

Hampton reflects on the work of Dorothy Dearborn

TAMARA GRAVELLE
KINGS COUNTY RECORD

HAMPTON • Dorothy Dearborn, a Hampton leader, writer, feminist and animal lover died on Jan. 2. She was 88.

Dorothy wanted to be a part of everything in her community, her son Charles (Skip) Dearborn said.

"It's tough to capture such a full life," he said. "It's tough to say in a word or two, but I would say my mother was a full participant whether it be business or her writing or her family. She would always get right into it, she didn't hold back."

Dorothy was born in Saint John, where she lived with her family before moving to Hampton in 1962. The 15-acre property was home to many animals including dogs, stray cats and horses. She was also the first woman to run for a seat in the House of Commons. She ran as a federal Liberal in 1963 and a few years later ran in the provincial election with premier Louis J. Robichaud. She lost both races.

Her true passion though, Dearborn said, was writing.

"She liked stories," he said. "It was all

obituary

about the story and what the story told you about the people."

Dorothy worked for many different publications in her life, Dearborn said, including a stint at the Kings County Record.

"Even in high school, she was one of the youngest people in the Atlantic Advocate back in the day," he said. "It was probably one of her first jobs."

Dorothy didn't stop at magazines and newspapers, she also worked on historical books as well. Dearborn said she would think about her books the same way as her articles and try to tell the story to the best of her ability.

"Whether it be ghost stories or untold murders or anecdotal histories or lost sea ships, they were things local people would connect to," he said. "They were local stories and were written for the local people."

Jim Hovey remembers Dorothy

from his time as a village councillor in Hampton and later mayor in the 1980s. He said he'll always remember her can-do attitude as a citizen in Hampton.

"She was always helping out with lots of different things in the community, her and her husband, Fred," he said. "She had this flair that allowed her to do these things in an elaborate way."

Hovey says Dorothy was the kind of resident the community values and she will be missed by many people.

"She was a very good person, she was good for Hampton," he said.

Jennifer Duguay is the Tourism manager for the town. She said she first started having yearly meetings with Dorothy when she started in that role in 2008.

"I knew her because she would provide books for our gift shop," Duguay said. "She was always very pleasant, easy to smile."

Even though Duguay didn't know Dorothy well, she said there was an air about her that allowed anyone to feel comfortable in her presence. She also said the town could always rely on Dorothy's volunteer services and did



Dorothy Dearborn died in her home on Jan. 2. She was 88.

PHOTO: SUBMITTED

"whatever it took" to help the town succeed.

"She and her husband were very instrumental in that 'it takes a village to raise a child' idea," Duguay said.

"It's a good legacy to have and a

bit of Dorothy will always stay with Hampton."

Dorothy died in her home after battling Alzheimer's disease. She was pre-deceased by her husband, Fred Dearborn. Dorothy is survived by her four children and numerous grandchildren and great-grandchildren.

She donated her remains to Dalhousie Medical School. She also requested that the family hold a party honouring her life as opposed to a funeral. The event will take place at the River Centre in Hampton on Jan. 16 from 2 to 4 p.m.

The end of Dorothy's life was difficult, Skip Dearborn said, because how much the disease changed her, but that doesn't change how much she did and how much she valued the different aspects of her life.

Dearborn remembers the strong passion his mother had, and it's something he says he'll carry with him for the rest of his life.

"My mother's passion for everything she was involved in stuck with me," he said. "That made us (her children) get involved as well. She was always there and we were right there with her."

Greater Saint John journal

Teen arrested after high school fight

SAINT JOHN • A 16-year-old boy was arrested Thursday morning after police were called to St. Malachy's Memorial High School on Leinster Street for a fight between two students, said Sgt. Lori Magee with the Saint John Police Force. He was later released on conditions and will appear in court at a later date.

Dealership alarm causes fire crews to investigate

SAINT JOHN • A fire alarm was activated around 11 p.m. Thursday at Brett Motors on Rothesay Avenue. Fire crews arrived on scene to find no smoke whatsoever, said Platoon Chief Kevin Comeau. An employee key-holder arrived on scene shortly after fire crews to give them access to the building. The alarm was turned off a short time later and the activation was deemed not suspicious in nature, said Comeau.

Karaoke competition in promises big prize

GRAND BAY • The Highlands Bar and Lounge in Grand Bay is giving away \$3,000 to the grand-prize winner of their Ultimate Karaoke Competition. Registration for the event, which starts Jan. 9, includes a one-time \$5 registration fee. For more information visit Highlands Bar and Lounge Facebook page.

He has First Nations band card, so why licence needed to hunt?

HUNTING → B1

alone wasn't enough evidence. Bernard was declared guilty, and Brien imposed the mandatory minimum penalty under the act – a week in jail and a fine of \$2,000.

"This is one of those cases which cause criminal courts great concern," begins Brien's 2010 decision. "It illustrates the need to find a more effective, timely and fair method to resolve questions between aboriginals and the state over aboriginal rights."

Bernard's sentence was never imposed. It was stayed by a judge in the Court of Queen's Bench to allow him to appeal it.

His appeal was finally heard on Sept. 29. Following the hearing, Justice Hugh McLellan had counsel weigh in on one more point. That hearing was held on Thursday in Saint John – with Bernard's lawyer, Rebecca Burke, and specialized prosecutor Bill Richards offering final comments.

As at trial, Bernard's position remains that he's a Status Indian under the Constitution Act, and doesn't require a hunting licence. He's told the court he identifies with a Mi'kmaq nation, not a particular band.

His grandfather moved to Saint John from the Indian Brook Band, in Shubenacadie, N.S., around the year 1929. Bernard has lived his life in Saint John, but he still has a band card issued from the federal government. The card signifies he's status Mi'kmaq Indian and a member of the Indian Brook Band of Mi'kmaq.

But, at trial, Bernard didn't present evidence that his father or grandfather hunted for food in their new community.

Brien described Bernard as "a quiet, principled and law-abiding individual, a civic employee," in his decision. The judge phrases Bernard's predicament succinctly: "He just wants to know if and where he can hunt without breaking the law."

It's a question Bernard says he's been trying to answer for almost 20 years.

Bernard testified he was first stopped by a conservation officer over his hunting in the Saint John area without a licence in 1996. That was in Central Greenwich, he said. He recounted that the officer told him he couldn't hunt there because it was traditional Maliseet hunting grounds, not Mi'kmaq. He said he was let go with a warning.

Over the next eight years, until the eventual Nov. 16, 2004, incident now before the court, Bernard says he was given conflicting reports as to whether, and where, he could hunt. He says the conservation office in Westfield told



Boars Head Nature Preserve, one of the many wooded areas in Millidgeville, in the north end of Saint John.

PHOTO: SUBMITTED

him he could hunt east of the St. John River, but that an aboriginal RCMP officer told him he could hunt where he wished.

Bernard proceeded to hunt near Canadian Forces Base Gagetown, and told the court commissioners had granted multiple permits to access the base to hunt and act as a guide for non-aboriginal hunters. He said his band card proved sufficient for conservation officers on multiple other occasions in the area.

Once things came to a head, Bernard found himself in a maelstrom of case law and the rights of aboriginals in Canada. The provincial court decision itself is almost 15,000 words long. And it didn't come until after a lengthy delay in the trial, at government request, to allow time for government negotiation with aboriginal groups in New Brunswick on issues, which included hunting rights.

Bernard also requested an adjournment after the initial presentation of evidence on Oct. 5, 2005. He was granted time to present more evidence as to the aboriginal right he was claiming.

To help his case, Bernard called expert witness Dr. Greg Marquis, a professor at the University of New Brunswick Saint John. The Crown countered with its own expert witness, Dr. Stephen

Patterson, professor emeritus of history at University of New Brunswick.

Despite the historical evidence that weighed in favour for both Bernard and the Crown, Brien couldn't overlook the contemporary gap between Mi'kmaq and the Saint John area.

"(Bernard) has neither shown the existence of, nor his belonging to that community of Mi'kmaq in whom the right to (hunt) still rests," reads Brien's decision. "The mere movement of his grandfather to Saint John from Nova Scotia, and nothing more, does not establish the necessary connection."

Bernard's appeal lawyer, Rebecca Butler, argued otherwise. Her position was Bernard's aboriginal right is related to an ancestral connection, one that can exist outside contemporary borders.

"You don't need to pigeonhole it into what we know today as a modern day reserve," said Butler.

That Bernard has a band card is sufficient enough, Butler argued, to connect him to the rights bearing community, one she says still has the rights provided to the Mi'kmaq who once hunted in the lower St. John River Valley.

Countering that argument, Bill Richards said Butler's position leads directly back to Brien's initial reasoning

– that the "necessary connection" has been lost.

The difficulty highlighted by Richards, is that, unlike legal tests established to assess Métis ancestry rights, no court has said a band card is all that's needed to confer aboriginal right. He acknowledged that the Supreme Court of Canada has said a band card simplifies the process of determining aboriginal right, but said that general perspective is put askew in Bernard's case.

"In a case as in this one, the Crown is saying Mr. Bernard, of his own admission, has no community connection to Shubenacadie," said Richards on Thursday.

Richards then went on to surmise the Shubenacadie Band, and Bernard's aboriginal heritage, "can't be important to Mr. Bernard's life."

Listening from the front row, Bernard excused himself from the courtroom. After the hearing, outside the courtroom, he told Butler he had to leave. It had been a long fight, but it had never before become personal, he vented.

"It's a major piece of work to try to clarify this," said McLellan at the conclusion of Thursday's hearing. "I'll work on a written decision ... hopefully I won't need to bother you again."

Multimillion-dollar development to come before council

CROSSING → B1

Northrup said the project would enhance the region's natural beauty and help create a more positive perception of the community as people enter it from the highway.

"We intend to make Saint John a 'drive-in' city, not a 'drive-through' city," he said in the release.

The final cost of the multimillion-dollar project has not been determined, but

it will make a significant contribution to both the city's tax base and its employment numbers, he said.

Coun. Gerry Lowe said Friday he had looked at the proposal but expects council will not have much of a role until after it goes to the Planning Advisory Committee.

"It's a big project, it looks like a city within a city," he said.

Lowe said he believes it will generate a lot of talk because it requires a change

to the municipal plan, which only council can do.

If it goes ahead, he expects the project will take 20 to 30 years to complete.

It would be great if it can go ahead, because the city needs the tax base, Lowe said.

Just as East Point has been a long-term project, The Crossing will be similar, he said.

The land along the north side of Highway One drains under the highway

into Marsh Creek.

The documents provided to council say a study by Terrain Group Inc. found that the development would eliminate approximately 17,000 cubic meters of flood storage, but identifies a way of creating 400,000 cubic meters of rain water storage as part of the project.

The consultants also identified potential for an additional 125,000 cubic meters of flood plain storage on city lands on the opposite side of Marsh Creek.

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