

COPY

50/2

Ben Christmas Centralization

MINISTER
of
MINES AND RESOURCES

Ottawa, Ontario,
May 20, 1942.

Dear Mr. Gillis:

Your letter of May 14th, 1942, enclosing a copy of a letter from Mr. Ben Christmas, an Indian of the Sydney Indian Reserve, addressed to you, is acknowledged.

First may I say that if there is any move afoot to take the Indian land at Sydney for any purpose other than it is used for at present this office has not been advised.

The scheme of centralization of the Indians of Nova Scotia and the consolidation of their reserves at two points to which Mr. Christmas refers has engaged the attention of the Indian Affairs administration for some years. During the past year the details of a plan have been carefully worked out and its general principles have been remarkably well received by representative Indians and citizens of Nova Scotia generally, the church and the press. In broad outline the plan is designed to enable the Indian administration to more effectively and economically serve the needs of the 2,100 Micmacs of Nova Scotia along educational and training lines, to improve their physical condition, and if possible to improve them morally and socially.

You are aware that heretofore there were nineteen agencies in Nova Scotia each served by a part time agent who received very modest remuneration and who could give only cursory attention to the people under his charge. The groups were so small that it was impossible to provide adequate facilities - educationally, medically or otherwise - save at a cost that was entirely

out.....

Clarence Gillis, Esq., M.P.,
House of Commons,
O t t a w a, Ontario.

out of line with the numbers benefitting. If you will consult the attached statement as to the costs of the administration over a term of years you will notice that it had been increasing rapidly but without any marked compensating benefits to the people it was our duty to reach. It became increasingly evident that some plan must be devised under which we could institute some definite policy for the betterment of the Micmacs of Nova Scotia where the effort could be sustained without the cost of the effort going beyond reasonable limits.

As you will realize our most pressing problem revolved around those Indian communities which had been permitted to establish themselves on the outskirts of the important industrial centres of the province. In these urban reserves social conditions left much to be desired. The moral tone was low - illegitimacy had increased alarmingly; drunkenness and lawlessness was prevalent, and it seemed virtually impossible to bring them under anything approaching effective control. On the very reserve to which Ben Christmas refers in his letter the police report sixteen calls in one night to quell disturbances caused by a visit of the sailors from foreign vessels to the Indians of the reserve.

From the viewpoint of the white residents the situation was equally bad. Indians under the pretext of selling basketware were simply begging on the streets of the cities. In alleged search for basket making material private woodlands were being incessantly raided and the resulting complaints took up a great deal of the limited time of the part time agents and the administrative staff. It appeared, therefore, that something had to be done to make the administration of the affairs of these people more effective.

After careful study and after consultation with local bodies interested in the welfare of these people, particularly the church, the conclusion

was.....

was reached that we would have to go right to the root of the matter - we would have to put the administration under the direction of full time men. To do so it was considered necessary to collect these people, or such of them as were dependent upon department assistance, in one place where they could be furnished with better educational and medical assistance; where something in the nature of training schools could be established, and where their physical and spiritual needs could be adequately looked after. It was considered that the Indian temperament and tradition demanded that he be kept closer to the soil. He is not of much use in industrial pursuits. He has not yet reached the stage in his social education where the influences of a city environment were anything but detrimental to his wellbeing.

For the above reasons when centralization was decided upon the reserves selected were somewhat remote from centres of white population. The sites were selected only after intimate examination of the possibilities afforded by the present reserves. On Cape Breton Island the site at Escasoni was selected and you would scarcely recognize it from the description given by your correspondent. Actually Escasoni is one of the better reserves on Cape Breton Island and was selected as best suited to our purposes. It is remote but not too remote from densely populated white communities. It is flanked by the Bras d'Or Lakes where eel fishing and deep water fishing will contribute to their maintenance. There is quite a large percentage of good land - more than at the present stage of their training they will make use of. There are possibilities of developing herds of cattle and sheep when the available good land is brought into production and re-claimed. It is backed by an abundant supply of hardwood for fuel in addition to 3,000 acres of merchantable timber which has recently been acquired and estimated to contain over 12 million feet suitable for the manufacture of timber products. It is estimated that this timber stand is capable of yielding a quarter of a million feet per year in perpetuity under reasonable management. This timber block will furnish the raw material for a small

sawmill.....

sawmill and woodworking plant which it is proposed to develop on the site. The reserve is served with better than average roads and at least until recently a bus service connected it with the City of Sydney. There are well established educational and religious institutions already there both of which will be expanded to meet the needs of a heavier population. White men have for three or four generations lived and raised families on this same land in peace, happiness and modest prosperity, and the isolation and lack of conveniences which Mr. Christmas sees in it are ill conceived and largely imaginary.

The other centralized reserve for the mainland Indians has been selected at Shuben-acadie. Here again the best available land has been selected. It also contains opportunities for development along agricultural lines, has abundant stocks of timber for fuel wood and for training along the lines formerly suggested. It is served with excellent roads and lies in a very pleasant natural setting. There is already sufficient land under cultivation to meet immediate needs and much more that can be brought into profitable production.

The economics of the plan has also received consideration, and while this was a factor it was not the governing one. The costs of the Indian administration in the Maritime Provinces have pyramided during the past twenty years as you will see from the attached statement. What we have been able to do towards their improvement has not kept pace with the increased costs. Possibly we may not be able to reduce present costs but we do feel assured that we can get, as well as give, immensely better value for the money we are spending. It is our hope, of course, that we will be able to reduce costs, or at worst prevent them from going higher.

It is our objective that the Nova Scotia Indians will cease to be a reproach to the administration. We can improve their health, cleanliness and physical condition by providing better homes. By centralization we can give them a better training in trades and crafts to assist them in making their own

living.....

living and to take their place in the life of Canada which it is their right to enjoy. Lastly we feel that the nomads among them will become fixed to the soil and eventually cease to constitute a nuisance and a menace to those among whom it is their lot to live. Centralization will enable us to furnish them with guidance and direction through full time, well trained specialists whose whole effort will be directed toward improving the condition of these people.

May I say that it is not contemplated to effect centralization overnight. It will be done gradually and any Indian who has demonstrated his capacity to maintain himself and live in decency in his present location will not be disturbed. We hope, however, to make the centralised reserves sufficiently attractive that the better the Indian is the more anxious he will eventually be to establish himself among his people at Escasoni and Shubenacadie.

Yours sincerely,

(signed) T.A. Crerar

Ben Christmas

MR. CHAIRMAN, HONOURABLE SENATOR AND
MEMBER OF PARLIAMENT

On behalf of the executive and members of the United General Indian Council of Nova Scotia, I thank you for the invitation and honour you have extended to this my organization to appear before you on behalf of our fellow Miqmaqs of Nova Scotia.

I also wish to take this opportunity to extend our sincere appreciation to the Honourable Mr. Glenn, the Minister of Mines and Resources and other Members of Parliament who have been instrumental in the creation of this first Royal Indian Commission, to inquire into our unfortunate situation across Canada, and to deal with our important and urgent problems according to our best interest.

The first matter I wish to bring up before this Royal Commission is the question of centralization of Nova Scotia Indians. Since 1942, the centralization of Nova Scotia Indians has been in progress at two points, namely Pokasoni, Cape Breton and Hubenacadie, Nova Scotia with the intention, we believe, of enabling the Indian Administration more effectively to serve the needs of our Miqmaq population of Nova Scotia, and to furnish us with guidance and direction, through full time well trained specialists, whose whole efforts would be directed towards improving the condition of our people. I am going to say some unpleasant things against the centralization movement and management and I expect reprisals; as a matter of fact, I made certain complaints last July, and the Indian Agent and his clerk have not spoken to me since. I expect after today they won't even look at me. Be that as it may, I am going to give you the facts as I see them regarding this centralization: then let the chips fall where they may.

The centralization as I said before was started in 1942. The Indians to my knowledge did not agitate for it, were not even consulted when the scheme was contemplated, and consequently, had no choice in the matter. As a matter of fact, the majority of Nova Scotia Indians today as

in 1942 are still opposed to centralization, and here I want to prove to you that the opposition is of some merit.

From the viewpoint of the Indians, the site selected in Cape Breton was unsuitable and offered no advantages over our present reserves, with about twenty miles of secondary road impassable several months of the year completely isolating the reserve that period of time through winter months and seriously interfering with food supplies, medical attention, hospitalization and general traffic. There are no fishing, hunting or trapping opportunities to centralized Indians. Lumbering operations are limited, difficult and expensive, fuel wood supply is inadequate. Apart from a small scale lumber operation, there is no other industry. Employment is very irregular and wages low. Unfinished homes are cheaply constructed, cold and very drafty. No proper source of water supply and no sanitation. For three years the children of centralized Indians were denied education. There has been more unemployment and distress at the centralized reserve than all other Cape Breton reserves combined, despite the fact thousands of dollars have been spent there. Medical, hospital, clinic and church records would show, I believe, that more Indians at centralized locations are sick or in poor health and died than all Cape Breton reserves combined. As far as the unemployment and distress at centralized reserve are concerned, the administration records there I think should bear me out in that respect.

Please do not forget that the Indians of Nova Scotia are fairly good Christians, considering unfortunate circumstances and handicaps; they have made sacrifices in order to maintain their Christian belief. Some years ago the Indians of Eskasoni like Indians of other reserves built and finished their beautiful church, at much expense and sacrifice to themselves. The church was big enough and good enough to serve their spiritual needs. Then centralization takes place, and now the original population of Eskasoni reserve is asked and does share the heavier burden to expand its once finished church to meet the heavier population through no fault of its own, despite the official statements made regarding church expansion there. Indians, as I have said before, believe in sacrifices, but the present centralization church policy is nothing short of punishment to Eskasoni

Indians.

Centralization has become a great instrument to beat the Indians into submission, including our veterans who have fought for King and Country in the last two world wars. Indians from other reserves may apply to the local administration for some form of assistance only to be told that their requests cannot be considered unless they become centralized. As a matter of fact, the Indians of other reserves are now living in fear that day schools will be abolished, medical attention, hospitalization and other concessions will be discontinued and finally their homes will be destroyed. Our Indian veterans understand that by virtue of their services to King and Country they are now entitled to receive set rehabilitation grants as per Order-in-council 5033. Yet the local administration in bold discrimination asserts that our veterans cannot receive such grants unless becoming centralized. To our knowledge the local administration is doing absolutely nothing to assist our veterans to become permanently re-established.

It is true that modern administration buildings with all necessary conveniences have been established at centralized reserves at considerable expense with no benefit to Indians, but I would like the members of this Royal Commission to inspect the Indian homes built there, and compare them with some of the better Indian homes you have perhaps already visited or will visit. Not only are the homes disgraceful, but the Indians cannot call them their own. The local administration dictates who should occupy them, and when to vacate them. These are not the only reasons, however, why Nova Scotia Indians oppose centralization. Indians living at their present reserves are more contented, and healthier. They have spent their lifetime on them, are accustomed to their reserves and like them. They know and understand the communities upon which they live. They can always judge pretty well where their next meal is going to come from. There is plenty of good soil in most of the reserves, in fact, in a good many cases better than centralized reserves. There are better opportunities for fishing, hunting and trapping. Employment is easier to obtain in their communities at much higher wages than at centralized reserves. In fact several reserves are within the gates of tourist industry. Our reserve here

Cape Breton contains millions of tons of good grade limestone, which, if properly developed would create one of the biggest industries of its kind. Market should be readily available for valuable product of this kind, either processed or crushed, could easily be transported by rail and water, and the paved highway is right through the reserve. This industry alone should give employment to many Indians in various ways, and should be worth while considering. Personally, I do not think the existing conditions at various reserves throughout Nova Scotia are such to warrant wholesale removal of Indians. Some of the worst conditions I think could be more easily and economically remedied than the present plan of centralization.

Mr. Chairman, I have been fortunate enough to master some of the most important points of sanitary engineering, but I am not an educated Indian. I do realize, however, the value and importance of education and would like to see the day when every Indian will be given every opportunity to acquire proper education. We do not want our day schools abolished. The residential school at Mubnacadie should be thoroughly reorganized. Indications are that too much child labour is prevalent there and not enough class room study. High school is needed for Nova Scotia Indians, with more encouragement for college education. Vocational training should be established as soon as possible, as well as adult and agricultural education.

The United General Indian Council is in favour of centralization of high school, adult and agricultural education as well as vocational training. We have no serious objection to centralization of local administration, provided, of course, such administration is headed by properly trained and competent personnel and subject to Parliament.

Mr. Chairman, there are a few things more I should like to bring up, but perhaps you are tired listening to me.

Elective chief and Council should be re-established at every reserve immediately, to maintain good reservation government.

The fishing, hunting and trapping rights to Nova Scotia

Indians is a very perplexing question, and has been for many years. As a matter of fact, Indians have been arrested, convicted and fined for alleged violation of such laws. In view of these Court actions there are some legal aspects which I cannot now discuss. We had hoped there would be informal sittings of this Commission somewhere in this area, and it was our intention to request that Lieut. Col. John D. McIntyre, R. C., our legal counsel in several prosecutions of Indians might be heard by the Commission. This is now, of course, impossible, but I am appending a note re the cases to this brief prepared by Col. McIntyre.

NOTE RE: PROSECUTION OF INDIANS.

The King v. James Coogoo, Jacob Bernard and Joseph Prosper.

The facts in connection with these prosecutions were briefly as follows:

These three Indians were charged under the Fisheries Regulations for that they on the 22nd day of July, 1946 at Kye Brook, in the Municipality of the County of Inverness did fish for, catch or kill trout otherwise than by angling. The Department of Fisheries appears to have attached considerable importance to the prosecution because all of the paraphernalia of criminality were employed. Game wardens from remote sections were brought in, in the guise of tourists to mingle with the Indians, and at least two of the Indians were picked up by the Royal Canadian Mounted Police, placed in arrest, and confessions or statements elicited from them. Oddly enough too, the Fisheries Regulation under which the prosecution was laid had quite recently been changed. It has previously read "no person shall fish for, catch or kill etc.," but this wording is now and was at the time of the trial "no one shall fish for, catch or kill, etc."

Unfortunately, the three defendants tried were not typical. One was a fourteen year old boy who could not be imprisoned in any event on account of his age. The second was a lad of less than average intelligence and he appeared to have great difficulty understanding English. These two were convicted. The third defendant was an

usually bright boy who had recently been discharged from the Canadian Army and who had had a good record overseas. The Fisheries Department advisor abandoned the prosecution in this case, which I regarded as unfortunate, since it looked like the only one in which the major issue involved could have been given an intelligent airing.

Whatever may be the rights of the question, every Indian whom the writer has encountered, is firmly of the opinion that the Indians have the right to take game or game fish, regardless of seasons fixed by the Federal authorities or by the Provinces, and if pressed they rely on the preservation of their ancient rights by various treaties which they claim were effected with authorities representing the Crown. In the present Indian Act the only section which even remotely touches upon ancient rights is section 19, which reads as follows:

'All reserves for Indians or for any bands of Indians or held in trust for their benefit shall be deemed to be reserved and held for the same purposes as they were held heretofore, but shall be subject to the provisions of this part.'

This section appears in this same form in the revision of the Statutes for 1906 and is apparently an effort to preserve something. It would be wasting the Commission's time to review the various cases affecting Indian rights as there is a very considerable number of them, and each one is only authoritative on the particular question of fact raised therein. The Indians have been most unfortunate in their litigation, since every case in which the question of their ancient rights was sought to be established seems to have gone off on some other ground.

One general principle seems to emerge, namely: that some Indians or some bands of Indians have had some rights preserved to them by treaty and it is possible a correct view of the law to say that an Indian, a member of a band of Indians, while operating on his own reserve is not amenable to the Provincial laws regarding hunting and fishing. If he is amenable to the Federal laws other than the Indian Act it is merely a Departmental contradiction which could and should be straightened out.

Now that the Indian Act is to be amended and consolidated it should be a relatively simple matter

- (a) if the Indians have no ancient rights, to say so, or
- (b) if they have, to set out by a clear cut declaration in the legislation, what these rights are.

It is submitted that the question of centralization, which seems to be the most important matter at present under consideration, would be greatly simplified if the Indians were in a position to know exactly what their rights and liabilities are.

As regards to taxation, enfranchisement and other matters, we heartily endorse the submissions of North American Indian Brotherhood, by Chief Andrew Paull, President, of Vancouver, B. C.

In conclusion, Mr. Chairman, on behalf of the executive and members of this United General Indian Council of Nova Scotia, I thank you for your kind attention, and I sincerely hope that your deliberations here will be the result of much good to our entire population here.

W. J. GIBB: TMA
 PRESIDENT, UNITED GENERAL INDIAN COUNCIL
 OF NOVA SCOTIA