

VOLUME 1

FROM

TRANSFERRED
TO
To P. A. R. C.

FILE NO.

118-28-0

[illegible]

TRANSFERRED
To P. A. B. C.

TRANSFERRED
To R.A.R.C.

DO NOT WRITE BELOW THIS LINE

004970

CROSS REFERENCES

FILE NUMBER	SUBJECT
1.....
2.....
3.....
4.....
5.....
6.....
7.....
8.....
9.....
10.....

INSTRUCTIONS

1. This cover must not be folded under.
2. File should be retained no longer than is absolutely essential. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures its being completed and kept in order and also gives other officers an opportunity of using it.
3. Central Registry must be notified whenever a file is passed directly between one official and another.
4. All outgoing letters should bear the official file number and originator's designation.
5. ONE SUBJECT—ONE COMMUNICATION—Where the contents of outgoing letters necessarily refer to more than one subject, the originator will prepare additional copies for attachment to relevant files.
6. Correspondence must not be removed from file, except as provided in the regulations governing the conduct of correspondence.
7. Incorrectly filed material will not be removed without notification to Central Registry.
8. Official office designations are to be used for routing purposes.
9. Disposal entries on file jackets must be initialled and dated.
10. Urgent Tags, flags and other markers will be removed in Divisional Offices as soon as appropriate action on the folios has been taken.
11. Officials are reminded that strict adherence to the security regulations is essential when dealing with classified material.

RECORD PURPOSES

July 1/18-20-0

Mr. J. Smith,
Commissioner of the Yukon Territory,
Whitehorse, Y.T.

Dear Mr. Smith:

I have your letter of January 29th dealing with institutional facilities in the Yukon, and the effect that the terms of Bill C-158, if passed, would have on the situation.

Bill C-158 is a private member's bill which received first reading on January 16, 1969. I believe it is now 115th on the list of bills for second reading. It is not likely to come up for second reading in the near future, and when it does it will then be referred to Committee for further study.

As you know, about a year ago a federal-provincial conference was held to discuss changes and revisions in the Juvenile Delinquents Act. Your administration was very ably represented by the former Magistrate from Whitehorse, Mr. Trainor. The upper age limit for juveniles was among the topics discussed. No consensus was reached on this matter, although a number of delegates, including your own, were in favor of the proposed limit of 18 years. Further work is being done toward the eventual revision of the Juvenile Delinquents Act, but no government legislation on the matter has been put forward in this Session.

The difficulties which the Yukon would face should the maximum juvenile age be raised might indeed be considerable, as you suggest. I would imagine that some of the provinces anticipate similar problems. The possible effects of such a change on juvenile probation services and other preventive programs as well as on juvenile institutional resources must be given careful consideration. I would therefore recommend that you give further study to possible implications and let my Deputy Minister have your findings.

I assure you that your views will be taken into account.

Yours sincerely,

J. Smith/lr.

Jean Chrétien.

Mr. Bard Neville
A T A
Department of
Indian Affairs and
Northern Development

Northern
Administration
Branch

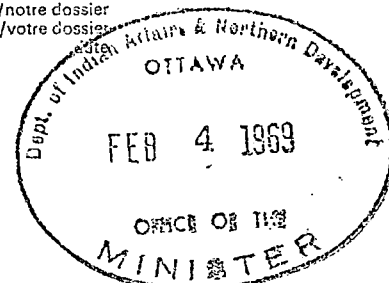
Ministère des
Affaires indiennes et
du Nord canadien

Direction
des régions
septentrionales

P.O. Box 2703,
Whitehorse, Y.T.
January 29, 1969.

The Honourable Jean Chrétien,
Minister of Indian Affairs and
Northern Development,
Centennial Tower,
400 Laurier Ave. W.,
Ottawa 4, Ontario.

our file/notre dossier
your file/votre dossier



Dear Mr. Chretien:

The terms of Bill C-158 have only yesterday been brought to my notice, although I understand the Bill has now been introduced in the House of Commons. If the amendment to section 2 is passed the resulting rise in the age of juvenile delinquents from 16 to 18 will be accompanied by a marked increase in the number of persons in this Territory to be classed as juvenile delinquents. At present the older group is kept in Whitehorse Correctional Institute as adults - although kept as separately as possible. They numbered 14 in 1967 and 30 in 1968 and the upward trend is expected to continue.

You will recall that approval has already been granted for an expenditure of \$210,000 in the construction of a juvenile detention home in Whitehorse this year, and the plans are presently with the architect. The plans were based on an estimated population of 20 to 25 juveniles in the age group 12 to 15. Since it now appears that the older group must be catered for, the scheme will need immediate revision and the expenditure of considerably increased sums of money. No firm estimate is available at this time. I believe, however, that difficulties will arise in accommodating the older group in the same institution as the younger group even if a separate wing were to be available. Our estimate of juvenile delinquents to be accommodated in 1969 is now 78 if the amendment is passed.

..2



0 9 2 2 0 8

CENTRAL REGISTRY

FEB 7 10 39 AM '69

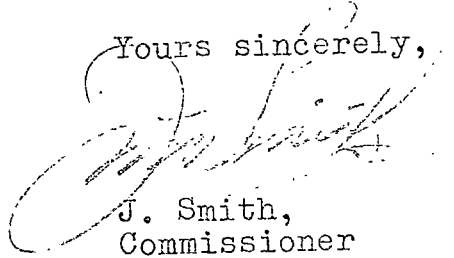
INDIAN AFFAIRS

- 2 -

This matter is too nebulous at the present time for me to give you hard estimates of available alternatives. I feel, however, that you should be aware that if the amendment to the Juvenile Delinquent Act is passed through the House its effects will be serious here.

We have always been under some strain in obtaining the co-operation of provincial authorities in providing us with accommodation for juvenile offenders in their local institutions. The problems outlined above may bear even more harshly upon them. I fully expect to be requested by the provincial authorities concerned to take back those offenders for whom they have so generously provided accommodation up to now.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'J. Smith', written over the typed name.

J. Smith,
Commissioner

C-158

C-158

First Session, Twenty-Eighth Parliament,
17 Elizabeth II, 1968-69

Première Session, Vingt-huitième Législature,
17 Elizabeth II, 1968-69

THE HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-158

BILL C-158

An Act to amend the Juvenile Delinquents Act

Loi modifiant la Loi sur les jeunes délinquants

First reading, January 16, 1969

Première lecture, le 16 janvier 1969

MR. ROBINSON

M. ROBINSON

Queen's Printer, OTTAWA, 1969

L'Imprimeur de la Reine, OTTAWA, 1969

1st Session, 28th Parliament, 17 Elizabeth II,
1968-69

THE HOUSE OF COMMONS OF CANADA

BILL C-158

An Act to amend the Juvenile Delinquents Act

R.S. 1952,
c. 160

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Subsection (1) of section 2 of the *Juvenile Delinquents Act* is amended by repealing paragraph (a) thereof and substituting the following therefor:

"Child"

"(a) "child" means any boy or girl apparently or actually under the age of eighteen years;"

10

(2) Subsection (2) of section 2 of the said Act is repealed.

2. Section 4 of the said Act is repealed and the following substituted therefor:

Court's
jurisdiction

"4. The Juvenile Court has exclusive jurisdiction in cases of delinquency including cases where, after the committing of the delinquency, the child has passed the age limit mentioned in paragraph (a) of subsection (1) of section 2."

20

3. Section 9 of the said Act is repealed.

1^{re} Session, 28^e Législature, 17 Elizabeth II,
1968-69

CHAMBRE DES COMMUNES DU CANADA

BILL C-158

Loi modifiant la Loi sur les jeunes délinquants

Sa Majesté, sur l'avis et du consentement du Sénat et de la Chambre des communes du Canada, décrète:

S.R., 1952,
c. 160

1. (1) Le paragraphe (1) de l'article 2 de la *Loi sur les jeunes délinquants* est modifié par l'abrogation de l'alinéa a) et par la substitution de ce qui suit:

"a) «enfant» désigne un garçon ou une fille qui apparemment ou effectivement n'a pas atteint l'âge de dix-huit 10 ans;"

«enfant»

(2) Le paragraphe (2) de l'article 2 de ladite loi est abrogé.

2. L'article 4 de ladite loi est abrogé et remplacé par ce qui suit:

15

"4. La cour pour jeunes délinquants a juridiction exclusive dans les cas de délit y compris les cas où, après avoir commis le délit, l'enfant a dépassé la limite d'âge mentionnée à l'alinéa a) du paragraphe (1) de l'article 2."

Juridiction
de la cour

3. L'article 9 de ladite loi est abrogé.

EXPLANATORY NOTES

The purpose of this Bill is twofold:

1: To make uniform throughout all of Canada the law relating to the age at which a child will be prosecuted under the *Juvenile Delinquents Act* and to raise this age from under sixteen to under eighteen.

2: To stop the present practice allowed of enabling a child to be prosecuted in the ordinary courts where an indictable offense is involved. In this way, we may avoid fourteen year olds being prosecuted for murder in the same way as an adult.

Subsection (1) (a) of section 2 at present reads as follows:

"(a) "Child" means any boy or girl apparently or actually under the age of sixteen years, or such other age as may be directed in any province pursuant to subsection (2);"

Subsection (2) of section 2 at present reads as follows:

"(2) The Governor in Council may from time to time by proclamation.

(a) direct that in any province the expression "child" in this Act means any boy or girl apparently or actually under the age of eighteen years, and any such proclamation may apply either to boys only or to girls only or to both boys and girls, and

(b) revoke any direction made with respect to any province by a proclamation under this section, and thereupon the expression "child" in this Act in that province means any boy or girl apparently or actually under the age of sixteen years."

Section 4 at present reads as follows:

"4. Save as provided in section 9, the Juvenile Court has exclusive jurisdiction in cases of delinquency including cases where, after the committing of the delinquency, the child has passed the age limit mentioned in paragraph (a) of subsection (1) of section 2."

Section 9 at present reads as follows:

"9. (1) Where the act complained of is, under the provisions of the Criminal Code or otherwise, an indictable offence, and the accused child is apparently or actually over the age of fourteen years, the Court may, in its discretion, order the child to be proceeded against by indictment, in the ordinary courts in accordance with the provisions of the Criminal Code in that behalf; but such course shall in no case be followed unless the Court is of the opinion that the good of the child and the interest of the community demand it.

(2) The Court may, in its discretion, at any time before any proceeding has been initiated against the child in the ordinary criminal courts, rescind an order so made."

NOTES EXPLICATIVES

Ce bill a un double objet:

1: Uniformiser dans tout le Canada la législation relative à l'âge à partir duquel un enfant peut être poursuivi en vertu de la *Loi sur les jeunes délinquants* et de porter cet âge de seize à dix-huit ans.

2: Supprimer la pratique actuelle en vertu de laquelle un enfant peut être poursuivi devant les tribunaux ordinaires, lorsqu'il s'agit d'un acte criminel, et d'éviter, par ce moyen, que des jeunes de quatorze ans soient poursuivis pour meurtre de la même manière que le serait un adulte.

L'alinéa a) du paragraphe (1) de l'article 2 se lit actuellement comme suit:

"a) «enfant» signifie un garçon ou une fille qui, apparemment ou effectivement n'a pas atteint l'âge de seize ans ou tel autre âge qui peut être prescrit dans une province en conformité du paragraphe (2);"

Le paragraphe (2) de l'article 2 se lit actuellement comme suit:

"(2) Le gouverneur en conseil peut, de temps à autre, par proclamation,

a) prescrire que, dans toute province, l'expression «enfant», employée dans la présente loi, signifie un garçon ou une fille apparemment ou effectivement âgés de moins de dix-huit ans, et toute semblable proclamation peut viser les garçons ou les filles seulement, ou à la fois les garçons et les filles; et

b) révoquer toute prescription établie à l'égard d'une province aux termes d'une proclamation prévue par le présent article et, dès lors, l'expression («enfant»), employée dans la présente loi, signifiera, dans ladite province, un garçon ou une fille apparemment ou effectivement âgés de moins de seize ans."

L'article 4 se lit actuellement comme suit:

"4. Sauf les dispositions de l'article 9, la cour pour jeunes délinquants a juridiction exclusive dans les cas de délit y compris les cas où, après avoir commis le délit, l'enfant a dépassé la limite d'âge mentionnée à l'alinéa a) du paragraphe (1) de l'article 2."

L'article 9 se lit actuellement comme suit:

"9. (1) Lorsque l'infraction qui fait le sujet de la plainte est, aux termes des dispositions du Code criminel ou autrement, un acte criminel, et que l'enfant accusé est apparemment ou effectivement âgé de plus de quatorze ans, la cour peut, à sa discrétion, ordonner que cet enfant soit poursuivi par voie de mise en accusation dans les cours ordinaires, conformément aux dispositions du Code criminel à ce sujet; mais cette mesure ne doit être prise que lorsque la cour est d'avis que le bien de l'enfant et l'intérêt de la société l'exigent.

(2) La cour peut, à sa discrétion, en tout temps avant l'ouverture de procédures contre l'enfant dans les cours criminelles ordinaires, révoquer cet ordre."

Superintendent, Miramichi Agency

55/18-28

55/18-28 (W.2)

Chief, Welfare Division

February 3, 1964.

Miramichi Agency Vr. No. 913 - \$7.50
Transportation of Indians from Big Cove
to Court House at Richibucto

The above mentioned voucher is returned herewith for more information regarding the circumstances under which responsibility was accepted for transportation of Indians in order that they might appear in Court.

The provinces are constitutionally responsible for the administration of justice with respect to laws of general application and there does not appear to be any justification for the Federal Government paying transportation costs of the nature involved.

Please forward a copy of your reply to the Regional Office.

Original signed by
R. D. RAGAN
W. Rudnicki.

CR/yt

c.c. Regional Supervisor - Maritimes

ROUTE SLIP

PASS TO:

1. *off* This letter
2. has been
3. initialed by
4. *Ms Fairholm*

WZ
Date *7-1-64*

Initials *R*

WZ
C. & I. 48

004980

*The wgon
on 5/18-28*

TO

Adm

DATE _____

3-2-64.

LOCATION

FROM

W.2

RE FILE NO.

57/18-28

FOR:

ACTION.

APPROVAL

COMMENTS

DRAFT REPLY

INFORMATION

INVESTIGATE AND REPORT

INVESTIGATION

MAKE.....COPIES

MORE DETAILS

NOTE AND FILE

NOTE & FORWARD

NOTE & RETURN

P.A. ON FILE

REPLY DIRECTLY

REPLY, PLEASE

SEE ME, PLEASE

SIGNATURE

TRANSLATION

YOUR REQUEST

PREPARE MEMO TO:.....

REPLY FOR SIGNATURE OF:.....

REMARKS.....Mr. Fairholm:

Will you please initial file copy if
you think this letter is O.K.

C. Roberts. 004981

Superintendent, Prince Edward Island Agency

s.19(1)

57/18-28 (W.2)

Chief, Welfare Division

February 3, 1964.

P.E.I. Vr. No. 240 - \$7.00

Transportation of

and

Ordered to appear before Juvenile Court Judge
Darby at Summerside

The above mentioned voucher is returned herewith for more information regarding the circumstances under which responsibility was accepted for transportation of juveniles appearing in Court.

The provinces are constitutionally responsible for the administration of justice with respect to laws of general application. This Department does not ordinarily accept any financial responsibility regarding juvenile delinquents of Indian status prior to their commital.

When replying, please indicate what procedure is followed in Prince Edward Island if the parents of non-Indian juveniles who are ordered to appear in court are unable to pay the transportation costs involved.

Please forward a copy of your reply to the Regional Office.

Original signed by
R. D. RAGAN

W. Rudnicki.

CR/pt

Regional Supervisor, Alberta

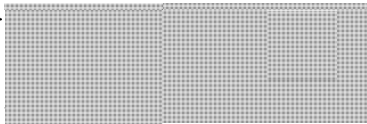
s.19(1)

110/18-28

Chief, Welfare Division

110/18-28 (W3)

February 23, 1961.



Reference is made to your Authority No. 205J/59-60/50 in the amount of \$94.50.

I note that you are authorizing the maintenance of [redacted] and [redacted] for a number of days following their apprehension as juvenile offenders but prior, I presume, to their case being heard in Court.

The Welfare Division does not pay accounts of this nature from the allotment provided for the maintenance of juvenile delinquents until the juvenile concerned has been committed under the Juvenile Delinquents Act. The account if paid by the Welfare Division would be paid from the allotment provided for the maintenance of neglected children. The cost would, therefore, be reimbursed from Band funds on the basis of the quarterly returns if the funds are sufficient to meet these welfare costs.

J. H. Gordon.

INDIAN AFFAIRS BRANCH

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

DIRECTION DES AFFAIRES INDIANES

MINISTRE DE LA CITIZENSHIP ET DE L'IMMIGRATION

117/18-28

Col. H. M. Jones, Director,
Indian Affairs Branch,
Dept. of Citizenship & Immigration,
OTTAWA, Ontario

305 C.P.R. Building,
Saskatoon, Sask.

June 8, 1960

Dear Colonel Jones:

Since receiving your reply to our letter of April 22, 1960, we have had an opportunity to discuss this whole area with Miss M. Battel, Child Welfare Director.

Quite frankly, we got nowhere. Miss Battel feels that this is a legitimate charge calculated on the total cost of operating the juvenile reform institution in question. She argues that the fact that municipalities can receive financial relief if costs of child care reach one mill of the tax rate does not apply to a federal department, since the whole provincial administration is geared to assist the municipalities if costs in a particular area are too great. She further refers us to a meeting held in Regina some two years ago between senior officials of both departments, where every assurance was given by Indian Affairs Branch officials that they were prepared to pay any reasonable amount for services to Indians by her Branch. Since the amount of \$10.84 a day is calculated on the actual cost of operation, she considers it to be fair and reasonable.

Miss Battel summarized her argument by assuring us that this would not mean that services to Indian juveniles would in any way be curtailed. Needed service would continue to be given to them on the same basis as to non-Indians whether the submitted accounts were paid or not. At the same time she reiterated that bills for the full amount would continue to be submitted until paid or other arrangements agreed upon.

... 2

- 2 -

Other welfare areas were discussed with Miss Battel at this time. She is equally firm in her stand that until the administration of Public Assistance is given to her department they cannot consider extending Child Welfare Services to Indian people on reserves for the reason that in many cases neglect and poverty go hand in hand, and you cannot deal with one without resources to correct the other.

Confidentiality in unmarried mother cases was also discussed, since we have had two recent referrals where this was of importance to the clients. We were able to assure Miss Battel that we understood the desirability of treating these cases on a confidential basis but also explained to her why it was exceedingly difficult for us to do so.

In discussing foster homes and child care, it was mentioned by Miss Battel that as the situation stands at the moment they are not prepared to open their foster homes to Indian children from the reserves. It was also pointed out that in cases where the Department of Social Welfare has taken in Indian children as wards of the Minister, the only charge made against Indian Affairs Branch is for maintenance. The province gives these children complete medical coverage and clothing, as they do to non-Indian wards.

Our discussion with Miss Battel was carried on in a very sincere manner. Certainly we did not get the impression that Miss Battel was unreasonable. We did get the impression that she is vitally concerned in this whole area of extending service to Indians on reserves, has given the matter much thought and is firm in her convictions.

Referring back to the matter of juveniles in institutions, we are writing the reform institution in question to determine how many Indian children they have been receiving over the past few years. Miss Battel did not have these figures available through her office.

Yours sincerely,

N. J. McLeod,
Regional Supervisor of Indian Agencies,
Saskatchewan

ONZ/ge

211/18-28 (W6)

cc: 1/18-28-0
cc: 117/18-28

SJB:CM

OTTAWA, May 10, 1960.

N. J. McLeod, Esq.,
Regional Supervisor of Indian Agencies,
305 C. P. R. Building,
Saskatoon, Saskatchewan.

Dear Mr. McLeod:

I have for acknowledgement your letter of April 22nd concerning the cost of maintaining juvenile delinquents in reform institutions in your region.

As you are aware, the administration of justice is a responsibility that rests within Provincial jurisdiction. At the same time, however, certain limited responsibility on the part of the Indian Affairs Branch for a portion of the cost of maintenance has been accepted in certain areas. In Ontario, for instance, arrangements were made some time ago whereby it was agreed that this Branch would pay the Province at the rate of 90¢ per day for Indian juveniles placed in Training Schools. This represents the municipal share of the cost, admittedly a small percentage of the whole.

I believe we should try to establish the principle of sharing financial responsibility with the Province in this matter, at least until it is recognized that Indians, as normal Provincial residents, are eligible for all the services and benefits that accrue to the other residents. In any case, if there is any significant number of individuals in the reform institutions for which we would be expected to pay at the rate of \$10.84 per day, funds are simply not available at present, as this type of expenditure was not anticipated and not included in the estimates for this year.

I would appreciate your discussing this subject with Miss Battel, advising her that this Branch is prepared to participate to a reasonable extent in the costs of maintaining Indian juveniles placed in reform institutions through the Courts, and ascertaining from her, if you can, whether a similar arrangement to that in effect in Ontario might be acceptable in Saskatchewan. If it is, we would be prepared to consider paying at a somewhat higher rate than we do in Ontario - possibly at the Saskatchewan foster home rate for special cases, i.e., \$2.00 per day. I am inclined to believe that this would be more than would be paid by the municipalities throughout the Province, where a financial limit for child care, including juvenile delinquents, is set at one mill. You might also ascertain from Miss Battel the approximate number of juveniles that would be involved.

004986

.....2

- 2 -

If it is considered necessary, after your conversation with Miss Battel, to raise this as a matter of policy, this will be done. It would, however, be preferable to resolve the matter as I have mentioned above, if it is possible to do so.

Yours sincerely,

Original Signed by
H. M. JONES

H. M. Jones,
Director.

[Handwritten signature]

girl over sixteen require placement in a corrections institution, they are sentenced to one of the adult institutions.

W.

W.6

116/18-28 (W6)
cc: 1/18-28-0

P.A. →

Payment for Matron Services on
Behalf of a Juvenile Delinquent.

February 1, 1960.

Reference is made to your note at the bottom of my memorandum dated January 25, 1960, where you indicated that we should advise Mr. Kergan that this Branch would not pay the account for matron services, as the responsibility for law and order rests with the Provincial Government.

Mr. Ragan and I discussed this matter again with Mr. Acland. Mr. Ragan mentioned that Trust Account 310 would ordinarily be used to pay an account of this kind, if the girl had been apprehended under the Indian Act. Mr. Acland agreed that it would be advisable to revise the letter that had been drafted to Mr. Kergan, and simply ask him under what Act the girl had been apprehended and charged. If his reply indicates that Account 310 can be used, the account can be passed for payment without further question. The covering letter to Mr. Battle was also revised in accordance with this changed letter to Mr. Kergan.

S. J. Bailey.

SJB:CM

cc: Regional Supervisor, Alberta

P.A. → cc: ~~114/19-23~~ (W6)
~~176-28-0~~
SJB:CM

s.19(1)

OTTAWA, January 29, 1960.

W. L. Kergan, Esq.,
Welfare Officer,
Social Welfare Department,
City of Lethbridge,
Alberta.

Dear Mr. Kergan:

I have for acknowledgement the letter of January 19, 1960, that you addressed to the Chief Treasury Officer of this Branch, with which you forwarded an account in the amount of \$50.40 for the cost involved in the detention of

Consideration is being given to the payment of this account. However, before it can be passed for payment, it will be necessary to know under what Act the girl was apprehended and charged. Your assistance in this connection would be appreciated, please.

Yours sincerely,

Original Signed by
H. M. JONES
H. M. Jones,
Director.

116/18-28 (W6)

cc: 1/18-28-0

SJB:CM

s.19(1)

OTTAWA, January 29, 1960.

R. F. Battle, Esq.,
Regional Supervisor of Indian Agencies,
Room 716, Federal Building,
107th Street and 99th Avenue,
Edmonton, Alberta.

Dear Mr. Battle:

Re: Payment for Matron Services on
Behalf of a Juvenile Delinquent.

I have attached for your information a copy of a letter written by Mr. Kergen, Welfare Officer for the City of Lethbridge, with which he forwarded an account in the amount of \$50.40 covering the cost of matron services for [REDACTED] This account covered 56 hours maintenance at 90¢ per hour.

I have also attached a copy of my reply to Mr. Kergen. You will, I know, recognize the significance of the question that Mr. Kergen is being asked. If the girl has been charged under the Indian Act, funds under Trust Account No. 310, being fine revenues from prosecutions under the Indian Act, may be applied to the payment of the account. If the girl was not charged under the Indian Act, Mr. Kergen's account from the City of Lethbridge cannot be honoured by this Department.

Yours sincerely,

Original Signed by
H. M. JONES

H. M. Jones,
Director.



City of Lethbridge

ALBERTA - CANADA

January 19, 1960

OFFICE OF
SOCIAL WELFARE DEPARTMENT

Chief Treasury Officer
Department of Citizenship and Immigration
Indian Affairs Branch
Ottawa, Ontario

s.19(1)

Dear Sir:

Re: [REDACTED]

Please be advised that the above noted juvenile was apprehended in the City of Lethbridge 11:30 P.M., January 15, 1960, on a charge of intoxication. She was released to the Indian Agent [REDACTED] at 5:00 P.M., January 16.

At 6:00 P.M., January 17, the above noted was again apprehended on a charge of intoxication. This girl was detained and Juvenile Court held at 4:00 P.M., January 18th, with the Indian Agent and the parents, [REDACTED] present at the Hearing. [REDACTED] pleaded guilty to three charges of intoxication and was made a ward of the Juvenile Offenders Branch and turned over to the R.C.M.P. for escort to Edmonton at 8:30 A.M., January 19th.

As the City of Lethbridge have recently opened a Juvenile Detention Quarters, all juveniles who have been apprehended will be detained and be the responsibility of the Social Welfare Department. You have in the past received accounts for Matron Service from the City Police, Lethbridge and in future all accounts where Indian juveniles are concerned will be forwarded from this Department.

Attached please find account for the amount of \$50.40 for Matron Services and I would ask that you would make the account payable to the City Treasurer, City Hall, Lethbridge, Alberta.

Yours truly,

[REDACTED] Welfare Officer

WLN/ab

004991

s.19(1)

Superintendent, Hobbema Agency.

112/29-4 (W6)

Chief, Welfare Division. *P.A.* →

c.c. 1/29-4-0
c.c. 1/18-28-0

Maintenance of [REDACTED]

December 24, 1958.

Voucher No. 1382.

Reference is made to your letter of December 9th, 1958, and attached Forms IA3-114 submitted on behalf of the above-mentioned Indian girls. Receipt is also acknowledged of your Voucher No. 1382 dated December 15, 1958, in the amount of \$38.50, payable to the Sisters of Our Lady of Charity for the maintenance of these girls.

Until such time as a Court commits a juvenile to an institution, the cost of maintenance, if paid from Welfare appropriation, would be charged against Vote 520-26-946. If band funds are available, they would be used to meet these costs under Section 66(2) of the Act. When a juvenile has been committed by Court Order to an institution, however, subsequent maintenance costs are considered to be a legitimate charge against Vote 520-62-824, and not chargeable to band funds.

I am returning the voucher to you in order that you may process it in accordance with the policy outlined above.


J. H. Gordon.

c.c. Regional Supervisor, Alberta.

92/b
SJB:AQ

MEMORANDUM FOR MR. W. C. BETHUNE, Indian Affairs Branch:

Re: Maintenance costs in respect of
minor Indian delinquents -

1/18-28
May 23, 1956.

With reference to your memorandum herein dated the 17th instant I have to advise that inasmuch as section 66 (2) of the Indian Act is apparently designed to provide for sick, disabled, aged or destitute Indians, I would not be inclined to the view that it authorizes the expenditure of band funds by the Minister in respect of the maintenance cost in respect of minor Indian delinquents committed to non-Indian Training Schools.

(Sgd.) G. A. Rogers.

In a letter dated December 24, 1958, on File 112/29-4, this principle was re-established.

Copy for File 1/18-28-0

P. A. 

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

TO: File

PA >

OUR FILE: 1/18-28-1 (W6)

FROM: Rehabilitation Officer

YOUR FILE:

SUBJECT: Maintenance of Juvenile Delinquents
in Provincial Training Schools or
Detention Homes

DATE: 9 July 58

In his letter dated July 7, 1958, to the Superintendent of the Kingsclear Agency, Mr. Gordon points out that payment of costs for the maintenance of children who are committed to correctional institutions by court orders need not necessarily be paid by the Indian Affairs Branch. The quotation is as follows:

"Please note that this Department may assume costs for the rehabilitation, through custody, of Indian juvenile delinquents in provincial institutions provided the delinquent is of Indian status and normally resident upon a reserve. The Department, however, is not bound by the order of the court which has no authority to make such orders against the federal government.

S. J. Bailey.

c.c. Regional Supervisor, Alberta

c.c. 1/18-28-1
1/29-4-1
1/29-17-1

P.A.

Chief, Reserves & Trusts Division

112/29-4 (FA)

Chief, Welfare Division

s.19(1)

Hobbema Indian Agency
Voucher No. 734 - \$39.90
Maintenance of

12 September 58

The correspondence and account on file hereunder have reference to the maintenance of the above noted pending her appearance in court.

The Welfare Division does not pay accounts of this nature from the allotment provided for the maintenance of Juvenile Delinquents until the juvenile concerned has been committed under the Juvenile Delinquent's Act. The account, if paid by the Welfare Division therefore, would be paid from the allotment provided for the maintenance of neglected children and helpless adults and in view of the fact that is a member of the it is presumed, under these circumstances, that payment of the account from band funds might be considered in order.

Your further comment would be appreciated.

J.H. Gordon.

CR/KK

C O P Y

W

32/18-28 (W5)

W.5

c. c. 1/18-28

Transportation for [REDACTED]
and for Juvenile Delinquents Generally

March 11, 1958.

The case which was the subject of Mr. Bailey's memorandum of March 4th and my memorandum of March 11th on file 32/18-28 was discussed fully with Mr. Roberts and Mr. Bailey and subsequently with the Acting Director.

Our policy on transportation of juvenile delinquents to and from reform institutions is set out in the Deputy Minister's letter of October 17, 1956, to the Deputy Minister, Department of Reform Institutions, Toronto, on file 1/18-28, and this was dealt with in a letter between the same persons on that file, dated July 27, 1956.

A distinction seems to be made between the treatment of juvenile delinquents and adults although no specific reference was made to transportation charges, and these letters have been used as the basis for the payment by the Branch of transportation charges. In the case of [REDACTED] he appears to have been sent to a mental institution before he had been sentenced, and it is considered by the Acting Director that this may possibly go beyond our area of responsibility. He suggested, therefore, that you review this type of case with the Director on his return, with a view to deciding on a form of policy for similar cases in future. In the present instance the amount was nominal and it was felt that payment should be made but that this should not be regarded as creating a precedent.

H. G. Sprott.

HGS:CM

C O P Y

1/18-28

JHG:JM

c. c. 1/29-16

OTTAWA, October 17, 1956.

Col. G. Hedley Basher,
Deputy Minister,
Department of Reform Institutions,
Parliament Buildings,
Toronto, Ontario.

Dear Col. Basher:

I wish to acknowledge Mr. Virgin's letter of September 19th in reply to my communication of July 27th setting out specific proposals as a basis for an agreement between our respective governments in regard to the maintenance of Indian children committed to Training Schools.

To recapitulate, this Department will no longer consider the nature of the crime as a factor in determining financial responsibility for Indian juvenile delinquents. It is understood also that you foresee no difficulty in regard to the acceptance of financial responsibility by your Department or by a municipality in cases where Indian juvenile delinquents have established residence off the reserve. Mr. Virgin's letter, however, suggests that the third proposition in my letter of July 27th, in regard to financial responsibility for non-Indian juvenile delinquents committed to reform institutions from Indian reserves, would not be acceptable to your Department.

The firm policy of restricting monies appropriated for Indian Affairs administration for expenditures on behalf of persons of Indian status has been consistently maintained over the years. We are convinced this policy must be upheld in the long-term best interests of the majority of the Indians and as a means whereby the integration of Indians into the provincial community and non-Indian municipalities can be promoted. I could not, therefore, recommend an exception in respect to juvenile delinquents.

- 2 -

It would be very much appreciated, therefore, if the position of your Department as outlined in Mr. Virgin's letter of September 19th could be reconsidered, in regard to the acceptance of costs for the very few non-Indian juvenile delinquents committed to training institutions from Indian reserves.

Yours sincerely,

Laval Fortier.

INSIDE (Cover)

CROSS REFERENCES

FILE NUMBER	SUBJECT
1.....
2.....
3.....
4.....
5.....
6.....
7.....
8.....
9.....
10.....

REGULATIONS

1. This cover must not be folded under.
2. File should be retained no longer than is absolutely essential. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Records indefinitely. This ensures its being completed and kept in order and also gives other offices an opportunity of using it.
3. Records must be notified whenever a file is passed direct to another Division.
4. All outgoing letters should bear the official file number and originator's designation.
5. ONE SUBJECT—ONE COMMUNICATION—Where the contents of outgoing letters necessarily refer to more than one subject, the originator will prepare additional copies for attachment to relevant files.
6. Correspondence must not be removed from file, except as provided in the regulations governing the conduct of correspondence.
7. Incorrectly filed material will not be removed without notification to Records.
8. Official office designations are to be used for routing purposes.
9. Disposal entries on file jackets must be initialled and dated.
10. Blue Slips will not be attached to files without notification to Records.
11. Urgent Tags, flags and other markers will be removed in Divisional Offices as soon as appropriate action on the folios has been taken.
12. Officials are reminded that strict adherence to the security regulations is essential when dealing with classified material.