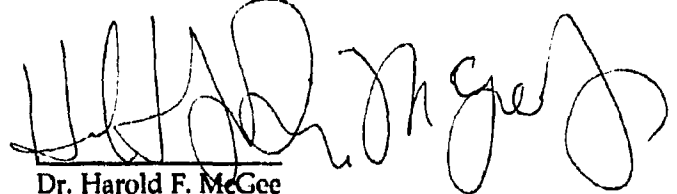


**Doctor, Lawyer, Indian Chief... :  
Dependency Among The Maliseet  
and the Impact of the Indian Act**

c. Robert John Cloney, 1993

A Thesis Submitted in Partial Fulfillment of the Requirements  
for the Degree of Masters of Arts in Atlantic Canada Studies at  
Saint Mary's University  
April, 1993

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## Abstract

This thesis examines the role of the Indian Act and Department of Indian Affairs in the underdevelopment of the New Brunswick Maliseet communities of St. Mary's and Tobique. It encompasses various aspects of the social, economic, and political life of the communities, the impact of Department of Indian Affairs' policies, and the response of community band members. It gives particular attention to the administrative practices of officials from the Department, focusing specifically on their tendency to use clauses from the Act to the detriment of community development.

To address these issues a great deal of attention has been given to the files of the Department of Indian Affairs. These reveal a great deal about the policies and attitudes of officials in their interactions with band members. Also, correspondence from these files provide insights into the response of band members to unpopular programs and policies, and to particular problems being experienced in the communities. Interviews conducted by the author and other scholars have provided particularly rich insights into community life.

This thesis looks beyond the current state of dependency, and addresses the process of underdevelopment, and the role played by Government policy and legislation. It takes us beyond an abstract understanding of this situation, to the daily lives of the people who have been most effected by Government decision makers. It provides not only the effects of the above, but offers some insight into the frustration and anger expressed by a people who were powerless to fight the destructive influences being imposed on them.

## Acknowledgements

The completion of this thesis would have been impossible if not for the assistance of a number of people. My thesis advisor, Dr. Harold McGee, provided invaluable insights and direction throughout the research and writing of this document, and was particularly helpful in the area of ethnology. The Department Chair, Dr. John Reid, also provided very helpful criticisms, as well as overall support throughout my time at Saint Mary's. Finally, Dr. Colin Howell has helped a great deal by agreeing to read this paper, and by continuing to give his much appreciated attention to my overall academic development.

The staff of the New Brunswick Archives, the National Archives of Canada, the Killiam Library at Dalhousie University, the Harriet Irving Library at UNB, and the Indian Affairs Library in Ottawa, were a great help. Special thanks go to Lisa Patterson at the National Archives, and to the residents of the St. Mary's Reserve who agreed to be interviewed. These people in particular made my research an easier and more pleasant experience.

Finally, it is impossible to give proper thanks to two individuals who were instrumental in producing this work. First, Jackie Logan, who besides teaching me to use a computer, donated a great deal of time and energy to producing a readable paper. I am eternally grateful. Finally, my wife Nedra El Khouri, who has been the principal reader and critic, as well as a much needed emotional anchor. This work is as much hers as it is my own.

## Preface

In 1983 anthropologist Adrian Tanner complained that popular and academic writers of Native issues tended to focus on either high profile cases, or issues involving the formation of Indian policy within government. At the same time no attention was being given to issues "in the form in which they appear at the level of the local Indian community."<sup>1</sup> With this concern in mind I have examined the Indian Act, not as a piece of legislation, but as a force that has had far reaching, oftentimes devastating consequences in the communities it purports to serve.

It is widely assumed that Natives have been unable to compete in Canadian society for cultural reasons, that somehow being Indian has been the cause of their "economically marginal position."<sup>2</sup> Herein this myth is challenged as I explore the manner and extent to which the Indian Act, and the Department responsible for implementing it, have created a state of social, political, and economic dependency in the New Brunswick Maliseet communities of Tobique and St. Mary's. Evidence indicates that dependency has resulted from a failure to achieve the original mandate of the Indian Act, producing instead the opposite effects. Sections of the Act have been used time and again to prevent Native people from taking charge of their own affairs. Furthermore, the powers granted to officials of the Department of Indian Affairs by the Act have resulted in bureaucratic fumbling of the highest degree. In addition, Native people have been denied access to the

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<sup>1</sup> Adrian Tanner, "Canadian Indians and the Politics of Dependency" in The Politics of Indianness: Case Studies of Native Ethnopolitics in Canada (St. John's: Social and Economics Papers No. 12. Institute of Social and Economic Research, 1983), pp. 29-30.

<sup>2</sup> Paul Deprez, Education and Economic Development: The Case of Indian Reserves in Canada (Winnipeg: Centre for Settlement Studies, University of Manitoba, 1973), p. 4.

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many available services that have been the foundation of Canadian social and economic development.

In this thesis the underdevelopment of Tobique and St. Mary's is analyzed using dependency theory as a paradigm. Chapter I will be used to examine the extent to which the Indian Act is an agent of dependency. From a general perspective, I will demonstrate its role in retarding social, political and economic development in Native communities. In Chapter 2 I will focus on the pre-Confederation ethnohistory of the Maliseet, following it through to 1867. This will provide both a cultural context for the thesis, as well as a clear understanding of the political and economic position of the Maliseet when they became, effectively, wards of the federal government. Chapter 3 will be used to focus on the period 1867-1950. In it I will examine the way officials in the Department of Indian Affairs interpreted and implemented various sections of the Act, and how Department policies of this period impacted the communities. Chapter 4 will consider the same questions but for the years 1951-1969, a period when cooperation and local autonomy were suppose to have been the basis of Departmental policies. The final analysis will be of the manner in which external control of resources, revenues, policy making, social and economic program development, and the political process, have directly influenced the underdevelopment and marginalization of the two communities.

Most of the primary sources originate from within the files of the Department of Indian Affairs. Many of the earliest documents contain a number of grammatical and spelling errors. In some instances this may affect one or two words in a direct quote, while in others it concerns a great number. These quotes have been checked for accuracy, and as a result I have not use the editorial (sic). Of course, similar errors in the remaining text are

my own. Also, unless otherwise indicated, all emphases of words or sentences are mine. Standard editorial format has been applied in all other instances.

## Chapter I

### The Ties That Bind: Dependency Theory and the Indian Act

#### Dependency Theory

"Dependency Theory" is by no means a singular, coherent and fully-fledged theoretical paradigm. The diverse manner in which it has been employed by nationalists, social democrats, neo-marxists and defenders of state capitalism, renders it difficult to summon a single, universally agreed upon definition. However, many would accept the summation provided by the Brazilian social scientist Dos Santos: "By dependence we mean a situation in which the economy of certain countries is conditioned by the development and expansion of another economy to which the former is subjected."<sup>3</sup> This generic definition outlines the central issue of the problematic effects external decision making powers have on their less powerful counterparts. While scholars can not agree upon a causative formula, all would concur that there is a syndrome of social, political and economic characteristics which contribute to the inability of some groups or units to either expand or to be self-sustaining.<sup>4</sup> Ideas shared by most dependency theorists include:

1. Interaction among nations, regions, or social groups at different levels of development tend to operate within structure that is biased in favor of the more developed participants.
2. The consequences of external dependence are, on balance, negative.

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<sup>3</sup> E. Sager, "Dependency, Underdevelopment, and the Economic History of the Atlantic Provinces" *Acadiensis* Vol. XVII, No. 1, (Autumn, 1987), p. 118.

<sup>4</sup> Richard White, The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos (Lincoln: University of Nebraska Press, 1983), p. xvii.

3. It is important to study the conditioning effects which external forces and structures produce on the internal structures of a less developed jurisdiction.<sup>5</sup>

Dependency does not results from a single material and economic process that obliterates or subordinates all else, but rather from a complex interchange of environmental, economic, political, and cultural influences understandable only within specific histories.<sup>6</sup> The basic problem facing underdeveloped groups is the self-perpetuating poverty cycle. Due to a shortage of resources relative to population, or a shortage of capital, or poor techniques that prevent them utilizing the resources effectively, they live on inadequate subsistence incomes. Because of low per capita incomes they are forced to consume most or all that they produce or earn. This renders them unable to save and accumulate the capital that would be required to increase their productivity and raise their levels of income.<sup>7</sup> In an isolated economy these problems would exist only at the smallest levels, as the traditional economy would be generally sufficient to maintain the population. However through interaction with an outside economy, new standards and requirements are created. This often leads to an imbalance in the relative influence of one trading partner over the other. In the past, researchers have explained this process by placing emphasis on everything from excessive profit repatriation on investment holdings; to the "boom or bust" nature of external capitalist influences that renders the planning essential for sustained growth impossible; to the distortion of internal economic growth through the

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<sup>5</sup> White, p. xvii; Vincent A. Mahler, Dependency Approaches to International Political Economy: A Cross-National Study (New York: Columbia University Press, 1980), pp. 1,3, 54-55; H.F. McGee, The Native People of Atlantic Canada: A History of Indian-European Relations (Ottawa: Carleton University Press, 1983), p. 112.

<sup>6</sup> White, p. xix.

<sup>7</sup> H.B. Hawthorne ed., A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies, Part I, p. 67.



imposition of outwardly oriented forms of economic organization.<sup>8</sup> In all instances, the cause has been case-specific. The process does not fit within predetermined theoretical parameters, rather, the paradigm has been necessarily adapted to allow for the unique nature of each relationship, and the varying factors involved.

The development of dependency among Atlantic Canadian Natives began very early on in their dealings with Europeans. Peoples once able to supply themselves adequately with food, clothing, implements and shelter gradually found it harder and harder to do so. Environments that had long sustained sizeable populations underwent increasing degradation as familiar resources no longer supported those who depended on them.<sup>9</sup> Although the degree of Native economic independence diminished after contact, cultural and political independence was still relatively intact by 1867. It remained for post-Confederation federal laws to legitimize external control of all aspects of the public and private lives of Canadian Native peoples.

### Power and Authority of the Indian Act

The passing of the Indian Act by the Canadian Federal Government was achieved with authority granted by Section 91 (24) of the British North American Act, which gave Parliament exclusive legislative jurisdiction over

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<sup>8</sup> Mahler, p. 64-65.

<sup>9</sup> This process has been recorded by other scholars, and is examined in Chapter II. For a broader understanding of this process see A.G. Bailey, The Conflict of European and Eastern Algonkian Cultures 1504-1700 2nd ed. (Toronto: Univ. of Toronto Press, 1969); W.D. Hamilton and W.A. Spray, Source material relating to the New Brunswick Indians (Fredericton: Hamray Books, 1977); McGee, Native Peoples; Andrea J. Bear, The Concept of Unity Among Indian Tribes of Maine, New Hampshire and New Brunswick: An Ethnohistory. Unpublished Thesis, Univ. of Maine at Waterville, 1966.

Indians and lands reserved for Indians.<sup>10</sup> In 1876, Government combined all previous Indian legislation and authority into a single Bill entitled An Act to amend and consolidate the laws respecting Indians, which echoed the notion of Anglo-Saxon racial and cultural superiority so prevalent in previous British Indian policy.<sup>11</sup> The "Indian Act" served not only to consolidate the various existing Acts, but also entrenched the two-part philosophical foundation which has persisted to present day: to "civilize" (and enfranchise) Native peoples, while at the same time protect them.<sup>12</sup> Legislators felt that Indians needed to be protected from "unscrupulous" whites who might take advantage of them for their land. It was also felt that they needed to be given assistance in reaching a stage of development whereby they could take charge of their own affairs and gain full citizenship through enfranchisement.<sup>13</sup> To achieve these ends, the Indian Act granted complete economic, social and political decision-making authority for this marginal cultural group to an external and entirely foreign legislative body. It gave government the power of bureaucratic control over every aspect of the personal lives of Natives to an extent unlike anything applied to other Canadians.<sup>14</sup> With these safety nets in place, Indians were to gradually acquire all the trappings of white civilization. At that point they would theoretically abandon their reserves and special status and integrate into the general population.<sup>15</sup>

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<sup>10</sup> The Historical Development of the Indian Act (Ottawa: DIA, JD Policy, Planning, and Research Branch, 1975), p. 40; Michael Asch, Home and Native Land: Aboriginal Rights and the Canadian Constitution (Toronto: Methuen, 1977), p. 121.

<sup>11</sup> Lisa Lynne Patterson, Indian Affairs and the Nova Scotian Policy Unpublished Thesis, Dalhousie University, 1985, p. 5.

<sup>12</sup> House of Commons debates 7 June 1869 in Historical Development, p. 49.

<sup>13</sup> Wayne Daugherty, "The Elective System" in Wayne Daugherty and Dennis Madill, Indian Government under Indian Act Legislation 1868-1951 pt. 1. Research Branch. (Ottawa: Department of Indian and Northern Affairs, 1980), p. 1.

<sup>14</sup> Boyce Richardson, The Native People of Canada (Ottawa: DIAND, 1984), p. 82.

<sup>15</sup> E. Brian Titley, A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada. (Univ. of B.C. Press. Vancouver, 1986), p. 13.

After the federal government's assumption of Native affairs in 1867, the Indian departments in the Maritimes and Canada were integrated into the new Department of the Secretary of State for the provinces; the Secretary of State himself became the chief executive officer, the Superintendent General of Indian Affairs.<sup>16</sup> The Maritime branch of the Department of Indian Affairs' Outside Services was made up of 1 Superintendent (designated senior field personnel) and 10 Agents. By 1896 it had tripled, comprising 2 Superintendents, 21 Agents/Missionary Agents, 8 Physicians, 2 Constables and 1 Teacher.<sup>17</sup> Agents and Superintendents in eastern Canada tended to remain in office for many years.<sup>18</sup> These mostly part-time agents had little to do aside from visiting the various reserves, providing necessary relief, making annual annuity payments, supervising farming activities, schools, the leasing and sale of Indian lands and resources, and reporting their activities annually to the Department.<sup>19</sup>

The presumption that Indians are incapable of handling their own affairs is so pervasive in the Act's objectives, that it has perpetuated and in some cases increased Native alienation from social, political, and economic independence. It formalized the reduced status of Indians, and within a decade of the establishment of Canada, these people were transformed from indispensable providers of fur, guides to the interior, and military allies, to wards of the government, locked away on reserves where their lives were subject to regulations and bureaucratic supervision.<sup>20</sup> The 1876 Indian Act contained

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<sup>16</sup> Marion Joan Boswell, "Civilizing" the Indian: Government Administration of Indians, 1876-1896. Unpublished Ph.D. Dissertation, University of Ottawa, 1977, p. 173.

<sup>17</sup> Boswell, pp. 175-176.

<sup>18</sup> Boswell, p. 196.

<sup>19</sup> Boswell, p. 212.

<sup>20</sup> Richardson, p. 85.

fifty-six clauses related to reserves and resources; nine to the procedure for enfranchisement; seven to the prohibition of intoxicants; five to the privileges awarded exclusively to Indians; three to the disabilities inherent in Indian status; four to the procedure for obtaining legal evidence from non-Christian Indians and five to miscellaneous subjects.<sup>21</sup>

The three principal concerns contained in the Act involved land and land tenure, defining Indian status and rights, and a move towards self-management of local affairs.<sup>22</sup> These ideals were subject to local pressures, interpretation of the Act by officials, and the day to day actions of agents. Enforcement of the Act was subject to the discretion of the Minister and Governor-in-Council, while the latter could also declare any or all parts of the Act inapplicable to any given band or individual, subject only to existing statutes or treaties.<sup>23</sup>

Amendments to the Act were numerous between 1876 and 1951, but these were changes of degree, and in no way departed from the philosophical objectives so integral to the Act.<sup>24</sup> Even the Act's 1951 revision, which was born from a desire to give Natives greater autonomy, improved matters only slightly:

Both [Acts] provided for a cooperative approach between Government and Indian towards the goal of Indian "advancement" and assimilation. Nevertheless, while band council powers had been extended somewhat since the 1876 Act, by 1951 the ultimate authority still remained with the Minister or Governor-in-Council.<sup>25</sup>

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<sup>21</sup> Boswell, p. 73.

<sup>22</sup> Historical Development, pp. 39-40.

<sup>23</sup> Historical Development, pp. 155-166.

<sup>24</sup> Dennis Madill, "Band Council Powers" in Daugherty, Indian Government, pp. 13, 26, 72.

<sup>25</sup> Madill, p. 72.

Over the years this authority has been used to prevent the performance of aboriginal ceremonies and dance; to repress the speaking of Native language; to divest individuals of their Native status; to impose an elective system of government; and to control trade between band members and outsiders, among other things.<sup>26</sup>

The discretionary powers of Government were also held by lower departmental officials.<sup>27</sup> The administrative organization was structured like a pyramid. At the top was the superintendent General, followed by his superintendents, commissioners and inspectors. Below them were those who had most contact with Native people: the agents, farm instructors, teachers and other employees on the reserves. Of these, it is the agent who is most worthy of remark. He was the link between the people for whom he was responsible and the Department to whom he was "legally, emotionally, and economically" obligated.<sup>28</sup> As officers of the Department, Indian agents were authorized to act with authority in regard to most of the duties, powers and functions of the Minister.<sup>29</sup> They had the responsibility of imposing programs based on the values of the dominant non-Indian culture, which often resulted in misunderstandings.<sup>30</sup> The detached nature of the position meant the agent worked, for the most part, without having to answer directly

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<sup>26</sup> Daugherty, p. 6; Alvin H. Morrison, "Dawnland Directors: Status and Role of Seventeenth-Century Wabanaki Sagamores" in William Cowan, ed., Papers of the 7th Algonquian Conference (Ottawa: Carleton University, 1976), p. 165; Boswell, p. 76; Joanne Hoople, And What About Canada's Native Peoples? (Ottawa: Canadian Assoc. in Support of the Native Peoples?, 1976), p. 6; Richard P. Bowles, James L. Hanley, Bruce W. Hodgins, George A. Rawlyk, eds., The Indian: Assimilation, Integration or Separation? (Scarborough: Prentice-Hall of Canada, Ltd., 1972), p. 92.

<sup>27</sup> Boswell, p. 173.

<sup>28</sup> Boswell, pp. 202, 212.

<sup>29</sup> Indian Act and What it Means (North Vancouver: Union of B.C. Indian Chiefs, 1977), p. 5.

<sup>30</sup> Boswell, p. 217.

to anyone. The parameters of their jurisdiction are outlined here by a Superintendent of a Six Nations reserve:

The Indian Act... give[s] very great powers to an Indian Agent. He had large semi-judicial powers. All appeals from the Indian Council are made to him. He acts as an arbitrator between Indians...He advises them on fence line disputes and family quarrels. He keeps the land register and records all testamentary dispositions, and with him are filed all wills. He presides at all meetings of the council... He is also the advisor of the Department in regard to all matters affecting the interior economy of the reserve.<sup>31</sup>

In short, the agent was an absolute power in the day to day affairs of the Native community. So much, in fact, that Native leader Walter Currie commented in 1968 that the "Indian people have believed and still believe in too many cases, that whatever the Indian agent says is Law."<sup>32</sup>

Neither the B.N.A. Act or the Indian Act itself freed the provinces of all responsibility for Natives living within their borders, rather it was the loose and convenient interpretation of the legislation that transferred these duties. Basic services such as education, land development, road construction, and financial assistance for development were provincial responsibilities according to the BNA Act. However, the same Act placed all Natives under federal jurisdiction, thus the federal government assumed responsibility for these services for Natives. Without any meaningful control of their lands, funds, business transactions, social, community and local government activities, Indians have had to pursue a separate path of development as dictated by the Indian Act and those who enforced it. This in effect served to marginalize them within provincial mainstream social,

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<sup>31</sup> Boswell, p. 212.

<sup>32</sup> Bowles, p. 94.

political and economic development.<sup>33</sup> Oftentimes DIA\* representatives made decisions concerning a community that ended with adverse effects, occasionally ignoring suggestions put forth by the community itself. And in so much as the Superintendent-General was employed by the government, he often "found it impossible to advance the interests of both parties at the same time."<sup>34</sup> It has been an instrumental factor in the creation of the majority of economic, educational, health, social and community problems today.<sup>35</sup> Clearly, over one hundred years of Euro-Canadian political and socio-economic guardianship have failed to achieve the mandate of the Indian Act, or to even guarantee equitable standards in the area of education, health, justice and economic well-being.<sup>36</sup> In as much as this is true generally, it also applies to specific cases such as those of the Maliseet of Tobique and St. Mary's reserves.

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<sup>33</sup> Hoople, p. 6.

\* DIA will be used to indicate the Department concerned with Indian Affairs. The Department itself has actually been part of a number of government ministries. Beginning in 1867 the Secretary of State became the Superintendent-General for Indian Affairs. Six years later the Department of the Interior was created, which included an Indian Lands Branch. In 1880 an independent Department of Indian Affairs was established, although the Minister of the Interior continued to act as the Minister. Not until 1936 was a new Indian portfolio created, when it became a branch of the Department of Mines and Resources. It next moved to the Department of Citizenship and Immigration in 1949, followed by a 1965 move to the Department of Northern Affairs and National Resources. Finally, in 1966, the Department of Indian Affairs and Northern Development (also called Department of Indian and Northern Affairs) was created.

<sup>34</sup> H. of C. Debates: Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act. (Ottawa: King's Printer, 1947), p. 588; Madill, p. 55.

<sup>35</sup> Madill, p. 5.

<sup>36</sup> A Strategy for the Socio-Economic Development of Indian People. (Ottawa: National Indian Brotherhood, 1977), p. 15.

## Chapter II

### The Maliseet: An Ethnohistorical Perspective to 1867

Prior to the advent of Europeans, the Northeast coast of North America was occupied by a number of aboriginal groups who have since been classified as the Wabanaki cluster of the Algonquian people. The Wabanaki are part of the Northeastern Indian hunter culture, which is part of the more general Eastern Woodland Culture area.<sup>37</sup> In the Early Historic Period (starting ca. 1600) the Wabanaki were comprised of Souriquois (Micmac), Etchemin and Abenaki-Penacook. Today the group consists of the Micmac, Maliseet, Passamaquoddy, Penobscot and Abenaki.<sup>38</sup> The precise relationship of the earlier named groups to their modern counterparts is uncertain. The changes reflect social, political and cultural developments that have occurred in the area from first contact with Europeans to present day. Problems arise from ethnographic sources which originate with different European powers, as well as from a 300 year time span. The name Etchemin, which fell into disuse in the latter part of the 17th century, was later replaced by Maliseet, Passamaquoddy and Penobscot. Some researchers believe that this change occurred as a result of the Etchemin's demise at the hands of a 1617 epidemic. Bernard Hoffman argues that following the rapid spread of disease, the vacated territory was subsequently inhabited by Micmac and Abenaki, who combined to create previously non-existent groups. Others have argued that the Etchemin were never a defacto group, but merely a composite of highly similar, socio-economic groups lumped together by outsiders unable to

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<sup>37</sup> Bear, pp. 47-48.

<sup>38</sup> Morrison, Dawnland Directors, p. 1.



appreciate distinctions between the people.<sup>39</sup> Whether either of these accurately describe the state of Etchemin ethnicity remains a contentious point. However, it is possible to determine an ancestral link between the so-called St. John River Etchemin and the modern Maliseet, with whom we are concerned.

Evidence supporting the continued existence of "Etchemin" people on the St. John River exists in various forms. Bruce J. Bourque has drawn on biographical data to demonstrate an ancestral link between the two groups. He looks first at Chief Madockawando, "born near the St. John when its residents were called Etchemin, Villebon called him 'Chief of the Malicites'." In addition, he demonstrates a continuous use of the surname Assadmouit from the 1620s until 1780 or later.<sup>40</sup> Even more significant, however is this passage written by L'Abbé Antoine Simon Maillard:

...with all these advantages of language the nation itself is extremely ignorant as to what concerns itself, or its origins... They know nothing of the first peopling of their country, of which they imagine themselves the Aborigines.<sup>41</sup>

This detractive statement describes a people who had no memories of having recently moved into the immediate area. If the Maliseet were a new people inhabiting territory left vacant by a epidemic ridden Etchemin, then surely some collective memory would exist describing a mass migration. Known linguistic evidence has been used to argue that the two groups were in fact

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<sup>39</sup> Dean R. Snow, "Eastern Abenaki" in Bruce G. Trigger ed., Handbook of North American Indians: Vol. 15 Northeast (Washington, 1978), p. 138.

<sup>40</sup> Bruce J. Bourque, "Ethnicity on the Maritime Peninsula 1600-1759", in Ethnohistory Vol. 36, No. 3 (Summer, 1989), p. 268.

<sup>41</sup> Antoine Simon Maillard, An Account of the Customs and Manners of the Micmakis and Marichets, Savage Nations, Now Dependent on the Government of Cape Breton. (London: 1758), p. 36.

distinct peoples. However, the early vocabulary lists are of unknown geographical and group origin, and do not address with certainty the identity of this large and enigmatic group.<sup>42</sup> The differences that distinguish the Saint John River Etchemin and Maliseet represent demographic realignments, cultural and linguistic influences and an inevitable response to three hundred years of socio-political upheaval. Whether all peoples once called Etchemin were in fact a single group that has since broken up into smaller, more localized groups is unclear. What is certain is that the Maliseet may be rightly called the direct heirs to the St. John River Indians once identified as Etchemin.

### Maliseet Culture and Economy

Written records describing the Etchemin (hereafter to be called Maliseet) did not begin to appear until sometime after Europeans had been interacting with the Wabanaki peoples. Therefore, even the earliest accounts of aboriginal life are describing people who had undergone some acculturation due to contact. Until recently it has been accepted that the pre-contact Maliseet, like all Wabanaki peoples, were semi-nomadic. They are said to have followed a summer-winter cycle, which at times brought them together in large numbers, and at other times saw them break off into smaller, migratory groups.<sup>43</sup> A scarcity of resources saw groups grow small, whereas they would

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<sup>42</sup> Ives Goddard, "Eastern Algonquian Languages" in Trigger, Handbook, Vol. 15, p. 71.

<sup>43</sup> Frances L. Stewart, "Seasonal Movements of Indians in Acadia as Evidenced by Historical Documents and Vertebrate Faunal Remains from Archaeological Sites" in Man in the Northeast Number 38 (Fall 1989), pp. 55, 59-62, 64-66, 69, 73-74.

conglomerate in large numbers in the more plentiful seasons.<sup>44</sup> However, as Archaeologist Frances L. Stewart explains,

Examination of the early historical documents revealed that while summer coastal habitation was often mentioned, it was not always confirmed by details on the hunting of specific animals or by the descriptions of the activities of the native peoples....faunal evidence for Woodland sites indicates regional variation. In southern New Brunswick the coasts were used primarily in the winter prior to European contact; in Nova Scotia the coasts was occupied in the summer.<sup>45</sup>

In an account of his nine years in captivity among the Maliseet, John Gyles describes the various seasonal practices undertaken by the people living on the St. John River. His description of routine summer activity is as follows:

There we planted corn, and after planting, went a fishing, and to look for and dig roots till the corn was fit to weed. After weeding we took a second tour on foot on the same errand, then returned to hill up our corn. After hilling we went some distance from the fort and field, up the river, to take salmon and other fish, which we dried for food, where we continued till the corn was filled with milk; some of it we dried then, the other as it ripened.<sup>46</sup>

This was also the "period of group effort and celebration; of ritual and feasting; recital of genealogies and arrangement of marriages; inter-Band visiting and warfare against other tribes."<sup>47</sup> Contrasting this convivial period

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<sup>44</sup> Tom F.S. McFeat, "Two Malecite Family Industries: A Case Study" in McGee, Native Peoples, p. 166.

<sup>45</sup> Stewart, p. 74.

<sup>46</sup> John Gyles, Nine Years a Captive, or John Gyles' Experience Among the Malicite Indians from 1689-1698 with an introduction and Historical Notes by James Hannay, (St. John: n.Pub., 1875), pp. 13-14.

<sup>47</sup> Philip K. Bock, "Social Time and Institutional Conflict" in McGee, Native Peoples, p.153; Alfred Goldsworthy Bailey, The Conflict of European and Eastern Algonkian Cultures 1504-1700 (Toronto: University of Toronto Press, 1969), p. 113.

were the more isolated and lonely months. Small familial groups went inland for the winter's hunt, placing them in a position of no less than fifty miles from their nearest neighbour.<sup>48</sup> Hardship was brought on by scarcity of food. Gyles describes having "no manner of sustenance for three or four days..."<sup>49</sup> Camps were set up quickly — the wigwams were constructed of birch bark, sewn together and wrapped around poles lashed together in a conical shape. These lodgings were large enough to house fifteen to twenty, but were sufficiently light to be deconstructed and carried to other sites where food resources were more plentiful.<sup>50</sup> The construction principle used for making the wigwam was applied equally to all their manufactured wood articles: bark canoe, bark box, bark dish and tray. This involved "using wood as skeletal material over which a surface was stretched, bending and holding it under stress."<sup>51</sup>

The pragmatic nature of lodging, vehicle and vessel, necessitated by environmental demands, was equally apparent in social, economic and political institutions. Authority, as it was understood by Europeans, simply did not exist among the Maliseet. The *sakom*, or chief, was looked to by all in the community for leadership, although none were obligated to comply. The Jesuit Pierre Biard described the parameters of political authority:

...among them, each man is his own master and protector. They have Sagamores, that is, leaders in war; but their authority is most precarious, if indeed that may be called authority to which obedience is in no wise obligatory. The Indians follow them through the persuasion of example or of custom or of ties of

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<sup>48</sup> Gyles, p. 13.

<sup>49</sup> Gyles, pp. 13-14.

<sup>50</sup> Father Chretien Le Clercq, "On the Wigwams and Dwellings of the Gaspeians" in McGee, *Native Peoples*, p. 45.

<sup>51</sup> McFeat, *Industries*, p. 165.

kindred and alliance; sometimes even though a certain authority of power, no doubt.<sup>52</sup>

There was no systemized hierarchy of authority. Harmony was maintained not through institutionalized authority, rather the social ideal of self-restraint as a virtue which helped minimalize friction within and between communities.

Cooperation in all phases of life was essential if everyone was to survive. It was difficult, if not impossible, to exist without being part of a community. Because everyone knew this, people seldom needed to be told what to do by others.<sup>53</sup>

The responsibility of kinship further cemented group effort. In effect, social obligation contributed toward the maintenance of social, political, and economic harmony.

The socio-political and economic liberties each individual enjoyed were further reflected in the individualistic nature of Maliseet religious life. As with the political realm, there appears to have been no formalized priesthood or organization of shamans.<sup>54</sup> This led many Europeans to argue that the Natives were entirely without religion. The absence of any obvious temples, sacred edifices, rites, ceremonies or religious teachings meant the

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<sup>52</sup> Reuben Gold Thwaites, The Jesuit Relations and Allied Documents (J.R.) Vol. 2, New York: A. & C. Boni, 1925, p.73. Biard uses masculine terms, leading us to believe that women had no political influence. There is some disagreement over whether or not this was so. According to Vincent Erickson (Maliseet-Passamaquoddy" in Trigger Handbook, Vol. 15. p. 131), chieftainship was hereditary in the male line. Likewise Alvin Morrison (Dawnland Directors, p. 6) argues that "Wabanaki women held a lower overall status than men, and their upward mobility was directly and strongly effected by the statuses of their fathers and husbands." Tom McFeat and Janet Silman, on the other hand, refer to a matriarchal system as having been indigenous to the Mailseet. See Tom McFeat, Highway to all Places: An Informal Ethnography of Maliseet People, Unpublished Document. Musée de Civilization, III-E-90m. 1989, p. 256 & Silman, Enough is enough: Aboriginal Women Speak Out, (Toronto: The Women's Press, 1987), p. 12).

<sup>53</sup> Robert M. Leavitt, Maliseet and Micmac: First Nation of the Maritimes (Fredericton: Micmac-Maliseet Institute, 1990), p. 244.

<sup>54</sup> McFeat, Industries, p. 166.

people were pagans: "I call it not religion unless there be some ritual and divine services."<sup>55</sup> These observers simply failed to note the rich, ever-present, spiritual life of the people who they wished to "rescue" from godlessness. On the other hand, some priests recognized the existence of religious leaders whose activities largely paralleled their own. The *motewolon* were men and women who communicated with the unseen world, and whose sacred powers posed the greatest threat to the incoming Christian priests.<sup>56</sup>

The Algonquian peoples believed that all things had souls, even objects that Europeans regarded as manifestly lifeless. It was customary to bury implements and utensils with the deceased in order that they might serve their owner after death as they had in life.<sup>57</sup> Animals were described in Algonquian mythology as being similar in nature to human beings, to the point of living together and inter-marrying.<sup>58</sup> The use of animal names to distinguish families demonstrates the notion of kinship between the two. The myths describing the relationship "embody a practical sense of the individual's enduring responsibility for the social welfare of human and animal relatives."<sup>59</sup> Humans knew they had to kill animals in order to survive, but they recognized them not merely as meat, but as members of the same broad society that included people. They understood their responsibilities to animals, and practiced certain rules and rituals required in the treatment of game carcasses and bones.<sup>60</sup> In exchange, animals were

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<sup>55</sup> Kenneth M. Morrison, The Embattled Northeast: The Elusive Ideal of Alliance in Abenaki-Euroamerican relations (Berkeley: U. of California Press, 1984), pp. 53, 55.

<sup>56</sup> Leavitt, pp. 93, 118.

<sup>57</sup> Leavitt, p. 58.

<sup>58</sup> Morrison, Northeast, p. 62.

<sup>59</sup> Morrison, Northeast, p. 64.

<sup>60</sup> Leavitt, p. 106.

thought to willingly surrender themselves as food. Failing to acknowledge and respect the integrity of "other-than-human persons" could result in dire consequences for the Algonquian food cycle. From a practical perspective, this belief ensured the conservation of foodstock. Social institutions and the shaman's powers also stemmed from this premise. They recounted the mythic past, and relied on special rituals to maintain good relations between the community and "other world". This was apparent in hunting, fishing and agriculture practices. In short, "Algonkian subsistence activities were sacramental: the people's welfare depended on individual social responsibility."<sup>61</sup>

### Contact

The coming of Europeans meant dramatic changes in the lives of the people they encountered. From across the ocean came disease, trade goods, missionaries, and cultural and political expectations. The impact of each of these was to be deep and far reaching. Disease, for example, was to take its toll as "in proportion as the Europeans have settled in this country, the number of the savages considerably diminishes."<sup>62</sup> Maliseet mortality is said to have reached 67% in the first half of the 17<sup>th</sup> century, and may have been greater at the end of the previous century.<sup>63</sup>

This drop in population due to disease was enhanced somewhat over the years by the introduction of European implements. Imported weaponry was far more effective in the traditional hunt, enabling the Maliseet to increase their kill: "with an arrow they killed only one wild Goose; but with

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<sup>61</sup> Morrison, Northeast, pp. 64-65.

<sup>62</sup> Maillard, p. 82.

<sup>63</sup> Ralph Pastore, "Native History in the Atlantic Region During the Colonial Period" in Acadiensis Vol. 20, No. 1, (Autumn, 1990), p. 209.

the shot of a gun they kill five or six of them. With the arrow it was necessary to approach an animal closely: with the gun they kill the animal from a distance with a bullet or two."<sup>64</sup> New technology and greater demands for furs due to increased trade with Europeans meant a diminishing supply of wildlife, and therefore of an aboriginal food supply. Imported foodstuffs grew as a trade commodity, along with guns and manufactured knives and axes.<sup>65</sup> These new foods created an imbalance in the traditional diet, which facilitated diseases and brought about a further decline in the birth rate.<sup>66</sup>

The import of disease and trade goods had reverberations throughout Maliseet society. The old means of making a living was becoming increasingly more difficult, making them more and more dependent on the help of Europeans. At the same time the traditional economy was breaking down, so too was the balance in social institutions.<sup>67</sup> The emergence of iron weaponry saw a decline in the popularity of stone, resulting in an increase in the amount of leisure time available to males. Women, on the other hand, found their work time less dramatically effected as European technology did not reduce the time involved in doing many gender-specific tasks: "Just as the axe was by far the most important implement employed by the men, so the kettle was probably the most revolutionary article which came within the sphere of the woman."<sup>68</sup> Native spiritual life was being challenged as Native religious leaders failed to ward off the devastating effects of disease. Their

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<sup>64</sup> Nicholas Denys, "The Difference That There is Between the Ancient Customs of the Indians, and Those of the Present" in McGee, Native Peoples, p. 39.

<sup>65</sup> Bailey, p.13; L.F.S. Upton, "Contact and Conflict on the Atlantic and Pacific Coasts of Canada" in Acadiensis IX, No.2, (Spring, 1980), p. 6.

<sup>66</sup> Bailey, p. 13.

<sup>67</sup> Alvin Ishmael Holmes, The Social Welfare Aspects and Implications of the Indian Act Unpublished Masters Thesis (MSW) U.B.C. 1961, p.21; Tom McFeat, "Museum Ethnology & the Algonkian Project" in Anthropology Papers No. 2. (Ottawa: Nat. Museum of Canada. Dept. of North. Affairs and National Resources, 1962), p. 47.

<sup>68</sup> Bailey, pp. 46-47, 56.



failure to meet these new challenges made many Algonquian peoples more receptive to the new religion, as foreign missionaries began to challenge the time honoured beliefs; priests renounced eat-all feasts, the consultation of shamans in illness, and the belief in dreams.<sup>69</sup>

Changes occurred not as abrupt departures from traditional ways, rather as gradual developments where various European influences were adopted or rejected within the context of Maliseet socio-political reality. The scope of difference noticeable between 17<sup>th</sup> century Etchemin and 20<sup>th</sup> century Maliseet are not the result of a conscious decision to change sides, rather it is the joining of preferred, and sometimes enforced, foreign technological, cultural and political customs with traditional Maliseet social and political-economy.

### Indian-European Relations

The meeting of Europeans and Algonquians quickly revealed great differences in cultural and political norms; each side possessing a sense of cultural superiority. A Jesuit wrote with incredulation that the Natives they were encountering were "...exceedingly vainglorious: they think they are better, more valiant and more ingenious than the French; and...richer than we are."<sup>70</sup> Each perceived the other in this manner. However, diplomatic steps taken by the European nations towards the Native peoples differed. The English made immediate moves to colonize and "improve" the land. They had as little contact as possible, viewing the Natives with suspicion.<sup>71</sup> Their pursuit of land and resources, the belief that small-scale tribal life was

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<sup>69</sup> Leavitt, pp. 108, 111; Bailey, pp. 126-127.

<sup>70</sup> Bailey, p. 14.

<sup>71</sup> Bailey, pp. 27, 34; Morrison, Northeast, p.102.

anarchical, and the insistence that the Indians should adhere to English law resulted in inevitable hostilities.<sup>72</sup> The French, on the other hand, placed a great deal of importance on the fur trade. They did not covet the land to the degree the English did, and were thus able to work toward creating strong, mutual relations with the Wabanaki.

The territories occupied by the French and English were for a long time relatively respected by the two groups; the English were centered in the more southerly New England States, while France centered their activities in the north. However, neither were content with their holdings. By the time competition for dominion over Northeast North America turned to open fighting, strong ties between the French and Maliseet had already been established. A great many of the Natives living in "Acadia" had converted to Catholicism. This, combined with long-established political and economic relations, gave the French an insoluble ally in the resistance to the "northward march of British settlement."<sup>73</sup> The Maliseet and Micmac both had a role in the defence of Port Royal, and when Acadia was lost to the English in 1713, the Indians continued to act in allegiance to the French, who they expected would return to drive out the British.<sup>74</sup>

Having taken control of Acadia the British began making efforts to keep the Maliseet and Micmac peaceable. A treaty of friendship was signed in Boston in 1725, and later ratified at Annapolis in 1728. The English also established "truck houses" or trading posts at various points throughout the colony. Despite these efforts, the English were not successful in their dealings with the Maliseet. The practice of gift giving-an indigenous tradition which

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<sup>72</sup> Morrison, Northeast, pp. 103, 106.

<sup>73</sup> Hamilton, Source, p. 17; W.S. McNutt, The Atlantic Provinces: The Emergence of Colonial Society 1712-1857 (Toronto: McClelland and Stewart, 1965), p. 29.

<sup>74</sup> Hamilton, Source, p. 22.

which acknowledged friendship and alliance — was blundered as English officials maintained a precarious balance between a tight-fisted home government, and an expectant Native population.<sup>75</sup> On the eve of war in 1744 a delegation of "St. John River Indians" appeared at Annapolis Royal where they promised the English they would remain neutral in the event of fighting. However, ties with the French remained sufficiently strong that they soon joined in attacks on the English. The reprisal was a declaration of war against Acadian Indians by the Governor of Massachusetts. Once Louisbourg fell to the English, peace was again resumed and ratified with the Maliseet in a 1749 peace treaty.<sup>76</sup> However, relations remained tenuous as the French and their Wabanaki friends fought side by side in the Seven Years War (1756-1763), the attack on Louisbourg (1755) and the attack on Quebec (1759).<sup>77</sup> Only after the final crushing blow to French power at Quebec did peace return. Early in the 1760s several of the tribes began making peace agreements with the English.<sup>78</sup>

The resiliency of Native support for the French rested upon numerous factors. As pointed out earlier, the groups had long-established political and economic ties. In addition, the French had warned the Indians that the English would take their land, and deny them the right to have a Catholic priest. English practise in their more southerly colonies reinforced this notion, whereas the French had hitherto made relatively few encroachments on Native lands.<sup>79</sup>

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<sup>75</sup> R.O. MacFarlane, "British Indian Policy in Nova Scotia to 1760" in McGee, Native Peoples, p. 54; Hamilton, Source, p. 22.

<sup>76</sup> Hamilton, Source, pp. 22-23.

<sup>77</sup> Hamilton, Source, p. 23.

<sup>78</sup> MacFarlane, p. 61.

<sup>79</sup> Hamilton, Source, p. 23.

### British Rule in Wabanakia

British control of French colonies in North America was legally recognized in 1763 by the Treaty of Paris.<sup>80</sup> French warnings to local Indians of land seizures and probable withholding of a priest were quickly realized, despite promises of the contrary by the English in 1766 at a conference attended by the Maliseet in Halifax. Governor Belcher had signed a proclamation ordering settlers not to interfere with lands reserved for Indians or otherwise claimed by them.<sup>81</sup> In spite of this order, Natives began expressing concern over the encroachment of white settlers upon their land.<sup>82</sup>

Little care had been taken to ensure that Native concerns were addressed. The years of neglect flew back into the faces of the English, who were forced to compete with American rebels (and their French allies) once the American Revolutionary War broke out. A declaration of war on the English at Fort Howe (in present day Saint John N.B.) by the Maliseet effectively demonstrated how resentful the Indians were. To counter this step, the English quickly attended to the earlier, broken promises of bringing in a French priest and offering up the land grant. This was an effective move, especially since this same priest played a role in negotiating a treaty between the Maliseet and British.<sup>83</sup>

Despite the signing of the treaty, the British could not drop their guard. The Maliseet were not of one mind concerning which side of the war they

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<sup>80</sup> John G. Reid, Six Crucial Decades: Times of Change in the History of the Maritimes (Halifax: Nimbus Publishing Ltd., 1987), p. 38.

<sup>81</sup> Hamilton, Source, pp. 35-37.

<sup>82</sup> Elizabeth Ann Hutton, "Indian Affairs in Nova Scotia, 1760-1834" in McGee, Native Peoples, p. 76.

<sup>83</sup> Hamilton, Source, p. 39.

would support. Whereas Chief Pierre Tomah was inclined to support the English, Chief Ambroise St. Aubin sympathized with the Americans.<sup>84</sup> Both sides courted the Maliseet with gifts, but the final decision to remain neutral occurred when a delegation comprised of Huron, Ottawas, Algonquians, Abenakis and other tribes in Canada pointed out that an alliance with the Americans would mean war with them.<sup>85</sup> Once the war ended, the Maliseet could no longer play one side against the other, as they had managed so skillfully during the hostilities. With the fighting completed in 1782, the Indians were seen by the British as "no longer of account as allies, enemies, or people."<sup>86</sup>

#### Arrival of the Loyalists and the Decades of Change

With the arrival of the first Loyalists refugees early in 1783, the Maliseet found themselves overwhelmed by the vast numbers. The first to arrive on the St. John River are estimated to have numbered 1400.<sup>87</sup> An 1803 census prepared by Loyalist Edward Winslow indicates that there were at least 2,000 people of British stock in York county alone. To which another possible 1,500 to 1,800 Acadians, Indians and others could be added. The population for New Brunswick as a whole numbered 25,000.<sup>88</sup> The onslaught of settlers had caused the Maliseet to retreat temporarily to more isolated corners, while the

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<sup>84</sup> W.O. Raymond, "The Old Meductic Fort" in Collections of the New Brunswick Historical Society Vol. 1, No. 2 (Saint John: The Daily Telegraph Steam Book and Job Print, 1896), p. 248.

<sup>85</sup> Hamilton, Source, pp. 39-40.

<sup>86</sup> Richard H. Bartlett, Indian reserves of the Atlantic Provinces of Canada. (Saskatoon: Native Law Centre, Univ. of Saskatchewan, 1986), p. 9.

<sup>87</sup> McNutt, Atlantic Provinces, p. 41.

<sup>88</sup> York County included the Fredericton area, and all the St. John River Valley as far north as Grand Falls and beyond. Graeme Wynn, Timber Colony: A Historical Geography of Early Nineteenth Century New Brunswick (Toronto: Univ. of Toronto Press, 1981), p. 11; McNutt, Atlantic Provinces, p. 162.

newcomers cleared and settled large tracts of land along the St. John River.<sup>89</sup> The majority of New Brunswick's early nineteenth century newcomers were farmers, who occupied favourable coastal locations. Land in New Brunswick was, for the most part, thin and acidic, with low agricultural potential. Therefore, mixed employment was common; fishermen farmed, farmers cut sawlog for the mills during winter. The weather, their needs, and their inclinations dictated their daily tasks. New Brunswick was coveted by Britain more for its forest wealth than its immigration/agricultural potential. Forest resources were exploited heavily to supply the needs of overseas markets.<sup>90</sup>

The importance of farming became greatly suspect in early 19th century New Brunswick. "The decline of agriculture had been expedited by nature".<sup>91</sup> The failure of the crops in 1816, and the influence of the lumber industry in drawing young men from the farms, had both contributed to the need for greater importation of foodstuffs, and consequently the desirability of increasing the agricultural population. In 1816, the legislature voted £1000 to encourage immigration, and the autumn of that year saw the beginning of a process of immigration, of which the primary cause was the unfavorable economic conditions in Britain at the close of the Napoleonic Wars.<sup>92</sup>

Napoleon's 1808 blockade of the Baltic effectively cut off Britain's supply of timber. In an attempt to secure a dependable source, Britain imposed a 100% duty on timber from everywhere other than her colonies,

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<sup>89</sup> W.H. Mechling, "The Malicite Indians with Notes on the Micmacs" in *Anthropologica* Nos. 7-8, 958-1959. (Ottawa: Research Institute Centre for Amerindian Anthropology, Univ. of Ottawa, 1958-1959), p.23; Raymond, *Meductic*, pp. 249-250; "Malecite Declaration of War Against the English, 18 July, 1778" in Hamilton, *Source*, p. 50.

<sup>90</sup> Wynn, pp. 3-4,10,12, 22-23.

<sup>91</sup> W.S. McNutt, *New Brunswick: A History, 1784-1867* 2nd ed. (Toronto: MacMillan of Canada, 1984), p. 178.

<sup>92</sup> Carol McLeod, *Glimpses into New Brunswick History* (Hantsport, N.S.: Lancelot Press, 1984), p. 59.

which greatly stimulated the industry in Canada.<sup>93</sup> Between 1805 and 1812 New Brunswick's export of ton timber multiplied almost twentyfold to approach 100,000 tons; by 1819 they exceeded 240,000; six years later, ton timber exports stood at an all time high of 417,000 tons; despite fluctuations they remained in excess of 200,000 tons for the next fifteen years. Lumber production increased more slowly, but after 1825 exports of deals, boards and planks from the province rose steadily and exceeded 160 million boardfeet by mid-century.<sup>94</sup> The demands on New Brunswick forests had great repercussions. Pine and spruce were the main targets, with an estimated 200,000 pine trees felled in 1825 alone. By mid-century these species were severely reduced. Lumberers had worked along all the major rivers of the province, and had ranged through most of the interior. Approximately 640,000 acres of New Brunswick land were cleared in 1850 for cultivation, and 193,000 people lived in the province. A great number of these had settled the St. John River Valley from the Bay of Fundy to Madawaska in the northwest.<sup>95</sup>

The effect of these developments was a rapid decline in game; a commodity central to the still flourishing Maliseet hunting economy. Throughout the late eighteenth century Maliseet trappers were being forced off trap lines, an activity which could have easily been carried out had it not been for land displacement. The alternative was to either strike out into more remote areas (usually in Quebec) where Maliseet trappers from New Brunswick would have to avoid traders or other trappers, or adapt to new

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<sup>93</sup> John F. Baker, The Underdevelopment of Atlantic Canada, 1867-1920 Unpublished M.A., Thesis Dalhousie, 1977, p. 59.

<sup>94</sup> Wynn, p. 33.

<sup>95</sup> Wynn, pp. 33, 35-36, 150.

forms of economic activity.<sup>96</sup> Tom McFeat describes the Maliseet of this time as comprising

people who hunted and trapped and others settled down, some to farm or to work where they could in the bush or on log drives down on the St. John River. These were people holding different ways of life together in an overall attempt to survive by diversity.<sup>97</sup>

A pluralistic economy was not new to St. John River Maliseet, but the choice of occupations did change somewhat. In the more northerly communities the Maliseet participated in log driving as a supplement to hunting, while those living closest to white communities took to selling hand-crafted articles such as baskets, moccasins, snowshoes, wooden washtubs, churns, butter-trays and tables, axehandles, pail and piggin as supplements to the increasingly less important hunting/trapping economy.<sup>98</sup> However, this transformation occurred slowly as only the wealthiest of the newcomers could afford to purchase or trade for such items. Indeed, as late as the 1840s government officials were stressing the need for Maliseets to abandon their "wandering habits" in exchange for agriculture, and the comforts of domestic life, religion and education.<sup>99</sup>

Official concern for New Brunswick Natives was limited to imparting the virtues of a sedentary lifestyle. One way of accomplishing this was the introduction of schools along the St. John River in 1787, for the purpose of

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<sup>96</sup> McFeat, Highway, p. 119.

<sup>97</sup> McFeat, Highway, p. 118.

<sup>98</sup> L.F.S. Upton, "Indian Affairs in Colonial New Brunswick" in Acadiensis Vol.III, No. 2 (Spring, 1974), pp. 5-6; Tom McFeat, Malecite Study, 1965. Tobique Point New Brunswick. Unpublished Paper. Museum of Civilization, III-E-5m, p. 6.

<sup>99</sup> "M.H. Perley's Report on the Indians of New Brunswick" in McGee, Native Peoples, p. 85.



educating and "civilizing" the original inhabitants.<sup>100</sup> Despite early resistance to these schools by the Maliseet people, pressures brought on by the influx of Loyalist settlers and the subsequent threat to their livelihood by expanding settlements soon made the humane features of the program more inviting. Provisions of clothing, food and other commodities had the effect of drawing more and more Maliseet to these schools.<sup>101</sup> Civilization, to the founders of these schools, meant sedentary habits and ties to the land; a fact which would have repercussions on later land policies:

...Subsistence is secured to all civilised and industrious Planters. But if [Natives] continue to insist on having a large tract of the Country left unsettled and uncultivated, their request cannot be complied with.<sup>102</sup>

This attitude reflected the notion that Natives needed to be rescued from all aspects of aboriginal life:

...having learned a trade and having been released from their indentures, they would then form a core of trained settlers amongst the older Indians and by their sedentary example encourage others to give up the wandering existence of their forefathers.<sup>103</sup>

Despite their visions of improvement in the living standards of the First Peoples, subsequent developments did not unfold as smoothly as they might have hoped or expected. Comparing the more traditional Tobique reserve

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<sup>100</sup> Motague Chamberlain, *Maliseet Vocabulary*. (Cambridge, 1899), p. 12.

<sup>101</sup> Raymond, *Meductic*, p. 255; Judith Fingard, "The New England Company and the New Brunswick Indians 1786-1826: A Comment on the Colonial Perversion of British Benevolence" in *Acadiensis* Vol.1, No.2 (Spring, 1972), p. 34.

<sup>102</sup> "Jonathan Odell (Provincial Secretary) to Gervas Say, 11 May, 1789" in Hamilton, *Source*, p. 71.

<sup>103</sup> Fingard, p. 31.

with the Kingsclear reserve in the 1840s, Moses Perley found the former, which included hunting, salmon fishing, and lumbering as principle components of their economy, in "easy circumstances as compared with others of the tribe."<sup>104</sup> Those at Kingsclear were further immersed in the political-economy of the white community at Fredericton. They had given over to cultivating the fields and trading their handcrafted goods, but their conditions were not enviable.<sup>105</sup>

Throughout the nineteenth century there was a gradual congregating of Maliseet Indians on various reserves along the St. John River. The Southerly groups at Oromocto, Fredericton and Kingsclear and the northerly groups at Woodstock, Tobique and Edmundston appeared to be much alike in general form, although Tobique appears to have been faring better due to its isolated location and the important potato basket activities that developed. Although fancy basket makers had appeared all over Eastern Canada and the United States, the potato basketmakers were more or less confined to the Tobique reserve and there, along with their farming, they maintained a fair nucleus of organization and a fair degree of prosperity.<sup>106</sup> By the second half of the century hunting appears to have become an economically unimportant and high risk occupation. Successful hunting in the past rested on the existence of a support system to aid isolated members, just as support systems (e.g., a "stake-out ") were needed to operate trapping. Trapping prospered with the support of European stake-outs, just as hunting had earlier met its own support requirements. For hunters working north of the St. Lawrence there

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<sup>104</sup> Upton, pp. 5-6; or Hamilton, *Source*, p. 88.

<sup>105</sup> Upton, p. 6.

<sup>106</sup> McFeat, *Malecite*, p. 7.

had been broad based networks of cross-cousins and fraternal networks to pick up survivors of accidents or illnesses. Traditionally people were deployed so as to facilitate coming to one another's rescue, and as farmers and timber prospectors cut up the territory once used for hunting by the Maliseet, these traditional support networks became more difficult to maintain.<sup>107</sup> McFeat describes the transition in New Brunswick:

Evidence from Tobique Point and Woodstock points to the gradual establishment of subsistence and market farming on the reserves. I have traced the outlines of seven farms ranging from two to five acres North of the Tobique Reserve. These were mixed farms on which wheat and potatoes were the main crop and all garden vegetable were grown. Although some marketing took place, the general impression is that this was primarily subsistence work. Horses were owned; cattle, pigs and hens were raised in small quantities. But the successful small farmers appear to have been among the minority. Men joined lumber yards in the Maritimes and Quebec and were also hired seasonally by the local potato farmer.<sup>108</sup>

Women did not generally work out. They employed themselves at the manufacture of Indian wares such as baskets, and participated in the annual harvest of fiddleheads, fish, berries, and later potatoes.

As the traditional Native economy became more and more difficult to pursue, and European occupations remained largely unobtainable or unattractive, the plight of the Maliseet worsened. Indian affairs in New Brunswick had always been linked to political urgency, which meant that except in times of conflict or political unrest, Natives in this colony were subject to disregard and neglect. Land distribution was more pressing than threats of violence from Natives, and the relationship of Maliseet and the British changed. The First peoples were regarded more and more as subjects

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<sup>107</sup> McFeat, Highway, p. 118.

<sup>108</sup> McFeat, Malecite, p. 6.

of the crown. Policy was such that existing humanitarian demands were appeased by government efforts to "civilize" them, and the desire to decrease expenditures was accomplished through land sales.<sup>109</sup> Not until 1825 was any sort of reparation made. An approval of £60 was given by the colony for annual relief, with an additional £200 being granted on three occasions for farm tools and supplies, as well as relief for the aged and infirmed. A commission was established to aid the Indians in abandoning their haphazard lifestyle, although no record exist indicating anything was ever attempted.<sup>110</sup>

Living conditions worsened such that an assemblyman moved to authorize the sale of reserve lands in Kent county, the monies to be used towards relief payments for Indians. Lands, deemed valueless as agricultural and hunting grounds by colonial leaders, were sold, revenues to be placed in the Provincial Securities at six per cent interest. This was to be used as a fund which could be "applied annually in forwarding the best interest of the Indians and providing for their more pressing wants."<sup>111</sup> Curiously, an 1867 federal government request for the fate of these funds came up empty, as the total sum had been turned over to the Provincial Treasurer and were untraceable.<sup>112</sup> Also in 1844 a Select Committee was organized to draft a comprehensive Indian bill. When completed, however, it was obvious that Government was more interested in breaking up large reserves in the

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<sup>109</sup> Canada. Department of Indian and Northern Affairs. History of Indian Policy. Background Paper #2 Indian and Northern Affairs Policy Planning and Research, (Ottawa: DINA, n.d.), p. 2; Richardson, p. 41.

<sup>110</sup> Upton, pp. 4, 9-10.

<sup>111</sup> "An Act to Regulate The Management and Disposal Of the Indian Reserves in This Province, passed 13 April 1844" and "Report of the Committee of the Council upon the Correspondence etc. relative to the Act to regulate the management and disposal of the Indian Reserves in the Province of New Brunswick" (approved 25th July, 1844) in Hamilton, Source, pp. 115, 119.

<sup>112</sup> Upton, p. 23.

province, and scarcely at all in social improvements. Schools were not even mentioned in the act.<sup>113</sup>

By mid-century, the bulk of the St. John River Indian population appears to have been well-established on reserve lands. Moses Perley had found one hundred and five Maliseets at St. John, one hundred and fifty eight at Kingsclear, twenty-nine at Meductic, one hundred and twenty three at Tobique and twenty seven in Madawaska.<sup>114</sup> It appears they were generally trying to withdraw from the bush and to become settled. Their chiefs had begun to speak for them as if sedentary groups on permanent locations, they asked for gifts, for education, for a priest in the community and frequently implored the Government to control white settlers who increasingly encroached upon what they considered their rightful holdings.<sup>115</sup> This latter point was to prove a most difficult matter.

Economic and social changes in the early 19<sup>th</sup> century saw increased Maliseet interaction with whites, and their growing numbers living closer to urban communities. This changing demography was not always voluntary, rather it was a response to increasing encroachments on traditional Native lands, and even reserved lands. Between 1805-1851 no fewer than 26 reserves had been legally established by the New Brunswick government.<sup>116</sup> Despite the existence of government legislation protecting these lands, the growing population of Euro-Canadians continued to eat away at their borders, and extract resources without payment.

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<sup>113</sup> W.D. Hamilton, The Federal Indian Day Schools of the Maritimes (Fredericton: The Micmac-Maliseet Institute, 1986), p. 7.

<sup>114</sup> McFeat, Highway, p. 123.

<sup>115</sup> McFeat, Malécite, p. 5.

<sup>116</sup> Bartlett, pp. 15, 19.

Attempts to get rid of squatters and pilferers of lumber often met with responses of indifference from the offending parties:

...it has long been the custom for every person to cut as they pleased on Indian land, that they considered it right and lawful to do so, and if any objection were made (that is, if detected in the act, or before the removal of the timber) the payment of stumpage made all right.<sup>117</sup>

Rather than prosecuting offenders, official response was to either ignore the matter or make arrangements for the sale of timber from the Reserve.<sup>118</sup> Nor were they more diligent in putting squatters off reserve lands. Settlement and cultivation were at the forefront of government policy. They had no desire to put out the "poor industrious Squatters" who had done so much to improve lands, lest they create barriers to development.<sup>119</sup> The fact that the land belonged to the Maliseet people seems not to have been a deterrent in any way:

As the Malicete tribe do not cultivate their lands, it would be advantageous to this part of the country if an exchange could be made with them, whereby they might enjoy all their privileges, and the trade they now possess at the mouth of the Tobique be opened to improvements by immigrants.<sup>120</sup>

The land and resources that should have been providing monies for the people of Tobique were instead being lost to squatters. Records indicate that officials of the day were aware that some potential buyers had no intention of

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<sup>117</sup> "Extracts from Mr. Perley's First Report Respecting the Indians on the Saint John," in Hamilton, *Source*, p. 85.

<sup>118</sup> Report of the Deputy Superintendent General of Indian Affairs for Year ending June, 1874.

<sup>119</sup> Upton, p.8; Leavitt, p. 297.

<sup>120</sup> Daugherty, p. 76.

paying for the land they were occupying.<sup>121</sup> The second half of the 19th century was a period of great deprivation. The number of Maliseet involved in the hunt was gradually declining as more and more took up guiding, farming and craft manufacturing, making them more and more dependent on the white economy.<sup>122</sup> Incomes from these activities occasionally had to be supplemented by government "relief" payments in times of extreme hardship.<sup>123</sup>

The Maliseet underwent dramatic changes in the period between first contact and 1867. Once able to provide themselves with food, clothing and implements of all kinds, they came to rely on imported varieties as their traditional ways were lost to disease, new technologies, a new market economy, cultural influences, and any number of other factors. They began to lose their once powerful political influence as the European conflicts gradually ended. Unable to play one side against the other, they were left without a useful diplomatic tool. This, combined with the sudden arrival of vast numbers of Loyalists, quickly placed them on the periphery of colonial politics. The small threat they posed placed them outside the greater concerns of the new colonial leaders of what would soon be called New Brunswick. Without any direct influence or representation on the new governing body, the needs and concerns of the Maliseet were ignored, resulting in their impoverishment and socio-political isolation. In time they were able to accommodate themselves to their new conditions, but they would never regain the ground they had lost.

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<sup>121</sup> The Tobique. No. 1 April 1978 The Southern Victoria Historical Society. Perth-Andover, N.B.

<sup>122</sup> Frank G. Speck and Wendall S. Hadlock, "A Report on Tribal Boundaries and Hunting Areas of the Malecite Indians of New Brunswick" in A Northern Algonquian Source Book (New York: Garland, 1985), p. 355.

<sup>123</sup> McFeat, Ethnology, p. 56.

The Maliseet adjusted in a number of ways. Some chose to live in more isolated pockets of the province, while others preferred living closer to large communities where they could participate in the market trade and find employment in various mill-related industries. Until 1867, they would be subject to pressures to adopt European cultural and economic concepts, but could not be forced to live in any particular fashion. In time many would begin to participate in occupations that were non-indigenous, but still fit within their own cultural experiences and environments. Only after Confederation would they come to be considered as part of an official mandate, governed by federal legislation. The promises that Confederation offered were, in the minds of legislators, to be enjoyed by Native people as well. However, this enjoyment would only come subject to certain changes expected of Indians. Efforts by Euro-Canadians to alter the cultural and political lives of Natives would now be aided with legislation that gave them the right to force and enforce changes in the most personal areas. For the Maliseet, Confederation meant a new beginning. A struggle with a foreign body which had great resources at its disposal, and was determined to assimilate in every way the Native peoples it governed.



### Chapter III

#### The Indian Act and Community Life

When authority over the affairs of Indians was transferred to the newly formed federal government in 1867, it included clearly defined responsibilities in regard to the socio-political and economic welfare of the new "state wards". The impact of these powers and responsibilities were not equally resounding on all aboriginal peoples in Canada, and will therefore not be dealt with as a whole.<sup>124</sup> Only those sections which have had the greatest impact on the daily lives and development of the Maliseet of Tobique and St. Mary's reserves will be dealt with in depth. Each community will be examined separately so as to allow for their unique differences to be studied in light of Indian Act legislation.

#### Tobique

The Tobique Reserve is located at the juncture of the St. John and Tobique rivers, and has a history dating as far back as 2,500 to 2,700 years. Artifacts found suggest that this site was inhabited by several families or perhaps a small band during the summer months, while winter occupation is unclear.<sup>125</sup> Of all the Maliseet reserves in New Brunswick, Tobique remained the most isolated. When first established as a reserve, it could be only reached from the small, nearby centres of Perth and Andover by canoe. It was

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<sup>124</sup> For a more indepth look at the Act, its authority, and the repercussions it has had on aboriginal life in Canada, see: Daugherty and Madill; Richardson; Holmes; and The Indian Act and What it Means.

<sup>125</sup> Marilyn Shaw, Mount Carleton Wilderness: New Brunswick's Unknown North. (Fredericton: Fiddlehead Poetry Books & Goose Lane Editions, Ltd., 1987 ) p. 17.

effectively an island in the sense that it could be approached or departed only by water. Even after a road was built up to the 'narrows' where there was a bridge, it was still six miles into the nearest town.<sup>126</sup> Not until the 1940s and 50s did the community as a whole begin to interact daily with the larger Euro-Canadian population.

### Economic Development

#### Resources

Custodial and management responsibility for land and resources lay with the Department of Indian Affairs (DIA), granted to them by Sections 4-57 of the 1876 Indian Act.<sup>127</sup> These sections outlined who was allowed to occupy reserved lands, the conditions of occupation, procedures for surveying and acquiring reserve lands and resources, and penalties for non-authorized settlement and removal of resources. Tobique had one of the most resource-rich reserves in the province, which proved to be a source of contention between Maliseet from Tobique and Whites. Prior to Confederation a great deal of Tobique Reserve land had been acquired from the New Brunswick government. After 1867, despite a legislative responsibility to protect Native lands, DIA continued to let these lands transfer into the hands of whites. The land at Tobique Point was initially set apart as a reservation sometime between 1790 and 1800, shortly after New Brunswick became a separate Crown Colony. The original reserve was comprised of 18,394 acres, however early plans dated 1854 indicate that whites had settled on 2539 acres of reserved land. Between 1873 and 1917 alone some 61 separate land transactions took

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<sup>126</sup> McFeat, Highway, pp. 169-170.

<sup>127</sup> Sharon Helen Venne, Indian Acts and Amendments 1868-1975, An Indexed Collection (Saskatoon: Univ. of Saskatchewan Native Law Centre, 1981), pp. 27-31.

place here. This continued until it contained only 6,000 acres by the late 1950s.<sup>128</sup>

Members of the Tobique Band protested the continued disposal of their land and resources. Despite DIA's legislated responsibility to protect Indians and Indian lands, the Maliseet at Tobique had to watch their land and resources diminish at the hands of whites, and with the sanction of the Government. Just prior to Confederation the Band expressed their wish to allow no one but themselves to cut lumber on the Reserve, seeming "to think they could make a little by lumbering on their own account."<sup>129</sup> In an 1874 petition from the Reserve, Tobiquers complained that they were

...Dissatisfied with Mr. Fisher the Present Agent Because he came to their Homes and their Farms this March [?] and told them that he would do as he pleased about the Indian Affairs & Timber cut on the Indian Lands without asking them on their Advice about any thing and that they had better be still and say nothing, and further said to them in their own Homes and on their own land that the Dominion Government was soon going to sell all their Indian Lands of the Tobique Reserve and would Turn them off upon the Roads or woods;...& Petition the Government to know whether this Agent Mr. Fisher was authorized by the Government to use such Language to Discourage the poor Indians they are also Disatisfied with this Mr. Fisher for allowing Quantities of cordwood to be Hawled off said Indian Lands by the Merchants and White people of Tobique Village without taking any Account of it or getting any stumpage for it; ...<sup>130</sup>

Despite the justification of such a complaint, Fisher was in fact acting within his authority in regard to how resources were dispensed with. An 1868

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<sup>128</sup> J.L. Feeney, (engineer in charge) Study of the Claims of the Tobique Indian Reserve no. 20 Against the New Brunswick Electric Power Commission By Reason of the Beechwood Power Project Unpublished Document. 5 February, 1958. OOA, RG10, Vol. 8348, File 88/31-3-7, p. 1; McFeat, Highway, p. 126; Bartlett, p. 19.

<sup>129</sup> Report on Tobique Indians. 11 May, 1865. PANB RS 8 Indians II, 1865.

<sup>130</sup> Petition by Tobique Indians to ?. 14 April, 1874. OOA, RG10, Vol. 1933, File 3421.

version of what was to be the Indian Act, clearly gave the Secretary of State, or any deputed officer, the power to grant licenses for the removal of resources, though he needed Band consent to sell land. This legislation gave no guarantees that competitive market prices would be sought, or that the Indian's interests would be the primary issue in price negotiations. Disinterested overseeing by leading officials in Ottawa was not an effective watchdog mechanism as communication between the reserves and that office was irregular. The lack of a resident Agent also meant that extensive, unauthorized removal of timber was occurring. Dating back a century, theft of this sort had changed little since Moses Perley described it in the mid-19th century [See Chapter II]. In 1871, Superintendent General of Indian Affairs Joseph Howe described how the still largely preserved, valuable New Brunswick reserves were having the timber stripped off them with "little or no revenue for permanent investment" being gained for the Indians. He stated then that education for the community and a "more direct and vigilant superintendence than has hitherto been obtained" were necessary to see the matter rectified.<sup>131</sup> Tobique school teacher Charles Mehan wrote that same year that

One Squatter has a sawmill on the Reserve. He gets his lumber on it also. One squatter merchant supplies lumber extensively on the Reserve. Spring of 1869 his stumpage — amounted to \$160.00; according to account of agent+ he would not pay anything — Governor's Proclamation not being issued 44 applicants squatters pay no stumpage for either lumber or cordwood; they claim the right to cut and carry off any lumber on their "Own Lands" so called.<sup>132</sup>

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<sup>131</sup> Joseph Howe in Canada. Indian Affairs Branch. Dept. of Secretary of State for the Provinces. Annual Report, (Ottawa, 1872), p. 35.

<sup>132</sup> Charles Mehan (Teacher) to Jos. Howe. 28 July 1871. OOA, RG10, Vol. 1859, File 106.

Sections 16 and 52 of the Indian Act provide specific fines and jail terms for the illegal removal of timber, stumpage, and small trees and shrubs. Despite this, little was done to rectify the problem. A careful search of court records, newspapers, and Department records reveal no examples of litigation, although there must have been some such effort made. Possibly the lack of evidence in this area can be explained by the practice of charging timber thieves for the wood they cut, rather than penalizing them for their crime.<sup>133</sup>

Despite Howe's earlier advice, the Indians' obvious unhappiness with the situation, and DIA's expressed mandate to protect these resources, the Department's official response to this long-term pillaging was to instruct Mr. Superintendent Fisher:

to submit to the Indians owning the reserve a proposal to allow the Department to sell the timber for them, and thus to obtain the highest possible value for it, instead of its being appropriated by trespassers, the Indians receiving nothing in return.<sup>134</sup>

When Tobique residents rebuffed them, DIA interpreted it as proof that the Indians were being tampered with by parties who had been stealing the wood. In fact, they were simply not interested in sanctioning the undervalued sale or giving away of the resources that belonged to them. As it was they were seeing whites taking their land without any effective intervention from DIA officials.<sup>135</sup> Nonetheless, the Department saw this as an instance when their power to protect the "less-capable" Band members was needed:

The Indians would prefer disposing of it for a trifling sum received in hand, rather than allow the Department to dispose of

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<sup>133</sup> "Extracts From M.H. Perley's Reports, 1841" in Hamilton, *Source*, p. 85.

<sup>134</sup> Canada. Indian Affairs Branch. Dept. of the Interior. Annual Report for the Year ending 30 June, 1874, (Ottawa, 1875), pp. 7-8.

<sup>135</sup> Moses Craig to Supt. Gen. of Ind. Affairs. 1 Oct. 1880. OOA, RG10, Vol 2110, File 20,295.

the timber for them. Too ready is an unscrupulous speculator to take advantage of the shortsighted Indian in this respect.<sup>136</sup>

Every effort was made to have the Band members cooperate with the new policy of selling off available timber resources. By 1877, the desired response was achieved as Tobiquers concurred that timber would be sold at auction to raise money, providing "more real and substantial aid to the poor Indian belonging to that Reserve."<sup>137</sup> This development was seen by DIA as both an effective response to pillaging problems, and a way to build up the Capital Fund of the Band.

the result so far for the winter of 1877 and 1878 has been exceedingly satisfactory, a certain sum having been derived from stampage and placed to the credit of the Hon. Receiver-General of Canada, on account of Indian Funds, thereby preventing the lawless trespasser from appropriating to his own use improperly, which has unfortunately been to much the case for a long period, more or less annually, and *particularly in consequence of the carelessness, negligence and very great indifference of the Indian people belonging to that Reserve in not looking after their own special interests in that respect...*<sup>138</sup>

In fact, Indians had no authority under the Act to protect their own resources, therefore the neglect was on the part of DIA. By consenting to DIA's proposal, Tobique Band members were being given assurance that Reserve timber would now be properly administered by the local agent. However, any visions of extensive revenues being procured from this development were destined to be short-lived.

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<sup>136</sup> Canada. Indian Affairs Branch. Dept. of the Interior. Annual Report for the Year ending 30 June 1874, (Ottawa, 1875), pp. 7-8.

<sup>137</sup> Canada. Indian Affairs Branch. Dept. of the Interior. Annual Report for the Year ending 30 June, 1877, (Ottawa, 1878), p 34.

<sup>138</sup> Canada. Indian Affairs Branch. Dept. of the Interior. Annual Report for the Year ending 30 June, 1878, (Ottawa, 1879), pp. 42-43.

While it is impossible to provide an exact figure, the following correspondence gives some indication as to how extensive a problem pillaging was at Tobique.

Mr. Farrell has just collected the stumpage rates from McBaird he got \$287.07 and a few ? only 1/3 value — not that. He should have had for the Indians about \$900.00 if Geo. Baird was made pay \$2.50 per thousand as every one cutting lumber has to pay. This is the rate of stumpage, and if not Baird had have payed this for these past twenty years there should have been to the credit of the Indians no less than \$57,000.00.<sup>139</sup>

While this figure is probably exaggerated, it does indicate that resources were not being sold at fair and equitable prices. It also demonstrates improper management practices. Clearly Department officials continued to mismanage resources, operating without any clear, long-range goals, and without any assurance that the best financial returns for the community were being secured.

### Reserves

The Indian Act's most immediate impact on Native communities was to provide thousands of Indians living in permanent, sedentary communities, with clearly defined spatial and social boundaries, an evergrowing body of formal rules governing corporate land usages, residential rights, band membership rights, and so on. This gave these generally small communities a "legal character and an exclusiveness which stood in marked contrast to the traditional residential grouping."<sup>140</sup> The nineteenth century creation of reserves by colonial administrators meant the continued influences of outside overseers and hegemonic authorities. Having granted reserve lands,

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<sup>139</sup> F.C. Ryan to Mr. Pedley, 28 May, 1908. OOA, RG10, Vol. 7866, File 31066-2, pt. 1.

<sup>140</sup> Hawthorne, Part II, p. 178.

Euro-Canadian authority would also define reserve rights. As arbitrators, they were both advocates for Anglo settlers and judges on matters pertaining to native losses of granted lands, placing Natives in a less favorable position.<sup>141</sup>

As already shown above, a long tradition of confiscating Native lands and resources had been established in the area. As New Brunswick's population continued to grow, more and more eyes had turned to Tobique's large land mass. Indian reserves were viewed as underdeveloped "waste lands", which reflected a fundamental difference in views on effective and sufficient land use. The white public wanted Indians removed from "unused" lands; and as the influx of immigrants increased, government became less vigilant in defence of Indian lands.

Land that was allowed to lie idle was now spoken of as being "in excess" of the Indians' requirement. It became policy to encourage the sale of such lands, the argument being that since the lands themselves were "of no use" to the Indians, the band members would be better off if they had the profit from their sale.<sup>142</sup>

Tobique was particularly attractive as it contained large stands of virgin forests which appealed to those participating in the thriving timber-trade.<sup>143</sup> The Tobique Reserve was greatly reduced in available acreage by sanctioned purchases, and often through simple appropriation by squatters. Tobique teacher Charles Mehan gives an 1871 account of how Reserve land not yet sold was being used. At that time the Reserve totalled 40 sq. miles or 25,600

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<sup>141</sup> Tom McFeat, *Highway*, p. 135.

<sup>142</sup> Richardson, p. 117.

<sup>143</sup> W. Austin Squires, *History of Fredericton: The Last 200 Years*. (Fredericton: Centennial Print & Litho Ltd., 1980), p. 84.



acres. The northside of Tobique, comprising 15 sq. miles or 9,600 acres, was occupied by Indians, while the southside, comprising 25 sq. miles or 16,000 acres, was occupied by whites. Of the land occupied by whites, some 7 Grants comprising 921 acres were sold for a total of \$1,842.00. Another 400 of the 16,000 acres occupied brought in a sum of no more than \$200.00. Another 7 grants comprising 944 acres saw no payment. He then adds that a total of 33 squatters occupied an unknown acreage.<sup>144</sup> None of this was missed by Tobique Band members. The apparent inability of DIA to protect their lands led Band members to finally take a stand. In 1880, "...they unanimously refused to surrender it, their objection being that a number of parties living on the Indian Reserve were in arrears for their land, and they would not surrender any more until that was paid up."<sup>145</sup> Community members began petitioning to have squatters removed from the reserve, as well as requesting that further intrusions be prevented. They also began looking for monies owed to them.<sup>146</sup>

In an effort to settle matters, the Department moved towards collecting long overdue monies. Disputes arose as to what price was fair; and of course there was the matter of accumulated interest owed. Local M.P., H. Costigan intervened on behalf of the squatters, suggesting that settlers (squatters) should be able to pay prices comparable to adjoining lands previously sold, and that settlers on the "narrows" should get outright title at a low price or even no price. He added that no interest should be charged as New Brunswick never charged interest; and it had previously belonged to the

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<sup>144</sup> Charles Mehan (Teacher) to Jos. Howe. 28 July 1871. OOA, RG10, Vol. 1859, File 106.

<sup>145</sup> Moses Craig to Supt. Gen. of Ind. Affairs. 1 Oct. 1880. OOA, RG10, Vol 2110, File 20,295.

<sup>146</sup> ? to Craig. 5 April, 1881. OOA, RG10, Vol 2110, File 20,295, pt.1; To his Excellency the Gov. Gen. & the Queen's Privy Council for Canada. d. 1881-1882. OOA, RG10, Vol 2110, File 20,295.

province.<sup>147</sup> The Indian Agent carefully tried to circumvent the inevitable dispute that would arise concerning costs. He wrote to the Superintendent General saying:

The parties the Indians refered to who are in arrears would pay for their land if there was no interest to pay. They say that the interest accumulating since it was sold in 18[ ] would amount to more then their farms are worth with the improvements. I wish it was settled and I would recommend that the Department accept of the balance due...<sup>148</sup>

Agent Craig was clearly avoiding his duty as stipulated by Section 12 of the Indian Act (1876), which empowered him to take legal action if necessary to remove squatters, with expenses to be incurred by the trespasser.<sup>149</sup> No doubt his long-time residency in the area made it difficult for him to prosecute his neighbours.

Progress was finally made when a Department official from Ottawa examined the lands in question. He learned from Mr. Tuches, asst. Surveyor General of New Brunswick, that Tobique reserve lands had been sold under the same conditions as crown land; \$1.05 p/acre and payable in five annual installments *without interest* (His emphasis). However, the Dept. would not relent on the interest issue. The official and Indian Agent Moses Craig spoke with settlers and Squatters. They reached an agreement that ran as follows:

1. Settlers who still owe installments are to pay balance in five annual and equal installments with interest at 6% from 1 January 1875, the first payment to be made on the 30<sup>th</sup> June 1883 & each annual payment to be made on 1<sup>st</sup> June.

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<sup>147</sup> H. Costigan to Sir. John A. MacDonald, Min. of Interior. 24 Nov. 1882. OOA, RG10, Vol 2110, File 20,295, pt.1.

<sup>148</sup> Moses Craig to Supt. Gen. of Ind. Affairs. 1 Oct. 1880. OOA, RG10, Vol 2110, File 20,295.

<sup>149</sup> Section 12, Indian Act (1876) in Venne, p. 28.

2. Squatters to pay at the rate of \$1.00 per acre with interest at 6% from January 1875, also in fair and equal installments and subsequent installments to become due and to be paid as stated above.
3. As regards the lands on the narrows, settlers & squatters to pay \$1.00 per acre with interest at 6% also to date from January 1875. The amount already paid by a few of them on account of their respective holdings to be taken into account and credited to capital.<sup>150</sup>

Some of those with outstanding accounts made efforts to clear matters up. Others made no efforts whatsoever, so that the issue was necessarily raised a decade later. In 1890, the Department was forced to call payment for Indian land which a family named Lovely still illegally occupied. Reluctant to pay, they wrote to the Department that "This miserable place you are speaking about does not produce enough grain to winter a flock of hens, it is all swamps & rocks. It is pretty hard to pay for land like that, it is merely a house for us."<sup>151</sup> In fact the Lovely family was listed as having occupied this "useless" land since before Confederation.<sup>152</sup> Craig's successor, Indian Agent Farrell expressed the opinion that Lovely's letter was factually inaccurate.

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have lived on this land for forty years past and have paid nothing. The place is not all rocks and swamps, but although small place is neatly situated and consists of a nice front with buildings erected thereon these must have cost in the vicinity of a \$1000.00 ... The amounts due by these squatters and settlers are so trifling compared with the value of their properties, that I am surprised at their long standing.<sup>153</sup>

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<sup>150</sup> M. deBoucherville to ? 14 April 1883. OOA, RG10, Vol. 2273, File 54,570.

<sup>151</sup> Mrs. R. Lovely to Mrs. Adams. 1 Jan. 1890. OOA, RG10, Vol. 2273, File 54,570.

<sup>152</sup> Moses Craig to Supt. Gen. of Ind. Affairs. 25 April, 1881. OOA, RG10, Vol 2110, File 20,295.

<sup>153</sup> Farrell to Michael Adams. 13 June 1890. OOA, RG10, Vol. 2273, File 54,570.

Evidently they belonged to that group which felt no legal or moral obligation to pay for the land that clearly belong to the Tobique Band.

The 1876 Indian Act stated that, when any person illegally occupied Indian lands and refused to leave, the Superintendent-General could apply to the county judge, judge of the superior court, or to any stipendiary magistrate in any territory in which the land lay, for a writ of possession, and that the sheriff or bailiff would execute it "in an action of ejectment or possessory action."<sup>154</sup> After a decade of failing to fulfill their duties as prescribed, Department officials began proceedings to recover the illegally possessed Indian land. Actions were commenced against Hubert Lovely and Daniel W. Larlee in 1893 for unauthorized possession of Tobique Reserve lands. Hubert Lovely refused to pay. His father, Rainsford Lovely, was the original squatter, and had in turn granted it to him.<sup>155</sup> A letter from Larlee indicates that he was willing to pay only one dollar per acre, while DIA was requesting over two hundred and eighty dollars for the land. He claimed that this was more than he could get for the farm minus the buildings.<sup>156</sup> Presumably this argument had some effect when a settlement was reached between the Department and the squatters. For their 60 acres, the Lovelys paid \$60.00, while Larlee paid \$120.00 for his 120 acres.<sup>157</sup> Not only were these two able to avoid paying the accumulated interest on the land, but they also managed to secure an extremely good bargain. Two months after Larlee paid the above

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<sup>154</sup> Section 36, Indian Act (1876) in Venne, p. 35.

<sup>155</sup> Dept. Supt. Gen. of Indian Affairs to John Haggart, Acting Supt. Gen. of Indian Affairs. 13 July 1893. OOA, RG10, Vol. 2273, File 54,570. Note: Daniel W. Larlee and Wilmot Larlee are the same person. See Wilmot Larlee to Hon. John Costigan. 18 Sept. 1893 and W.A. Orr to Dept. Min. 26 Sept. 1893. OOA, RG 10, Vol 2273, File 54,570, pt.1.

<sup>156</sup> Wilmot Larlee to Hon. John Costigan, Sept. 18<sup>th</sup> 1895. OOA, RG10, Vol. 2273, File 54,570.

<sup>157</sup> Sale No. 39, Patent Reference 11203; Sale No. 38, Patent Reference 11161. Lands, Revenues and Trusts. Indian Affairs and Northern Development. Atlantic Region.

sum, he was able to mortgage the same piece of land (and buildings) for \$640.00.<sup>158</sup> DIA had finally relented, and almost twenty years of interest was lost to the coffers of the Tobique Band. The squatters received no penalty for their transgressions.

As the body entrusted with management of reserved lands, the Department had a legal obligation to secure a fair and equitable price for all Indian property sold. Nothing in the Indian Act stated that squatters were eligible for compensation towards improvements they made on the land they had illegally occupied. The Department had no legal or moral obligations to squatters, although public opinion could have a bearing on actions taken, especially at election time. When asked to consider improvements made to land illegally occupied, the Department should also have considered revenues lost through timber and cordwood cut, or the money raised while farming the land. In addition, the presence of whites also affected the quantity of wildlife in the area, just as the mills affected the water quality (and thus fishing).<sup>159</sup>

#### Internal Use of Resources and Upkeep of Reserve

Section 59 of the Act states that the Governor in Council may direct how, in what manner, and by whom band moneys were to be used, including contributions to road repairs, schools attended by Indians, etc.<sup>160</sup> We have seen above that the Band's potential income was greatly diminished by the consistent undervaluing of land and resources, and the failure to collect

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<sup>158</sup> Land Registry Records- Victoria County. Recorded 18th March, 1895. PANB, Deed No. 8091, Book 18, Page 467; John Costigan from Wilmot Larlee. 18th September, 1893. OOA, RG10, Vol. 2273, File 54,570, pt.1.

<sup>159</sup> Wilmot Larlee to Hon. John Costigan, M.P. 18 Sept. 1893. OOA, RG10, Vol. 2273, File 54,570.

<sup>160</sup> Section 59, Indian Act (1876) in Venne, p. 40.

moneys owed the Band by long-term squatters. Similar problems are evident in the way the Department and its officials managed the moneys they had at their disposal.

Section 63 of the 1876 Act gave chiefs and councils the right to frame certain rules and regulations concerning health; intemperance; trespassing of cattle; the maintenance of ditches, roads, bridges, and fences; the construction of schools, council houses and other public buildings; the establishment of pounds and pound-keepers; and the locating of lands within the reserve.<sup>161</sup> Tobique's Capital Fund, totalling \$13,140.56 in 1898, gave them some added impetus regarding how their annual budget was spent. Records show that as early as that year Tobique Band Council was *authorizing* Indian Affairs to take \$150 from their capital funds to cover costs incurred in the building of an aqueduct and water supply.<sup>162</sup> Petitions of this sort continued until at least 1939, with most being signed not by elected Band Council members alone, but rather with equal authority by the majority of the male Band members. These petitions concerned everything from the erection of a lock-up; doing repair work on the roads, water system and church; to providing jobs for community members during the depression years; and with only a few exceptions the Department consented to each of the Bands recommendations.<sup>163</sup> These petitions demonstrate that the community had a very real sense of what their collective needs were, how their Capital fund

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<sup>161</sup> Section 63, Indian Act (1876) in Venne, p. 41.

<sup>162</sup> Tobique Band Council Resolution, 10 Dec. 1898; To Gov. in Council from Supt. Gen. of Indian Affairs. 23 Dec. 1898. OOA, RG10, Vol. 7866, File 31066-2, pt.1.

<sup>163</sup> Band Resolution (signed by 50 Band members) to Superintendent General of Indian Affairs. 27th July, 1935. OOA, RG10, Vol. 7729, File 23066-2, pt.2; Band Resolution. no date. OOA, RG10, Vol 7866, File 31066-2, pt.2; Tobique Band Council Resolution, 12 March 1903. OOA, RG10, Vol. 8290, File 271/7-6; Tobique Band Resolution, 29 January, 1906; J.D. McLean to Jas. Farrell. 14 February, 1906. OOA, RG10, Vol. 7569, File 4066-2R.

could best serve these needs, and that they were more than capable of handling the minimal amount of responsibility left them by the Indian Act.

The money set aside for different projects on the Reserve were seldom, if ever, placed directly in the hands of the Band Council. Rather, these funds were sent to Department officials such as the Indian Agent or Parish Priest. Money leaving the Department Comptroller's office often received only haphazard accounting, which resulted in long-term financial mismanagement and misappropriation. In 1897, the Band resolved to pay for improvements to their water system from their Capital fund.<sup>164</sup> The Department hired a contractor to build a well which subsequently provided an inadequate water supply. A year later chief Frank Francis was again requesting a new water supply, which would both replace the new system, and add new pipelines.<sup>165</sup> Despite an unsatisfactory job, the Department considered hiring the same individual for the second project.<sup>166</sup>

By 1907, the water supply system was once again in need of replacement. The Band resolved that Seven Hundred and fifty dollars be taken from their capital fund for the expenditure of a cistern at the head of their aqueduct water supply.<sup>167</sup> When completed, an inspector was brought in to examine the job. Despite spending 800.00 or more for the water system, about \$100.00 or more for travelling expenses for the Government appointed inspector, and several other expenditures in connection with the project, the system was failing within a year. The parish priest reported: "Now the Indians are practically without water. The new system gives them no

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<sup>164</sup> Farrell to Dept. Supt. Gen. 7 April 1897; Tobique Band Council Resolution 10 June 1897. OOA, RG10, Vol. 7866, File 31066-2, pt.1.

<sup>165</sup> Chief Frank Francis to James Farrell. 24 Oct. 1898. OOA, RG10, Vol. 7866, File 31066-2, pt.1.

<sup>166</sup> Memorandum to the Secretary. 28 Oct. 1898. OOA, RG10, Vol. 7866, File 31066-2, pt.1.

<sup>167</sup> Tobique Band Council Resolution. 7 June 1907. OOA, RG10, Vol. 7866, File 31066-2, pt.1.

advantage as there is no water what ever coming from this system."<sup>1</sup> McLean contacted Mr. Boyd, the inspector, stating:

Considerable expense was incurred (which I may here say was defrayed from the Appropriation and not from the funds of the Indians) in connection with the installation of the system, and naturally good results were looked for.<sup>2</sup>

The system never worked properly, "going dry by spells in the summer and never running in the winter."<sup>3</sup> Boyd responded that the project was constructed according to plans approved by the Department, although he himself had prepared these plans, and the Department accepted them based on his report.<sup>4</sup> After an extensive investigation into the matter, Boyd wrote:

Now, I desire to impress the Department with the fact that I am *not* a professional or practical engineer, and there may be items of expenditure that should be considered in my estimate, but which I cannot foresee.<sup>5</sup>

Not only was he not qualified to oversee such a project in the first place, but tried to defer blame for added expenses to the Indians themselves, saying that when employed in construction they "persist in taking their time, or rather in killing time, while pretending to work...", thus running up costs.<sup>6</sup>

Administrators were not the only officials responsible for financial mismanagement at Tobique. In 1907, Fr. F.C. Ryan, P.P. wrote to Rt. Hon. Sir Wilfred Laurier, asking for his interference in getting work done on the Priest's house. In response to this, DIA wrote:

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<sup>1</sup> F.C. Ryan to Mr. Oliver (Dept of Ind. Affairs), 28 Oct. 1908. OOA, RG 10, Vol. 7866, File 31066-2, pt.1.

<sup>2</sup> McLean to A. J. Boyd. 4 Nov. 1908. OOA, RG 10, Vol. 7866, File 31066-2, pt.1.

<sup>3</sup> Geo. E. Baxter to ?. 20th October, 1909. OOA, RG 10, Vol. 7866, File 31066-2, pt.1.

<sup>4</sup> J.D. McLean to A.J. Boyd (Ind. Superintendent). 21st November, 1908. OOA, RG 10, Vol. 7866, File 31066-2, pt.1.

<sup>5</sup> A.J. Boyd to The Secretary DIA. 15 Sept., 1909. OOA, RG 10, Vol. 7866, File 31066-2, pt.1.

<sup>6</sup> A.J. Boyd to The Secretary, DIA. 15 Sept., 1909. OOA, RG 10, Vol. 7866, File 31066-2, pt.1.



Father Ryan's predecessor should have known what was required in connection with the priest's residence when he was so urgent in pressing for financial aid, but I am surprised to learn from Inspector Boyd's report that the money was squandered.<sup>174</sup>

Moneys requisitioned for specific projects were often spent without regard for its intended purpose. In 1909, the Indian Agent reported:

From the information I have been able to receive from the Chief and others I conclude that the Indians are not willing to paint the church if the materials was provided. They complain that some time ago they subscribed money to paint the church and it was not done. The explanation of the transaction is that the priest before Father Ryans time, appropriated that money to payment of his salary, instead of painting the church. They also complain that they have had no account of how the money was spent, that was received from their pic nic, and entertainments this summer...<sup>175</sup>

This proved to be a long standing problem. Despite early complaints, no effective system of accounting for expenditures was instituted. The Department refused a 1932 requisition for payment of a bill for work done on the Reserve. They stated that \$200 had already been forwarded to cover the cost of that bill and that, given the additional request, they would thereafter like to have a full account of how the outstanding money was used.<sup>176</sup>

Mismanagement of funds resulted not only from poor administrative and accounting policies, but also from arrogance on the part of DIA officials. A disabled war veteran complained in 1949 that his Veterans' Grant of \$2,320.00 had been ill-spent.

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<sup>174</sup> Fr. F.C. Ryan, P.P. to Rt. Hon. Sir Wilfred Laurier, 13th September, 1907. OOA, RG10, Vol. 3109, File 315,840-1.

<sup>175</sup> Geo. E. Baxter to ? 24? September, 1909. OOA, RG10, Vol. 7569, File 4066-2R.

<sup>176</sup> N.C. Allen (Representative of the Treasury) to N.H. McPhail. 13th November, 1933. OOA, RG10, Vol 7866, File 31066-2, pt.2.

Mr McPhail, the Indian Agent, followed his own plans for the house. The size is 22 x 26, four rooms downstairs and two rooms upstairs. I couldn't seem to get it in his head that the upstairs part of the house would be useless to me. I thought if I let him go ahead with his plans he'd help me all he could in building my home. He even promised me that he'd build a store along side of the house, plus the plumbing and the heating system. There isn't even enough now to buy the doors for the house.<sup>177</sup>

The Department's mandate of protecting band resources from "unscrupulous whites" was an ideal not practiced within the Department itself. Often it was internal bureaucratic jealousies that brought problems of internal waste and abuse to light. Father Ryan, for example, appointed himself as a watchdog on how band funds were spent, guarding the money as though it were his own.

We would like to know, dear Mr. Pedley, how much money there was voted for the Ferry road last Fall. We heard there was \$300 if so then there was only \$100 spent on the road. This year we learn there was \$450 for the Narrows road, if so there is only \$350 being spent on it; the rest is being placed on the Ferry road. This Ferry road is not part of the Indian Reserve. You refused me money of the same road two years ago because it was not on the reservation.<sup>178</sup>

However, Ryan's interest was not always altruistic in nature. He was not above seeking money from the Band's coffers, without consulting the Band itself. Instead he would appeal directly to the Department:

I do not ask the Gov. itself for one cent of its money but would kindly ask the Dept. to give me \$300 a year out of the interest that \$19000—(The Indian money at Ottawa) brings them at 4%. I think the teachers is payed \$100 out of this interest. The teachers are all payed, on Every Indian Reserve, by the Gov. and not from

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<sup>177</sup> Francis J. Paul to Harry Ward (Secretary-Treasurer of Canadian Paraplegic Assoc.), 24 Oct. 1949. OOA, RG10, Vol. 8374, File 54/39-6, pt.23.

<sup>178</sup> F.C. Ryan, P't to Mr. Pedley, 30th June, 1910. OOA, RG10, Vol. 7729, File 23066-2, pt.1.

Indian funds. In hope Mr Pedley my case will have due consideration.<sup>179</sup>

Clearly it was not outsiders who posed the sole threat to Tobique's financial security. Officers of the Department itself were equally dangerous. A lack of scrutiny in day to day expenditures meant that Tobique Indians were without any real protection regarding the use and misuse of their available resources.

### Economy

Following Confederation the Maritime region began a period of industrial expansion, which included the building of railways and the rise of secondary industries, which complemented the flourishing timber industry. By 1871, half of the working population of New Brunswick was engaged directly in farming, lumbering and fishing, or a combination of these.<sup>180</sup> One in 27.5 workers were engaged in manufacturing in a leading staple-related industry, including lumber production, ship yards and flour and grist mills.<sup>181</sup> The advent of industrialization and a wage economy to New Brunswick did not mean increased marginalization for Native people. Members of the Tobique Band participated to a great extent in these and related industries. Annual reports over a period of years show they engaged in lumbering, rafting, steam driving, farming, hunting and acting as guides for sportsmen on the St. John and Tobique rivers.<sup>182</sup> Those employed taking tourists and pleasure-seekers

<sup>179</sup> F.C. Ryan to Mr. Pedley. 28 May, 1908. OOA, RG10, Vol. 7866, File 31066-2, pt. 1.

<sup>180</sup> J.R. Petrie, "The Regional Economy of New Brunswick" Appendix A in Report of the New Brunswick Committee on Reconstruction. (Fredericton: New Brunswick Committee on Reconstruction, 1944), pp. 99-100.

<sup>181</sup> John F. Baker, The Underdevelopment of Atlantic Canada, 1867-1920 Unpublished Thesis, Dalhousie University, 1977, pp. 72-73.

<sup>182</sup> Canada, Indian Affairs, Annual Report for Year ending 31 Dec., 1882, (Ottawa, 1883), p. xxxix; Canada, Indian Affairs, Annual Report for the Year ending 31 Dec., 1888, (Ottawa, 1889), p. 36; Canada, Indian Affairs, Annual Report for the Year ending 30 Dec., 1889, (Ottawa, 1890), pp. 38-39.

to the head waters and lakes obtained good wages. Those who did not engage in these occupations, including women, kept themselves employed in the manufacturing of Indian wares, particularly snowshoes and moccasins, which found a ready sale for lumbering purposes.<sup>183</sup> At least one woman from Tobique had begun to leave the Reserve to do housework by 1904.<sup>184</sup>

These occupations appear to have afforded Tobique Indians a sufficient livelihood, "they being an active class of men, are at all seasons in good demand and at good wages."<sup>185</sup> Similar reports in the 1890s describe them as "self-supporting" and making anywhere from \$1.25 to \$2.00 per day; this being "profitable employment."<sup>186</sup> Much to the displeasure of the Department, their success even led to a decline in agriculture due "to the fact that wages have been very high that they have not worked their land. They live up to their earnings and take all the enjoyment out of life they can."<sup>187</sup> Changes in the face of New Brunswick's economy over the next quarter century had little or no impact on the Maliseet. Secondary manufacturing industries dropped dramatically in number after 1891, while the service sector and unskilled labour increased in the overall percentage of the provincial economy.<sup>188</sup> Employment in these areas, as well as continued reliance on the ample supply of salmon, provided them with food throughout the year.<sup>189</sup> By 1914,

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<sup>183</sup> Canada, Indian Affairs, Annual Report for the Year ending 30 Dec., 1889, (Ottawa, 1890), pp. 38-39.

<sup>184</sup> Wilson D. Wallis and Ruth Sawtell Wallis, "The Malecite Indians of New Brunswick" in Anthropological Series no. 40. Bulletin no. 148 (Ottawa: National Museum of Canada. Department of Northern Affairs and National Resources, 1957), p. 28.

<sup>185</sup> Canada, Indian Affairs, Annual Report for the Year ending 30 June, 1904, (Ottawa, 1905), p. 64.

<sup>186</sup> Canada, Indian Affairs, Annual Report for the Year ending 30 June, 1894, (Ottawa, 1895), p. 39; Canada, Indian Affairs, Annual Report for the Year ending 30 June, 1898, (Ottawa, 1899), p. 52.

<sup>187</sup> Canada, Indian Affairs. Annual Report for the Year ending 31 March, 1910, (Ottawa, 1910), p. 54 Geo. Baxter, Indian Agent.

<sup>188</sup> Petrie, pp. 177-181.

<sup>189</sup> Eva Saulis in Silman, p. 34.

the more traditional areas of their trading economy — hunting and fishing — were being threatened by provincial game laws. That year, "Louis Paul of Kingsclear was arrested in Fredericton for selling a salmon with spear marks, unmistakably caught by an Indian." The method used was not acceptable to New Brunswick standards. An even greater surprise came when:

...Nicholas Sacobie, was caught hunting without a licence and given a warning. Dr. Paul distinctly remembers how shocked our people were by these incidents, for it was the first time we had been told that we could not hunt or fish off reserve.<sup>190</sup>

New restrictions to traditional ways meant that Natives could no longer participate in what had till that time been an important part of their livelihood. Tobique wage labourers, however, fared better. It was not until the forest sector suffered dramatic losses during the Depression of the 1930s that they too began to suffer. Figures show that the gross value of production of the forestry industry in New Brunswick ranged between 59.30% to 69.20% in the period 1927-1930. This dropped to 40.67% in 1931, and even greater to 28.37% in 1932, after which it began a gradual climb to its peak recovery in 1937 of only 75% of its 1920 value [See figure 3-2].<sup>191</sup> It was during this lowpoint in the Canadian economy that relief was introduced as a new, major component of the Reserve economy. What began as a temporary emergency measure was to become an albatross to Tobique's continued socio-economic development.

Employment for residents of Tobique had always been supplemented on occasion by Departmental work on the Reserve. Projects generally

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<sup>190</sup> Andrea Bear Nicholas, "Maliseet Aboriginal Rights and Mascarene's Treaty, Not Dummer's Treaty" in Papers of the 17th Algonquian Conference (Ottawa: Carleton Univ, 1986), p. 216.

<sup>191</sup> Petrie, pp. 130-133.

involved maintaining the reserve's roads, or similar work, which was usually funded from the Capital fund at the Band's initiative, with the Indians being paid as Department employees.<sup>192</sup> In this capacity they received comparable wages to anyone involved in the same work, however, this began to change. With the advent of the Depression a new policy for Indian employees emerged, with them being relegated to the status of "relief-recipients", even though they were engaged as labourers at tasks that had hitherto been a legitimate source of employment (see p. 80).<sup>193</sup> This change in status was part of a larger, federal government policy to meet the needs of the innumerable unemployed who had no alternate sources of income. Between 1930 and 1936 Ottawa spent \$81 million on unemployment relief.<sup>194</sup> This "temporary measure" kept Canadians afloat until 1940 when the government passed the Unemployment Insurance Act, which lacked the negative implications associated with receiving relief.<sup>195</sup> The Native economic problem was handled somewhat differently. Following the introduction of the "relief work" concept, a new, special welfare program was created to re-establish Indians, "especially Indians in receipt of relief allowances on a self-supporting basis." In 1938, \$150,000 was set apart to fund this program; live stock, farm machinery, and tractors were purchased, and the unemployed

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<sup>192</sup> A.P. McKenzie (Secretary) to B.J. Griffith, 31st October, 1932; B.J. Griffith to the Secretary (DIA), 3rd November, 1932. OOA, RG10, Vol. 1946, File 4252-1D; F.C. Ryan to Mr. Pedley, 4 June, 1908. OOA, RG 10, Vol. 7866, File 31066-2, pt.1; Frank Pedley to F.C. Ryan, 9th June, 1908. OOA, RG 10, Vol. 6054, File 265-1, part 1; Clerk of the Privy Council to Supt. Gen. of Indian Affairs, 13 Jan. 1899. OOA, RG10, Vol. 7866, File 31066-2, pt.1; Farrell to Dept. Supt. Gen., 7 April 1897; Tobique Band Council Resolution, 10 June 1897. OOA, RG10, Vol. 7866, File 31066-2, pt.1.

<sup>193</sup> A.P. McKenzie (Secretary) to B.J. Griffith, 31st October, 1932; B.J. Griffith to the Secretary (DIA), 3rd November, 1932. OOA, RG10, Vol. 1946, File 4252-1D.

<sup>194</sup> Michiel Horn, The Great Depression of the 1930s in Canada (Ottawa: Canadian Historical Association, Historical Booklet No. 39, 1984), p. 8.

<sup>195</sup> John F. Strain, Unemployment Insurance and the Maritime Economy Unpublished M.A. Thesis, University of New Brunswick, 1979, p. 14; Horn, p. 10.

were engaged in cutting pulpwood, clearing land, boat building, and the construction of root-houses.<sup>196</sup> Another major component of economic development was the construction of homes (see p. 85). This economic development strategy contributed greatly to a rapid decline in annual relief costs, but the projects were generally short-term, and did not contribute to any real improvements in employment conditions.

Despite an expressed mandate to help Indians become more independent, the Department often created barriers making it more difficult for them to improve their own living conditions. The case of a Tobique family being denied the right to use *their* resources from the Reserve to relieve poverty conditions, demonstrates how shortsighted the Department was regarding economic development. Indian Act legislation had been put in place to help assist the Native people, instead it became a barrier to self-sufficiency as bureaucrats worked to keep the letter of the rule. In this manner DIA was encouraging the creation of a welfare state of mind. They prevented community members from developing their own solutions to the problems that they, not Department officials, had to contend with.

Working within the parameters of restriction Tobique residents responded to the 1930s as best they could. Some maintained themselves by trading Indian wares for food and other necessities.<sup>197</sup> Annual reports show that they continued to follow, to a lesser degree, the occupations they had prior to the Depression, only much later turning to new possibilities.<sup>198</sup> A great many sought work in the neighbouring American States, some in

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<sup>196</sup> Canada. Indian Affairs Branch, Department of Mines and Resources. Annual Report for the Year ending 31 March, 1938, (Ottawa, 1939), p. 192.

<sup>197</sup> McFeat, Highway, p. 278.

<sup>198</sup> Canada, Department of Indian Affairs, Annual Report for the Year ending 31 March, 1935, (Ottawa, 1935), p. 21; Canada, Indian Affairs Branch. Department of Citizenship and Immigration Annual Report for the Year ending 31 March, 1951, (Ottawa, 1951), p. 64.

factories, others at the Air Base in Limestone, Maine, while still many more made temporary forays into nearby farm fields. Yearly harvests attended by the community also provided relief from absolute destitution.

That's the only way people on the reserve survived in the 40s and 50s when things were really bad. If it weren't for the potato harvest in Maine, I think a lot of people would have died of malnutrition. That was the only thing you had to keep you going.<sup>199</sup>

Reliance on relief as a solution to economic underdevelopment contributed to the feeling of helplessness and dependency. Local officials failed to look for alternative employment possibilities, while inadequate education and inability to make use of their own resources ensured that the Band itself could do little or nothing in this area. They had become, in a sense, economic hostages to the very authority (the Indian Act and DIA) established to help them succeed. Unimaginative Department officials prevented local initiative, while providing only "maintenance" and "remedial" support. Economic development was in reality, nothing more than relief work renamed. In essence, DIA was funding the perpetual povertization of the community by maintaining a welfare system in lieu of any real efforts at development.<sup>200</sup>

### Political Development

#### Political Marginalization

In the realm of politics Tobique Indians possessed three major distinctions from the non-Indian inhabitants of New Brunswick. The first was that they

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<sup>199</sup> Caroline Ennis in Silman, p. 72.

<sup>200</sup> Canada. Indian Affairs Branch, Department of Citizenship and Immigration. A Review of Activities 1948-1958 (Ottawa, n.d.), p. 18.



lacked a voice in the federal and provincial government. Second, they had a foreign system of government imposed on them which held limited power, and was of no consequence outside the immediate community. Finally, as wards of the federal government they were not considered in provincial social, political and economic activity. They were not, in effect, citizens of the province in which they lived.

The Indian Act undermined any hopes of Tobique residents having an influence on the development of policies at the political level. Without the franchise they had no hopes of reaching a sympathetic ear. They were outside the jurisdiction of all politicians except those directly involved in the Department of Indian Affairs, and these officials did not rely on Indians for their positions. As a consequence they could not hope to influence political authorities in the same manner as others whose names were found on the voter's list.<sup>201</sup>

The frustrations of limited political influence began to show soon after Tobiquers began dealing with the Indian Agent as their official government representative. A document dated 1874 states that

... the Indians are continuously complaining on account of being compelled to travel about 100 miles when they wish to consult the commissioner Mr. Fisher. I believe it would be much better to have a commissioner residing in the locality of the Indian Village at Tobique...<sup>202</sup>

The Band further contended that the agent visited the village as little as three times a year, and that he knew nothing of conditions there during his absence. Despite this, the Agent still felt confident enough to write the

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<sup>201</sup> Hawthorne, Part I, p. 364.

<sup>202</sup> Costigan to David Laird (Min. of Interior). 31 March 1874. OOA, RG10, Vol. 1925, File 3127.

reports of suffering and distress at Tobique did not concern him as it was not "the season of the year for much suffering to exist."<sup>203</sup> Without immediate representation they could not hope to have their needs addressed. The Department finally appointed a local Agent, but this did little to improve their situation.

The authority of Indian agents was arbitrary, with the official having no direct accountability to the community. Derek G. Smith writes: "wide discretionary power attached to local offices held by outsiders leads inevitably to power manipulation, wide and arbitrary interpretation of official capacities and instability of strategies adopted towards Native people."<sup>204</sup> Although complaints could be forwarded to headquarters, this generally produced few changes. The few political channels that had been open to them within the Departmental bureaucracy were closed after 1933, when a new Branch policy was circulated to local officials. It stated that

Indian complaints and enquiries had to be routed through the Agent, on the grounds that the practice of Indians attempting to deal directly with Headquarters involved an unnecessary waste of time, and interfered with efficiency in the conduct of official business.<sup>205</sup>

In essence, they were expected to render complaints against local officials to those very same officials. It was unlikely that justice could be procured from such a system. This imbalance produced tensions that were to become deeply engrained, creating a permanent rift between the Department and the people it existed to help.

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<sup>203</sup> Wm. Fisher to Minister of the Interior. 26 July, 1873. OOA, RG 10, Vol. 1903, File 2150.

<sup>204</sup> Derek G. Smith in Madill, p. 45.

<sup>205</sup> Hawthorne, Part I, p. 364.

The inaccessibility of the Federal and Provincial franchise was not complete; there were ways in which Native people could obtain a vote. If they participated in either World War I or II, Native veterans and their wives received a vote in the federal system. Following World War II, New Brunswick Native veterans also received a Provincial franchise. In addition to enlisting, Native men and women who went through the process of enfranchisement, also obtained a vote. Sections 86 through 93 describe procedures, criteria, and the "benefits" of undergoing this process.\* Aside from these two methods, Natives had no hope of electing a leader beyond that of the local band government. If they did choose to accept these preconditions, they were still only individuals. Indian people could not have achieved political influence as a group in any case. They did without this basic right, enjoyed by all other citizens of the country, until 1960.

#### Band Government

Very soon after the Indian Act was passed, a provision was added to bring an elective style government to Tobique. Aboriginal Canadians were generally reluctant to adopt the alien system, based as it was on a structure of hierarchic authority. This system contrasted with the traditional Indian concept of government, with its bases in consensus.<sup>206</sup> The introduction of the democratic, elective process was considered by whites at the time to be a mark of progress and civilization. It was intended to help Indians shed traditional forms of government; a perceived impediment to their progress. It was, finally, to be a training ground in Euro-Canadian political and social values.

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\* Due to its importance, this process will be dealt with in depth further on.

<sup>206</sup> Daugherty, p. 5.

Interestingly, the system was initiated in the most undemocratic manner — the arbitrary decision of the Governor General.<sup>207</sup>

The most immediate effects of the elective system at Tobique was the exclusion of women from reserve politics and the usurpation of the life chief. Eligibility was limited to males 21 years of age or over.<sup>208</sup> This Section of the Act ignored all traditional or cultural considerations.

Maliseets were traditionally matrilineal, tracing ancestry through the women. However, Indian traditions are irrelevant to the architects of the Indian act, and regardless of traditional values and practices, the Act uniformly imposed the nineteenth century patrilineal European view of women as essentially the property of men.<sup>209</sup>

This same disregard for aboriginal values and institutions meant the end of the traditional political system. As of 1894, Francis (Frank) Francis had been life chief for about thirty years. Once DIA imposed the elected system on this community, he had to run for office just like everyone else.

The democratic system as it has existed in Native communities is an absolute misnomer. The elective system gave the Department a great deal of power within Band politics. Section 62 of the Act allowed DIA officials to strip power from any chief or councillor for dishonesty, immorality or incompetence. If an elected chief proved to be resistant to DIA's authority, he could be branded an agitator, or otherwise unfit to serve.<sup>210</sup> When Francis was defeated in 1902, the Indian Agent expressed his dissatisfaction:

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<sup>207</sup> Daugherty, pp. 1-3.

<sup>208</sup> Section 61 of Indian Act (1876) in Venne, p. 41.

<sup>209</sup> Silman, pp. 12-13. While Silman takes the position that the Maliseet are a matrilineal society, this is not universally accepted. H.F. McGee challenges a similar argument in his "Foreword" for James Wherry's Eastern Algonquian relationships to "Proto-Algonquian" Social Organizations. McGee prefers "demes", adding that a bilateral kin group approaching corporateness is a more accurate reconstruction.

<sup>210</sup> Richardson, p. 116, or Section 62, Indian Act (1876) in Venne, p. 41.

The Indians in defeating Frank Francis former Chief to my mind has made a mistake — as Francis has been a man of sober habits and has at all times manifested a warm interest in all affairs of the Band. In fact the only charge they could and did prefer against him was that he was too [?] in the distribution of religion. To say the least, I must confess that as a [?] they are not only fickle minded, but otherwise an ungrateful class. Regarding F. Lockwood he is at present a Domp. Police Constable and may make a good chief providing he carries out the instructions necessary for the good government of Indian Affairs.<sup>211</sup>

External interference in community political affairs by DIA officials was as common as not. At times they sought to influence the outcome of the process with their own special agenda. In 1908, Father Ryan encouraged Deputy Superintendent General Pedley to ignore a possible protest of the close results in favour of one Nicholas Lolar, who he claimed was "in favor of liquor", and asked him to keep Ellis in office as he "takes a firm stand against liquor."<sup>212</sup>

The political impotency of Band councils was equally apparent in their deferential submission to rules and regulations "with regard to matters specified by the Act" which were subject to confirmation (approval) by the Governor;<sup>213</sup> Band Councils had "authority over allocation of land within reserves, construction of buildings, maintenance of roads, and so on."<sup>214</sup> Yet any decision regarding such matters could be easily overturned by the authorities. The degree of independence councils enjoyed depended upon the Agent, and the personal drive of the chief. At the turn of the century, for example, Chief Frank Lockwood's authority was augmented by the distance of

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<sup>211</sup> Farrell to McLean July 7 1902. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>212</sup> Rev. Frederick C. Ryan to Mr. Pedley, Dept. Supt. Gen. of DIA, 4 Sept. 1908. OOA, RG10, Vol. 7935, File 32-56, pt.1.

<sup>213</sup> Madill, p. 2.

<sup>214</sup> Richardson, p. 83.

the reserve from the agency office in Fredericton. Even so the leaders' powers were limited. The earlier chiefs had "done the best they could for Indians even though in those days there wasn't much that could be done except to secure orders to make baskets, snowshoes and moccasins."<sup>215</sup> Chief Joe Ellis' brand of leadership was by way of example:

A man much dedicated to bettering the conditions of the Indians, and a craftsman who made snowshoes and canoes, Joe would build canoe and snowshoe frames and sell the unfinished products to people on the reserve who would finish and sell them.<sup>216</sup>

William Saulis describes the chiefs of the first few decades of the twentieth century as being the "talking Chief" variety. He felt a leader had greater responsibilities to the community: they had to be involved in taking a stand against the agent and the priest; define the reserve as a community; and create work on the reserve. Saulis saw himself as a protector of the people against the agent and the Indian Department and claims to have militantly opposed many actions which the agent attempted, particularly land sales, and complained about him to Ottawa whenever he saw fit.<sup>217</sup> Often he would take the initiative to get something done without consulting the Agent, although the Department resisted such independent moves. "Matters relating to administration of a reserve must be dealt with by the agent and not by the Indian Chief ..."<sup>218</sup> When dealing with the Department Saulis gathered support from the Band. Petitions sent authorizing the use of Band money for various projects went with the whole community's sanctioning, despite the fact that the Band council was empowered to make such recommendations

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<sup>215</sup> William Saulis in McFeat, Highway, p. 148.

<sup>216</sup> McFeat, Highway, p. 149.

<sup>217</sup> McFeat, Malecite, pp. 11-12.

<sup>218</sup> MacKenzie to N.H. McPhail. 11 June 1936. OOA, RG10, Vol. 6069, File 284-8, pt.3.

on their own. However, within the community Saulis' leadership was autocratic. He was known as a 'hard' chief, and while some would say he was very fair and a great man, other contend that he was finally voted out because of his dictatorial and arbitrary practices.<sup>219</sup>

As part of his self-defined responsibilities, Saulis had worked towards removing:

those who did not belong there and in this he included other Indians as well as Whites. He also 'adopted' members who, though not on the band list, nevertheless had traditional claims to the community. There was much contention between chief and agent in this period and this centered frequently on issues of who did or did not qualify for residence. These issues also gave impetus to his life and made it public; he became increasingly oriented to containing the reserve and checking the power of Indian agents.<sup>220</sup>

He, like all elected chiefs, was also responsible for assigning the few jobs available to community members. This resulted in accusations from members of the community of his showing favouritism toward close relatives and friends in the handing out of jobs on the reserve, particularly when building houses and the new community hall which was erected during the late fifties. He countered that as a finish carpenter himself, he recognized that these people were the best trained. Tom McFeat says of this: "Whether arbitrary or not, Saulis' selection of workers reflected the perennial difficulty that any chief faces in making a choice in the allocation of practically every resource he controlled, between his own relatives and others on the reserve."<sup>221</sup> The perpetual charge of favouritism to family in the handing out of relief and jobs runs generally as follows:

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<sup>219</sup> McFeat, Malecite, p. 13.

<sup>220</sup> McFeat, Highway, p. 145.

<sup>221</sup> McFeat, Malecite, p. 13.

Once in power they took control of resources: a chief would be in charge of the maintenance of the band council hall; he would delegate responsibilities for the care of the pump house, the school, the garbage dump and any maintenance or repair jobs that were being financed. He had money and could use it widely or not, but however money was used pointed questions would surely follow and disputes arise.<sup>222</sup>

Resentment of this kind was not the only source of tension in the community. Factionalism was one of the most significant consequences of the introduction of an elective system. Indigenous political organization had been such:

that individuals or small groups (especially families) could leave one location and take up at another, moving from one hunting territory to another, without suffering any normative consequences and without any significant change in a way of life. But those in reserves could not leave without detaching themselves from a community; the ancient pattern of moving from one community location to another no longer held. In leaving a reserve, one moved in the direction of enfranchisement and the obliteration of Indian identity....<sup>223</sup>

As a result, a polarization of points of view developed, and were reflected in voting practices. William Saulis' describes the early electoral race at Tobique as a contest of opposing visions of how the community should develop: "For a dozen years, [Frank] Lockwood and the Big Head [Frank Francis] replaced one another in office, each standing for a different way to conduct community affairs."<sup>224</sup> The inherent preventative measures of the Indian Act ensured that, "for the most part, people stayed on the reserve and whether they

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<sup>222</sup> McFeat, Highway, p. 179.

<sup>223</sup> McFeat, Highway, pp.168-169.

<sup>224</sup> McFeat, Highway, p.148.



wanted to work toward change or away from it, they then must translate this orientation into a power struggle."<sup>225</sup>

McFeat also demonstrates, however, that factional lines at Tobique *are not* drawn according to family ties.

Native groups in transition from territorial to reserve status were sufficiently tied to their kin origins to make impartial chieftainship difficult if not impossible. The chief with the most far reaching kin connections was the chief most likely to succeed, certainly during the nineteenth century, to remain in office. But Tobique's binary argument was not 'yes' to the community, 'no' to own kin; rather, it was 'yes' to the community and 'no' to any other local considerations especially own family and old friends.<sup>226</sup>

The issues creating factions were complicated and ever-changing.\* The elective system and enforced cohabitation in the small, legally defined space, were to have an immense impact as divisive factors on the community.

Richard White describes the development of factionalism:

The final alternative available to native societies was purposeful modernization, which involved the acceptance not only of modern technology but also of much of the attendant social organization and values of the larger society. The goal of

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<sup>225</sup> McFeat, Highway, pp.168-169.

<sup>226</sup> McFeat, Highway, pp.174-175.

\* Ralph W. Nicholas argues that factions arise in situations of rapid social change, being more adaptable to transitional periods than are the traditional political groups of stable societies. These groups are by definition constantly changing, and the influence of a particular faction may increase or decline over a single issue. At Tobique and St. Mary's, factions appear to have developed in response to a new political system that was failing to meet the needs of the community. See Nicholas, "Segmentary Factional Political Systems" in Marc J. Swartz, ed. (et. al.), Political Anthropology (Chicago: Aldine Publishing Company, 1966). Also see M. Silverman and R.F. Salisbury, eds., A House Divided? : Anthropological Studies of Factionalism. (St. John's: Institute of Social and Economic Research, 1977). This book contains a number of excellent articles which define factionalism, clarify the process, and offer a number of different contexts in which to examine the phenomenon. Finally, two articles by Bernard J. Siegel and Alan R. Beals have been most influential in later scholarship on the matter. See Siegel and Beals, "Conflict and factionalist dispute" Journal of the Royal Anthropological Institute 1960, 90: 107-117 and "Pervasive factionalism" American Anthropologist 1960, 62: 394-417.

modernization was not assimilation, but rather the retention of an independent national identity by a group in control of its own destiny....This option almost inevitably resulted in internal strife as groups within the nation resisted the efforts of modernizers as strenuously as they did of various white conquerors, traders, and reformers. Modernizers, for all their sincere nationalism and genuine concern for the poverty and exploitation of their nation, still represented yet another attempt to alter traditional society...<sup>227</sup>

Various responses to Euro-Canadian society and Department officials by Tobique's representatives represented decisions to reject or accept components of the larger society, providing symbolic gestures of "preserving" or "threatening" cultural integrity. The close contests shown above are described by Tom McFeat as the beginning of Tobique's political factionalism, which would by the 1960s become sufficiently developed as to have repercussions outside the community (see Chapter 4).<sup>228</sup>

#### Indian Agents and DIA

The ability of agents and other Department officials to interfere in community affairs meant that relations between the community and DIA were at best strained. Without a vote Indians could not apply pressure on Government to change conditions in a manner they felt most suitable. In fact, the only avenue for complaint or influence was to the very officials about whom they were making the complaints. Revisions to the Act in 1880 delegated powers vested in the Minister to the Agents in the field, thus enhancing their authority. The duties of the Indian Agent were as follows:

Each Superintendent, under the direction of his Regional Supervisor, is responsible for the efficient administration of his Agency. He must stimulate and guide the progressive

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<sup>227</sup> The Indian Act and What it Means, p. 321.

<sup>228</sup> McFeat. Highway, p. 135.

development of Indian bands and individuals within his area for the improvement of their economic and social conditions. He is concerned with developing the effectiveness of band councils and assisting them in assuming increased responsibilities; promoting and encouraging the education of the Indians; ensuring that sick, aged, and destitute Indians are properly cared for; and maintaining close liason with law enforcement agencies. He is also responsible for developing and maintaining good relations with the public and with any other department, association or organization interested in Indians or with whom his duties bring him in contact.<sup>229</sup>

In addition, an amendment of 1882 gave Indian Agents powers of a Stipendiary, or Police Magistrate, in carrying out the provisions of the Indian Act.<sup>230</sup> The degree of power exercised at the local level translated into absolute hatred for the Agent in some cases. Robert J. Surtees has suggested that it has been the influence and wide discretionary powers of local Indian Agents, as well as the complex administrative process that have been the source of Native anger. In many cases Indian Agents were often contemptuous of the Indians and simply did not take their suggestions seriously.<sup>231</sup> Nowhere was this better exemplified than at Tobique in the late 19th century, where Band members complained that the Agent "would not pay any attention to what the Indians say or Hear any advice from the Indians..."<sup>232</sup> Many officials felt that Indians were incapable of caring for themselves. One New Brunswick agent, "though he claimed great affection for his 'people' found them "irrevocably child-like in their inability to manage projects on their own."<sup>233</sup> This notion did not always coincide with the reality. Projects initiated by local Indian Affairs officers on behalf of the Indians were not always successful,

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<sup>229</sup> Canada. Dept. of Citizenship & Immigration. The Administration of Indian Affairs (Ottawa, 1964), p. 14.

<sup>230</sup> Daugherty, p. 12.

<sup>231</sup> Daugherty, p. 52.

<sup>232</sup> Tobique Band Petition. 14 April, 1874. OOA, RG10, Vol. 1933, File 3421.

<sup>233</sup> Tom McFeat, Highway, p. 156.

and the burden of such failed projects were most often placed on the shoulders of the Indians. A case in point is an unsuccessful saw mill erected at the request of an Agent in the mid-nineteen fifties, and financed by Indian Affairs. The Agent credited its failure to the fact that the Indians had turned out products (shingles) of inferior quality; these were 'too thick and not standard', and so put an end to the project. The Indians offered an alternative explanation. Arthur Polchies summed it up: "How could that sawmill work? The power that was supposed to drive the saw-mill had to be supplied by the farm tractor and this was already working full time on the agent's farm" Polchies added that the inevitable failure of similar projects would continue until the Department began to back local initiatives.<sup>234</sup>

Ineffective administration by DIA went virtually unchecked. For a long time the Department operated in almost complete isolation, only on occasion were they subject to scrutiny and direct influence by the federal government, and even then they could disregard any outside feedback. This is aptly demonstrated in a series of correspondence between a local M.P. and the Department. In the 1940s, H.H. Hatfield began speaking on behalf of the Tobique Band. In a letter to Indian Affairs, he reported that some Indians sold firewood outside the reserve and, though he acknowledged this as contrary to regulations, asked for leniency as he was "advised from good authority that it is impossible for them to live and keep their families in any other way." He drew attention to the case of a local farmer who was required to appear before the courts for having bought some wood from the Indians, paying in groceries; "knowing that they were in need of food he supplied them with it and took some wood in pay. Now he will probably be fined for

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<sup>234</sup> Tom McFeat, Highway, p.156. This incident occurred at Kingsclear, but is used here for its strong, illustrative qualities.

giving assistance that should be made by your department." In reply, the director wrote that he saw no other course of action. Mr. Hatfield replied angrily:

In other words, the Department is going to let the Indians and Indian lands be pillaged and plundered for private gain...I am not talking from heresay. I made a careful investigation of what happened...over a period of twenty five years and I claim it is a disgrace.

The director responded in turn:

I feel you will agree with me that the Indian population in Canada on the whole is treated rather liberally by the government...I regret to state that in recent years there appears to be a *tendency* on the part of the Indian population to *depend wholly* on the Government.<sup>235</sup>

Herein lay the irony of relations between Indian Affairs and the Reserve. Indians were expected to live off the available reserve resources and develop independence, yet they were prevented from managing their own resources or developing their own projects on the assumption that they would not, indeed, could not do so in a responsible manner. Also, attempts by individuals to use available resources for meeting their immediate needs met not only with resistance, but with penalty. The Department's need to work within regulations overshadowed their mandate to promote independence. The official's claim that Indians tended to depend wholly on Government assistance shows how divorced many bureaucrats were from conditions on reserves. This, in turn, reinforced the view of those who believed that Indians were incapable of supporting themselves.

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<sup>235</sup> Tom McFeat, Highway, pp.156-157. This relates a series of correspondence between the Director of Indian Affairs and H.H. Hatfield, M.P. for Victoria-Carleton. c.1941.

Tobique residents were not passive in their relationship with the Department. On numerous occasions the Band councils and Indian Agents came to loggerheads over issues from which neither would back down. As shown earlier, Tobique residents operated largely through the use of petition to make their wishes known. They spelled out clearly the needs of the community, allocating funds from their capital for expenses. In 1904, a dispute arose over the appointment of a policeman by the Parish Priest. The Chief reported:

This spring the majority of the Indians decided that a policeman was unnecessary and the money would be better applied to the relief of the poor widows and orphans in the village. Upon understanding this I resigned my office. The Priest stationed there Father Cobblers has appointed a policeman James Deboo and says he has the power to do so and that his constable will get the same pay as I got...What I want to know is if the Priest has power to appoint a policeman under salary from the department and if so if Deboo is getting paid — If there must be a policeman the Indians claim the right to appoint him but he dont need one.

They also objected to the fact that Deboo was not an "Indian", rather he was French.<sup>236</sup> In response the Agent stated:

...Jas. Deboe's mother is a full bred Indian woman that is married to a french man and formerly lived at Woodstock, N.B. James Deboe is a member of the Tobique Band for several years past has always attended meetings of council. Voted at such and was always recognized as a member of Band...

He added that many in the Band who objected were "common drunkards" and that it was in the best interest of all "to have a man that would do his duty...". Finally, he denied that there was a meeting of the Band to dispense with the services of a policeman, and that the priest only "advised the Indians

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<sup>236</sup> Frank Lockwood (chief) to Commissioner Indian Affairs. 16 June 1904. OOA, RG10, Vol. 2773, File 155,058.

to select a good man for the job in the best interest and welfare of Band". Farrell ended by saying that he was for keeping a "good man" in the position of chief, thus avoiding the chance of electing a "poor worthless agitating Indian".<sup>237</sup> The Department supported Farrell's position, writing to Lockwood that "The Department does not recognize any right upon the part of a Band to select their constable, although it is always willing to give proper and reasonable weight to any recommendation from the Band relative to such matters."<sup>238</sup>

This case demonstrates a number of recurring problems that have arisen in relations between DIA and local Bands. First, the Department often ignored sections of the Act when it suited their purpose. James Deboe, having a French father was, according to Section 3 (3) of the 1876 Indian act, not legally an Indian, and therefore not entitled to be a member of the Band.\* In attempting to strengthen their position in regards to hiring him as policeman, they ignored this fact so often brought up by themselves. Secondly, Indians were subject to several, often conflicting pieces of legislation. According to the "Indian Advancement Act" of 1886 elected councils had the right to appoint constables. However, the Band had to request that they be subject to this particular Act.<sup>239</sup> Department officials could

<sup>237</sup> Farrell to McLean. 7 June 1904. OOA, RG10, Vol. 2773, File 155,058.

<sup>238</sup> McLean to Chief Frank Lockwood. 7 July, 1904. OOA, RG10, Vol. 2773, File 155,058.

\*Deboe's name does not begin to appear in Department records or Band petitions until 1902, nor does he appear in the St. Ann's Church, Tobique Reserve Records, 1870-1925. PANB F-3719. This suggests that a) He had not always been a Band member, and was thus not Indian. According to section 15 of "An Act Providing for the Organization of the Department of the Secretary of State of Canada, and for the Management of Indian and Ordinance Lands", a person born prior to 1869 who lived with a band was considered an Indian. If such a person did not live with the Band they were legally non-Indian. (See An Analysis of the Term "Indian" As Used In Canadian Constitutional and Statute Law, Appendix I. Clean Charter, p.45); or, b) Deboe had just turned 21, which means he was born post-1867 and was therefore not legally an Indian. See Section 3 (3) (c), Indian Act (1876) in Venne, p. 25.

<sup>239</sup> Historical Development, p. 76.

easily have complied with the Band's request vis `a vis this legislation, which in fact would eventually be incorporated as Part II of the Indian Act in 1906, where it would remain until 1951.<sup>240</sup> That these two important points were completely ignored demonstrates that interpretation of the Act often rested on supporting a position of authority, and not on what best suited the community.

Sour relations between the two groups were not confined to official Department policy. Dislike for the Indian Agents and the way they carried out their responsibilities is evident in both written and oral accounts. Numerous reports describe uncompassionate, and occasionally, cruel treatment.

One winter when Frank was in the woods, working for relief, we had no bread, no flour, no food. This was still in depression times. My other sister was so poor she couldn't help us...I asked to speak to McPhail and was waiting, waiting. Finally he would speak to me, and I said, 'I have no food. Nothing for lunches.' I said, 'I only want some flour so I make bread, so my family can eat.' Him sitting there in his nice, warm office like a little king; I've been freezing. He made me sit there for a long time, wouldn't answer me. Finally he said, 'why didn't you buy flour last week?' I told him last week I had to buy oatmeal, salt, beans...no money left over to buy flour every other week.

He said, 'Don't make a habit of this. I will give you a little order this time only,' as if he was giving it to me out of his own pocket. It was ten cents then to ride the train back from town, but I had no money, so I dragged the flour all the way back along the ice on the sled. Made legalit (fried Indian bread). My husband was so surprised, so happy. He had legalit to go to work.<sup>241</sup>

Agent McPhail did not stop at displaying an exaggerated sense of self-importance in the fulfillment of his duties. Others have described incidents

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<sup>240</sup> *Historical Development*, p. 86.

<sup>241</sup> Ida Paul in Silman, pp. 27-28.



that were outright abusive and discriminatory, and certainly unbecoming of a man in his official capacity. McPhail owned a store Indians were forced to frequent, for only there were relief purchase orders negotiable. They were often subject to name calling when they appeared in his store: "...they called us 'gimmes'- like 'gimme this', 'gimme that'."<sup>242</sup> Clearly this attitude would not foster the most amiable of relations. Not only did the forced use of relief vouchers at the agent's store jeopardize the confidence placed in his capacity as trustee, but allowing discriminatory remarks to be made in his store also placed his whole attitude in question. Under these conditions a relationship built on trust would be impossible to maintain. This problem was not unique to Tobique, as it was recognized as a general problem across the country:

The officials of the Indian department have overruled regulations in the 'Indian Act' to suit their purposes. They also, especially the Indian Agent, make all arrangements and agreements for companies and provincial governments to make roads, bridges, towers for electricity, etc., without the consent of the band...The Act retards the progress of our nation, and as it stands today can be criticized from the beginning to the end, every section of the Act. It is too dictatorial and the powers vested in the Indian agent and superintendent general are too arbitrary and autocratic...<sup>243</sup>

### Social Development

#### Marginalization

With the passing of the BNA Act in 1867, a number of services were placed within the jurisdiction of individual provinces. Yet Section 91 (24) of this same Act placed Indians, and lands reserved for the Indians under federal

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<sup>242</sup> Cilenna Perley in Silman, p. 67.

<sup>243</sup> Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act. (Ottawa: King's Printer, 1946), p.1708, in Daugherty, p. 68.

care.<sup>244</sup> While nothing in this section excludes Indians from among those eligible for regularly offered services, both the federal and provincial governments have naturally accepted that the former would see to Native needs. Since Confederation, the federal government has accepted responsibility for services to Natives such as welfare, health, community development, local economic development, local government, and education, which were in fact the legislated responsibility of the provinces.<sup>245</sup> Indeed, there was no specific federal legislation establishing a welfare program for Indians; the Indian Act mentions it only casually. Excluded from the usual federal and provincial programs, Indians received, in their stead, rudimentary provisions from the Indian Affairs Branch.<sup>246</sup> The provinces were reluctant to pay for services to a group considered to be the exclusive responsibility of the federal government, while the Department, which lacked both the inclination and ability to provide equitable services, did so only on an ad hoc basis.<sup>247</sup>

### Social welfare

Relief, in its initial form, was money given to relieve absolute poverty due to age, illness, or for orphan care.<sup>248</sup> It also included the yearly distribution of seed to Band members wishing to keep gardens; a practice encouraged by the Department. The distribution of relief was minimal in the early administration of Indian Affairs: "...with the exception of the widows, the blind, and a few who are afflicted with infirmities, they are a self-supporting

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<sup>244</sup> The Historical Development of the Indian Act (Ottawa: DIAND, Policy, Planning & Research Branch, 1975), p. 40.

<sup>245</sup> Hawthorne, Part 2, p. 252.

<sup>246</sup> Hawthorne, Vol. 1, pp. 314-315.

<sup>247</sup> Hawthorne, Vol. 1, p. 316.

<sup>248</sup> Relief account. no date. c. 1911. OOA, RG 10, Vol. 6054, File 265-1, part 1.

class of Indians."<sup>249</sup> Able-bodied men were not even eligible for relief unless absolutely destitute. One Tobique resident who complained of inadequate support was subjected to penalty:

...he goes and cuts my relief from \$5 to \$4 dollars. My celf and wife and baby \$8 dollars. my brother he put to board with me was geting \$2.00 now he gets only \$1.09 a week I cant board a man for that he is starving as out I've asked for more for him he would have to get another Place for him he said if I put him out he would cut my relief.<sup>250</sup>

Concerns expressed by the Department that Indians would come to rely solely on relief for sustenance was hardly reasonable given what was provided. As one resident put it, "I think they called it relief because it was relief from starvation. You were certainly not meant to eat well on it."<sup>251</sup> Some remember how one woman and her children "had to 'steal' wood from the nuns in order to survive the harsh New Brunswick winters."<sup>252</sup>

Gradually relief would be abandoned in favour of other social welfare programs. Indians were eligible for Unemployment Insurance as of 1940, and Family Allowance after 1944, the same as other in the Province.<sup>253</sup> Four years later a program was designed to provide Natives who reached 70 years with an allowance of \$8 a month to help them with small amenities not available through ordinary relief. By 1950, this figure was raised to \$25 per month, and

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<sup>249</sup> Canada, Department of Indian Affairs. Annual Report for the Year ending 30th June, 1894, (Ottawa, 1895), p. 39.

<sup>250</sup> Alphonse Bernard to Mr. Scott, 28 Mar. 1932. OOA, RG10, Vol. 6068, File 284-5, pt.3.

<sup>251</sup> Caroline Ennis in Silman, p. 72.

<sup>252</sup> Silman, p. 94.

<sup>253</sup> "A Desirable Pattern of Co-operative Effort for the Services and Advancement of Canadian Indians" in A Presentation by Dr. G.F. Davidson, Deputy Minister at the Indian-Eskimo Association Conference, Sudbury, Ontario, October 31, 1962, p.7; Canada, Dominion Bureau of Statistics, Department of Trade and Commerce, The Canada Year Book 1946 (Ottawa, 1946), p. 1131.

their relief payment was dropped altogether.<sup>254</sup> This figure was admittedly lower than the \$40 maximum received by non-Indians, but it was felt that this was equitable as "the aged Indian benefits from residence on tax-free land, complete medical coverage, and the generally lower cost of living on Indian Reserves."<sup>255</sup>

Social welfare programs were introduced to the reserve economy in other forms. Prior to 1932, relief and Department-related work had been distinct issues, but this was to change with great repercussions to the community. Initially cash was paid to Indians employed by the Department. These occasional work projects had become an accepted part of the Tobique economy, and the Department had long required that whenever possible work done on reserves should be completed by Band members themselves. In fact, road repairs were done every few years at Tobique, with Reserve residents employed to do the work. In 1921, Indian Agent N. J. Wootten wrote to J. D. McLean that the men were being paid 30¢ an hour — the same as wages being paid by the local government for local work. This began to change when, in keeping with a similar federal program, the Department decided to combine upkeep costs for reserves and increasing relief expenditures. At that time, DIA began referring to necessary Department funded work projects as "relief work"; they had decided to stop paying Indians cash for work done on the Reserve, although similar work done by whites continued to be paid with cash.<sup>256</sup> Payment was provided in the form of

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<sup>254</sup> Canada. Dominion Bureau of Statistics. Department of Trade and Commerce, The Canada Year Book 1951 (Ottawa, 1951), pp. 234, 1128.

<sup>255</sup> Canada. Dominion Bureau of Statistics. Department of Trade and Commerce, The Canada Year Book 1951 (Ottawa, 1951), p. 1129.

<sup>256</sup> A.P. McKenzie (Secretary) to B.J. Griffith. 31st October, 1932; B.J. Griffith to the Secretary (DIA). 3rd November, 1932. OOA, RG10, Vol. 1946, File 4252-11; Richard H. Bartlett, The Indian Act of Canada 2nd edition, (Saskatoon: Univ. of Saskatchewan Native Law Centre, 1988), pp. 5-6.

vouchers which, rather than having a dollar value, itemized specific, allowed quantities of food. This would remain the case until 1958-59, when cash was given for the most part, and those still receiving vouchers received a variety with cash values.<sup>257</sup> However, in 1939 relief "workers" at Tobique began to receive payment by cash rather than vouchers.<sup>258</sup> A year earlier, DIA had decided to begin using welfare money as a economic development program. They removed large portions of money from the welfare allocation, and used it to create work.<sup>259</sup> Following this change in procedure relief figures dropped dramatically, by 1943 reaching a low not seen since the mid-1920s (see Figure 3-1).

**Figure 3-1. New Brunswick Relief Figures.**

1937-38	\$57,827.72
1938-39	\$61,503.32
1939-40	\$65,294.79
1940-41	\$48,506.52
1941-42	\$34,753.28
1942-43	\$21,524.22
1943-44	\$21,391.81
1944-45	\$24,502.52
1945-46	\$30,262.71
1946-47	\$56,109.09
1947-48	\$83,821.89

Source: DIA Annual Reports. Various Years.

Relief work was part of the Department's response to massive unemployment brought on by the Depression. Without available work, Indians had to rely more and more on the Department for aid. The Band

<sup>257</sup> A Review of Activities 1948-1958, p. 15.

<sup>258</sup> General Superintendent of Agencies to N.H. MacPhail. 24 June, 1938. OOA, RG10, Vol.7730, File 23066-2, pt.3.

<sup>259</sup> Canada. Indian Affairs Branch. Department of Mines and Resources. Annual Report for the Year ending 31st March, 1938, (Ottawa, 1939), p. 192.

began adopting similar solutions in its attempt to relieve the hardships faced by their community. In 1935 they petitioned the Department to release \$2000.00 from their Capital fund to cover the costs of necessary repairs on the Reserve, which would simultaneously provide community members with a much needed source of income.<sup>260</sup> Projects such as these were sufficient to satisfy immediate needs, but did nothing to help with long-term development. When the economy picked up, the program remained in place. Tobique's work force was comprised of mainly unskilled labourers who were susceptible to loss of work during poor economic times, as well as to seasonal layoffs. Quickly they came to be perceived not as occasional workers for the Department, but as relief recipients. Distinction between these two was not unimportant to Band members. In 1932, one man complained about being assigned relief work:

Mr. McPhail Indian Agent told me I had to go and work two days a week for relief. Well he sat me to work Painting the church I am a painter by trade I found out later by the letter you sent to the Indians that only Public work was compulsory ...<sup>261</sup>

In fact, however, the Indian Agent was within his authority to order work of this nature to be done. It became customary for all work done on the Reserve to be handled as a "relief matter", except when whites were hired and paid by cash. As a result, any chance of obtaining Department-related work was out of the question. "If it is a case of giving relief and making the Indians work for it, the Welfare Branch should pay for some, and no one should be hired who can look after his own requirements."<sup>262</sup> In essence, employment

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<sup>260</sup> Band Resolution (signed by 50 Band members) to Superintendent General of Indian Affairs. 27th July, 1935. OOA, RG10, Vol. 7729, File 23066-2, pt.2.

<sup>261</sup> Alphonse Bernard to Mr. Scott. 28 Mar. 1932. OOA, RG10, Vol. 6068, File 284-5, pt.3.

<sup>262</sup> General Superintendent of Agencies to N.H. McPhail. 28 June, 1938. OOA, RG10, Vol. 7730, File 23066-2, pt.3.

opportunities were removed in favour of relief opportunities. Had this been a temporary measure the effects might not have been so great. However, this solution was to remain central to Department policy until the late 1950s. The only difference was the name, having become known as "welfare training projects", and finally as "economic development projects".<sup>263</sup>

The Department's position was that "relief is not the right of any Indian, but is given at the pleasure of the Branch to prevent suffering." Care was taken not to provide sufficient relief so as to remove incentive to work when employment was available.<sup>264</sup> At Tobique there are numerous cases of Band members writing to the Department seeking employment, not relief. One man wrote requesting a job painting the school. He explained that there was no work available, and that if given the job he could employ two others also in need of work.<sup>265</sup> Nor did residents stop seeking work off the Reserve, a point verified by the Indian Agent himself who wrote in 1935: "Quite a number of Indians are finding employment and I hope to have the greater portion of relief orders cancelled by June 1st. I could then employ any without work on the road."<sup>266</sup> Creating work for oneself, and for others, was one response to hard times. Again referring to the school, another band member wrote:

...I can invent work, for some of the Indians. I am a sign painter and am able to mix any kind of paint required for building

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<sup>263</sup> Canada. Indian Affairs Branch. Department of Mines and Resources. Annual Report for the Year ending 31st March, 1947, (Ottawa, 1948), p. 205.

<sup>264</sup> 1947 Joint Committee in Hawthorne, p. 318.

<sup>265</sup> Alphonse Bernard to Dept. of Ind. Affairs. c. July 1938. OOA, RG10, Vol. 6068, File 284-5, pt.4.

<sup>266</sup> N.H. MacPhail (Indian Agent) to The Secretary, DIA. 17th May, 1935. OOA, RG10, Vol. 7729, File 23066-2, pt.2.

purpose. many of the members. are out of work. and besides it would be best to paint now before school opens up.<sup>267</sup>

Members of this community showed no signs of being satisfied with receiving relief.

Critics of Department policy have charged that DIA's welfare policies since the War "tended to lower the initiative of Indians and thus impede their economic development."<sup>268</sup> Prior to the Depression, Tobique Band members relied, for the most part, very little on relief assistance and, as we have already seen, most were not eligible for it. By the time the Canadian economy had improved many Band members had come to view relief as an acceptable supplement to their annual income. Rather than addressing the lack of employment possibilities for Tobique Band members with a substantial economic development program, DIA had instead given the better part of their attention to the provisioning of welfare. As a result, many have come to consider this part of their economy as a right, based on past wrongs and government policies:

...it's not a handout, the Government,...their own rules, their own legislation, their own policies, that stated that where we were put on reserves, because the land issue were never dealt with in the treaties, they were merely peace treaties, hunting, fishing, gathering; the land issue was never dealt with. So when they herded our people on small pieces of land, that wouldn't feed us, the government promised to make sure that our people had food, and clothes to wear, and heat and so on. That was their promise. So its not a welfare handout the same as the welfare people they maintain out there...<sup>269</sup>

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<sup>267</sup> Charlie Saulis to Supt. of Indian Affairs. 6 August 1936. OOA, RG10, Vol. 6068, File 284-5, pt.4.

<sup>268</sup> Hawthorne, p. 112.

<sup>269</sup> Interview with Alma Brooks. 7th June, 1991. Home of Connie & Harry LaPorte, St. Mary's Reserve.



Others have seen the availability of relief as detrimental to the community. "...there's too much help... It wasn't like that before... I think now everybody benefits by it...but I think it tends to make them not want to do anything to help themselves."<sup>270</sup> Whatever side of the issue individuals take, there is no denying that it has become an entrenched part of the Reserve economy. It has allowed many individuals to remain on the Reserve where employment opportunities were minimal, but where an equally important social fabric provided other needs.

Despite the fact that Canada began to emerge as an industrial nation in the twentieth century, Indian policy changed little. While the need for new policy was seen by some, the Depression and war years of the 30s and early 40s served to make matters of Indian concern a low priority; it helped preserve the status quo.<sup>271</sup> Following World War II national public opinion regarding welfare and economic matters began to change dramatically.

Since World War II there has been a growing social conscience and increased acceptance of social responsibility which has markedly enlarged the scope of the amenities of life to which all members of the community are deemed to be entitled...As long as non-Indian expectations of the role of government were fairly elementary there was not a striking divergence between the services received from federal, provincial and local governments. However, with a growing role for these governments an increasing gap between the services provided Indians by the Branch, and the government services provided to other Canadians was inevitable.<sup>272</sup>

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<sup>270</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

<sup>271</sup> R.F. Battle, An Historical Review of Indian Affairs Policies and New directions for the Future. Unpublished. (Ottawa: Indian Affairs Branch, 1966), p. 4; Daugherty, p. 56.

<sup>272</sup> Hawthorne, pp. 361-362.

One area where large discrepancies were apparent was housing. There has long been an acute shortage in this area, dating back to at least the early 1900s. An employee of the Department wrote in 1908,

Your statement that some 59 families reside at Tobique is a matter of surprise to me. For the sake of correction I would be disposed to reduce the figure considerably, as otherwise, the occupants of each dwelling must average two families, which I do not believe is the case.<sup>273</sup>

This figure seemed incredible to the DIA official, but is easily imaginable when considered in light of the following account describing the degree to which this problem affected the Reserve.

My grandmother had an upstairs she didn't use in the winter. Madeline gave me a bed and we were given a few blankets — that was all we had, and for the first while we lived upstairs at my grandmothers.

Then my sister, Marie (who is no longer living), had to go into the hospital to have a baby, and her husband was out in the woods working, so we moved in there for a couple of months to help look after her kids. They were crowded, as it was, though. We heard about an old log cabin a fellow had who was working in Red Rapids. We moved in there for the summer months, but it wasn't winterized, so we could only live there till the fall. Then we moved in with another of my sisters, but she had two kids and was crowded also. I had my first baby when we lived there. While we were staying there we found out about an old house on the reserve where the old man living in it had died. We moved into it and stayed for two or three years.<sup>274</sup>

Housing shortages grew worse as reserve populations grew at a rate above that of the non-Indian population. One family who lost their home to fire collected the necessary logs needed, but required spikes to build a cabin. They asked the Indian Agent, who refused them. Later, after managing to get hold

<sup>273</sup> A.J. Boyd (Indian Superintendent) to the Secretary DIA 4<sup>th</sup> November, 1908. OOA, RG 10, Vol. 7866, File 31066-2, pt.1.

<sup>274</sup> Ida Paul in Silman, p. 27.

of the necessary spikes, they returned to the Agent to get boards for a roof; again they were refused. By scavenging for old wood they managed to put together a roof, thus completing their house.<sup>275</sup> The same family described their eventual purchase of an old house (without electricity or running water) for \$300; paying so much per week. Here they lived with their ten kids.<sup>276</sup> Department assistance in this area began only in the 1940s, when new houses became available through either the Veterans Land Act (VLA), or through general welfare.

In 1944, the Welfare division of the Indian Affairs branch began subsidizing the cost of house-building. This was part of their efforts to employ Indian men.<sup>277</sup> In New Brunswick, the program started slowly. A report for 1947 indicates that of the fourteen houses built that year, all were financed by VLA grants to Indian soldiers. By the 1950s, "welfare houses" were being built more frequently as part of the make-work programs (including repair work on existing houses), but never in sufficient quantities.<sup>278</sup>

The housing program has resulted in greatly improved living and housing conditions in many areas in recent years. Nevertheless, the demands for new houses in 1957-58 again exceeded the number for which financial assistance could reasonably be provided from Welfare funds which were devoted to the most needy cases.

As in the past, Indian bands and individuals were encouraged to contribute materials and labour as well as money. As a result, for each dollar spent from Welfare funds, at least an

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<sup>275</sup> Ida Paul in Silman, p. 28.

<sup>276</sup> Silman, p. 29.

<sup>277</sup> Wallis in McGee, Native Peoples, p. 130.

<sup>278</sup> Canada. Indian Affairs Branch. Department of Citizenship and Immigration. Annual Report, (Ottawa, Various Years)

equal amount was supplied by Band funds, Veterans' Land Act grants to Indian veterans, and individual Indians.<sup>279</sup>

Welfare housing assistance was reserved for the sick, aged, and those individuals who, through force of circumstances, were unable to finance repairs or the construction of new houses.<sup>280</sup> Fortunately for many, this was not the sole source of funding. Qualified individuals could apply for financing through the National Housing Act (subject to special guarantee provisions),<sup>281</sup> and, of course, there was always the VLA.

Indian war veterans, as with all veterans, became eligible for housing assistance vis à vis the Veterans Lands Act, which gave them a grant to build or purchase a home.<sup>282</sup> Unlike white veterans, who dealt with the Department of Veteran Affairs, Indian veterans negotiated with DIA, who controlled the Native VLA program. These two bureaucratic arms dealt with their clients very differently. Any World War II Veteran applying for assistance to purchase a farm was first considered by a committee who inquired into past and present experience and ability to farm. Those who did not measure up were disallowed a farm, receiving instead land on which to build a home. Native Veterans, on the other hand, were automatically considered for a farm, in a location chosen by DIA, whether or not they cared to farm, or even knew how.

If this is true, where does the Indian veteran come in who never has farmed, doesn't want to farm, but wants government assistance on the same terms extended to white veterans? ...

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<sup>279</sup> Canada. Indian Affairs Branch. Department of Citizenship and Immigration Annual Report for the Year 1957-58, (Ottawa, 1958), pp. 49-50.

<sup>280</sup> Canada. Indian Affairs Branch. Department of Citizenship and Immigration Annual Report for the Year 1955-56, (Ottawa, 1956), p. 46.

<sup>281</sup> Canada. Indian Affairs Branch. Department of Citizenship and Immigration Annual Report for the Year 1956-57, (Ottawa, 1957), p. 49.

<sup>282</sup> Canada. Dominion Bureau of Statistics. Department of Trade and Commerce, The Canada Year Book 1948-49 (Ottawa, 1949), p. 1176.

The Indian veteran wants assistance in resettlement near his own people and where he has established business & social connections; but when he asked for assistance to build on his reservation he told he cannot have that assistance, cannot have that house built unless he removes to Kingsclear to a little three-acre farm whether is fitted or wants to farm or not...<sup>283</sup>

Resistance to forced resettlement (part of a larger Centralization policy) was sufficient along the St. John River that only residents of the Oromocto Reserve were affected. The Department appears to have been encouraging farming in light of the growing need for economic development. Officials failed to consider a diversified economy including skilled and unskilled labourers, service sector workers, professionals, etc. One member of the Woodstock Reserve resisted the imposition of an agrarian lifestyle:

He is told that if he wishes to receive reestablishment assistance, he must remove to Kingsclear. He wants to stay near his own people at Woodstock. He does not want to farm in any manner. He is skilled mechanically and was an instructor of various infantry units in England in machine gun mechanics.<sup>284</sup>

The expressed objection was that Indians did not want to farm. Resisting pressure to do so allowed Indian veterans to remain on their respective reserves and pursue economic activities which were more profitable, and more to their liking.

The various Bands were able to resist the imposition of agrarian communities, and veterans were allowed to build on their own reserves. However, everything did not run smoothly. Indian Veterans could not buy land from the Reserve, so the VLA was amended to allow them "a grant

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<sup>283</sup> The Indian Veteran and the Farm, 1948. A statement paper by E.T. Adney. University of New Brunswick Archives and Special Collections. Adney Papers. Case 4, File 1.

<sup>284</sup> Rights of Indian Veterans in reestablishment. The case of Oliver Polchies, Woodstock Reserve. E.T. Adney to McMalagal. (c.1947) University of New Brunswick Archives & Special Collections, Adney Papers: Case 4, File 1.

\$2,320 to establish homes and farms on reserve plots."<sup>285</sup> This action created new problems, which resulted in accusations being levied against Government officials. At Tobique these included:

1. That the Indian Agent supplied Indians with building materials from his own hardware store, failing to provide receipts.
2. Labour costs were deducted from veterans' allotment for workers who did not exist. One example saw \$992.50 charged to pay 12 men when only 4, including the veteran, had ever worked on the house.<sup>286</sup>

Indian veterans were denied equality of reparation for their sacrifices. DIA handled these funds in the same manner as other funds, without proper care and with total disregard for the people who should have benefitted from it. Not only was funding for projects such as the VLA handled separately, but after World War II, many of the discrepancies in services, and the manner in which they were provided, came to be noticed by Veteran and civilian Indians alike.

### Health

Many of the services received by non-Indians were not available to Natives, such as in the case of universal social welfare programs (see p. 76). By being denied equal access to provincially controlled services, they were prevented from enjoying the same standard of social benefits others in the country had come to accept as a right. The provisioning of such services by DIA did not mean equitable quality or quantity. The federal government, in assuming responsibility for Indian health, did so without any sense of quality or administrative control. No immediate steps were taken to establish an

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<sup>285</sup> "Indian War Veterans victims of unfair treatment" in Agenutemagen August, 1984.

<sup>286</sup> "Indian War Veterans victims of unfair treatment" in Agenutemagen August, 1984.

infrastructure by which Indians could be assured of receiving sufficient attention. The result of this was reported in 1966 by H. B. Hawthorne:

In the absence of normal services Indians received inadequate and inferior services from the Indian Affairs Branch, which lacked both the expertise and inclination to compete in terms of quality with provincial welfare departments.<sup>287</sup>

The practice was to place such services in the hands of another agency when necessary, paying as little as possible as they went along. Government action in this area was so impromptu that providers of medical care were not even sure who to bill for services rendered. In 1873, when Tobique Indians were struck by smallpox, a bill was initially sent by the Wicklow Board of Health to the Provincial government, who responded:

I am directed to say that the government cannot recognize any obligation on the part of the Province to pay the expences for the care taking of the Indians at Wicklow attacked with Small Pox.

These charges ought properly to be borne by the Dominion Government in whose charge by the 'British North American Act' are placed the Indians and lands reserved for the Indians. On the 6<sup>th</sup> March last a telegrapher dispatch was received at this Office from the Secretary Treasurer of your municipality informing the Government that the Small pox had broken out among the Indians at Wicklow and asking if the Government would meet the expences to which a reply was the same day sent informing the Secretary Treasurer in effect that the local Government had nothing to do with the matter, but that William Fisher Esq. the Indian Commissioner was the proper person to whom application should be made. I myself saw Mr. Fisher the Same day and he informed me that he would at once communicate with the authorities at Ottawa, which I believe he did and the matter has from the first been in his charges and not under the control of the Provincial Government.<sup>288</sup>

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<sup>287</sup> Hawthorne, pt. 1, p. 316.

<sup>288</sup> Mr. Jas. Fraser to the President and members of the Municipal Board of Health. 17 June, 1873. OOA, RG10, Vol. 1901, File 2060.

Finally, the bill of \$760.03 was redirected to DIA. The Department found it high, so they had it assessed by another experienced physician, who reported that the sum of no more than \$245.33 was a fair amount. This was sent, but a petition from the Board arrived asking for the balance of the account. Again the account was shown to a competent medical man who confirmed the opinion given by the first doctor.<sup>289</sup> The Department spent the next year haggling over the price, all the while risking the chance of future health care for the Indians from this institution.<sup>290</sup> It may be that the Wicklow Board of Health was charging exorbitant fees for treatment, but this could have been avoided if the Department had taken earlier measures to negotiate health care costs. In fact, they were so lax in administering social services that the Indian Agent reported the year of the smallpox outbreak that:

As regards Tobique I informed the merchants who supplies them with the few necessities they may require, and also the medical man who occasionally render them services to attend to their wants and see that within a reasonable amount (giving it) the poor and those really deserving and none other might be attended to.<sup>291</sup>

With such discretionary powers left to the purveyors of health and welfare services, it is hardly surprising their fees would have favoured higher figures.

The Department was all but negligent in its supply of health care. The Agent of the day wrote of the service:

...you will find that the medical treatment bestowed upon the Indians of New Brunswick has been sadly and unjustly

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<sup>289</sup> Report from ? May 19, 1875. OOA, RG10, Vol. 1901, File 2060.

<sup>290</sup> Stephen B. Appleby, M.P. to Hon. David Laird, 20 July, 1874. OOA, RG10, Vol. 1901, File 2060; Thomas ? (Chairman of the Board of Health, Wicklow Co. New Brunswick) to Mr. Mills, M.D. 12 August, 1874. OOA, RG10, Vol. 1901, File 2060.

<sup>291</sup> Wm. Fisher to Min. of the Interior. 26 July 1873. OOA, RG10, Vol. 1903, File 2150.



neglected, and with the exception of some small amounts paid to medical men for services and medicines in some parts of my District (I do not allude to the extraordinary expenditure made for small pox and vaccination during one or two of these years, but I am speaking of ordinary annual expenditure among the Indians), I do assure you that, with the exception above, I have had to pay medical men and for medicines solely out of the small amount sent to me for pecuniary aid, and have at times been constrained from necessity to withhold medical aid in consequence of being compelled to take from pecuniary aid funds, and even then having for that purpose a sum quite inadequate to the wants of the Indians.<sup>292</sup>

The lack of any ongoing, systematic approach to ensuring good health among the Indians held a high cost for the community. For the most part health care was relegated to periods of extreme or epidemic proportions.

The lack of sufficient medical care at Tobique is somewhat understandable for the first quarter of the 20<sup>th</sup> century. Provincial services to many non-Indians were not much better at this time. Furthermore, doctors could only reach Tobique's isolated location by canoe, which would account for the thriving practices of midwifery and traditional Maliseet medicine prior to the introduction of a Reserve hospital. As for assistance from DIA, this was relegated to times of emergency until 1924 when a hospital was included as part of the newly re-built church.<sup>293</sup> This hospital was run by the same religious order that was in charge of the school. Once a week an "Indian doctor" from Andover visited; "You never had to wait when we had the hospital. You went to the door and they always let you in or gave you medicine if you needed it."<sup>294</sup> The convent, as it was also called, was small,

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<sup>292</sup> Canada. Department of the Interior. *Indian Affairs. Annual Report for the Year ending 30 June, 1878*, (Ottawa, 1879), p. 44.

<sup>293</sup> Eva Saulis in Silman, pp. 33, 35.

<sup>294</sup> H.F. McGee, Second Field Session, Summer 1974, p. 51.

having "limited accommodation for sick Indians."<sup>295</sup> The Tobique Hospital could hold patients with chronic diseases such as pulmonary tuberculosis, chronic bronchitis, and active tuberculosis. The space was to "be occupied by a more active and less communicable type of patient."<sup>296</sup> The existence of this hospital did not mean health care had been given greater priority. In fact, the years that followed saw a decrease in Indian Health services due to financial stringency.<sup>297</sup> The Department established its own Medical Branch in 1928, which eventually was turned over to the Department of National Health and Welfare in 1945.<sup>298</sup> Despite these apparent moves to improve health services, 1947 national figures showed that Indian deaths from measles were 46 times greater than whites; whooping cough 30 times greater; influenza 12 times greater; tuberculosis 17 times greater; pneumonia 12 times greater, and so on.<sup>299</sup> Both the Canadian Welfare Council and Canadian Association of Social Workers stated that Indians were not being provided with social services equal to those of other Canadians. Referring to changes to the diets of federal prisoners, they wrote: "...what we cannot understand is the failure to adopt a similar policy for the Indians, who are equally wards of the government, but who have not been convicted of crimes against society."<sup>300</sup> Clearly, the federal government's assuming health and welfare services for native peoples was the basis of an inadequate and ineffective system. The actual costs in lives and persistent ill-health has been incalculable, inasmuch as it has also been intolerable.

<sup>295</sup> C.C. Parker to ? 22 March, 1928; A.F. McKenzie, Acting Asst. Deputy and Secretary to C.J. Roberts, Indian Agent 7 May, 1928. OOA, RG10, Vol. 7866, File 31066-2, pt.2.

<sup>296</sup> T.R.L. MacInnes to N.H. MacPhail. Date???. OOA, RG10, Vol. 6069, File 284-8, pt.3.

<sup>297</sup> Richardson, p. 125.

<sup>298</sup> Canada. Dominion Bureau of Statistics. Department of Trade and Commerce. The Canada Year Book 1948-49 (Ottawa, 1949), p. 1173.

<sup>299</sup> Richardson, p. 147.

<sup>300</sup> Richardson, p. 150.

### Enfranchisement

Many of the social costs to Native communities have been unquantifiable, such as those produced through enforced enfranchisement. According to Section 3 (3) (c) of the Indian Act (1876), any woman marrying a non-Indian ceased to be an Indian. She may have spoken her native tongue and had all the other cultural characteristics that distinguished her people, but legally she had no right to claim status. Likewise, any children born to her from such a marriage had no such claims. Prior to 15 August, 1951, the Superintendent was obliged to interview the mother, and father when possible, of any Indian child known to be born out of wedlock. The purpose of this was to ascertain the status of the father (re: Indian or not), and determine if the child was entitled to Band membership.<sup>301</sup> It is hard to estimate how many Tobique women and children lost their status this way.\* However, the implications of such marriage arrangements were clearly not widely known among Native women: "As on many other reserves, Tobique women were unaware of the far-reaching implications of 'marrying out' until they later sought to move back to the reserve."<sup>302</sup> Only then did they discover they had no legal claim to the Reserve or Band membership (see p. 240). Males from the community who married white women not only retained their status, but passed their status to their non-Indian wives. By marrying a Maliseet man from Tobique, a white woman could become an "instant Indian."<sup>303</sup> The costs to the Reserves have been great. In addition to denying individual members basic

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<sup>301</sup> Canada. Indian Affairs Branch. Department of Citizenship and Immigration. Field Handbook, Section 4.25 (Ottawa, 1960).

\* These statistics are considered confidential information, and are therefore unobtainable. They are available at the provincial level in the annual reports of Indian Affairs.

<sup>302</sup> Silman, p. 13.

<sup>303</sup> McFeat, Highway, p. 259.

human rights, it caused the alienation of family members, and hindered the passing of language and traditions. Women provided the social fabric of the community, tending to remain on or near the Reserve more so than men. Referring to Tobique, Chief William Saulis pointed out that "Women hold the reserve together, not the men", adding that "It is not that the women need the men — they just need their homes and each other."<sup>304</sup> It was the home, and the ability to return to it, that had served as the community core. Denying those marrying out access to it was denying them a very important social link, and denying the community contributions, cultural or otherwise, that these barred members might possibly have made.

### Education

From the very beginning the Tobique Indian Day school experienced setbacks. Opening in 1869, it operated for only two years when Departmental problems caused its closure until 1881.<sup>305</sup> The initial problems experienced by the school had little or nothing to do with the students or curriculum. They originated instead with issues associated with bureaucratic planning and departmental jealousies.

The first Tobique teacher was Charles Mehan who was hired to begin 1<sup>st</sup> Sept. 1869 at a salary of \$150.00 a year. Trouble arose between him and Rev. J.J. O'Leary, who informed the Department of the "real character" of the Tobique Schoolmaster, who he claimed had "given much annoyance and has proved himself a worthless person and a mischief maker among the Indians." He continued, saying that Mehan had been hired and directed to begin his duties at the rate of \$150 a year to be paid quarterly. O'Leary then

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<sup>304</sup> McFeat, Highway, p. 152.

<sup>305</sup> Hamilton, Day Schools, p. 25.

claimed that Mehan agreed to the figures, but did not commence work until the 18<sup>th</sup> day of Oct. 1869. At the expiration of the first quarter, according to agreement, O'Leary paid him his salary — "from my own purse \$37.50 — and got a receipt." He goes on to say that he paid him \$150.00 for the year's salary and then dismissed him, but that Mehan did not recognize his authority. O'Leary claimed that Mehan had "created discontent among the Indians and has gone to ask the services of another clergyman for them" and as a result could "not without exposing myself to personal violence visit those Indians while this desperate character is among them."<sup>306</sup>

O'Leary's dislike for Mehan is evident from the preceding description, but his account omits certain facts. To begin with, the school year was late in commencing because the building's construction had to await verification of funding from the Department.<sup>307</sup> Whether Meahan was "agitating" Band members is a subjective matter. Clearly he was drawing attention to the poor management of Reserve lands (as shown earlier), and he definitely had the support of the community. A petition signed by 31 Band members showed their desire to keep him on as teacher.

We they undersigned make an oath that the Rev. d John J. O'Leary (before our school commenced) made this agreement with us all they Indian people present that + If we would finish Our School House board the Teacher and find firewood — that he would pay him (the Teacher) as long as we wanted to keep him. If that should be one year, four years or ten years. He said + Now do you all agree to that? We said + We agree; the Teacher said ? Now you know that this school had to begin, as I am paying the Teacher since first day of July last. Can you give me your home to commence with, So we got the School House finished.<sup>308</sup>

<sup>306</sup> O'Leary to Joseph Howe, Sect. of State. 19 Oct. 1870. OOA, RG 10, Vol. 1859, File 106.

<sup>307</sup> J.J. O'Leary to L. Langevin, Sect. of State. 8 Aug. 1869; J.J. O'Leary to L. Langevin, Sect. of State. 8 Nov. 1869. OOA, RG10, Vol. 1859, File 106.

<sup>308</sup> Petition Tobique Community. 28 Feb. 1871. OOA, RG10, Vol. 1859, File 106.

Other than O'Leary's vague accusations of "agitating" there is little else to suggest Meahan was doing wrong. What does appear to be a likely source of contention between the two men are questions of fiscal mismanagement and misappropriation, as well as unethical work practices. A financial disagreement between Mehan and O'Leary arose when the former was paid in a lower valued American silver, and asked to sign a document stating receipt of full payment. He would not do so, and was then told by O'Leary that if he would sign he would receive an additional \$90.00 annually from the New Brunswick Government in addition to the \$150. Again, he would not sign.<sup>309</sup> Meahan explained:

...I was under the necessity of showing Mr. O'Leary that at the end of the year he would have \$60.00 of my salary and I would have \$90.00. When this fact and my determination came to his sight he raised a cry of revolt which was readily picked up by some of the Catholics of Grand Falls and sent to Ottawa both written and verbally and it had the effect of completely stopping my salary.<sup>310</sup>

In the end the teacher had been shorted \$126.25. He had taught from Oct. 4<sup>th</sup>, 1869 to July 15<sup>th</sup>, 1871, a total of 21 1/2 months at \$150.00 per year, which should have totalled \$268.75.<sup>311</sup>

The result of this dispute was the school's closure in 1871. Not until 1879 were thoughts of reopening considered. At that time Indian Agent Moses Craig discussed the need of a school for 49 Tobique children of suitable age, who were too isolated to attend a nearby common school.<sup>312</sup> The Tobique

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<sup>309</sup> Charles Mehan to Jos. Howe. 13 March, 1871. OOA, RG10, Vol. 1859, File 106.

<sup>310</sup> Mehan to Hon. L. Tilley, Min. of Customs. 31 May, 1871. OOA, RG10, Vol. 1859, File 106.

<sup>311</sup> Mehan to S.B. Appleby M.P. House of Commons. 16 April 1874. OOA, RG10, Vol. 1859, File 106.

<sup>312</sup> Report of Moses Craig. 22 Aug, 1879. OOA, RG10, Vol. 2093, File 15,769.

Band agreed to construct a building of about 18x24 feet for use of a school. They requested a contribution of \$120.00 towards it for materials. The Agent estimated that a teacher could be hired for between \$200.00 or \$300.00 per annum. He wrote to the Provincial Education office to learn if a Indian Day School teacher was eligible for a provincial allowance.<sup>313</sup> The response was that the teacher would get no Provincial allowances for a school among the Indian, and that the whole expense would therefore fall upon the Indian Department.<sup>314</sup> As with the public services discussed above, this responsibility was legally within provincial jurisdiction. However, it was picked up by the Department due to a loose interpretation of the BNA Act, and similar to the other services, the provided program would prove to be altogether inadequate.

Late in November of 1879 negotiations to build the school began. The Deputy Superintendent General of Indian Affairs agreed to a requested sum of money for the construction, and further agreed to pay \$150.00 per annum towards a teacher's salary if the Indians would agree to pay the remaining half.<sup>315</sup> Although paying half proved impossible, Tobique did pay a portion of the teachers' salary for nearly twenty-five years, thus enjoying a certain ownership and control of the school.<sup>316</sup> They

...agreed to give seventy five dollars towards their school for this year, they will have about fifty dollars coming to them at ten per cent of the timber due, and the balance they will make up among

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<sup>313</sup> Craig to Dept. Supt. Gen. of Indian Affairs. 27 Oct. 1879. OOA, RG10, Vol. 2093, File 15,769.

<sup>314</sup> Craig to Dept. Supt. Gen. of Indian Affairs. 10 July, 1880. OOA, RG10, Vol. 2093, File 15,769.

<sup>315</sup> Supt. Gen. DIA to Craig. 13 Aug. 1880. OOA, RG10, Vol. 2093, File 15,769.

<sup>316</sup> Hamilton, Lay Schools, p. 126.

themselves...if the Department will give the \$150.00 we will have enough to pay the teacher nine month.<sup>317</sup>

As a result of these negotiations, Tobique once again had a school, as well as the distinction of being the only school in the region not funded entirely by the Department.<sup>318</sup>

The next problem to arise was that of keeping a teacher. The first, Mary Hartt, remained for a four year period. Her successor stayed two years. The next five remained for only one year periods, owing to inadequate salaries and even poorer accommodations.<sup>319</sup> School Inspector Father Ryan wrote:

Teachers are more uncertain than the stock exchange. I find many wait until the last minute, trying to get the best possible wages. It is very difficult to get teachers now to take Ind. schools. I feel that the Dept., in the near future, will be forced to hold out stronger inducements, in order to secure teachers for Ind. Reserves, or do without them.<sup>320</sup>

This remained an acute, long-term problem. Between 1881 and 1924 only three teachers remained for longer than a three year period.<sup>321</sup> This meant little could be hoped for in terms of a systematic approach to educational development among the children. The Department simply did not want to incur additional expenses from this or any school. This fact had direct repercussions on the schools ability to provide adequate education for all Indian children. "There are a number of little ones who are wanting to come

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<sup>317</sup> Craig to Dept. Supt. Gen. of Indian Affairs. 3 June 1881. OOA, RG10, Vol. 2093, File 15,769.

<sup>318</sup> Hamilton, Day Schools, p. 126.

<sup>319</sup> Hamilton, Day Schools, p. 127; Annetta Bradley (Teacher) to James Farrell. 30 April 1907; Public School Inspector to Dept. Supt. Gen. 13 Nov. 1907. OOA, RG10, Vol. 6068, File 284-1, pt. 1; F. McGrand to Secretary DIA 14 Jan. 1919. OOA, RG10, Vol. 6069, File 284-8, pt.1; Marie Feeny to Duncan Scott, Dept. Supt. 11 Sept. 1920; A.F. McKenzie to Rev. F.C. Ryan (Inspector of Indian Schools) 21 Sept. 1920. OOA, RG10. Vol. 6068, File 284-1, pt.1.

<sup>320</sup> Ryan to Duncan Scott, Supt. DIA. 8 Sept. 1920. OOA, RG10, Vol. 6068, File 284-1, pt. 1.

<sup>321</sup> Hamilton, Day Schools, p.131



in to school, so I want some of the first readers on hand. I am not encouraging them to come for each seat now is occupied ..."<sup>322</sup> In response Father Hugolin requested that two nuns be obtained to act as teacher and field matron, that a bungalow be built for them, and that the Franciscan Missionary of Mary, whose Mother House was at Baie St. Paul, be appointed.<sup>323</sup> The suggestion was taken up, and the Order was engaged to run the school as well as a new six-bed hospital on the reserve.

The introduction of a stable education environment was threatened when a power struggle erupted between school Inspector Father F.C. Ryan and the Order. He felt they were the cause of Tobique's getting too much attention, at the expense of the other reserves.<sup>324</sup> By 1926, Sister M. Claire d'Assise was clearly challenging his authority: "We were under the impression that the school was directly dependent on the Dept. at Ottawa."<sup>325</sup> Ryan made his position known in a submissive, albeit challenging letter.

They well know that I am but the Inspector, and that the Dept can if they wish, put any old thing in any of their schools, and do as they desire with said schools. I am not that important, but what they could get along without me, for I know I could get along without the Dept. — Now the point is this...judging by this letter, that an agreement was entered into between the Dept. and the Mother House, that the Program of Studies of this Prov. would not have to be followed, therefore teachers were sent accordingly; I am powerless in the situation.

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<sup>322</sup> Annetta Bradley (Teacher) to James Farrell. 30 April 1907; Public School Inspector to Dept. Supt. Gen. 13 Nov. 1907. OOA, RG10, Vol. 6068, File 284-1, pt. 1.

<sup>323</sup> Memorandum from Supt. Ind Education. 1 June 1922; Fr. Hugolin to Duncan Scott. 1 Sept 1922. OOA, RG10, Vol. 6068, File 284-1, pt. 1.

<sup>324</sup> Hamilton, *Day Schools*, p. 129.

<sup>325</sup> F.C. Ryan to DIA. 16 Feb. 1926. OOA, RG10, Vol. 6068, File 284-1, pt. 1.

He added that there was a need for teachers with 2<sup>nd</sup> class Normal school licenses, which the Nuns did not possess.<sup>326</sup> A year later he was recommending a replacement, and with the passing of yet another year the Order submitted a resignation, stating that

it is evident that the main cause of these difficulties is due to a national rivalry more than anything else; thus we can not pretend of holding a secure position on the Reserve as long as Reverend Father Ryan will hold the Office of school Superintendent. According to his personal disposition towards the Order, his relations sooner or later would become unfavorable. So, in order, to prevent further disagreements on the part of the Government as well as for the Institution itself, we are advising you, dear Sir, by the present, of our resignation as teachers of the Tobique Mission by this next June 30<sup>th</sup> 1928. Circumstances make it impossible to continue the work.<sup>327</sup>

Father Ryan was opposed to the order, and had them replaced by the Sisters of Charity, who ran the school until 1970.<sup>328</sup> His use of curriculum as a means to get rid of the first religious order presented an opportunity for substantial improvements to the existing system. However, his true preoccupation was with maintaining his authority, and no substantial changes were made.

The BNA Act placed jurisdiction over education in the hands of the provinces. Consequently, most children attended schools functioning under provincial departments of education and locally elected school boards.<sup>329</sup> The education system in New Brunswick was such by 1854, that a Board of Education, a Normal School, a Superintendent of Education, and a system of

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<sup>326</sup> F.C. Ryan to DIA. 16 Feb., 1926; Ryan to Rev. and Dear Mother (M. Claire d'Assise) 9 March, 1926. OOA, RG10, Vol. 6068, File 284-1, pt. 1.

<sup>327</sup> Sr. M. Claire d'Assise, Supr.<sup>le</sup> Gen.<sup>le</sup>, to Duncan Scott. 10 March, 1928 OOA, RG10, Vol. 6068, File 284-1, pt.2.

<sup>328</sup> Hamilton, *Day Schools*, pp. 129, 131.

<sup>329</sup> Titley, p. 75.

inspection had all been established and were functioning.<sup>330</sup> An Act passed two years earlier established a system of credential classification.<sup>331</sup> These were as follows:

Male teachers of the first class were to teach Spelling, Reading, Writing, Arithmetic, English, Grammar, Geography, History, Book-keeping, Geometry, Mensuration, Land Surveying, Navigation, and Algebra, while female teachers of the same class were to teach Needlework and the first seven subjects named for male teachers. Second class male teachers were required to teach the same subjects as first class male teachers, with the omission of Geometry, Mensuration, Land Surveying, Navigation, and Algebra. Second class female teachers were to teach the same subjects as second class male teachers, with the omission of History and Book-keeping, and the addition of Needlework. The requirements for third class teachers of both sexes was simple — Spelling, Reading, Writing, and Arithmetic, with the addition of the inevitable Needlework in the cases of females. The Act required all teachers of the first and second class to impart a knowledge of the Geography, History and Resources of the Province of New Brunswick and the adjoining North American Colonies.<sup>332</sup>

Not until 1900 were steps taken to include manual training in the education program. The adoption of such training for boys naturally facilitated the introduction of household science for girls.<sup>333</sup>

As of 1872, the ascribed Indian Day School curriculum was the same as most of what was being taught in New Brunswick's Common Schools. Subjects included instruction in reading, writing, spelling, arithmetic, grammar and geography, just slightly better than the curriculum provided

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<sup>330</sup> Katherine F.C. MacNaughton The Development of the Theory and Practice of Education in New Brunswick 1784-1900 Unpublished M.A. Thesis, Fredericton, 1947 UNB Historical Studies, No. 1, p. 89.

<sup>331</sup> MacNaughton, p. 142.

<sup>332</sup> MacNaughton, pp. 169-170.

<sup>333</sup> MacNaughton, p. 238.

the lowest class of teacher.<sup>334</sup> An inspector's report from the previous year indicates that teacher Charles Mehan's daily curriculum included spelling, reading, writing, and that "most of the pupils were interested."<sup>335</sup> More than twenty years later curriculum had changed little, having added only drawing, arithmetic, and geography.<sup>336</sup> Not until the twentieth Century would the Indian Day school see curriculum development of any substance.

In 1909, substantial changes were made which were in keeping with trends in the province,

Miss Bradley, the teacher of the Tobique school, intends to establish a class in plain sewing and has been authorized to purchase materials for this purpose. She undertook this work on her own initiatives. The Department has asked her if, in addition to her other duties, she would be willing to extend her work so as to teach domestic economy to Indian women and grown girls in their own homes, as they are deficient in the management of them, and require instructions in plain cooking, habits of cleanliness and economy.<sup>337</sup>

In addition to domestic science, Bradley also introduced physical education.<sup>338</sup> The following year she extended her program by founding a "Domestic Science Association", complete with a code of rules governing their deliberations. This group met in various homes where they would knit, sew

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<sup>334</sup> The 1872 Annual Report of Joseph Howe, Supt. of Indian Affairs. Reprinted in Canada. Department of Indian Affairs. Annual Report for the Year ending 31 Dec., 1885, (Ottawa, 1886), p. 168; Annual Report of the Common, Superior, Grammar, Training & Model Schools in New Brunswick for 1873. Journal of the House of Assembly of the Province of New Brunswick. 1874. pp.xiv, A4, A5, A6, A7, A8, A9; Mehan to John Lisgar, Gov. Gen. of Canada, 7 March 1872. OOA, RG10, Vol. 1859, File 106.

<sup>335</sup> Inspector's Report. 16 January, 1871. OOA, RG10, Vol. 1859, File 106.

<sup>336</sup> Canada. Department of Indian Affairs. Annual Report for the Year ending 30 June, 1895, (Ottawa, 1896), p. 41.

<sup>337</sup> J.D. McLean (Secretary) to Rev. J.J. Ryan. 26th October, 1909. OOA, RG10, Vol. 2758, File 150,000-16. Note: Father J.J. Ryan was Inspector of Indian Schools, while Father F.C. Ryan was the parish priest at Tobique. F.C. Ryan eventually was promoted to the position of School Inspector in 1919.

<sup>338</sup> Hamilton, Day Schools, p. 127.

and re-work materials.<sup>339</sup> Much attention was given to subjects which would prepare Indian children for domestic life, but little was given to preparing them for occupations of a more cerebral nature. Even when Father Ryan made teaching credentials (and curriculum) the basis for having one religious order removed in favour of another, no improvements were made. In fact, the new order does not appear to have made any changes.

The nuns taught us girls weaving, knitting, crocheting and cooking — those kinds of things. I was in grade six when I quit school. Well, that was as far as you could go. After that I went for a course in Andover (the nearby town); I took this course in Home Ec. They had a girls club in the basement and they taught us dress making, quilting, and so on. White girls went, too.<sup>340</sup>

The lack of success in Native education can be directly attributed to Departmental policy. A school inspector's report from 1949 shows that DIA's goal was not academic enlightenment, and that in fact little achievement was expected let alone being pursued:

...reading of the pupils was fairly fluent but the teaching of the subject is very traditional. As in many of the schools no definit training of the physical aspects of reading have been undertaken. The Indian child has certain muscular deficiencies which prevent the pronunciation of sounds.

He commented that "The weaving & sewing are quite satisfactory." and that "Good work is being done at this school and while I did not check all the academic subjects, I am satisfied that progress is being made."<sup>341</sup> Clearly the Department's representative was getting what he expected, which was little

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<sup>339</sup> J.D. McLean (Secretary) to Rev. J.J. Ryan. 12th February, 1910. OOA, RG10, Vol. 2758, File 150,000-16.

<sup>340</sup> Eva Saulis in Silman, p. 36.

<sup>341</sup> A.J. Doucet, Supervisor Voc. Training. Memorandum, 7 June 1949. OOA, RG10, Vol. 6068, File 284-5, pt.5.

more than the completion of certain daily tasks, especially in Domestic sciences. There were no long term goals which looked to the day Tobique children would go to high school, and perhaps beyond. Progress in academic subjects was neither pursued or deemed relevant in Indian education. Not surprisingly a number of years would pass before any real developments in this area would be seen. Only after community children began participating in the integrated school system, where the inherent apathy of the Indian education program could not be hidden, were they to receive any semblance of a chance at an equitable education.

### St. Mary's

The St. Mary's Reserve is located on the northside of the Saint John River, in what is today the city of Fredericton. It is relatively young when compared to Tobique, and is not known to have been a site traditionally used by the Maliseet. The initial move here was part of the 19th century change in Maliseet demographics, and was no doubt inspired by the possibility for a steadier income from such activities as guiding Army officers and other prominent New Brunswickers, stevedoring, participating in the log drives, as well as larger, nearby markets for their manufactured wares.<sup>342</sup> Very early on, the people of this community participated in the Euro-Canadian socio-political economy. Compared to Tobique, it had already established a long and active interaction with the white population.

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<sup>342</sup> Dr. Peter Paul and Dr. Vincent Erickson, "A Brief Sketch of the First Fifty Years of the Saint Mary's Indian Reserve" in Ethnographic Research on New Brunswick Malecite Reserves. Preliminary Report for Research Contract, no. 3283.73.20. Museum of Civilization, Box 136, Folder 10. 1973, p. 2.

## Economic Development

### Land and Resources

St. Mary's Reserve did not share Tobique's problems of rapidly diminishing land and resources. In fact, the community comprised no more than 2 1/4 acres bordering the St. John River, which allowed for habitation but offered no resources such as wood, minerals or animal life. The community did experience its own, unique problems however. Firstly, the Reserve was, in fact, of dubious ownership for some time. Initially settled in 1847 by a Maliseet named Gabe Acquin, the land was given to him by the executors of the Xenophon Jewett estate. He established his home here, and was soon joined by other families including St. Pierrier (Sappier), Bear, Polchies, Sacoby and Saulis, and later Brooks and Pauls.<sup>343</sup> This property was officially purchased by the Federal Government on 20 June, 1867 as a reserve.<sup>344</sup> A series of land purchases involving lots 21 and 22, which included those portions given to Acquin, lead to a very confusing history. Amateur historian, Brucie Greene describes the events as follows:

- Parson Jeffrey began to buy up land from the N.B. and N.S. Land Company, and he also purchased lots 21 and 22 from the executors of the estate of one mentioned before (Xenophon Jewett). Jaffrey bought these lots on June 28, 1865. Parson Jeffrey sold this land to Thomas Hughes in 1876. As the lots 21 and 22 deed reads to the high water mark of the St. John River, it took in the land that Gabe had his camp on. In order not to disturb the Indian camps Hughes sold his front, on which Old Gabe was already established with the federal government on March 12, 1876. The record of these land deals can be found in the record

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<sup>343</sup> The original grant is located in the record office in book P, No. 2, Class C, pages 138-139. F. Brucie Greene, A History of Saint Mary's (Fredericton: York Regional Library, 1980), pp. 18-19.

<sup>344</sup> Dr. Peter Paul, p.2; Brucie Greene claims the sale was dated 12 March, 1876. See Greene, p. 32.

offices in book F, 3, pages 260, 261, 262, and in book F, 3, no. 25781 you will find where Hughes sold this property to the Crown. It then became known as Indian Lot 24.<sup>345</sup>

This land was to be purchased a second time by the federal government, when in 1912 they paid \$300 to Mrs. Katherine Paul, "Old Gabe's daughter", who held a deed indicating she had inherited it from her father. This transaction was to cede all claims to the Crown.<sup>346</sup> Other questions of possession had arisen in 1892, at which time no deed of sale could be found and former owner Thomas Hughes refused to provide a new deed unless he was paid \$80.00.<sup>347</sup> The then Indian Agent James Farrell wrote:

I have made diligent search for such Deed, among the papers and documents recovered by me from my predecessor in office, and am satisfied that no such Deed has ever been in my possession at any time. I have also caused search to be made in the office of the Registry of Deed and Wills in and for the County of York, and find that no such Deed has been ever placed on record or recorded in such office. I have also caused search to be made in the Departmental Offices of the New Brunswick Government, and can find no record of such Deed being then recorded, nor can I, after diligent search in every place where it is reasonably to surface such document might have been placed or filed, find such Deed to be non-existence, or obtain any copy thereof.<sup>348</sup>

At the recommendation of the Acting Superintendent General of Indian Affairs, the Department was prepared to pay the sum, thus avoiding future problems in the event of a sale. Only through the chance finding of the deed was this move to correct a Departmental blunder prevented.<sup>349</sup>

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<sup>345</sup> Greene, p. 32.

<sup>346</sup> Greene, pp. 32-33.

<sup>347</sup> To Acting Dept. Minister from Mr. Bray. 1 Sept., 1892. OOA, RG 10, Vol. 1945, File 4252.

<sup>348</sup> Declaration concerning Ownership of St. Mary's Reserve by James Farrell. 4 August, 1892. OOA, RG10, Vol.1945, File 4252, pt.2.

<sup>349</sup> Acting Dept. Minister of Justice to Acting Superintendent General of Indian Affairs. 5 September, 1892; ?? to James Farrell (Indian Agent). 13th September, 1892. OOA, RG10, Vol.1945, File 4252, pt.2.



A second problem arose as a result of their proximity to the city of Fredericton. As early as 1905, neighbouring whites began to express concerns for their "spiritual well-being."

With reference to St. Mary's Indians, whilst quite a number are of a reputable class there is another class that when they can get liquor they are never sober, and their morals are of the worst kind. These people are jailed from time to time; in fact I have a female (married women) and a young man in gaol now for thirty days each for drunkenness and bad behaviour, but imprisonment makes no improvement in their conduct, for they are no sooner released than they are ready to commence their evil habits over again, and if not, there are others ready to take their place. Now this is largely due to the situation of the Reserve. Imagine 120 odd of a population of Indians camped on two acres of land, situated between the rowdy element of the Gibson and St. Mary's villages. Again the rowdy elements of Fredericton that has only to cross the bridge leading from Fredericton to Reserve — and last the F'ton Boom Company's works on the north line of Reserve, whilst at the present time a new mill is being erected on the South line that will give employment to at least fifty men. Hence it is not only a surprise but I often hear it expressed by the better class of citizens why the Department do not remove these people from the many temptations that they are surrounded with, as the place is not fit for their temporal or spiritual good. <sup>350</sup>

In response, the Department began looking for an alternative place for them to live. James Farrell indicated that DIA would look for a farm and forest for the citizens of St. Mary's Reserve, and provide seed and farming implements "... on Condition that the band give their consent to the Sale of the St. Mary's Reserve N.B. to defray a part of the expense in connection therewith."<sup>351</sup> Resistance to the move came in light of fears that access to employment would be lost. Department officials instructed the Indian Agent to convince

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<sup>350</sup> James Campbell to the Deputy Minister. 28th July, 1905. OOA, RG10, Vol. 1945, File 4252, pt.2.

<sup>351</sup> James Farrell to the Indian Band of St. Mary's Reserve, N.B. 15th August, 1905. OOA, RG10, Vol. 1945, File 4252, pt.2.

St. Mary's residents that "...in their new homes, although they will be deprived of this employment they will still be able to maintain themselves."<sup>352</sup> DIA spent the next three years searching for a new home. By 1908, a solution was found in Oromocto, which already contained a reserve, and was not too great a distance from their existing location. Again, however, it was employment possibilities that prevented any such change. Residents of St. Mary's Reserve refused to move to Oromocto as the area lacked industry "to employ either white or Indian", and the Indians living in Oromocto had to vacate each summer to go to Upper Gagetown where they worked in a saw mill "at only fair wages whilst work lasts."<sup>353</sup>

Calls for their removal were repeated upon several occasions. In 1918, the residents of the Town of Devon asked that the Reserve be moved "in the interests of the said Town and also of the Indians..."<sup>354</sup>

The Town Council of Devon are extremely desirous of having this band removed from their midst, and have asked the assistance of the authorities of the City of Fredericton, which Council has, by Resolution duly and regularly passed, instructed me to communicate with you in regard thereto and solícite your intervention in the premises and the removal of this band of Indians from their present location to a more suitable one.

As I view the situation, the Reserve is in the heart of the town and is an impediment to the progress of the Town. It is not a desirable location for an Indian Reserve, as it is not sufficiently removed from certain evil influences surrounding it. In addition to that, the Reserve is more or less untidy and uncleanly, and it is in fact an eye sore.<sup>355</sup>

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<sup>352</sup> J.D. McLean (Secretary) to Jas. Farrell, Esq., Indian Agent. 3 October, 1905. OOA, RG10, Vol. 1945, File 4252, pt.2.

<sup>353</sup> James Farrell (Indian Agent) to J.D. McLean, Esq., (Secretary of the Indian Department). 9th April, 1908. OOA, RG10, Vol. 1945, File 4252, pt.2.

<sup>354</sup> Petition to His Excellency The Governor General-in-Council. 11th March, 1918. OOA, RG10, Vol. 1945, File 4252, pt.2.

<sup>355</sup> R.B. Hansen (Mayor) to Superintendent of Indian Affairs, Dept. of Interior. Dec. 4th, 1918. OOA, RG10, Vol. 1945, File 4252, pt.2.

Nothing was done to accommodate these requests, which were continuously repeated. References to health remained the principal, expressed factor in seeking their removal. New Brunswick's Chief Medical officer described the unacceptable sanitary conditions and flimsy house construction, both of which made the 'shacks' liable to condemnation and closure, according to the Public Health Act. He added that if St. Mary's (including the houses) was owned or under the control of the Indian Department of Canada, then it had a duty repair the problem. He recommended, among other things, that a water-supply, "preferably from the town should be laid on in each house and sinks and flush water closets should be installed," adding that adequate drainage to a common sewer should be installed in conjunction with the town's system. Despite suggesting improvements, however, he ended by stating:

that it would be entirely agreeable to the town concerned, and to the health authorities of the sub-district, if the present site were abandoned by your Department and the occupants settled in some other reservation not so closely contiguous to an urban district.<sup>356</sup>

Such pressures forced DIA to seriously consider what steps might be taken to this end. The Department was informed that it was not feasible, owing to the fact that it would cost just as much to carry out the required improvements as it would for the rebuilding of new houses, besides the cost of installing a water and sewerage system. The solution, they were told, lay in the removal of the whole reserve to Oromocto.<sup>357</sup> The Department considered using the Indian Act to see the move carried through: "In case the Indians should again

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<sup>356</sup> Mr. Melvin (Chief Medical Officer, N.B.) to D.C. Scott, Esq. (Dept. Min. of Indian Affairs) 16 Sept., 1919. OOA, RG 10, Vol. 1945, File 4252, pt.2.

<sup>357</sup> J.D. ? to Mr. Scott, Dept. Min of Indian Affairs. 22 October, 1919. RG 10. Vol. 1945, File 4252, pt.2.

refuse to comply with the Department's wishes, I would recommend that the necessary proceedings be taken under section 49A of the Indian Act, which can easily be applied to this particular case."<sup>358</sup> However, there appears to have been some uncertainty as to its applicability.

You refer me to Indian Section 49a in the Indian act claiming this gives the Indian department power to remove them. This reads there shall be a population of not less than eight thousand and I wish the department to enlighten me in these matters...<sup>359</sup>

Despite the Department's attempt to use the Indian Act for legitimacy in the forced removal of the Band, the authority was plainly not there, as St. Mary's population was simply too small to pose the foreseen impediment to development addressed in this section. If the band was to be induced into moving it would require alternative methods.

There is evidence to suggest that some members of St. Mary's were not adverse to moving from the "Old Reserve", rather, they objected to the imposition of both location and economic activity. Clearly members of the community recognized the problems related to the small reserve. One member of the community requested information about the Reserve's size, stating that it seemed to be getting smaller all the time.<sup>360</sup> Although they expressed a willingness to move, the majority of the St. Mary's Band did not want to leave the neighbouring community. They had established their place in the local economy, and had no desire to see it changed.

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<sup>358</sup> Memorandum from J.D. Chene to Duncan Scott. 25 January, 1919. OOA, RG10, Vol. 1945, File 4252, pt.2.

<sup>359</sup> B.J. Griffiths (Indian Agent) to The Secretary (DIA). 3rd Jan., 1919. OOA, RG 10, Vol.1945, File 4252, pt.2.

<sup>360</sup> Adrian ? (St. Mary's Reserve) to Duncan Scott. 7th Sept., 1919. OOA, RG 10, Vol. 1945, File 4252, pt.2.

Despite the obvious lack of interest by residents in leaving the St. Mary's Reserve, the Deputy Superintendent General forged ahead, "as I think it very greatly in their interest to leave the town and go elsewhere. I hope to be able finally to arrange the matter."<sup>361</sup> So determined was the Department to see the matter through that costs were estimated for the removal of the St. Mary's Band to the Oromocto Reserve.<sup>362</sup> Despite these steps by DIA nothing further was done. The reason for this was quite clear. Even with the powers given the Department by the Indian Act, they could not legally remove the Band without its consent. In 1922, Acting Superintendent General of Indian Affairs, J. D. McLean wrote:

The Department has had this question under consideration since 1905, when the desirability of removing this Band of Indians from the midst of the community at Devon was first brought to our attention. Upon several occasions...*the Department endeavoured to induce the Indian Band to agree to the removal, but without success. The Indians have submitted petitions to the Department, setting forth their objections to the proposed removal.* They claim that in their present location they have a ready market for the sale of their wares, and for employment. It is feared, therefore, that it may be somewhat difficult to induce the Indians to change their location, and under the Indian Act the Department has no authority to remove them without their own consent.<sup>363</sup>

Without the power to make the community move, DIA officials eventually had to resort to compromise.

Not until the late 1920s, when crowded conditions and public pressures became great enough, did the relocation of the reserve take place. A 1927

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<sup>361</sup> Deputy Superintendent General to Col. H.F. McLeod, (M.P.). 11 March, 1919. OOA, RG10, Vol. 1945, File 4252, pt.2.

<sup>362</sup> A memorandum from J.D. Chene to Mr. Duncan Scott, 14 March, 1919. OOA, RG10, Vol. 1945, File 4252, pt.2.

<sup>363</sup> J.D. McLean (Acting Deputy Superintendent General) to Wm. Jaffrey, Esq. 26 July, 1922. OOA, RG10, Vol. 1945, File 4252-1A.

article in the Fredericton Mail indicates that there were plans to create a "model village" for the St. Mary's Indians. It was to have running water in each house, and residents were to partake in farming, gardening, bush-work and basket making. It added that it was hoped residents of other reserves would also be attracted to it.<sup>364</sup> Again, health reasons were cited as the reason for wanting them removed.<sup>365</sup>

Thoughts arose once again of removing them to the earlier mentioned communities of Kingsclear and Cromocto. Opposition to this came not only from St. Mary's residents themselves, but from the other communities involved. Chief Arthur Polchies of Kingsclear expressed his thoughts on the matter.

I appeal to the Government of Canada not to move the Indians of Devon to far from the Town of Fredericton. First they have the Town of Fredericton for the market for their work. Second they do not have to pay out for their fare and Expressage or freight. Third they do not have to loose a day to sell their work.

If they was to loose this advantage. They would be lot more in poverty than what they are now. I admit to any one that the Devon Reservation ought to be in more sanitary condition than what it is now.<sup>366</sup>

It was clear that if a move was to be made at all it needed to be to a nearby location. A number of offers were forthcoming from farmers willing to sell large tracts of land at "generous" prices. However, many of these sites incited protest from neighbouring whites. A proposed site in Nashwaaksis stirred up immediate opposition, citizens there feeling that the Reservation should

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<sup>364</sup> "Devon Indians May Be Given New Reserve" in Fredericton Mail 3rd January, 1927.

<sup>365</sup> O.E. Moorehouse M.D. to Dr. Heagerty (Deputy Minister of Health). 19th June, 1927. OOA, RG10, Vol. 1945, File 4252-1A; For other examples see: Whitman Haines (Devon Town Clerk) to Department of Indian Affairs. 16 August, 1927. OOA, RG10, Vol. 1945, File 4252-1A.

<sup>366</sup> Chief Arthur J. Polchies (Kingsclear) to DIA. Jan. ?, 1928. OOA, RG10, Vol. 1945, File 4252-1A.

instead be moved to the Kingsclear or Oromocto reserves.<sup>367</sup> A compromise of sorts was found in the immediate vicinity, although it was not without opposition either. By 20 September, 1928, land owned by George Hayes had been sold to DIA for use as a new reserve.<sup>368</sup> An article from the Ottawa Evening Journal 8 June, 1929 describes the purchase of the Hayes Farm, adding that the move would probably take place in 1930. It adds that the Indians will be encouraged to engage in farming. In 1929, the new reserve was built.<sup>369</sup>

Removing the St. Mary's Band from the "Old Reserve" did nothing to silence the complaints of Devon townspeople. News of the new site, which was located very near the "Old Reserve", brought forth a new round of criticism. Residents complained that moving the Reserve "up the hill" was no solution as the rocky terrain would make for poor sanitary conditions. They added in an unusually frank manner that it would also lower the value of their property.<sup>370</sup> Others in the community used the event to try and further their own cause, such as one woman who implied that protest might stop if the Department could "force the town of Devon to put in a sewerage for us before congesting us any further."<sup>371</sup> The general opinion of the Devon residents was for the New Reserve to be given first class modern sewerage etc., or else have it removed outside the town limits to the Capital

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<sup>367</sup> Resolution of Municipal Council of the County of York. 7<sup>th</sup> January, 1928. OOA, RG10, Vol. 1945, File 4252-1A.

<sup>368</sup> Deputy Superintendent General to Mr. Pratt. 20 September, 1928. OOA, RG10, Vol. 1945, File 4252-1A.

<sup>369</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>370</sup> To Indian Relief Dept., Government of Canada. 5 June, 1929. OOA, RG10, Vol. 1945, File 4252-1A.

<sup>371</sup> Mrs. Sarah Atkinson to Duncan Scott, Supt. General of Indian Affairs. 21 June, 1929. OOA, RG10, Vol. 1945, File 4252-1A.

Fredericton, where most of the Indian men were employed as labourers and where the women did housework.<sup>372</sup>

Despite protests from within the Town of Devon, the St. Mary's Band was there to stay. For approximately 30 years they had contended with their closest neighbours who, with the support of Indian Affairs, made every attempt to relocate them, threatening to take their livelihood and destroy their community. They proved sufficiently tenacious to withstand the push, and had managed to at least win the tolerance of their neighbours. After the 1930s they had only one more onslaught to contend with. This time the push came not from townspeople, rather, it was the Department itself that initiated this attempted, forced removal.

No sooner had the New Reserve been established than thoughts of moving the community were once again brought to the fore. Less than twenty years after the entire community of approximately 130 people were moved from one reserve to the other, DIA began to make overtures towards having them moved again. Indian Affairs began implementing a policy of Centralization of all the reserves along the Saint John River. Starting with Oromocto, the Indian Affairs Department had taken action to move everyone to the Kingsclear and Tobique reserves. Once completed they intended to do the same to St. Mary's. The initial move was a complete failure. They had not thought to consult the Band members in advance of the order to evacuate. With this move, some — especially the aged — would not leave; others left but returned to Oromocto only to find their few possessions stolen or destroyed.<sup>373</sup> When told they would have to move, the people of St.

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<sup>372</sup> A.M. Bonner, R.N. to Duncan Scott (Superintendent General of Indian Affairs, 22 June, 1929, OOA, RG10, Vol. 1945, File 4252-1A.

<sup>373</sup> Tom McFeat, Highway, pp. 159-160.



Mary's simply reiterated the same concerns they had been expressing since 1905. Once again they insisted that they did not want to farm, and Native rights advocate E. T. Adney added:

In the Maritimes, the individual farm is not a solution. The nature of the Indian here is not to be tied down nor wait so long for uncertain results. His greatest talent is mechanical skill. The farmer along the St. John — the white farmer — is considered a pretty poor specimen unless he is a farmer and something else.<sup>37</sup>  
[Adney's Emphasis]

DIA was so certain of the wisdom of their centralization policy, and the desire to see it implemented was so great, that they seriously challenged the basic legislated rights (few though they were) held by Indians. Those who had left Oromocto had done so under well-documented duress, having received threats of enfranchisement if they remained. Similar efforts at St. Mary's failed, as residents there organized early. Clearly there was a misuse of legislative authority in this failed attempt to relocate the entire Maliseet population of the St. John River to centralized locations, and this from the very people who's duty was to protect those rights.

#### Internal Use of Resources and Upkeep of Reserve

There is very little to be said about who used St. Mary's resources and how. As pointed out earlier, the "Old Reserve" was without substantial land or natural resources. What funds the community had were either generated through their own employment, or provided by DIA to help maintain the health and welfare of the older members of the community. They also contributed occasionally to installing necessary hardware, such as a water

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<sup>37</sup> Individual farms vs. Reservations No. Date. University of New Brunswick Archives and Special Collections. Adney Papers Case 4, File 7.

system on the Reserve. Not until the move to the "New Reserve" would there be resources substantial enough to require daily management.

St. Mary's differed dramatically from Tobique in that they had no Capital Fund to speak of, and therefore were unable to influence the way money was spent for the Reserve. On those occasions when they petitioned DIA, the tone of the requests were not, as they had been at Tobique, written with expectations of abeyance. Rather than using such wording as "we authorize", the St. Mary's petitions were "requests" that the Department attend to needs as they arose.<sup>38</sup> Clearly DIA called the shots inasmuch as they decided what funds and resources were to be distributed at St. Mary's, and how. The acquisition of the "New Reserve" did not produce any changes in the way resources were handled for this Band. In 1929, Department officials were recommending that the Indians collect fuel wood off the new reserve, qualifying this by adding: "I would recommend they *be allowed* to cut wood only for their own use."<sup>39</sup> As on other reserves in the region, they could not hope to use their new land's resources to improve their financial situation.

External control of resources and the limited authority of chiefs to influence these matters were a major cause of internal conflict in the community. A case in point would be one Indian Agent who, having made clear his dislike for a particular chief, informed the Department that he intended "to be hard on him" in their dealings (see p. 135). The Chief, in turn, protested the Agent's disregard for his office. The Agent responded:

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<sup>38</sup> D.C. Scott to? 12 Sept. 1890. OOA, RG10, Vol. 7865, File 31056-4 pt. 1; Farrel to ? 18 Sept., 1890; Farrell to Dept. Supt. Gen. of Indian Affairs 1 June, 1894; Stephen Meuse (constable) to J.D. McLean. 14th Dec., 1909, OOA, RG10, Vol. 7865, File 31056-4, pt. 1; 5 Sept. 1908 ? OOA, RG10, Vol. 7865, File 31056-4, pt. 1.

<sup>39</sup> B.J. Griffith (Indian Agent) to the Secretary (DIA). 13th November, 1929. OOA, RG10, Vol. 1946, File 4252-1B, pt.1.

I believe he resented the fact that I placed Andy Paul in charge of the cutting of relief wood. Andy Paul is a qualified scaler and one Indian I can trust. The chief is very lame and it was physically impossible for him to get out where the Indians are working.<sup>40</sup>

The power to grant work and relief was the source of a lot of hard feelings in the community, much of which was directed towards the Chief. In fact, the chief's involvement in distributing either of these was limited to an advisory role; the Agent called the shots.

The absence of resources made misappropriations and/or mismanagement less likely at St. Mary's than at Tobique. What money was available to the Reserve was generally secured for particular projects, and these were generally urgent in nature. Complaints commonly referred to misappropriation of relief articles relegated to the Band. One such complaint ran as follows:

There was one Indian Agent...we had after the war, the Army would give the Indian Agent all the stuff and blankets and overcoats, and maybe the hats and whatever and the boots and socks. And he would give us the over coats...and we would use them for blankets they were nice and warm...he would get a whole bunch of blankets and he would give each family one blanket, you know, to a chief and the chief would distribute them. ...if he had gotten good blankets he would sell...I suppose to the people he knew. That's the way it was when the Indian Agent run things.<sup>41</sup>

More blatant misuse of resources, and authority appear to have come after the band moved to the "New Reserve". With certain valuable commodities available for use by the Band, the same whittling away experienced at Tobique

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<sup>40</sup> MacCrutcheon to Sect. DIA. 2 March 1937. OOA, RG10, Vol. 7936, File 32-56-4, pt. 1.

<sup>41</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

in the early twentieth century began to occur. When money was made available to Indian veterans under the VLA Act, it was turned over to DIA for management. As each veteran built their home they would apply for portions of their allotted sum to pay for materials. However, veterans at St. Mary's have charged that "their Indian agent provided them with substandard building materials from an abandoned prisoner-of-war camp known as Ripples. Again, there were no receipts."<sup>42</sup> Fraud of this kind was not easily detected by Department headquarters, and Band members lacked a means to report it (see, p. 63). As a result, the agent "looked at himself as king over the people", the "ultimate authority over Indian people". He was in fact, a "major player in eliminating Native rights."<sup>43</sup>

### Economy

Fredericton in the 19th century experienced a period of industrial development similar to that happening throughout the Maritime Region. The city and surrounding area were abundant with grist and card mills, leather and leather-goods production, foundries, woodworking factories (furniture, cabinets), machine shops and carriage and wagon works. It was a major centre for shoe export, and a dominant participant in lumber and related industries. Companies supplied woodsmen with axes, peavies, boot caulks and hames.<sup>44</sup>

The families living at St. Mary's made their living as hunting and fishing guides and by the manufacture of Indian wares, providing city residents with such items as washtubs, baskets, sleds, moccasins, and canoes. Some gardening was attempted on their small reserve, and wood fuel in the

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<sup>42</sup> "Indian war veterans Victims of Unfair Treatment" in Agenutemagen August, 1984.

<sup>43</sup> Interview with Tim Paul at St. Mary's Band Office. June 11, 1991.

<sup>44</sup> Squires, History, pp. 81-88.

form of driftwood was gathered from the river.<sup>45</sup> Many of the young men also procured employment on the St. John River and its tributaries at wood boat loading, steam driving, rafting and milling, for which they received fair prices and wages.<sup>46</sup> They could make \$1.25 to \$1.50 a day loading wood on boats, or working at the Fredericton Boom company.<sup>47</sup> This latter occupation appears to have been a lucrative source of income: "The services of the young men and those of middle age are always in good demand at fair wages."<sup>48</sup> Besides the manufacture of Indian wares, and working on the wood boats, this report indicates that some were going to Bar Harbour, Maine where they made and sold Indian wares at a handsome profit.<sup>49</sup>

While the St. Mary's Maliseet were able to make a reasonable living in this manner for some time, it did come to an end. By 1887, they began to lose some of their local markets. The dependence on local Maliseet for their manufactured goods began to dissipate, as the Fredericton area had become oversaturated with Indian products. The abundance of factories described above also began to absorb some of their market for butter trays, axe handles, baskets, tubs, moccasins, snowshoes and canoes to name a few. Glass, galvanized iron, enamel ware, earthen ware, aluminum pans and tin containers began to replace wood as choice materials.<sup>50</sup> Toboggans, sleds and

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<sup>45</sup> Greene, pp. 3, 19, 36; Susan K. Squires, Reminiscences of the St. Mary's Indian reserves and its Inhabitants Fifty Years Ago Unpublished Document of the York Sunbury Historical Society. n.d. PANB MC300 MS2/128, pp. 2-3, 7-9, 12-13.

<sup>46</sup> Canada. Indian Affairs. Annual Report for the Year ending 31 Dec., 1885, (Ottawa, 1886), p. 34.

<sup>47</sup> Dr. Peter Paul, p.6; Canada. Indian Affairs. Annual Report for the Year ending 31 Dec., 1889, (Ottawa, 1890), pp. 37-38; Canada, Indian Affairs. Annual Report for the Year ending 30 June, 1894, (Ottawa, 1895), p. 37.

<sup>48</sup> Canada. Dept. of Indian Affairs. Annual Report for the Year ending 30 June, 1904, (Ottawa, 1905), p. 66.

<sup>49</sup> Canada. Dept. of Indian Affairs. Annual Report for the Year ending 31 Dec., 1886, (Ottawa, 1887), p. 30.

<sup>50</sup> Dr. Peter Paul, pp.8-9; Squires, Reminiscences, p. 21.

baskets were still being made at the turn of the twentieth century. In 1904, Agent James Farrel reported that only a few continued to work in the wood industry, and by 1907 only the elderly did.<sup>51</sup>

Canoes are made in factories now and covered with canvas. Butter trays, ladles and axe handles are made by machinery. Stone churns, rotating barrel churns and even glass churns have replaced the old wooden ones and baskets are more or less a factory product...Snowshoes are also factory made and about all of the guiding of hunting parties is done by white men.<sup>52</sup>

The loss of markets and the increasing scarcity of ash used to make Indian wares, deprived the older Indians of the opportunity to help make a living for themselves.<sup>53</sup> The gradual loss of river-work once so plentiful to the younger men gradually dried up, so that by 1927 one observer remarked:

Conditions here for the Indians to earn their own living have so changed during the last few years that it is a source of wonderment how they manage to exist. Formerly they were able to earn some money by working at the various lumber operations such as stream driving, loading boats, etc., now these several occupations are gone and without the aid of some farm lands there is no chance for them to better their condition or even to hold their own, and this they are not doing but are on the constant decline. Hunting and trapping fur-bearing animals was also a source of livelihood, but these too have disappeared.<sup>54</sup>

In fact, members of the community had been adapting to the changing economy just as whites had. They continued to maintain a diversive work force. Of twenty heads of families, there was 1 taxidermist, 1 guide, 3 mill workers, 5 labourers, 5 woodsmen, 5 basket makers, 1 axe handle maker, 1

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<sup>51</sup> Dr. Peter Paul, p. 9.

<sup>52</sup> Squires, *Reminiscences*, p. 21.

<sup>53</sup> Canada. Department of Indian Affairs. *Annual Report for the Year ending 31 March, 1913*, (Ottawa, 1913), p. 34.

<sup>54</sup> O.E. Moorehouse, M.D. to Dr. Heagerty (Deputy Minister of Health). 19th July, 1927. OOA, RG10, Vol. 1945, File 4252-1A.

snowshoe maker, 2 pensioners, 1 plumber, 2 teamsters, and 1 bushman.<sup>55</sup> As indicated above, the Indians had no desire to take up farming, an occupation that was nothing less than a fixation to members of the Department. They managed to make a living from work in and around the city, and with occasional employment provided by the Department. When lack of work necessitated it, they travelled. We moved "down near St. John Brown Flats set up camp and make baskets. There was a lot of travel between reserves."<sup>56</sup>

Unlike whites in the community, Indians could not generally get credit at stores. "The Indians who are going to work for Mr. Jaffrey will require their money each day to provide food for their families, and as the Department know, it is hard for an Indian to get and advance in groceries, unless they pay for them."<sup>57</sup> Obtaining employment was also difficult, although this seems to have been a greater problem in poor economic periods. When the new Reserve was to be built, it promised a great many jobs. However, when it came time to hire, "Mr. V. L. Mathews, foreman of this work, informed me he thought he should employ only white men." The agent recommended that "Indians be allowed to work on the streets now under construction, as they have to support their families, and there will not be much other work for them."<sup>58</sup> The foreman later blamed the Indians for running up costs in the work. "Of course taking into consideration that I am employing a number of Indians makes the expense greater than it would be

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<sup>55</sup> H.J. Bury (Supervisor Indian Timber Lands) to The Deputy Superintendent General. 12<sup>th</sup> December, 1927. OOA, RG10, Vol. 1945, File 4252-1A.

<sup>56</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>57</sup> B.J. Griffith (Indian Agent) to the Secretary (DIA). 7<sup>th</sup> February, 1930. OOA, RG10, Vol. 1946, File 4252-1B, pt.1.

<sup>58</sup> B.J. Griffith (Indian Agent) to The Secretary (DIA). 6<sup>th</sup> October, 1930. OOA, RG10, Vol. 1946, File 4252-1B, pt.1.

otherwise."<sup>59</sup> The injustice of hiring practices was not lost to the Indians. They wrote to DIA headquarters asking that they intercede on their behalf in obtaining work.

We asking you and the Department of Indian Affairs to give us employment when the work opens up on the new Reserve. Last year when the work was open up few Indians were getting work and others were turned down; couldn't get work. Because the work was contracted and the contractors would not hire Indians. So this time we are asking Government to give us employment when the work opens up on the new Reserve. Or maybe the Government can put us on cutting the brush mostly any time now. And if the Government don't give us work we dont know where we can get work, times are hard and we depend on that work soon as opens up on the new Reserve." [There is a list of 21 men needing work.]<sup>60</sup>

No reasonable explanation was put forth for not hiring Indians, many of whom were qualified to build and would, in fact, eventually render criticism at the quality of construction provided by the contractor. Without the Department's support there was nothing to be done. So long as there was no guarantee of equality in the work place, Natives could not expect to compete on an equal basis, and if they could not persuade DIA to forward their causes in such issues as hiring practices on Department projects, then they certainly were being denied fair treatment.

St. Mary's residents successfully entered the labour market, but had become marginalized by the 1930s. Some tried to maintain Indian work, but market losses reduced its importance. In 1932 St. Mary's Indians employed by the Department began to receive their wages in relief vouchers, as had

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<sup>59</sup> V.L. Matthews (Foreman) to B.J. Griffith (Indian Agent). 25 October, 1930. OOA, RG10, Vol. 1946, File 4252-1B, pt.1.

<sup>60</sup> St. Mary's Band members to Supt. General of Indian Affairs. 27th February, 1931. OOA, RG10, Vol. 1946, File 4252-1B, pt.2.



occurred at Tobique.<sup>61</sup> It was not received with any more enthusiasm than at the aforementioned reserve. One resident complained that he was not receiving money owed him by the Department.

Mr. [Fred] Paul's complaint is that at the request of one of your inspectors named Mr. Orr he did certain work in the construction of eight cupboards at a price of Five Dollars (\$5.00) each in the residences recently erected at the reservation. This arrangement with Mr. Orr, he states, was made in October last and there was a definite agreement that he was to receive this price which amounts to a total of Forty Dollars (\$40.00) for the work done.

Mr. Griffith, the local Indian agent, states that no cash will be paid for this or any work done by Indians but that the amount will only be applied against relief paid. As I pointed out to Mr. Griffiths this would seem to create a rather unfortunate situation in that any incentive to work will be eliminated.<sup>62</sup>

The Agent countered that

Paul was to be paid the same as the other Indians, in relief of food and clothing. He now demands the cash, as he has been asking me for clothing for his children. He is getting two dollars per week in relief, and he is now asking to have the Department supply him with wood for the winter. He also wants clothing for his wife and himself.<sup>63</sup>

Griffith failed to see the cyclical problem developing whereby anyone on relief, attempting to obtain gainful employment and thus become self-sufficient, was in fact being penalized. If Indian workers could not obtain cash, as did whites employed by DIA, then in effect they were being condemned to perpetual relief status. The message that they were less deserving of employment than whites was coming through loud and clear.

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<sup>61</sup> A.P. McKenzie (Secretary) to B.J. Griffith. 31st October, 1932. OOA, RG10, Vol. 1946, File 4252-1D.

<sup>62</sup> Robert Hawkins (Barrister at Law) to the Secretary (DIA). 30 November, 1932. OOA, RG10, Vol. 1946, File 4252-1D.

<sup>63</sup> B.J. Griffith to the Secretary. 30th November, 1932. OOA, RG10, Vol. 1946, File 4252-1D.

Relief figures for the province show the gradual increases one would expect due to inflation. However, the year following the policy change there was an increase of more than 100% in relief expenditures [see figure 3-2]. This is partially explained by a major drop in the forest industry, but primarily by the inclusion of Department work in relief figures.

**Figure 3-2**

Relief Figures for years:		Index numbers of Gross value of production in forest industry	
		<u>N.B.</u>	<u>Canada</u>
1920	\$10,142.95	100.00	100.00
1921	\$11,910.84	53.99	62.87
1922	\$17,358.12	61.65	66.30
1926	\$ 22,292.21	70.93	83.32
1927	\$ 24,602.47	69.20	83.13
1928	\$ 27,988.89	59.30	86.77
1929	\$ 39,176.98	67.87	90.80
1930	\$ 37,958.20	59.73	80.68
1931	\$ 37,799.81	40.67	52.89
1932	\$ 39,621.72	28.37	35.73
1933	\$ 88,224.53	29.37	36.15
1934	\$ 67,340.94	38.11	43.25
1935	\$ 55,543.62	50.82	62.56

Sources: DIA Annual Reports Various years.

J. R. Petrie, "The Regional Economy of New Brunswick" in Report of the New Brunswick Committee on Reconstruction. Fredericton, 1944. p. 134-A

The contractor's refusal to hire Indians to construct the new houses, and the relegating of these same people to the capacity of "relief workers" rather than Department employees, implies that they were somehow less capable of doing the work, and less deserving of equal and honest pay. Time proved this not to be the case. Within a year of the buildings' construction, complaints of poor workmanship were forthcoming, including problems such as the pulling away of the front end of the house at the ceiling angle,<sup>64</sup>

<sup>64</sup> V.L. Matthews to R.C. Orr (Architect). no date, OOA, RG10, Vol. 1946, File 4252-1C.

and the destruction of 16 outside doors which had to be replaced.<sup>65</sup> One resident of the community forwarded a detailed description of the problems.

...the carpenters work on the inside is not so good. The sheathing inside the house is of cheap grade of tongue-groove boards. The carpenters put the boards on the walls and on the ceiling were not dry. Now, the boards are drying up and shrinking leaving cracks wide open in places up on the ceiling that is where all the cold air comes in. The ceiling is single-boarded it should be double boarded in the first place. And another thing these tongue-groove boards are great hiding and hatching places for bugs. If the bugs ever get in this house we will never get clear of them. Also the front door and the back door are shrinking and are warped and do not fit in the casing very good. Lots of cold air come in I expect that this house will be colder next winter if not fixed because the lumber is drying up and shrinking all the time.<sup>66</sup>

Despite the obvious knowledge of construction demonstrated by certain community members, and their ability to complete these jobs, Indians could not expect to receive due consideration in hiring.

The Department not only contributed to the decrease of work initiative on DIA work projects by replacing money with food vouchers, but also stood in the way of personal initiatives. In 1932, the Indian Agent wrote to a Band member.

I understand you or your boy are building a shack on the new reserve. My instructions from the Indian Department is to allow no buildings other than the houses and work-shops. I hope you will abide by the Departments decision.<sup>67</sup>

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<sup>65</sup> V.L. Matthews to R.G. Orr (Architect). 9 February, 1932, OOA, RG10, Vol. 1946, File 4252-1C.

<sup>66</sup> Joseph Dedham (Indian) to Superintendent General of Indian Affairs. 7th April, 1932. OOA, RG10, Vol. 1946, File 4252-1C.

<sup>67</sup> B.J. Griffith to Isaac Paul. 26th September, 1932. OOA, RG10, Vol. 1946, File 4252-1D.

The individual involved wrote back to say that he was only building a garage for his car. He had owned a place on the old reserve and simply wanted it replaced, which he was doing at his own expense.<sup>68</sup> The Agent once again told him to stop working, as "No Indian will be permitted to erect buildings of his own on the new reserve"<sup>69</sup> In effect, the Department was not only removing the community's ability to work for honest wages, they also began to deny them the right to live in a fashion they had hitherto known and enjoyed.

The Depression made it harder and harder to obtain employment from previous sources. Labourers are generally the first to loose employment in poor economic times, and with the rapid decline in the traditional timber and river-centered jobs, the Maliseet found it increasingly difficult to obtain work. During these years they relied a great deal on seasonal work, including picking fiddleheads and potatoes.<sup>70</sup> Some money was also made by "making baskets, axe handles..."<sup>71</sup> One resident recalls:

My father worked in a lumbermill, but he made baskets, he'd make wood boxes, they'd call them woodboxes with the handles. Then my father and me and my sisters would go off the reserve and sell them...\$1.50 or \$2.00 We would be able to buy a chicken, maybe oranges for Christmas...<sup>72</sup>

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<sup>68</sup> Isaac Paul to ?. 26th September, 1932. OOA, RG10, Vol. 1946, File 4252-1D.

<sup>69</sup> A.F. McKenzie (Secretary) to B.J. Griffith. 27 September, 1932. OOA, RG10, Vol. 1946, File 4252-1D.

<sup>70</sup> Interview with Alma Brooks. 7th June, 1991. Home of Connie & Harry LaPorte, St. Mary's Reserve; Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>71</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>72</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

By the 1940s, it was becoming increasingly harder for members of the Reserve to find work. A list compiled by DIA indicates that of 47 St. Mary's adults (25 women, 22 men), 11 were classified as unemployed. Those working were occupied in a number of different areas. There were two laborers, a motor mechanic, a mixed farmer, those doing Indian work, a taxidermist, millhands, and those hiring out as domestics and yardworkers.<sup>73</sup> Prior to the 1940s, it was not common for women to "work out" other than as domestics, and even this was seldom done: "the women did housework, the men, piling lumber."<sup>74</sup> This changed with time, and one community elder recalls working in a number of places: on a milk farm, at the hospital, nursing home and waiting on tables in a restaurant. She added that people went fiddleheading on Savage Island, Hart's Island and Bear Island. "The men always worked out...In the Fall ...the Indian...would take their families and move to Maine and pick potatoes...We spent our honeymoon picking potatoes. We'd pick enough potatoes to last us the winter."<sup>75</sup> To survive, the St. Mary's work force had to diversify, and be prepared to move from one occupation to another. In many respects, they continued to pursue the traditional, seasonal shift in occupation, although the nature of the work had changed considerably.

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<sup>73</sup> Statistic Cards. OOA, RG10, Vol. 8375, File ARG-10/8375, pt.3.

<sup>74</sup> Anonymous Interview with St. Mary's Community Elder. June 11<sup>th</sup> 1991. Ponderosa Steak House.

<sup>75</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

## Political Development

### Band Government

As with their northern brethren at Tobique, St. Mary's Indians lacked a voice in the various levels of external government. They had had a foreign system of government with limited power and little influence outside the immediate community imposed on them, and were excluded from provincial social, political and economic activity. St. Mary's was a small community of no more than 125 at the turn of the century, and therefore required little formal leadership. Autonomy of the individual was still very much alive in terms of how the community operated. As in earlier times, disagreements on various matters could still be resolved by one party picking up and leaving. However, the formation of Reserves, Bands, and Band membership as legal entities and definitions, made such solutions increasingly more difficult, as has already been detailed above in the section on internal politics at Tobique.<sup>76</sup>

It is unclear where St. Mary's residents looked for leadership prior to the introduction of the three year elective system. F. Brucie Greene claims that Gabe Acquin was a hereditary Chief (he died in 1900), but also states that the first joint chief of the Kingsclear and St. Mary's reserves was Pierre Tomah (elected 1844), who was succeeded by Andrew Paul in 1893. That Paul was originally from St. Mary's clearly shows that political ties between the two reserves were more than the result of DIA interference, but still does not help in our understanding of late 19<sup>th</sup> century political structure.<sup>77</sup>

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<sup>76</sup> Sections 3 (1), 3(6) and 11 of the Indian Act (1876) in Venne, pp. 24-27.

<sup>77</sup> Greene, p. 44.

Elections for the first few post-elective system years saw the same "trading off" of chiefs as experienced at Tobique. John Soloman was elected chief in 1896, with Andrew Paul returning three years later.<sup>78</sup> It was with the return of the latter to office that we see the first signs of conflict over choices of chief. To this point, the Kingsclear and St. Mary's bands were still electing a joint leader, all of whom had resided on the former reserve. Members of the community of St. Mary's resented this and, signing themselves as 33 "pure blood Indians", submitted a petition complaining of interference by the Kingsclear priest.

That at the election of a chief held at Kingsclear in the year of our Lord one thousand eight hundred and ninety nine, Andrew Paul a half breed, or less than half Indian, was elected Chief and such election was brought about by the interference of the Priest resident in the neighborhood, The Reverend Father O'Leary, who coerced voters to vote for the said Andrew Paul by violence used and threatened against voters who desired to vote otherwise than for the said Andrew Paul; and also by the votes of half breeds and others who were not of pure Indian blood.

Your Petitioners therefore pray that a regulation be made making none but pure blood Indians qualified to be chief, forbidding Priests to interfere with elections or even to be present within a fixed distance of the election ground, and making half breeds not qualified to vote.<sup>79</sup>

One of the principal advocates of the petition, Anthony Sacoby, also declared himself Chief of the St. Mary's Reserve. The Department informed him that he could not be chief unless elected "as provided by the Indian Act and authorized by Dept."<sup>80</sup> In response to the charges, DIA contacted the priest in question to get his side on the matter. He wrote:

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<sup>78</sup> Farrell to ? 4 June, 1896. OOA, RG10, Vol. 7935, File 32-56; Farrell to J. McLean, Sect. DIA. 10 May, 1899. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>79</sup> Petition submitted to DIA. 12 June, 1899. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>80</sup> Farrell to McLean. 6 July, 1899. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

To say that I canvassed for votes for a certain party is a barefaced lie. The source of your information is well known here to lie in the vile heart of one Antony Sacobie a disgrace to the Indians whom he leads by very immoral means. He fortunately, does not live on my Reserve, but resides in St. Mary's where he has numerous relatives. No one intimately acquainted with him believes one word he says. He is continuously causing trouble among the Indians on this Reserve. He is an immoral man, and one in whom not the least vestige of religion abides...The other day before the election for chief at my place...he endeavored to induce those poor crea[tures] to put him up for chief thinking that [ ] be elected to that position on the King[s]clear Reserve. He was highly incensed when [ ] [dis]covered that only the Indians living on that Reserve were eligible to choose their own chief.<sup>81</sup>

The local Agent supported the priest's opinion of Sacoby, believing him to be a "troublesome and peculiar person."<sup>82</sup> Sacoby was a challenge to Farrell's authority, and therefore considered an unreliable witness. However, the Agent appears to have recognized some legitimate grievance, since he had earlier written: "As I am of the opinion it would be in the best interest of the Indians of St. Mary's to have to recommend that the above Indians election and appointment be confined to the Kingsclear Band."<sup>83</sup>

The Department contacted Sacoby to inform him of their findings, stating: "...I have to say that the Department, having made inquiries in regard to the statements contained in the petition signed by yourself and thirty-two other Indians, has learned from two sources that those statements are not true."<sup>84</sup> Not to be put off, Sacoby replied back that

The inquiries that have been made by your Department must have been made of interested parties...I deny that I obtained signatures under false pretences of false representations, and I

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<sup>81</sup> Rev. Wm. O'Leary to J.D. McLean, June 1899. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>82</sup> Farrell to McLean, 12 July, 1902. OOA, RG10, Vol. 7935, File 32-56, pt.1.

<sup>83</sup> Farrell to McLean 6 June, 1899. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>84</sup> McLean to Anthony Sacoby, 11 June 1899. OOA, RG10, Vol. 7935, File 32-56, pt.1.



challenge anyone to establish that I did so. On behalf of the petitioners and myself as well I demand an official investigation into the facts alleged in the petition and the truthfulness of the statements.<sup>85</sup>

Despite his obvious cognizance of the manner in which the investigation was conducted, and the inherent flaws such a direction would necessarily contain, the Department did nothing further in regard to ensuring that it had been a fair and honest election.

The Department could easily have resolved the whole matter by following Farrell's suggestion to confine the results to Kingsclear, and hold another election at St. Mary's. As of 1886, all bands having a population of thirty were eligible to elect their own chief. As early as 1894 St. Mary's could have elected their own chiefs, having at that time a population of 123 people.<sup>86</sup> Despite efforts by DIA to let things drop, they could not deny Anthony Sacoby the right to appear in the next election as an opponent of the incumbent chief. In this 1902 election he beat Chief Andrew Paul by the narrow margin of 23 to 22, "The election having gone contrary to the wishes of the Kingsclear Indians..."<sup>87</sup> There was an obvious split between the two communities in regard to leadership wishes. Again Agent Farrell offered the recommendation that the two reserves be considered separately.

Andrew Paul is a resident of the Kingsclear Reserve. Whilst Anthony Sacobie is a resident of St. Mary's Reserve. As Kingsclear Reserve has always been recognized as a sort of head quarters where Indians meet yearly to hold their Needdings, and talk over their affairs, it seems to me now that this Reserve is without a chief or headman, that owing to the closeness of the election it would of [ ] in the best interest of the Indians to

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<sup>85</sup> Anthony Sacoby to Chief Supt. of DIA. 1 Aug, 1899. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>86</sup> Section 75 (5) (2) Indian Act (1886) in Venne, p. 37.

<sup>87</sup> Farrell to ?. 29 May, 1902. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

allow Anthony Sacobie to enjoy the distinction of Head Chief and Andrew Paul that of Chief of Kingsclear Reserve. However, it is for the Department to determine on whether this a proper course to adopt or that instead another election for chief should be held when Such is asked for by the Band.<sup>88</sup>

The Department approved his recommendation. Aware that objections might arise, they suggested that Farrell explain to the Indians that due to their comparable sizes of approximately 106 people, each was entitled to a chief. Therefore, Paul would remain at Kingsclear and Sacobie at St. Mary's, and that thereafter separate elections would be held. Legally, DIA should have called for a new election at Kingsclear. By allowing Paul to remain as chief, they violated their own law. The Department's desire to keep Sacobie, a threat "to the peace", out of office, resulted in a manipulation of the political process to meet their own objectives.

From 1905 to 1920, St. Mary's and Oromocto reserves voted together for the same chief and councillors, with Louis Sacobie defeating James Paul 18 to 14 in the very first joint election.<sup>89</sup> His victory was threatened when the Indian Agent reported to the Department his being intoxicated, suggesting that he be deposed. In an uncommonly lenient gesture the Department's stand was to give him another chance. DIA Secretary J. D. McLean wrote:

I beg to say that it would seem rather severe dealing to depose Sacobie for being drunk once. He has not been in office a year and the present is the first complaint of the kind that has been made against him and apparently no desire to see him removed from office has been expressed by the Indians, with the exception, perhaps, of James Paul, whose motive for doing so would not be above suspicion, as he was Sacobie's opponent at

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<sup>88</sup> Farrell to McLean. 16 June, 1902. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>89</sup> Greene, p.44; Farrell to ?. 17 July, 1905. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

the election...If Sacobie were to be deposed, an election would have to be held in order to fill his place.<sup>90</sup>

Inconsistencies of this kind appeared from time to time, covering a range of topics. Another of the Department's surprises occurred in 1908 when, upon learning that two white men were permitted to attend the election, namely, Rev. J.J. Ryan and Mr. Wm. Lamont, McLean informed Farrell: "You ought to be aware that no white man other than the Indian Agent or some officer of the Department has any right to be present at an election without the consent of the Department."<sup>91</sup> Yet, only nine years earlier a white priest by the name of O'Leary had been at the centre of an influence peddling charge (see above). Rather than recognizing this same violation of protocol, the Department took the side of the accused priest, and otherwise ignored what should have been regarded as a legitimate and serious complaint.

Elections for the next few years appear to have been uneventful. Noel Sacobie won in 1909, with an assistant chief being elected to look over immediate affairs in Oromocto.<sup>92</sup> Not until 1911 did controversy flare again. This time it dealt with voting and office-seeking eligibility. The St. Mary's Chief announced in the papers that "the Indians decided that to hold the office of chief or any other office in the position must be held by a fullblooded Indian and no halfbreeds are to be nominated for election."<sup>93</sup> This controversy appears to have been symptomatic of growing factionalism within the community. W.H. Mechling noted during his field work at the

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<sup>90</sup> Farrell to McLean 18 April 1906; McLean to Farrell 17 May, 1906. OOA, RG10, Vol. 7935, File 32-56, pt.1.

<sup>91</sup> McLean to Farrell. 9 Feb. 1908. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>92</sup> Farrell to ?. 3 Feb. 1909. OOA, RG10, Vol.7935, File 32-56, pt. 1.

<sup>93</sup> James White to McLean. 13 Dec. 1911. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

Reserve that there was much competition for the position of chief and lieutenant. He adds that on almost all reserves two parties exist.

The two parties at St. Mary are the "full bloods," so called, and the "half-breeds." I do not believe that membership in these parties has much to do with the amount of white blood in the members, because there are no full-bloods in the village. It depends, probably, more on whether the individual is an old member of that village or not, but even this is not always the case. It seems generally that people of conservative taste belong to the full-blood party, and those who like innovations belong to the half-breed party. The other reservations are divided in very much the same manner.<sup>94</sup>

From the Department's view point such a criteria was not allowed. They cited the voter eligibility clause of the Indian Act which recognized the right of all males over age 21 to participate in elections, adding that "if the "half-breeds" referred to are considered members of either of the combined bands of St. Mary's and Oromocto, they are entitled to the privileges mentioned."<sup>95</sup> Chief Sacobie's letter did not meet with popular support, and the community voted him out of office in the subsequent election.

The 1915 election saw Noel Sacobie pitted against Solomon Brooks, who defeated him 21 to 18. A protest was levied against Sacobie for giving beer to voters on election day.<sup>96</sup> This latest protest sparked such fierce conflict in the community, that one Band member contacted DIA seeking a solution. He wrote:

Now these elections are the cause of unfriendliness and ill feeling which lasts for months and I may say years and to avoid all this amount of trouble we would kindly ask you to cancel the

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<sup>94</sup> Mechling, p. 140.

<sup>95</sup> McLean to White. 18 Dec., 1911. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>96</sup> N.J. Smith to McLean. 13 Feb., 1915. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

power of electing a chief as we feel that the few Indians here would live in a more peaceful spirit without one.<sup>97</sup>

This feeling was supported by Indian Agent N.J. Smith who explained that at every election there were a lot of hard feelings created which made things unpleasant on the reserve, and that "I am of the opinion that it would be in the interest of the Indians if they had no chief."<sup>98</sup> For its part the Department was not prepared to remove the position of Chief from St. Mary's unless the Band as a whole was prepared to support the initiative. Apparently they were not as the subject does not reappear in the files.<sup>99</sup>

A relatively uneventful political period followed, except that in 1920 Oromocto began electing their own chief.<sup>100</sup> The only point of interest at St. Mary's was that, comparable to Tobique, the elections produced a new chief each time. By the 1930s, tensions were mounting in the community. A number of complaints began arriving at DIA from community members about the way the Chief was running things. Response to such complaints depended largely on the disposition of the Indian Agent. Regarding one incident, the Agent defended the Chief, saying:

I think the present chief is as capable, and perhaps more so, of filling the position which he holds than any of the other men of these reserves. It seems the only real complaint is that he is untruthful...Chief Noel Polchies has co-operated with me in every way this winter to get relief wood cut on the New Reserve for widows and T.B. Indians, which I appreciate very much. The Indians wanted the Chief to write or petition the Department to haul their wood for them, which was very unreasonable.<sup>101</sup>

<sup>97</sup> James Paul (Indian Guide) to McLean. 22 Feb., 1915. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>98</sup> N.J. Smith to McLean. 22 Feb., 1915. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>99</sup> McLean to James Paul. 26 Feb., 1915. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>100</sup> McLean to Griffiths. 21 May, 1920. OOA, RG10, Vol. 7935, File 32-56, pt. 1.

<sup>101</sup> Griffiths to Sect. DIA. 8 March, 1934. OOA, RG10, Vol. 7936, File 32-56-4, pt. 1.

This chief's successor did not enjoy the same support from the Indian Agent. In fact, Indian Agent MacCrutcheon informed the DIA Secretary that

The newly-elected chief, Fred Paul, of the Devon Band, promises to cause me much trouble and anxiety. Undoubtedly the Department knows this Indian better than I and will, presumably hear from him in the immediate future. He is the only Indian with whom I have had any real trouble. His demands are unreasonable. He is impertinent and I beg to ask the Department if it is within my power to disqualify this Indian as chief if an appropriate occasion arises; for instance, if he uses profane language in the presence of the teacher or if he imbibes in alcoholic drink, which I know he does.

...I am forewarning the Department that I intend to use a stern hand with this new chief, if I am to carry on the improvements I feel I have been able to accomplish with this Band.<sup>102</sup>

Meanwhile, tensions within the community continued to grow. Opposition to the new Chief reached an apogee in March of 1937 when Band members signed a petition and sent it to DIA. It requested that the Chief be dismissed as

... he has hurt the members of the Band by telling lies to the Agent in order to get our relief stopped. Which we need so bad in order to feed our families it has been customary for each married man on the Reserve to cut a number of cords relief wood when notified by the chief to do so. and if the man fails to this his Relief is stopped. in a member of casis he fails to notify the head of the family and the Results were their Relief was stopped just because this chief neglected his duty by not letting them no and their wife and little children done the suffering... This man is a able to work as any of us. he goes to state of Maine in the Fall of the year during the potato harvest and pick potatoes...he goes around and Buck Saw wood for other people out side the Reserve, and earn just as much as any of us he makes baskets and other Indian work as well. Now this man gets fire wood and the other numbers of the Band has to cut it for him. Also permanently Relief, Clothes for his children. This

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<sup>102</sup> R.L. MacCrutcheon to Sect., DIA. 16 November, 1935. OOA, RG10, Vol. 7936, File 32-56-4, pt. 1.

does not look fair to the others members of this band, let him share his lot with the rest...<sup>103</sup>

Whether these charges were fair or simply part and parcel with internal political disputes is unclear. What is certain is that the Agent was decidedly on one side of the dispute, judging him to be "more trouble than all the rest of the Indians throughout the division."<sup>104</sup> Their dispute appears to have rested in the distribution of employment (mentioned above) and the challenge to the Chief's authority. It is apparent from this case that either the agent or petitioners were not telling the whole truth, as the Indians claimed he worked "as well as the rest" and the agent described him as "very lame and it was physically impossible for him to get out where the Indians are working" (see p. 116).<sup>105</sup> Whether either of the charges laid against him were legitimate is uncertain, but they contradicted each other and should have warranted investigation. Clearly, reserve politics were heated, and subject to divisionism within the community.

The whole point of imposing the elective system had been to introduce Indian people to the benefits of democracy. In fact, they were prevented from truly experiencing this even within the limited parameters of Reserve politics. A chief was elected for a two year term, during which he was an absolute ruler, there being no official opposition to keep him in check. Only rarely would the entire community collectively challenge a chief. However, in such cases, the Band had no legislative authority to remove a chief; only Department officials had the power to remove a chief for being an agitator,

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<sup>103</sup> Petition, 3 March 1937 to Sect. DIA from St. Mary's Band. OOA, RG10, Vol. 7936, File 32-56-4, pt. 1.

<sup>104</sup> MacCrutcheon to Sect. DIA. 2 March 1937. OOA, RG10, Vol. 7936, File 32-56-4, pt. 1.

<sup>105</sup> MacCrutcheon to Sect. DIA. 2 March 1937. OOA, RG10, Vol. 7936, File 32-56-4, pt. 1.

unfit to serve, or for being declared incompetent.<sup>106</sup> Clearly officials showed less concern for what was best for the community, long and short term, and more so with keeping the peace and preventing "unruly clientele reactions to Branch policy."<sup>107</sup> This point was made particularly poignant when the Chief complained about the way the Agent was running his office. Headquarters requested that the agent:

Please inform Fred Paul, Ex-Chief of the Devon Band, that his letter complaining re: your administration of the Fredericton Agency, which was written to the Minister, has been received by the Department for acknowledgement.

In view of the fact that Paul has since resigned the position as chief of the Devon Band, the Department is not sending you the letter as all charges therein appear to be without foundation. You might instruct Paul that in future the Department wishes that he will carry on his correspondence through your office instead of writing direct.<sup>108</sup>

This was clearly in line with Departmental policy regarding complaints, which stated that as of 1933, all "Indian complaints and enquiries had to be routed through the Agent, on the grounds that the practice of Indians attempting to deal directly with Headquarters involved an unnecessary waste of time, and *interfered with efficiency in the conduct of official business.*"<sup>109</sup> In essence, the Chief was without recourse and could not, therefore, vindicate himself. Reserve politics were subject to the personal tastes of the existing agents, and the overriding desire of the Department to maintain the peace, which took priority over all else.

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<sup>106</sup> Richardson, p.116, or Section 62, Indian Act (1876) in Venne, p. 41.

<sup>107</sup> Hawthorne, Part I, p. 368.

<sup>108</sup> R.A. Hoey (Supt. of Welfare & Training) to Lee MacCrutcheon, Ind. Agent. 13 March, 1937. OOA, RG10, Vol. 7936, File 32-56-4, pt. 1.

<sup>109</sup> Hawthorne, Part I, p. 364.



### Indian Agents and DIA

The Indian Act gave a great deal of power to Indian Agents on the reserves. They were involved in all aspects of community life, attending band meetings, and controlling Indian monies. One Indian Agent was also Magistrate. "There was to be no drinking. You go before him you'd get 30 days." He wielded a lot of power.<sup>110</sup> The Agent administered resources as he saw fit, which was sometimes decided on criteria of a personal nature. Community members recall that "If he didn't want to give anything, he didn't", and that if he "liked you better it worked out for you."<sup>111</sup> The agent had authority to interfere in the lives of Indians far beyond what any other member of society might expect. The prohibition legislation, unique to Indians due to the Indian Act, inspired such incursions. The Indian Agent would "force Indians to open parcels on the streets to check for booze — right on Queen St."<sup>112</sup>

The power enjoyed, and sometimes abused by DIA officials was not missed by all outside observers.

More and more it is appearing that the Indian Affairs consider that the Indian has no rights except such as they choose to allow him — bureaucracy in one of its worst aspects that of tending to supercede constitution liberty of the citizen. Over the Indians at all times is the fear of the Indian Affairs arbitrary control over reliefs and power to withhold — that in specific instances has been exercised....There is no appeal from Indian Affairs and with this arbitrary power, and the Indian's fear of this power — an actual fact — the Indian Affairs can effect removals, however much the Indians may object.<sup>113</sup>

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<sup>110</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office; Interview with John C. Paul. 12 June, 1991. Home of J.C. Paul, St. Mary's Reserve.

<sup>111</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>112</sup> Interview with John C. Paul. 12 June, 1991. Home of J.C. Paul, St. Mary's Reserve.

<sup>113</sup> On the removal of Indians to the Kingsclear Reserve: Objection of the Indians at Devon Reserve. University of New Brunswick Archives and Special Collections. Adney Papers, Case 4, File 7.

The author also criticized the degree to which government controlled Indian revenues, stating that

There is no means for compelling an accounting of trusteeship from the Government, because the same Government is the trustee — the one in whom trust is placed. The laws as they stand provide the Indian with no safeguards such as are placed around the ward in the ordinary relation of trustee and ward.<sup>114</sup>

The obvious lack of success in improving the living conditions of Canada's aboriginal people demonstrated that changes needed to be made. Starting in 1946, the Federal government appointed two parliamentary committees to review Indian affairs, who recommended that revisions be made to the Indian Act which would permit more decision making on the part of the Indian people themselves. Gradually, after 1950, these changes would come, including formulating new policies, allowing Indians to vote federally (which extended to the provincial level in some cases), relaxing restrictions unique to Indians, and in some provinces including them in new social legislation.<sup>115</sup> These developments were intended to assist Native peoples in the way originally intended by the authors of the Indian Act. However, inherent limitations in the autonomy (ie. Band Council powers) granted to the Indian people guaranteed that envisioned benefits from such changes would not be forthcoming.

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<sup>114</sup> Adney Papers 30 Oct., 1947. University of New Brunswick Harriet Irving Library. Mic. 572, A1, Reel No.4.

<sup>115</sup> Speech by F.B. McKinnon, Regional Director of Indian Affairs, Maritimes at the Annual Meeting of the Prov. Chapter of New Brunswick I.O.D.E. in Moncton, April 20, 1966. OOA, RG10, Vol. 8552, File 88/1-2, pt. 3.

## Social Development

### Social welfare

Due to the availability of work in the city the members of St. Mary's depended very little on aid from the Department. What aid was received on the Reserve is uncertain as the amount was included as part and parcel with other reserves in York Co. However, it is clear that the Department was not guilty of being overly generous. Agent William Fisher complained in 1876 that relief totalling \$547.78, with an additional \$200.00 for special relief was insufficient. He stated that this amount, when expended on doctors, medicine, funeral expenses, and seed, did not go far when divided between 500 people.<sup>116</sup>

The provision of relief, or social assistance, was not an unchecked, indiscriminate handing out of funds. To begin with, not everyone was eligible; you had to be old, sick or dying. Even those who could expect assistance faced a limit. The Indian Agent lamented in 1881 that he could not

...give the Indians certain things which are absolutely necessary, in addition to their supplies already ordered for their comfort, and in consequence, some of the Indians have already complained, and I am satisfied, that as I continue to carry out your instructions to the letter, as I have been requested to do, that there will be very much dissatisfaction among them which I should be glad to avoid.<sup>117</sup>

While the Agent expressed the need to have more money for the people in his jurisdiction, he was not above withholding the same funds to achieve his own ends. In 1883, he decided

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<sup>116</sup> Canada, Department of Indian Affairs. Annual Report for the Year ending 30 June, 1876, (Ottawa, 1877), p. 29.

<sup>117</sup> Canada, Department of Indian Affairs. Annual Report for the Year ending 31 Dec., 1881, (Ottawa, 1882), p. 34.

...to withhold seed from several places where the Indians had no reserves, in the hope that those Indians living outside of the reserves of the Counties of Carleton and York might be induced to remove and live upon the same...<sup>118</sup>

Clearly it was not the intent of the Indian Act's authors to have the inherent powers of DIA officials used in this manner. The goal of helping Native people achieve independence and socio-political sophistication was quickly being lost in the efforts by bureaucrats to "do what was best".

For a long time relief amounted to nothing more than a yearly distribution of seed (which the Department hoped would serve as incentive to the Indians to take up farming), and medical supplies for the aged and infirmed. Any other support was practically non-existence. Each family depended on their own resources and ingenuity to get by.<sup>119</sup> Relief became a major component of the Reserve economy in the 1930s. During this period DIA began to pay Indians with Relief vouchers instead of money, just as work done for the Department came to be called "relief work" and was paid for by vouchers (see p. 122).<sup>120</sup> Unlike similar programs sponsored by the federal government for non-Natives, Indian relief program were to remain in one form or another for some time.

The distribution of relief was by no means an objective matter. Your chances of relief would depend first on whether there was a perceived need, and second if you were liked or disliked by the elected band council: "It depends on the vote. If they think you're not going to vote for them you

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<sup>118</sup> Canada, Department of Indian Affairs. Annual Report for the Year ending 31 Dec., 1883, (Ottawa, 1884), pp. 30-31.

<sup>119</sup> Dr. Peter Paul, p. 6.

<sup>120</sup> A.F. MacKenzie to R. Lee MacCrutcheon, 11 Dec., 1935. OOA, RG10, Vol. 7865, File 31056-4, pt. 2.

don't have a very good chance...It's the politics"<sup>121</sup> The process was as follows:

In those days when an Indian had to go on Relief he first applied to his chief. If the chief thought they were eligible he would fill out a form which was then sent to Woodstock where the Head of the Indian Agency then was. The Indian Agent then investigated and if he agreed the Indians needed to get relief it sometimes would take as long as three weeks. The Indians were given little welfare slips to take to the store to get groceries, clothing, etc.<sup>122</sup>

The problems that arose in attempting to get relief were innumerable. The following scenario is based on an actual account, but includes fictional names in order to protect the couple's privacy. One winter John and Mary had no oil and so asked the chief to help them in the matter, to which he replied, "No". He denied them assistance on the basis that John was employable, and that they owned a boat and motor. Mary explained that the boat was not for pleasure, rather it was to be used for fiddleheading; it was for earning money. Despite the protests no help was forthcoming. Department policy denied relief recipients the right to own vehicles, which were perceived as luxuries and not as articles to be used for employment.<sup>123</sup> At the time Mary was working for an influential employer in the city who, upon hearing of their problem, said he intended to do something about it. He called the Indian Agent Office in Woodstock, and soon after they received oil.<sup>124</sup> The people involved, like most members of the community, were

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<sup>121</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

<sup>122</sup> Greene, p. 58.

<sup>123</sup> Nicholas Smith describes a similar problem at the Woodstock Reserve involving a truck, which was used for work, but which could penalize an individual's chances of getting relief. See Smith, "Notes on the Malecite of Woodstock, New Brunswick" in *Anthropologica* No.5, The Research Centre of Amerindian Anthropology. University of Ottawa (1957), p. 167.

<sup>124</sup> Anonymous Interview with Community Elder. June, 1991. St. Mary's Reserve.

without recourse in the decisions regarding assistance. There was no means of appeal, and little chance of outside intervention. The incident serves to emphasize the feeling of hopelessness felt by a community subject to the arbitrary decision-making of an Indian Agent free to administer as he saw fit.

Receiving relief was not an easy matter. One resident describes what she remembers with anger: "... my father was considered able-bodied; he could work. So we couldn't get no assistance. 'Cause he was able to work, even though there was no work. So we had to live on what my father could bum, or if he made things and sold them."<sup>125</sup> Sometimes the problem required more desperate solutions.

My father stole, because we didn't have no firewood, even though he would cut wood and bring it, sometime it was too stormy, so we would go down, and there'd be boxcars down here, and they'd have logs in there, and my father would have to get up at midnight or sometime, and stole so our feet would be heated.<sup>126</sup>

When you were deemed eligible for relief, it generally included only the most basic necessities. All "...you got from the Indian Agent was just a little welfare and the doctor. That was all and maybe a little clothing if anybody needed it."<sup>127</sup> The Department was very jealous with the money that was distributed. One woman describes receiving \$4.60 per month (or 1.09/week) after being a patient with tuberculosis. She requested additional money for her convalescence, but Indian Agent Whalen wouldn't relent. Only when Dr. H.S. Wright intervened on her behalf, and told him she would require \$12.00

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<sup>125</sup> Interview with Connie LaPorte. 7th June, 1991. Home of Connie & Harry LaPorte, St. Mary's Reserve.

<sup>126</sup> Interview with Connie LaPorte. 7th June, 1991. Home of Connie & Harry LaPorte, St. Mary's Reserve.

<sup>127</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

per week to feed herself and family, was any change made. When the same woman later asked for wood, Agent Whalen asked her who would cut it. She responded that she would, at which point he said to her: "You're costing the government a lot of money!"<sup>128</sup>

### Health

As in other provinces, New Brunswick waived the responsibilities for essential services they should have been providing to native peoples vis à vis the BNA Act. Instead, the federal government assumed these responsibilities and proceeded to provide wholly inadequate services.<sup>129</sup> In fact, in the first decades of Confederation health services were nothing more than occasional expenditures for everyday ailments, and larger ones for epidemic outbreaks.

By the 1930s DIA began making efforts to improve health care on the Reserve. In 1928 there were 2 nurses, 1 Departmental hospital, and 19 doctors, listed in the vicinity of New Brunswick reserves, with a number of the latter employed only on a part-time basis.<sup>130</sup> School children were being given tooth brush drills, and cod liver oil and milk each day.<sup>131</sup> In fact, by the 1940s DIA began insisting on pasteurized milk to help prevent the spreading of such diseases as tuberculosis, undulant fever, typhoid fever, diphtheria, scarlet fever, and other pathogenic bacteria.<sup>132</sup> Preventative measures were important, for once these diseases were contracted, there was little that could be done. Doctors simply tried to keep it under control.<sup>133</sup>

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<sup>128</sup> Anonymous Interview with St. Mary's Community Elder, June 11<sup>th</sup> 1991, Ponderosa Steak House.

<sup>129</sup> Canada. Indian Affairs Branch. Department of the Interior. Annual Report for the Year ending 30 June, 1878, (Ottawa, 1879), p. 44.

<sup>130</sup> Canada. Department of Indian Affairs. Annual Report for the Year ending 31 March, 1929, (Ottawa, 1930), p. 11.

<sup>131</sup> A.F. MacKenzie to B.J. Griffiths. 29 Sept. 1932. OOA, RG10, Vol. 6067 File 283-5, pt.4.

<sup>132</sup> A.F. MacKenzie to B.J. Griffiths. 29 Sept. 1932. OOA, RG10, Vol. 6067 File 283-5, pt.4.

<sup>133</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

It has not been financially possible to extend the effort of combatting tuberculosis, nor, indeed, to maintain it at its former standard. The Department has been compelled to limit admissions of tuberculous Indians to sanatoria and hospitals, and it must be anticipated that this will result in an increased spread of the disease. It is quite apparent that the public at large does not realize the menace of Indian tuberculosis.<sup>134</sup>

In 1945, the government decided that health services for Indians should be placed with the Department of National Health and Welfare, and since that time all health matters have been dealt with by that department.<sup>135</sup> Due to their scattered numbers, health care for these people remained expensive.

Indian Health Services, having limited resources, concentrates on public health practices and arrangements for essential care of acute disorders. Hence, the provision of spectacles, dentures and other artificial aids, elective or cosmetic surgery, is only possible under certain limited circumstances.<sup>136</sup>

In addition to Departmental preoccupation with costs, there was also the matter of never-ending paperwork, and delays in health care resulting from the same. Indian Health Services also demanded that only designated physicians be used, which often caused delays.<sup>137</sup> There was only one nurse responsible for the health care of Indians in the entire Saint John River Valley area, and according to regulations, her permission had to be obtained before an Indian could get medical aid. Doctors giving aid were subjected to

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<sup>134</sup> Canada. Dept of Indian Affairs. Annual Report for the Year ending 31 March, 1932, (Ottawa, 1932), p. 8.

<sup>135</sup> Canada. Dept of Indian Affairs and Northern Development. Report of the Indian Act Consultation Meeting Moncton, N.B. July 29, 30 and 31, 1968. Ottawa: DIAND, 1968), p. 72.

<sup>136</sup> Special Treatment Draft Copy, c.1954-1960 OOA, RG10, Vol. 8553, File 88/1-10, pt.1, p. 1.

<sup>137</sup> Instructions to Physicians Regarding Treatment of Medically Indigent Indians and Succession of Accounts. N.J. Dekoven (A/Zone Superintendent, Atlantic Zone, Indian and Northern Health Services). 31st December, 1959. OOA, RG10, Vol. 8358, File 54/17-1.



endless red tape in trying to have their bills paid, because the forms weren't handled in the prescribed manner from the very beginning.<sup>138</sup> Indians would not enjoy the same quality of health care for a number of years yet, not until the introduction of Medicare in 1971.

### Enfranchisement

The Indian Act has been the source of a lot of unnecessary pain and hardship to the people it was intended to serve and protect. One of the most painful components has been the enfranchisement clauses, which effectively takes away the legal right to be considered a member of your own cultural group. This part of the Act stemmed from European cultural values, based primarily on the needs of an agricultural society, that regarded land ownership as a male right.<sup>139</sup> National figures indicate that between 1876-1918, a sum of 102 Indians were enfranchised. These figures rose dramatically as Departmental employees were given greater powers to enforce the rules, and as more contact between Native peoples and Euro-Canadians occurred. The period 1918-1948 saw 4,000 Indians enfranchised, and between 1948-1958 some 6,301 Indians lost their status.<sup>140</sup> Women were unquestionably subject to greater discrimination than men in regard to enfranchisement (see p. 93). One family's omission from the 1951 band list triggered research into their case history, which revealed a long series of problems associated with Indian status as defined by the Indian Act. In 1881 George N. (a white man) married Cecilia S., a St. Mary's Band member. Due to Section 3 (3) (c) of the Indian

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<sup>138</sup> "UNBI To Discuss Medical Services With Government" in The Daily Gleaner 3 December, 1970.

<sup>139</sup> Kathleen Jamieson Indian Women and the Law in Canada: Citizen Minus (Ottawa: Advisory Council of the Status of Women Indian Rights for Indian Women, 1978), p. 13.

<sup>140</sup> Canada. Indian Affairs Branch, Department of Citizenship and Immigration. A Review of Activities 1948-1958. (Ottawa: DCI, n.d.), p. 35.

Act, she lost her Indian status. They lived on the reserve for a short period of time, but were eventually pressured by the Indian agent and Chief to leave. They responded by building a log cabin off the reserve, where they raised some 25 children. Their children also remained in the area immediately surrounding the reserve. They were accepted and interacted with the community, spoke Maliseet, and were indistinguishable from those living on the Reserve. The children from this union nearly all took Indian spouses, generating a complex family line which spread throughout the Kingsclear, Oromocto and St. Mary's reserves. When the Band Lists were created in 1951, open opposition by many to the inclusion of members of this large family erupted. Only those females married to recognized male Band members were included. Today, many members of the family are included in the Association of Métis and Non-Status Indians and are living proof of the injustices of the Indian Act.<sup>141</sup>

Even when the Indian Act forced the enfranchisement of an Indian woman, the results were not uniform. We see with the above couple that some were forced to leave the reserve. This was not always true. In 1931 one St. Mary's community member wrote:

I am an Indian women full blood was born & brought up on the Indian Reserve have at Devon and have lived here nearly all my life and was married here and have 4 children all born on the Reserve and I own my own home which I bought and paid \$110.00 a good 4 Room house. and It is sure a home to me. Today the Indian Agent told me We had to move from the Indian Reserve. and that we would not be paid for my home now we are very poor I nor neither has the children any clothing to go any Where. and hardly a bite to eat as the Indian Agent has my man In jail through nothing but a Grudge for he has always since his time of office he very mean to us. I married a White

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<sup>141</sup> G.P. Gould and A.J. Semple, eds. Our Land: the Maritimes. (Fredericton: Saint Anne's Point Press., 1980), pp. 94-95.

man Mr. Smith of Fredericton was Agent at the time I was married and he gave us permission to live where we are now I have made my self a home Very dear to me and family. Although I am very willing to move off the Reserve and stay off But I am begging the Department to pay me the Amount I paid for my home so I can have enough money to find my way to another place for my family. We are destitute and no one to help us... I have lived on the Reserve all my life and for my Family sake and self. please use me fairly. I am to branded an Indian no matter Where I go and also my children and cannot help it my children are all very young and I am sickly and will become a mother again In a few weeks...I have Legal papers for my home showing the amount I paid which I showed to the Indian Agent today.<sup>142</sup>

Prior to 1951 all women who lost status through marriage still retained rights to Band funds and annuities. The author of the above retained these rights, and there were a number of reasons she had just cause to complain. A number of amendments to the Indian Act established the right of enfranchised Indians to keep their land. Two in particular apply here. The first states that the Governor in Council may grant "to such Indians the land in fee simple, which had, with this object in view, been allotted to him or her by location ticket, but without power to sell, lease or otherwise alienate the land, unless with the sanction of the Governor in Council..."<sup>143</sup> While the St. Mary's Reserve did not possess location tickets at this time, clearly there was an intention not to have land sold without outside approval. It is unlikely that the woman could have purchased the house without the knowledge of any Agent who was performing his duties. The fact that there was a white man living on the Reserve would have alone brought attention to the couple's housing situation. Secondly, a 1927 amendment stated that

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<sup>142</sup> Mrs. George Wiseman to DIA, 24 June, 1931. OOA, RG10, Vol. 1946, File 4252-1C.

<sup>143</sup> Section 100, Indian Act (1884) in Venne, p. 99.

Upon the issue of an order of enfranchisement the Superintendent-General shall, if any Indian enfranchised holds any land on a reserve, cause letters patent to be issued to such Indians for such land; and such Indians shall pay to the funds of the band such amount per acre for the land as he holds as the Superintendent General considers to be the value of the common interest of the band in such land, and such payment shall be a charge against the share of such Indian in the funds of the band.<sup>144</sup>

In short, if the land was owned at the time of the marriage she had established rights to it. If it was not, then the subsequent sale should have been prevented by the Department. In either case, she had grounds to expect compensation. Clearly there was no consistent abeyance of the Indian Act enforced by the local agents. The Department failed consistently to enforce the various sections of the Act until such a time as it created bureaucratic problems for them. In the 1930s there were a number of non-status Indians living on the Reserve, including Steve and Tom Nash, who the Department classified as half-breeds, and George Wiseman, the white husband mentioned in the above narrative.<sup>145</sup> Tom Nash was still living on the Reserve in the 1940s, with Agent Whalen being aware of it. He mentions him in a number of reports, and even recommends him for labour on the Reserve.<sup>146</sup> The discretionary powers of the agent meant that the Indian Act was applied without uniformity, and that individuals, especially women, could be asked to leave the reserve without any regard for the community's wishes.

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<sup>144</sup> Section 110 (8), Indian Act (1927) in Venne, p. 286.

<sup>145</sup> Size of Houses on St. Mary's Reserve. no date; n.p.; n.P. OOA, RG10, Vol. 1945, File 4252-1A.

<sup>146</sup> Edward J. Whalen to DIA Secretary, 20 July, 1942. OOA, RG10, Vol. 6067, File 283-5, pt. 3.

### Education

The British North America Act placed the responsibility for the Indians of Canada with the Federal Government, who began to support existing schools and to establish others. As outlined earlier, the federal government had no specific legal obligations to provide Maliseet Indians with such services as education, health, welfare, etc. As elsewhere in Canada, they picked it up as a consequence of provincial negligence and disregard, and a loose interpretation of the Indian Act.

Prior to Confederation Indian schools had been supported, for the most part, by missionary societies, religious orders and the Indian bands themselves. The late 19th century was a period more or less defunct of education for St. Mary's Indians. By 1885, eastern Canadian Indian day schools were being conducted on reserves wherever it was possible to secure worthwhile attendance.<sup>147</sup> Generally, the churches dominated the whole area of education, and the residential schools were the most important part of the system. "The goal of most Indian schools was to teach the Indian skills so he could make a living on the reserve. They did not try to equip them to live in the non-Indian society."<sup>148</sup> The official line in the 1930s regarding curriculum was as follows:

At the present time, Indian Day schools adopt the Provincial curricula but place special emphasis on language, reading, domestic science, manual training and agriculture... In the junior grades, at least, there will be a departure from the provincial courses, which are not altogether suitable in either scope or content for Indian children.<sup>149</sup>

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<sup>147</sup> Duncan C. Scott to Mr. Ilsley, 1st March, 1929. OOA, RG10, Vol. 6054, File 265-1, pt.1.

<sup>148</sup> Gerda Kaegi. A Comprehensive View of Indian Education (Toronto: Canadian Association in Support of the Native Peoples. No.102, no date.), p. 9.

<sup>149</sup> Canada. Department of Indian Affairs. Annual Report for the Year ending 31 March, 1932, (Ottawa, 1932), p. 11.

The described "departure" meant that the actual curriculum, as recalled by one elder, included "writing, geography, Dick & Jane, catechism, prayer, spelling, and grammar. Catechism was a very important part of the day."<sup>150</sup> Another recalls that mornings were spent covering catechism.<sup>151</sup> After eight years of this material the Indian child was left without further access to education. "After grade 8 there was no place to go. No one went to High school." Grade 8 was considered "quite a thing" to the older people.<sup>152</sup> In fact no St. Mary's students would attend high school until Gabriel Dedham some time after 1947. It was understood that "If you went on and got a profession, doctor or lawyer, you'd lose your Indian status, eh."<sup>153</sup>

Despite the obvious need for improvements to the existing system, things only seemed to get worse. By the 1940s teachers were still reporting that "My duties here are along the same lines as at Tobique, handicrafts, and general instructions in all forms of Home making." and that "... the other Grades are at different periods, taught, weaving, sewing, knitting and other fine arts."<sup>154</sup> An example of how inadequate the Indian schools were is demonstrated by the following assessment of day school at the Woodstock Reserve, in which the quality of Reserve education is compared to public school standards.

The school teacher Sister at the Reserve passed the children as for the ninth grade. Their teacher at the Broadway [public] School Miss Kathleen Bowlin spoke to the children, and said to them: 'The idea of her (the Reserve teacher) telling me you had

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<sup>150</sup> Interview with Mrs. Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

<sup>151</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>152</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>153</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office; Notes of E.T. Adney. University of New Brunswick Archives, Box 4, File 8.

<sup>154</sup> Sister Marietta to Mr. R. A. Hoey. 11 June, 1945. OOA, RG10, Vol. 6067, File 283-5, pt. 5.

passed in the ninth grade. You are not prepared for passing the eighth grade'.

The Indian school course as taught to a younger daughter who started in fall term, 1946:

9 a.m. school opens  
 prayer with beads 10 minutes  
 followed by Church catechism, until 10:45  
 Recess 10:45 to 11  
 Prayers  
 Arithmetic  
 Prayers again  
 12 noon, recess to 1:30  
 Prayers  
 studies, sewing, etc.  
 3: p.m. school dismissed.

The writer adds that in the preceding term, her elder daughter spent her time studying prayers and catechism, sewing, sweeping the floors, and drawing pictures, having ranked third in the school in drawing.<sup>155</sup>

The Indian Day School served as a barrier to socio-economic development for St. Mary's residents for three reasons. First, it provided a curriculum that was more concerned with religious instruction and observable "fine arts", than with giving the students proper training that would allow them to function in the white community on an equal footing. Second, it made continuing beyond the eighth grade a difficulty, if not an impossibility. It predetermined that Indian people would only participate in occupations requiring little education, thus preventing the community from producing qualified people to work on its behalf. Third, the schools were a source of isolation. This final point did have some positive aspects, such as helping to maintain a tight knit community. However, it did not allow the community to encounter and participate in the various institutions that existed outside the Reserve, thus preventing them from developing the same

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<sup>155</sup> Report from Mrs. Paul, 1947, in Adney papers, University of New Brunswick Archives, Case 4, File 8.

expectations and receipt of services enjoyed in the larger society, and learning to operate similar institutions to their own ends.

The greatest problem experienced by the Indian schools originated in the way it was structured. There was no sense of national standards or a desire to see marked improvements in the educational development of school children. Instead, like so many offices in the Department, it became a bed of bureaucratic jealousies. W.D. Hamilton writes:

Throughout the 19th Century and for many years afterwards, the Department was staffed by a small number of officials who exercised direct personal control over the Indian schools of Canada. These officials sought advice and recommendations from Indian agents and others at the local level, but they jealously guarded their decision-making authority at all times. If a pane of glass was needed for a schoolhouse on Cape Breton Island, written authorization for its purchase had to be obtained in advance from Ottawa.<sup>156</sup>

This form of pettiness had a direct impact on the quality of individual schools. As at Tobique, conflict arose between the priest/school inspector and the teacher at St. Mary's. The problem is not clear in its entirety, but it appears that the teacher, Mrs. Hughes, began to use a text known as the Canadiana reader rather than the ascribed Canadian Catholic Corona reader, without the prior approval of the inspector. He wrote of the matter

...our N.B. Indian Schools are enjoying a prosperity that is not surpassed in any other Province in Canada, but if our CURRICULUM which is the same as the white schools of N.B. is allowed to be lacerated and undermined, to suit the whim and fancy of every teacher, — as was the case when I took over these said Indian Schools — then nothing but "chaotic conditions" must reign and our present prosperity annulled.<sup>157</sup>

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<sup>156</sup> Hamilton, Day Schools, p. 16.

<sup>157</sup> F.C. Ryan to Inspector of Indian Schools for N.B. 5 Oct., 1932 OOA, RG10, Vol. 6066 File 283-1, pt.1.



For her part, Hughes responded that if her students were to pass the high school entrance examination, as instructed by the inspector, she could not continue to use the texts he demanded. She added that the task was "a very difficult matter, as the course of study in the Indian Schools is not fitted to meet the requirements of entrance to High School, and I had to teach the work required by the course in the Indian Schools."<sup>158</sup> Ryan was adamant about having her dismissed, arguing forcibly for the acquisition of a younger teacher, with a first class licence. Writing to Indian Affairs Secretary A.F. MacKenzie, he added "... the dominant attitude that Miss Hughes has assumed towards me in the past makes it imperative that either one of us should resign."<sup>159</sup>

The problem was, in part, the choice of texts, and partially Hughes unwillingness to defer to Ryan's demands. Whatever the full nature of the problem, it is clear that her teaching ability was beyond reproach by Day School standards. The local Indian Agent wrote in her support

Perhaps it is not my affair, but Miss Hughes is one of the best teachers in my agency, or at least I think so, and I think any of the Department Officials who have visited this school will agree with me. Her domestic work is a credit to any teacher, and many of her pupils...have compared very favorably with any other Indian or white school.<sup>160</sup>

Even the local member of Parliament intervened on her behalf, writing

Now ostensibly the reason given for Miss Hughes' retirement is that the services of a first-class teacher are required. My information is that such is not the case and that Miss Hughes

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<sup>158</sup> Mary Hughes to Harold W. McGill, Supt. Gen. Indian Affairs. 26 July, 1933. OOA, RG10, Vol. 6066 File 283-1, pt.1.

<sup>159</sup> F. C. Ryan to MacKenzie, 11 July, 1933 DIA OOA, RG10, Vol. 6066, File 283-1, pt. 1.

<sup>160</sup> B.J. Griffiths to Secretary DIA. 11 July, 1933. OOA, RG10, Vol. 6066, File 283-1, pt.1.

has done excellent work. As a matter of fact, I am advised that in days gone by her pupils have led all the other Indian pupils in the Province in essay contests, domestic sciences and manuel science work, and other spheres of educational activity.<sup>161</sup>

These interventions were sufficient to see Hughes retained another year, however, at the end of that year she was let go.<sup>162</sup>

Following this campaign to see a younger, better qualified teacher obtained for the school, one might have expected greater advances to be made in the ensuing years. In fact, the parish priest, Father Donahoe, was forced to write the following year in regard to the replacement,

I wish to state that the absurdity of the appointment...The lady appointed attended Normal School twenty eight years ago and has not taught in New Brunswick and I believe elsewhere for upwards to twenty five years....Miss Hughes was dismissed on account of her age and out of date in modern methods, altho' she has been in active service for many years...I make no references unfavorable to the lady appointed, but I am writing regarding to the disregard of the principles advocated last year...<sup>163</sup>

In fact, the teacher, Mrs. McElligott, only had a second class license, and was approximately the same age as Hughes. Father Ryan also complained about the quality of this "political appointee". Complaints about her effectiveness were sufficient to see her dismissal recommended, but she stayed on until 1944. The following year, she was replaced by two nuns. On January 1, 1945, the Department appointed as principal to St. Mary's Indian school, Sister Jean Marie, and as her assistant and teacher, Sister Marietta.<sup>164</sup>

<sup>161</sup> R.B. Hanson, M.P. to H.W. McGill. 14 July, 1933. OOA, RG10, Vol. 6066 File 283-1, pt.1.

<sup>162</sup> Memorandum from Deputy Superintendent General. 29 August, 1933. OOA, RG10, Vol. 6066, File 283-1, pt.1.

<sup>163</sup> W.M. Donahoe to DIA, 18 July, 1934. OOA, RG10, Vol. 6066, File 283-1, pt.1.

<sup>164</sup> Memorandum from Philip Phalen, Chief, Training Division. 21 February, 1945. OOA, RG10, Vol. 6066, File 283-1, pt.1.

Ironically, the year following St. Mary's move to join other Indian schools in having a religious order act as teachers, the Department recommended that "Indian and non-Indian children should attend the same schools wherever possible. Accordingly, it became the policy of the Department to close down Indian schools where integration of the pupils into the provincial system could be achieved."<sup>165</sup> Despite these recommendations, it would be some time before St. Mary's students would begin attending public schools, and even longer before it would give up its school.

### Summary

The preceding chapter contains numerous examples of officials failing to achieve the objectives outlined in the Indian Act. Land and resources were lost or sold at grossly deflated prices; money was misappropriated and mismanaged; economic opportunities were sacrificed to bureaucratic expediency; bands were denied services enjoyed by other Canadians; communities were split by external interference in band politics; agents abused their positions to attack the dignity of Band members; and Department interventions were instrumental in undermining the natural development of indigenous social and political institutions. The legislated powers given to officials to work towards certain prescribed objectives were used instead towards different ends; day to day administering and protecting of jurisdictional powers (the very worst attributes of bureaucracies) tended to take precedence over the more important task of allowing Native people to achieve their full potential. The Department was not a vehicle of assistance, rather it was used to monitor and control even the most private aspects of Native community life. By the 1940s the dismal failure of the Department to

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<sup>165</sup> Hamilton, Day Schools, p. 19.

achieve positive results was apparent to all. The first major revision of the Indian Act was passed in 1951; the impetus of change was the desire to give Bands greater autonomy in the administering of their own affairs. It was believed that this change would finally allow aboriginal peoples to enjoy the benefits already available to other Canadians.

## Chapter IV

### New Face for an Old Acquaintance: Post-1951 Developments

#### Revisions to the Indian Act: 1951

On September 4, 1951, the Federal Government made its first "major revision" to the Indian Act. No longer were Natives denied the right to perform aboriginal ceremonies and dances; sell their produce without the agents' permission; or to attend fairs and rodeos.<sup>503</sup> The Act gave Band Councils greater control over how their moneys were to be expended,<sup>504</sup> and allowed women the right to vote and take office for the first time.<sup>505</sup> Despite all these progressive changes, any real improvements were thwarted by certain sections which effectively undermined the whole effort. The Minister still retained great power, with over half the Act remaining at his discretion. The Governor in Council had greater authority still, empowered as he was to declare all or part of the Act inapplicable to individuals or entire bands, subject only to existing statute or treaty.

Changes giving Native people greater autonomy amounted to little more than window dressing; the philosophical foundations of the Act had remained virtually unchanged.<sup>506</sup> The ideal of protecting Indian lands from alienation and depredation, and for maintaining a system for ending Indian status, had been preserved.<sup>507</sup> DIA officials retained the power to influence and interfere in the daily lives of Canada's aboriginal peoples. Departmental

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<sup>503</sup> Historical Development, p. 165.

<sup>504</sup> Canada, Indian Affairs Branch of the Dept. of Citizenship and Immigration, Annual Report for the Year ending 31 March, 1952, (Ottawa, 1953), pp. 42-43.

<sup>505</sup> Greenc, p. 43.

<sup>506</sup> Canada, Indian Affairs Branch of the Dept. of Citizenship and Immigration, Annual Report for the Year ending 31 March, 1952, (Ottawa: 1953), p. 42.

<sup>507</sup> Historical Development, p. 165.

interference in community affairs, having already retarded the development of Tobique and St. Mary's reserves prior to 1951, promised to be equally disruptive following revisions to the Indian Act. Relations between the Bands and DIA remained virtually unchanged, despite what official policy might have implied. The restrictive clauses in the Act, and the manner in which policy was implemented, continued to be a barrier to breaking the ties of dependency.

### St Mary's Economic Development

#### Lands and Resources

Following the 1929 move to the "New Reserve" it was supposed that all questions of title had been settled. The Old Reserve had been duly recorded in the county registrar's office, and subsequently was to have the newly purchased land added to it. To have this acquisition registered as "reserved land" in accordance with the Indian Act, was a very simple procedure. Unfortunately, in the tradition of Departmental misfeasance in safe-guarding reserve lands, DIA had managed to register the newly acquired property as provincial crown land, despite the fact that the Province had no previous claims to it. Upon discovering the mistake in 1969, it was purposefully kept secret, as Regional director F. B. McKinnon wished that "reference to lost title should not become public knowledge."<sup>508</sup> Despite the continued, expressed concern by DIA that reserved lands be preserved and protected, officials continually let such matters go until situations arose demanding action.

<sup>508</sup> St. John River Agency from F.B. McKinnon, Maritime Regional Office. 14 March, 1969. COA, RG10, Vol. 8359, File 54/19-2, pt. 2.

They had managed to lose possession of St. Mary's on no fewer than three occasions.

The boundaries of St. Mary's had not been encroached upon by outside interests prior to 1951. It contained few resources of any value, was small, and was removed just far enough from the centre of town that it had attracted little attention. However this began to change in the 1950s, at which point a series of transactions occurred involving the leasing, and in some instances, outright sale of Reserve land. The first such transaction involved the Band's selling a right-of-way for two hundred dollars to the New Brunswick Electric Power Commission for the purpose of installing transmission lines.<sup>509</sup> The next occurred in 1953, when the City of Fredericton was preparing to amalgamate with the Town of Devon. That year, they requested permission to put a road through the Reserve from St. Mary's Street to Cliffe Street.<sup>510</sup> Department officials recognized that the band might not want to release land in this instance, but decided early on to invoke Section 35 of the revised Act which stated that the Governor in Council could sell land without the Band's permission, if it would retard the general development of the surrounding community.<sup>511</sup> In fact, the Band was resistant to the idea, citing as their principal reason the safety of their children and potential loss of traffic control on the Reserve.<sup>512</sup> Negotiations proceeded despite community dissatisfaction:

Three days after the meeting was held, July 3, the Chief of the Devon Reserve came to me and stated that the councillors were not satisfied and blamed him for the deal, which was finally

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<sup>509</sup> St. Mary's Band Council Resolution. 9 March, 1951. OOA, RG 10, Vol. 8367, File 54/30-1-4-24.

<sup>510</sup> Greene, p. 54.

<sup>511</sup> The Indian Act and What it Means, p. 24.

<sup>512</sup> E.J. Whalen to Indian Affairs Branch, Department of Citizenship and Immigration. 8 April, 1953. OOA, RG 10, Vol. 7998, File 271/31-4-12-30-1.

decided upon at the meeting of June 30 last. Therefore, he stated, that owing to the attitude of the councillors and a number of the Indians of the reserve, they would not put through the deal, which they had agreed upon the night of June 30, 1953.<sup>513</sup>

Despite this incident an agreement was signed on 28 July by the Chief and one councillor. The exchange gave the City of Fredericton 3.48 Acres of land for the purpose of constructing streets, while the Reserve received pavement on the road to the value of \$2100.<sup>514</sup> In the end, the sale had been made without the knowledge of the band.<sup>515</sup> A few years later, the new Chief and council wrote DIA asking whether a band resolution consenting to the sale had been submitted, asserting that without one the agreement would be void. They asked if the Chief and his Councilors had a right to sell this land without having had a band meeting on the matter.<sup>516</sup> In response the Department drew on the very Section of the Act they said they would in the event of problems.

The alienation of the 3.48 acres on Devon Indian Reserve Number 30 was carried out pursuant to a request from the band council as set out in its resolution of July 28, 1953, and for your information I attach a photostat copy of this resolution. You wish to know whether the council of the band had a right to sell this land to the City of Fredericton without getting the approval of the whole band...This transaction was carried out under Section 35 of the Indian Act which makes provision for the sale of Indian lands required by municipalities without a surrender and the transaction is perfectly legal.<sup>517</sup>

<sup>513</sup> Whalen to Indian Affairs Branch of Citizenship and Immigration. 9 July, 1953. OOA, RG10, Vol. 7998, File 271/31-4-12-30-1.

<sup>514</sup> St. Mary's Council Resolution: Chief Andrew M. Paul and Councillor Mrs. Marion (Walter) Gabriel. 28 July, 1953. OOA, RG10, Vol. 7998, File 271/31-4-12-30-1.

<sup>515</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

<sup>516</sup> Fred Paul to H.M. Jones, Director of Indian Affairs. 12 January, 1961. OOA, RG 10, Vol. 7998, File 271/31-4-12-30-1.

<sup>517</sup> R.F. Davey (Acting Director) to Chief Fred Paul, Sr. 19 January, 1961. OOA, RG 10, Vol. 7998, File 271/31-4-12-30-1.



The Band discovered that its already limited land holdings were in no way protected from those desiring it for other purposes. Previously no land could be alienated without consent of surrender by the entire community, but the new Indian Act gave DIA officials clear authority to supersede Band wishes and assent to requests from outside concerns.

Interest in Reserve lands did not rest solely with utility boards and the municipal government. Land owned by the St. Mary's Band was sought by a number of private concerns throughout the 1950s. This included the British American Oil Company and Irving Oil Company among others.<sup>518</sup> The former sought a lease for land located on the Reserve, but met with stiff resistance from many in the community.

Indian Agent Mr. E.J. Whalen has already held two meetings with the Indians: persuading them to lease the land to the British America Oil Company; First Indians weren't willing; at last he talked them into it. Now we have a lot of children growing up and I think we need all the land we got now. Our Indian Reserve is now badly cut. Road built through the Reserve and Hydro lines going across the Reserve...Please stop Indian Agent leasing our lands.<sup>519</sup>

Despite his dismissing accusations that he was "persuasive for the leasing of the land", Whalen was clearly operating to this end. He "tried to tell the people the advantages of leasing the land, as it would increase their Band Funds", mocking those who did not share his view:

... I am rather surprised, especially at Gabriel J. Dedham, as this young man after graduating from the St. Mary's Indian Day School was given three years of High School (vocational) at Government expense. He then went into the Army and when

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<sup>518</sup> W.C. Bethune to James A. Dunlop (District Industrial Agent, CPR). 17th January, 1957; St. Mary's Band Council Resolution. 23 January, 1959; John C. McNair to E.J. Whalen. 4 January, 1957; W.C. Bethune (Superintendent, Reserves and Trusts) to E.J. Whalen. 18th December, 1956. OOA, RG10, Vol. 8368, File 54/32-1-4-24.

<sup>519</sup> Fred Paul, Sr. to DIA. 25 February, 1959, OOA, RG 10, Vol. 8368, File 54/32-1-4-24.

he returned, started to take a University course ... this man should have reasoning power enough to know that if land is not in use and will not be in use for some years at least, that it would be to the advantage of the Band as a whole to derive some funds from it by way of lease.<sup>520</sup>

Whalen contended that the only reasonable thing to do was leasing, his ultimate priority being the acquisition of money for the Band's coffers. A subsequent meeting was held to discuss leasing the land. The result was a majority signing in favour, with one councillor steadfastly refusing to agree. In the end all these negotiations were for nought, as the oil company decided to abandon the project due to similar developments by Irving Oil down the road.<sup>521</sup>

Attempts by the Irving Oil Company to lease a portion of the Old Reserve also inspired resistance. A vote was taken to decide whether or not to lease the property. The result was 50-50, and as a majority was required to pass a lease, the meeting was of no value. Despite community resistance to the idea, Whalen wrote to Irving's lawyer:

I let the matter ride for a while and has some private talks with individuals who were opposed to this lease and now I think I will call another meeting of the Band to see if I can get the majority of voters in favour of the lease. In the meantime, I would ask you to 'B.F.' your file for two months.

It is regretted your letter was not answered before, but I had thought and and I still think that we will be able, at the next meeting, to obtain a majority of voters in favour of this lease.<sup>522</sup>

Clearly Whalen was not working with the wishes of the Band in mind, but rather with what he believed to be in their best interest. The land in question

<sup>520</sup> E.J. Whalen to F.B. McKinnon (Superintendent of Reserves and Trusts. 21 May, 1958. OOA, RG 10, Vol. 8348, File 88/32-4.

<sup>521</sup> E.J. Whalen to F.B. McKinnon (Superintendent of Reserves and Trusts. 2 March, 1959. OOA, RG 10, Vol. 8368, File 54/32-1-4-24.

<sup>522</sup> Edward J. Whalen to John C. McNair. 29 October, 1958. OOA, RG 10, Vol. 8368, File 54/32-1-4-24.

was a corner right-of-way on the Old Reserve which Irving required as an exit from their adjoining gas station. The Band could not reach a decision on the matter, but by 1960 a resolution was passed allowing Irving to rent the land at \$100 per year. This decision was not due to a negotiated consensus, rather, it was the result of Irving's having already begun to use the property without permission.<sup>523</sup> Whalen's desire to see the land portion leased evidently clouded his vision sufficiently to prevent his being aware of this trespass for more than a year.

Later that same year steps were taken to have the unleased portion of the Old Reserve sold. The issue was so contentious that it forced the resignation of the existing chief.<sup>524</sup> However, even this did not put the matter to rest.

They [new chief & council] were definitely interested and are, in themselves, agreeable to a sale of the land. They are aware of varied and diverse opinions held on the reserve concerning the proposed sale and of complications it will cause particularly by uprooting three non-Indian families who have lived there for years and who are blood relatives of many on the band list. They are frankly going to move a bit slow on this matter because it will be their first official action and they don't want to be hurried into an issue which has many facets of contention and doubt. Their concerns are as follows:

1. What will the value of this property be 5-10 years hence, and what does the band lose by selling now.
2. Who will assume the cost of building for the two Indian families on the other reserve? They do not want this cost to be taken from the sales price. If the two families refuse to move what action should they take?
3. What moral obligations have they to the three non-Indian families permitted to live and establish there, one of them for upwards of 30 years and now an old man.

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<sup>523</sup> St. Mary's Band Council Resolution. 28 July, 1960. OOA, RG, 10, Vol. 8368, File 54/32-1-4-24.

<sup>524</sup> Indian Affairs Branch from B.G. Clench, St. John River Agency. 26th October, 1960. OOA, RG10, Vol. 8555, File 88/3-5, pt. 6.

4. What provisions would be made for school this September?  
(One classroom is on this reserve).<sup>525</sup>

The Department's wish to dispense with the Old Reserve was due to growing concern over sanitary conditions on the New Reserve by City officials, who had begun to press them to have full plumbing facilities installed in each home.<sup>526</sup> Monies accrued from the sale were intended for collateral against loans taken to pay for the installation of plumbing in the 40-50 homes on the New Reserve. By 1961, a majority had voted in favor of "leasing" the Old Reserve. However, this did not happen. A new school was scheduled to replace the building on the Old Reserve. Once Regional Supervisor F. B. McKinnon began negotiating to integrate children from the Reserve into Provincial schools, the need for a new one became less pressing. The old school house, and the land it stood on, were necessary for at least another year.<sup>527</sup> Despite Departmental pressures to sell off or lease their "unused lands", the band had managed to retain most of it. Fortunately, those most interested in the land were private companies and not government bodies, otherwise the casualties to their land base might have been much greater. Despite Whalen's claims that the Band could afford to do without much of the land for some time to come, they have since used up a good portion of their holdings.

### Employment

Following the downturn in the forest-related occupations described in Chapter 3, the men of St. Mary's began seeking alternative sources of work.

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<sup>525</sup> MRO to Indian Affairs Branch. 8 March, 1961. OOA, RG 10, Vol. 8565, File 88/8-17-4-24.

<sup>526</sup> B.G. Clench (Superintendent, St. John River Agency) to MRO. 18 April, 1961. OOA, RG 10, Vol. 8565, File 88/8-17-4-24.

<sup>527</sup> F.B. McKinnon (Regional Supervisor) to Indian Affairs Branch. 12 September, 1961. OOA, RG 10, Vol. 8367, File 54/30-1-4-24.

New technical and economic developments had begun to threaten much of the remaining "Indian work", such as the barrel and basket-making industries. The need for new work-skills grew: "The Indian without marketable skills is usually out of work. The demand for unskilled labour is rapidly decreasing."<sup>528</sup> Unfortunately, this was the situation in which many St. Mary's residents found themselves, as they were unable to get anything but low paying jobs, which were frequently temporary in nature. For men this included millwork and building and road construction, while women found work as domestics, waitresses, sales clerks, and hospital attendants.<sup>529</sup> Some Band members found jobs in and around Fredericton, while others such as those involved in seasonal labour, were obliged to go further afield. This was also true for those entering the civil service, which had only recently opened up to Natives in the early 1960s. One community member, for example, worked for Manpower, Family Allowance, Old Age Security, National Defence, Treasury, DIA, and Unemployment Insurance Commission, which took her to Amherst, Moncton, and the Miramichi River area.<sup>530</sup> Many others, who relied on the seasonal potato, blueberry, and fiddlehead harvests to maintain a minimal living standard, all had to leave the Reserve. Aside from welfare, and DIA work initiatives sponsored from time to time in the community, there were very few other sources of income. It had virtually no industry or development, and may be cited as a classic example of a "welfare economy".

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<sup>528</sup> Report of the Community Development Worker for the Fiscal Year April 1, 1968-March 31, 1969, Murray H. Manzer, Community Development Worker, St. John River Agency. 26 May, 1969. OOA, RG10, Vol. 8367, File 54/29-6, pt. 2.

<sup>529</sup> Report of the Community Development Worker for the Fiscal Year April 1, 1968-March 31, 1969, Murray H. Manzer, Community development Worker, St. John River Agency. 26 May, 1969. OOA, RG10, Vol. 8367, File 54/29-6, pt. 2; Statistical Data: St. Mary's Reserve-St. John River Agency. 7 June, 1960. OOA, RG10, Vol. 8296, File 271/8-2-12-24.

<sup>530</sup> Mrs. W. G. Gass from H.S. MacNeil, Superintendent. 31 January, 1967. OOA, RG10, Vol. 8354, File 54/1-10, pt.2; Agenukemagen November, 1971, Vol.1, No.1.

Annual harvests carried many families through the Autumn and Winter. Estimated gross income from fiddleheading in New Brunswick in 1967 was \$50,000 (250,000 lbs. at 20 cents per pound), while the 1968 crop was getting 25-40 cents.<sup>531</sup> The number participating in annual harvests diminished after the Reserve's children integrated into the public school system, School Board officials having indicated that they would not "accept the Indian children until such time that this Department could guarantee that there would be no Autumn 'trex' to Maine for potato harvesting."<sup>532</sup> The same was true for other harvests: "... when I was younger, we as a family would go picking fiddleheads, but when I got to school age, then my father just himself, said we'd have to stay home and go to school and so it wasn't whole families that went anymore."<sup>533</sup> Records from 1967 show that only 31 people from St. Mary's were employed in the seasonal fiddlehead harvest.<sup>534</sup> However, this was no small matter in the overall economic picture, as that same year only fourteen people from among 58 families had year-round employment, so every source of income was important.<sup>535</sup>

Social-welfare programs had become a major factor in helping families to survive, the long term effect being a fostering of reliance on welfare agencies.<sup>536</sup> As an external source of income, it had added to the erosion of

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<sup>531</sup> Project Proposal for Study Harvesting and Marketing Natural Resources-N.B. Indians to the Government of Canada and the Government of the Province of New Brunswick. Presented by the St. Mary's Band Council, Devon Reserve, New Brunswick. OOA, RG10, Vol. 8359, File 54/19-2, pt. 2.

<sup>532</sup> Memorandum. Indian Affairs Branch from Maritime Regional Office. 22 March, 1961. OOA, RG10, Vol. 8788, File 271/25-11, pt. 1.

<sup>533</sup> Interview with Connie LaPorte. 7th June, 1991. Home of Connie & Harry LaPorte, St. Mary's Reserve.

<sup>534</sup> Don Dixon, Atlantic Area consultants Ltd., Fredericton from D. Gourley, Superintendent. Sept., 1967. OOA, RG10, Vol. 8354, File 54/1-10, pt. 3.

<sup>535</sup> Mrs. W.G. Gass from H.S. MacNeil, Superintendent. 31 January, 1967. OOA, RG10, Vol. 8354, File 54/1-10, pt. 2.

<sup>536</sup> Report of the Community Development Worker for the Fiscal Year April 1, 1968-March 31, 1969. 26 May, 1969. St. John River Agency. Murray H. Manzer, Community Development Worker. RG 10. Vol. 8367, File 54/29-6, pt. 2.

the personal initiative, self-sufficiency, independence and pride of many, forcing them to look to government-provided funds and externally available goods and services.<sup>537</sup> In an effort to combat this growing problem the Department began introducing different programs to reserves which were intended to initiate local development. They launched a placement program in 1957 to help Indians find employment, both on and off the reserve. To provide work opportunities, a Revolving Loan Fund, which was to be paid back within five years, had been established to assist in starting small businesses.<sup>538</sup> Finally, the Department Executive Planning Committee (the Chief policy and operational committee of DIA, comprised of all Regional Director-Generals across the country and Headquarters executives) began advancing the concept of "community-based planning and development."<sup>539</sup> Work programs, including the Local Employment Assistance Program (L.E.A.P.), Community Development Program, Local Improvement Program (L.I.P.), and the Work Opportunity Program (W.O.P.), were made available to Native peoples along with other Canadians. Development programs of this sort should have sought to provide facilities and services that would increase the range of choice to individual Indians: to work full or part-time; to seek high or low income positions; or to stay or leave the reserve.<sup>540</sup> Instead, these programs began to provide the principal sources of work on most reserves; at St. Mary's and other Provincial reserves, work projects funded the construction of a wood road, cutting fuelwood, clearing land, land improvements and ditching. The Band councils, themselves, were unable to

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<sup>537</sup> Lynda Kuhn Boudreau "Economic Development Strategies and the Micmac of Nova Scotia". Unpublished M.A. thesis, McGill University, 1982, p. 37.

<sup>538</sup> Canada. Dept. of Citizenship and Immigration, Indian Affairs Branch. "The Indian Today" in The Indian in Transition Series (Ottawa, 1962) p. 10.

<sup>539</sup> Lynda Kuhn Boudreau, p. 46.

<sup>540</sup> Hawthorne, Vol.1, p. 24.

control development capital, so these moneys were invested in projects which failed to inspire or substantially effect communities. One such incident occurred at St. Mary's, where there was

misunderstanding and varied opinion as to benefits of brush cutting program which did however improve appearance of reserve. All projects help reduce able bodied unemployment and lower relief costs. More constructive projects such as housing repairs would have a lasting and beneficial overall effect. Practical winter projects in this area are somewhat limited and the importance of providing funds early, before heavy snowfalls set in, should be stressed.<sup>541</sup>

Such Department-inspired projects were temporary in nature, and failed to address the long-term employment and administrative needs of the community. They generally lasted thirteen to twenty weeks, usually long enough to qualify for Unemployment Insurance (U.I.C.).<sup>542</sup> While helping maintain a subsistence lifestyle, these occasional revenue inputs failed to produce lasting benefits. The Band having no substantial funds of its own, was unable to provide significant input into the planning of community development. According to the Hawthorne Report the failure of these programs was largely due to "Indian apathy, suspicion and non-cooperation..."<sup>543</sup> Although this may be true in some cases, it appears that such failures at St. Mary's originated primarily with inherent flaws in the projects themselves.

Indian communities faced a number of barriers to personal initiatives in the area of development. The Revolving Loan Fund, which had first been

<sup>541</sup> Agency Report on Community Employment Program 1962-63 p. 1, appendices A & B, OOA, RG10, Vol. 8359, File 54/19-3-5 pt. 1.

<sup>542</sup> Boudreau, p. 36. While this was sometimes the case, it is clear from the DIA Field Handbook that U.I.C. was not an option for many employed on these work projects. See p. 123.

<sup>543</sup> Hawthorne, Vol. I, p. 63.



introduced in conjunction with the Indian Act in 1938, failed largely due to the unreasonable expectations attached to it. These loans were essential in starting small businesses on the Reserves, and were intended to provide credit to Indians who were unable to obtain it through private loan institutions.<sup>544</sup>

Community members wishing to take the initiative were faced with greater barriers than their non-Native counterparts. Any individual who had built and paid for their own home was prevented from using their investment as collateral towards a loan for a new business; section 88 of the revised Indian Act protected Reserve land from seizure. In this way Indians were all but guaranteed to be denied equal access to funding for a business.<sup>545</sup>

Personal property, such as a vehicle belonging to a Native on a reserve, was also legally prohibited from being used as collateral towards a business-capital loan.<sup>546</sup> Government created its share of restrictions as well. If an individual wanted to raise money by renting out a home they owned, permission was first required by DIA.<sup>547</sup> Furthermore, while a five year period is generally recognized as reasonable for establishing a new business, DIA expected on-reserve businesses to show a profit within one or two years, while at the same time providing little or no support during this period. The Department's goal was to demonstrate early profitability to the treasury Board, giving less attention to the long-term benefits of establishing a successful, self-sufficient source of employment in the community.<sup>548</sup> The Indian Act effectively

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<sup>544</sup> Hawthorne, Vol.1, p. 78.

<sup>545</sup> The Economic Welfare of Maritime Indians Moncton Citizenship Council 1954-1960. Amherst Regional Office-Liaison. OOA, RG10, Vol. 8553, File 88/1-10, pt. 1.

<sup>546</sup> Section 89(1) in The Indian Act and What it Means, p. 64.

<sup>547</sup> Gerald Walsh, Indians in Transition: An Inquiry Approach (Toronto: McClelland and Stewart Limited, 1971), p. 136.

<sup>548</sup> Boudreau, p. 3.

prevented private, capital-raising activity, while the restrictive nature of Department business loans guaranteed early on that few, Indian-owned businesses would survive.

To provide any real contribution to development, money must be used to stimulate labour, resources, and technology. On the St. Mary's Reserve there were no tangible resources, and no technology that was exclusive to the Reserve. In short, except for the very few involved in "Indian work", there was virtually no "local" economy. Without established business or industry to draw money to the Reserve, development in the community had to rely heavily on occasional inputs by DIA. But these were temporary solutions at best, as non-profit making activities, such as housing construction, are not prone to producing long-term spin-off activity.<sup>549</sup> Lynda Kuhn Boudreau explains that this money did not in fact remain on the reserves, where it might later serve as financing for new projects. Instead, government funding to reserve projects ultimately benefited the surrounding communities:

Indian reserves can more clearly be seen as distribution centres in the process of transferring of funds from the public sector to the private sector, with almost no retention of monies at the community level to support the reserve's development and growth. Local towns and businesses surrounding reserves greatly benefit from this captive clientele...<sup>550</sup>

The entire process did little more than maintain a subsistence lifestyle while affecting the appearance of development. In turn, this has served to defuse protest while not seriously disrupting the status quo, thus creating an

<sup>549</sup> Boudreau, pp. 2, 86.

<sup>550</sup> Boudreau, p. 84.

effective social control mechanism.<sup>551</sup> The Department made social benefits, limited though they were, far more accessible than real economic opportunity. Figures for New Brunswick for the year 1964-65, for example, show that welfare expenditures were 61% higher than the combined costs of Economic Development, the Community Employment Program, and Education.<sup>552</sup> The ability to maintain a subsistence level of living from such sources as welfare, made arduous, disagreeable, risky, low paying jobs an unattractive alternative. Without the opportunity for real, personal advancement, there was little there to motivate people who saw no room for success.<sup>553</sup>

In an effort to promote local leadership, programs such as the Band Grants were initiated to assist Natives in achieving social, political, and economic independence. The idea was that by operating their own welfare, administration, and recreation programs, with financial advisory assistance from DIA, Bands would acquire the skills necessary to truly run their own affairs. However, such efforts were doomed to failure, as discretionary funding, and the power of project approval, still lay in the hands of Department officials.

The Department emphasizes the need for a community-based development process. Yet their conception of Indian development is conceived in terms of delivering government programs. Senior DIA economic development officers speak

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<sup>551</sup> Fred K. Hatt in James S. Frideres *Native Peoples in Canada: Contemporary Conflicts* (Scarborough: Prentice-Hall Canada Inc., 1988), p. 375.

<sup>552</sup> Canada, Department of Citizenship and Immigration. *Annual Report for the Year 1964-1965* (Ottawa: DCI, 1965), p. 66.

<sup>553</sup> Hawthorne, Vol.1, p. 31.

about community control, but insist that: there can't be control without accountability through the Department...<sup>554</sup>

Every level, including administrative capacity, first required DIA's recognition that a given band was ready for such a responsibility. In effect, while official Branch policy was encouraging independence and democracy among Native people, actual operations continued to both discourage and block local initiative, thus eliciting "attitudes of dependency, irresponsibility, apathy, submissiveness, and disguised hostility."<sup>555</sup> This is not intended to imply that there have been no improvements. People at St. Mary's are now enjoying administrative and planning powers, having gained some input into the way money is expended within their community. However, the binding link between this Reserve and the Department remains unbroken.

### Political Development

#### Band Government

The 1951 revised Indian Act was intended to give greater autonomy to local Band Councils and communities in deciding the manner in which their reserves would develop. Despite this, there were no immediate changes in the way bands and band councils operated, nor in the responsibilities they had. These developments occurred gradually, as councils adopted the various new programs and powers allowed them. At St. Mary's many of these came during the term of Chief Harold Sappier. He discovered that as chief you had to do a lot of hustling — "keep your eyes open",<sup>556</sup> One example of

<sup>554</sup> The Economic Foundation of Indian Self-Government A Report Prepared for the House of commons Special Committee on Indian Self-Government. (Victoria: Thalassa Research Associates, 1983), p. 53.

<sup>555</sup> Hawthorne, Vol.1, p. 59.

<sup>556</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

bureaucratic manipulation arose when he attempted to have a Band Hall built. First he applied for money from L.I.P. to employ 12 workers. He then went to Ottawa to see the Superintendent Agent, who gave him funding for ten houses which he used instead to build three, allocating the remaining money to the Hall. Local labour was used for everything except plumbing and electrical installation.<sup>557</sup> It was his ability to understand the intricacies of the DIA bureaucratic structure that allowed Chief Sappier to succeed in achieving all that he was able to during his time in office, more so than the power of the position he held.<sup>558</sup>

Project grants were intended to give community leaders the opportunity to experience real and effective leadership. It was supposed to break the feelings of subservience to white domination and regulation, and to prevent their exclusion from responsibilities which would engender a high degree of maturity. The programs were to provide an opportunity for community members to get the necessary training to manage Band affairs. It was, in fact, to "mark the beginning for Indians of a new era of rapidly increasing freedom and responsibility which will enable them to repair their former dignity."<sup>559</sup> However altruistic these goals may have been, the reality was very different. These program grants came with certain stipulations:

However, these are conditional grants and it will be a requirement that the bands engage the services of a professionally qualified auditor to assist the band in setting up the system of bookkeeping and financial control that will be required and to ensure that the band staff are fully trained in the

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<sup>557</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office; "Eight Year Dream Comes True at St. Mary's Indian Reserve" in Daily Cleaner, 12 February, 1972.

<sup>558</sup> Supplementary Statement "A" for Grant Request. G.A. Robinson. 28 July, 1967. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

<sup>559</sup> Community Development Report Saint John River Agency, Oct. 1, 1968- Dec. 31, 1968. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

operation of the system. It will also be a requirement that the auditor must provide the Department with copies of an annual audited statement within three months of the end of the fiscal year.<sup>560</sup>

The "grant-welfare" program placed control of revenue and the power to decide on acceptable programs in the hands of government, while community leaders could do little more than make suggestions and administer Department sanctioned programs.

The prerequisites attached to DIA programs sometimes met with resistance. Some leaders recognized the need to possess a degree of real authority, and were unwilling to participate without it. When seeking to assume control of their own welfare programs, St. Mary's Band Council was informed that they would first have to hold a plebiscite, as stipulated by Section 10 of the agreement. Chief Harold Sappier set about drawing jurisdictional lines.

He feels that the Chief and Council are elected by the people to hold office and administer the reserve business and that the holding of a plebiscite for the purpose of administering welfare is contrary to section 68 of the Indian Act under which they have the authority to manage their own affairs.<sup>561</sup>

The Department's eventual concession on this issue was in no way an acknowledgement of local authority. Greater claims to power, such as the right to design, implement, and fund all programs, would have been futile. In fact, tensions produced between agents and community workers, due to the latter promoting attitudes of defiance against the former, resulted in adverse publicity which eventually saw great changes. The community development

<sup>560</sup> W. Evan Armstrong, Director-Operations, Social Affairs Programme, to All Regional Directors, DIAND, 26 March, 1969. OOA, RG10, Vol. 8367, File 54/29-6, pt.2.

<sup>561</sup> MRO from D. Courley, Superintendent St. John River Association, 3 February, 1969. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

program was to promote self-determination and confidence, but this clashed with the guarded authority of Indian agents on the Reserves. In 1968, DIA changed the focus of the program to leadership training for band councillors.<sup>562</sup>

Despite the 1951 expressed mandate "to administer the affairs of the Indians of Canada in a manner that will enable them to become increasingly self-supporting and independent members of the community", there were limits to how much authority the Department would allow Band leaders.<sup>563</sup> In each case, local decisions required sanction from DIA headquarters. In a grant request for funds to build a rink, a project costing less than \$4,000, an assessment by Department officials was first required before it could be considered. Upon giving their approval, local officials then forwarded it to headquarters for an ultimate consent. Department involvement did not stop there, however, as throughout officials kept track of how the money was being spent.<sup>564</sup> Ultimately, the Indian Superintendent would be held accountable for the success or failure of development initiatives. Therefore, the natural tendency was to maintain control throughout, ensuring that events did not exceed "acceptable boundaries".<sup>565</sup> DIA even published a schedule of duties to be performed by the local school janitor, who was hired under this program, which included the replacement of burnt out light bulbs and sweeping of floors.<sup>566</sup> Little, if any initiative was left to band members.

<sup>562</sup> Sally M. Weaver, Making Canadian Indian Policy: The Hidden Agenda, 1968-70 (Toronto: University of Toronto Press, 1981), pp. 27-29.

<sup>563</sup> The Maritime Indian: Function and Objectives of Indian Affairs Branch 1953-1962, p. 3, OOA, RG10, Vol. 8533, File 88/1-2-9 1.

<sup>564</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>565</sup> E.R. McEwan, Community Development services for Canadian Indian and Metis Communities, (Toronto: Indian Eskimo Association of Canada, 1968), p. 29.

<sup>566</sup> Schedule of Duties in "Grants to Band Councils", Circular No. 836 in Canada. Department of Indian and Northern Affairs. Indian Affairs Program Circular Letter Vol. 10, Series "C". Green, September 19, 1968, pp. 1-2.

Department officials would first assess a band's ability to handle a project, then continue to look over their shoulders throughout its duration; there was no true autonomy. Band members had little hope of developing into fully "self-supporting and independent" individuals under these conditions.

Whenever new programs were introduced there was heavy involvement by DIA officials, generally in a supervisory capacity. In response to increased interest in starting small businesses, Agency Superintendent D. Gourley recommended that "provisions be made for extra staff so that this program can be implemented in a good business-like manner."<sup>567</sup> Not everyone in the Department was in accordance with the policy of heavy bureaucratic involvement. The Community Development worker, Murray H. Manzer wrote:

Another outcome would be that this cooperation would be the discovery on the part of the Department of Indian Affairs that Indians are better able to develop programs for themselves than is anyone else. Thus the Indians themselves would develop new approaches and new solutions to problems presently faced by them.... Surely the community development function can only be successful if it enables the Indian people to take over full responsibility of their own services including the planning and development of those services.<sup>568</sup>

The supposed transfer of local authority to the Band Councils required that the Chiefs be innovative in dealing with the Department. The many obstacles to their actually controlling money and projects on the Reserve (see above) meant they had to struggle to gain what the Indian Act, in theory, had already given them. Despite apparent gains, band councils had not made

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<sup>567</sup> Mr. Beaudoin, MRO from D. Gourley, Superintendent. 9 September, 1969. OOA, RG10, Vol. 8359, File 54/19-2, pt.2.

<sup>568</sup> Community Development Report July 1, 1968- September 30, 1968 Saint John River Agency. Murray H Manzer, Community Development Worker. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.



considerable advances towards independent governing. They were still subject to input from DIA.

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 decision 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 the Department, Federal or Provincial, which will nullify or diminish the position and dictates of these elected Indian representatives.<sup>569</sup>

Under the revised Act, band councils received greater administrative powers only. Planning and funding remained an external activity, reflecting the goals of their designers.

the structures, planning and other processes of Indian communities all have been forced into the mold of the governmental system of programming, and bands have had essentially no real power to generate policies and programs for themselves. On the contrary, they have been obliged to participate in, and administer, programs that they can clearly see are not working.<sup>570</sup>

The new Indian Act allowed that any and all decisions made by bands could be overturned if it did not conform to Departmental policy; in short, the authority running these communities remained DIA.

In keeping with post-revision, progressive changes to Indian policy, DIA began implementing certain program changes. As seen above, they allocated administrative control of economic development to band councils, although planning and funding remained in the hands of the Department.

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<sup>569</sup> Andrew Nicholas Jr., U.N.B.I. in Canada. Department of Indian Affairs and Northern Development. Report of the Indian Act Consultation Meeting, Moncton, N.B. July 29, 30 and 31, 1968. Appendix B. (Ottawa: 1968), p. 81.

<sup>570</sup> NISEDC Report in Boudreau, p. 85.

In the area of social welfare, they began transferring responsibility for programs such as old age pensions to the provinces. This was thought to be an effective way to standardize Native and non-Native social programs.<sup>571</sup>

...the Federal Government would like to see the provinces take over full control of Indian welfare and would finance it by turning over the Federal money now going to the Department of Indian Affairs for that purpose. The Department of Indian Affairs, in turn, would like to be rid of the welfare program so it could devote full attention to the advancement of Indian life....there is a steadily expanding working relationship in Nova Scotia and New Brunswick between the Dept. of Indian Affairs and Provincial welfare workers and agencies.<sup>572</sup>

The Bands themselves were not enthusiastic about this prospect. On May 13, 1969, the Maritime Indian Advisory Council resolved that "Welfare, education, medical services and Economic Development should always be the responsibility of the Federal Indian Affairs Branch."<sup>573</sup> Social and economic development were seen as part and parcel with the greater national issue of Indian rights. However, just as Band Councils began to gain some political and economic control, resources were being proportionately cut within the Department in an effort to facilitate provincial control of services, thus frustrating the local accumulation of power. The transfer of authority was not from government to the band, rather it was from one level of government to another. In the end, the band remained subject to externally determined policy.

There were some positive developments in the area of band politics. If the post-1950 period had not produced a formidable Band council, the new

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<sup>571</sup> Boudreau, pp. 49-50.

<sup>572</sup> Anthony M. Kaliss, Report on Trip to Indian Reserves in New Brunswick and Nova Scotia November, 1966. p. 5 OOA, RG10, Vol. 8354, File 54/1-10, pt.2.

<sup>573</sup> Resolutions of the Maritime Indian Advisory Council. May 13, 1969. OOA, RG10, Vol. 8354, File 54/1-2-2, pt. 2.

Indian Act had at least introduced a degree of equality for members previously discriminated against. Section 77 of the revised Act gave women the right to vote and hold office in band councils for the first time.<sup>574</sup> Very quickly women at St. Mary's began participating in Reserve politics; not only did they begin voting immediately, but the first post-1951 election also saw Marion Gabriel elected as councilor. She remained politically active for at least another ten years, during which time she was joined by Louise Paul.<sup>575</sup> This successful venture by female Band members into the realm of formal politics, was accompanied by the involvement of a number of women in such organizations as the Union of New Brunswick Indians (UNBI), as well as more grassroots campaigns such as the fight to have sexual discrimination removed from the Indian Act, and the continued fight to have Native rights and nationhood recognized.<sup>576</sup> Women were also active in the factions found on the Reserve. Issues such as the right of Indian women to keep their status after marriage to a white man, or whether a white woman should assume Indian status after marrying an Indian man, had long been divisive elements to Reserve women; mothers and daughters have found themselves standing firmly in opposition over these issues.<sup>577</sup> Nor was the involvement of women limited to a few individuals. A look at various petitions and band resolutions show that women were involved at least as much as men.<sup>578</sup>

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<sup>574</sup> Section 77 Indian Act (1951) in Indian Act and What it Means, p. 56.

<sup>575</sup> Saint Mary's Band Council Resolution, 28 July, 1953. OOA, RG10, Vol. 7998, File 271/31-4-12-30-1; Whalen to F.B. McKinnon, 3 May, 1957. OOA, RG10, Vol. 8348, File 88/31-3-4; Summary of Facilities on Reserves, 23 February, 1962. OOA, RG10, Vol. 8565, File 88/8-17-4-24.

<sup>576</sup> Dr. Vincent Erickson and Mrs. Patricia Hunsley "The Union of New Brunswick Indians" in The Mysterious East, January, 1970, p. 4; Interview with Alma Brooks in the home of Connie and Harry LaPorte. St. Mary's Reserve. Friday, 7th June, 1991; Shirley Bear in "Janet Silman ed. Enough is Enough: Aboriginal Women Speak Out (Toronto: The Women's Press, 1987), p. 184.

<sup>577</sup> Interview with Connie LaPorte and Alma Brooks in the home of Connie and Harry LaPorte. St. Mary's Reserve. Friday, 7th June, 1991.

Female Band members clearly had an interest in the affairs of their community.

Despite increased opportunities for all members of the community, post-revision changes did not eliminate existing dissatisfaction; many in the community were not happy with the existing political machinery. The sense of alienation continued. Decisions were sometimes made by council which did not have the support of the entire Band. The sale of Dedham Street to the City of Fredericton is such an example.<sup>579</sup> Issues such as land sales often split the community, as did the many other sources of factionalism that have persisted since the turn of the century.

It's a small community and people are related. You find that through the elected process it causes a lot of turmoil through the community. It hurts a lot of people. There's a lot of things happening here that the Department of Indian Affairs knows about, but they let it happen. Then they say to the people: "why don't you say something?" If you do, in a small community like this, you're reprimanded very severely. People are afraid to say anything because of the power, they know that the power is here. There is no opposition party in this community. There's just the chief. And there are many ways the chief can control council members. So it's a very corrupted system. Its corrupted out there...and that's what we have to live with.<sup>580</sup>

Beginning in 1950, each election saw a new chief elected, with only two exceptions. In each of these incidents the chiefs lasted two consecutive terms, both of which ended in resignations. In fact, between 1952-1964 there were no fewer than four resignations. Not until the mid-1960s did political stability

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<sup>578</sup> St. Mary's Petition. March, 1961. OOA, RG10, Vol. 8788, File 271/25-11, pt. 1; St. Mary's Petition. 25 August, 1962. OOA, RG10, Vol. 8359, File 54/18-6, pt. 1; St. Mary's Petition. September, 1969. OOA, RG10, Vol. 8356, File 54/7-2-6-10.

<sup>579</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

<sup>580</sup> Interview with Alma Brooks. 7th June, 1991. Home of Connie & Harry LaPorte, St. Mary's Reserve.

come to the Reserve. In 1964, Chief Harold Sappier was elected for the first of his twenty year incumbency.<sup>581</sup> Even with this stability, however, many continued to see inherent problems in the existing political machinery.

Putting us on reserves and applying this legislation [Indian Act], which is a controlling mechanism, to control us, and they did it through the elected band councils. They couldn't control all the people within our nations, it's easier to control one, and to this day the band chiefs are not accountable to the people, they're accountable to the ministers...<sup>582</sup>

The limited authority of Band councils have left many in the community skeptical of its effectiveness. They have been viewed by and large as puppets, while Department officials have been recognized as the true wielders of power, which combined have created a community of cynics, feeling politically, socially and economically impotent.

#### Indian Agents and DIA

Little changed in the working relationship between DIA officials and the community after 1951. The perceived and real powers of the Indian Agent had long produced feelings of resentment and insignificance. In addition, officials noted feelings of

... subservience and dependency which is commonly indicated in my contacts with Indians. These attitudes are expressed in such words as: 'We are wards of the boss', 'What are you going to do for us?', 'Why should we vote, we're only second class citizens?', 'Why should we worry about the Indian Act, it's white man's law and the white man will change it to suit

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<sup>581</sup> St. Mary's Chief's Calendar 1990. St. Mary's Native Culture Committee.

<sup>582</sup> Interview with Alma Brooks in the home of Connie and Harry LaPorte, St Mary's Reserve. Friday, 7th June, 1991.

themselves?', 'Why should we work, the government has to look after us?'.<sup>583</sup>

Members of the community saw the Indian Agent as the ultimate authority: They "had complete control of all funds." and "had a lot to say in who worked."<sup>584</sup>

A great deal of suspicion stemmed from not knowing what occurred between community leaders and DIA officials. The Agent dealt primarily with the chief, who was the go-between for the community, which did little to improve council's worth in the public eye. All too often important decisions were made behind closed doors, such as was the case in the selling of Dedham St. (see above). One community elder recalls the Indian Agent getting left-over goods from the army, which he was to distribute to people on the reserve. She claims he distributed one blanket per family, selling the remainder for his own profit.<sup>585</sup> Another recalls arriving at Davidson's store where he saw Indian Agent Whalen leaving with a big box of groceries he "bought with Indian money." The Agent told him that he had been looking for him, and they went back into the store together. He says Whalen "gave me a pair of gum rubbers and wool mitts, I guess to keep me from talking."<sup>586</sup> Such indiscretions were seldom reported, if ever: "The Indian Agent was the ultimate authority over the Indian people. He was a major player in eliminating Native rights. There was no source of appeal. He was protected."<sup>587</sup>

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<sup>583</sup> Community Development Report Oct. 1, 1967-June 30, 1968. Saint John River Agency Report by Murray H. Manzer, Community Development Worker.

<sup>584</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>585</sup> Interview with Alexa Paul (born 1928), June 7<sup>th</sup> 1991. Alexa Paul's Home. St. Mary's Reserve.

<sup>586</sup> Interview with John C. Paul. 12 June, 1991. Home of J.C. Paul, St. Mary's Reserve.

<sup>587</sup> Anonymous interview with community elder, June 11<sup>th</sup> 1991. Ponderosa Steak House.

Members of the Band have little good to recall about the Department of Indian Affairs. Programs designed by DIA never dealt with specific needs of the community, and its Agents were perceived as adversaries and autocrats. From the perspective of those living on the Reserve, the Department was not interested in their problems, or in allowing Band members to deal with them independently.

### Social Developments

#### Social welfare

Beginning in 1951, the Federal Government commenced the first of a series of moves intended to link Natives to Provincial social programs. That year, a Federal-Provincial Committee on Social Security agreed to include Indians in provincially administered programs of old-age assistance and blind persons allowances, which included 50% federal sharing in payments made under the legislation. The Old Age Security Act was passed in 1951, with Indians becoming eligible as of Jan. 1, 1952.

Not all Native social programs were to come under provincial jurisdiction. The New Brunswick Social Assistance Act of 1961, for example, failed to provide any coverage whatsoever to Indian people, except what was already available to them through the federal government. Part one of the Act dealt with provincial responsibilities, and included such categories as allowances for widows with children, mothers whose husbands were more or less incapacitated (ie heart conditions, TB, etc.), mothers whose husbands were in penitentiaries a minimum of two years, widows with children in common-law unions of at least a five year duration, and mothers whose husbands' whereabouts were unknown. Provinces such as Quebec and Nova

Scotia included Indians in these categories, but New Brunswick did not.<sup>588</sup> Natives in this province relied on a special division of the Department which tended to be extreme when establishing relief scales, the formulas for which "lend themselves to a variety of interpretations."<sup>589</sup> Initially, assistance to Indian people could only match the amount given by the province they lived in, even if this was less than the prescribed federal rate.<sup>590</sup> Changes made by DIA in 1967 brought rates, regulations, policies, and procedures in line with provincial standards, in an attempt to have welfare services for Indian people as similar as possible to those of other citizens.<sup>591</sup>

DIA would like to have all social services turned over to the Province:

...Indians have for many years received inferior welfare services compared to the non-Indians' welfare system. There is no valid reason why provincial and municipal welfare services should not include Indians (financing, which is the biggest problem, could be worked through provincial-federal agreements). At least, the Indians would be receiving the same kind of services that non-Indians receive. The report stated the basic objectives of the new Welfare Division should be to improve the Indians' social-economic standards, to provide and promote the normal range of economic and social resources of non-Indian communities to the reserve community, and to ensure that the Indians have full access to the normal economic and social resources available to non-Indians.<sup>592</sup>

However, this proposal was not perceived by Natives as any great advancement. They felt that they had not been sharing equitably in the

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<sup>588</sup> Mr. McKinnon (MRO) to St. John River Agency, re: Social Assistance. 21 November, 1961. OOA, RG10, Vol. 8362, File 54/29-1, pt.1.

<sup>589</sup> Hawthorne, Vol.1, p. 320.

<sup>590</sup> Director of Operations from MRO. Revision of Social Assistance Rates. 14 July, 1969. p. 1, OOA, RG10, Vol. 8357, File 54/10-1.

<sup>591</sup> Meeting with Chiefs and Councillors re: Clothing Allowances, August 9, 1968. OOA, RG10, Vol. 8357, File 54/10-1.

<sup>592</sup> Greg U. Johnson, Welfare Services of the Micmac Indians of Nova Scotia. A Short Overview from Historical, Cultural and Contemporary Aspects. Unpublished paper presented to Fr. Campbell, Soc. Welfare Policy and Services Course. Maritime School of Social Work. Beaton Institute Eachdraidh Archives, 3 Dec. 1969, pp. 7-8.



affluency of Canadian society, and were concerned that if services were equated without consideration of a "plus factor" to fill this gap, they would continue to remain behind in the race for equality.

The Indian people in the Maritimes have expressed their dissatisfaction with the principle of having their welfare rates tied to the provincial rates, which is obviously intended to provide a subsistence allowance for those who are unemployed for short periods of time, when in fact most Indians are actually unemployed for lengthy periods. The results of the present rates of assistance is either debt or privation.<sup>593</sup>

The omission of Indian people from provincial services have magnified the margin between Indian and non-Indian socio-economic standards. Even when relief payments were standardized with provincial rates, this did not compensate for the lack of support services required to get their affairs in order. Insufficient welfare rates instead had the effect of allowing "families to regress further into the depths of poverty and deprivation that the damage to body and spirits is becoming irreparable."<sup>594</sup>

Efforts by DIA to improve Indian socio-economic standards failed dismally. The manner in which services were rendered effectively excluded the "positive and constructive approach" due to a lack of appropriate and adequate facilities and personnel to provide support services. Lacking a support network to see initiatives through, Native social welfare services served instead as a sort of stop-gap measure: "just as an aspirin may alleviate a headache which is caused by an intestinal disorder only to have it recur a

<sup>593</sup> Director of Operations from MRO, Revision of Social Assistance Rates 14 July, 1969. pp. 2-3, OOA, RG10, Vol. 8357, File 54/10-1.

<sup>594</sup> Director of Operations from Maritime Regional Office. 14<sup>th</sup> July, 1969. OOA, RG10, Vol. 8357, File 54/10-1.

few hours later."<sup>595</sup> Critics of the system pointed out that while it helped those with little initiative, it denied monetary aid to those who attempted to increase their income by working on their own. In fact, these individuals could even be penalized for trying to improve their lot in life. Once an Indian demonstrated that he was capable of buying a truck or car, he became ineligible for monetary assistance from the Canadian Government, despite the fact that a great number of the seasonal occupations pursued by the Maliseet required a vehicle.<sup>596</sup>

Department officials also recognized that their programs were not working, due to understaffing and inappropriately directed funding. With caseloads encompassing anywhere from fifty to ninety percent of the population, the regional Branch was often reduced to one member of the total staff serving a caseload of 400.

We have reason to believe that the spending of this large amount of money is not really providing the needed services. It appears that the benefits that might and should accrue from the provision of financial assistance are being nullified by the lack of support services. . . . A check made with a number of social agencies in the Maritime Provinces both private and public reveals that a normal workload which is considered manageable should not exceed eighty cases.<sup>597</sup>

With each passing year welfare programs, always kept to a minimal, became of decreasing value as the cost of living rose. There were generally no

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<sup>595</sup> Canada, Department of Indian Affairs and Northern Development, *Position Paper. Welfare Services for Indian People in the Maritime Provinces*. March 1969. p. 1. OOA, RG 10, Vol. 8357, File 54/10-1-17.

<sup>596</sup> Nicholas Smith, *A Short History of the Malecite of Woodstock, New Brunswick*. (Unpublished). n.d. Museum of Civilization, p. 46, 1195.4 B75 F12 III-E-9m.

<sup>597</sup> Canada, Department of Indian Affairs and Northern Development, *Position Paper. Welfare services for Indian People in the Maritime Provinces*. March 1969. p. 2, OOA, RG10, Vol. 8357, File 54/10-1-17.

allowances for transportation, reading material, tobacco or recreation of any kind. These had to be paid for out of food and clothing budgets.

Indian people are frequently ambitious for certain advantages of which they are deprived unless they can get extra money. ...Many people living on welfare feel they are deprived of certain educational and cultural opportunities because it is just impossible to get the extra money needed to take advantage of existing facilities within their area.<sup>598</sup>

Deprivation of services and simple luxuries were only a small part of the disparity. A more obvious manifestation was to be found in the area of housing.

The availability of proper housing was long felt to be an area of deprivation by community members. This problem began to grow in severity due to an increasingly large population, existing overcrowding, and the need for repairs. Not until the mid-1960s did the Department begin to make real efforts at addressing this problem.

Between 1965 and 1969, about 8,600 units were constructed. At the Indian Affairs' own admission, at least 8,000 units are needed to meet the backlog. Allowing for new family formations and renovation of existing houses, raises the percentage backlog to 15,400 units required and 6,000 renovations...<sup>599</sup>

The quality of Indian housing in New Brunswick was indeed a serious problem. The Public Health Inspector conducted a survey at St. Mary's of 43 houses and graded them as 50% Fair, 38% Poor, 11.5% Good, and 0.5% Condemned. Of these, some 24.5% were considered over-crowded, with 11

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<sup>598</sup> Report of the Community Development Worker for the Fiscal Year April 1, 1968-March 31, 1969. St. John River Agency. Murray H. Manzer, Community Development Worker. 20 May, 1969. OOA, RG10, Vol. 8367, File 54/29-6, pt.2.

<sup>599</sup> Indian Housing Report in New Brunswick (Fredericton: Union of New Brunswick Indians, 1972), p. 37.

people per house, averaging 4.2 people per bedroom. It also mentions that some 35 outdoor toilets were unfit for human use.<sup>600</sup> Department officials would later acknowledge their contribution in producing such conditions. Specifications for the Indian housing subsidy program, approved by the treasury board in 1962,

did not meet Central Mortgage and Housing Corporation minimum standards nor were they in many cases, equal to the houses built by non-Indian families living in the same areas. The restrictions imposed by the regulations made it impossible to construct adequate size houses, including plumbing or electrification, and prevented sufficient funds being made available for proper supervision of construction.<sup>601</sup>

Prior to this, DIA had failed to recognize the existence of a problem. A 1960 Departmental report indicated that St. Mary's Reserve contained 43 houses "all in good condition" for 46 family units, therefore requiring only three additional houses.<sup>602</sup> This assessment is greatly suspect, however, given the ongoing battle between Department officials, City officials, and St. Mary's community leaders over sanitary conditions in and around Reserve homes (see p. 193). Results differed dramatically depending upon who conducted the survey, and whether they were going to have to contribute money towards rectifying the problem.

The need for additional housing has often been underestimated due to a failure to consider overcrowded conditions, where extended families, including adult brothers and sisters, all lived under one roof. In 1962, St.

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<sup>600</sup> Housing Survey Devon & St. Mary's Indian Reserves. Fredericton, N.B. (c.1965) George Navaux (Public Health Inspector) OOA, RG10, Vol. 8358, File 54/17-1.

<sup>601</sup> Canada. Department of Indian Affairs and Northern Development, Indian Affairs Program Circular Letters: Series "C" Green. Circular No. 665. June 17, 1966.

<sup>602</sup> St. Mary's Reserve- St. John River Agency. Statistics taken from 1958 Housing Survey. June 7, 1960, OOA, RG10, Vol. 8296, File 271/8-2-12-24.

Mary's had five married couples living with their parents.<sup>603</sup> A 1970 report prepared by the UNBI shows 24 per cent of Indian housing in New Brunswick had nine or more occupants, while close to eight percent had more than twelve.<sup>604</sup> It also showed a backlog of approximately 200 houses, and estimated that in the period 1972-1976 there would be a need for some 500 more.<sup>605</sup> "Branch officials grew increasingly alarmed at the prospects of coping with the general expansion of the welfare state in the early 1960s, because it threatened to outstrip their expertise and their realistic budget expectations..."<sup>606</sup> As part of the "Community Improvement Program", it proposed entering into direct negotiations with either the Canadian Mortgage and Housing Corporation (CMHC) or some provincial housing agency to finance future needs.<sup>607</sup> CMHC was to finance Indian On-Reserve and Off-Reserve Housing Programs, but the UNBI rejected this proposal, stating it would only place communities and individuals in greater financial crises than they already were. Leaders would have to place their communities in financial debt by many thousands of dollars. Individuals, they argued, could hardly be expected to assume such an arrangement as more than 72 per cent of the provincial Native population made an average of only \$2,000 per year, while the number on social assistance in most communities averaged 95 per cent.<sup>608</sup> There was also a matter of legal liability, as the Indian Act prohibited the sale of Indian land or its use as collateral. Only by having the Band

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<sup>603</sup> Document prepared by St. Mary's Band Council, 23 February, 1962. OOA, RG10, Vol. 8565, File 88/8-17-4-24.

<sup>604</sup> Indian Housing Report in New Brunswick, p. 13.

<sup>605</sup> Indian Housing Report in New Brunswick, p. 45.

<sup>606</sup> Weaver, p. 25.

<sup>607</sup> Boudreau, p. 50; Indian Housing Report in New Brunswick, p. 37.

<sup>608</sup> Canada. Department of Indian Affairs and Northern Development. Annual Report for the Fiscal Year 1968-1969, (Ottawa: DIAND, 1970), pp. 128-130; Indian Housing Report in New Brunswick, p. 37.

incorporated could property owners overcome these restrictions. However, this would mean that property would be subject to taxation, seizure, mortgage and lien.<sup>609</sup>

New Brunswick Native leaders voiced wonder at the push by DIA to rid themselves of any responsibility for Native housing, while at the same time the federal government was expressing greater commitment to social programs to the extent that they doubled their appropriation to Canada's housing program.<sup>610</sup> Mr. Gene Rheume, Chairman of the Native Housing Task Force for CMHC, ignoring this point, as well as the concerns expressed by UNBI leaders, argued that the money situation in Canada was bound to get worse, but that he was

... prepared to sit down with you and show you different ways to set out the objectives in your report. If you reject all possible methods of doing it, well that is your responsibility. If you don't like the way the program is being done, change the damn thing. If you don't want to incorporate then you are not going to have available to you the kind of money to make decent housing for your people.<sup>611</sup>

Like so many other Department sponsored programs, the CMHC proposal was perceived by Natives as imposed external policy, void of any local input, reflecting no local needs. Program coordinators were not obliged to consider long term goals and possible consequences that community leaders had to constantly keep in mind. Band leaders could not accept Rheume's solution to the housing problem, as the costs would include the surrender of inherent and legislated rights. As of 1972, the Indian people of New Brunswick rejected the concept of mortgages and landlord relationships as a way of

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<sup>609</sup> Indian Housing Report in New Brunswick, p. 48.

<sup>610</sup> Indian Housing Report in New Brunswick, p. 37.

<sup>611</sup> Mr. Gene Rheume, Chairman, Native Housing Task Force, CMHC, in Indian Housing Report in New Brunswick, p. 47

solving the existing critical housing situation. Their position was best summed up by UNBI President Anthony Francis:

It could be said now, looking in retrospect, that the housing policies and programs of the Department of Indian Affairs were doomed to failure at the offset. These programs and policies, so vital to the Indian people and their communities, were being designed in isolation and without the meaningful consultation and participation of the Indian people themselves. These essential programs and policies which could, and should, meet the critical needs of Indian people, are today still being designed by bureaucrats, who, by and large, are non-Indian people. The shocking, and pathetic, conditions of housing on Indian communities in New Brunswick reflects monumental ignorance, and oversight, of even the most passing overview of the needs which exist. The allotments to meet the needs which exist in housing are minimal, and tokenism of the highest order. The unrealistic budget, the lack of planning charges the Department of Indian Affairs a serious act of negligence and irresponsibility.<sup>612</sup>

### Health

As a consequence of the long years of inadequate funding for Native housing, the Department found itself being criticized for the resulting unsanitary conditions at St. Mary's. Beginning in 1958, Fredericton city officials began pressuring the Department to have Indian homes connected to the sewage system, in accordance with city by-laws, as nearby residents were objecting to the use of outside toilets. They complained about unsanitary conditions, including overturned outhouses, excrement being thrown out, etc. There were unquestionably legitimate concerns about health risks, though complaints were sometimes greatly exaggerated such as in one case when an

<sup>612</sup> "President's Remarks: Mr. Anthony Francis President" in Indian Housing Report in New Brunswick, p. 50

"overturned outhouse" was revealed to be a rabbit hutch.<sup>613</sup> Actual use of the sewer line, which was accessible to most homes on the Reserve, was extremely limited:

I found that only two families in a settlement of about 40 homes made full use of the sewer line by the installation and use of a flush toilet. Although all but 4 have running water in their homes and a sink, every building but two still use outside toilets.<sup>614</sup>

Department officials informed the Chief that Reserve residents would have to pay; DIA would not assume the cost of installing inside plumbing.<sup>615</sup> The Band did not warm to this proposal at all. "Looking at the record, it appears that all families, except two have no intention of installing their own facilities without assistance."<sup>616</sup>

Discussions held in Band meetings only cemented the community's conviction not to use their personal funds for the project; "the band feels that they have been without indoor flushes all this time, and that they will continue to do without them."<sup>617</sup> The Department argued that as citizens (not state wards) they must assume their responsibility, and that it would be an adverse step for the Government to install the facilities under duress, that "This would be establishing a precedent which could hardly be denied to

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<sup>613</sup> Fredericton Alderman F.A. McConaghy to E. McGinley, Superintendent in Woodstock. 8 January, 1960. OOA, RG 10, Vol. 8565, File 88/8-17-4-24; MRO to L.A. Branch. c. Jan. - Feb., 1960. OOA, RG 10, Vol. 8565, File 88/8-17-4-24.

<sup>614</sup> F.B. McKinnon (Regional Supervisor) to Indian Affairs Branch. 11 June, 1958. OOA, RG 10, Vol. 8565, File 88/8-17-4.

<sup>615</sup> Jules D'Astous (Chief Agencies Division) to MRO Supervisor. 31 March, 1959. OOA, RG 10, Vol. 8565, File 88/8-17-4-24; F.B. McKinnon (Regional Supervisor) to Indian Affairs Branch. 11 June, 1958. OOA, RG 10, Vol. 8565, File 88/8-17-4.

<sup>616</sup> E.G.B. McGinley (St. John River Agency) to MRO. 12 November, 1959. OOA, RG 10, Vol. 8565, File 88/8-17-4-24.

<sup>617</sup> Chief Roger Paul to McGinley, St. John River Agency. 24 February, 1960. OOA, RG 10, Vol. 8565, File 88/8-17-4-24.



other citizens of the country."<sup>618</sup> Fredericton Mayor William Walker challenged this position, arguing that the Maliseet were in fact state wards, and therefore federal officials were responsible for this problem:

I agree and I feel that if they were allowed to integrate in the Canadian population they would become real citizens. However, at the moment they are segregated as a group and there are serious problems resulting.

Information supplied to me by various professional men who have received statements for services rendered from your department indicate you do refer to Indians as wards of the Crown. This does not agree with the interpretation you placed on them in your correspondence to me.

The situation I have referred to many times is serious and something that should be dealt with. The responsibility, I feel, still is within your department.<sup>619</sup>

Band leaders left the squabbling up to City and Department employees, the matter having become a heated topic in Reserve politics. They realized that public opinion would eventually force the Department to assume total responsibility. This point was not lost on Department officials. They recognized that the inevitable, adverse publicity would force DIA

to pick up most of the tab because the Indians are fully aware of the 'squeeze' we are in. One councillor told me it was not an Indian problem — they were satisfied — but the white people will have to solve it themselves.<sup>620</sup>

The Band pushed the matter further, pointing out that the Indians of the St. Mary's Reserve did not own their own homes. This was despite the fact that Whalen, in response to a Department survey in 1951, indicated that

<sup>618</sup> Ellen L. Fairclough (Minister of Citizenship and Immigration) to Mayor William T. Walker. 27 Oct., 1960. OOA, RG 10, Vol. 8565, File 88/8-17-4-24.

<sup>619</sup> Mayor Wm. T. Walker to Hon. Ellen Fairclough. 17 November, 1960. OOA, RG10, OOA, RG 10, Vol. 8565, File 88/8-17-4-24.

<sup>620</sup> F.B. McKinnon (MRCO) to Indian Affairs Branch. 14 March, 1960. OOA, RG10, Vol. 8565, File 88/8-17-4-24.

certificates of possession should be given; a position repeated in 1959 by his successor E. G. B. McGinley.<sup>621</sup> Research by the Department showed that no such documents had ever been issued to them. This prompted officials to arrange with the Reserves and Trusts Division, to have staff from the surveyor General's Office come to the Maritimes "to do certain survey work." It was expected that the survey of the St. Mary's Reserve would be carried out promptly, and once done, they could issue certificates of possession to residents.<sup>622</sup>

It became clear to Department officials that they had no authority to force residents of the Reserve to install facilities, and that they might eventually have to assume full cost. One official offered a solution familiar to Native peoples across Canada.

Seriously though, I would like to make a proposal concerning our problem, but (perhaps because it is somewhat 'unorthodox') I have to courage to include it in a formal letter.

If we accept Chief Paul's letter at face value, it certainly appears that we have struck a brick wall as regards any co-operation we might have expected from the bands council itself in over-coming this problem. What I am wondering now is whether Branch would approve of our approaching the Band with anyone of the alternative offers which were proposed during the course of our meeting with the council — but with a time limit within which the offer has to be accepted or rejected. You will recall that several suggestions were made without commitment, among which were included (a) the family to provide materials while the Branch pays for installation, or vice versa (b) Branch to make a basic grant to assist any family undertaking to install the necessities. There may have been others which I need not list here, but at least there were a number of proposals. What I would like to suggest now is that we decide upon a definite type of offer (and it certainly appears to

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<sup>621</sup> E.J. Whalen to Jules D'Astous (Regional Supervisor of Indian Agencies) 50, October, 1951. OOA, RG10, Vol.8367, File 54/30-1-2; MRO from E.G.B. McGinley, Superintendent, 27 August, 1959. OOA, RG10, Vol. 8348, File 88/30-1, pt.3.

<sup>622</sup> Chief, Agencies Division to Regional Supervisor. 1 April, 1960. OOA, RG10, Vol. 8565, File 88/8-17-4-24.

me that under the circumstance Branch will have to concede some form of assistance), have it approved by Branch, to be offered to the Band with a time limit for acceptance by individual families, the time limit of course being reasonably long to allow the individual families to budget their affairs so as to be able to accept it....

...To extend this farther, perhaps the City of Fredericton could find justification for shutting off the water supply to those houses which did not have the proper sewage disposal facilities.<sup>623</sup>

This last proposal contained an obvious flaw that would render it useless as an effective means of coercion, as it would effectively penalize everyone except those capable, but unwilling, to finance the project. Those not participating due to the costs being beyond their means would face punitive measures. As in the past, we find officials responsible for protecting and assisting Indian people recommending adversarial solutions. If it was ever implemented, the proposal did not work. A 1962 summary of Reserve facilities indicates that of 42 homes there were six homes without any toilet, while twelve families were sharing or using other people's toilets.<sup>624</sup> A later report prepared in 1967 stated that "A fair number do not have running water and a great many have no inside toilet facilities."<sup>625</sup> While today all houses on the Reserve have indoor plumbing, the acquisition appears to have been gradual.

Health policy in general appears to have been limited to late treatment, with little or no energy going into preventative measures. In 1945, Indian health services had been turned over to the Department of National Health

<sup>623</sup> Eugene (McGinley?) to Mr. MacKinnon, no date. OOA, RG10, Vol. 8565, File 88/8-17-4-24.

<sup>624</sup> Document prepared by St. Mary's Band Council, 23 February, 1962. OOA, RG10, Vol. 8565, File 88/8-17-4-24.

<sup>625</sup> Kaliss, p. 8.

and Welfare.<sup>626</sup> They adopted a policy of treating only emergency and essential medical problems, with all other care being subject to approval. Treatment was subject to extensive paper work.

...All elective operative procedures should have prior approval from Ottawa...The doctor should submit the return of one copy signed by the Regional Superintendent, Indian and Northern Health Services. This form is the authority to proceed with the work and it also indicates the share that Indian Health Services will pay. The balance is the responsibility of the individual or group ... when an Indian consults a doctor other than the designated one, he should be considered as a private patient and billed accordingly.<sup>627</sup>

Red tape, and the fact that Indian medical and health services depended on the word 'may' (as in Section 72 "may provide" medical care for Indians), meant that proper care was often wanting. Copious amounts of paperwork resulted in some Indians being by-passed: "The man has been unable to produce a paper from the doctor because the doctor informed him that he has things to do other than write out papers."<sup>628</sup> The forced consultation of specified doctors meant people in the community had to tolerate the inferior quality of care offered, which left many frustrated and angry. By 1960, treatment regressed to such a degree that a number of serious charges were levied against the assigned Indian doctor.

The first case was Theodore Paul of St. Mary's Reserve suffering from Acute Appendicitis. He was taken to the Hospital at 12:30 p.m. Doctor Cowie was summoned immediately but refused to come, and stated that the patient be brought to his office at 4:30 p.m. So the patient was transferred back home, only to be

<sup>626</sup> Report of the Indian Act Consultation Meeting, p. 72.

<sup>627</sup> Instructions to Physicians Regarding Treatment of Medically Indigent Indians and Succession of Accounts. N.J. Dekoven (A/Zone Superintendent, Atlantic Zone, Indian and Northern Health Services) 31st December, 1959. OOA, RG10, Vol. 8358, File 54/17-1.

<sup>628</sup> Report of the Indian Act Consultation Meeting p. 62; MRC from Saint John River Indian Agency. 28 May, 1963. OOA, RG10, Vol. 8357, File 54/10-1, p. 2.

brought back an hour later again to the emergency room of the hospital due to the pains experienced in such an attack, again the doctor was called but never reported to the Hospital until 4:00 p.m. at which time the patient (Mr. Paul) was admitted and operated on the following morning.

The second case Mrs. John Atwin now deceased tried in vain to have the services of Dr. Cowie at his office three different times, each time she was told by the doctor she had to have an appointment before he would make an examination of her, and flatly refused her. Instead of making an appointment for her for later in the day or even the next day. Finally, Chief John Sacobie had to intervene on her behalf and had her admitted through Dr. Cowie to the hospital after some time had elapsed.

The findings of the x-rays revealed she was suffering from a brain tumor five days later was transferred to a hospital in Montreal to undergo surgery but due to her weakened condition never had the surgery performed because three days later she died from the effects of it.<sup>629</sup>

Poor attention to Indian health needs was not relegated to emergency situations. There were other bureaucratic barriers to proper health care. In 1970, UNBI executive vice-President Andrew Nicholas criticized Dr. Hirtle, Regional Director of the Medical Services Branch of the Federal Department of Health, saying:

...if he had really been concerned about the health of the Indian people, he could have demonstrated it previously in many ways. For example, only one nurse was available to be responsible for the health care of Indians in the entire Saint John River Valley area. And according to regulations, her permission had to be obtained before an Indian could get medical aid. In practice, this wasn't possible for emergencies, for often she couldn't be contacted immediately...

<sup>629</sup> J.H. Wiebe, D. (Regional Superintendent, Eastern Division, Indian & Northern Health Services) to Dr. A.S. Cowie. 14 April, 1960. OOA, RG10, Vol. 8358, File 54/17-1.

He emphasized also that doctors giving aid were subjected to endless red tape when trying to have their bills paid, often complicated because forms had not been handled in the prescribed manner from the very beginning.<sup>630</sup>

While the poor quality of treatment was a major problem, it was not the only aspect of Native health care which differed from non-Natives. Another difference lay in what was expected of Native patients in the way of payment. A list prepared in 1964 gives the names of Indians gainfully employed, who were deemed capable of paying for their own medical care.<sup>631</sup> This, despite the July 1, 1959 implementation of a New Brunswick hospital insurance program "for all residents"; a program introduced vis à vis the Hospital Care Insurance Act and the Public Hospitals Act. As of 1961, this program, which received approximately 50% federal funding on approved costs, provided medical care to provincial residents free of charge.<sup>632</sup> Eligibility for this program required that the Province provide uniform coverage to all residents, which in real numbers needed to be no fewer than 95%.<sup>633</sup> An outline of hospital services in 1969 describes eligibility criteria and which free services were available to residents in the Province. At no point were Native people singled out in the document, despite their de facto exclusion from normal health services.<sup>634</sup> Not only were they denied the freedom to choose which physician would render them health care, but in some cases, were expected to pay for this inequity.

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<sup>630</sup> "UNBI To Discuss Medical Services With Government" in The Daily Gleaner 3 December, 1970.

<sup>631</sup> H.S. MacNeil to L.R. Hirtle, M.D. 18 March, 1964. OOA, RG10, Vol. 8358, File 54/17-1.

<sup>632</sup> Edward G. Byrne, Chairman, Report of the New Brunswick Royal Commission on Finance and Municipal Taxation, (Fredericton, 1963), pp. 95, 149.

<sup>633</sup> William Alexander Stewart, The Impact of Federal Grants On Expenditures of the governments of the Atlantic Provinces: An Econometric Study, 1963-1979, Unpublished M.A. Thesis, Dalhousie University, 1983, pp. 41-42.

<sup>634</sup> New Brunswick, Department of Health and Welfare, Hospital Services of the Department of Health and Welfare 1969, pp. 1-3.

### Legal Services

Exclusion of Natives from public services such as health programs, the result of self-serving interpretations of the Indian Act by the Province, was a problem mirrored in the area of law enforcement. For many years the St. Mary's Reserve had existed as an island within a community of culturally different people, possessing separate rights and services. For a long time policing had been carried out by either the agent or specially appointed Indian constables. Very early on, a group identified as the "Select Men" was organized to police the use of alcohol on the Reserve.<sup>635</sup> In 1906, a single constable was appointed for the Kingsclear, St. Mary's and Oromocto reserves, for which he received no payment.<sup>636</sup> In time the position paid \$2.00 per month, although he was obliged to pay for his own uniform.<sup>637</sup>

During the period 1930-1960, Policing was left in relative limbo so far as the St. Mary's Reserve was concerned. The R.C.M.P. would claim it was not their jurisdiction because it was in the City, while Fredericton City Police understood it to be a Federal responsibility.<sup>638</sup> Serious crimes were supposed to be handled by official law enforcement agencies, however, both forces were slow to respond. When Band members called the City police, they were told to go to the R.C.M.P., who would send them back to the City police, who in turn might refer them to the Reserve Chief.<sup>639</sup> Band criticism of police services was played down by Superintendent Clench, who wrote:

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<sup>635</sup> Greene, p. 48.

<sup>636</sup> Farrell to McLean 23 Feb., 1906; Farrell to McLean; 1 March, 1906 McLean to Farrell; 6 March, 1906. OOA, RG10, Vol. 2773, File 155,058.

<sup>637</sup> Farrell to McLean 7 July, 1906; Charles McLaughlin to A.P. Sherwood, 14 March, 1907; OOA, RG 10, Vol. 2773, File 155,058. Farrell to McLean. 1 May, 1907; Farrell to Secretary of DIA. 22 Oct., 1907; Farrell to DIA Secretary. 5 Nov., 1907. OOA, RG10, Vol. 2773, File 155,058.

<sup>638</sup> Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>639</sup> E.B. McKinnon (Regional Director) to Indian Affairs Branch. 15th December, 1965. OOA, RG10, Vol. 8359, File 54/18-1; Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

It is my personal feeling that the City Police have been very cooperative in the past and are willing and properly equipped to do a good job, with the assistance of the R.C.M.P. when needed. I believe that the present service if fully approved, would be much better than the proposal to appoint a local supernumerary constable. Actually there is nobody available on the reserve who could honestly be recommended for such a position.<sup>640</sup>

Meanwhile, Department officials were trying to figure out who had jurisdiction over the Reserve. They determined that City police, in fact, were responsible for the community.

With regard to the question of jurisdiction that has arisen with respect to the policing of the St. Mary's Reserve, we would point out that enforcement of the Criminal Code and other laws of general application on the Reserve is the responsibility of the Attorney-General's Department that where an Indian reserve is located within a city or town it is to be policed by the Police or the local authority although the R. C. M. Police may assist where necessary.

Since the Fredericton City Police act on the St. Mary's Reserve with the concurrence of the Attorney-General's Department, we would think that there is no question of their jurisdiction in so acting. Moreover, we believe this is to the advantage of the St. Mary's Band in that the Police are within immediate call of the Reserve.<sup>641</sup>

Resolving questions of jurisdiction did not put an end to the problems. Although informed of their findings, the Fredericton "Police Chief was not happy with this, and although cases were no longer referred to the R.C.M.P., he would simply refuse to take action." Regional Director F. B. McKinnon described two cases orated at a council meeting, where Band members wanting to lay a complaint, had to leave the reserve to find and bring back the

<sup>640</sup> B.G. Clench (Superintendent) to MRO. 8 August, 1963. OOA, RG10, Vol. 8359, File 54/18-1.

<sup>641</sup> C.I. Fairholm to Regional Supervisor-Maritimes. September 3, 1963. OOA, RG10, Vol. 8359, File 54/18-1.



police.<sup>642</sup> The community was also not completely happy with the outcome. "This decision may not be accepted with good grace, particularly since some of the Indians feel that the city police are trespassers on the reserve."<sup>643</sup> Part of the problem identified by McKinnon was "incidents of children and young adults throwing rocks and snowballs at police cars and at police officers with the result that they are not at all anxious to answer calls to the reserve. Neither party has any respect for the other." The letter goes on to say that a solution might be to hire a special part-time constable for the reserve, who would be placed under the jurisdiction of the R.C.M.P.<sup>644</sup>

By 1966, the proposed solution to the 'police problem' was being given serious consideration. The RCMP was not interested in having a reserve constable in their ranks. Instead it was thought that the City would be more appropriate; it was decided that a part-time constable would be best. There were some logistical problems (i.e. City by-laws allowing for the hiring of part-time constables), but this was overcome, and Fredericton City Police acquired its first Indian officer for St. Mary's in 1966.<sup>645</sup>

### Enfranchisement

Alienation caused by the Indian Act, such as in the denial of regular, essential services, was also experienced in the more personal areas of life. Gender-

<sup>642</sup> F.B. McKinnon (Regional Director) to Indian Affairs Branch. 15th December, 1965. OOA, RG10, Vol. 8359, File 54/18-1; Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office

<sup>643</sup> F.B. McKinnon (Regional Supervisor) to St. John River Indian Agency. 11th September, 1963. OOA, RG10, Vol. 8359, File 54/18-1.

<sup>644</sup> F.B. McKinnon (Regional Director) to Indian Affairs Branch. 15th December, 1965. OOA, RG10, Vol. 8359, File 54/18-1; Interview with Harold Sappier (born 1927), June 10<sup>th</sup> 1991. St. Mary's Band Office.

<sup>645</sup> F.B. McKinnon (Regional Supervisor) to Head of the Secretariate, IA Branch. 26th Oct. 1966. OOA, RG10, Vol. 8359, File 54/18-1.

specific problems described in the previous chapter had changed little in the post-1951 period, having grown worse in many respects.

The enfranchisement section and the membership section were greatly elaborated upon and altered. Both increased the disadvantages for Indian women who 'married out'. The sections dealing with estates and inheritance were also amended and adversely affect the same women.<sup>646</sup>

Women losing their Native status were now finding previously retained band rights, such as a continued share in band capital or the right to have on-reserve property, were also being taken away. The Act stipulated that these women, upon becoming enfranchised, had 30 days to settle their affairs on the reserve.<sup>647</sup>

Between 1951-1958, there were 1,763 Indian women enfranchised across Canada. Children of women enfranchised due to marrying non-Indians numbered 533.<sup>648</sup> Further, a 1956 amendment to section 12 allowed for the exclusion of illegitimate children of Indian women from the band list, provided that the father of the child was not an Indian.<sup>649</sup> Women were unquestionably subject to greater discrimination than men in regard to involuntary loss of status. Between 1955-1965 the total number of adults who were enfranchised voluntarily was approximately 1/4 the number of women who married into the franchise. After 1965, the total number for the former diminished dramatically, while the latter grew. Enfranchisement figures for 1965 to 1975 shows that women denied their Native status as a result of

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<sup>646</sup> Kathleen Jamieson. *Indian Women and the Law in Canada: Citizen Minus*. (Ottawa: Advisory Council of the Status of Women Indian Rights for Indian Women, 1978), p. 59.

<sup>647</sup> Jamieson, p. 61.

<sup>648</sup> *A Review of Activities*, pp. 35-36.

<sup>649</sup> Jamieson, p. 62.

marriage totalled 95% of the sum total; in other words, the number of voluntary enfranchisements decreased to approximately 1/16.<sup>650</sup>

A 1960 census for the St. Mary's Reserve shows that there were 12 "non-Indians" living there. Of these, eight were 18 years and under, four of these were children of unmarried Indian mothers, who had been declared not entitled to be registered as Indians on account of non-Indian paternity, the remainder being non-Indian children of women who became Indians on marriage.<sup>651</sup> Men on the other hand were not threatened with enfranchisement in quite the same way as women. There had been provisions allowing for the enforced enfranchisement of men, but these were removed by 1961. Bill C-61, which repealed Section 112 of the Indian Act, R.S.C. 1952, Chapter 149, was passed by Parliament and received Royal assent on March 9<sup>th</sup>, 1961. Henceforth, no Indian or band of Indians could be enfranchised without his or their consent, excepting of course women who married non-Indians, and their children.<sup>652</sup>

The possibility of status and band rights being lost was a constant threat to community members, a point reflected in the collection of vital statistics.

Another problem in this office is in connection with obtaining the co-operation of the Indians on most of the Reserves to give us information concerning marriages, deaths, etc. A few of the Indians seem reluctant to give out this information ... However, we have now made arrangements with some of the Chiefs and councillors and also the vital statistics Branch of the Dept. of Health to report this information to our office as soon as such an

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<sup>650</sup> Jamieson, p. 64.

Figures for 1955-65 show adult voluntary enfranchisements were 1313, while women enfranchised through marriage totalled 4274. The 1965-1975 period were 263 and 4263 respectively.

<sup>651</sup> Census of non-Indians living on Reserves. (1 June, 1960). OOA, RG10, Vol. 8347, File 88/29-12, pt.2. It is impossible to provide figures for the individual reserves as these are a matter of private record.

<sup>652</sup> Canada, Department of Indian Affairs and Northern Development, Indian Affairs Program Circular Letters: Series "C" Green, Circular no. 275, 20 March, 1961, p.1.

event occurs on their reserve. Recently we seem to be getting co-operation in this respect.<sup>653</sup>

The reluctance was due to a fear of lost rights, as well as a reaction to the manner used in collecting the required information. The methods which had been used were, at the very least, demeaning and deprecating. One case at St. Mary's exemplifies just how far the Indian Act allowed officials to invade the private lives of people. The mother of one child born on the Reserve was subjected to repeated interrogation by the Indian Agent and chief, who sought proof that the light skinned child (a not uncommon phenomenon), had not been fathered by a white.<sup>654</sup>

Marital and parental status were not the only restrictive clauses. Complicated wording and requirements laid out in the Act meant many people who were entitled to "Native status" were excluded. After the creation of band lists in 1951 anyone not living on a reserve chanced being omitted. On the St. John River a number of Indian people travelled around following various occupational pursuits. Not until some incident arose when they were required to prove their status did they discover their exclusion.

I remember my father saying they lived all along the St. John River Valley, in different spots, and even [Harry's] mother never lived here. So when he was born he wasn't registered. So when we got married he was considered non-Indian, because he didn't have his number.<sup>655</sup>

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<sup>653</sup> MRO from G.A. Robinson, Clerk, St. John River Agency. 24 May, 1960. OOA, RG10, Vol. 8552, File 88/1-2-2-5, pt.1.

<sup>654</sup> Anonymous interview with community elder. June 11<sup>th</sup> 1991. Ponderosa Steak House.

<sup>655</sup> Interview with Connie LaPorte in the home of Connie and Harry LaPorte. St. Mary's Reserve. 7th June, 1991.

The Department created, whether purposefully or inadvertently, a number of ways for Natives to lose their status, while at the same time placing the onus on the individual to prove their rightful claim.<sup>656</sup> A great many others, having no legal claim but possessing strong cultural connections, were forced to maintain their ties through such organizations as the Association of Metis and Non-Status Indians.

### Education

The Department of Indian Affairs relied on a number of methods to affect their long-term integration program. Enfranchisement was a direct route, whereas education provided a more gradual and permanent avenue. The Indian Day Schools provided a vehicle for disseminating a European value system which the DIA considered more desirable. Under the charge of nuns from 1945 onward, the St. Mary's Indian Day School had a great deal more church-related curriculum than was standard in provincial schools. Records show that in 1954 there were books being distributed for use in the Indian schools which were not authorized by the Province, including the Faith and Freedom readers (being used for grades 1 to 6) and the Pupils' Own Vocabulary Spellers.<sup>657</sup> These departures, and the emphasis placed on non-academic subjects, meant that from the outset Indian children lagged behind other students in the province (see Ch. III).

In 1954, the Department began encouraging individuals to receive training in a profession or in a trade. They offered incentive to those who wished to participate.

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<sup>656</sup> Section 9(1) of the 1951 Indian Act, in Indian Act and What it Means, pp. 7-8.

<sup>657</sup> R.F. Davey (Supt. of Education) to Colonel E. Acland. 18 Nov., 1954. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

The policy of this department is to encourage all able-bodied Indians to receive training in a profession or in a trade. However, the department does not believe that Indians should be made to learn a trade'.

To those who wish to take training, the department will give reasonable financial assistance in the form of tuition grants. Approximately 1,300 Indians availed themselves of this opportunity last year. Although the majority took high school courses, a good number took trades and commercial courses or trained in professions such as teaching and nursing.

Whenever possible, this department encouraged pupils to take advantage of Federal-Provincial training plans.<sup>658</sup>

At this time, well-intentioned, liberal enthusiasts began to get involved in Reserve education. Mrs. Toole of the Indian-Non-Indian Goodwill Society proposed to the Department that all able-bodied Indians should be made to learn a trade, and that the seasonal migration to Maine for potato picking should be stopped.<sup>659</sup> Department officials agreed that this latter point was a problem:

Indians looked on this as a vacation and a chance to outfit all the children with clothing, and as an opportunity to meet with other Indians from over the Maritime Provinces. [Mrs. Toole] was advised that there was little we could do other than encourage the wives to stay at home with their children and to suspend Family Allowance benefits of those who did not. The ill effects resulting from this separation, such as infidelity of wives at home, plus the neglect of wage earners in Maine to do anything for his family back on the reserve, made one doubtful of any benefits obtained.<sup>660</sup>

In their preoccupation with petty accusations, the Department had failed to recognize the importance of the potato harvest as one of the few surviving,

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<sup>658</sup> R.F. Davey (Supt. of Education) to Colonel E. Acland, 18 Nov., 1954. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>659</sup> F.B. McKinnon to Colonel H.M. Jones, 25 Oct. 1954. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>660</sup> F.B. McKinnon to Colonel H.M. Jones, 25 Oct. 1954. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

organized "Indian" economic activities.\* It provided a period of relative affluence, freedom, and sociability to those who participated. It was a time of work, as well as an opportunity to meet with family and friends from other reserves, approximating the congregating season of the pre- and early-Contact periods.<sup>661</sup> While financial gain was not always great, the harvests continued to meet a cultural need, which unfortunately conflicted with the calendar of industrial society.

Despite omitting such important issues as economy and culture in post-revision educational policy, steps taken by the Department did produce some favourable effects. As of 1955, Indian children from St. Mary's were generally limited to grade eight. The Day schools provided the first three grades on the New Reserve, while grades four to eight were provided at the school house on the Old Reserve.<sup>662</sup> Few went beyond this point, partially due to fears invoked by an old clause in the Indian Act, which stipulated that those going on to higher education would be robbed of their status, and in part due to a system that left the children ill-prepared to tackle the higher grades.<sup>663</sup> The Day Schools themselves did not offer high school, as it was not conducive to their integration policy.

Most of the integrated schools are part of the provincial educational systems, and generally speaking they have provided a higher standard of teaching than was formally available to Indian children. These schools have also generally been able to

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\* This is not to suggest that the potato harvests belonged exclusively to Natives. It simply emphasizes both the cultural and economic importance of this annual event to Maliseet communities. Identification with this particular, non-indigenous occupation results from long-term band participation, as opposed to occasional, individual involvement in such occupations as law or cooking, for example.

<sup>661</sup> Phillip K. Boek, "Social Time and Institutional Conflict" in McGee, Native Peoples, pp. 156, 159-160.

<sup>662</sup> Interview with Connie LaPorte. 7th June, 1991. Home of Connie & Harry LaPorte, St. Mary's Reserve.

<sup>663</sup> Section 99(1), Indian Act, (1880) in Venne, p. 83.

offer the Indian pupil a better variety of secondary and vocational school subjects. Post-secondary education is also provided through integration in the non-Indian educational system.<sup>664</sup>

Pressure by the Department to implement an integration program would gradually make the possibility of High school for the children of St. Mary's an increasingly greater reality.

Beginning in 1951, the Federal Government started encouraging provincial and local educational authorities to get involved in the education of Indian citizens in their jurisdictions, which was to provide equal opportunity to native children.<sup>665</sup> St. Mary's began considering the idea of participating in this integration program in 1954.<sup>666</sup> A circulated petition received a great deal of enthusiasm from the Reserve, although some concerns were expressed, such as "hardship suffered by the younger children going to school."<sup>667</sup> It was recommended that integration begin at Grade two, allowing the younger children an adjustment period. This time would be used to provide the students with a "foundation in the various school requirements before they are integrated." The Department stated they would also provide bus transportation for the children to return home for the noon day lunch, "therefore obviating the problem of help towards lunches for this group."<sup>668</sup>

Negotiations were long and drawn out. Six years after beginning discussions, there was still a great deal of contention over the question of

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<sup>664</sup> Kaegi, p. 13

<sup>665</sup> Kaegi, p. 4; Canadian Education Association Recent Developments in Native Education (Toronto: Canadian Education Association, 1984), p.12

<sup>666</sup> F.B. McKinnon to I.A.Branch. 21 September, 1954. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>667</sup> A.J. Doucet (Regional Inspector of Indian Schools) to R.E. Davey, Department of Citizenship & Immigration. 11 July, 1955. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>668</sup> A.J. Doucet (Regional Inspector of Indian Schools) to R.E. Davey, Department of Citizenship & Immigration. 11 July, 1955. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.



integration. One lady wrote in protest of a vote favouring a school off the reserve. She argued that the vote had not been fair as only half the band was there, not everyone present voted, and it was held on a Sunday.<sup>669</sup> She indicated that the reserve would not send their children to an off-reserve school, and provided a petition signed by a number of others who shared her feelings.<sup>670</sup> Another meeting was held to vote on the matter, with pretty much the same results.

32 band members voted, of whom 22 voted in favor of closing the Indian School and sending their children to a new Catholic school in Devon, should the School Board approve such a new school. Although the band was not largely represented, the meeting was well advertised and I believe that the feeling among the Indian adults on that reserve is now strong enough in favor of integrated education that we could proceed with negotiations for a joint school should the Fredericton School Board approve such a project.<sup>671</sup>

Inducements of all kinds were made to the community. They Promised clothing (for 10 years), lunch money, and bussing.<sup>672</sup> This, and the desire by many to give their children a better education, finally resulted in a transfer of children into the public system.

Intégration of Indian children into the public school system was no simple matter. The program allowed that the Department would assume certain costs produced by such a move. The policy stated that

Where local schools have room in their classrooms, and are agreeable to the arrangement, Indian pupils are enrolled. Where

<sup>669</sup> Councillor Louise Paul to DIA. 27 March, 1961. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>670</sup> Councillor Louise Paul to DIA. 27 March, 1961. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>671</sup> F.B. McKinnon to I.A. Branch. 7 Sept., 1961. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>672</sup> Interview with Harold Sappier (born 1927). June 10<sup>th</sup> 1991. St. Mary's Band Office; Interview with Connie LaPorte. 7th June, 1991. Home of Connie & Harry LaPorte, St. Mary's Reserve.

space is limited, formal "joint agreements" solve the difficulty. The Indian Affairs Branch not only pays the local board a tuition fee for operating expenses for each Indian pupil enrolled, but also contributes to the capital costs of construction of extra classrooms. The amount is based on the ratio of Indians to other school enrollment.<sup>673</sup>

When construction costs were calculated for a new school where St. Mary's children might attend, the Department's contribution, based on 70 Indian children attending compared to 280 non-Indians, amounted to \$50,000.<sup>674</sup> Negotiations continued a few more years, so by the time they were completed in 1965, the numbers had changed significantly. A decision had been made to construct a thirteen room addition to the South Devon School, for which the Fredericton Board of School Trustees requested "a possible contribution to the cost of this new addition since Indian Children are attending the Fredericton Schools." Board members estimated the number of Indian children who would be attending City schools to be 92, which they expected to raise to at least 100 children within less than five years.<sup>675</sup> Of a total construction cost of \$227,025.53, the Department had committed itself to a sum of \$71,208.99, a contribution equal to 100 seats.<sup>676</sup> Figures for 1965 show that, in fact, only 60 Indian children were attending Fredericton public schools, and as of 1990

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<sup>673</sup> Canada, Department of Citizenship and Immigration. "Indian Education" in *The Indian in Transition Series*. (Ottawa: 1964.), p. 16.

<sup>674</sup>  $\frac{\text{No. of Indian Children}}{\text{Total No. of Children}} \times \text{Total cost of } \$250,000 = \text{Dept.'s Contribution, } \$50,000.$

P.L. McGillivray (District Supt. of Indian Schools) to Murray H. Sargeant (School Supt. of Schools, Fredericton.) 26 Sept., 1961. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>675</sup> McKinnon (MRO) to Indian Affairs Branch. 25 May, 1965. OOA, RG10, Vol. 8361, File 54/25-11.

<sup>676</sup> McKinnon (MRO) to Indian Affairs Branch. 25 May, 1965. OOA, RG10, Vol. 8361, File 54/25-11; G.B. Gorman (District Superintendent of Indian Schools) to H.L. McFee (Secretary, Board of School Trustees, Fredericton). 7 July, 1965. OOA, RG10, Vol. 8361, File 54/25-11; National Summary of Joint Capital Agreements and Student Enrollments As of Sept. 1990. Report provided by Quantitative Analysis and Socio-demographic Research. Indian and Northern Affairs Canada.

there were only 85 Indian children occupying the total seats purchased.<sup>677</sup> In effect, the Department had subsidized the expansion of a provincial school which the local Native population had yet to fully benefit from 27 years hence.

In addition to a contribution to the construction costs of Joint schools, the Department also paid tuition for each child. DIA agreed to pay according to the formula used by the local school board, which was based on enrollment and cost figures for the entire city.<sup>678</sup> Many Band members complain that DIA is charged proportionately higher for Indian children to attend public schools, a problem generally acknowledged by the Department. While it has been difficult to obtain cost per pupil statistics, an agreement between the federal government and its New Brunswick counterpart shows that for the year 1975, the cost per seat for each Indian child was \$950, the same as non-Indian children.<sup>679</sup> They were, in fact, paying equal fees. There were, however, other costs involved. Equalization payments to the Province, which contributed to programs such as education, health and welfare, were calculated including the Native population. Despite their inclusion, these services still had to be paid for in full by DIA. Also, any special programs such as language or school supplies were not included. These were paid for separately with "Absolute Dollars", which until the early 1980s were controlled by the Board of

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<sup>677</sup> New Brunswick. Department of Education. Annual Report (Fredericton, 1966), p. 147; National Summary of Joint Capital Agreements and Student Enrollments As of Sept. 1990. Report provided by Quantitative Analysis and Socio-demographic Research. Indian and Northern Affairs Canada.

<sup>678</sup> P.L. McGillivray (District Supt. of Indian Schools) to Murray H. Sargeant (School Supt. of Schools, Fredericton.) 26 Sept., 1961. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

<sup>679</sup> An Agreement between The Government of Canada and the Government of New Brunswick to integrate Indian children in the New Brunswick public schools. n.p.; n.p., 12 September, 1975, p. 7; New Brunswick. Department of Education, 126th Annual Report (Fredericton, 1977), p. 46. Students from the Reserve remained in the provincial system under the "Masters Tuition Agreement", under which DIA negotiates directly with the province, and not the school board as with the "Joint Tuition Agreements" see Recent Developments in Native Education, p. 15.

Education.<sup>680</sup> The value of return for the money which was spent is questionable. The Maliseet language program in District 26 consisted of no more than 15 minutes a day for grades one and two, and thirty minutes a day for grades three to six.<sup>681</sup> Thus, with these additional costs included, it is clear that the fees charged to educate Indian students were higher than their non-Indian counterparts, while the value of this investment continues to remain questionable.

Once Indian children were actually transferred to the City school in 1964, there was a mix of reactions. Reports indicated that some "children who have gone to the Devon Public School ... are requesting permission to return to the Indian Day School."<sup>682</sup> Another report was more positive:

We feel this is very encouraging and indicates a different trend on the part of the Indian parents at Devon to continue to send their children to non-Indian schools. There are a few parents, however, who are still reluctant to send their small children to Devon School to go in Grade one or two. This, we believe, is slowly changing and eventually all Indian children on the reserve will be attending Fredericton schools.<sup>683</sup>

Despite the financial inequities, the transfer had produced some positive benefits. More and more Native children are attending High School, while many others have gone on to enter University programs.<sup>684</sup> Nationally, the numbers have risen from 808 post-secondary students in 1969-70, to 4,792 in 1980-81. Also, education standards have improved greatly, and the

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<sup>680</sup> Interview with Walter Joseph Paul. 16th August, 1992. Home of Alexa Paul, St. Mary's Reserve.

<sup>681</sup> Recent Developments in Native Education, p. 61.

<sup>682</sup> H.S. MacNeil (St. John River Agency) to (Mr. P.L. McGillvray) MRO. 27 October, 1964. OOA, RG10, Vol. 8361, File 54/25-8-7, pt.1.

<sup>683</sup> H.S. McNeil, Woodstock to Murray H. Sargeant (Supt. of Board of School Trustees. 8 May, 1964. OOA, RG10, Vol. 8361, File 54/25-11.

<sup>684</sup> Canada, Indian and Northern Affairs. The Canadian Indian: Quebec and the Atlantic Provinces, (Ottawa, 1974), p. 86; McEwan, p. 25.

community is producing more and more trained people who are prepared to create and administer programs.<sup>685</sup> However, even with these improvements, the Maliseet continued to lag behind other students in terms of academic achievements (see p. 245), detracting from what progress had been made.

### Tobique

#### Economic Development

##### Lands and Resources

Attempts to acquire Reserve land and resources at Tobique had diminished considerably by the 1950s, however, the Reserve continued to be perceived as an "impediment to development."

Then gradually what they call progress started coming in — first with the Tobique dam in the early fifties. Then when they flooded the valley, there went the blueberries, the salmon. What you once got for nothing you couldn't even buy any more — you couldn't afford to buy salmon. The Indian men would earn money as guides, and that went with the dam. It was really a drastic change.<sup>686</sup>

The Dam was built by the New Brunswick Electric Power Commission (NBEPC) in the 1950s, resulting in the flooding of the Tobique River. Once its adverse effects were felt, the Band prepared to negotiate a compensation package. The figures being explored were between \$50,000 and \$150,000; the former being the Power Commission's offer and the latter being the amount sought by the community.<sup>687</sup> The \$50,000 package offered by N.B.E.P.C. was

<sup>685</sup> Recent Developments in Native Education, pp. 16, 43.

<sup>686</sup> Juanita Perley (born 1939) in Enough is Enough, p. 50.

<sup>687</sup> Tom McFeat, Highway to All Places: An Informal Ethnography of Maliseet People. Museum of Civilization, III-E-90m. 1989, pp. 183-186; A.B. Gilbert to Department of Justice, 25th July, 1961. OOA, RG10, Vol. 8367, File 54/31-3-7-20, pt.1. According to Tom McFeat the

made on "compassionate grounds" for injurious effects to fishing rights. In addition they agreed to give \$4,093 for the value of land actually flooded by the Beechwood Dam, and \$900 for the easement of transmission lines.<sup>688</sup>

Tobique's Position was that the flooding of their Salmon Pools had cost them their tourist economy, both guiding income and money made through the sale of Indian curios and basket work, and that the flooded islands had provided a substantial income to Tobique residents during the fiddlehead season.<sup>689</sup>

Band Lawyer, Adrian Gilbert, stated that although he believed the fishing rights were worth the \$150,000 being sought by Tobique, litigation might fail because:

1) The Province never vested title of New Brunswick Indian Reserves to the Queen in right of Canada and the agreement of 1958 (to correct this) did not include the land on the South side of the Tobique River. In other words, the Indians have no documentary proof that they own the fishing rights on the South side of the Tobique River which they used and enjoyed down through the years. 2) The surrender of 1896 gave the province four acres or the Indian Meadow on the St. John River which gave with it fishing rights on the most valuable pool of all i.e. the Hansen Pool. (There seems to be no obtainable reason why this surrender was made.) This surrender had been made to allow the booming of logs. However, following the release it was decided by the interested company not to go ahead with their plans. As a result, the surrender was never made use of by anyone. Finally, the release given in September 1955 for the Tobique dam did not contain any provision for fishing rights.<sup>690</sup>

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Band had asked for only \$100,000. By 1961 the figure being sought was clearly \$150,000. See latter reference for confirmation.

<sup>688</sup> A.B. Gilbert to Department of Justice. 25th July, 1961. OOA, RG10, Vol. 8367, File 54/31-3-7-20, pt.1.

<sup>689</sup> Tobique Chief and Councillors to New Brunswick Electric Power Commission. 23 February, 1959. OOA, RG10, Vol. 8348, File 88/31-3-7.

<sup>690</sup> F.B. McKinnon (Regional Supervisor) to Indian Affairs Branch. 14th August, 1961. OOA, RG10, Vol. 8367, File 54/31-3-7-20, pt.1, pp. 1-2.

Gilbert recommend accepting the \$50,000 as 1) The Band might get nothing for the pools above the Tobique dam as fishing rights had not been reserved in the release, 2) Fishing rights on the south side of the Tobique River had not been conveyed to Canada in the agreement of 1958, which meant they could only hope to get \$25,000 for their half interest, and 3) The 1896 surrender, although obviously made by illiterate band members, effectively put fishing rights for the Hansen Pool in the hands of the Province.\* In essence, the band was learning that their suit had been irreparably damaged by previous actions that were for the most part beyond their control. The situation was summed up succinctly by the Band's lawyer: "In other words, by the peculiar and unfortunate manner in which the property of the Indians has been handled, the fishing vested in them or in the Dominion Crown might only be worth a maximum value of \$50,000."<sup>691</sup>

As it became obvious that their success was doubtful, Band members began to consider NBEPC's offer. A vote was taken which resulted in a decision to accept the \$50,000 for damages to the fishery; \$4,093 plus 5% interest since 15 October, 1958 for flooded land; and assurances that erosion of Reserve banks would be taken care of from time to time by the Commission.<sup>692</sup> This settlement was totally inadequate compared to the real losses suffered by the community. However, it could not have been otherwise given the quality of care by Department officials in the execution of

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\* The status of unsold, surrendered land is a contentious point. DIA argues that once reserved land has been surrendered it ceases to belong to the band in every way except that they receive the money procured from sale. Douglas Sanders contends that "The Indian Act does not appear consistent in its terminology making a simple textual answer to this question very difficult." See Legal Aspects of Economic Development on Indian Reserve Lands. Indian and Eskimo Affairs Program. Economic Development-Operations. n. d., p. 15.

<sup>691</sup> A.B. Gilbert to Department of Justice. 25th July, 1961. OOA, RG10, Vol. 8367, File 54/31-3-7-20, pt.1.

<sup>692</sup> B.G. Clench (Superintendent) to Indian Affairs Branch. 12 January, 1962. OOA, RG10, Vol. 8367, File 54/31-3-7-20, pt.1.

their duties. Interestingly, no damages were ever sought by the Band for compensation on the grounds of mishandling of their affairs. Band lawyer Gilbert, who was being paid from Tobique Band funds and not by DIA<sup>693</sup>, received commendation from the latter for being

exceptionally loyal to the Branch in deliberately avoiding any implications of responsibility in the loss of fishing rights outlined above. In fact he stressed the judgement, or lack of it, used by the Indians in the 1896 surrender and the apparent earlier reluctance of the Province to vest title to Indian Reserves in the Queen (at Confederation).<sup>694</sup>

However, the Department was not cleared of liability by the emphasis given to these factors. The Indian Act stipulated that if reserve land were to be sold, a majority vote by the Band was first required. Once completed, the property in question was to be "released or surrendered to the crown,"<sup>695</sup> at which point the Governor in Council would accept or refuse the surrender.<sup>696</sup> In other words, the surrender of the four acres of land *with fishing rights* could not have been done without the knowledge and consent of the Department. They effectively sanctioned the transfer of fishing rights for the area to the Province for no conceivable reason. Furthermore, the Department had a specific legislated responsibility to protect reserved lands, which they failed to do for Tobique in regard to having it properly registered.<sup>697</sup> From Confederation year to 1958 the Reserve remained, legally, part of New Brunswick Crown lands. This appears to have been a common error, the Department having twice paid for the same tract of St. Mary's Reserve, as well

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<sup>693</sup> W.C. Bethune (Chief, Reserves and Trusts) to F.B. McKinnon (Regional Supervisor, Maritimes) 12 September, 1961. OOA, RG10, Vol. 8367, File 54/31-3-7-20, pt.1.

<sup>694</sup> F.B. McKinnon (Regional Supervisor) to Indian Affairs Branch. 14th August, 1961, p. 2, OOA, RG10, Vol. 8367, File 54/31-3-7-20, pt.1.

<sup>695</sup> Section 25, Indian Act, 1876 in Venne, p. 32.

<sup>696</sup> Section 26 (2), Indian Act, 1876 in Venne, p. 32.

<sup>697</sup> Sections 11-20, 1876 in Venne, pp. 27-30.



as having failed to properly register it until the 1960s. An inept bureaucracy once again cost the Band dearly. Rather than working to secure justice for the Band by acknowledging their faults, DIA officials made every effort to avoid responsibility for the outcome.

Although the Band suffered great economic losses due to the poor land management practices of DIA officials, they were offered hope in respect to resources with the passing of the new Indian Act.

Greater scope has been given to the Indians through their band councils with greater respect to the expenditure of band funds. Capital moneys derived mainly from the proceeds of land sales and leases and the disposition of timber, mineral, and oil rights may only be used for the most part with the consent of the band council for specific purposes; for example, the construction and maintenance of roads, purchase of lands, livestock, and farm implements, permanent improvements, and loans to Indians...With few exceptions, expenditure of capital and revenue moneys, formerly at the discretion of the Governor in Council or the Minister, now requires the consent of the band council. Under a general provision, greater responsibility and authority may be extended to the Indians to permit a band to control, manage, and expend, in whole or in part, its revenue moneys.<sup>698</sup>

In addition to the Capital Fund, Tom McFeat has identified two other sources of revenue which were at Band Council's disposal. The first, Band Fund Interest, was comprised of accumulated interest from the Capital Fund, which was to be used for the maintenance of buildings and emergency welfare (when the Agent couldn't be contacted). Money from this account was also used to pay for an ambiguous account, when it was not clear whether the Band or agency office should be paying a particular account. Second, there was Earned Money, which was raised through dances, bingos, weddings,

<sup>698</sup> Canada, Indian Affairs Branch, Dept. of Citizenship and Immigration, Annual Report for the Year ending 31 March, 1952, (Ottawa: 1953), pp. 42-43.

suppers and benefits conducted in the community hall. In effect, these activities served as a funnel, keeping privately earned money in the community.

The two steady earners were bingos and dances, but bingos were by far the most lucrative...The moneys raised at these activities came primarily from the people themselves, although outsiders were encouraged to come as well...This money came from basket construction and sale, seed cutting in spring potato houses in both Maine and New Brunswick and potato harvesting, gathering fiddleheads and, sometimes, blueberries. These activities yielded cash resources that supported dances and bingos and these in turn subsidized committees that guided sports and boy scout activities, among others.<sup>699</sup>

Aside from the above revenue sources, Tobique Band Council had also acquired access to additional funding for administrative and development purposes (see p. 225).<sup>700</sup> For the first time they had a substantial sum of money to administer, which provided them with access to development opportunities originally planned for in the 1876 Indian Act. Unfortunately, many of the barriers to independence remained in an era of reform.

It was recognized by Department officials that Tobique Band officials were more than capable of handling the resources available to them.

This band council has in recent years been exercising greater responsibility for the management of their own affairs and have ably demonstrated their financial and management skills by the way they handled their first grant approved in 1966 for \$15,660.<sup>701</sup>

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<sup>699</sup> McFeat, Highway to All Places, pp. 216-217.

<sup>700</sup> Tobique Community Development Grant, 5<sup>th</sup> May, 1967. OOA, RG10, Vol. 8366, File 54/29-6, pt.1; Tobique Band Council Resolution, 29 June, 1967. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

<sup>701</sup> Supplementary Statement "A" by G.A. Robinson for Tobique Community Development Grant, 19 July, 1967. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

After successfully administering this money, Tobique Band Council resolved to take over all Band administration. This evolved from one of the most promising amendments to the 1951 Indian Act, de facto autonomy of Bands in administering their own affairs. However, even this development did not represent a complete departure from the previous position. These grants were conditional, requiring the constant review of Department officials.<sup>702</sup> For all the progressive wording in the Indian Act, the degree of autonomy required to develop the skills and freedom to operate independently remained beyond the grasp of council leaders. A Band management Grant was approved 3 January, 1969<sup>703</sup> and from that point on, the Tobique Band Council had become a self-functioning enterprise; one, however, still not entirely independent of Department bureaucrats.

### Employment

The trend towards increasingly higher unemployment rates continued throughout the 1940s, 50s, and 60s (see Ch. 3). Many men remained employed in the lumber or pulp industry up to the beginning of the 1950s. However, after 1952, demand for pulpwood and pit props dropped dramatically, and many began relying on fishing, berry picking, basketry, and axe-handle making.<sup>704</sup> Basket making in particular allowed women to work on the Reserve. However, not all non-traditional occupations were abandoned.

Some Indians worked on construction in the State of Connecticut, others in fertilizer plants and potato warehouses in

<sup>702</sup> W. Evan Armstrong (Director-Operations Social Affairs Programme) to All Regional Directors (DIAND). 26 March, 1969. OOA, RG10, Vol. 8367, File 54/29-6, pt.2.

<sup>703</sup> J. Sullivan (Head, Trusts Section) to Dennis Nicholas (Chief). 3 January, 1969. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

<sup>704</sup> Canada, Indian Affairs Branch. Dept. of Citizenship and Immigration, Annual Report for the Year ending 31 March, 1953. (Ottawa, 1953), p. 50.

the state of Maine in an increased movement of New Brunswick Indians to the United States in search of employment.<sup>705</sup>

Unfortunately, in regard to annual income, much of this work was seasonal. A 1954 annual report shows that conditions were growing progressively worse, especially for unskilled seasonal workers, who were generally the first to be affected. Migratory labour became increasingly important to the overall economy of the community, and many Band members relied on work opportunities in the United States.<sup>706</sup> The annual harvests were credited by many for holding off starvation.<sup>707</sup>

Even relief brought on by employment opportunities, such as was the case at Camp Gagetown, on the Beechwood Power Project, or in the State of Maine, did not improve matters substantially.<sup>708</sup> These were temporary, and sometimes had serious drawbacks. The Beechwood Dam project, for example, was to levy a high cost on the traditional economy of Tobique.

It would be difficult to estimate the exact yearly amount of income this brought to the community but we can assure you as residents that it was substantial. This was evidenced last summer when families who never before needed relief during the fishing season were forced to appeal to our Agent for help. The absence of tourist trade on our native handicrafts, beadwork and baskets has had a serious effect on our economy and well-being.<sup>709</sup>

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<sup>705</sup> Canada, Indian Affairs Branch. Dept. of Citizenship and Immigration, Annual Report for the Year ending 31 March, 1953, (Ottawa, 1953), p. 50.

<sup>706</sup> Canada, Indian Affairs Branch. Dept. of Citizenship and Immigration, Annual Report for the Year ending 31 March, 1954, (Ottawa, 1955), pp. 75-76.

<sup>707</sup> Carol Ennis in Enough is Enough, p. 72.

<sup>708</sup> Canada, Indian Affairs Branch. Dept. of Citizenship and Immigration, Annual Report for the Year ending 31 March, 1957, (Ottawa, 1958), p. 78.

<sup>709</sup> Tobique Chief and Council to N.B.E.P.C. February 23, 1959. OCA, RG10, Vol. 8348, File 88/31-3-7.

While the exact monetary costs remained elusive, the impact of the flooding on the overall economic health of the community was clear, and would remain readily apparent for some time to come.

By the 1960s, poor unemployment conditions continued at an "alarming increase". People on the Reserve continued to rely principally on seasonal work.

Employment opportunities in this area are directly related to the Maine potato industry and local construction and repair work. A few Indians are employed in stores, mills, etc., but the great majority are employed at seasonal work such as picking fiddleheads in the Spring, picking blueberries in August and assisting in the potato harvest in the State of Maine during September and October.<sup>710</sup>

Farmers provided Tobiquers with regular seasonal work and a steady market for their potato baskets. Income derived from the harvest depended on how many potatoes an individual could pick. In 1973, a farmer in Tilley, N.B., "one of the better people to work for", was paying 25¢ per barrel with a 5¢ bonus if the crop were picked quickly. It was considered good pay to get 30¢ per barrel. The same barrel earned the farmer \$2-\$3, and the local food processor would turn around and sell them for \$8 per barrel.<sup>711</sup> The money that the harvesters accumulated from selling baskets and picking potatoes in the early fall netted the people of Tobique a fair sum which carried them into the Autumn season.<sup>712</sup>

As the occupations traditionally pursued by Tobique Band members became less obtainable, many families came to depend on welfare assistance

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<sup>710</sup> Mrs. R. E. Munro from H.S. MacNeil, Superintendent. 12 February, 1965. OOA, RG10, Vol. 8354, File 54/1-10, pt.1.

<sup>711</sup> Harold McGee Jr., Tobique Summer 1973: Record Book No. 1, p. 13.

<sup>712</sup> McFeat, Highway to All Places, p. 295.

from the Department.<sup>713</sup> Attempts to survive in an increasingly less stable economy included efforts to diversify, along with developing more and more creative ways to stretch their limited income. For a period of time, almost every household cultivated a substantial garden, and one couple was still trading baskets for groceries in 1962.<sup>714</sup> A minority in the community had begun to work off the Reserve, the remainder being labourers. A breakdown of the community's 68 member work force in 1966 indicates there were: 43 labourers, 5 farm labourers, 12 factory workers, 2 basket makers, 2 warehouse workers, 1 tailor, 5 packers, 1 steel worker, 1 body repairman, 1 draftsman, 1 surveyor, 1 carpenter and 1 wood worker. In some cases Band members had two or more jobs, and many were seasonal or occasional workers.<sup>715</sup> There were also residents of the Reserve who were listed as having professions, such as an engineer and an RCMP officer.<sup>716</sup> Other residents began returning to school to get a trade, so that the following year the community boasted "about ten carpenters, two mechanics, one plumber, one policeman, two caretakers, and the rest were almost all unskilled labourers. However, many are quite capable of performing certain jobs but lack adequate training."<sup>717</sup> Steps were finally being taken to improve employment conditions, but one hundred years of Departmental control had done little to provide opportunities for most in the community.

DIA provided not only job training, but also made efforts to produce employment opportunities. Relief work, as described in the previous chapter

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<sup>713</sup> Mrs. R.E. Munro from H.S. MacNeil, Superintendent. 12 February, 1965. OOA, RG10, Vol. 8354, File 54/1-10, pt.1.

<sup>714</sup> McFeat, *Highway to All Places*, pp. 247, 278.

<sup>715</sup> Survey of Tobique Reserve. March, 1966. OOA, RG10, Vol. 8359, File 54/19-2, pt.1.

<sup>716</sup> H.S. MacNeil (Superintendent) to L.R. Hirtle, M.D. (Superintendent, Atlantic Zone, Ind. & Northern Health Services). 18 March, 1964. OOA, RG10, Vol. 8358, File 54/17-1.

<sup>717</sup> Supplementary Statement "A" by G.A. Robinson for Tobique Community Development Grant. 19 July, 1967. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

continued in one form or another throughout the 1950s. A Handbook for Indian Band Chiefs and Councillors states that a number of standby community projects, such as improvements to buildings, roads, ditches and fences, and the cutting of firewood, were to be made available to Band members receiving relief; these projects were to be voluntary, and were not intended to replace projects undertaken by the Department for the improvement of conditions on the reserve.<sup>718</sup> Special projects for the purpose of providing employment to Band members were initiated, however these were temporary solutions at best (see p. 170). A 1963-64 Community Employment Program (C.E.P.) exemplifies the sort of enterprises undertaken. They included cutting and clearing connecting roads, excess overgrowth of brush, and baseball fields; cutting fuelwood; drainage; housing repairs and construction of privies. Many of these tasks were very similar to "relief work", and in fact CEP forms indicate a great interest in the "relief status" of those Band members involved.<sup>719</sup> Indeed, the program had been conceived "to provide employment as an alternative to direct relief for bands with insufficient funds to participate in the Municipal Winter Works Incentive Program."<sup>720</sup> Even Community Development Grants were by their very nature sources of temporary employment, as exemplified by the 1966-67 recreation projects. These were to produce lasting, social benefits, but were far more effective providing temporary employment opportunities to an underemployed community. Many of the benefits were slow coming. Two

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<sup>718</sup> Canada, Indian Affairs Branch of the Department of Citizenship and Immigration. A Handbook for Indian Band Chiefs and Councillors (Ottawa: March, 1959), p. 9.

<sup>719</sup> Agency Report on Community Employment Program 1962-63; Basic Information Re: Community Employment Program 1963-64 Fiscal Year (Appendix "A"); Basic Information Re: Community Employment Program 1964-65 Fiscal Year (Appendix "B"). OOA, RG10, Vol. 8359, File 54/19-3-5, pt.1.

<sup>720</sup> Canada, Department of Northern Affairs and National Resources. Annual Report for the Fiscal Year 1965-1966, (Ottawa: DNANR, 1966), p. 51.

years after the Band was still looking for money to complete a wading pool, baseball field, and track and field facilities.<sup>721</sup> Like welfare, community development grants did more to foster dependency by carrying the community through low employment periods than it did to stimulate lasting social or economic improvements.<sup>722</sup>

The reliance on seasonal work and Department sponsored programs created unique problems for Natives. Unlike most provincial residents, Tobique band members working south of the border could not benefit from Unemployment Insurance payments or Social Security benefits as there was "no agreement in effect with the State of Maine, and as there is absolutely no employment in their reserve areas, they are largely dependent on assistance from this Branch."<sup>723</sup> Nor were things much better in New Brunswick itself. People hired by DIA or the Band Council for house or road repair, renovation or construction, were "employed under a contract of service and will not be in excepted employment by reason of Section 27(p) of the Unemployment Insurance Act."<sup>724</sup> In other words, the reprieve provided by Department employment programs preceded an inevitable return to social assistance.

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<sup>721</sup> Tobique Band Grant Audit. 5th May, 1967. OOA, RG10, Vol. 8366, File 54/29-6, pt.1; Tobique Band Grant Request. 23rd February, 1968. OOA, RG10, Vol. 8366, File 54/29-6, pt.1; Community Development Report. October 1, 1967-June 30, 1968. St. John River Agency. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

<sup>722</sup> Boudreau, p. 37.

<sup>723</sup> C.B. Clench (St. John River Agency) to Indian Affairs Branch. 5 March, 1962. OOA, RG10, Vol. 8362, File 54/29-1, pt.1.

<sup>724</sup> Canada. Department of Citizenship and Immigration. "Unemployment Insurance Commission" in Field Handbook (and Amendments), Appendix 'A', Circular No.16, 24 August, 1961.



## Political Development

### Band Government

Tobique experienced a period of relative political stability for a twenty years period, the same chief being routinely returned to office each election. This came to an end beginning in the 1950s, when chief William Saulis was successfully challenged on one occasion in 1953, and finally voted out of office for the last time in 1957.<sup>725</sup> What followed was a period of struggle between Saulis' faction, the Parochial\* group, and their rivals, the Cosmopolitans.<sup>726</sup> These groups were polarized on philosophical grounds; the Parochials placed their hopes in treaties, preferring a policy of isolationism. They worked to remake the present in terms of the past, seeking gains in the form of land, cash, legal rights and services.<sup>727</sup> The Cosmopolitans placed their main hopes on the friendliness of local whites. They were young (mid-thirties and early forties), and most of the men among them were veterans of the Second World War. "They wanted good housing, good education, they wanted 'to be citizens like everyone else,' ..." <sup>728</sup> Some of the new group had returned with white wives, an issue that was to have serious political implications on the

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<sup>725</sup> Tom McFeat, Malecite Study, 1965. Tobique Point New Brunswick. Museum of Civilization, III-E-5m. p. 14; McFeat, Highway to All Places, pp. 176-177.

\* To identify the factions at Tobique I am using Tom McFeat's term "Cosmopolitan", which he has elsewhere termed "Extenders" (See McFeat, Highway to All Places, p. 172). Similar groups have been referred to in the Hawthorne Report as "Friendlies" and "progressive". (See Hawthorne, Vol.2, p. 224). I have used "Parochial" to replace McFeat's term "Non-compliant" (See McFeat, Malecite Study, 1965, p. 11-17), which he has also referred to as "Restrictors" (McFeat, Highway to All Places, p. 172). This same group has been referred to in the Hawthorne Report as "Hostiles" and "conservative" (See Hawthorne, Vol.2, p. 224). None of these terms, including the ones I have chosen to use, succinctly capture the nature of these factions. In fact, these groups cannot be universally defined as their concerns change from community to community. I have attempted to use terms that differentiate and identify general strategies used by each group. It is hoped that these names do not have the pejorative connotation of Hawthorne's terminology.

<sup>726</sup> McFeat, Malecite Study, 1965, p. 14.

<sup>727</sup> McFeat, Highway to All Places, p. 172; McFeat, Malecite Study, 1965, p. 11.

<sup>728</sup> McFeat, Highway to All Places, p. 172; McFeat, Malecite Study, 1965, p. 15.

Reserve in the ensuing years.<sup>729</sup> They placed no faith in past documents or legitimizing themselves with treaties, nor did they believe the St. John River, in whole or in part, would ever be returned to them.

There were points on which both factions at Tobique agreed. First was that the community was an entity of some great importance which must be preserved.<sup>730</sup> Second, beyond the 'ideological' differences, there was a recognition that the group in power took control of resources. The elected chief either took control or delegated charge of the maintenance of the band council hall, care of the pump house, the school, the garbage dump and any maintenance or repair jobs that were being financed; "He had money and could use it widely or not, but however money was being used pointed questions would surely follow and disputes arise."<sup>731</sup> Elections were marked by months of campaigning which produced two candidates, the incumbent and the challenger. H. F. McGee describes the major concerns of this period being

about either the ineptness or the graft of the incumbent. The major issues have been about money. To my knowledge, there have been no election issues concerned with modifying the form of government (even though this is a commonly mentioned concern). One informant half jokingly said that the community spends one year in getting ready for an election (gossiping, assessing political alliances, and the like) and a year talking about the election once it was over; therefore the election is what Tobique is all about.<sup>732</sup>

Despite an end to the stability of Saulis' long reign, and the continuous complaints of patronage, the Tobique political scene remained relatively

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<sup>729</sup> McFeat, *Malecite Study*, 1965, p. 15.

<sup>730</sup> McFeat, *Malecite Study*, 1965, p. 16.

<sup>731</sup> McFeat, *Highway to All Places*, p.179.

<sup>732</sup> Harold F. McGee Jr., *Report of the Summer 1973 Field Session at Tobique, N.B.; Interim Report*, Museum of Civilization 1407.1 B135 F16 III-E-16m, pp. 14-15.

quiet for some time. This came to an end in 1965, when thirty voters of the Perth rate-payers association voted not to allow the forty Maliseet students attending their school to return the following September. The media picked up on this story and quickly baptized the town "Little Arkansas." Many Perth residents wrote the whole thing off as being the product of a few bigots who were afraid of what might happen to their daughters, who had begun dating boys from the Reserve. The chief of Tobique (a Parochial) contended that problems

stemmed from two things; first, religious prejudice, since the Indian kids were Catholics in a Protestant school; second, racial prejudice, since they were afraid of mixed marriages. He said, furthermore, that talk of reversing the decision would cut no ice with his people. He would call a meeting if the rate-payers reversed their decision in order to determine if the people of Tobique wanted to send their children back to the Perth school.<sup>733</sup>

A second vote by the Perth rate-payers association reversed the decision; Tobique school children would now be welcomed back into Perth classrooms. However, on the Reserve the issue had fueled growing political tensions.

In this week prior to to this meeting, the word was that the way things swung at that meeting — this was the way the elections would go in November. Clearly, the burden was upon the [Parochials] to come up with a workable alternative to the invitation of the Perth people for the return of their children to the school. The chief and members of his council and group had worked hard on the problem; they had tried the Andover school, (across the river and handy) without success, they had explored the possibility of opening up classes on the reserve, they had suggested sending the children off to the boarding school at Amherst. To no avail; none of these solutions was either workable, or, if workable, acceptable. And from this a note of unrealism crept into discussion: 'We should build a High School right here in the community — a Regional High School for

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<sup>733</sup> McFeat, Malecite Study, 1965, p. 17.

Indian children, and invite all the Indians here from all around. Why shouldn't we get the money for them instead of Perth?' And then there was the talk of using band funds in order to begin a co-operative store, thus to subsidize their own schooling and lots more as well. It became obvious, at some point, that the [parochial] cause offered no solution to the two problems that everyone agreed upon: Maintaining the integrity and prosperity of the community and educating the children. The vote came in favour of a return, but two to one, only, which indicates that the [parochial] were determined to stand together as a party, issue or no issue.<sup>734</sup>

A failure to offer any viable solutions to the school issue, along with other similar incidents, led many people to believe that cooperation with the Indian Affairs Branch and the local population promised more gain than loss. The election of that year revolved primarily around this issue, although it was also said that many an old score with Saulis was being settled at this time. In November of 1965 the Parochials suffered a dramatic loss.<sup>735</sup>

Despite its existence since the turn of the century, the elective system had not achieved universal acceptance by many Band members. In 1973, one band member described the problem:

Few people with whom I spoke thought the present governmental structure to be ideal. Some of the objections were directed toward a perceived lack of efficiency, others were about the imposition of a foreign structure. The solutions suggested for the improvements of these structures ranged from minor modifications regarding the electoral process to a 'return' to an hereditary chief. Examples of the modification contemplated by those who wish to work 'within the system' are: 1) longer terms of office for elected officials, 2) staggering the terms of office for councilors, and 3) insuring that salaried positions are not subject to the political whims of the chief and council. The type of structure suggested by those who desire to 'change the system' are more varied and complex. Some of these suggestions were: 1) a completely autonomous hereditary chief, 2) an internal

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<sup>734</sup> McFeat, *Malecite Study*, 1965, pp. 19-20.

<sup>735</sup> McFeat, *Malecite Study*, 1965, pp. 14-15.

structure comprised of family heads but with band alliance to the Iroquois Confederacy, 3) a band 'council' comprised of all adult members of the community. The reason put forward by all those suggesting changes is that the present elected officials are not receptive to the wishes of the community residents and they fail to inform the community of the issues discussed in council.<sup>736</sup>

Dissatisfaction with Band Council rested primarily with its perceived ineffectiveness. Internal rivalries meant it was difficult to create a cohesive Band Council. "The relationship that exists between chief and council is poor with complaints that the councillors don't know what the chief is doing and that the chief finds the councillors unco-operative."<sup>737</sup> This in turn meant Council's efficacy was constantly being undermined. The cultural tendency to avoid direct conflict meant that consensus was often reached in a manner not normally associated with democratically elected governments, a method sometimes known as voting with the feet:

Once in power chiefs could usually count on the support of half or more of the council. Agendas were known in advance so that those in opposition could choose to stay away and would therefore not be associated with motions that might compromise their positions.<sup>738</sup>

Another problem, which stemmed from the lack of an official opposition party, was that elected councils were virtually without community-imposed restrictions in their administration. Symptomatic of this system was political patronage, which created deep rooted resentment in the community. Among other things, elected officials were accused of rewarding those who voted for them with repairs to their homes, while at the

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<sup>736</sup> Phil Sappier in McGee, Tobique Summer 1973, p. 37.

<sup>737</sup> Community Development Report Oct. 1, 1967- June 30, 1968, St. John River Agency. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

<sup>738</sup> McFeat, Highway to All Places, p. 174.

same time neglecting families in more urgent need.<sup>739</sup> In a poor community with limited resources, there is only so much to spread around. Factional patronage, whether real or perceived, has been sufficiently counter-productive to cause divisions within the community. No amount of interference from DIA would remedy this problem, the opposite in fact being the case. External interference has only agitated existing problems, and seriously undermined the credibility of band councils in general.

Powers given to Native leaders by the 1951 Indian Act, such as control of finances and administration of development projects, were undermined by DIA's insistence that each decision receive approval from the Department (see p. 175). Similar interference affected the Band's right to pass and enforce by-laws. Upon receiving this authority, the Tobique Band council began immediately passing by-laws allowing penalties for traffic violation and property damage;<sup>740</sup> regulations for occupation of Reserve lands;<sup>741</sup> issuing of taxes for water and maintenance of water system;<sup>742</sup> as well as by-laws regarding water, wells, garbage disposal, traffic regulations, and the destruction of noxious weeds.<sup>743</sup> Just as they required Departmental approval when using band money, all council-passed by-laws needed to be sanctioned by headquarters.<sup>744</sup> Any effort to contend with community problems were seriously undermined by councils inability to guarantee locally-developed solutions. The fact that Department officials could impose their will on the

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<sup>739</sup> Ivan Perley to Hon. Claude M. Jabister (Dept. of Citizenship & Immigration, 18 March, 1964. OOA, RG10, Vol. 8355, File 54/3-5-7-20.

<sup>740</sup> Tobique Band Council Resolution. December, 1951. OOA, RG10, Vol. 8355, File 54/3-10.

<sup>741</sup> Tobique Band Council Resolution. May, 1952. OOA, RG10, Vol. 8355, File 54/3-10.

<sup>742</sup> Tobique Band Council Resolution. March 26, 1953. OOA, RG10, Vol. 8355, File 54/3-10.

<sup>743</sup> Senior Administrative Officer (?) to N.H. McPhail. 20th April, 1956. OOA, RG10, Vol. 8355, File 54/3-10.

<sup>744</sup> E.G.B. McGinley (Superintendent) to MRO. 8th April, 1960. OOA, RG10, Vol. 8355, File 54/3-10; 1951 Indian Act, sections 61, 66, in Indian Act and What it Means, pp. 44, 46-47.

community seriously challenged any notion of an autonomous Band Government.

### Indian Agents and DIA

Relations between the Band and employees of DIA improved little following the Indian Act's revision, although references to community members by Agents appear to be less condescending than in earlier reports. Despite this small advance, the role played by government officials remained virtually unchanged. Community-run projects still required consent from the Department, and were sometimes delayed by officials reluctant to allow band councils to work and learn simultaneously.

I think there is a tendency to over-estimate the degree of disorganization in this community and a failure to acknowledge strengths when the people demonstrate their ability to organize. Chief and council continue to have organizational difficulties and interpersonal problems which will tend to frustrate branch staff members who must work in conjunction with them. This is unfortunate for the reserve and has delayed many worthwhile activities and general development in and of this reserve....Indian people are setting priorities for themselves and showing a considerable degree of resistance to matters which they feel are department priorities rather than their own.<sup>745</sup>

Therefore, added power and responsibility meant little in real terms. Outside the administrative capacity, the authority to accomplish anything in the community remained in the hands of DIA officials. These employees of the Department, regardless of what their personal feelings may have been about development, were bureaucrats more inclined towards administering existing

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<sup>745</sup> Report by Murray H. Manzer (Community Development Worker) Community Development Report July 1, 1968-September 30, 1968 Saint John River Agency. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.

systems than to launching new initiatives, more adept at acting as authoritarians rather than democratic and educative leaders.<sup>746</sup>

### Social Development

#### Social Welfare

Social Welfare conditions at Tobique were similar to St. Mary's; generally inadequate, and not to the liking of those in the community who relied on it.<sup>747</sup> Effective April, 1959, an adult Native was entitled to a maximum of \$22 per month, each dependent adult (age 13 and over) \$15, and each child \$12 per month. These figures were not to be exceeded, nor were they to exceed municipal or provincial rates if they happened to be lower.<sup>748</sup> In New Brunswick, this placed them far below the average rate for non-Native welfare recipients. Provincial figures for the year 1959-60 show that the average social assistance given to New Brunswickers was \$51.68 per month, more than double the rate of an adult Native.<sup>749</sup>

Department officials were under pressure to keep welfare costs at a minimum. One agent was pressed for an explanation following an increase of 41.5% in welfare expenditures for the period April 1960 to June 1962. He ascribed the increase in unemployment in the area as being caused by depressed conditions in the potato market, as well as

the coldest and most severe winter in living memory, so I'm told, followed by a late wet spring. This had the effect of using up all the relief wood supplies which ordinarily would have

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<sup>746</sup> Hawthorne, Vol.1, p. 59.

<sup>747</sup> Carol Ennis in Enough is Enough, p. 72.

<sup>748</sup> "Relief Administration Dollar Value Orders and Agency Cheque" Indian Affairs Program Circular Letter no. 97, Series "C" Green Vol. 2, 1959. 13.01 (c) (2), p. 2.

<sup>749</sup> A More Equitable Cost Sharing Formula under the Canada Assistance Plan. A Brief submitted to the Hon. John C. Munro, Minister of National Health and Welfare by the Ministers of Public Welfare of the Atlantic Provinces, p. 18.



been sufficient, making it necessary to supply extra, over and above expenditures for previous year, and further, the inadequate earning made a large increase in provision of clothing necessary.<sup>750</sup>

The long term problem of insufficient provisioning of social welfare to Natives was addressed in June 1967, with the introduction of the New Brunswick Welfare Program. This program made considerable improvements in the way of financial assistance for food, clothing, fuel, shelter, items of special need and child protection. Previously purchase orders were issued that had to be used at designated stores, and were only good for "certain 'necessities' which were 'legitimate' for purchase through a grocery order."<sup>751</sup> This had created numerous hardships for recipients, whose needs were not being addressed by that system

I would like to know why are we getting food order an stead of getting cheque every two weeks we get the food order. I reather get the cheque because we have bills to pay to. besides our food so I can't pay my Bilis with my food order. and we got to pay lights Mr D Gourley is here every week I told him three times now still he wouldnt do do as I tell him my husband is working on our house and he isnt getting any pay ...we suppose to get \$101.50 an steat we only get \$96.50 and there are 8 of us in the Family...my oldest Daughter is going to school in andover school she hafts have some money so she could buy something to eat down there and her foot ware and her dresses and I cant buy all that with food orders.<sup>752</sup>

In addition, the denial of welfare to single and able-bodied adults meant that many in the community were subjected to poverty, relying entirely on help

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<sup>750</sup> B.G. Clench (St. John River Agency) to Indian Affairs Branch. 3 October, 1961. OOA, RG10, Vol. 8362, File 54/29-1, pt.1.

<sup>751</sup> Johnson, p. 6.

<sup>752</sup> Mrs. Paul Perley to ?. 23rd August, 1967. OOA, RG10, Vol. 8355, File 54/3-8.

from family and occasional work, such as provided by the annual harvests.<sup>753</sup>

The growth of a welfare economy on the Reserve was paralleled by increasingly poor living conditions. By 1951, the Department began to recognize the growing problem of housing shortages, though the efforts they made that year did not begin to truly address the issue.<sup>754</sup> The problems identified at St. Mary's also existed at Tobique, although houses here were generally in much better condition. On the other hand the shortages and overcrowding, symptomatic of the inadequate housing program designed by the Department, were actually worse at Tobique. A 1965 survey revealed that the average number of people per bedroom was 2.41, while in the overcrowded houses this number rose to 4.87. The inspector describes insufficient sleeping space, and the necessity for people to sleep on chesterfields, or sometimes three or more to a bed.<sup>755</sup> The result of the housing shortage was the departure of many from the Reserve who would otherwise continue to live there. "Of 10 listed, all but two said they would return to the reserve if housing could be procured. The other two had plans to return but did not indicate that it was conditional on the provision of housing."<sup>756</sup>

Contributions by the Department were never sufficient to see the construction of an adequate supply of housing. The Department provided some assistance [\$8,500], while the recipient was expected to make the

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<sup>753</sup> To Miss Gloria Eva Nicholas and Beverly Sappier, Tobique from H.A. McNutt OOA, RG10, Vol. 8357, File 54/10-1.

<sup>754</sup> Canada, Dominion Bureau of Statistics. Department of Trade and Commerce, The Canada Year Book 1951 (Ottawa, 1951), p. 1128.

<sup>755</sup> Housing Survey Tobique Indian Reserve, Victoria County, New Brunswick. April 1965. p.2, OOA, RG10, Vol. 8359, File 54/18-1.

<sup>756</sup> H.S. McNeil (Superintendent) to Senior Administrative Officer (DIA). 16 December, 1963. OOA, RG10, Vol. 8355, File 54/3-5-7-20.

maximum possible contribution in labour, provision of materials, and cash. Band funds were used to finance housing for needy members, but where limited, cost was divided proportionately between the Band fund and welfare appropriation.<sup>757</sup> Those willing to move off the Reserve were eligible for assistance amounting to \$10,000 from the Department.<sup>758</sup> Despite these cooperative efforts, not enough money was made available annually to meet the needs of everyone. Housing shortages remained high in 1970, with existing requirements of 200 units, and a forecasted need of 500 more for children coming of age.<sup>759</sup> As described earlier, DIA attempted to give up the responsibility of meeting the growing need for housing by having the program turned over to C.M.H.C.; they wished to phase out the subsidy program. The Department's solution to the housing shortage was typical of their existing policy as regards social programs; to transfer as many of its responsibilities as possible to federal and provincial agencies. DIA had not been able to devise adequate social programs for such areas as education, health and welfare, which are better remedied by local solutions anyway, and so they simply tried to pass the burden of doing so on to others.<sup>760</sup> An increased reliance on other government programs, including C.M.H.C. and Department of Regional Economic Expansion (D.R.E.E.), greatly reduced the responsibility of Indian Affairs, but in no way produced correlated benefits, the opposite being the case in some instances.<sup>761</sup>

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<sup>757</sup> Economic Welfare, OOA, RG10, Vol. 8553, File 88/1-10, pt.1.

<sup>758</sup> Indian Housing Report in New Brunswick, pp. 45, 56.

<sup>759</sup> Indian Housing Report in New Brunswick, p. 36.

<sup>760</sup> Outline of Indian Policy Proposals mailed April 7, 1970. author unknown; unpublished paper. Response to White Paper, pp. 5-6. Found in H.F. McGee File Folder entitled U.N.S.I. and White Paper.

<sup>761</sup> Boudreau, p. 50.

### Enfranchisement

Inadequate housing had special implications for women living on the Reserve. Beginning in the 1950s, the Department began issuing title of Tobique houses to the men, excluding the names of women from such documentation. "Since houses were the property of and listed by name exclusively to male households, women were dispossessed, along with their children, and in some cases literally thrown out into the cold."<sup>762</sup> One resident of the Reserve recalls how this development affected women.

When titles to houses and land were first issued, I noticed that's when things really started getting bad for women, because the title was always made out in the man's name. It was that time in the 1950s when the Indian Act was changed and really enforced on the reserve. This wasn't just the non-status women, status women had no right to property or anything on the reserve. Therefore they could be kicked out, kicked around. See, before the 1950s there was no such thing as title. There was no deed or paperwork, it was just your land; you cleared it, and everybody respected it as your property.<sup>763</sup>

Those who married outside the Reserve were subjected to even greater exclusion. A letter signed by council in 1957 shows that enfranchised women were not even welcomed into the community for a period longer than 30 days, this ensuring that they did not "stay to such an extent as to make homes or live with relatives." The same conditions were extended to women who married Indians from other bands; they "shall be forced to go and live on the reserve to which their husbands belong."<sup>764</sup> The irony of this position, adopted as it was by the Parochial faction, was that it could easily have been borrowed from the Indian Act. Not everyone in the Band agreed with the

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<sup>762</sup> McFeat, Highway to All Places, p. 253.

<sup>763</sup> Eva Saulis (born c.1920) in Enough is Enough, pp. 111-112.

<sup>764</sup> McFeat, Highway to All Places, p. 171.

position adopted by Council, a point reflected in their overwhelming defeat in the subsequent election. A 1968 consultation meeting revealed that some enfranchised women, at least, would be welcomed back to the community following the death of their spouse.<sup>765</sup>

There had long been a strong solidarity among Tobique women, specifically relating to their strong attachment to the Reserve and to each other. By the 1970s, this was to develop beyond social cohesion into a fully developed social movement, although not all women on the Reserve were of one mind on the issue. Those involved began to form as an 'entity' called "the Tobique Women's Group", or more formally the "Tobique Women's Political Action Group."<sup>766</sup> This group initially hoped to improve local living conditions for women and children, but in time they also began to address such issues as the discriminatory clauses against women in the Indian Act.<sup>767</sup> The initial problem stemmed from a section of the Indian Act which gave men sole ownership of property through certificates of possession.

Over the years more and more women were being thrown out of their homes by husbands. While the men then moved their girlfriends — often white — into the family home, the Indian women and children had to move into condemned houses or in with relatives who already were overcrowded.<sup>768</sup>

One Band official stated that when assigning housing he gave priority to old people and to new families. Among the many others requiring assistance in this area were a lot of older single people and a growing population of unwed mothers. Of the latter he said

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<sup>765</sup> Report of the Indian Act Consultation Meeting Moncton, New Brunswick, July 29, 30 and 31, 1968. (Ottawa, 1968), p. 19.

<sup>766</sup> *Enough is Enough*, p. 15; McFeat, *Highway to All Places*, pp. 252-253.

<sup>767</sup> *Enough is Enough*, p. 9.

<sup>768</sup> *Enough is Enough*, p. 11.

They come home to their parents' house which become over crowded but if I build houses for them it would appear that I'm rewarding their behaviour. This is one of the biggest problems on the reserve. I once tried to talk to the council about the unwed mothers and what we should do. The council said it was none of their business. But they control people's lives every day whether they know it or not.<sup>769</sup>

Council's avoidance of problems faced by women finally drew criticism from many in the community. Starting in 1976, women at Tobique would begin protesting the discrimination against women in regard to housing on the reserve, which was generally "substandard, ill repaired and in short supply"<sup>770</sup>

As Tobique women worked to have housing problems addressed, the related issue of enforced enfranchisement also began to gain attention.<sup>771</sup> Many Tobique women had been unaware of the far-reaching implications of 'marrying out' until they later sought to move back to the reserve.<sup>772</sup>

I leave in 1949, come back in 1975 and all of a sudden somebody tells me, "You know, you're not an Indian any longer." I say, "I'm not?" I find out that *white* women are Indians now, but I'm not. Honest to God, I was shocked. I couldn't believe it. I got talking to some other women and find out it's true.<sup>773</sup>

Children of these women were also omitted from the Band list; others known to have been fathered by white men were also not permitted to be registered. As a result many remained secretive about family matters.<sup>774</sup>

Tobique had been greatly affected by the enfranchisement clauses of the Indian Act. A 1973 genealogical survey of Tobique revealed that no fewer

<sup>769</sup> Danny Nicholas in McGee, *Tobique Summer 1973*, p. 79.

<sup>770</sup> McFeat, *Highway to All Places*, p. 253.

<sup>771</sup> McFeat, *Highway to All Places*, pp. 253-254.

<sup>772</sup> Lilly Harris (born 1920) in *Enough is Enough*, p. 13.

<sup>773</sup> Mavis Goeres in *Enough is Enough*, pp. 98-99.

<sup>774</sup> Harold McGee Jr., *Second Field Session: Summer 1974*, p. 20.

than 66 women had been (or continued to be) married to non-Indians, and were therefore no longer considered Indian by law. The same list indicates that 47 men from the Reserve had married non-Indian wives, who by Canadian law had become Indian women.\* Two Band members would not answer questions about their parentage, although they professed to know the answer.<sup>775</sup> The response of Tobique women to these issues reached out beyond the Reserve all the way to the United Nations, but only after considerable work in Canada, including a march on Ottawa. In 1981, the United Nation's Human Rights Committee ruled in favour of Sandra Lovelace of Tobique, finding Canada in breach of the International Covenant on Civil and Political rights. This blemish on Canada's human rights record brought new attention to the issue of enforced enfranchisement. Things finally culminated in 1985, when Bill C-31 was tabled and passed, effectively eliminating the discriminatory sections of the Act, and giving women back their rightful ethnic identity.<sup>776</sup>

One civil right Native women had acquired without the need to organize, was a place in Reserve politics. Immediately after the 1951 Indian Act was passed, Tobique women began to emerge as active participants. Various documents indicate that women were being elected as councilors as early as 1951, and continued to be for at least the next ten years.<sup>777</sup> Likewise, women were actively involved in the two political factions, in some cases

\* These women were not necessarily registered as a good number of them were Americans, and remained there with their husbands.

<sup>775</sup> Compiled by H.F. McGee Jr. in Tobique 1973 Record Book 1 and Record Book 2 (Incomplete) Used by permission of author.

<sup>776</sup> Enough is Enough, p. 14; McFeat, Highway to All Places, p. 255.

<sup>777</sup> Tobique Band By-election. 20th November, 1962. OOA, RG10, Vol. 8359, File 54/18-6, pt.1; Tobique Band by-law. April 12th, 1956. OOA, RG10, Vol. 8355, File 54/3-10; Tobique by-law. December, 1951. OOA, RG10, Vol. 8355, File 54/3-10.

they were clearly identified as leaders.<sup>778</sup> No doubt women had always been active within the factions, as well as in council elections. Although they could not vote they had always been able to voice their opinion, which probably had some influence in the voting of their spouses. One former chief said of women: "You can't beat them...and they run the politics on the reserve too. They could elect a chief if they had a mind to, and they've had councilors when they wanted'."<sup>779</sup> Whatever their former influence may have been, Tobique women emerged after 1951 as a group of significance in regard to politics, both on the Reserve and in the international arena.

### Health

The inadequacy of Native health services at Tobique, earlier described in Chapter 3, finally reached an all time low in 1967. The four doctors located within a few miles of the Reserve refused to provide services at the Schedule of Fees provided by the Department.<sup>780</sup> Even as far away as Bath the Department could not reach an agreement with physicians to assume this responsibility. In light of doctors refusing to participate in the Department's program, many of the residents of the Reserve sought treatment by Perth doctors, paying them directly for the services they received. On this matter Dr. Hirtle commented that this "of course is expected by all those who are financially able to provide for their own and their medical needs." He then encouraged the chief to persuade Reserve residents to participate in a Blue Shield Comprehensive Medical plan, for which Band members would have

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<sup>778</sup> McFeat, Highway to All Places, p. 178.

<sup>779</sup> McFeat, Highway to All Places, p. 152.

<sup>780</sup> Community Development Report July 1, 1968-September 30, 1968 Saint John River Agency. Report by Murray H. Manzer, Community Development Worker. OOA, RG10, Vol. 8366, File 54/29-6, pt.1.



to pay partial costs. Finally, having no available physician, the Regional Health Director suggested "that the residents of your Reserve obtain medical services wherever it is available."<sup>781</sup> The agency responsible for overseeing Indian health could not ensure Tobique residents medical care. Instead, they pushed to have Band members pay for coverage that everyone else in the province had been receiving free of charge since January 1<sup>st</sup>, 1961, as part of a joint federal-provincial health program.<sup>782</sup>

Rather than accept Indian Health Service's proposal of paying only 75% of medical fees while they pay the rest, Band members fought back. The result was that hospital officials barred Natives until this financial disagreement was settled.<sup>783</sup> Andrew Nicholas initiated a demonstration at the Perth-Andover Hospital which eventually led to a resolution, although not without much struggle.<sup>784</sup> The lack of health services had some near fatal casualties. A child related to one of the demonstration organizers fell ill that same week and was, after a four hour wait, refused by a doctor. That night the child began convulsing and turned blue, and was only prevented from choking on her own tongue by the mother's forcing her mouth open. She finally received treatment after the M.P. for Grand Falls suggested that she see his brother (a doctor) in that town, who said "... that complaints to the Provincial medical association would be useless because the president was related to the doctor in Perth who refused treatment."<sup>785</sup>

Hospital officials contended that the dispute was between the Indians and authorities of the Indian Affairs Department, adding: 'We have never

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<sup>781</sup> L.R. Hirtle, M.D. (Director, Atlantic Region) to Chief Charles Paul. 14 August, 1967. COA, RG10, Vol. 8355, File 54/3-8.

<sup>782</sup> Byrne, pp. 95, 149.

<sup>783</sup> McGee, Second Field Session: 1974, pp. 80-81.

<sup>784</sup> McGee, Second Field Session: 1974, p. 57.

<sup>785</sup> McGee, Second Field Session: 1974, pp. 36-37.

turned away a patient in need of attention'.<sup>786</sup> Whatever the source of this particular dispute, it was clear Tobique Band members were not being provided with medical services comparable to non-Natives. The Indian Act's defining them as unique among Canadians meant they had no guarantee of equality in the way of social services and benefits. In any case, the demonstration of the Perth-Andover Hospital reached the appropriate ears, and led to a resolution in which the hospital agreed to treat Indians from Tobique.<sup>787</sup>

### Education

The increased integration of Natives into local services after 1951 also effected education at Tobique. In 1958, in keeping with the Department's policy of closing down Indian schools, 7<sup>th</sup> grade children from the community began attending the Perth Regional School.<sup>788</sup> By 1965, the integration of Native school children in the area was temporarily threatened by a ratepayer's Association vote to exclude Indian children. That same year the Southern Victoria Regional School District Board of Trustees began planning an expansion of the Andover school to allow for the incorporation of a number of one-room rural school houses, and were looking into the possibility of involving the Reserve school.<sup>789</sup> An interested Department responded that there were provisions for contributing to the cost of such a school by the Department, and that this was to be determined according to the percentage of

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<sup>786</sup> "200 Indians Protest Lack Of Medical Aid" in Daily Gleaner 24 June, 1968.

<sup>787</sup> McGee, Second Field Session: 1974, p. 57.

<sup>788</sup> Memorandum to the Deputy Minister 15 July, 1965. OOA, RG10, Vol. 7186, File 271/25 1, pt.1.

<sup>789</sup> T.W. Tomlinson to Mr. Hugh S. McNeil. 13 Nov., 1965. OOA, RG10, Vol. 8788, File 271/25-11, pt.1.

Native students in the total school population.<sup>790</sup> Negotiations proceeded, and Tobique school children began to attend the Provincial schools. The Perth Regional School provided education for grades eight and nine pupils, while the Southern Victoria High School taught grade ten, eleven and twelve students in the area.<sup>791</sup> The transition was not without its problems: "The kids do well in school here but when they go to Perth they start dropping out, although this reserve has five college graduates..."<sup>792</sup> Teachers in the provincial schools expressed little hope of their success, and "according to the principal, 'they're all going to fail'."<sup>793</sup> Continued "fantastically high drop-out rates" and "low attainment" among Indian children remained a problem long after integration began, which caused many Native leaders to "seriously challenge" the provincially administered, federally funded education program.<sup>794</sup>

Every effort had been made to induce Band members to allow their children to attend the new school, such as ensuring unique programs for Native students.<sup>795</sup> Only gradually was resistance to outside education broken down, and even then it did not entirely disappear.

I am glad to hear more talk now about community involvement in the education of Indian children. This is what has been lacking since the time when Indian children first began attending the provincial schools. We Indian parents were never

<sup>790</sup> McKinnon (Regional Director, Amherst) to T.W. Tomilson (Secretary, Southern Victoria). 19 November, 1965. OOA, RG10, Vol. 8361, File 54/25-11.

<sup>791</sup> New Brunswick, Department of Education. Annual Report (Fredericton, 1968), p. 230.

<sup>792</sup> Father Matthew in McGee, Tobique Summer 1973, p.35.

<sup>793</sup> Participation and Development Vol.1, September, 1971. Report of the New Brunswick Task Force on Social Development, p. 123; Critique of Indian Day School by (Mrs.) Pauline Forrest, County Schools Supervisor. November 22, 1963. OOA, RG10, Vol. 9019, File 54/23-5.

<sup>794</sup> "Indian School Committee Discusses Education Problem" in The Daily Gleaner Thursday, February 10, 1972.

<sup>795</sup> Raymond Tremblay (Coady International Institute, Antigonish) to G.B. Gordon (Regional School Superintendent, Amherst). 22 November, 1965. OOA, RG10, Vol. 8361, File 54/25-11.

consulted; we were merely told that we had to send our children, that it was against the law not to send them. There was never any guidance or counseling given, and no Indian adult were hired to assist in the transition.<sup>796</sup>

In the early 1970s, Native leaders began stressing a need for programs that "meet the educational needs of the Indian community, such as native languages, native culture and history. Among other points, it called for more opportunities for Indian people to train as teachers."<sup>797</sup> This was the experience at Tobique, where the Band members worked towards re-establishing a truly "Indian School" on the Reserve. The Mahsos, or Fiddlehead School, was established in the 1970s to provide students at Tobique with Native values, perspectives, and approaches to learning in an effort to combat the inadequacies of the Provincial system.<sup>798</sup>

### Laws and Regulations

After the Province of New Brunswick was carved out of Nova Scotia in 1784, Natives retained the right to freely hunt and fish.<sup>799</sup> However after 1867, the Province gradually began to impose greater restrictions on the aboriginal population. The BNA Act gave the provinces jurisdiction over a number of areas, including education and fish and wildlife. New Brunswick, citing section 91 (24) of the Act, waived its responsibilities for the former as it applied to Indians. However, in the case of the latter the Province applied its laws equally among all its inhabitants. In other words, the Province has been

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<sup>796</sup> Christine Saulis in Robert M. Leavitt, Maliseet and Micmac: First Nation of the Maritimes. (Fredericton: Micmac-Maliseet Institute, 1990), p. 64.

<sup>797</sup> Recent Developments in Native Education, p. 12; Indian Control of Indian Education Policy Paper Presented to the Minister of Indian Affairs and Northern Development by the National Indian Brotherhood, (Ottawa: NIB, 1972), pp. 6-7.

<sup>798</sup> "Tobique Indians Struggle to Make Fiddlehead School Succeed" in The Daily Gleaner April 13, 1976.

<sup>799</sup> Nicholas, Mascarene's Treaty, p. 215.

inconsistent in its interpretation of the BNA Act. New Brunswick contended that Native hunting and fishing rights were limited to harvesting for personal use, and only on Indian land. In 1914,

Louis Paul of Kingsclear was arrested in Fredericton for selling a salmon with spearmarks, unmistakably caught by an Indian. In that same year another maliseet named Nicholas Sacobie, was caught hunting without a license and given a warning. Dr. Paul distinctly remembers how shocked our people were by these incidents, for it was the first time we had been told that we could not hunt or fish off reserve.<sup>800</sup>

Despite these developments the Maliseet of the St. John River continued to pursue this way of life. Gradually fish and game laws grew stricter and wardens more plentiful, although many successfully avoided capture.

Native fishing and hunting practices in New Brunswick were greatly threatened after the Indian Act's 1951 revision, specifically section 87, which stated that for the first time Provincial laws would apply to Indians except where stipulated by treaty.<sup>801</sup> The Province recognized no such treaty, nor had anyone produced one which would allow the Maliseet to pursue these activities unmolested. What followed was the repeated arrest and conviction of Maliseet people (who often simply pleaded guilty), until 1970, when they began to fight back.<sup>802</sup> Peter Paul was one of many who appeared in court charged, offered a defence based on treaty.

He would not ask permission to enter the land, for to do so would be to acknowledge the farmer's ownership of the ash thereby denying Indian rights. Access to the land, he said, was part of the heritage of the Maliseets, indeed of all Atlantic peoples, guaranteed by the treaty of 1725. There the English had

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<sup>800</sup> Nicholas, *Mascarene's Treaty*, p. 216.

<sup>801</sup> Section 87, Indian Act (1951) in Venne, p. 343. A future amendment would see this changed to Section 88, Indian Act (1970) in Venne, p. 446.

<sup>802</sup> Nicholas, *Mascarene's Treaty*, p. 217.

promised that native peoples would forever have the right to proceed on the land and water, and to continue to satisfy their needs 'as was their custom'.<sup>803</sup>

These challenges lost because it was unclear if Dummer's Treaty (1725) actually contained Maliseet signatures, and because the Treaty had been signed by the Government of Massachusetts. Only when new evidence was uncovered in the form of the 'Mascarene Treaty' were Maliseet hunting and fishing rights likely to be recognized.<sup>804</sup> Unfortunately, section 87 applied only to provincial laws. The 1969 judgement of a New Brunswick County Court stated that any fishing rights granted by the Treaty of 1752\* were null and void due to the Federal enactment of the Fisheries Act, such laws taking precedence over Indian legislation.<sup>805</sup> Thus, after many years of having their rights to fish and hunt suppressed, the Maliseet finally achieved recognition of their unique rights, even though these were in no way protected or guaranteed by the Indian Act.

### Summary

The preceding chapter examines changes to the Indian Act and the way in which DIA interacted with the Tobique and St. Mary's reserves. In point of fact, very little changed after 1951. New titles were created for old policies, and the power structure remained virtually unchanged. The communities saw neither an increase in local autonomy, nor experienced any development worth mentioning. The inequities in all aspects of reserve life had become

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<sup>803</sup> McFeat, Highway to All Places, p. 281.

<sup>804</sup> See Provincial Court, R.v. Paul and Polchies, 2 Oct., 1984; Nicholas, Mascarene's Treaty, p. 224.

\* This was a confirmation of the 1725 Treaty.

<sup>805</sup> Native Rights in Canada. (Calgary: Indian-Eskimo Association of Canada, Legal Committee, 1970), p. 74.

more apparent to an increasingly better educated population, but the power to fight these injustices remained as far out of reach as ever. In short, efforts to amend the past shortcomings of the Indian Act and Department of Indian Affairs had failed.

## Conclusion

In this thesis I have examined the role played by the Department of Indian Affairs in the underdevelopment of the New Brunswick Maliseet communities of St. Mary's and Tobique. To understand this process it is important to be aware of the prohibitive powers inherent in the Indian Act, and the structure of the Department which administered it. The Act had been established to protect Natives and their resources, and included a number of restrictive clauses which were intended to promote these efforts. It was also to facilitate the "civilizing" of these same people, which meant assimilation and integration. The Department consisted of a loosely tiered bureaucracy which gave a great deal of discretion to local officials, many of whom were not adverse to using some of the more imposing clauses to achieve ends they themselves had established. DIA operated outside the realm of most other government departments, as it did not exist for the benefit of the general public. Clients of DIA were not able to make demands or participate in this governing body. As a result, the Department operated with its own agenda for a century, ignoring both their moral and legislated responsibilities.

It is argued by some that the Indian Act has been the detrimental force in the lives of Canada's Native peoples. Statistics reveal that after more than 100 years of 'Departmental protection,' these people have suffered a great deal of deprivation, abuse and costs to their general social, political and economic development. DIA has fostered dependency and alienation within Indian societies, creating many of the characteristics of the underdeveloped nations of Africa, Asia, and Latin America.<sup>806</sup> Symptomatic of these conditions are

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<sup>806</sup> The Economic Foundation of Indian Self-Government A Report Prepared for the House of Commons Special Committee on Indian Self-Government. (Victoria: Thalassa Research Associates, 1983), p. 46.



Indian suicide rates three times as high as the total population, respective rates being 40.7 and 12.2 per 100,000.<sup>807</sup> Other discrepancies include non-Indians with university certificates, diplomas or degrees (6.1%) at three times the number held by registered Indians (2.1%),<sup>808</sup> Indian/non-Indian employment differentials for women 15 and over, at 21% and 39%, and for men 41% and 64%, respectively.<sup>809</sup> Data from 1981 shows that only 47% of Indians in New Brunswick and Prince Edward Island had worked either in 1980, or in the first five months of 1981, while comparable figures for non-Indians in these provinces were a full 65%.<sup>810</sup> Other casualties include high amounts of alcoholism which has been linked with substandard living conditions and increasingly disproportionate numbers receiving social assistance.<sup>811</sup> Figures collected in 1972 show life expectancy for Indian men to have been 61.31 years compared to 69.04 for non-Indians, while Native women were expected to reach only 65.86 years compared to 75.60 for their non-Native counterparts.<sup>812</sup> Throughout this thesis there are a number of examples which demonstrate the causal link between the Indian Act, and the social, political and economic underdevelopment of the communities of Tobique and St. Mary's. While there were some cultural elements which impacted the direction taken by the bands, it has largely been their status as

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<sup>807</sup> Hugh Lautard An Overview of Registered Indian Conditions in New Brunswick and Prince Edward Island. (Prepared for Indian And Northern Affairs Canada under the direction of N.H. Lithwick, Lithwick Rothman Schiff Associates Ltd. 1987), p. 64.

<sup>808</sup> Hugh Lautard An Overview of Registered Indian Conditions in New Brunswick and Prince Edward Island. (Prepared for Indian And Northern Affairs Canada under the direction of N.H. Lithwick, Lithwick Rothman Schiff Associates Ltd. 1987), p. 74.

<sup>809</sup> Hugh Lautard An Overview of Registered Indian Conditions in New Brunswick and Prince Edward Island. (Prepared for Indian And Northern Affairs Canada under the direction of N.H. Lithwick, Lithwick Rothman Schiff Associates Ltd. 1987), p. 91.

<sup>810</sup> Hugh Lautard An Overview of Registered Indian Conditions in New Brunswick and Prince Edward Island. (Prepared for Indian And Northern Affairs Canada under the direction of N.H. Lithwick, Lithwick Rothman Schiff Associates Ltd. 1987), p. 96.

<sup>811</sup> "Indian Conditions" in Agenutemagen Vol.11, September, 1980.

<sup>812</sup> "Did You Know?..." in Agenutemagen Vol. 7. May, 1972.

"legal" Indians, and the unique rules they have been subjected to, that have been the principal determinants.

In this paper I have attempted to demonstrate the manner in which these communities have been administered, and how it has effected the way they have developed. It is clear that Department control of all fiscal and policy-making decisions prohibited an earlier rise of effective local leaders. Officials of DIA continued to consolidate their powers until such time that they were able to restrict private economic and social activities that had hitherto been performed freely. It became clear early on that DIA officials were possessed of an authority that no one else in the bands possessed. Legitimized by the Indian Act, officials set forth to create communities both foreign and not to the liking of those living there. In many instances, these decisions were in clear opposition to the goals outlined in the Indian Act.

Politically, the Maliseet of St. Mary's and Tobique have not fared well at all. From Confederation onwards they have been denied access to the normal political process by which a group or individual can further their cause. The sole political voice available to them was the Department imposed, elected chief and council. These individuals were without real power, and answered directly to the local Indian agent. The existence of these politically impotent band councils, and the lack of any official opposition, resulted in a status quo of non-effective leadership. The communities remained forever divided as factions struggled for control of the limited available resources. The bands were nearly one hundred years before some members finally began to negotiate with outside political bodies to amend the injustices being enforced on them. Despite this development, and the gain of the franchise by all adult Natives, the two bands have remained politically

powerless due to their small numbers, and their inability to cooperatively work for the benefit of their communities.

Economically the Maliseet have suffered greatly which, of course, has had serious implications in the social development of the communities. The two bands maintained themselves by participating in both "Indian work", and in the newer European occupations, which were growing in popularity. Forest-related occupations, and the manufacture of domestic and work implements for the surrounding communities, provided band members with a sufficient livelihood. Only the most needy would, or could, benefit from relief payments. This all changed in the 1930s when the Department introduced new relief programs available to all members of the bands. Labour was treated as 'relief work', and it became extremely difficult to break free of the new welfare system. When public scrutiny finally revealed the problems with Department programs, officials introduced new programs which were to provide opportunities for employment and a brighter future. Unfortunately, these were simply the old programs in the guise of a more enlightened, development-oriented variety. Unemployment rates did not decrease, and new industry did not develop. The vast amounts of money put into community projects were simply siphoned off the reserves, and rather than fostering independence, DIA had created an economy based largely on social assistance.

The social underdevelopment of these communities might have been avoided if jurisdictional lines had been clearly defined in the B.N.A. Act. The alienation of Native peoples from the provincial programs enjoyed by all others cost the communities dearly. High mortality rates and poor health problems were not addressed by the unstructured service created on an ad hoc basis for the bands. Even when a special branch was created to handle

these services, it provided them only slowly, and in insufficient quantities and quality. Education provided only those skills deemed necessary by the Department for participation in reserve life. There were no systematic efforts made to raise the education standards, or to provide access to the skills required for the cultural integration into the white community. Only after the bands began availing themselves of provincial programs was there any evidence of dramatic improvements. This did not provide a level playing ground, but at least lessened the destructive conditions so long a part of reserve life.

The Department of Indian Affairs failed miserably in their original mandate to protect the resources of the bands, and to assist in their "civilization". Throughout the period examined, the actions of Department officials were systematically directed towards empowering themselves, and coercing band members to meet their demands. Rather than integrating the Maliseet, the Department increased their solidarity by keeping them on reserves, isolated from the larger Euro-Canadian populations. Officials allowed vast quantities of land and timber to be sold off or leased at grossly undervalued prices. They have prevented the communities from assuming tasks, such as fiscal and managerial independence, that were clearly part of the long-term plan of the authors of the Indian Act. Although they are no longer segregated from most aspects of provincial and federal life today, the people of the Tobique and St. Mary's reserves remain on the periphery of provincial and national social, political and economic life. Despite an end to policies such as blatant cultural genocide by 1969, the bands were subject to many of the same subtle yet pervasive barriers they had faced a century earlier. The Department still controlled most financial and political decision-making at

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Tobique and St. Mary's, and continued to be an impediment to the social, political and economic development long awaited by these communities.

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