

# **Exhibit P-17**

Canada's Residential Schools:  
**Missing Children and  
Unmarked Burials**

The Final Report of the  
Truth and Reconciliation  
Commission of Canada

Volume 4

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Commission of Canada

Volume 4

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## Executive summary

The Truth and Reconciliation Commission of Canada's "Missing Children and Unmarked Burials Project" is a systematic effort to record and analyze the deaths at the schools, and the presence and condition of student cemeteries, within the regulatory context in which the schools were intended to operate. The project's research supports the following conclusions:

- The Commission has identified 3,200 deaths on the Truth and Reconciliation Commission's Register of Confirmed Deaths of Named Residential School Students and the Register of Confirmed Deaths of Unnamed Residential School Students.
- For just under one-third of these deaths (32%), the government and the schools did not record the name of the student who died.
- For just under one-quarter of these deaths (23%), the government and the schools did not record the gender of the student who died.
- For just under one-half of these deaths (49%), the government and the schools did not record the cause of death.
- Aboriginal children in residential schools died at a far higher rate than school-aged children in the general population.
- For most of the history of the schools, the practice was not to send the bodies of students who died at schools to their home communities.
- For the most part, the cemeteries that the Commission documented are abandoned, disused, and vulnerable to accidental disturbance.
- The federal government never established an adequate set of standards and regulations to guarantee the health and safety of residential school students.
- The federal government never adequately enforced the minimal standards and regulations that it did establish.
- The failure to establish and enforce adequate regulations was largely a function of the government's determination to keep residential school costs to a minimum.

- The failure to establish and enforce adequate standards, coupled with the failure to adequately fund the schools, resulted in unnecessarily high death rates at residential schools.

These findings are in keeping with statements that former students and the parents of former students gave to the Commission. They spoke of children who went to school and never returned. The tragedy of the loss of children was compounded by the fact that burial places were distant or even unknown. Many Aboriginal people have unanswered questions about what happened to their children or relatives while they were attending residential school. The work that the Commission has begun in identifying and commemorating those students who died at school and their gravesites needs to be finished.

The work that the Commission has commenced is far from complete. The National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada represents the first national effort to record the names of the students who died at school. There is a need for continued work on the register: there are many relevant documents that have yet to be reviewed. There is a need for the development and implementation of a national strategy for the documentation, maintenance, commemoration, and protection of residential school cemeteries. Such a program, carried out in close consultation with the concerned Aboriginal communities, is necessary to properly honour the memory of the children who died in Canada's residential schools.

## Introduction

Death cast a long shadow over Canada's residential schools. In her memoir of her years as a student at the Qu'Appelle, Saskatchewan, school in the early twentieth century, Louise Moine wrote of one year when tuberculosis was rampaging through the school.

There was a death every month on the girls' side and some of the boys went also. We were always taken to see the girls who had died. The Sisters invariably had them dressed in light blue and they always looked so peaceful and angelic. We were led to believe that their souls had gone to heaven, and this would somehow lessen the grief and sadness we felt in the loss of one of our little schoolmates.<sup>1</sup>

Enos Montour had similar memories of his time at the Mount Elgin school in Muncey, Ontario. On occasion,

the silent killer TB showed up amongst the enrolment. Some quiet, inoffensive lad would grow unusually quiet and listless.... As his creeping, insidious disease came over him, he began to lose interest in all boyish activity. He coughed

frequently and his energy was sapped away. His chums tried to interest him in their games and outings, but he only smiled wanly and told them to leave him out. He didn't feel like it.

Eventually, the boy was taken from the school. "An emptiness remained where the gentle boy had lived with his pals."<sup>2</sup>

In his memoir, James Gladstone was critical of the medical care available to the students at the Anglican boarding school on the Blood Reserve in Alberta. In the spring of 1900, a fellow student, Joe Glasgow, became ill after stepping on a nail. "Rev. Owen had made arrangements for a doctor from Fort Macleod, but he was a useless drunk who didn't come until it was too late. I looked after Joe for two days until he died. I was the only one he would listen to during his delirium."<sup>3</sup>

Distressed, neglected, and abused, some students killed themselves. In her memoirs, Eleanor Brass spoke of a boy who had hung himself for fear of discipline at the File Hills school in Saskatchewan. "The poor youth was in some kind of trouble which was not so terrible but apparently it seemed that way to him."<sup>4</sup>

Accidental death was also a risk for residential school students. A Methodist missionary and six students were travelling to the Brandon, Manitoba, school in 1903 when the boat carrying them sank. All seven drowned.<sup>5</sup> Christina Jacob, a student at the Kamloops, British Columbia, school, died in 1962, when an airplane being piloted by a school employee crashed near the school.<sup>6</sup>

Poorly built and maintained buildings were fire traps. Nineteen boys died in the fire that destroyed the Beauval, Saskatchewan, school in 1927.<sup>7</sup> Twelve children died when the Cross Lake, Manitoba, school burned down in 1930. The high death toll was partially attributable to inadequate fire escapes.<sup>8</sup>

Some students disappeared while running away from school. Four boys who ran away from the Fort Albany, Ontario, school in the spring of 1941 were presumed to have drowned. Their bodies were never recovered.<sup>9</sup> Another two boys had run away from the Sioux Lookout, Ontario, school in 1956. The principal waited a month before reporting that they were missing.<sup>10</sup> They were never found.<sup>11</sup>

Many of the cemeteries in which students were buried have long since been abandoned. When the Battleford school in Saskatchewan closed in 1914, Principal E. Matheson reminded Indian Affairs that there was a school cemetery that contained the bodies of seventy to eighty individuals, most of whom were former students. He worried that unless the government took steps to care for the cemetery, it would be overrun by stray cattle.<sup>12</sup> Such advice, when ignored, led to instances of neglect, with very distressing results. In 2001, water erosion of the banks of the Bow Highwood River exposed the remains of former students of the High River, Alberta, school, which had closed in 1922. Thirty-four bodies were exhumed and reburied, with both Aboriginal and Christian ceremonies, at the St. Joseph's Industrial School Provincial Historical Site.<sup>13</sup>

These examples point to a larger picture: many students who went to residential school never returned. They were lost to their families. They died at rates that were far higher than those experienced by the general school-aged population. Their parents were often uninformed of their sickness and death. They were buried away from their families in long-neglected graves. No one took care to count how many died or to record where they were buried.

The most basic of questions about missing children—Who died? Why did they die? Where are they buried?—have never been addressed or comprehensively documented by the Canadian government. This document reports on the first systematic effort to record and analyze the deaths at the schools, and the presence and condition of student cemeteries, within the regulatory context in which the schools were intended to operate.

### **The Missing Children and Unmarked Burials Mandate**

The Indian Residential Schools Settlement Agreement (IRSSA), which was signed in 2006 and approved by the courts in early 2007, mandated the Truth and Reconciliation Commission of Canada (TRC) to:

Identify sources and create as complete an historical record as possible of the IRS [Indian Residential Schools] system and legacy. The record shall be preserved and made accessible to the public for future study and use

and to

Produce and submit to the Parties of the Agreement a report including recommendations to the Government of Canada concerning the IRS system and experience including: the history, purpose, operation and supervision of the IRS system, the effect and consequences of IRS (including systemic harms, inter-generational consequences and the impact on human dignity) and the ongoing legacy of the residential schools.

The establishment of a specific “Missing Children and Unmarked Burials” mandate did not come until after the Settlement Agreement had been approved by the courts. On April 24, 2007, Liberal Member of Parliament Gary Merasty (Desnethé/Missinippi/Churchill River) raised the issue of residential school death rates in the House of Commons. He stated that the schools were places of disease, hunger, overcrowding, and despair.

Many children died. In 1914 a departmental official said “fifty per cent of the children who passed through these schools did not live to benefit from the education which they had received therein”. Yet, nothing was done.... Mr. Speaker, above all else, I stand for these children, many of whom buried their friends,

families and siblings at these schools.... Will the Prime Minister commit to the repatriation of the bodies and an apology to the residential school survivors?<sup>14</sup>

James Prentice, who was both the minister of Indian Affairs and Northern Development as well as the minister responsible for the Office of Indian Residential Schools Resolution Canada, responded, “We will get to the bottom of the disappeared children. The Truth and Reconciliation Commission will hear much about that. I have instructed our officials to look into that and to work with Oblate records of the churches to get to the bottom of this issue, and this sad chapter in our history.”<sup>15</sup>

Prentice asked the Commission to form a working group to make recommendations for further research into the issue. The Working Group on Missing Children and Unmarked Burials was established in the spring of 2007.<sup>16</sup> The working group included representatives from national Aboriginal organizations, former students, archivists, and the federal government.

The working group concluded that the following questions should be addressed:

- 1) Who and how many residential school students died?
- 2) What did residential school students die from?
- 3) Where are the residential school students buried?
- 4) Who were the residential school students who went missing?

The first three questions address the issues specific to students who died at the schools. The fourth refers to those students who may not have died at the schools, but who never returned home from residential school.

The term *missing children* in this context includes both those who died at school and those whose fate after enrolment was unknown, at least to their parents. This could include, for example, students who might have run away to urban centres and never contacted their home community again, students who never returned to their home communities after leaving school, students who became ill at school and were transferred to a hospital or sanatorium and died there (possibly several years later) without parents being informed, or students who were transferred to other institutions such as reformatories or foster homes and never returned home.

To address its four key questions, the working group proposed the following four research projects.

- 1) **Statistical Survey:** A statistical survey intended to achieve a precise estimate of student enrolment, including rates of death and disease.
- 2) **Operational Policies and Custodial Care:** A study intended to review administrative policies pertaining to death, illness, and disappearances of students.
- 3) **Unmarked Burials and Commemoration:** A study intended to identify the location of cemeteries and gravesites in which students are believed to be buried. The project was to collaborate with communities to identify options for commemoration, ceremony, and further community-based research.

- 4) **Specific Case Research:** A project in which the Commission, in collaboration with its partner organizations, was to help individual requesters to locate information regarding former students who may have died or gone missing while in the care of an IRS. Where possible, this would include locating burial sites.<sup>17</sup>

These four recommendations formed the basis for the Truth and Reconciliation Commission of Canada's work on the Missing Children and Unmarked Burials Project, which was an expectation of significant additional work, beyond the Commission's original mandate. Early projections indicated that the budget for this additional work and implementing the working group's recommendations would be in excess of \$1.5 million. Because research of the scope proposed by the working group was not anticipated in the original TRC budget, in 2009 the Commission requested that Indian Affairs cover the cost of this further work.<sup>18</sup> The request was denied in December 2009. The federal government's denial of this request has placed significant limits on the Commission's ability to fully implement the working group's proposals, despite our sincere belief in their importance.<sup>19</sup>

### **Document review and statistical analysis**

As a first step in the review and analysis of deaths, the Commission established a National Residential School Student Death Register. The register is made of up three sub-registers:

- 1) the Register of Confirmed Deaths of Named Residential School Students ("Named Register")
- 2) the Register of Confirmed Deaths of Unnamed Residential School Students ("Unnamed Register")
- 3) the Register of Deaths that Require Further Investigation

### **The Register of Confirmed Deaths of Named Residential School Students**

Student deaths have been recorded in this register on the basis of the following criteria.

- The student was
  - a registered residential school student,
  - a student who was registered at a day school but was living in a student residence, or
  - an orphaned or destitute child living in a residential school.

- The student either
  - died during the school term, or
  - died within one year of discharge from school. (This would include students who died in a hospital or sanatorium within a year of being transferred from a residential school to the hospital or sanatorium.)
- For the purposes of this study, a residential school was defined as an institution recognized in the Indian Residential Schools Settlement Agreement, plus any residential school for Aboriginal students that was not included in the Settlement Agreement for the apparent reason that the school had ceased operation either in the nineteenth or early twentieth century.

The decision to include those students who died within a year of discharge rests on a common residential school practice of discharging students who were suffering from terminal illness to their homes or to institutions such as hospitals and sanatoria.

### **The Register of Confirmed Deaths of Unnamed Residential School Students**

- The student was
  - a registered residential school student,
  - a student who was registered at a day school but was living in a student residence, or
  - an orphaned or destitute child living in a residential school.
- The student either
  - died during the school term, or
  - died within one year of discharge from school. (This would include students who died in a hospital or sanatorium within a year of being transferred from a residential school to the hospital or sanatorium.)

One of the common sources for the information about deaths included in this category is the reports made by principals who noted the number of students who had died in the previous year but who did not identify them by name.<sup>20</sup> It is recognized that the possibility exists that some of the deaths recorded in the Named Register might also be included in the Unnamed Register. The Commission has been cross-referencing entries in both registers to identify and eliminate such duplications wherever possible, and to identify the names of students who had originally been placed in the Unnamed Register.

## The Register of Deaths that Require Further Investigation

Reports of deaths that the Commission has determined require further investigation to determine if they meet the criteria for inclusion in either of the other two sub-registers.

In creating the National Residential School Student Death Register, the Commission:

- conducted a review of documents held by the government and church signatories to the Indian Residential Schools Settlement Agreement that were provided to the TRC;
- included questions in the statement-gathering process that sought information from former students about deaths, including causes, runaways, and burials;
- worked with provincial agencies, such as the offices of chief coroners and medical examiners, offices of the registrars general of vital statistics, and provincial archives across the country, to identify records that may relate to deaths at residential schools; and
- conducted a review of provincial archaeological site inventories. (These are databases of reported archaeological sites. They included maps and aerial photos of the vicinity of the former schools.)

As one measure of true commitment to reconciliation, and out of respect for the thousands of children who died and their families, the Commission believes that work on this historic National Residential School Student Death Register must continue after the transfer of the Truth and Reconciliation Commission records to the National Centre for Truth and Reconciliation.

### Limitations to the register

There are significant limitations in both the quality and quantity of the data the Commission has been able to compile on residential school deaths. There are problems with the level of detail in the data. As noted above, in many cases, school principals simply reported on the number of children who had died in a school, with few or no supporting details. There are also some reports that give a total of the number of students who had died since a specific school opened, but with no indication of the year in which each student died.<sup>21</sup> Such reports usually did not give detailed information on the cause of death.

Changes over the years in the way the government reported the information it received from the schools have also placed limits on data collection. Prior to 1915, Indian Affairs' annual reports reproduced a detailed report from each principal that often contained information on the health conditions and the number of students who had died in the previous year. But, after 1915, Indian Affairs stopped publishing

principals' reports. Subsequent reports did not provide information on student deaths in any regularized format.

It was not until 1935 that Indian Affairs adopted a formal policy on how deaths at the schools were to be reported and investigated.<sup>22</sup> Under this policy, the principal was to inform the Indian agent of the death of a student. The agent was to then convene and chair a three-person board of inquiry. The two other members of the board were to be the principal and the physician who attended the student. The board was to complete a form provided by Indian Affairs that requested information on the cause of death and the treatment provided to the child. Parents were to be notified of the inquiry and given the right to attend or have a representative attend the inquiry to make a statement. However, an inquiry was not to be delayed for more than seventy-two hours to accommodate parents, an extreme limitation, considering the relative isolation of many of the residential schools and the limited communications of the day.<sup>23</sup> The department was not prepared to pay parents' transportation costs to attend the inquiry.<sup>24</sup> The policy was not always adhered to, and, in some cases, the Indian agent simply filled out the form, based on information provided to him by the principal.<sup>25</sup>

It is also doubtful that schools reported on the deaths of seriously ill children who had been sent home. This was a common practice for at least the first several decades that the schools were in operation. For example, in 1907, Dr. Peter Bryce, the chief medical officer for Indian Affairs, proposed that tubercular students be treated in small tent hospitals rather than "being sent home to die."<sup>26</sup>

Due to the limitations in the records, it is probable that there are many student deaths that have not been recorded in the register because the record of the death has not yet been located. There are a number of instances where the only mention of a specific student death is in a church document, but there is no recorded indication of it in any Indian Affairs document that the Commission could locate.<sup>27</sup> There also exists the possibility that the death may not have been reported at all. As late as 1942, the principal of a residential school in Saskatchewan was unaware of any responsibility to report a death to provincial vital statistics officials.<sup>28</sup> Many residential schools housed significant numbers of Métis students during their history. In some cases, the federal government provided funding for these students; in other cases, it did not.<sup>29</sup> It is not clear if the schools reported on the deaths of unfunded Métis students at the schools.

As well, many records have simply been destroyed. According to a 1933 federal government policy, school returns could be destroyed after five years and reports of accidents could be destroyed after ten years. This led to the destruction of fifteen tons of paper. Between 1936 and 1944, 200,000 Indian Affairs files were destroyed.<sup>30</sup>

Health records were also regularly destroyed. For example, in 1957, Indian and Northern Health Services was instructed to destroy, after a period of two years, "correspondence re routine arrangements re medical and dental treatments of Indians

and Eskimos, such as transportation, escort services, admission to hospital, advice on treatment, requests for treatment, etc.” Reports of doctors, dentists, and nurses were similarly assigned a two-year limited retention period.<sup>31</sup>

The Commission’s work has also been hampered by limited and late access to relevant documents from the government and churches, due to problems with document production. The federal government first provided access to substantial numbers of documents in the fall of 2011. These came to the Commission through an Aboriginal Affairs departmental online database that contained documents that had been compiled from Library and Archives Canada and collected from the churches. The database was originally established by Canada in the preparation of the government’s position in response to civil lawsuits launched by former residential school students. It was also used for settling alternate dispute-resolution claims brought by former school students. Although it contained many relevant documents, this database had not been designed to collect documents related to deaths in the schools. The digitization of these documents was often of poor quality: in some cases, documents were illegible. Additions were made to this database throughout 2012 until it contained almost one million documents. Additional documents were sent directly to the Commission as other departments began to search their records. However, relevant documents held by Library and Archives Canada were still withheld. In January 2013, the Ontario Superior Court determined that the federal government, although not obliged to turn over its originals, was required to compile all relevant documents in an organized manner for review by the Commission rather than simply providing access to Library and Archives Canada for Commission researchers.<sup>32</sup> Since that date, there has been considerable improvement in the production of documents to the Commission. Nonetheless, the delay in clarifying Canada’s obligation means that the production of documents to the TRC is still continuing. It has not been possible to review all recently produced documents and to make the required adjustments to the National Residential School Student Death Register by the time of this report.

### **Operational policies and custodial care**

As part of the Commission’s work, it reviewed operational and custodial care policies and practices at Canada’s residential schools. It is clear that the government and the churches failed to establish the necessary regulations to ensure that an acceptable level of care, based on the standards of the day, was provided to students. This failure occurred in the areas of health, nutrition, building conditions (including sanitation), discipline, truancy, student labour, abuse, and child welfare. Those regulations that were introduced were often poorly communicated and poorly enforced. Such failures contributed to unnecessarily high death rates among the students, and to poor

nutrition that would have contributed to poor physical and mental health conditions that affected many students for the rest of their lives.

### **Cemeteries and unmarked burials**

The Truth and Reconciliation Commission of Canada undertook ongoing work to locate and identify cemeteries and gravesites in which residential school students might be buried. Archival documents and oral testimony were used to identify potential locations of gravesites. In consultation with Aboriginal communities, the Commission visited some of these sites to ascertain current condition and location, and to record any disturbance or neglect. Visits were made to cemeteries and twenty unmarked gravesites in the Northwest Territories, British Columbia, Alberta, Saskatchewan, Nova Scotia, and Ontario. In addition, the Commission documented the location and condition of school sites and cemeteries on maps, using satellite imagery. The area surrounding a visited school was systematically examined, using the available maps and satellite imagery. For the most part, the cemeteries that the Commission documented are abandoned, disused, and vulnerable to accidental disturbance. Although there have been creative and heartening community commemoration measures undertaken in some locations, there is an overall need for a national strategy for the documentation, maintenance, commemoration, and protection of residential school cemeteries. On the basis of the work undertaken to date, it is apparent that there are likely to be other unidentified residential gravesites across the country. A national program, carried out in close consultation with the concerned Aboriginal communities, is required to complete the task of identifying the many unmarked residential school cemeteries and gravesites across Canada.

### **Specific case inquiries**

The Truth and Reconciliation Commission of Canada received inquiries from individuals seeking information about what had happened to family members who had been sent to residential school. To the degree that it was able, the Commission responded to a number of these requests.

At a 2012 intergovernmental conference, the Chief Coroners and Medical Examiners of Canada adopted a unanimous resolution to support the Missing Children Project, and agreed to assist the Commission where possible in identifying deaths at residential schools in their provincial records. To date, Alberta, British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova

Scotia, Manitoba, and Prince Edward Island have responded. This process has provided both information about previously unknown deaths and more details about known deaths.

## CHAPTER 2

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# Operational policies and custodial care

The Working Group on Missing Children and Unmarked Burials recommended that the Truth and Reconciliation Commission of Canada prepare a report on residential school “Operational Policies and Custodial Care.” The working group’s Research Recommendations stated:

- This study will seek to understand the regulatory regime in which the schools operated with respect to the care of children including the provision of health services, policies on discipline, runaways, deaths and burials, as well as commentary on Departmental administration of regulations and church compliance with these regulations.
- This study will also examine the degree to which school administrators, church and departmental officials and the government in general were aware of the phenomenon of school deaths, disease and missing children.

Canada’s residential schools and residences for Aboriginal children operated for approximately 130 years. For most of that period, they were funded by Indian Affairs and operated under contract by a number of leading religious denominations. After 1969, the schools and residences in southern Canada were split into separate institutions, with the federal government taking more responsibility for the operation of both institutions. During this period, a number of First Nations authorities also assumed responsibility for the operation of some residences and schools. For certain periods of time, the schools in the Northwest Territories were funded by the Northern Affairs department rather than Indian Affairs. After 1969, the governments of the Northwest Territories and the Yukon were responsible for the operation of the residences and schools in their respective jurisdictions. Given both the time period involved and the number of different governments and government agencies involved, the regulatory regime that governed such issues as health, discipline, and runaways was subject to variation.

It should also be noted that the issues under examination—health policy, education policy, and child welfare—were, in the Canadian context, largely provincial

responsibilities. For much of the history of the residential school system, provincial policies and regulations relating to these areas were not applied to residential schools. The federal government did not have its own general policies on institutional health care, education, or child welfare. As a result, it was left to Indian Affairs (or, in the North, Northern Affairs and, later, the territorial governments) to develop such policies as were needed. For most of the history of the residential school system, it is fair to say that formal regulation was minimal, reactive, and ineffective. It is also the case that the system failed to meet the minimum expectations of the day for the provision of custodial care. It must also be said that despite certain problems with reporting, senior government and church officials were well aware of the schools' ongoing failure to provide adequate levels of custodial care.

## **Part 1: Regulatory tools**

The government had a number of tools available with which to regulate residential schools. These included legislation, regulation, Orders-in-Council, contracts, letters of instructions, federal codes and guidelines, circulars, and policy directives.

Legislation, regulation, and Orders-in-Council all had the power of law. From 1911 onwards, contracts, based on a template developed in 1910, were signed by the government with church-based organizations for the operation of individual schools. Initially, the contracts applied only to church-run boarding schools, but in the 1920s, they came to be applied to all residential schools in Canada. They did not, however, apply to the system of hostels and day schools that was established in the Northwest Territories and the Yukon in the 1950s. Circulars and policy directives would be issued by Indian Affairs to school principals and Indian agents on a system-wide basis. Letters of instruction were generally issued to specific principals or Indian agents.

### **Legislation and regulation**

The Canadian government never developed anything approaching the education acts and regulations by which provincial governments administered public schools. The key piece of legislation used in regulating the residential school system was the *Indian Act*. First adopted in 1876, this was a multi-purpose piece of legislation that both defined and strictly limited First Nations life in Canada. The Act contained no education-related provisions until 1884. The education provisions were, in general, four to five pages long and dealt mainly with issues related to attendance and truancy.

### 1884 *Indian Act* amendments

In 1884, the *Indian Act* was amended to give First Nations band councils the right to frame rules and regulations for “the attendance at school of children between the ages of six and fifteen years.”<sup>1</sup> This was the first reference to school attendance in the *Indian Act*. The 1884 Act made no mention of, or provision for, residential schools.

### 1894 *Indian Act* amendments

In 1894, the *Indian Act* was amended to authorize the government to make regulations “to secure the compulsory attendance of children at school.” These regulations could be applied to “the Indians of any province or of any named band.” The amendments also gave the government authority to establish “an industrial school or a boarding school for Indians” and to commit to these schools “children of Indian blood under the age of sixteen years.” Once committed, they could be kept there until they reached the age of eighteen.<sup>2</sup>

### 1894 *Regulations Relating to the Education of Indian Children*

Under the authority of the 1894 *Indian Act* amendments, the government adopted its first school-related regulations. According to the *Regulations Relating to the Education of Indian Children*, “All Indian children between the ages of seven and sixteen shall attend a day school on the reserve on which they reside for the full term during which the school is open each year.” Exemptions were allowed if the child was being instructed elsewhere, if the child was sick or otherwise unable to attend school, if there was no school within two miles (3.2 kilometres) for children under ten years old or within three miles (4.8 kilometres) for children over ten, if the child had been excused from attending school to assist in farm or domestic work at home, or if the child had already passed a high school entrance examination.

Indian agents were authorized to appoint truant officers, who would have “police powers.” The truant officers were to investigate cases of non-attendance, and could lay complaints against non-compliant parents with justices of the peace or Indian agents. Refusal to comply with the order of a truant officer was punishable by a fine of up to \$2, ten days in jail, or both.<sup>3</sup>

If an Indian agent or justice of the peace thought that any “Indian child between six and sixteen years of age is not being properly cared for or educated, and that the parent, guardian or other person having charge or control of such child, is unfit or unwilling to provide for the child’s education,” he could issue an order to place the child “in an industrial or boarding school, in which there may be a vacancy for such child.” In

Manitoba and the Northwest Territories, such an order could be issued without the need to give any notice to the “parent, guardian or other person having charge or control of such child.” In the rest of the country, prior notice was required and, if the parents requested, an inquiry could be held prior to the child’s committal. Under these orders, a child could be committed to residential school until the age of eighteen. This was the first government provision authorizing it to compel attendance at residential schools: it was limited only to those students who had been placed in the schools for what would now be described as “child-welfare reasons.” It did not apply to students who had been voluntarily placed in the schools by their parents.

If a child placed in school under these regulations left a residential school without permission, or failed to return at a promised time, school officials could obtain a warrant from an Indian agent or a justice of the peace authorizing them (or a police officer, truant officer, or employee of the school or Indian Affairs) to “search for and take such child back to the school in which it had been previously placed.” With a warrant, one could enter—by force, if need be—any house, building, or place named in the warrant and remove the child. Even without a warrant, Indian Affairs employees and constables had the authority to arrest a student in the act of escaping from a residential school and return the child to the school.

The regulations specifically identified twenty-three industrial residential schools and eighteen boarding schools. (The decision to list the specific schools created enforcement problems in later years as some schools closed, and new ones were not specifically listed in the regulations.)<sup>4</sup>

### 1895 regulation amendments

In 1895, the regulations were amended to make them more restrictive. Where they had previously authorized the search for, and return of, any student who had been placed in the school (that is, children who, Indian Affairs had concluded, were not “being properly cared for or educated”), they now allowed for the return to the school of *all* truant students, including those whose parents had voluntarily placed them in the school.<sup>5</sup> Indian agents were instructed to use the authority of these new regulations to ensure that the schools were full. Orphans were to be recruited to fill vacancies and truants were to be returned to the schools.<sup>6</sup> Parents were to be told that if they did not voluntarily enrol their children, they would be compelled to do so.<sup>7</sup> First Nations leaders who opposed residential schooling could find themselves removed from office by the federal government.<sup>8</sup>

### 1908 *Regulations Relating to the Education of Indian Children*

A new set of regulations was adopted in 1908. The 1908 *Regulations Relating to the Education of Indian Children* stated, “All Indian children between the ages of six and fifteen shall attend a day school on the reserve on which they reside.” Truant officers were no longer granted “police powers” (it had been determined that the *Indian Act* did not provide the authority to grant such powers). Rather than listing the schools, the regulations stated that all boarding schools and industrial schools receiving per capita grants for the education of “Indian children” were designated as industrial and boarding schools for the purposes of the regulation. The rest of the provisions remained essentially unchanged.<sup>9</sup>

### 1920 *Indian Act* amendment

The education provisions of the *Indian Act* were completely rewritten in 1920. The amendments gave the federal government the authority to compel any First Nations student to attend either a day school or a residential school until the child turned fifteen. It authorized the appointment of truant officers. These officers were granted the powers of a “peace officer,” and could

enter any place where he has reason to believe there are Indian children between the ages of seven and fifteen years, and when requested by the Indian agent, a school teacher or the chief of a band shall examine into any case of truancy, shall warn the truants, their parents or guardians or the person with whom any Indian child resides, of the consequences of truancy.

Parents, guardians, or persons with whom a child was residing were subject to arrest, prosecution, fines, and jail if they did not return truant children to school. They could be tried by a justice of the peace or an Indian agent. Truant children could be arrested without warrant and returned to school.<sup>10</sup>

Since the education provisions in the 1920 *Indian Act* amendments were much more detailed, no regulations were adopted under it and previous regulations were no longer in force.<sup>11</sup>

### 1930 *Indian Act* amendment

In 1930, the *Indian Act* was amended to increase the discharge age from fifteen to sixteen. The minister of Indian Affairs was allowed to order that a child be kept in school until he or she turned eighteen if it was thought “it would be detrimental to any particular Indian child to have it discharged from school on attaining the full age of sixteen years.”<sup>12</sup>

### 1933 *Indian Act* amendment

The *Indian Act* was amended in 1933 to appoint all Royal Canadian Mounted Police (RCMP) officers as truant officers.<sup>13</sup> This appears to have been a formalization of a 1927 order that had appointed all RCMP officers as truant officers.<sup>14</sup>

### 1951 *Indian Act*

The 1951 *Indian Act*, the first major revision to the Act in decades, contained ten sections dealing with education. One section opened the door to shifting the responsibility for First Nations education to provincial governments; four sections dealt with attendance, truancy, and expulsion; three sections affirmed the rights of the Roman Catholic and Protestant churches (making no mention of Aboriginal spirituality); one section outlined the minister's authority; and the final section was simply a set of definitions. Residential schools remained one of the classes of schools that First Nations children could be compelled to attend.<sup>15</sup> One new provision stated that a student who was suspended or expelled from school or who did not attend school regularly "shall be deemed to be a juvenile delinquent within the meaning of the *Juvenile Delinquents Act, 1929*."<sup>16</sup>

### 1953 *Regulations With Respect to Teaching, Education, Inspection, and Discipline for Indian Residential Schools*

A new set of regulations relating to residential schools was adopted after the 1951 revision of the *Indian Act*. The four-page document covered a broader range of topics than the previous regulations. It stipulated that residential schools would follow "the curriculum of the province or territory within the boundaries of which an Indian school is situated" and use the textbooks prescribed for that curriculum. By requiring that "every pupil in a residential school shall receive classroom instruction for the number of hours weekly as required by the curriculum," it did away with the half-day system by which students had spent half a day in class and half a day at what was supposed to be vocational training, but was often closer to unpaid manual labour and chores associated with running the school facility. It did not, however, place any limits on the time that students might still be required to spend at chores outside the school day. Students were not to be enrolled, discharged, or suspended without the approval of Indian Affairs. The only condition under which students could be removed from the school without Indian Affairs' approval was when the school principal was acting on medical advice. Regulation 10.4 required, "The principal shall take prompt action

to effect the return to school of any truant pupil, and shall report promptly to the Superintendent, Indian Agency, every case of truancy.”

Grants were to be provided to pay for the initial journey to a school and the return journey upon discharge. Other grants for transportation required prior approval from Indian Affairs.

Item 13 of the regulations required the principal of every school to maintain standards acceptable to Indian Affairs in relation to:

- (a) the adequacy in numbers and qualifications of the school staff;
- (b) the number of pupils served by the school;
- (c) diet and all phases of food preparation and service;
- (d) clothing and bedding;
- (e) dormitory accommodation;
- (f) heating and ventilation;
- (g) cleanliness, sanitation, water supply and laundry services;
- (h) lighting;
- (i) interior decoration;
- (j) safety precautions;
- (k) classroom instruction;
- (l) recreational activities;
- (m) counselling and guidance;
- (n) home and school relationships;
- (o) the maintenance of records;
- (p) the accounting for funds, stock and equipment.

The standards were not defined. The principal was also responsible for:

- (a) the maintenance and operation of the school buildings, grounds and equipment;
- (b) the assignment of duties to the staff and the supervision of the performance thereof;
- (c) the preparation and dissemination of rules relating to the functioning of the school;
- (d) the provision and supervision of measures to ensure the health, safety, welfare and educational progress of the pupils;
- (e) the submission of reports and returns required by the Superintendent;
- (f) (the prompt submission of reports to the Regional Director of Family Allowances concerning the admission and discharge of pupils to and from the school;
- (g) the prompt and accurate entry of receipts and expenditures in the Cash Receipt and Expenditure Book; and
- (h) the practice of fire drill not less than once a month.

The position of the principal in relation to the students was also defined. He or she was to “assume the responsibilities of parent or guardian with respect to the welfare and discipline of the pupils under his charge.”

The principal was obliged to give Indian Affairs notice of intent to absent himself from his duties. All the staff members were responsible to the principal. Pupils were required to “conform to the rules for the conduct and behaviour of pupils while on or near the school premises or on any premises where any activity of the school is taking place.”<sup>17</sup>

### Overall inadequacy of regulatory regime

It was recognized by those who worked within the system that the level of regulation was inadequate. In 1897, Indian Affairs education official Martin Benson wrote, “No regulations have been adopted or issued by the Department applicable to all its schools, as had been done by the Provincial Governments.”<sup>18</sup> The situation did not improve over time. The education section of the 1951 *Indian Act* and the residential school regulations adopted in 1953 were each only four pages in length.<sup>19</sup> For comparison, the Manitoba *Public Schools Act* of 1954 was ninety-one pages in length.<sup>20</sup> In addition to the Act, the Manitoba government had adopted nineteen education-related regulations.<sup>21</sup>

It is also apparent that many senior officials within the residential school system had little knowledge of the existing rules and regulations. The general secretary of the Missionary Society of the Church of England in Canada, which operated the Anglican residential schools in Canada, asked Deputy Minister Duncan Campbell Scott in 1920, “Is corporal punishment for disciplinary purposes recognized, or permitted in the Indian Boarding schools?” He noted that whether or not it was permitted, he imagined that it was applied in every boarding school in the country.<sup>22</sup> In 1922, an Indian agent in Hagersville, Ontario, wrote to headquarters, inquiring if there had been any changes in the regulations regarding education since the adoption of a set of education regulations in 1908. His question suggests he was completely unaware of major changes to the *Indian Act* regarding education that had supplanted previous regulations in 1920.<sup>23</sup>

In 1926, J. K. Irwin, the newly appointed principal of the Gordon’s Reserve school in Saskatchewan, discovered upon taking office that he could not find any “laid down regulations as to the duties and powers of a Principal of an Indian Boarding School.” He wrote to the Indian Affairs department, asking for a copy of such regulations, since he wanted to know “exactly what I am to do and what powers I have.”<sup>24</sup> Departmental secretary J. D. McLean informed him that “there are no printed regulations concerning the duties and powers of the principal of an Indian residential school.” Irwin was

told that he was “responsible to the Church and the Department for every phase of the activity” at the school. If he had any specific questions, he should refer them to Indian Affairs.<sup>25</sup> In 1928, when the principal of an Alberta boarding school requested a copy of the regulations concerning the education of Indian children, she was informed by the department’s senior education officer that “the only printed matter in this connection is the *Indian Act*, Section 9 to 11A inclusive.”<sup>26</sup>

### Orders-in-Council and contracts

The initial Canadian residential schools were church initiatives, with the federal government’s providing small per capita grants. These schools were generally referred to as “boarding schools.” Until the beginning of the 1890s, the boarding schools were funded at a rate of between \$50 and \$60 per student.<sup>27</sup> Boarding school rates increased slightly in 1892, and ranged from \$50 to \$72 per capita.<sup>28</sup> There is no record to suggest that the government placed any significant regulatory requirements on these schools.

Starting in 1883, the federal government began establishing a second type of residential school. These larger institutions were known as “industrial schools” and were intended as part of a broader policy of Canada’s colonization of northwestern North America. Their construction and operation were approved by Parliament, and, although each principal was a church appointee, the government covered all costs associated with the operation of these schools. The federal government also provided the principals (or the local bishop) with directions as to how the school was to be operated.

### The 1892 Order-in-Council

In 1892, the federal government issued an Order-in-Council governing the funding operation of its industrial schools. The order converted the Qu’Appelle, Battleford, and High River schools to a per capita funding model. The conversion was in effect a significant reduction: the funding per student declined from \$134.67 to \$115.00 (Qu’Appelle), \$175.45 to \$140.00 (Battleford), and \$185.55 to \$130.00 (High River). Under the Order-in-Council, which applied to all industrial schools but not to the boarding schools, repair was to be a shared responsibility: the government was to supply the material; the churches, the labour. The government was to supply the books, maps, and globes. From the annual per capita grant, the churches were to pay for maintenance, salaries, and expenses. The government would also authorize the school’s pupilage (the number of students for whom the government was prepared to pay a grant).

The churches were obliged to follow “the rules of the Indian Department as laid down from time to time and to keep the schools at a certain standard of instruction, dietary and domestic comfort, and that the Inspectors and Officers of the Indian Department may at any time inspect and report upon the Institutions.” No child was to be admitted to the school without the department’s approval. The system was put into effect in July 1893.<sup>29</sup>

This Order-in-Council is the first clear statement of government authority to regulate school conditions. It does not set out the standards: it simply asserts the government’s right to set and enforce standards. The government did not develop or enforce the standards referred to in the Order-in-Council.

### The 1910 contract

During the first decade of the twentieth century, there was a concerted campaign organized by the leaders of Protestant missionary organizations in eastern Canada to dramatically reduce the number of residential schools. They were motivated by both the growing cost of the schools to the missionary organizations and the ongoing reports of poor health conditions in the schools. The campaign failed for a variety of reasons, including opposition from Catholic officials and Protestant missionaries in western Canada.<sup>30</sup> It did lead to the negotiation of a boarding school funding agreement between the government and the churches in November 1910. The contract provided both significant increases in the per capita grant and incentives to improve the quality of the boarding schools.<sup>31</sup>

At that time, per capita rates for boarding schools had not increased since 1891: they were \$60 for schools in eastern Canada and \$72 for schools in the West and North. The new agreement divided the country into Eastern, Western, and Northern divisions. There was a single per capita rate for the Northern Division schools of \$125. In the Eastern Division, the rates could vary between \$80 and \$100, and in the West, they could vary between \$100 and \$125. On a percentage basis, the increases were substantial, ranging between 33% and 74%. Although they represented an increase, the new boarding school per capita rates were still below the per capita rates granted to industrial schools under the 1892 Order-in-Council. The average per capita grant under this system was \$115.

The schools themselves were to be divided into three classes: A, B, and C. Class A schools were church-owned schools in good condition and would receive the maximum grant for their division. They had to have substantial buildings in a good state of repair, with a full basement, a stone or cement foundation, a plentiful supply of pure water throughout the building, a proper system of sanitation, hospital accommodation for students with infectious diseases or tuberculosis, modern ventilation, adequate

space in both dormitories and classrooms for the number of students enrolled, modern heating, and a sufficient land base for farming and gardening. Class B schools were government-owned schools. They would have to meet the same requirements as Class A schools, but would receive only the minimum per capita grant for their division. Class C schools were church-owned schools that, while “sanitary and kept in a good state of repair,” did not meet all the requirements of a Class A school. These schools, which were required to have hospital accommodation, modern ventilation, adequate classroom and dormitory space, and an agricultural land base, would receive the minimum per capita grant. Schools that upgraded from Class C to A would receive an increase in funding. These were the first government-imposed standards for any residential schools.

The contract called for 500 cubic feet (14.1 cubic metres) of space per child in each dormitory. On a per-pupil basis, each classroom was to have 16 square feet (1.5 square metres) of floor space and 250 square feet (23.2 square metres) of air space. Under the provisions of the contract, the churches agreed to “support, maintain, and educate” a specific number of students. They were not to admit any child under the age of seven and needed Indian Affairs’ permission to keep a child who was over the age of eighteen. No child was to be admitted without the approval of Indian Affairs and a doctor’s examination (“where practicable”). “Half-breed” children could not be admitted unless a sufficient number of “Indian children” could not be obtained.

Students were to be given sufficient clothing, food, lodging, and accommodation for their “comfort and safety.” With certain exceptions, the churches were to provide tools and equipment. Students and their clothes were to be kept clean and vermin-free, and the schools were to be free from flies, insects, and vermin.

Classes were to be held five days a week and “industrial exercises” six days a week. There could be no more than one month of vacation, which was to be taken between July 1 and October 1 each year. During that month, children were allowed to visit their homes, but Indian Affairs would “not pay any part of the transportation either going or returning.” The schools were instructed to observe the King’s Birthday, Victoria Day, Dominion Day, and Thanksgiving Day. The churches were to provide reports as required and allow Indian Affairs’ representatives to conduct “thorough and complete” inspections of the schools. Indian Affairs could also order the churches to make needed changes or alterations to the schools.

The contract placed only three obligations on Indian Affairs: to make quarterly payments based on the school’s enrolment; to provide medicine, schoolbooks, stationery, and school “appliances”; and, in the case of government-owned buildings, to maintain them in good repair and provide for sanitation and “sanitary appliances.” If the government believed a church was not adhering to the provisions of the contract, it could be cancelled with six months’ notice.<sup>32</sup>

The 1910 contract went into effect on April 11, 1911, and was intended to run for five years.<sup>33</sup> In the first few years after the contract was signed, the federal government spent \$150,000 a year upgrading many of the Class C schools. However, this spending ended with the commencement of the First World War in 1914.<sup>34</sup> When the contract lapsed in 1916, it was not renegotiated.<sup>35</sup> Both the government and churches continued to operate as if the contract was still in effect, however, and, when new schools opened, it was used as the template for a new operating agreement between the church organization and the government. Although per capita rates would increase (and decrease) in coming years, the system established by the contract negotiated in 1910 remained in place until the late 1950s.

### **Letters of instruction**

When the federal government established industrial schools at Battleford in 1883 and at Qu'Appelle and High River in 1884, it did not issue a set of uniform instructions to all three principals. Indian Commissioner Edgar Dewdney supplied Thomas Clarke with the directions for the operation of the Battleford industrial school in 1883.<sup>36</sup> The following year, Deputy Minister Lawrence Vankoughnet sent out directions to the principals of the newly opened Qu'Appelle and High River schools. Both sets of directions were brief and full of generalities.<sup>37</sup> In 1889, Vankoughnet sent Paul Durieu, the Bishop of New Westminster, an eight-page “digest of the views of the Department in respect to the manner in which” a number of new Oblate-run industrial schools in British Columbia were to be operated.<sup>38</sup> This document provided more detailed guidance than had been issued at the opening of the Battleford, Qu'Appelle, and High River schools, in that it touched—still in a general manner—on matters such as food, clothing, sanitation, and accommodation.<sup>39</sup> Policy was developed on a school-by-school basis, with no overarching set of guidelines. Newly appointed principals often were unaware of instructions that had been sent to their predecessors. It was not until 1894 that the department established a Schools Branch, which employed three people.<sup>40</sup>

### **Health-related admission policies**

Student health depended on the presence of policies that ensured that children with infectious diseases were not admitted to school.<sup>41</sup> It was not until 1896 that Indian Commissioner A. E. Forget distributed health certification forms to all principals in Manitoba and the Northwest Territories. He informed them:

It is felt that the standard of health required for admission to Boarding and Industrial schools should be raised and that a sufficient number of healthy re-

cruits to keep your authorized enrolment to the maximum can be secured, thus reducing to a minimum the probability of being called upon to discharge a pupil on the grounds of health before his, or her, training is complete.

Principals were to send him a copy of the completed form when a student was admitted.<sup>42</sup>

By 1909, the school application form for all residential schools instructed physicians who were inspecting potential students not to admit any “child suffering from scrofula [a term used to describe some forms of tuberculosis] or any form of tubercular disease.”<sup>43</sup> This is the first nationwide health form that the Truth and Reconciliation Commission of Canada located in its review of files. (The previously mentioned form that Forget distributed was limited to Manitoba and the Northwest Territories.) The 1910 contract between the federal government and the churches governing the operation of the schools required that students not be admitted to schools “until, where practicable, a physician, to be named by the Superintendent General, has reported that the child is in good health, and suitable as in inmate of said school.”<sup>44</sup>

The certificate of health form in use by 1920 asked for the student’s age, height, weight, and defects (if any) of the limbs, eyesight, and hearing. The physician was also to state if there were any signs of scrofula or “other forms of tubercular disease,” describe any evidence of cutaneous (skin) disease, state whether the child was subject to fits, state whether the child had had smallpox, and report on whether the child had been vaccinated. The physician was also to provide a judgment on whether the child was “generally of sound and healthy constitution and fitted to enter an Indian school.” The certificate specifically instructed physicians: “No child suffering from scrofula or any form of tubercular disease is to be admitted to school; if in any special case it is thought that this rule should be relaxed, a report should be made to the Department setting forth the facts.”<sup>45</sup>

In 1933, the form that physicians were to fill out after examining students was amended. It no longer included the instruction “No child suffering from scrofula or any form of tubercular disease is to be admitted to school.” This provision had been in the form since 1909.<sup>46</sup> Instead, it asked, “Has this child active tuberculosis in your opinion?” If the answer was yes, the doctor was to describe the infection. The presence or absence of trachoma and other communicable eye diseases, and syphilis, were also to be reported. The doctor was to describe any condition that would make the child unsuitable for residential school or of which the principal should have a warning.<sup>47</sup>

if runaway children were not immediately located. In addition, staff members were to make every effort “to get in touch with parents or guardians.” Schools were to consider implementing “a regular program of survival training for students who must live away from home to attend school.”<sup>639</sup>

This document, from 1971, was the first national instruction that clearly set out the measures to be taken by principals when students ran away from school. National policies were finally being enunciated, a century too late, at the same time that the residential school system was being slowly shut down.

### **Burial policies and practices**

At some point in the early twentieth century, Indian Affairs formalized its policy on the burial of students who died at residential schools. The policy is recorded in an undated memorandum by J. D. McLean, who was departmental secretary from 1897 to 1933. According to McLean,

Funeral expenses are met from Relief Vote [money set aside for welfare-related expenses], if a pupil of an Indian residential school dies elsewhere than at the school, and provided the parents or guardians are unable to pay the costs of burial. When a pupil dies at a residential school, it is considered by this Department that the school authorities should be responsible for the expenses. Occasionally, the Department has paid the cost of transporting the body from the school to the home of the parents, when the parents have refused to permit burial at the school.<sup>640</sup>

The practice throughout the system’s history was to keep burial costs low, and to oppose sending the bodies of students who died at schools back to their home communities.

Burial practices were among the aspects of Aboriginal life that the schools and missions sought to change. Sara Laidlaw, a teacher at the Portage la Prairie, Manitoba, school, undertook missionary work on behalf of the Presbyterian Church at a nearby Sioux village. In 1896, she reported, “There have been five deaths at the tipis since I came home, three of whom we buried in a Christian way. The others the parents thought it best to bury in their own way. The medicine men tell the people that so many deaths came because of the missionaries [sic] work & especially of the Christian burials.”<sup>641</sup>

Given that schools were virtually all church-run in the early years of the system, Christian burial was the norm at most schools. Many of the early schools were part of larger, church mission centres that might include a church, a dwelling for the missionaries, a farm, possibly a sawmill, and a cemetery. The church was intended to serve as a place of worship for both residential school students and adults from the

surrounding region. In the same way, the cemetery might serve as a place of burial for students who died at school, members of the local community, and the missionaries themselves. For example, the cemetery at the Roman Catholic St. Mary's Mission, near Mission, British Columbia, was intended originally for priests and nuns from the mission as well as for students from the residential school. Three Oblate bishops were buried there along with settlers, their descendants, and residential school students.<sup>642</sup> When the Battleford school closed in 1914, Principal E. Matheson reminded Indian Affairs that there was a school cemetery that contained the bodies of seventy to eighty individuals, most of whom were former students. He worried that unless the government took steps to care for the cemetery, it would be overrun by stray cattle.<sup>643</sup> Matheson had good reason for wishing to see the cemetery maintained: several of his family members were buried there.<sup>644</sup> These concerns proved prophetic, since the location of this cemetery is not recorded in the available historical documentation, and neither does it appear in an internet search of Battleford cemeteries.

Several of the schools were overwhelmed by the influenza pandemic of 1918–19. All but two of the children and all of the staff were stricken with influenza at the Fort St. James, British Columbia, school and surrounding community in 1918. Seventy-eight people, including students, died. Initially, Father Joseph Allard, the school principal, conducted funeral services at the mission cemetery. But, as he wrote in his diary, the “others were brought in two or three at a time, but I could not go to the graveyard with all of them. In fact, several bodies were piled up in an empty cabin because there was no grave ready. A large common grave was dug for them.”<sup>645</sup>

That same year, influenza killed five Red Deer, Alberta, school students. Four died at the school, and a fifth died while running away. That boy's body was returned to his home community, the Saddle Lake Reserve. According to Principal J. F. Woodsworth, all the students and many of the staff came down with influenza.

Everyone was so sick that it was impossible for us to bury the dead. There was no one here to dig graves in our own school cemetery [sic]. I thought the best thing to do was to have the undertaker from Red Deer take charge of and bury the bodies. This was done, and they now lie buried in Red Deer. The charges for this extra accommodation amount to about \$30.00 a child; that is for the four who died here. In view of the emergency and the totally unexpected nature of the case I shall be glad if the Department will bear part of this expense. I believe the total undertaker bill is \$130.00. I instructed the undertaker to be as careful as possible in his charges, so he gave them a burial as near as possible to that of a pauper. They are buried two in a grave.<sup>646</sup>

Because the burial costs in the Red Deer municipal cemetery were judged to be “unavoidable,” Indian Affairs Deputy Minister Duncan Campbell Scott agreed to reimburse the school for the costs.<sup>647</sup> Although Scott made no reference to an existing policy, the letter demonstrates that under normal circumstances, the schools were

expected to cover the burial costs of students who died at school. The most cost-effective way of doing that would be burial in a cemetery on school grounds. Indian Affairs would pay for a child's burial only under unusual circumstances, and, if it did pay, it expected the costs to be kept as low as possible. In this, the department conformed to the general practice of the period in the treatment of those who died in institutions. It was not uncommon for hospitals to have cemeteries in which indigent patients were buried, and workhouses for the poor also had cemeteries.<sup>648</sup>

According to Chapleau, Ontario, student Michael Cachagee, the students had to help dig the graves. It is a memory that has haunted him all his life. In a 2010 media account, he said that because the graves dug in the winter were shallow, in the spring, bears would root about in the cemetery and feed on the student remains.<sup>649</sup>

Indian Affairs was clearly reluctant to send the bodies of children who died at school home for burial. In her memoirs, Eleanor Brass recalled how the body of a boy who hung himself at the File Hills, Saskatchewan, school in the early twentieth century was buried on the Peepeekisis Reserve, even though his parents lived on the Carlyle Reserve.<sup>650</sup>

Although McLean's memorandum stated that the bodies of students who died at the schools were to be sent home "when the parents have refused to permit burial at the school," this practice was not always followed. In 1913, two girls, Anna Lahache from Kahnawake and Jennie Robertson from Garden River, drowned while on a picnic expedition at the Spanish, Ontario, school.<sup>651</sup> School officials buried Jennie at the school after being unable to reach her mother within four days.<sup>652</sup> Anna's body was not recovered until a week after the drowning. Anna's mother requested that her body be returned home for burial, but it was decided that it was too badly decomposed and the cost too high.<sup>653</sup> In 1938, Catherine Lacore requested that the body of her son, who was dying of tubercular meningitis at the Spanish school, be sent to her in Cornwall, Ontario, for burial upon his death.<sup>654</sup> The response from Indian Affairs to the school was:

I have to point out ... that it is not the practice of the Department to send bodies of Indians by rail excepting under very exceptional circumstances. Bodies so shipped have to be properly prepared by the undertakers for transshipment under the laws of the province, and the expense of a long journey such as this would be, would entail an expenditure which the Department does not feel warranted in authorizing.<sup>655</sup>

The boy's body was buried at Spanish.<sup>656</sup>

Not all requests were rejected. Clara Tizya, who grew up in Rampart House near Old Crow in the northwestern Yukon, recalled that

in the early 1920's a girl had died at Carcross Indian Residential School and when they sent the body back, there were many rumours about the children receiving

bad treatment and this scared the parents or gave them an excuse for not sending their children to school. And so for the next 25 years, no children were sent out to the Carcross Indian Residential School.<sup>657</sup>

In the 1940s, Indian Affairs was prepared to cover the burial costs of residential school students who died in hospital. It was not, however, prepared to pay for the transportation of the body to the student's home community.<sup>658</sup>

The Social Welfare section of the 1958 Indian Affairs field manual provided direction on the burial of "destitute Indians." Burial costs were to be covered by Indian Affairs only when they could not "be met from the estate of the deceased." There was no fixed rate of payment. Instead, the "amount payable by the local municipality for the burial of destitute non-Indians is the maximum generally allowed." Those who died away from their home reserve were to be buried where they died. "Ordinarily the body will be returned to the reserve for burial only when transportation, embalming costs and all other expenses are borne by next of kin. Transportation may be authorized, however, in cases where the cost of burial on the reserve is sufficiently low to make transportation economically advantageous."<sup>659</sup>

An example from that year reflects the implications of this policy for families in remote communities, particularly in the Canadian North. In April 1958, John Lucas, a student from the Carcross school in the Yukon Territory, died during surgery at the Charles Camsell Hospital in Edmonton, Alberta.<sup>660</sup> Indian Affairs officials estimated that it would have cost \$217.20 to ship the boy's body back to the Yukon. Instead, he was buried in Edmonton at a cost of \$110.<sup>661</sup>

The issue was brought to the attention of Yukon Member of Parliament Erik Nielsen, who questioned the decision to bury the boy in Edmonton. He argued that it would have been cheaper to ship the body home.<sup>662</sup> Indian Affairs officials also stated that the boy's father had agreed that he be buried in Edmonton. In an internal memorandum, one official said that he believed the former principal of the school was manufacturing the issue to embarrass Indian Affairs. The official believed that the principal blamed the government for his being "relieved of his position as principal at Carcross."<sup>663</sup>

Nielsen disputed the claim that the boy's father had approved the Edmonton burial.

Mr. Lucas was not advised as to the funeral in Edmonton and as a matter of fact had no word about the funeral at all. The Indian people of Mayo are very bitter about this matter and, while Mr. Lucas may not have complained directly to your Department or to the Indian Agent here, he, nevertheless, I can assure you, has complained quite bitterly. I am sure you will appreciate that the Indian people have a slightly different approach to matters such as these than we do, and unless their dear ones are interred in the community in which his close relations abide, and unless they are interred in the Indian fashion and with proper Indian ceremony, the deceased, as far as the Indian people are concerned, is a lost soul. This is quite disturbing to them.<sup>664</sup>

Indian Affairs officials later acknowledged that the estimated cost of shipping the body to the boy's community had been based on the erroneous belief that the body needed to be sent in a sealed casket. Such a casket was necessary only in the case of death by contagious disease. In reality, the shipping costs would have been \$125, making them comparable with the cost of burial in Edmonton.<sup>665</sup>

The reluctance to pay the cost of sending bodies home continued into the 1960s. Initially, Indian Affairs was unwilling to pay to ship the body of twelve-year-old Charlie Wenjack back to his parents' home community in Ogoki, Ontario. The boy had died from exposure in October 1966 after running away from the Presbyterian school in Kenora. Eventually, the government agreed to pay the transportation costs, which involved both rail and air fees.<sup>666</sup> Eight years later, when Charles Hunter drowned while attending the Fort Albany, Ontario, school, it was decided, without consultation with his parents, to bury him in Moosonee rather than send his body home to Peawanuck near Hudson Bay. Almost forty years later, in 2011, after significant public efforts made by Joyce, the younger sister who had never got to meet this big brother, Charles Hunter's body was exhumed and returned to Peawanuck for a community burial. The costs were covered by a fund that the *Toronto Star* raised from its readership.<sup>667</sup>

## Conclusion

There are four major conclusions to be drawn from the above. First, the federal government never established an adequate set of standards and regulations to guarantee the health and safety of residential school students. This failure occurred despite the fact that the government had the authority to establish those standards. Second, the federal government never adequately enforced the minimal standards and regulations that it did establish. Third, the failure to establish and enforce such regulations was largely a function of the government's determination to keep residential school costs to a minimum. Fourth, the failure to establish and enforce adequate standards, coupled with the failure to adequately fund the schools, resulted in unnecessarily high residential school death rates.

Students were housed in poorly built, poorly heated, poorly maintained, crowded, and often unsanitary facilities. Many of the schools lacked isolation rooms or infirmaries. Many lacked access to trained medical staff. It was not until the late 1950s that the federal government attempted to provide sufficient funding to ensure that student diets were nutritionally adequate. The combination of poor housing, inadequate medical care, and poor diet left the students vulnerable to infections and reduced their ability to overcome them. Indian Affairs' failure to address the tuberculosis crisis in the broader Aboriginal community by improving housing, diets, income, and access to medical treatment, coupled with the failure to screen out infected children prior to

admission to residential schools, guaranteed that students would be exposed to infection. It must be stressed again that the tuberculosis death rate in the general Canadian population declined in the early twentieth century, prior to the development of effective drug treatment. This decline is generally attributed to a variety of factors such as improvements in sanitation, housing, and diet, and the isolation of infectious individuals in sanatoria. Policies that would have had these same positive effects were recommended for residential schools—but were not adopted. As a result, tuberculosis remained a persistent residential school problem and death rates remained elevated until the introduction of drug treatment.

Student safety was further compromised by the failure to adopt and enforce fire-safety standards in the construction and maintenance of buildings, and to construct and maintain safe, accessible fire escapes.

The failure to establish and enforce system-wide discipline policies left students subject to exceptionally harsh and often abusive punishment. This would have increased stress levels and undermined resistance to disease.

The federal government never adopted a national policy on the reporting of the physical and sexual abuse of students. As a result, parental and student complaints were often dismissed without investigation. In other cases, investigations were not carried out in an impartial manner. A common practice was to dismiss a staff member suspected of abusing students rather than to report the incident to the proper authorities. In cases of actual or suspected abuse, parents were not informed and students were not offered any support. Recommendations to put staff screening procedures in place were not adopted. The failure to adequately address physical and sexual abuse in the schools undermined the physical and mental health of countless students.

Harsh discipline and physical and sexual abuse led many students to run away. The failure to establish and enforce national policies and procedures on the measures that principals should take when students ran away from school further contributed to the elevated rates of school deaths.

In short, both the regulatory regime in which the schools operated and the level of compliance with that regime were inadequate to the task of protecting the health and safety of the students. Government, church, and school officials were well aware of these failures and their impact on student health. If the question is, “Who knew what when?” the clear answer is, “Everyone in authority at any point in the system’s history was well aware of the health and safety conditions in the schools.”