
25. Band Councils should be able to enter into short term leases on their own authority. The length of the lease would depend on the circumstances at the time of lease.
26. No. No leases should be entered into without a vote of the Band.

27. Yes. Band capital funds could be used for making grants, loans and guarantee loans to individuals.

Revenue funds could also be used for this.

At present the Band Council feel that at the present time they are not capable of making all decisions regarding Band funds.

28. The practice of taking a Band vote before changing the local government system from Band custom or before making any other change should be required by law.
29. The voting age should be 18 and not the age for provincial elections.
30. Candidates for Band Council would have to be 21 years of age in order to hold office.
31. No. Voting should be as present with distinctive office for Chief and for councillors.
32. The Band has or should have a two year limit fixed for terms. With a council of only two members it seemed to be unnecessary to have an overlapping system.
33. Separate Bands should be able to select the kind of local government which best suits the needs of the band.
34. Bands should be allowed to form Band business corporations to administer the business affairs of the reserve community.

APPENDIX B

S U B M I S S I O N

Mr. Andrew Nicholas Jr., Union of New Brunswick Indians

I feel that I have indeed been very fortunate to have been associated with the Union of New Brunswick Indians, not only in the preliminary, but also in the actual formation of this all-Indian organization.

I've had an opportunity to meet not only the Maliseet and the Micmac Indian people, but also Indian people from other provinces, and to discuss many topics of mutual interest. Lately, the most discussed topic has been the proposed revision to the present Indian Act. I will attempt to present and crystallize the consensus and sentiments by Indian people.

I wish to express regret being unable to be personally present for these meetings, however, I received very late notice that my presence was approved in Ottawa, and it was impossible for me to cancel previous commitments which conflicted with the dates suggested.

The most important points which must be kept in mind, for the benefit of Indian people are:

- 1) The existing "power structure" contained in the present Act must be changed to make local government on Indian communities more effective and more meaningful.

The decisions which they make, incorporates the conditions on their own community and the sentiments of their people. There should not be conflicting or obstructive policies from any Department, Federal or Provincial, which will nullify or diminish the position and dictates of these elected Indian representatives.

- 2) The treaties made with Indian people should be honoured by the Federal Government. There should be a section contained, in the revisions which will assure the God-given rights of Indian people for all times.

Presently there seems to be a tendency to ignore and not to respect these vital promises made with Indians. In the survey made by the Canadian Corrections Association for Department of Indian Affairs, it was noted the attitudes of the Indian people could not truly be appreciated without, at the same time, considering their attitudes towards the Indian Act and the Treaties. There is an indication that the taking away of their aboriginal rights and laws which were legislated contrary to their interests are indeed questionable. If these treaties and Indian rights are respected and contained in the new Indian Act there will be an advance in the solution and resolvment of many of the problems which presently arise for Indian people.

These treaties and rights must also incorporate certain legal rights because this will enable Indian people to negotiate and assume a serious dialogue with either federal or provincial representatives.

As the Union of Ontario Indians stated in their brief to the Minister of Indian Affairs "Accordingly, we call upon the Government of Canada to restore, I repeat that, restore, our treaty rights. We submit that Canada's national honour requires that the Canadian Government uphold its part of the bargain with the Indian people. The restoration of our treaty rights would generate among the Indian people, a new sense of confidence in the Canadian Government, which is so vital to the efforts to alleviate the various Indian situations."

3) The hunting and fishing rights of Indian people must be honored. I will repeat the following resolutions, presented by Mr. Wallace LaBillois when he was the chairman of the Migratory Birds Committee for the Indian Advisory Council:

1) Whereas this group of Indian representatives from each province of Canada recognize that the migratory birds convention Act has abrogated the treaty rights and aboriginal rights of the Indian people of Canada and the territories

2) Whereas the Government of Canada has done this without prior consultation or consent of the Indian people of Canada

3) Whereas the proclamation of 1763 states that Indians should not be molested or disturbed in the possession of such parts of our Dominion and Territories

4) Whereas it has been found that the Indian is not responsible for the diminishing numbers of migratory birds in Canada

5) Whereas after considerable discussions, we have come to the conclusion that this sub-committee can find little, if any, benefit to the Indian people in the proposals put forth by Dr. Munro, the Director of the Canadian Wildlife Service, on behalf of the Department

Therefore be it resolved that the Government recognize the treaty and aboriginal rights of the Indians of Canada with regard to hunting of migratory birds for food and restore those full rights and privileges.

Be it further resolved that we strongly recommend that the Government of Canada amend the Indian Act to restore to Indians the God-given rights to hunt, trap and fish.

4) There should be a substantial consolidated fund set up from which the Indian people can do their own resource and human development. They could apply to a Board, of Indian people, for certain projects or programs to fulfill their needs.

This Board, and the guide lines incorporated in the set-up, could be parallel to the basic thinking behind such boards as the Atlantic Development Board, which recognizes regional disparities and economic conditions of the people.

It is very important that Indians be members of this Board, with responsibility to the Governor-in-Council. The atmosphere of dependency which the Indian people have on the federal departments has done irreparable damage to the present philosophy and psychology of Indian people. This must cease: Canada owes much to the Indian people and she must realistically meet, not only foreign commitments, but also national commitments ... for instance, this obligation to Indian people.

5) Band membership and Indian status will be at the discretion of the local band council.

The aspect about Indian women or children born of Indian parent is a birth-right. These people are born Indian: they have Indian blood running through their veins. They are Indian and should always be Indian and no Act of Legislature should be enacted to tell them that they are not. The practice of dividing Indians: or creating a situation or an atmosphere whereby Indian people lose their status is a very undesirable practice. The population of Indian people must be very strong. They must represent a pressure group, to obtain a sense of justice. This is the first thing that is always asked of us ... how many of there are you? So let us try to retain, rather than present an obstacle, for our Indian people, or person of Indian descent.

The area of another side of the question is when Indian parents adopt a non-Indian child: This child should also be an Indian .. there is the justifiable sentiment that Indian people love their families very much: There was always that intangible bond to the children of each family and if an Indian takes a child into his own family, this child is fused in this bond of love within that family. The child will be their own and will retain the same status as the Indian father or mother or both.

Presently there seems to be a tendency to ignore and not to respect these vital promises made with Indians. In the survey made by the Canadian Corrections Association for Department of Indian Affairs, it was noted the attitudes of the Indian people could not truly be appreciated without, at the same time, considering their attitudes towards the Indian Act and the Treaties. There is an indication that the taking away of their aboriginal rights and laws which were legislated contrary to their interests are indeed questionable. If these treaties and Indian rights are respected and contained in the new Indian Act there will be an advance in the solution and resolvment of many of the problems which presently arise for Indian people.

These treaties and rights must also incorporate certain legal rights because this will enable Indian people to negotiate and assume a serious dialogue with either federal or provincial representatives.

As the Union of Ontario Indians stated in their brief to the Minister of Indian Affairs "Accordingly, we call upon the Government of Canada to restore, I repeat that, restore, our treaty rights. We submit that Canada's national honour requires that the Canadian Government uphold its part of the bargain with the Indian people. The restoration of our treaty rights would generate among the Indian people, a new sense of confidence in the Canadian Government, which is so vital to the efforts to alleviate the various Indian situations."

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The Indian women have suffered the most from that section of the Indian Act which jeopardizes their Indian status at marriage to a non-Indian partner. This is very discriminatory. No Indian person is banished from her people for marrying a non-Indian. We visualize the day when the woman loses her husband and has no one to turn to. She should always be welcomed back to her birth place and to be with her people: if she wants to.

6) Band Withdrawal or Enfranchisement

These clauses should be completely left out of the revised Act. In all instances there has been the financial factor in making Indians leave their homes or Indian status. If the consolidation fund, suggested in the first part of my statement, is set up, there will be no financial reasons for an Indian person or persons to leave their Indian status. Let the other legislations be changed or amended, but let Indians always stay Indian, as I have said it is very important that we keep our people.

The estates and properties are, again, at the discretion of the local band council after consultation with their members.

The Canada Pension Plan must be amended to be available for Indians at no cost to them. The taxation exemption is a traditional and rightful exemption of Indian people for income earned on the reserve. It is acknowledged that there are small payments: that's not the point, it's the principle of the thing. Once Indians start paying any form of taxes, it is immediately projected to other and more expensive areas.

The education laws of the province should not encroach on the education of Indian children. This area is very critical and vulnerable. If there are political implications of the education system, then the Indians are also tremendously affected: this must not be so.

To the Indian people, integration has meant a unilateral deal. They are the ones who have lost. They lose their language: all the educated people are leaving and are creating a vacuum which is harmful. There should be good schools built on the reserves which have the population (and possibly) nearby small neighbouring school children bussed in). There should be more Indian people teaching in Indian schools, or teaching Indian children. The language should be taught as a subject to young Indian people. There are many young Indian people who are ashamed that they are Indian. They are ashamed to speak their language in the non-Indian school and in many cases they are being told not to. This is crazy. I say this is indeed a black mark on the integration system. There must be a critical look taken to ensure that there are good schools, on the reserve: There must be more Indian teachers hired at a good salary and there must be incentives, not obstacles, for the young people to stay on their respective communities and try to improve the image of their people.

In conclusion I have heard the present Indian Act called everything that could be suggested ... "The white man's Act ... garbage ... etc..." I hope the next one has more respect from the Indian people. I hope it's an Act that they will understand and one which will respect the sentiments of the Indian people. I hope more Indians are involved in the consultation and drafting process. I hope that, for once, the Indians will not lose out between now and the actual legislation ... I hope all of these things with all of my heart ... but quite frankly, I don't have too much faith that my hopes are not in vain. Thank you.

Mr. Richard McEwan--Bear River Band

1. Yes
2. Yes
3. Consent should be required.
4. Yes
5. Yes on both questions
6. Yes
7. No
8. No
9. (a) No; (b) 18
10. (a) Yes
11. I don't have an answer on this.
12. About selling reserve land, we talked some length about this and it was felt that no individual should be able to sell a piece of land--it should have to be voted on by the whole band. In a lot of cases this thing should be looked into pretty thoroughly. As far as selling a piece of land, a man could sell a piece of land and obtain a few dollars for most any reason, and afterwards he wouldn't have a place to live.
13. Yes
14. No one should be able to pledge property. Personal property is a different thing. If you establish credit, you can put up furniture and other things for collateral.
15. No

APPENDIX C

SUBMISSION

Mr. Richard McEwan--Bear River Band

1. Yes
2. Yes.
3. Consent should be required.
4. Yes.
5. Yes on both questions.
6. Yes.
7. No.
8. No.
9. (a) No; (b) 18.
10. (b) Yes.
11. I don't have an answer on this.
12. About selling reserve land, we talked some length about this and it was felt that no individual should be able to sell a piece of land--it should have to be voted on by the whole band. In a lot of cases this thing should be looked into pretty thoroughly. As far as selling a piece of land, a man could sell a piece of land and obtain a few dollars for most any reason, and afterwards he wouldn't have a place to live.
13. Yes.
14. No one should be able to pledge property. Personal property is a different thing. If you establish credit, you can put up furniture and other things for collateral.
15. No.

16. They could borrow from a bank where the rate of interest would not be too high. People get mixed up with finance companies and practically sell their souls. In many cases they don't pay their debt and everything is taken.
17. This should be left up to the Indian people. I don't think they should. We didn't think that it should be a blanket agreement that should be made. If an Indian had the income and wanted to contribute, he shouldn't be forced to do it but proceed on his own.
18. No comment. The children on my reserve all go to the public school; this reserve is quite small.
19. Only the Indians who live on the reserve.
20. Yes.
21. Yes.
22. We agree that it should be repealed but would add that a man who raises his own animals should have the right to sell them but if a man is going to pick up animals belonging to another person, he shouldn't sell them.
23. Yes. I don't think he is qualified in a lot of cases.
24. We figure that they should be repealed and be the same as the laws of the province. On my reserve we have never had a proclamation to allow liquor to be brought on the reserve but it's been brought on the reserve ever since I could remember and that's over 50 years ago. There has been a lot of it steadily on the reserve. A few years ago, they didn't talk about such things as a proclamation but I've been chief now for nearly 5 years - I've had 2 terms - and sometimes I'd like to just disappear. The people there think that we should have a proclamation allowing them to have liquor on the reserve. Within the last week, I've had a little trouble on account of this thing and we've had the R.C.M.P. patrolling up and down for a week just to keep people in line. They came and told me as the chief I could spread it around that they were going to seize any beverages found, with alcoholic content I suppose, and anyone causing any trouble of this sort would be arrested. But if the Indians were governed by the provincial law the same as others, they'd take care of this any way. There's no need of them having one reserve different from any other. They should all be allowed to do the same thing.
25. Yes. Let them and not over 10 years. I don't think these 99 year leases are right personally; it shouldn't be over 10 years because the people who make this bargain could all be dead in 10 years and some one else would have to take over who has had nothing to do with this.
26. Bands should vote on this thing. I understand that there is something like public utilities just expropriating the land. For example, suppose there is a power company which requires the right of way -- we have had that on our reserve -- they've just gone through -- there was

never any vote on it nor was anyone asked. Evidently they got the authority to do this from Ottawa and in cases like that, there is nothing that you can do about it.

27. We thought that this could be done ... to only about 16 people ... this would be done in some place like where I come from; we should get a lawyer as he would be much more capable of doing it the correct way.

28. We think that there should be a vote on it.

29. They all agreed that it should be 21 and remain 21. They may change their minds a month from now, I don't know.

30. Yes.

31. They all agreed on this. They didn't think that there should be one list for chief and councillors and just vote once and the one that receives the most votes be the chief and councillors. They think each one should be nominated separately.

32. Councillors' terms should be limited to 2-3 years and in large bands, which we haven't got, we thought that overlapping would be a good thing as then we wouldn't have a lot of inexperienced men coming in to take over -- there'd be a few who would know what the score was.

33. Yes.

34. Yes, if they are capable of course; that's always the question.

APPENDIX D

SUBMISSION

Mr. Peter Pierro--Afton Band

1. Leave the Indian Act as it is. The Act specifies what will benefit the Indian people later on.
2. Delegation field staff should have authority to sign legal papers when Band Councils meet with certain decisions.
3. Consent. People should be able to make decisions when consent is required.
4. Children of unwed mothers shall take the mother's status regardless of who the father is.
5. We have three questions. Take the mother's status. Live with her until 21. Keep status even after the woman marries a non-Indian.
6. Automatically acquire Indian status.
7. Enfranchisement should be dropped and Indians should be able to leave the reserve without losing Indian status thereby, it could save trouble and confusion if his children wished to return.
8. Married couples who are both under the age of 21 years may leave the band.
9. If the family withdraws, the children should be given a choice to decide for themselves.
10. A simple majority is sufficient.
11. The rules to be kept as is.
12. Should always be in trust by the government, e.g. a Will.
13. No. Simply protect their present property.
14. Opinion divided. Most people think the people might be jeopardized, that this might fall into unscrupulous hands.

15. No.
16. Yes, so it will help them in the future.
17. The education system should be provincial.
- 18.
19. Should always be in trust by government.
20. Should be able to buy liquor and bring it into the reserve or otherwise have the Act thrown out on this part.
21. Every three years.
22. Only upon request.
23. It was suggested that the Selection Committee screen applicants for loans.
24. Should at least be 21 to vote.
25. Should at least be 21 to vote.
26. Three or two councillors should be put on a single list for one year, a chief three years.
27. Modify according to what each band wants.
28. Make own by-laws and handle their own business.

APPENDIX E

SUBMISSION

Mrs. Catherine Thomas--Pictou Landing Band

1. The name Indian Act should remain as it is.
2. The majority of the bands should be self-governing without having to obtain permission and obtain certain rules from Indian Affairs Branch.
3. Should be excluded. Consent not required.
4. Yes.
5. (a) she should be able to revert back; (b) no, keep her status.
6. Yes, but given a chance at the age of 21 as to whether or not they wish to retain their Indian status.
7. It was recommended that the term "enfranchisement" be dropped and whether an Indian wants to enfranchise, there are some divided opinion as I said before. He should be given a chance to withdraw from Indian status of he wants to.
8. No, they should be 21 before they are eligible to withdraw.
9. No. The children should be protected - given the choice at 21.
10. Two-thirds majority should be required to protect everyone.
11. Yes.
12. Yes, they should be kept.
13. Yes, but with restrictions. Not to be allowed to sell reserve land to anyone off the reserve and they should be allowed to make Wills and each have a certificate of ownership.

14. This is the opinion of the people, not my personal opinion. The answer is yes, pledge all property other than land.
15. To leave land alone and not lend or lease except with special provisions that the land is still in the hands of the band or individual Indian.
16. It was too risky.
17. The answer is yes. They should contribute to the Canada Pension Plan.
18. Provincial laws with special provisions should replace separate school systems. Special provision being a bargaining power under the school board in settlements of taxes by government and not individual Indian.
19. Yes. Should be given the right to make decisions on the surrender proposals.
20. Yes. Should have the authority to order surveys and subdivisions.
- 21.) We found that there is no existing situation on the reserve.
- 22.)
- 23.)
24. Should be repealed - liquor brought on reserves.
25. Short term more advantageous, maybe 2 to 5 years.
26. People should vote before council goes ahead authorizing the Minister to enter into a lease.
27. If Band Councils approve, persons should be able to get loans from capital funds, but revenue funds are too risky.
28. Yes, if required by law.
29. I said before the voting age should be 18 because we could set up our own rules instead of going by the provincial rules.
30. Yes, Chief and Council should be 21 but electors can vote at 18.
31. Single list there. Does not exclude the people who are running for chief and who are running for Council. They should have a single day for electing their chief and running for Council. They should have a single day for electing their Chief and then those who lost out, as Chief, should be eligible to vote, voted in as Councillors.
32. The answer I have here is every 2 years and they should all come up for election at the same time.
33. Yes.
34. Yes.

SUBMISSION

Mr. Charles Bernard--Whycocomagh Band

1. I think we should all be proud to be Indian and to have an Indian Act in the government of Canada.
2. I think the delegation of authority should be left to the Band Council and the field staff. This mixed power of the Minister should be taken off and given to the Chief of Council and the people there, regional staff or the superintendent.
3. Yes.
4. Yes and at the age of 21 they can decide if they want to remain an Indian or not.
5. (a) yes; (b) They can retain their status and ask the chief and council for reinstatement if they lost their Indian status by marrying a non-Indian. (c) yes.
6. Yes.
7. (a) yes.
- 8.
- 9.
- 10.
11. I think you should have a law determining the ownership on this section, simply giving ownership of the property. We haven't got that so far but we're given a house and don't actually own it in the normal sense. We should have ownership papers saying this is my own home. We have to determine whether it is our home or not.

12. They should be kept.
- 13.
14. Section 88 of the Indian Act should be kept.
15. Section 88 of the Indian Act should be kept.
16. Section 88 of the Indian Act should be kept.
17. There is a suggestion here that the law should be changed. Perhaps the new system could change the law under section 62 and enable us to contribute to the Canada Pension Plan and later on we would benefit by it.
18. The people want a new school system because the Indian Affairs Branch could not or will not adjust these laws themselves; therefore, we will not jeopardize our children. We think that these laws on Section 18 should be changed and brought in the provincial law.
19. Yes.
20. Yes.
21. Yes.
22. Yes.
23. The people tell me that they do not want to appoint an Indian Superintendent as Justice of the Peace.
24. With regard to Sections 93-99 dealing with liquor--I'm an Indian constable and every day of my life I run across this. I don't agree with it yet I apply it but I think these sections, 93-99 should be taken out because all Indians in the Maritime provinces can go on the Liquor Act.
25. (a) yes; (b) 5 years short term and long term if band and chief and council decide that this is feasible. If it's going to work, the chief and council should be consulted and if there were 20 of these, it would be up to the chief and council in the area.
- 26.
27. We should give this authority to the chief and council and to the field staff.
- 28.
29. Yes, I think we should accept the voting age of the federal government.

30. Yes.
31. Yes.
32. It should overlap, so that we have experienced people dealing with our problems. The chief should be elected in one election - one time, then the councillors afterwards.
33. Yes if jobs can be provided for the people.
34. Yes.

APPENDIX G

SUBMISSION

Mr. Charles Bernard--St. John River Band

1. At least to distinguish it from the old.
2. Our band voted yes.
3. Yes.
4. Yes.
5. (a) no; (b) yes; (c) yes.
6. No.
7. (a) yes - that enfranchisement be taken out of the Act and (b) yes.
8. Yes.
9. (a) no; (b) yes; (c) yes.
10. (a) two-thirds; (b) yes.
11. Yes on all five parts.
12. No change.
13. Yes.

14. No. Money should be made available from the Indian Affairs whereas an Indian wouldn't have to pledge his personal property. In other words, this revolving fund loan should be broadened.
15. This would have to be decided by the Band Council.
16. Yes.
17. It should be changed to include the Indians.
18. No problem.
19. Yes.
20. Yes.
21. Repealed.
22. No. Has no connection with us.
23. Repealed.
24. Repealed.
25. (a) yes; (b) 5 years.
26. (a) no; (b) yes.
27. (a) yes; (b) yes; (c) depending on the Band.
28. Yes.
29. Yes.
30. Yes.
31. This falls under Section 73. No, #2 should be taken right out; 73 (2) or something else should be put on there instead of this because I would like to separate the chief election with the councillors and if the Chief is defeated, he cannot run for councillor; should be separated or worked out some way.
32. It should be up to the band to decide.
33. Yes.
34. Yes. Call our chief another name.

APPENDIX H

TREATY ENTERED INTO WITH THE INDIANS OF NOVA SCOTIA FROM
CAPE TORMENTINE TO THE BAY DE CHALEURS 22 September 1779*

Windsor, Nova Scotia, 26 September, 1779
Mr. Francklyn,
Superintendent of Indians
Nov. 13th.

WHEREAS in May and July last a number of Indians at the Instigation of the King's disaffected Subjects did Plunder and Rob Mr. John Carl and several other of the English Inhabitants at Mirimichy of the principal part of their Effects in which transaction, we the undersigned Indians had no concern, but nevertheless do blame ourselves, for not having exerted our Abilities more Effectually than we did to prevent it being now greatly distressed and at a loss for the necessary Supply to keep us from the Inclemency of the approaching winter and to Enable us to Subsist our familys, AND WHEREAS Captain Augustus Hervey Commander of His Majesty's Sloop Viper did in July last to prevent further Mischief Seize upon in Mirimichy River Sixteen of the said Indians one of which was killed, three released and Twelve of the most Atrocious have been carried to Quebec, to be dealt with, as His Majesty's Government of this Province, shall in future Direct, which measure we hope will tend to restore Peace and good Order in that Neighbourhood

Be it Known to all men, that we John Indian Chief, Antoine Arneau Captain, Francis Indian and Thomas Demagonishe Councillors of Mirimichy and also Representatives of, and authorized by, the Indians of Pogmousche and Restigousche, Augustine Michel Chief, Louis Augustine Cobaise, Francis Joseph Arimph Captains, Antoinnes and Guiaume Gabelier Councillors of Richebouctou, and

*National Archives Library, Ottawa, Ontario.
C.O. 217, Vol. 54, pp. 219-223
Microfilm reel B-1039

Thomas Tanas Son and ~~Thomas~~ Representative of the Chief of Iedyac, do for ourselves and in behalf of the several Tribes of Mickmack Indians beforementioned and all others residing between Cape Tormentine and the Bay De Chaleurs in the Gulph of St. Lawrence inclusive, Solemnly Promise and Engage to and with Michael Francklin Esqr the Kings Superintendant of Indian Affairs in Nova Scotia

That we will behave Quietly and Peaceably towards all his Majesty King George's good Subjects treating them upon every Occasion in an honest friendly and Brotherly Manner

That we will at the Hazard of our Lives defend and Protect to the utmost of our power, the Traders and Inhabitants and their Merchandize and Effects who are or may be settled on the Rivers Bays and Sea Coasts within the forementioned District against all the Enemys of His Majesty King George whether French Rebels or Indians

That we will whenever it shall be required, apprehend and deliver into the Hands of the said Mr. Francklin to be dealt with according to his Deserts, any Indian or other person who shall attempt to Disturb the Peace and Tranquillity of the said District

That we will not hold any correspondance or Intercourse with John Allen or any other Rebell or Enemy to King George let his Nation or Country be what it will

That we will use our best Endeavours to prevail with all other our Mickmack Brethern throughout the other parts of the Province, to come into the like Measures with us for their several Districts

And we do also by these presents for ourselves, and in behalf of our several Constituents hereby Renew, Ratify and Confirm all former Treatys entered into by us or any of us, or them heretofore with the late Governor Lawrence; and others His Majesty King Georges Governors who have succeeded him in the Command of this Province.

In Consideration of the true ~~the~~ performance of the foregoing Articles, on the part of the Indians, the said Mr. Francklin as the Kings Superintendant of Indian Affairs doth hereby Promise in behalf of ~~the~~ Government.

That the said Indians and their Constituents shall remain in the Districts beforementioned Quiet and Free from any molestation of any of His Majestys Troops or other his good Subjects in their Hunting and Fishing

~~Indicates~~ word omitted from original document.

That immediate measures shall be taken to cause Traders to supply them with ammunition clothing and other necessary Stores in exchange for their Furs and other Commodities. In Witness whereof we the abovementioned have Interchangeably set our hands and Seals at Windsor in Nova Scotia this Twenty second day of September 1779.

Done in presence of
us

Allen McDonald Capt. 84th Regt.
Commanding Fort Edward

Lauche McLean
Lieut. 84 Regt. }

Hector McLean
Adj. & Lt. of 84 Regt. }

Joseph Pernette
George Deshamps }

John Julien	his mark	LS	1st Chief	} of Mirimichy and acting for Pogmousche and Restigousche
Francis Julien		LS	2 D ^e	
Antoine Arneau		LS	Captain	
Thomas Demagonische		LS	Councillor	
Augustine Michel		LS	1st Chief	} of Richebouctou
Francis Joseph Arimph		LS	2 D ^e	
Augustine Cobaise		LS	Captain	
Antoines		LS	Councillor	
Guiaume Gabelier		LS	D ^e	
Thomas Tanas		LS	Son and Representative of the Chief of Iedyiec	
Michel Francklin		LS	Superintendant of Indian Affairs in the Province of Nova Scotia.	

COPY