

**"WORKING A GREAT HARDSHIP ON US":
FIRST NATIONS PEOPLE, THE STATE AND FUR CONSERVATION
IN BRITISH COLUMBIA BEFORE 1935**

by

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ABSTRACT

Divergent values and approaches to land and resource use and fur conservation created conflicts between aboriginal and non-aboriginal peoples which have remained largely hidden in historical records. This study of the compulsory trap line registration system implemented in British Columbia in 1925 examines these conflicts; the jurisdictional and administrative issues related to fur conservation that contributed to the disputes; and the First Nations objections to fur management schemes that validated white appropriation of traditional lands and restricted traditional vocations and access to important sources of food supplies. Although First Nations people spoke persuasively about aboriginal rights and justice, their voices remained largely unheard and unheeded. Legally disempowered and without political support, First Nations people were marginalized, removed from lands they had occupied and used since 'time immemorial.'

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INTRODUCTION

The **British North American Act** placed the administration of aboriginal lands and interests under federal jurisdiction, while wildlife management and conservation were assigned provincial responsibilities. This constitutional division of powers established a jurisdictional vacuum into which First Nations rights and issues fell. In spite of its constitutional responsibilities and, in northeastern British Columbia, treaty obligations, the federal government left unchallenged provincial game laws that interfered with the hunting, trapping and fishing rights of First Nations peoples.

In 1925, British Columbia implemented a compulsory trap line registration system.¹ Based, ostensibly, upon First Nations relationships with the land and its resources, trap line registrations replaced an unrestricted and unorganized trapping system that promoted over-exploitation. The pre-registration system incorporated close beaver seasons which proved ineffective in addressing long term conservation concerns and failed to meet the needs of both non-aboriginal and aboriginal trappers.

Claims to territories utilized for generations by First Nations people, as well as aboriginal management techniques, were ignored in the development of trapping regulations including the trap

line registration system. First Nations' objections to white encroachment upon traditional territories and the enactment of game laws that restricted traditional vocations were also disregarded. Close beaver seasons caused particular hardship, especially for northern aboriginal people, and these closures motivated strong opposition expressed in petitions to government officials. First Nations people refused to observe complacently the disintegration of their way of life and vehemently protested the appropriation of their territories and disruption of their livelihoods. But First Nation concerns and objections were disregarded by senior government officials charged by the constitution to protect aboriginal lands and interests. As a result, First Nations peoples were marginalized, pushed off territories theirs to use since time immemorial.

In the first chapter, this essay will examine the intense opposition of First Nations people to close beaver seasons which dramatically affected their lives and livelihoods. The failure of the pre-1925 provincial attempts to conserve fur-bearing animals which prompted the development of a compulsory trap line registration system will be studied. The second chapter will examine the failure of the trap line registration system to acknowledge and address the rights and needs of First Nations people. The role of Indian Agents in the implementation of the trap line registration system will also be examined as will the

failure of Department of Indian Affairs officials to protect aboriginal interests even in the Treaty 8 area of northeastern British Columbia. The third chapter will focus on the Treaty 8 area to demonstrate that even though First Nations traditional hunting and trapping vocations had been guaranteed, there was no greater protection of First Nations lands and interests here than in non-treaty areas of the province. Together, the chapters are a comparative study between a federally negotiated treaty area and the non-treaty areas of British Columbia. The paper concludes that, in spite of strong objections, First Nations groups were forced off traditional lands and had their livelihoods irrevocably disrupted as game regulations which invalidated First Nations rights were implemented to support non-aboriginal interests. In the Treaty 8 area of British Columbia, this was accomplished with the assistance of the Department of Indian Affairs through an organizational structure that failed to protect First Nations interests.

CHAPTER ONE

The Pre-1925 Provincial Trapping System and First Nations Responses

By 1900, wildlife seemed to be under seige and demands to preserve land and wildlife culminated in the establishment of park areas as well as legislated conservation measures to protect certain animal species and migrating birds both in the United States and Canada. Conservation regulations addressed the perception that wilderness areas were being fast depleted of both beauty and resources. The first game protection laws were enacted in British Columbia in 1859 to prevent the exploitation of certain big game animals and maintain the "healthy and manly recreation" of the gentleman's sport.¹

By comparison, the protection of fur-bearing animals and trapping received little consideration. Trapping was the vocation of Indians, settlers and itinerant prospectors and the conservation concerns of these groups were very different from those who participated in the 'gentlemen's sport.' As a result, a haphazard trapping system evolved that threatened fur-bearing populations and the fur trade. Any person could claim a trapping territory, providing the trapper purchased a firearms licence and received the appropriate badge.² Indians and militia men on duty were

exempt from the licensing provision. Prospectors having a free miner's certificate and farmers hunting on their own lands were issued licences free of charge.³ White trappers moving into an area to capitalize on the fur trade appropriated First Nations traditional territories, but, as long as they made the required licence, they were protected by law. White trappers used poison,⁴ wasted the animal carcasses⁵ and trapped breeding stock.⁶ When beaver stocks decreased to alarming levels, the province enacted close beaver seasons to promote population regeneration.

In 1896 the provincial government enacted the first close season on beaver, marten and land otter in heavily trapped areas.⁷ Responding to concerns about the intense competition between free-traders and established fur trading companies, as well as the averse affects of miners and prospectors upon the fur-bearing population, the government introduced measures to regulate trapping and address conservation concerns.

The first province wide close beaver season was legislated in 1905 and imposed a six year moratorium on beaver trapping. The law prohibited anyone not only from taking, killing and trapping the animal, but also from possessing untanned pelts, for a six year period beginning the first day of August, 1905.⁸

In British Columbia, as elsewhere, decisions about the protection

of fur-bearing animals were made without clearly understanding either the nature of aboriginal societies or First Nations relationships with the land and wildlife. Northern hunting territories of First Nations groups were systematically and quickly appropriated by non-aboriginal settlers and resource developers for agriculture, road and railroad construction, forestry and village development.⁹ This appropriation was validated by the provincial **Game Act** which supported a trapping system that disrupted aboriginal resource management strategies. Under clearly defined clan or phratric management systems, the aboriginal trapping techniques utilized several tracts of scattered territory in rotation. Breeding stock were not trapped and areas would be left vacant for a few years to allow population rejuvenation.¹⁰ Aboriginal wildlife management approaches were similar to agrarian land rotation systems in that Indians managed their trap lines much like farmers cultivated their fields.¹¹

The Secretary for the Department of Indian Affairs explained the aboriginal strategy as one in which

... experienced Indian hunting families have been accustomed to have several trap lines, of which only one is trapped during a particular season, or series of seasons while the others are left undisturbed for future seasons in order that the fur may be replenished. This, in other words, is a rotation system which is an economic device similar in principle to rotation of crops.¹²

Strategic plans for wildlife protection were designed to preserve game and enhance hunting and trapping revenues rather than ensure aboriginal hunting and trapping vocations. Big game hunting was big business: licence and tourist revenues expanded treasury returns. Conservation laws were introduced to ensure British Columbia's status as "the last great game sanctuary of the continent."¹³ Under proper administration this natural resource was expected to yield a "tremendous revenue for the people."¹⁴

This revenue was generated at the expense of First Nations people. White encroachment upon Indian hunting and trapping territories disrupted harvesting methods that balanced human needs and animal resources. The impact of white trappers upon aboriginal people and fur-bearing animals was summarized in a report submitted from the Fort George and Lucerne Districts in March, 1924. The Lucerne detachment officer listed 24 white trappers and reported 'no Indians' in his district. Constable Van Dyk, Fort George District, reported that Indians in the district had lost their trapping territories through non-compliance with the **Game Act**, but noted that approximately 600 non-aboriginal trappers had been operating in the District under 250 trap line licences. The same report noted that the marten, fisher and otter populations had decreased by ninety percent since the 1911-12 season while beaver had decreased by seventy-five percent since 1915-16.¹⁵ Yet, the officer made no apparent correlation between

the increase in white trappers and the decrease in fur-bearing populations.

Instead of assessing the impact of white trappers on both First Nations interests and the game population, the province imposed a system to monitor and conserve the beaver population. Although big game (moose, deer, bear, mountain goat and sheep) constituted a major food source for northern aboriginal people, these animals were not always procurable. Consequently, beaver, which was abundant, became the crucial, and, sometimes only, available food. In addition, the animal pelts were essential exchange commodity.

Aboriginal people's reliance on wildlife as a food source seldom influenced the creation of wildlife legislation and attempts to implement these laws were vehemently opposed by First Nations people determined to protect traditional territories and livelihoods. Beaver continued to be a favourite and important resource,¹⁶ especially in the north where the animal was trapped as much for food as fur. In the estimation of First Nations people, the close seasons were the government's ineffective efforts to re-establish decimated wildlife populations caused by non-aboriginal hunters and trappers. The solution seemed straight forward to the Indians: keep non-aboriginal trappers out of

traditional territories which had been successfully managed from time immemorial.

First Nations peoples were strong advocates on their own behalf in defending traditional hunting and trapping methods. They adamantly protested encroachment on traditional territory. They sent petitions and letters to government officials, including the Prime Minister and Governor General, or Department of Indian Affairs administrators and agents requesting recognition of priority claims to hunting, fishing and trapping rights and territories. The aboriginal peoples argued they had developed effective and efficient relationships with land and wildlife and resented outside interference. Regulations imposing licensing requirements were refuted and Indians complained about the wasteful practices of non-aboriginal hunters and trappers.

In 1915, an Elder from the St. Mary's Band, East Kootenay reminded the Governor General of an 1895 meeting in which an agreement between the government and the Windermere and Tobacco Plains Indians had been reached. The Elder objected to the imposition of permits for Indian hunters that contravened this agreement.

On 25th of this month there was a meeting in fort [sic] Steele about Game hunting and I took your word and placed it before the Game Werden [sic] and he kicked it, and want to put my heart to what Bryan Williams [Provincial Game Warden] said, when you came to Windermere on September 1895 you give

me the law about the hunting and you give the law to Mr. Galbrith our egent [sic], when he came back he took the agreement and sit on it and when this new law came he put it before us and told us to take it, its this permit what Bryan Williams offer, us Indians we dont want to take it, we sooner want the law of 1895, and another thing when we hunt and kill it we are arrested and have to pay fine [sic].¹⁷

In 1916, the Chief and band members from Spuzzum submitted a letter to the Indian Agent condemning game regulations that restricted aboriginal hunting activities. The Agent forwarded the letter to the Deputy Superintendent of Indian Affairs. The Spuzzum band, as the original inhabitants of the land since 'time immemorial,' claimed ownership of the wildlife and challenged provincial rights to wildlife revenue. At issue for the First Nations group were the fees collected by the government for hunting licences which were not shared with the aboriginal owners of the land and wildlife resources. Furthermore, the band members complained that recreational hunters wasted the wildlife resources by discarding most of the carcass, claiming only the trophy heads. In contrast, the Indians used every part of the animal and wasted nothing.¹⁸ The Inspector of Indian Agencies for the Southeastern Inspectorate noted in 1919 that the Indians complained bitterly about finding carcasses of fur-bearing animals discarded by white trappers after the pelts had been removed--a practice foreign to aboriginal people.¹⁹

Provincial game laws that encouraged and supported such wasteful

practices without respect for aboriginal needs and rights were understandably abhorred by the First Nations peoples.

Aboriginal people, supported by Indian Agents throughout the province,²⁰ insisted that Indians had always preserved the wildlife, including fur-bearing animals, and disputed reports that presented them as malicious killers. Although Indians and their agents argued that aboriginal people were not responsible for wanton slaughter and over-trapping, close beaver seasons were imposed on aboriginal and non-aboriginal trappers alike.

This imposition provoked strong protest from First Nations communities. In May of 1906, the Superintendent of Indian Affairs for British Columbia, A.W. Vowell, noted that the complaints against the game laws were

... loud and widespread throughout the Superintendency the Indians considering in many instances that promises made to them in early days are not respected to the effect that they would be allowed to enjoy the same privileges as were always open to their fathers in regard to hunting, fishing and trapping upon Government lands i.e. lands that were not owned by private parties or otherwise alienated from the Crown.²¹

Lobbying emphatically against the close seasons and game laws in general, Indians petitioned government officials. In 1905 the Chiefs of the Stuart Lake, Stoney Creek and Fraser Lake tribes submitted a petition to the Superintendent of Indian Affairs complaining that the province was endeavouring to take away the

Indian's livelihood thereby threatening them with starvation. The Chiefs reminded the Superintendent of the Department's responsibilities to Indian peoples by describing the province as a 'cruel stepmother' and asking the Department of Indian Affairs to act as a 'good father'. By enacting a close beaver season, the province was 'annihilating rights of immemorial date' transmitted to the Indians by their ancestors. The Chiefs pointed out that the beaver was their only livelihood as big game animals had been decimated by fires and were an unreliable food source. Even if big game was plentiful, the leaders noted that the costs of ammunition and weapons were prohibitive. The Chiefs argued that their territory should be exempted from the close beaver season because the Indians had their own laws dictated by self-interest.²² Survival was the ultimate conservation motive.

In 1905, the Chiefs of bands in the Fort St. James area explained to the Superintendent of Indian Affairs that the beaver was their sole means of livelihood and that the province was inflicting misery upon native communities by removing this staple. The Chiefs argued that the Indians had natural laws by which beaver had always been protected. Each family group traditionally had its own " ... circuit where they [did] their hunting and they [understood] that it [was] in their interest to see that the game [was] not destroyed, to that effect we never hunt[ed] two years in succession on the same streams."²³

The Chiefs of the Stella and Stoney Creek Indian bands pointed out to the Minister of Indian Affairs in 1909 that " ... we will be reduced to serious straights [sic] and be in danger of starvation, as apart from the salmon the Beaver are our main support."²⁴ If the government would not rescind the close beaver season, the Chiefs requested seeds and agricultural implements for cultivation, as well as fertile agricultural lands and the establishment of a local Indian agency.

In their 1919 effort to gain recognition for aboriginal rights, the Chiefs of the Burns Lake Band compared Indian trapping methods with those of the white trappers. The Chiefs pointed out that the 'standard rule' among Indians was to conserve the beaver while white trappers took beaver indiscriminantly. The letter explained how beaver were trapped in 'three or four' areas in rotation with breeding stock protected. The Chiefs believed that the best way to conserve the beaver was to have exclusive trapping rights assigned to the Indians because white trappers were decimating the stocks.²⁵ They summarized First Nations concerns from around the province by stating: "In locking up the beaver [sic] You are locking the bread out of our camp We depend as much on the beaver [sic] as the farmer depends on his crop for food".²⁶

The Chiefs and Headmen of the Stuart Lake Indian Agency in a

letter to the Department of Indian Affairs in 1919 'humbly' asked the Deputy Superintendent of Indian Affairs to " ... look into the matter of the Game Laws of B.C. in relation to the rights of the Indians. The leaders complained that their trap lines were being gradually stolen away from them by the white trappers.

We trap to preserve the Game animals and the history of our trapping in the past will bear out this contention. The white trappers methods sanctioned by the laws of B.C. are exterminating certain animals, particularly beaver and this is working a great hardship on us.²⁷

The Chief of the Fort George Indian Band sent a petition to the Governor General in October of 1919 requesting that the federal government investigate provincial Game Laws in relation to aboriginal rights. The Chief pointed out that the Indians were "loyal subjects of King George" and claimed the right to trap all game animals without restriction.

We point to history and that record will show that we have always trapped to preserve the game. Now we are told that we must not trap Beaver. This is a big hardship on us and our families will suffer this winter. Also we are prohibited from catching salmon which was our right in years gone by.²⁸

Leaders from the Kitsumkalum and Kitselas bands proposed Indians be given control over trapping because their forefathers had taught them how to manage the resource.²⁹

Missionaries also petitioned government officials on behalf of Indians. Reverend Coccoia informed Frank Pedley, Deputy Minister of Indian Affairs, in October 1907 that the close beaver season

would cause hardship for the Indians as there were no deer or caribou in the Stuart Lake area and the beaver constituted the 'backbone' of the Indian's livelihood.³⁰

In a letter to the provincial Premier dated 23 January, 1920, Reverend Morice, O.M.I. quoted the Chief of the No. 2 reserve near Prince George in delineating the dire consequences of a close beaver season.

We are now very miserable here. We are debarred from trapping beaver; hence we have nothing to live on. Therefore ask in our names that we be allowed to kill moose, deer and caribou, and help us that way. Our country is a most wretched one, because there is no salmon in it. Sometimes we are two days at a time without eating at all. Do tell the Government that; to expose to them our critical condition. Tell them also that the Indian Agent has not [set] foot on this place for the last two years, and that he does nothing for us. Pray, tell them all that, too.³¹

Morice then informed the Premier that two band women had died of malnutrition.

In expressing their opposition to the 1905 beaver moratorium, Hudson Bay Company officials delineated the impact the trapping restrictions would have on the First Nations groups of the north. In an attempt to demonstrate that legislated conservation methods, at least for Indians, were unnecessary, company solicitors described the First Nations approach to conservation.

[The] beaver itself is amply protected by the Indians themselves, who regard this animal as their principal resources for a livelihood. Different parts of the country from time immemorial have by mutual consent, or

understanding, been allotted to the various Chiefs and headmen of tribes who only, either kill a limited number for themselves, or permit others on their reserves to kill a limited number. This practice has scrupulously observed [sic], with the result that for many years past in the outlying portions of the Province which still are only inhabited by Indians there has been no apparent diminution of Beaver, the Beaver being one of the chief items of his livelihood. There is no other animal which can take its place as an article of food or in respect of its commercial value as fur.³²

The lawyers concluded by stating that white encroachment upon Indian territory would lead to trouble and they predicted that Orders in Council and enforcement officers would be ineffective replacements for traditional native laws and customs that had governed past conservation methods.³³

The Indian Agent from Hazelton opposed the close beaver seasons, arguing that they caused great hardship.

I would like to impress on the Department that this condition of affairs [close beaver season] has had a very marked effect on the general life of the Indian for not only do they make use of the skin of the beaver but the Indians also uses the meat as their staple winter food, ...³⁴

In September of 1923, George S. Pragnell, Inspector of Indian Agencies, Kamloops, defined the Indians as the "best preservers of the fur trade" and accused the provincial government of being largely responsible for the extermination of the fur-bearing animals. In Pragnell's estimation, legislation both supported abusive white trapping methods and reflected an ignorance of the fur bearing animals and the actual prime trapping season.³⁵

The strong opposition from Indians in the northern regions supported by Hudson Bay officials, Indian Agents and Department of Indian Affairs officials, as well as missionaries, secured close beaver exemptions for the First Nations groups in the Stikine, Laird and Peace River drainage areas between 1905 - 1907 and again in 1912 - 13.³⁶ The 1905 - 1907 exemption was not extended after 1907 because the boundary line between the exempt and non-exempt areas was impossible to patrol and Indians south of the line would trade in the north. A total province wide closure began in 1907 and to prevent pelts from being sold outside the province the Provincial Game Warden solicited assistance from the North West Mounted Police in Whitehorse and the Chief Game Warden in Alberta.³⁷ In spite of these efforts, enforcement in the Peace River District was difficult due to the isolation, immense size of the territory and inadequate numbers of enforcement staff.

Although Indians petitioned against close beaver seasons, they also protested white encroachment and defied provincial game regulations by removing traps from white trap lines, destroying beaver houses, and setting fires to deter whites from trapping. In two cases, Indians from the Hazelton area were prosecuted and found guilty of interfering with a licensed white trapper and the sentences ranged from a fine of \$25.00 or one month hard labour to a fine of \$200.00 and 1 month hard labour plus costs or 4

months hard labour.³⁸

Extensive trapping by non-aboriginal trappers was placing the lives and livelihoods of the Carrier peoples at risk forcing them to disregard game regulations and engage in drastic measures. In his 1918 report, the Constable for the South Fort George/Hazelton area reminded his superiors that the Indians were the original inhabitants and that "their decedents not unnaturally nourish a belief that all game is theirs and every whiteman's trap line an encroachment on vested rights."³⁹ One reason the Carrier of the Hazelton District opposed game laws was explained by the Chief Game Inspector in 1920 when he reported that white rather than Indian trappers were responsible for the illegal trapping of beaver.⁴⁰

Although close beaver seasons and legislated conservation measures proved inadequate in addressing conservation issues, leaving management of the resource under the control of aboriginal trappers was not considered. Game Department officials were averse to grant game concessions to Indians and were even reluctant to grant close season exemptions because they did not believe the Indians relied on beaver as an essential food source. Although the Chairman of the provincial Game Conservation Board, Dr. A.R. Baker, had a "great deal of sympathy for the Indians and wish[ed] to see them properly treated," he was determined to put

a stop to the beaver slaughter.⁴¹

Baker was not convinced that the Indians in the northern districts suffered for want of beaver meat for food. Baker estimated that, during 1919, the Indians in the region had not only killed over five thousand beaver but also had been responsible for the illegal shipment of 'probably fifteen to twenty thousand' pelts out of the province.⁴² What substantive evidence Baker had to support his claims is unclear, but if his estimations were believed the lost revenues in royalties and taxes would have been considerable and not beyond the notice of government officials.

By 1921 the failure of the beaver conservation management strategies implemented by the provincial government was apparent. A Royal Commission established to investigate allegations of mismanagement against the Chairman of the Game Conservation Board, Dr. A.R. Baker, publicized the illegal fur trade that operated between British Columbia and Alberta. The pelts of beavers caught by Indians for food were being shipped across the border and sold in Alberta to avoid payment of both the royalty tax and traders' licence fees.⁴³ In 1920 the Game Conservation Board Chairman had determined that even though the Board " ... had not interfered with the Indian rights to kill for food, ... we found that the buyers were persuading the Indians to kill

illegally for the trade."⁴⁴

The daily papers in Vancouver and Victoria followed the Royal Commission testimony which focussed attention upon the trapping issues in the northeastern sector of the province. The Indians of this region were condemned both for depleting big game stocks and decimating the beaver population. In the immense Peace River District, where game law enforcement was complicated by Treaty 8 guarantees, game enforcement officers claimed that it was practically impossible to deter illegal trapping, especially in beaver.

... [T]he Indians are the worse offenders in Beaver, largely because they use the Beaver for food, and they [Indians] are always hard to catch, and in a District like this were [sic] the Indian is a treaty Indian, when caught "What"? he kills a Beaver out of season on a plea that he must have food, and in many cases he won't be lying either, what shall he do with the skin? destroy it? no he will not do that, he will hide it till the Season opens, and then sell it.⁴⁵

The illegal trade raised concern that settlers, prospectors and placer-miners would be forced to abandon their vocations if the beaver stock was seriously depleted. Suggestions that measures be adapted to protect beaver as an aboriginal people's food source were rejected. When the M.L.A. for Omineca, A.M. Manson, attempted to have the Indians from the Northern part of the province exempted from the 1920 close beaver season, especially in isolated regions where white trappers had not encroached and where the beaver were plentiful due to native conservation

methods, his motion was defeated.⁴⁶

Dissatisfaction with the pre-registration trapping system was wide spread and the system's ineffectiveness motivated recommendations for improvement from both aboriginal and non-aboriginal sources. In June 1920, H.S. Gallop of Invermere, B.C. submitted a proposal for change to the Deputy Attorney General of British Columbia. Gallop contended that the existing game laws were unsystematic, expensive and inadequate in managing the wildlife which he defined as one of the province's greatest natural resources. To protect the game and fur bearing animals and provide the province with steady revenue, Gallop proposed a licensed trapper system which would assign specific areas to trappers, encourage conservation and permit licensed holders to 'police' his own area. In the northern districts, "where the Indians depend on Hunting and Trapping for a living, suitable areas should be set aside for their exclusive use, and over which no Trappers Licence should be issued."⁴⁷

In September of 1921, Indian Agent W.J. McAllan from the Fort Fraser Agency requested that the Chairman of the Game Conservation Board, A.R. Baker, discuss the creation of an Indian trapping region with the Indian Chiefs of the northern interior. Describing the large numbers of beaver killed for the benefit of 'illegal manipulators,' in the region, McAllan argued that

"[p]utting the entire trapping of beaver into the hands of the Indians ... [was] the only way to control the situation, preserve the beaver and secure the revenue to the Province."⁴⁸

As encroachment upon hunting and trapping territories intensified, securing a living became increasingly difficult for First Nations people. By 1923 Indian leaders were requesting large tracts of lands be reserved for their exclusive hunting and trapping use.⁴⁹ In a special report on trapping in British Columbia, George Pragnell, Inspector of Indian Agencies, Kamloops, noted that, because the Indians were neither able to retain traditional lands nor maintain traditional trapping methods, they were requesting the establishment of a trap line registration system. "They [the Indians] contended that they themselves, where previous long usage shows a proprietary claim should have first chance of registration, that regular white trappers living in the districts should come next, and that trappers from outside last."⁵⁰ The Kootenay Indians had recommended that if this system was not viable then a block of land should be set aside for Indian trapping and that Indians themselves would assign lines within the area. Pragnell supported the First Nations recommendation of a registered system to replace the "present promiscuous method."⁵¹

These recommendations were rejected by the Inspector of Indian

Agencies for British Columbia, W.E. Ditchburn. In his circular to all provincial Indian Agents, Ditchburn pointed out that Indians had equal rights with white trappers even though they were exempt from purchasing trapping or hunting licences. He advised the Agents to pacify Indian fears about losing their traditional lands by assuring them that as long as they consistently adhered to the Game regulations they need have no concern.⁵² This must have been a most difficult task for the Indian Agents since experience had proven provincial laws inadequate in addressing the subsistence and conservation needs of the First Nations people.

Neither Gallop's nor McAllan's recommendations that northern areas be exclusively reserved for aboriginal use were incorporated into the **Game Act**. The Indian's request to be allowed first option to register because of prior use rights appears not to have been considered and was also excluded in the legislation. Economic factors and conservation concerns directed the creation of legislative measures and aboriginal usufruct rights, when considered, were invalidated or ignored.

After World War 1, except for a brief decline in 1921-1922, fur prices climbed and remained high until 1930⁵³. Stable prices attracted non-aboriginal trappers to a predominantly First Nations vocation. As knowledge of the lucrative nature of the fur

industry expanded, government officials and MLAs advocated imposing taxes to bring some of the profits into government coffers. In 1920, adapting the recommendations of F.W. Anderson, MLA from Kamloops and Dr. A. R. Baker, Chairman of the Game Conservation Board, the government imposed a royalty tax on furs that would create an estimated revenue of 80 to 100 thousand dollars.⁵⁴ Initial estimates were exaggerated but as revenues derived from the fur trade increased from \$5,291.39 in 1920 to \$60,594.18 in 1924⁵⁵ concern about the depletion of fur-bearing animals intensified. Reports such as that submitted by Constable Edward Forfar from the Hudson Hope Detachment in April 1924 provoked the concerns of the Game Conservation Board.

The fur catch has been good, too good, there has been far more fur caught than the increase will [sic] in any way make up for, we are killing the Goose that lays the golden egg, the Beaver returns are good, deceitfully good, as the hunt has been carried in many localities to the point of extermination, it is as well for Game Conservators to remember that close seasons will not bring back Game when the seed has been caught out.⁵⁶

Continued interest in the economic aspects of the trade and demands for preservation of the beaver prompted the Attorney General to propose amendments to the Game Act, effective in 1925, that would impose a compulsory trap line registration system. Designed as a conservation strategy, the registration restricted 'aliens' from trapping in the province and required all trap lines be registered with the trapper who would act both as harvester and conservationist. In return, the trapper would be

protected from trap line encroachment. The intention of the Act was to put " ... the fur industry back on the basis of prevailing in the days when Indians did most of the trapping. The Indians, it [was] recalled, always endeavoured to conserve the country's fur."⁵⁷

The idea that an effective conservation system had originated with traditional aboriginal practices was reiterated in 1929 by H.G. Polley, the Conservative Attorney General, who, in presenting amendments to further define trap line responsibilities, noted:

It is evident that the ancient Indians of the early days were less profligate [sic] in the matter of hunting fur-bearing game than are their successors, the white man. Under unwritten laws which prevailed among the Indians there was a sort of trap line in vogue, maintained by different families, and the rights over which were respected, and by which the game of the country was kept up in the matter of supply.⁵⁸

Using traditional First Nations conservation methods as a basis for the trap line registration system was a paradox. The registration of lines was a foreign concept to aboriginal trappers. The system was implemented to address conflicts between First Nations and white trappers and to introduce a conservation management structure that could be monitored by game enforcement officers. The idea was to provide a sense of ownership to a certain area and create an exclusive right to harvest furs in exchange for responsibility for conservation. The Indian's system

" ... was based on freedom of access, flexible use, and rotational conservation, which meant that some areas went untrapped for seasons on end."⁵⁹ This approach was applied to all the wildlife in a given area, not just the fur-bearing animals. Restricting hunting activities to a single resource in selected areas while opening hunt seasons for specific animals in all areas was a foreign and unsustainable management technique for aboriginal people.

The legislated conservation system supported hunting for recreation rather than sustenance. White men hunted either for pleasure or to supplement their existing diet and they trapped to augment existing economic endeavours. The Indians hunted to survive and they had only one vocation--trapping.⁶⁰ They therefore vehemently opposed restrictive game regulations. The provincial government's attempt to meet the needs of two divergent groups in one management structure guaranteed confrontation and confusion.

CHAPTER TWO

Implementation of the Trap Line Registration System

There were three main difficulties associated with the implementation of the trap line registration system for First Nations people: cultural barriers to compliance, the registration process, and the administrative structure of both the federal Department of Indian Affairs and the provincial Game Board.

The registered trap line system repudiated hundreds of years of aboriginal prior right use and successful wildlife management. First Nations trappers were expected to comply with elaborate registration regulations and licensing requirements despite their deficiencies with the Euro-Canadian language, literacy and mapping skills that were essential for following instructions. All applicants registering a trap line were expected to furnish " ... a true and correct geographical description of his line."¹ Unable to transfer their geographical knowledge of the territory to the white man's mapping technique, Indian efforts to sketch the required individual trap lines were deemed inadequate, ignorant and childish, "just little scratches."² Aboriginal understandings of their relationship with and responsibility to the land and its resources could not be moulded into the concept of regulated wildlife conservation. Cultural differences and language barriers

made compliance with the compulsory registration system extremely difficult.

Because the basic barriers to registration for First Nations people were ignored and their fundamental needs disregarded, the policy that was developed ensured the trap line registration system would be inequitable. Trapping areas were quickly registered by astute, aggressive white trappers³ who understood the process and were unrestricted by language or cultural barriers. Once claimed by a white trapper, areas were easily transferred from one to another by nomination of a successor or through settlement of an estate.⁴ Section 41 of the **Game Act** stipulated the conditions under which a trapper could nominate a successor to trap his line. The trapper had to have adhered to the game regulations, operated to conserve the fur, and have become 'incompacitated by illness or otherwise.'⁵ The trapper's estate could nominate a successor in case of death and all transfers were subject to approval by the Game Commissioner. Although the **Act** stipulated that 'incapacitation' was the criteria under which lines could be transferred this was not followed and the ability to transfer lines through sale added additional monetary value to the lines beyond fur returns.

There were no regulations regarding the sale of trap lines but a trapper could sell his traps, equipment, and trapping cabins to

anyone he wished. The trapper disposing of his line then wrote to the game officer nominating the purchaser as successor. If the nominee met the criteria of being a nationalized resident and a licenced trapper⁶, the transfer was approved. Indians were exempt from purchasing licences, yet a licence was required to qualify for nomination as a trap line successor.⁷ This 'catch 22' combined with the ease with which white trappers transferred lines to other non-aboriginal trappers effectively kept lines from reverting to the Game Department for redistribution to the Department of Indian Affairs for First Nations use.

Indian Agents could purchase the \$2.50 Extra Special Firearms Licence so that Indians could trap a line acquired by the Department of Indian Affairs.⁸ But this failed to alleviate game officials' concerns about the revenues lost when a white trap line reverted to the Indians. In 1938 the Department of Indian Affairs agreed that the provincial game department should not be penalized for permitting the sale of white trap lines for Indian trappers and supported the levying of the \$10.00 Special Firearms Fee on Indian trappers.⁹ Indian Agents were instructed to collect the fees from the Indians whenever possible.¹⁰

First Nations trappers were further disadvantaged because of the lack of understanding game administrators had about aboriginal relationships to land and wildlife. Provincial regulations

legislated conservation and restricted management techniques to the Euro-Canadian concept of trapping only the surplus animals from the line as a whole. An Indian endeavouring to manage the beaver according to traditional aboriginal methods of utilizing several areas in rotation risked losing all or part of his line for under-utilization. The only evidence the Game Inspector required to rescind and reassign trapping areas was sworn affidavits stipulating an Indian trapping area had not been fully utilized.¹¹

Other factors besides regulation inconsistencies made the implementation of the registration system particularly arduous in northern districts. By October 1925, when the directive was received most of the trappers were already on the trap lines and not available to register their areas until the spring.¹² Game officials had difficulty securing appropriate maps, even in 1930,¹³ and compounding this problem was the confusion over district¹⁴ and provincial boundaries¹⁵ as well as surveyed lands.¹⁶ Constables who misunderstood or misinterpreted the regulations further complicated the process.¹⁷ In other instances, game officers erred through ignorance of aboriginal harvesting practices,¹⁸ and the process was also delayed by the extensive responsibilities¹⁹ assigned to law enforcement officers especially those in remote areas.²⁰ Staff turnovers also influenced registration.²¹

In certain cases, white trappers received preferential treatment because wardens were awkward with or hostile towards Indians.²² Based upon criteria established by non-aboriginal officials, aboriginal trappers' efforts to prove trap line usage could be judged inferior to that of their white counterparts,²³ and Indians were described as ignorant, illiterate liars.²⁴

The difficulties associated with the actual implementation of the trap line registration system were compounded by organizational structures designed to administer the provincial **Game Act** and the federal **Indian Act**. For administrative purposes the province was divided into five game divisions [see Appendices I and II]. The largest region, "D" Division, encompassed the area north of, approximately, the 53th parallel. The province was further divided into organized and unorganized territories and Indians or farmers in unorganized territories north of parallel 53 were granted Game Act concessions related to securing food for personal use.²⁵

"D" Division was divided into four districts: Peace River, Prince Rupert, Hazelton and Prince George.²⁶ The Fort St. John area was further divided into three administrative sectors: Fort Nelson, Fort St. John and Hudson Hope²⁷ detachments under the supervision of law enforcement officers.

Between 1923 and 1932, administration of the **Indian Act** in the provincial inspectorate was under the direction of the Indian Commissioner for British Columbia. The province was divided into two inspectorates with the office of the Inspector of Indian Agencies for the Southeast Inspectorate located in Kamloops. The province was divided into 16 Indian Agencies: Babine and Upper Skeena, Bella Coola, Cowichan, Kamloops, Kootenay, Kwawkwalth, Lytton, New Westminster, Okanagan, Queen Charlotte, Stikine, Stuart Lake, Vancouver, West Coast, Williams Lake and Skeena River.²⁸ The northeastern portion of the province was largely excluded from the British Columbia Inspectorate because of its designation as a treaty area.

The Treaty 8 area was administered from Department of Indian Affairs offices at Regina, Saskatchewan until 1932 and then moved to the Alberta Inspectorate at Calgary, Alberta.²⁹ This administrative structure removed the northeastern portion of British Columbia from the provincial Indian Affairs Inspectorate. The ensuing isolation was expressed by the Indian Agent in 1937 who, in requesting permission from Department officials in Ottawa to 'straighten out' trap line disputes as a special agent, noted:

I find it difficult to explain what I feel. We are away out in this isolated corner of British Columbia under the Alberta Inspectorate. We have nearby no person belonging to the Department with whom we can confer on occasion; nobody with whom I can discuss the Affairs of the Department or their plans. I have no opportunity of having inside information which would help me in dealing with Provincial Departments. This trapline business up here is a lone fight,

and the Game Commission and Inspector Van Dyk know that they have me in a barrel.³⁰

The Department of Indian Affairs seemed uncertain of the most effective way to administer Treaty 8 and made decisions that both intensified the isolation for the Indians and confused the issue for the Game administrators. In an effort to address the support requirements of the Indians in the Fort Nelson area, the northern portion of Treaty 8 was assigned to the Stikine Agency under the direction of the Indian Agent at Telegraph Creek in 1932. In requesting that the appropriate files be transferred to the Indian Agent's office, the provincial Game Commissioner expressed his perplexity. "This is the first intimation that I have had that Mr. Harper Reed's Agency extended so far East."³¹

The consequence of this decision was that the Treaty 8 Indians in the northern portion of the treaty area (Liard District) were under the jurisdiction of the Stikine Agency, British Columbia Inspectorate, but were classified as belonging to the Liard Post.³² The Treaty 8 Indians in the southern portion of the area (Peace River District) continued to be administered by the Indian Agent in Grouard, Alberta, in the Alberta Inspectorate until 1934 when an agency was established at Fort St. John. All administrative aspects related to the Peace River District remained part of the Alberta Inspectorate until 1938 when the Indian Agent at Fort St. John received permission to deal

directly with British Columbia Indian Inspectorate on trap line issues.³³

Policies adopted by the Department of Indian Affairs to address issues in the Peace River District of Treaty 8 were not always applicable to the rest of the province. In 1938, under recommendation of the Fort St. John Indian Agent, the Department approved the individualization of band lines and the levying of provincial game licence fees on Indians. Agent Brown had concluded that the best way to prevent "young 'bolshevik'"³⁴ Indians from raiding band registered lines was to have the lines divided into family or individual lines that could be more closely monitored by the Game Wardens.³⁵

The Indian Commissioner for British Columbia, D.M. MacKay, objected to Agent Brown's recommendations. Although the Commissioner believed that the provincial game board should be reimbursed for lost revenue when white trap lines reverted to Indians, he questioned the feasibility of making this a generally applied policy. "At least seventy-five percent of our Indians could not or would not pay, and the Department would either have to assume the obligation or face the consequences of the wholesale cancellation of Indian traplines [sic]."³⁶ Mackay believed that a general application would set a precedent and would open the way for the province to levy fees for irrigation

purposes and on range lands used by Indian livestock.

The Commissioner doubted that individualizing band trap lines would solve disagreements between the Indians and noted that the difficulties Agent Brown was experiencing were common to all Agencies. He therefore concluded that the solution was 'largely' in the hands of the Indian Agent. MacKay doubted that the Fort St. John Agent " ... in his eagerness to meet a local situation, gave much thought to the possible far reaching consequences such a policy could have on the administration of Indians as a whole in this province."³⁷

Aboriginal people had anticipated the impact that the barriers to registration and administrative difficulties would have on traditional trapping territories. For the First Nations people, any implementation of a trapping system that failed to provide them with priority access incited fears that registration would validate of non-aboriginal appropriation of First Nations trapping territories. Even though the Indians were acknowledged as being the group most critically interested in conserving game,³⁸ provincial game laws imposed conservation management systems on First Nations people that focussed on balancing wildlife and revenues. Trap line registrations disrupted the First Nations way of life and caused hardship. They were not introduced without challenge. First Nations' adamant opposition

to the close beaver seasons and game laws in general continued after the compulsory trap line registration system was implemented. While wildlife conservation became a provincial policy, for First Nations, conservation was a lifestyle: a simple matter of survival.

When the trap line registration system was initially introduced, the First Nations groups in the Hazelton District of "D" Division, in asserting priority rights, " ... refused to apply for or secure registration because they claimed that trapping was their ancestral right and they would not comply with regulations made by the whiteman.³⁹

To assert ownership rights in a Hazelton trapping area, an Indian and his accomplices invaded a white trapper's cabin in 1925 and removed furs because he believed that the white trapper had trespassed upon Indian trapping grounds to obtain them. Based upon submissions presented by the accused and the Indian Agent at the preliminary hearing, the Justice agree that Indians had 'prior and exclusive rights to trap in British Columbia,' and dismissed the case. The police laid new charges and at the second hearing the accused was bound over for trial. The Indians had " ... boldly [taken] the law into their own hands and compelled a white man to let them carry off furs "⁴⁰ The magistrate's handling of the case motivated both the prosecuting barrister and

the M.L.A. to write to the provincial Attorney General's office expressing outrage at the initial dismissal and then at the subsequent sentence of only 'thirty days.'

A letter to the Provincial Game Commissioner in January of 1928 from a First Nations trapper in the Bella Bella area depicted how powerless he was to keep white trappers from encroaching on his territory. The Indian and his family had trapped the same area for generations and had built comfortable cabins along the line. But this did not keep white trappers from encroaching because game regulations did not extend to islands so trap lines could not be registered like those on the mainland. The aboriginal trapper wanted protection from men who moved from area to area destroying the last animal on the line using poison if necessary.⁴¹

In August of 1933, a First Nations woman from the Canim Indian Band wrote to the Secretary, Department of Indian Affairs, requesting assistance in securing traditional trapping and fishing territories for her family. White people had not only prevented access to fishing areas but also taken her father's trap line. She asked that Indians be given preference in registering lines.⁴²

The Kitwancool Indians resisted registering their trap lines for

a different but related reason. They were concerned that registration would confuse outstanding land claims in their territory.⁴³ They finally complied when assured that registering trap lines would not adversely effect their old claims.

In 1946 the Carrier Indians of Stewart Lake petitioned the federal government for a return of traditional trapping areas. They requested restitution for lands lost to white trappers due to ignorance of the trap line registration process and, in some instances, through the failure of Indian agents to notify or register Indian lines.⁴⁴

In addressing the Special Joint Commission on the Indian Act 1946-1948, the Carrier Indians of the non-treaty Fraser Lake area expressed their displeasure with both their loss of traditional territories and the indiscriminate slaughter of fur bearing animals by white hunters and trappers.

... in olden days the Indians had all the country to themselves and could hunt and kill the beaver at any time. They, however, took great care of the beaver, so that there was always an abundant of [sic] supply. Now the beaver has been practically exterminated by the unwise methods of the white hunters and trappers.⁴⁵

A second Carrier spokesman described how conservation had been the practice from 'time immemorial.' Beaver colonies were managed with special care given to maintaining breeding stock. The system worked well until "[t]he white people came in, however, and killed the beaver indiscriminantly, without regard to the

preservation of the stock."⁴⁶

Indians accused the provincial government of enacting legislation that impeded rather than supported the conservation goals they were designed to address.⁴⁷ In addition, the registered trap line system tended to aggravate rather than alleviate the difficulties First Nations trappers experienced in complying with the provincial game laws. The Indians from the Fraser Lake Agency petitioned the Department of Indian Affairs complaining about ineffective and impractical provincial laws which superseded proven aboriginal harvesting strategies.

We cannot always comply with sub-section 2 of Sec. 16 of the Game Act of B.C. as often it is necessary to leave a trapline vacant for two or three years to allow the animals to increase, but by the act we are compelled to trap every line by Nov 14 in each year or run risk of having our line occupied by some other person when it is lost to us for all time. Sometimes we are sick and cannot get out on the lines we do want to trap by the 14th of November and later when we are able to go out we sometimes find our line occupied by white men and if we set a trap we are put in jail or fined [sic].⁴⁸

The Indian Agent from the Stikine Agency supported the Indians in their criticism of the Game Laws. In a 1936 report, the Agent complained about non-aboriginal trappers cleaning animals from Indian trapping areas " ... accomplished with the aid of the B.C. Game Department, under the system of Registered Trap-lines"⁴⁹

First Nations resistance to white encroachment also took a more

desperate form. Frustrated by white trappers who raided the territories they had left to regenerate, Indians developed a pre-emptive trapping strategy. Instead of leaving animals for white trappers, the Indians trapped out the country while they had the chance, knowing that if they did not, someone else would.⁵⁰ In addressing the North American Wild Life Conference in 1936, the Secretary for the Department of Indian Affairs noted that:

By immemorial usage the Indians were conservationists and still may be henceforward if protected. On the other hand, if whites are allowed to deplete Indian hunting grounds, the Indians themselves will naturally take all they can, while they can, and there is grave danger that such a situation may bring about intensive competition between whites and Indians, ending in the virtual extermination of valuable species.⁵¹

The Indians pre-emptive trapping strategy kept white trappers from 'skinning the grounds and moving on'⁵² but it also had a negative consequence. This disruptive technique seemed to prove perceptions that Indians wantonly slaughtered game and justified the implementation of conservation measures.

M.L.A and Provincial Police reports, based more on stereotypical attitudes than fact, generated concerns about wildlife preservation and species extermination. The Member of the Legislative Assembly from Columbia, John Buckham related, 'in picturesque fashion' the Shuswap and Kootenay Indians disregard for the game laws by slaughtering big game sheep wholesale for their meat supplies. In Buckham's estimation the Indians viewed the 'paleface' game laws as 'mere scraps of paper.'⁵³ Speaking in

the Legislative Assembly the member for Atlin, Frank Mobley, claimed that even though the law required it, Indians refused to take out game permits and "... habitually slaughter female and young deer for commercial purposes."⁵⁴ In Mobley's estimation the Indians were game exterminators.

Although the Game Conservation Board Chairman, A.R. Baker, acknowledged the country's original habitants had developed well-defined and effectively managed hunting territories, he designated Indians as the most difficult problem confronting the Board and wildlife conservation. In his estimation, it was imperative that the Board

... find ways and means for checking the wanton destruction of game by Indians. Where formerly tribes had a mutual understanding as to the territory over which they should hunt, these arrangements seem to have largely lapsed, and the restraint on killing game unnecessarily, formerly self-imposed, has given away to a policy of killing all they can while it lasts.⁵⁵

Occasionally Game Wardens and Police Constables also submitted reports suggesting Indians were responsible for game destruction, but these submissions were usually qualified with an explanation based on aboriginal needs. The Indians had to hunt for survival and game laws presented unrealistic and unreasonable restrictions. Constable Vachon from Creston reported in November of 1918 that, although the whites generally obeyed the game laws, he was having difficult curtailing Indians who hunted food out of season.⁵⁶ Constable Forfar from the Hudson Hope Detachment

reported in February of 1922 that the Indians had to hunt to live and tended to kill the cow moose which was fatter in January than the males with the unfortunate consequence of having the unborn calf perish as well.⁵⁷

Complaints from the Chief Constable at the Fort St. John Detachment in 1918 depicted Indians as drastically reducing big game stocks but failed to mention that the general practice in the North was to have Indians supply meat to the settlers in trade for other food stuffs. Eleven years later, in 1929, the practice was still common in the Peace River District. Missionary Monica Storrs noted the trade in her description of a Peace River Indian community as

... a squalid little camp, as all the Indians in our district are pretty debased, more or less like Gypsies, and speak hardly any English. They don't do any sort of work, but only hunt bear and moose and barter their meat with the white men for vegetables and butter.⁵⁸

Survival rather than a vindictiveness was the motive for Indians killing game without regard for the game laws -- a point understood by the Indian Agent in the field but missed by senior game and Department of Indian Affairs officials.

Duncan Campbell Scott, Deputy Superintendent General of Indian Affairs, demonstrated ignorance of the First Nations relationship with land and wildlife in his response to a resolution passed at the National Game Conference in February 1919. The resolution,

moved by Dr. Baker, Chairman of the B.C. Game Commissioner, urged the Dominion government use the Royal North-West Mounted Police or other special officers to enforce game laws to prevent Indians from illegally destroying game, especially in regions where damage most frequently occurred.⁵⁹ Without verifying Baker's allegation that Indians were wantonly destroying game, Scott directed the Indian Agents to understand that the Department would not sanction views which excluded Indians from the law. Scott instructed the Indian Agents stationed on the prairie provinces, British Columbia and Yukon to " ... take every opportunity to point out to the Indians that they must obey the regulations of the province and that the Department will in no wise [sic] support them in any contention or idea on their part to the effect that they are above the law."⁶⁰

Scott's directive reveals little credence was given to the petitions sent to the Department of Indian Affairs which detailed the First Nations harvesting strategies, complained about white trappers and explained the importance of beaver as a food source. In supporting provincial game regulations, senior Department officials ignored aboriginal objections about the loss of control over traditional territories. It was more expedient to provide rations than guarantee a viable livelihood--a strategy adamantly opposed by First Nations people.

Although some agents promised to do their best to assist in the enforcing of game laws, others throughout the province responded by denying that Indians were responsible for the decimation of game and fur bearing animals. The New Westminster Agent noted:

From my intimate knowledge of the Indians throughout this Agency, and after consulting with Constable Grant, who is continuously working amongst them, I must say that I do not know of one case of wanton destruction of game or fish.⁶¹

The Agent from the Okanagan Agency pointed out that both himself and the local Game Conservation Association believed whites, rather than Indians, were responsible for game depletion.

At a meeting of the Game Conservation Association at Vernon on June 23rd. which I attended purposely to hear this point raised, the general opinion of the meeting was that the Indian is not nearly so destructive to game as ignorant white people who shoot at everything and anything. The Association made no resolutions here against Indians and the meeting was attended by the best know sportsmen in the Valley.⁶²

The Inspector of Indian Agencies for the Southeastern Inspectorate dismissed accusations of wanton destruction of game levied against the Indians by stating:

My own observations has been that very little reliance can be placed on many of the charges made against Indians for wanton destruction of game. By far the greatest offenders in this regard are the whites, and Indians complain bitterly of finding the carcasses of fur-bearing animals thrown away by white trappers after the skins have been removed, which the Indian never does, but uses the carcass for food [sic].⁶³

The Indian Agent from the Stuart Lake Agency in discussing the "alleged illegal destruction of Game by Indians" questioned the

viability of prohibiting Indians from taking game when no other means of support was available.⁶⁴ As a means of preserving the beaver, he recommended that whites, not Indians, be prohibited from trapping beaver.

The trapping of beaver by whites is of course always a vexed question with the Indians but I have been convinced for many years that if the animal is to be saved from extinction the trapping of it by whites should be prohibited.⁶⁵

Agent Harold Laird also challenged similar accusations of game destruction laid by the Provincial Game Warden against the First Nations peoples of the Peace River District.

None of the Indians, within the Peace River Block, have been punished for violating the game laws, and no complaints were made, by the B.C. Provincial Police (who are ex officio game guardians) either last summer or previous summers.⁶⁶

Laird dismissed allegations that the Indians killed beaver all year around, noting neither the meat nor the fur is usable during the summer. The Agent pointed out that the Indians would not be bothered trapping an animal they could not use. Laird further disputed claims that the Indians in the Peace River Block killed more meat than they could use. Calling the accusation 'absurd' Laird explained that Indians use 'every scrap' of the animal killed and seldom went hunting when fresh meat was still in camp.⁶⁷

Local Indian Agents had a greater understanding of the needs and

rights of the aboriginal peoples than either the federal or provincial Department of Indian Affairs bureaucrats. Although their recommendations were generally ignored by government officials in favour of administrative or political expediency, Indian Agents often acted strongly in protecting and advocating Indian interests. Empowered by the Indian Act, the Agents monitored both the Indians and their trap lines.

Although law enforcement officers accepted registrations from Indian trappers, the responsibility to compile and submit Indian trap lines belonged with their Agent.⁶⁸ Indians could not take a partner nor dispose of their lines without the written permission of the Indian Agent.⁶⁹ Agents were expected to guide the Chief and Council in the division of band lines,⁷⁰ but they could arbitrarily make recommendations about Indian registrations to both the Department of Indian Affairs and the Provincial Game Commission without consultation with First Nations people.⁷¹

Indian Agents could play an essential role in securing and maintaining trapping areas for the Indian wards in their agencies. They acted as advocates on behalf of Indians in conservation issues, registered trap lines, and represented Indians in trap line disputes.⁷² However, they were most often unsuccessful in their advocacy endeavours,⁷³ and they did not always act in the best interest of Indians.⁷⁴ Agents approached

their responsibilities with varied degrees of commitment. This was reflected in how successful Indians were in establishing trap lines under the **Game Act**.

A comparison between the northeastern Treaty 8 area of the province with the northwestern region demonstrates the impact that Indian Agents had on maintaining First Nations control of traditional territories. Harper Reed, agent for the Stikine Agency in northwestern British Columbia, consistently advocated First Nations rights believing that the Stikine area should be reserved for aboriginal trappers. He objected to prospective changes that would reduce Indian trapping areas to accommodate white trappers.⁷⁵ Although Harold Laird, Agent for the Treaty 8 area of northeastern British Columbia, supported aboriginal hunting and trapping rights as stipulated in Treaty 8, he was stationed in Grouard, Alberta and visited the Treaty 8 area of British Columbia once a year to make treaty payments.⁷⁶

Harper Reed, stationed at Telegraph Creek, worked hard to secure trap lines for the Indians in his agency, and he was particularly attuned to provincial initiatives that threatened to reduce Indian trap lines. In June on 1936, Reed reported his concerns that the province was considering adjusting existing lines.

The Game Board of British Columbia are now going into the matter of "areas" and lately seem to think that the Indians

have more ground than they can trap. All the ground held has been Registered in accordance with the Game Laws, and are in order.⁷⁷

Reed's diligent supervision of aboriginal trap lines in northwest British Columbia was reflected in the number of trap lines registered to First Nations trappers. With a population of approximately 338⁷⁸ Reed had registered 60 trap lines by March 1934. In the Peace River District, with a First Nations population of approximately 400,⁷⁹ even after extensive purchasing of trap lines for reversion to aboriginal trappers, by December, 1938 there were only 31 lines registered to First Nations trappers.⁸⁰ In 1934, the Inspector of "D" Game Division notified a white trapper that the extreme northwest portion of the province which encompassed the Tatshenshini River and its tributaries, Kelsall River and Lake, Blanshard and Klehini Rivers, was not available for registration as the whole area was covered by Indian trap lines.⁸¹

Some agents were so successful in securing trapping areas for the Indians that, on occasion, white trappers complained that the whole of the territories was being claimed by the Indians and questioned the fairness of the system. In a dispute about an under-utilized trapping area on Porcher Island, Game Warden E. Martin from the Prince Rupert Division reported the dissatisfaction of a white trapper trying to secure a trapping area in Principle Channel:

I know this piece of ground I am asking for has not been trapped for years, even if it is held by an Indian. Besides, they have a lot more ground than is possible for them to trap - but you know more about it than I do.⁸²

A frustrated white trapper from Smithers complained to the Game Commissioner about trapping areas claimed by Indians not being used. The trapper demanded that the Government act immediately as the situation was becoming 'desperate,' a matter of survival likely to cause problems between the white and Indian trappers.

There were over twenty trappers that held licences in this district at one time, but under the present system the entire country has been given over to the Indians. ... these trappers would not object so much if the Indians would work the territory which they claim as their own, but they hold miles and miles of Territory which they never visit or set a trap in.⁸³

The trapper closed by asking the government to support white trappers by giving them "... an opportunity to make a living at his old calling."

Placer miners were particularly concerned about not having access to trapping territories as the revenue generated by the trap line supported the prospecting endeavour.

I understand the country is all registered and if the Indians don't register then it is open for anyone else but that is evidently not so here. Some of the Indians here are also stampeding all over the country. Now this country if it is anything at all it is a mineral country and instead of a man in the mineral line getting any encouragement it seems to be the reverse. Still I received word from the Rupert office that it was all registered.⁸⁴

Not understanding aboriginal methods of kin group hunting and

trapping, the Game Warden from the Fort Fraser Detachment complained about traditional trapping methods. In his estimation, the Indians were claiming too much land, registering not only the adult men but also women and children.⁸⁵

The diligent efforts of local Indian Agents on behalf of Indians that motivated such complaints were not reflected at the regional or national levels in the Department of Affairs. Instead of protecting Indian requirements for trapping areas, senior Department of Indian Affairs officials merely 'urged' provincial authorities to consider Indian needs when implementing game laws.⁸⁶

In 1919, J.D. McLean, Assistant Deputy and Secretary of the Department of Indian Affairs, proclaimed that game laws were in the interests of the Indians and must be obeyed.⁸⁷ He reasoned that if the wildlife resources were decimated, everyone, including the Indians, would suffer. McLean's directive merely reflected the Department of Indian Affairs' policy as articulated by Duncan Campbell Scott, the Deputy Superintendent General of Indian Affairs. In a 1919 circular sent to all Indian Agents and Inspectors in Manitoba, Saskatchewan, Alberta, British Columbia and the Yukon, Scott stated that the Department was interested in seeing Indians comply to provincial game laws. The Deputy Superintendent General asked the agents "... to take every

opportunity to point out to the Indians that they must obey the regulations of the province and that the Department [would] in no wise [sic] support them in any contention or idea on their part to the effect that they were above the law."⁸⁸

W.E. Ditchburn, the Indian Commissioner of British Columbia, was adamant that Indians adhere to provincial game legislation.

Ditchburn found the Indian's belief in prior right claims

'problematic.' In his estimation, game laws superseded generations of use and special consideration was unwarranted.⁸⁹

He was convinced that Indians could obtain permanent security for the use of trap lines if they adhered to the laws. Trap lines could

... only be taken up from year to year by Indians or white licensed trappers, and therefore until such time as greater privileges are given to Indians (which I doubt ever will be the case) the best thing they can do is to be guided by the Act and take the necessary measures each year to secure the lines they are accustomed to trap over.⁹⁰

Thus, Ditchburn effectively invalidated First Nations concerns about the loss of trapping areas and livelihoods.

In 1934 the Department of Indian Affairs assured the Attorney General of British Columbia that, in the process of addressing aboriginal concerns about the trap line registration system, the Department " ... would not support unreasonable demands by the

Indians or countenance in any way breaches of law or regulations or abuses of privilege by them."⁹¹

This attitude illustrated an ignorance common to senior officials in both the Department of Indian Affairs and the provincial Game Department. Policy makers had no understanding of First Nations rights, relationship to land and wildlife resources, barriers to compliance, or the absence of alternative employment opportunities. They ignored both the reports of the local Indian Agents in the field and petitions from First Nations people and their supporters. Department officials seemed incognizant of the fact that when traditional means of making a living declined, alternative employment opportunities for aboriginal peoples were essentially non-existent.

In sanctioning provincial game regulations, the federal government ignored both its constitutional responsibilities and, in northeastern British Columbia, Treaty 8 obligations. Provincial authorities evoked constitutional rights to enact and enforce game protection laws. Section 91(24) of the **British North American Act** established federal jurisdiction over both Indians and lands reserved for them, but the Canadian Constitution gave provincial and territorial governments responsibility over wildlife conservation. Indian treaties were never ratified by parliament but legislated by Order in Council. Legislation

granting treaties precedence over provincial statutes was not enacted until 1951 when section 88 was added to the **Indian Act**.

This section read:

Subject to the terms of any treaty and any other Act of Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulation or bylaw made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this Act [emphasis added].⁹²

Since the enactment of S. 88, First Nations people in treaty areas have generally received greater recognition of traditional hunting, trapping and fishing rights.⁹³ But prior to 1951, once a treaty received Council approval it was used as the legal basis for appropriating aboriginal lands for settlement and economic development while First Nations interests were ignored.

The First Nations understanding of treaty agreements was never that of Department of Indian Affairs officials at either the federal or provincial levels. The Indian Affairs interpretation which supported the supersession of federal treaty agreements by provincial game laws were dismissed by Supreme Court decisions in 1978 and 1985. In both the **Simon v. the Queen** and **Kruger, et al vs. the Queen** decisions, Justice Dickson ruled treaty rights hold precedence over provincial game regulations.⁹⁴ In Justice Dickson's judgement, treaties constituted " ... a positive source

of protection against infringement on hunting rights and the fact that these rights existed before the Treaty as part of the general aboriginal title did not negate or minimize the significance of the rights protected by the Treaty."⁹⁵

In defending the implementation of game laws in the Treaty 8 area, provincial officials interpreted the treaty clause guaranteeing traditional hunting, fishing and trapping subject to regulations that " ... from time to time be made by the Government of the country ..." to mean the provincial government.⁹⁶ In the estimation of provincial representatives the provincial **Game Act** superseded federal treaty obligations and this view was shared by Department of Indian Affairs administrators.

This interpretation of Treaty 8 was challenged by Justice J.A. McGillivray in his judgement of **Rex and Wesley** and incorporated in Justice J.A. Jackson's judgement in the Northwest Territories Court of Appeal in **Regina v. Sikyes [1964]**.

From these treaties and from the negotiations preceding the signing of these treaties ..., it is, I think, obvious that while the Government hoped that the Indians would ultimately take up the white man's way of life, until they did, they were expected to continue their previous mode of life with only such regulations and restrictions as would assure that a supply of game for their own needs would be maintained. The regulations that "the Government of the Country" were entitled to make under the clause of the treaty which I quoted, were, I think, limited to this kind of regulation. Certainly the Commissioners who represented the Government at the signing of the treaties so understood it [emphasis

added].⁹⁷

In his decision, Jackson agreed with Justice McGillivray's view.

It is true that Government regulations in respect of hunting are contemplated in the Treaty but considering that Treaty in its proper setting I do not think that any of the makers of it could by any stretch of the imagination be deemed to have contemplated a day when the Indians would be deprived of an unfettered right to hunt game of all kinds for food on unoccupied Crown land.⁹⁸

In **R. v. Horseman [1986]**, Madame Justice Wong's decision affirmed the rights of Treaty 8 Indians to hunt as a traditional vocation. In accepting Dr. Arthur Ray's opinion that the Indians of Treaty 8 were engaged in hunting and trapping vocations for subsistence and exchange at the time of signing the treaty, Justice Wong dismissed the charge that Mr. Horsemen engaged in a commercial transaction when he sold a grizzle bear hide. In her decision, the Justice found "...Mr. Horseman sold the grizzly bear hide in a manner and for a purpose consistent with the tradition of his ancestors--that is 'for the purpose of subsistence and exchange'."⁹⁹

Although Justice Wong's decision in the Horseman case was subsequently reversed by the Court of Queen's Bench, her ruling and other court decisions have determined that the treaty interpretations used in the 1920s and 1930s to marginalize aboriginal peoples were inaccurate. But, based upon these interpretations, provincial game laws were enacted that validated

the changing demographic and economic realities of northern British Columbia. Legislated conservation measures justified the appropriation of First Nations hunting and trapping territories and replaced effective strategies with unsustainable non-aboriginal conservation schemes. Guided by western economic development concepts, conservation laws were developed and implemented without consideration for the land use needs of First Nations peoples. Viewed as temporary impediments to northern development, they were ignored because they were expected eventually to abandon their hunting and gathering activities in favour of a more sedentary and civilized life. The white men meant to order and control wildlife and Indian alike even in the Treaty 8 area where traditional hunting and trapping vocations had been guaranteed.

CHAPTER THREE

Treaty 8 and Trap line Registrations: Trust and Treaty Negated

As miners and prospectors increasingly moved into northeastern British Columbia after the mid 1800s, the subsistence balance between aboriginal groups and game was disrupted. Procuring food, especially during the winter, was a hardship intensified by the intrusion of non-aboriginal trespassers. By 1883 tensions between white and the Dunne-za (Beaver), Cree and Slavey First Nations groups in unceded territories, combined with numerous reports of the destitute conditions of the latter, prompted the Deputy Superintendent General of Indian Affairs, Lawrence Vankoughnet, to recommend the federal government negotiate a treaty with Athabasca-Mackenzie District Indians.¹

Government representatives, however, resisted entering negotiations, and the only attempts to protect First Nations subsistence livelihoods were made unofficially by federal employees in the Department of the Interior. Throughout the 1890s, Department staff discouraged settlement in the Peace River District. Both William Pearce and George M. Dawson's survey reports of 1893 suggested low prospecting returns would force placer miners to hunt and trap. In their estimation, the resulting scarcity of game would have dire consequences for the

Indians and lead to a disruption of their population.²

With the discovery of gold in the Yukon in 1896, conflict between First Nations groups and prospectors increased. In 1897, N.W.M.P. Inspector J.D. Moodie tried to diffuse the situation by warning the Indians that attempts to take revenge upon white men would end in the Indians' extermination. But the Indians remained recalcitrant, responding: "We may as well die by the white men's bullets as of starvation."³

The animosity between the aboriginal and non-aboriginal groups was clearly demonstrated in June 1898, when the First Nations people of Fort St. John, British Columbia, refused police officers and prospectors access to their territories.⁴

Exasperated by decimated wildlife stocks and appropriated property, the Indians established a blockade and prevented white trespassers from travelling to the Yukon gold rush. The blockade sent an explicit message to federal officials in Ottawa: a treaty must be signed before more white prospectors and trappers would be allowed into northern territories.

Securing land and safety for settlers had motivated previous treaty negotiations, but acquiring lands for settlement was not an issue in northern regions. Not until the mineral wealth of the area was ascertained did federal officials consider negotiating

with the First Nations groups of the Athapaskan-Mackenzie regions. The aboriginal peoples of northeastern British Columbia were included in the negotiation process to settle access issues related to the Klondike Gold Rush. When the hostility between the First Nations peoples and the prospectors could no longer be overlooked, the government reconsidered its 'no treaty' policy.⁵

In June 1898, the Canadian Department of Indian Affairs received Privy Council approval to enter treaty negotiations with the First Nations groups in a 324,900 square mile [523,089 square kilometre] area constituting the north half of Alberta, the northeast quarter of British Columbia, the northwest corner of Saskatchewan, and the area south of Hay River and Great Slave Lake in the Northwest Territory [see Appendix III].⁶ Two years later, in June 1900, the first adhesion to Treaty 8 was signed by the First Nations groups of the Peace River District, British Columbia.

Obtaining guaranteed hunting, trapping and fishing rights was of utmost importance to the northern First Nations groups. Treaty Commissioner David Laird assured the Indians that traditional livelihoods would be protected. The Commissioners' report accompanying the Treaty document noted:

Our chief difficulty was the apprehension that the hunting and fishing privileges were to be curtailed. The provision in the treaty under which the ammunition and twine is to be furnished went far in the direction of quieting the fears of

the Indians, for they admitted that it would be unreasonable to furnish the means of hunting and fishing if laws were to be enacted which would make hunting and fishing so restricted as to render it impossible to make a livelihood by such pursuits. But over and above the provision, we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would if they never entered into it.⁷

In his opening negotiation speech, Laird affirmed that the Indians' traditional freedoms would be guaranteed under treaty. "Indians have been told that if they make a treaty they will not be allowed to hunt and fish as they do now. This is not true. Indians who take treaty will be just as free to hunt and fish all over as they now are [sic]."⁸ James A. Ross, Minister of Public Works for the Territorial Government, reiterated Laird's promise. "We are glad that you understand the treaty is forever. ... Indians are fond of the free life, and we do not wish to interfere with it."⁹ These assurances were omitted in the final treaty. Non-aboriginal observers and participants in the treaty process witnessed how the Commissioners addressed First Nations concerns by making verbal guarantees never incorporated into the final text.¹⁰

In spite of the demands for treaty, only 46 Indians took adhesion to Treaty 8 in 1900.¹¹ In 1903 the Inspector for Treaty 8 noted that the Indians at Fort St. John were

... very independent and cannot be persuaded to take treaty.

Only a few families joined. The Indians there [at Fort St. John] said they did not want to take treaty, as they had no trouble in making their own living. One very intelligent Indian told me that when he was old and could not work he would then ask the government for assistance, but till then he thought it was wrong for him to take assistance when he did not really require it.¹²

The report of the 1907 Inspector noted only about half of the Indians at Fort St. John had taken treaty and related that there was a 'great many' Indians who were apathetic to the process.¹³ These reports demonstrated that, as long as the Indians could maintain their traditional vocations, there was no need to adhere to Treaty 8. The reluctance to take treaty also suggests that insufficient assurances were given to justify signing, and it was not until 1966 that all of the Indians in the Treaty 8 area had agreed to reserve allocations [see Appendix IV and V].

Securing protection from white encroachment and obtaining hunting, trapping and fishing guarantees motivated First Nations people to take adhesion to Treaty 8. The Dunne-za interpretation of Treaty 8 was outlined in a February, 1924 Police report from the Peace River District. The Constable noted:

... here we have a portion of British Columbia on the Eastern side of the Rockies, the Indians native to it are a tribe called the Beaver [Dunne-za], these Indians are not subject to B.C. they are administered by an Indian Agent appointed from Ottawa, they are signatory to a Dominion Treaty (Treaty No 8), this Treaty as interpreted by their Agent to them, **and understood by them at the time of its signing**, given [sic] them the privilege to kill Game of all kinds when and where they please within the Territory assigned them (emphasis added).¹⁴

Because of this understanding, the Indians of the Peace River District strongly advocated for recognition of their hunting and trapping rights on their own behalf and refused compliance with the **Game Act**. Provincial laws which restricted aboriginal hunting prerogatives were deemed a contravention of Treaty 8 and the First Nations people objected to any measures that abrogated their rights.

In a letter to the Indian Agent at Driftpile, Alberta, dated December 12, 1932, the Headman for the East End Moberly Lake Reserve complained about the imposition of a restriction on the killing of female deer. The leader reminded the Department representative of Treaty 8 guarantees.

... when we took treaty we were promised that we could kill game whenever we were hungry, their [sic] was no mention about the male and female. I want you to help us if you can talk to the Inspector who is coming next summer it is hard for us to live as we have very little country left to trap in [sic].¹⁵

Dr. H.A.W. Brown was appointed part-time Indian Agent for the Fort St. John Agency by April, 1934.¹⁶ He reported that the Indians were adverse to accepting relief, demanding, instead, that their traditional trapping and hunting rights be respected as guaranteed under treaty.¹⁷ The Agent noted: "The bitter complaint again was the taking away of their means of livelihood [sic] guaranteed to them under Treaty #8 that is, their trapping country."¹⁸

In January of 1936, Brown commented on how the Game Department had permitted settlers to register large tracts of trapping territory in the heart of the Halfway Band's country.

Legal enough you might say; but to me the spirit of the Treaty was unquestionably that the Indian would retain trapping and hunting rights to the specified Treaty area unless such land was required for settlement or industrial expansion etc. These mountain traplines are obviously unfit for anything else but trapping and should have been remained in possession of the Indian.¹⁹

When the Department of Indian Affairs endeavoured to collect provincial game fees from Indians in the Fort St. John Agency in 1938, the Indians resisted. The opposition was so strong, Agent Brown believed the Indians would give up existing privileges before paying the licence fees.²⁰

When the Peace River Indians took adhesion, it was to secure their lands and seek protection from the competition of white trappers and hunters. In their estimation, the treaty was not a temporary measure, but a guarantee of traditional hunting and trapping vocations.²¹

Long time ago, not supposed to come to Blueberry, White people and half-breed guys. That's what they say that. Boss, you know, Chief, Maadiyane say that too. Indian Agent, you know, my Dad told me, tall guy he said that. Just like a treaty, Treaty traplines. Give him treaty. Maadiyane they want to give treaty. Big Boss he say that I give you that trapline, that's two rivers.... . Nobody come around here. Just the treaty Indians.²²

This understanding was not realized. In the sixteen years between 1898 and 1914, 300 homesteaders had moved into the Pouce Coupe

area. G.J. Duncan, assigned to open the first police detachment in the area in 1914 was perplexed by the settlers' abilities to make a living from their struggling farming enterprises. The puzzle was solved when the Constable realized that the vast majority were engaged in trapping -- a lucrative endeavour that could net as much as three thousand dollars per year.²³

In 1915, Constable Duncan implemented an unofficial trap line registration system to prevent disputes in his area. Duncan registered forty eight lines for white trappers and four for Indian trappers. Understandably, the Constable experienced difficulty explaining the law and getting Indians to move from trapping areas they had operated for years as they were not easily convinced they should move.²⁴

A decade after Treaty 8 was signed, as many as a hundred settlers passed through Peace River Crossing enroute to northeastern British Columbia every day.²⁵ Settlers were described as a " ... constant stream of white humanity pouring into the Peace River country over the trail from Lesser Slave Lake... ." ²⁶ By June, 1917, 652 homesteads had been filed in the Pouce Coupe valley alone, and the total population was approximately 1200.²⁷

When the first settlers arrived in the Peace River District north of Fort St. John, Chief Muckethay and his band had an area

bordered by Fort St. John (south), North Pine and Rose Prairie (east) and the Blueberry River (north). The newcomers shortened Muckethay's name to Montney and named a village after the Chief in recognition of the land that once bore his name.²⁸ By 1930, the Indians of this region had been displaced and were living either at the Blueberry River or at the Pine River in Rose Prairie.

North of Muckethay's territory was a large area managed by a tribe consisting of the Apsassin, Wolf, Yahey, and Cheekyass bands [see Appendix VI].²⁹ Prior to the implementation of the registered trap line system in 1926, the Indians struggled to maintain control over their traditional territories as white trappers moved into areas sometimes far removed from their homesteads.³⁰ Despite treaty guarantees, accessing Crown Lands for trapping became a means of supporting the primary summer activities of both settlers and itinerant prospectors.

By 1930, Muckethay's territory had been appropriated for settlement and mechanized farmers living in the area had " ... removed almost all traces of Indian game trails and camping spots"³¹ North of the Blueberry River, traditional territories were registered by white trappers leaving the aboriginal trappers without a viable means of making a living.

The settlers approached trapping and the fur bearing population from an economic perspective: by the time the fur bearers were driven to the mountains or barren lands, the farm would be well established.³² The preservation of the fur bearing animals was of little consequence once the farm was 'well under cultivation.' "A good white hunter, of whom always a few find their way into the Last West for the winter's trapping, can easily beat the Indian at his own game."³³ Unfortunately, this type of attitude had dire consequences for both the fur-bearing population and the First Nations people.

Between 1920 and 1930, white encroachment into the Peace River District intensified. Denied employment in the southern economy, white trappers swarmed into the north. At the same time, post war fur market prices were high and trapping could prove very profitable. The ensuing conflicts between the aboriginal and white trappers represented a clash between social and economic ideologies. Encouraged by government mandates, protected by white law enforcement officers, and driven by concepts of expansion, land ownership, individualism and the accumulation of wealth, white trappers and settlers moved deep into the Peace and Laird River drainage systems--traditional Dunne-za, Slavey and Cree territories.

Although the Indians were displaced, they were hardly complacent

observers of these fundamental changes affecting their lives. A decade after the signing of Treaty 8, the First Nations groups of the Peace River District were still objecting to the continued encroachment of white prospectors, settlers, trappers and big game hunters into their territory. Multitudes of white homesteaders claiming land in the Pouce Coupe and Grande Prairies regions troubled the Beaver Indians and distressed the Moberly Lake Saulteaux.³⁴

The Beavers [Dunne-za] still looked upon the country as their own and upon all white men as usurpers. ... Now the Beavers were looking with genuine hatred and alarm at the increasing number of whites who were coming each year into their land. The surveyors especially aroused their keen suspicions. Why were they making these lines and cutting down the Beaver Indians' trees? Frequently, when they were gathered together in the store, did some young firebrands threaten to clean up on these intruding whites.³⁵

Bands occasionally intimidated settlers³⁶ but, in most instances, cultural ethics regarding hospitality dictated peace. Indians were perceived as being resourceful, friendly, and cooperative. The Indians taught how " ... to respect, but not really to fear the mighty [Peace] river; where to find wild meat and when to kill it; how to keep from freezing, when it's 72 below, with a north wind, and you have to be outside."³⁷

White men and the Indians co-existed in the isolated northern region. The farmers augmented agrarian pursuits with trapping while the Indians lived primarily off the land: hunting, fishing and trapping. The subsistence levels of the two groups were not

dissimilar, but when the trap line registration system was implemented, white claims to traditional hunting and trapping territories on Crown Land were validated and aboriginal claims invalidated.

By the time the trap line registration legislation was introduced in 1925, First Nations hunting and fishing territories in the Peace River District had already been eroded by the appropriation of Crown land not only for settlement but also for trapping to such a degree as to remove Indians from their traditional lands. In the first year the sytem was introduced, thirteen trap lines were registered in the Peace River area, none of them to First Nations trappers.³⁸

Concerted efforts to implement registration for Treaty 8 Indians in the Peace River District did not occur until 1926, a year after the compulsory registration sytem was implemented. By this time the Indians were requesting a moratorium on the allocation of lines to white trappers and asking that vacant lines be reverted to Indians. In return they promised to respect the white men's trap lines.³⁹ The province's Chief Game Inspector, M. Furber, doubted the Indian's request regarding vacated lines would be accepted by his supervisors. As a concession, Furber suggested that the Provincial Game Warden might hold forfeited lines for dispersal to either Indian or white candidates with the

best interest of conservation in mind.⁴⁰ This compromise was superficial: not only was it already the practice, but few lines reverted to the Provincial Game Warden for transfer.

The First Nations groups of the Peace River District were reluctant⁴¹ to participate in the registration system, not only because of their understanding of Treaty 8 assurances, language barriers and a lack of understanding of the registration process, but also because the Indian Agent, Harold Laird, advised them to ignore both the provincial game laws and the law enforcement officers. Laird acknowledged First Nations hunting and trapping rights and developed respectful relationships with the aboriginal peoples in his agency. Although Game Officials viewed Laird as an impediment to law enforcement, he was respected by the Indians because he was a friendly man who took into consideration Indian concerns and recommendations.⁴²

Agent Laird believed aboriginal trappers were exempt from provincial laws under Treaty 8 guarantees. In a February, 1924 Police report from the Peace River District on the registration of trap lines, the Constable noted Laird's interpretation of Treaty 8.

And last but not least comes the question of Indian rights, the Indians here have only of late felt the pressure of the White man, as yet he hardly realizes that the country he and his forefathers have hunted and trapped for generations is rapidly being taken from him, when Registration arrives and he finds the greater part of the country closed to him, he

will certainly resent it having been told by his Agent that under his Treaty (Dominion Treaty No 8) he can hunt and trap where he likes.⁴³

Constable Forfar recommended that a ruling on the validity of the Indians claims under Treaty 8 be made before registration further complicated the situation.⁴⁴ But, before the Constable received clarification on the Treaty 8 issue, he received instructions to implement trapline registrations--directives difficult to execute with the full cooperation of an Indian agent, almost impossible when the agent refused to recognize police authority in administering provincial game laws.⁴⁵

In his efforts to obtain trapping areas for the Indians for the Peace River District, Chief Game Inspector Furber recommended that band trapping areas be registered for Indians because he realized that individual trap lines were not feasible for the subsistence needs of a traditional native hunting group. Furber was interested in limiting white expansion into Indian trapping territory and suggested that, outside of their homesteads, settlers should not be granted trap lines except North of the 58th parallel.⁴⁶ The latter recommendation was never incorporated, probably because settlers would have been alarmed by this attempt to restrict their economic options.

Furber sent a letter to Indian Agent Laird in June 1926 requesting assistance in securing Indian trapping territories.

The Inspector believed that, if Laird demonstrated support for Game Department initiatives, the Indians would be predisposed to register. But Laird's support was not forthcoming and not a single application was received from the Agent on behalf of the Indians in the Peace River District.⁴⁷ In Laird's estimation " ... the Indians could run wild, as long as they did not interfere with the traplines already being run by white trappers [sic]."⁴⁸ Laird believed that Treaty 8 guaranteed the Indians freedom to practice their traditional vocations.

By 20 August, 1927, W. Spiller, Inspector Commanding "D" Division, Prince Rupert, realized that no assistance could be expected from Indian Agent Laird. Spiller informed the Constable, Peace River District, Pouce Coupe, to take Indian applications in the same manner as white registrations but allow Indians to register in bands if they desired.⁴⁹

Consequently, with the encouragement of their Indian Agent, the Indians in the Peace River District continued their traditional hunting and trapping vocations, ignoring game laws and frustrating both the white trappers and the game enforcement officers. In one instance, Indians from the Halfway Band were so indignant when an area that they had trapped for generations was registered to a white trapper that they burned down his cabin and interfered with his traps. The white trapper finally sold the

line to the Department of Indian Affairs.⁵⁰

The Provincial Game Warden report for the year ending December 31, 1926 noted that trap line registration in "D" Division which included the Peace River Block was in its 'infancy and a very tedious process' due to "[t]he fact that the Indians in the past have been adverse to recognizing our 'Game Act' [which] has created many difficulties."⁵¹ The Indians in the Fort Nelson region were determined not to register but were finally convinced of the system's merits by the local Game Warden and eventually complied.⁵² But other Chiefs in the District continued trapping activities without complying to the Game Act and were charged with trespassing on registered lines. Whether the trespass was done out of defiance or ignorance is difficult to determine, but since the Indians were destitute, survival may have been the primary determining factor.

In May of 1926 the Chief of the Beaver tribe at Hudson Hope received a suspended sentence for trespassing onto a trap line registered to a white trapper. In passing judgement the Magistrate considered the man's family responsibilities. The Chief was sole supporter for a large family, including three adopted children and was deemed trustworthy with an industrious nature. Extenuating circumstances also influenced the judge's decision. Because Indian Agent Laird had advised the Indians to

ignore provincial game laws, the Assistant Superintendent of Police recommended that the Magistrate be given permission to suspend sentence.⁵³ The Chief had been ill-advised.

In a similar case, another Dunne-za Chief from Hudson Hope received a suspended sentence in 1928 after he and his band were charged with trespassing on a registered line. The Chief promised to stay away from the white trapper's territory and register a trapping area for himself,⁵⁴ obviously not his traditional area.

The Constable in Fort St. John as well as the Chairman of the British Columbia Game Conservation Board were frustrated by the District Indians' 'wilful and persistent' disregard for provincial game laws. Without success, the Game Board Chairman requested the Indian Department place an Indian Agent in the district to control the Indians and school them in the provincial game laws.⁵⁵

The loss of traditional hunting and trapping territories for the First Nations groups of the Peace River District had a disastrous impact on the people. In September of 1932, Chief Saccon and one of the sub Chiefs sent a letter to the Department of Indian Affairs criticizing the Hudson Bay Company for providing relief support that was both inadequate and demeaning. The letter noted the deplorable conditions and requested an Indian Agent be

assigned to Fort St. John to provide assistance.

The Indian Agent is 500 miles [805 kilometres] or so away from us, we have nobody to take care of us excepting the Indian Dept. The fur is getting very scarce and the price low and half the time we are near starving and when the cold weather comes are liable to freeze to death. The white trappers are all around us and [we] do not have much chance to kill very much [sic].⁵⁶

In 1932 the Department of Indian Affairs reorganized and transferred an Inspector from Saskatchewan to the Inspectorate Office in Calgary.⁵⁷ By September of that year, Inspector M. Christianson had determined that the Indians at the Moberly Lake, Halfway and Fort St. John Reserves in northeastern British Columbia, Treaty 8 area, were unable to make a living on the lands allocated to them and that their trapping grounds had been so reduced as to be insufficient. The destitute conditions of the Indians 'were the talk of the country,'⁵⁸ and it was apparent that something had to be done to rectify the situation. In 1933, the Department of Indian Affairs received reluctant permission from the Game Inspector for "D" Division⁵⁹ to purchase trap lines for the First Nations groups of the Peace River Block. To meet the needs of First Nations trappers throughout the province, this practise was ultimately extended to other agencies.⁶⁰

In July, 1933 the Inspector of Indian Agencies, Alberta Inspectorate, acknowledged that the interests of the Indians in the Peace River District had not been protected. This had resulted in white trappers claiming practically all the valuable

trapping territories in the district.⁶¹ This admission of neglected responsibility was reiterated in October, 1934 when the Secretary of the Department of Indian Affairs conceded that the lack of Department structure in the Peace River Block had created distress for the Indians in the area.

When discussing the difficulties of the Indians in the Peace River Block in regard to trapping licenses, [Provincial Game] Commissioner Butler pointed out that the Indians suffered through lack of Indian Department organization. I agreed with him as the late Agent, Mr. Laird, was too far distant and took no interest in the matter.⁶²

The Fort St. John Game Warden opposed Department of Indian Affairs initiatives to reclaim trapping territories for First Nations trappers. Warden Kerkoff dismissed Christianson's report delineating the destitute conditions of the aboriginal people in the Peace River Block. Demonstrating both an ignorance of registration barriers experienced by Indians as well as little compassion, Kerkoff complained that the Indians were difficult to work with because they were 'ignorant' with no understanding of either the language or the registration process.⁶³ In his estimation, white attempts to establish and manage trap lines were rather useless because the region seemed overrun by Indians who were constantly infringing on white lines. Kerkoff concluded that Indians had no understanding of the registered trap line system and instead of settling down to operate their lines, they caught everything on the line, then moved on to raid other lines.

Through not registering the Indians have lost a lot of trapping area and this was not so noticeable, while there

was open territory for the Indians to fall back on, but now the country is covered by registration, the Indian will have to stay on his line and try to do like the White trapper. ... In the Fort St. John district, the White-men hold big areas for traplines and between these areas the Indians are registered.⁶⁴

The Warden evaluated the Indian's method of trapping together as a band as being detrimental and concluded that "[t]he Indian is a killer of Game and not a conserver; he will kill his beaver in the summer time for the meat, not concerned about the value of the pelt next winter."⁶⁵ Apparently Kerkoff did not realize that the value of a pelt was determined by how hungry the band was when the beaver was killed.

Kerkoff's lack of support for the Department of Indian Affairs initiative was condoned by District Game Inspector T. Van Dyk. The Inspector blamed the whole of the Indian's destitute situation on Indian Agent Laird and the Indians themselves. Van Dyk informed Game Commissioner A. Bryan Williams that in the winter of 1925 - 1926 the Indians and their Indian Agent had been notified of the new trap line registration regulations and advised to comply without response.

Van Dyk maintained that it was difficult to ascertain whether the Indian trapping areas were insufficient to provide a living and discredited the 'hard luck story' depicted by Christianson by 'fifty percent.' Without substantiation, Van Dyk noted that the

Constable at Hudson Hope had witnessed several cases of misrepresentation where Indians had claimed poorer catches than was the reality. In Van Dyk's estimation, the Indians were not destitute because of insufficient trapping areas but rather because of 'their passion for drink' which was being supplied illegally by a bootlegger who was subsequently charged and sentenced.⁶⁶

The Inspector of Indian Agencies, M. Christianson endorsed both Van Dyk's assessment of Laird's incompetence in complying with the trap line registration system and the need for greater supervision of the Indians especially in issues involving alcohol. But, in Christianson's estimation, the wretched conditions of the Indians were forcing him to deal with the situation as it was: the Indians around Fort St. John required more trapping territory if conditions were to be improved. He asked the officials of the Game Department to understand that the Indians in the past had been living " ... more or less like hunted animals: No one [had] given them any encouragement or tried to advise them, with the exception of members of the staff of [the Police] Department" ⁶⁷ Christianson expressed his deep gratitude for the department's exemplary treatment of the Indians and hoped for more open discussion on the issues.

Because half of the Fort St. John band of approximately 80 or 90

people had no registered trap lines, they were destitute, living in appalling conditions " ... chased here and there by white trappers,"⁶⁸ To alleviate these circumstances, Christianson endeavoured to secure additional trap lines to meet the band's needs but this was difficult as valid registered trap lines could not be cancelled and existing lines could be transferred only with the signed relinquishment from the white trappers. Although Game Warden Kerkoff agreed that the Indians were a poor tribe, he spurned Christianson's attempts to reclaim trapping areas for the aboriginal people. In Kerkoff's estimation, the solution for the protection of both the white trapper and game was to place the Indians between some rivers where they could be made to understand that they were prohibited from hunting or trapping beyond these areas.⁶⁹

Kerkoff's opposition to the Department of Indian Affairs efforts to re-establish aboriginal trappers on traditional territories remained strong but Inspector Van Dyk's uncooperative attitude seemed to dissipate. "[The Indians] are poor helpless people in the hands of unscrupulous white men, and it is always gratifying to me to find someone that is willing to give them a square deal,"⁷⁰ Christianson wrote to Van Dyk in September 1934. The Indian Inspector further commended Van Dyk to the Attorney General of British Columbia.⁷¹ No doubt Christianson's diplomatic and congenial remarks influenced Van Dyk to accept the

Department of Indian Affairs initiatives.

In November of 1933, Dr. H.A.W. Brown, claiming interest in the Indians and a desire to do what he could to support them, volunteered to act as the regional Indian Agent.⁷² By April, 1934, Brown had been appointed Agent and the Fort St. John Agency was established. In November of 1934, Dr. Brown informed Inspector Van Dyk that "it would appear to be necessary for us to purchase back quite a considerable amount of territory from white trappers to enable the Indian population to maintain itself."⁷³

In the fall of 1934, Department of Indian Affairs and British Columbia Game Board officials discussed Indian trap line needs, and the Game Board agreed that Indian Agents would be consulted before trap line licences were granted to prevent encroachment on Indian lands. Game Board officials also agreed to investigate all Indian complaints against wardens through the Indian Department and take appropriate action if necessary.⁷⁴ These policies had little impact as trap lines continued to be transferred from one white trapper to another without consultation with the Indian Agent.

Although "D" Division Inspector, T. Van Dyk, became less opposed to the Department of Indian Affairs purchase of trap lines, Game Warden Kerkoff remained unsupportive. In December of 1934, Van

Dyk informed Kerkoff that he was expected to cooperate with the Department of Indian Affairs,⁷⁵ but the Warden remained uncooperative. In July of 1935, he suggested that white trappers be penalized for selling their trap lines to the Department of Indian Affairs by being refused Special Firearms Licences. His intent was to discourage the "trafficking in traplines [sic]."⁷⁶

By April, 1938 the Department of Indian Affairs had purchased twenty trap lines in the Peace River District⁷⁷ for First Nations trappers but the Indian Agent believed that at least twice as many would need to be acquired to meet the needs of the Moberly Lake groups alone.⁷⁸ By this date, a total of 23 lines had been registered to Indians⁷⁹ By December of 1938, the Department had secured an additional eight lines, making a total of thirty-one trap lines registered to First Nations people.⁸⁰

Although the First Nations groups may have been pleased by a return of at least a portion of their traditional territories, white trappers were opposed. As Indians began moving back to old trapping areas, white trappers complained.

Up to the present this territory has been entirely clear of Indians. I understand it has always been the policy of the [Game] Department to keep the Indian territory separate from the whites, and am wondering, together with other white trappers in this valley, if there is any possible way to get this territory again clear of the Indians.⁸¹

Expressing the concerns of several white trappers, this trapper's

effort to restrict Indians to certain areas was supported by Warden Kerkoff who arbitrarily established the Blueberry River as the boundary between white and Indian trap lines.⁸²

A second attempt to confine Indians to a specific trapping area east of the mountains occurred in January of 1937 when Inspector Van Dyk asked the Indian Agent to refrain from bidding on an extensive line being auctioned at estate that bordered lines registered by white trappers. The Inspector believed that, if the Indians were to obtain the territory, it would cause trouble between the white and Indian trappers. In the Inspector's estimation, it was 'very desirable' to keep the Indians in the Hudson Hope area on the East slope of the Mountains.⁸³ Instead of restricting white access to Crown Land to ensure Indians could maintain their traditional livelihoods as guaranteed under Treaty 8, Game officials tried to contain the livelihood activities of First Nations people.

Any assistance extended by Game Department officials to meet First Nations trapping territory requirements was restricted to aboriginal peoples living within British Columbia. Although Treaty 8 guaranteed the Indians access to territories customarily used in hunting, trapping and fishing vocations throughout the whole of the treaty area,⁸⁴ provincial law enforcement officers prevented Alberta Indians from entering traditional territories

in British Columbia. When the Hay Lakes, Alberta, Indians attempted to enter traditional trapping territories in the Treaty 8 area of British Columbia in March, 1932, they were asked to vacate by the Game Warden under Section 6 of the provincial **Game Act**. This section prohibited non-resident Indians from trapping in the province.⁸⁵

The District Game Warden refused entry based upon earlier interpretations of Treaty 8 in the context of provincial jurisdiction and wildlife regulations. In assessing the validity of aboriginal trapping rights in the Treaty 8 area, W.E. Ditchburn, Indian Commissioner for British Columbia, determined, in 1925, that Indians were subject to provincial game legislation.⁸⁶ In 1929, George S. Pragnell, Inspector of Indian Agencies, Kamloops reiterated Ditchburn's conclusion. In determining the hunting and fishing rights of Indians in the Peace River Block, Inspector Pragnell had received clarification from Indian Commissioner Graham at Regina and was informed that Indians in the prairie provinces were subject to provincial game laws. Pragnell subsequently informed Van Dyk that " ... the Indians in the Peace River Block are subject to the B.C. Game Regulations in the same way as are the whites."⁸⁷

Warden Van Dyk's decision regarding the Hay Lakes Indians rights to trap in British Columbia was ultimately supported by both the

provincial Attorney General and the Game Commissioner who pointed out that Indians in the treaty area were subject to the 'laws of the country' as stipulated in the Treaty and were, therefore, subject to provincial Game Laws.⁸⁸

In the estimation of provincial game authorities, Section 6 of the Game Act superseded Treaty 8. Although the Indian Commissioner for B.C., W.E. Ditchburn, agreed that provincial game regulations generally applied to Indians, Treaty 8 gave Alberta Indians the right to trap traditional territories in British Columbia without restriction.⁸⁹ The Secretary of the Department of Indian Affairs, T.R.L. MacInnes, was not satisfied with the provincial game official's interpretation of the Treaty. He questioned the decision regarding the Alberta Treaty Indians trapping in British Columbia and intended to obtain legal opinion,⁹⁰ although the Acting Secretary doubted that the Department of Indian Affairs could insist upon treaty rights given the attitudes expressed by the Provincial authorities.⁹¹

By June 1932, Game Commissioner Bryan Williams had changed his mind about allowing the Hay Lakes Indian to trap in British Columbia, not because of legal claims under Treaty 8, but because Game Warden Clark's report on the situation had "... put the matter in an entirely different light."⁹² Clark reported that the Hay Lakes Indians had been trapping in British Columbia for years

and that their territory would not interfere with that of the province's Indians. He also reported that the Indians were

... absolutely destitute and starving. They are issued with a very small ration from the Indian Department. Some of the children are like skeletons. Some have nothing for clothing only old flour sacks. During the war I saw lots of poor people in Germany and France, but I never have seen anything like we have on the Boundary at Hay Lakes. I never had such a pitiful job in my life when I advised these Indians that only B.C. Indians are given trapping privileges in B.C. The old people sat there and cried. They told me that I could not find enough food in any one of their camps to feed one of my dogs for one night, which I am sure is the truth.⁹³

The Game Commissioner's permission allowing the Hay Lakes Indians to trap in British Columbia brought to an end any potential conflict between the Department of Indian Affairs and the Game Commission. In responding to the Indian's living conditions as reported by Game Warden Clark, the Acting Deputy Superintendent General of the Department of Indian Affairs informed the provincial Game Commissioner that the Department was aware of the circumstances of the Hay Lakes Indians. But he justified the Department's inability to respond by explaining that supplying relief was difficult because of the band's isolation.

Furthermore, the Acting Deputy explained, Department appropriations for relief were very limited and he pointed out that unless permission to hunt was granted, the plight of the Hay Lakes Indians would be 'most serious.'⁹⁴ Unwilling to address the consequences of neglected treaty obligations, the federal Indian Affairs official placed the responsibility for the Indians' survival on the province.

Ultimately, reducing Indian requirements for relief⁹⁵ rather than an acknowledgment of aboriginal rights motivated the Department of Indian Affairs to address white appropriation of aboriginal hunting and trapping territories throughout the province.

Criticizing the provincial government for its ignorance of aboriginal trapping requirements, Inspector Pragnell of the Kamloops Agency noted:

The fact that the Indians have got to be protected before the white man in their trapping interests, does not seem to have been grasped by the Provincial Government. Apparently, not having had to personally handle the matter of relief to Indians, they do not see that unless something is done, they are bound to become a charge on the public [emphasis in original].⁹⁶

White encroachment on traditional lands necessitated expensive rationing and, ultimately, the purchasing of trap lines for return to the First Nations people.

Treaty 8 interpretations and Game Act enforcements had profound consequences for the natives peoples of the Peace River District. Disempowered by the Indian Act, left to the guidance of apathetic or even hostile game enforcement officials, hindered by illiteracy and language barriers, they lost their traditional livelihoods and because alternate vocations were unavailable, thirty years after signing Treaty 8, they were one of the most destitute groups in the nation.

There are 170 Indians in the band, belonging to the Beaver [Dunne-za] tribe, and they are certainly a very poor type of Indian. They have become diseased, inbred and through

poverty they are simply on their last legs. They have absolutely nothing. I have never seen a band of Indians that had less. During the two days I spent with these Indians, ... it rain[ed] continually, and I noticed that these people did not even have tents. There were only two good tepees in the whole outfit and the only shelter they had was a piece of canvas hung over willows, under which I saw the old people and children huddle. They were very poorly clad and some of the children had practically no clothing on. They seem to have become [so] poverty stricken that they haven't even any cooking utensils. ... At a meeting with the band they laid complaint about their trapping lines. That all their old trapping grounds were taken up by white men.⁹⁷

So what benefits did the Indians of the Peace River obtain by signing Treaty 8? Until 1933, when the Department of Indian Affairs endeavoured to rectify a situation that should have never happened, very little! Meagre rations were distributed to keep the people from vanishing, and once a year, usually in July or August, the Indian Agent from Grouard, Lesser Slave Lake, Alberta travelled to Fort St. John to make treaty payments. But government handouts had not been the main impetus for the Indians of the Peace River District to demand treaty negotiations. In 1898, the Indians had insisted that the newcomers acknowledge aboriginal ownership and respect traditional vocations. In 1900, the first Indians of the Peace River District signed adhesion to Treaty 8 to guarantee their territorial rights. Thirty years later, they were still waiting for the federal government to fulfil its treaty obligations. In the history of First Nations people, the circumstances surrounding the imposition of trap line registrations in the Treaty 8 area constitutes just one more

example of trust and treaty negated.

CONCLUSION

The decision to introduce trap line registrations occurred in complex administrative and jurisdictional circumstances without consideration for, let alone, consultation with the aboriginal peoples who were ultimately forced off traditional trapping areas. Even in the Treaty 8 area where hunting, trapping and fishing vocations were guaranteed, undesignated Crown lands were allocated to non-aboriginal trappers without regard for First Nations rights or needs. Provincial game laws which marginalized First Nations people were left unchallenged by the federal government authorized by the **British North America Act** to administer and protect aboriginal lands and interests.

The provincial enactment of the trap line registration system in 1925 restricted First Nations access to traditional territories, validated non-aboriginal use of aboriginal lands designated as Crown Land, and, in northeastern British Columbia, abrogated treaty promises. Conservation laws were enacted to ensure not only the proliferation of the fur-bearing species, but also fur revenues. The interests of settlers, prospectors, and resource developers received precedence over hundreds of years of prior right claim and use.

First Nations people emphatically resisted measures that disrupted their way of life. During the first three decades of the twentieth century, Indians petitioned federal representatives and Department of Indian Affairs officials in vehement opposition to game regulations that restricted access to lands and wildlife. First Nations people defied game laws in desperate attempts to maintain control over both their traditional territories and vocations. Their efforts were ignored by senior bureaucrats at both the federal and provincial levels.

Legal disempowerment combined with language and literacy barriers placed First Nations trappers at a disadvantage in maintaining even a percentage of their traditional lands through compliance with the **Game Act**. In the early 1930s, the Department of Indian Affairs endeavoured to purchase some of the lost territories for reversion to the Indians. This was, at best, a perfunctory solution as white trappers were so deeply entrenched in northern regions to prevent both the establishment of Indian hunting preserves or reclamation of substantive traditional territories.¹

At the 1928 Interprovincial and Dominion Conference on Wildlife, a resolution was unanimously passed to set aside, 'as far as practical,' unsettled regions exclusively for Indians to trap. In passing this resolution, Canada was endeavouring to save remaining wildlife from exploitation and, at the same time, to

assure " ... to the Indians, under proper supervision, at least some happy hunting ground where they may pursue their ancient vocations unmolested."² This paternalistic sentiment was not realized as a commitment. Empty words, empty promises, lost territories, lost livelihoods, lost self-determination: all aspects of First Nations history. But this history is also that of British Columbia, and to develop a vision for the province's future, it must be understood and valued by both First Nations and non-aboriginal people.

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3. Sec. 9:21B (9) & (10). p. 127.
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5. Ibid., Volume 6735, File 420-3A. Inspector of Indian Agencies, Southeastern Inspectorate, Vernon, B.C. to Duncan Campbell Scott. Deputy Superintendent General of Indian Affairs, Ottawa. July 28, 1919.
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12. Ibid., Department of Indian Affairs. RG 10, Volume 4085, File 495, 658-1 Pt. 5. "What Canada Is Doing For The Hunting Indians," Prepared for the North American Wild Life Conference, Washington, February 3-7, 1936 by T.R.L. MacInnes, Department of Indian Affairs. See also: Department of Indian Affairs. RG 10, Volume 6735, File 420-3C 4. Report of Mr. MacInnes to Dr. McGill re. British Columbia Game Administration. October 4, 1934.

13. British Columbia Legislative Assembly. Sessional Clipping Books: Newspaper Accounts of the Debates. Daily Colonist. (Victoria), Wednesday, December 3, 1924. See also: Daily Province. (Vancouver), Thursday, March 17, 1921; Victoria Times. Thursday, April 11, 1918; Daily Times. (Victoria). Saturday, April 18, 1918; Victoria Daily Times. December 18, 1923; The Daily Colonist. (Victoria) Saturday, February 2, 1929; British Columbia Sessional Papers: **Report of the Provincial Game Warden** for year ending December 31, 1918; **Report of the Provincial Game Warden** for year ending December 31, 1922; **Report of the Surveyor General** for year ending December 31, 1924; **Report of the Provincial Game Warden** for year ending December 31, 1925; **Report of the Provincial Game Warden** for year ending December 31, 1928; BCARS. Add. MSS. 769. Earl K. Pollon, Correspondence 1922 - 1926. John M. Thomas, Guide to Mr. E. Forfar, Constable, Hudson Hope, B.C., January 12, 1926 and related correspondence.

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See Also: Box 24, File 5. Trap line Files, 1933, S. **Game Department Report**. C.D. Muirhead, Game Warden, Telkwa Detachment to The Officer Commanding, "D" Division, Prince George. May 27, 1933.

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4. Mr. MacInnes to Dr. McGill, Superintendent General of Indian Affairs, Ottawa, October 4, 1934. See Also: BCARS. Fish and Wildlife Branch. GR 1085, Box 1, File 2. Game Law Enforcement Branch, Prince George to E.S. Baptiste, Nichel, B.C. February 23, 1924.

Department informs Baptiste that when registered trap line sytem is enacted a notification will be printed in the local papers to notify trappers. Until that time the existing trapping regulations were to be followed.

4. BCARS. Fish and Wildlife Branch. GR 1085, Box 24, File 2. Trapline Files, 1933. P.: T. Van Dyk, Inspector Commanding, "D" Division to R.H. Moore, Indian Agent, Vanderhoof, B.C. May 10, 1933. The Indian Agent's request for line denied as line willed to successful applicant. See Also: Box 23, File 3. Trapline Files, 1933, H.: J.S. Clark, Game Warden, Fort Nelson Detachment to the District Game Warden, "D" Division, June 16, 1932 and related correspondence. Two trappers swap lines so that one could remain close to home; Box 25, File 5. S.G. Copeland, Game Warden, Prince George to Officer Commanding, "D" Division. June 28, 1934. Trap line received from estate of previous trapper; Box 19, File 4. Trapline Files 1932, B.: T. Van Dyk to Wm. G. Brighton, October 5, 1932. Permission to annex bordering line granted; Box 19, File 5. Trapline Files 1932, B.: T. Van Dyk, District Game Warden to George Baurie, Nukko Lake Fur Farm, January 9, 1932. Permission to annex part of another trappers line refused as lines separated by a third registered line. Van Dyk recommends partnership; Box 19, File 7. Trapline Files 1932, D.: Mr. Janes Davidson to Van Dyk, August 19, 1932. Line transferred to second trapper approved; Box 19, File 7. Trapline Files 1932, E-F.: F.A. Edmunds to Van Dyk, September 9, 1932. Permission to register trap line formerly registered to another trapper approved; Box 22, File 5. Trapline Files 1933, B.: J.E. Bateman to Provincial Police, Gisome, B.C., January 31, 1933. Bateman releases line to another trapper. Van Dyk approved January 31, 1933; Box 23, File 6. Trapline Files 1933, K.: F.J. Koeneman to Head Game Guardian,

Prince George, October 4, 1933. Trapper requests part of his line be reverted to ex-partner, and if, this was not acceptable, he asks that the whole line be transferred; Box 27, File 3. Trapline Files 1934. F.R. Butler, Inspector to Officer Commanding, "D" Division. December 8, 1934. Trap line registration submitted to Inspector is cancelled and reassigned to nominated successor; Box 30, File 3. Trapline Files 1935, G.: F.R. Butler to O.C. "D" Division, April 16, 1935. Approval of transfer of part of a line to another trapper; Box 30, File 7. Trapline Files 1935, K: Game Warden S.F. Faherty, Pouce Coupe to O.C. "D" Division, June 14, 1935. Notification of cancellation in favour of nominated successor. Box 31, File 4. Trapline Files 1935, Mc.: F.R. Butler to O.C. "D" Division. October 22, 1935. Approval of request to have line transferred to another trapper; F.R. Butler to Donald MacDougall, Hudson Hope, March 23, 1935. Acknowledges transfer of line to another trapper; Box 22, File 2. District Correspondence, 1933. District Nos 1,2,3,4. T. Van Dyk, Inspector "D" Division to R.H. Moore, Indian Agent. May 19, 1933. Notification that request for trap line for Indian not allowed as line willed to trapper who gave line to another trapper; Box 22, File 2. S.: Van Dyk to Carl Swanson, February 6, 1932. Approved of trap line sale agreement dated October 31, 1931; Box 23, File 6. 1933 T.: Game Warden W.L. Forrester to J. Tual, Chief Lake. November 27, 1933.

Forrester informs Tual that a trap line in which he is interested may be cancelled as the current registrant has not renewed his licence. The Warden notifies Tual that " ... if this line is cancelled, you will be given the chance to register it."

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16. Ibid., Box 1, File 2. W.A.S. Duncan, N.C.O. Pouce Coupe to Corporal T. Van Dyk, Prince George. October 23, 1925.

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18. Department of Indian Affairs. RG 10, Volume 6735, File 420-BC 4. Report of Mr. MacInnes to Dr. McGill re. British Columbia Game Administration. October 4, 1934.

19. BCARS. ADD. MSS. 769. Earl K. Pollon, Correspondence 1922-1926. Constable E. Forfar, BCPP. Hudson Hope Detachment. "D" Division, **Annual Report**. April 23, 1924.

Forfar's responsibilities included: assess the general logging and mining conditions in the Detachment; be in charge of prisoners, police quarter, transportation and other administrative duties; conduct special patrols [covering hundreds of miles by horse and/or canoe or dog sled]; in charge of insane patients; monitor cases of diligence; **Mothers Pension Act**; neglected children; conduct camp inspections; submit fire reports (completed in Peace River District by the Dominion government); complete pool room inspections; complete enquiries and attend inquests; monitor the **Liquor Act**; administer laws under the criminal code and prosecute, administer laws under the **Indian Act**, **Drug Act**, **Game Act** including revenue collection under the **Game Act** and **Trade Licence Act**.

See Also: BCARS. Provincial Game Warden. GR 446. Box 125, File 4. **Report of Provincial Constable**, J.P. Scarlett, Atlin, B.C. to A.C. Minty. January 21, 1919.

20. BCARS. Fish and Wildlife Branch. GR 1085, Box 22, File 2. District Correspondence, Nos. 1,2,3,4. Note [on closing flap of an envelope] dated June 11, 1932 initialled J.S.C. [J.S. Clark, Game Warden, Fort Nelson, B.C.] to Mr Van Dyk (District 4).

The mail is leaving for Simpson, I havent time to write the Game Warden at John [Fort St. John] regarding the enclosed applications. Will you please tell him these Indians have made applicaton for the enclosed trap-lines. I understand that some trappers at John intend going into that country next winter. These Indians have been trying to make aplication for the last 2 years and I have never been at home when they were here.

21. Ibid., Box 22, File 2. District Correspondence, District Nos. 1,2,3,4. Harper Reed, Indian Agent, Telegraph Creek, B.C. to C.C.

Perry, Esq. Indian Commissioner for B.C., Victoria. August 18, 1933. See Also: Box 24, File 9. J.H. Cummins, Game Warden, Fort St. John to J.S. Clark, Esq., Fort Nelson, B.C. January 30, 1932.

22. Department of Indian Affairs. RG 10, Volume 6735, File 420-3C 4. Mr. MacInnes to Dr. McGill, Re. British Columbia Game Administration. October 4, 1934. See Also: BCARS. Fish and Wildlife Branch, GR 1085, Box 13, File 7. A. Bryan Williams to T. Van Dyk, District Game Warden, Prince Rupert, B.C. August 6, 1929.

23. Ibid., Box 23, File 8. C.D. Muirhead, Game Warden to T. Van Dyk, Officer Commanding, "D" Division, Prince George. **Game Department Report**. April 20, 1933.

24. Ibid., Box 8, File 6. Constable A.T. Batchlor to the O.C. "D" Division, Game Branch, Prince Rupert, B.C. **Unorganized Territory Report**. April 23, 1928. See Also: Ibid., Box 24, File 5. Trapline Files 1933, S.; C.D. Muirhead, Game Warden, Telkwa Detachment, to Officer Commanding, Prince Rupert. **Game Department Report**. May 27, 1933; Box 9, File 4. Trapline Files 1928, H.; J.P. Brown, Constable. Bella Coola Detachment to N.C.O. in Charge, Prince Rupert District. November 21, 1929.

25. British Columbia. **The Revised Statutes of British Columbia, 1924**. Volume 1. Victoria: Charles F. Banfield, Printer to the King's Most Excellent Majesty, 1924. S. 9, C: VI.

26. BCARS. Fish and Wildlife Branch. GR 1085, Box 3, File 8. T. Van Dyk to Provincial Game Commissioner, November 15, 1930.

27. Ibid., Box 25, File 3. T. Van Dyk, Inspector "D" Division to the Game Wardens, September 11, 1934.

28. Dominion of Canada. **Annual Report of the Department of Indian Affairs for the year ending March 31, 1927**. Ottawa: F.A. Acland, Printer to the King's Most Excellent Majesty, 1927.

29. BCARS. Fish and Wildlife Branch. GR 1085, Box 2, File 7. M. Christianson, Inspector for Indian Agencies, Alberta Inspectorate, Department of Indian Affairs to the Hon. G.M. Sloan, K.C., Attorney General, Province of British Columbia, September 10, 1934.

30. Department of Indian Affairs. RG 10, Volume 6735, File 420-3 5., H.A.W. Brown, M.D., Indian Agent. Fort St. John to the Secretary, Indian Affairs Branch. Ottawa. December 19, 1937.

31. BCARS. Fish and Wildlife Branch. RG 1085, Box 2, File 8. A. Bryan Williams, Game Commissioner to T. Van Dyk, District Game Warden, Prince George, April 12, 1932.

32. Department of Indian Affairs. RG 10, Volume 6735, File 420-3B. W.E. Ditchburn, Indian Commissioner for B.C., to Mr. T.R.L. MacInnes, Secretary, Department of Indian Affairs, Ottawa. April 7, 1932.

33. Ibid., T.R.L. MacInnes, Secretary, Department of Indian Affairs, Ottawa to Major D.M. MacKay, Indian Commissioner for B.C., Vancouver. February 25, 1938. See Also: H.A.W. Brown, M.D., Indian Agent, Fort St. John, to The Secretary, Indian Affairs Branch, Ottawa. November, 15, 1938 and response November 30, 1938.

34. BCARS. Fish and Wildlife Branch. GR 1085, Box 36, File 5. H.A.W. Brown, M.D. Indian Agent, Fort St. John to T. Van Dyk, Inspector, "D" Division. April 25, 1937.

35. Department of Indian Affairs. RG 10, Volume 6735, File 420-3 5. H.A.W. Brown, M.D., Indian Agent, Fort St. John to The Secretary, Indian Affairs Branch, Ottawa. November 12, 1937. See Also: H.A.W. Brown, M.D., Indian Agent, Fort St. John. **December Monthly Report.** January 5, 1938; H.A.W. Brown, to Inspector T. Van Dyk, "D" Division, Prince George, June 9, 1937; Jas. G. Cunningham, Member - Game Commission, Vancouver, to The Indian Commissioner for B.C., Victoria. August 2, 1937; H.A.W. Brown to Inspector T. Van Dyk, April 25, 1937 and related correspondence.

36. Ibid., D.M. MacKay, Indian Commissioner for B.C. to The Secretary, Indian Affairs Branch, Department of Mines and Resources, Ottawa. February, 16, 1938.

37. Ibid.

38. Ibid., File 420-3. F. Pedley, Deputy Superintendent General of Indian Affairs to Right Honourable Sir Wilfred Laurier, Premier of the Dominion of Canada, Ottawa. 24 April, 1908.

39. Douglas R. Hudson, "Traplines and Timber: Social and Economic Change Among the Carrier Indians of Northern British Columbia," Doctorate Thesis: Department of Anthropology, University of Alberta, Spring: 1983. pp. 135-136. [Quoted from Frank Butler "Fish and Wildlife Manual. MS. B.C. Ministry of the Environment, 1962].

40. BCARS. British Columbia Attorney General. GR 1323. Files G98 - G98-3, Roll 218. Correspondence 1902-37. L.S. McGill, Barrister, Smithers to Deputy Attorney General, 3 April, 1925 and related correspondence.

41. BCARS. Fish and Wildlife Branch. GR 1085, Box 10, File 2. Trapline Files, 1928 N.; Arthur Neasloss to Mr. J.H. McMullin, Provincial Game Commissioner. January 16, 1928 and report of A.W. Stone, Rivers Inlet Detachment. March 8, 1928.
42. Department of Indian Affairs, RG 10, Volume 6735, File 420-3A 4. Petition of Mrs. English Decker, Canim Lake Band to Mr. MacInnes, Department of Indian Affairs, January 17, 1933.
43. BCARS. Fish and Wildlife Branch. GR 1085, Box 23, File 6. Trap line Files, 1933. K. G.C. Mortimer, Indian Agent to Inspector Van Dyk, Game Department, Prince George, B.C. October 23, 1933.
44. Hudson, p. 136 [Quoted from Submission 21, pp. 874-875, dated July 23, 1946, Special Joint Committee on the Indian Act, 1946-1948, House of Commons and Senate, Government of Canada]
45. Ibid., p. 131.
46. Ibid.
47. Department of Indian Affairs. RG 10, Volume 6735, File 420-3A. "Special Report Re. Trapping," George S. Pragnell, Inspector of Indian Agencies, Kamloops, BC. to The Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, Ont. September 12, 1923.
48. Ibid., File 420-3A. Petition of Fraser Lake Indian Bands to Deputy Superintendent of Indian Affairs, Ottawa. n.d.
49. Ibid., File 420-3 5. Stikine Agency Report, Telegraph Creek, B.C. June 16, 1936.
50. Ibid., File 420-3A. "Special Report Re. Trapping," George S. Pragnell, September 12, 1923.
51. Ibid., Volume 4085, File 496, 658-1 Pt. 5. T.R.L. MacInnes, Department of Indian Affairs. "What Canada is Doing for the Hunting Indians." Prepared for the North American Wild Life Conference. Washington, February 3-7, 1936.
52. Ibid., Volume 6735, File 420-3 5. Harper Reed, Indian Agent, Telegraph Creek, B.C. to The Secretary, Department of Indian Affairs, Ottawa. June 16, 1936.
53. Legislative Assembly Clippings, Daily Times (Victoria), Thursday, 11 April 1918.
54. Ibid.

55. British Columbia, Sessional Papers 1919. **Report of the Provincial Game Warden** for year ending December 31, 1918. P. 1919.

56. Provincial Game Warden, GR 446, Vol. 125, File 4. BCPP. Game Report, Creston B.C. Constable E. Vachon, 30 November 1918.

57. BCARS. ADD. MSS. 769, Earl Kitchener Pollen, File: Correspondence 1922-1926, BCPP. Report, Hudson Hope. Constable E. Forfar, February 1922.

58. Monica Storrs, God's Galloping Girl: The Peace River Diaries of Monica Storrs, 1929-1931. W.L. Morton and Vera K. Fast, eds. Vancouver: University of British Columbia Press, 1979. p. 172. See also: Provincial Game Warden, GR 446, Box 125, File 4. Constable C.F. Evans, Telegraph Creek to Provincial Game Warden, W.G. McMynn, 27 November, 1918. In his report to McMynn, Evans argued that, if the amendment to the Game Act prohibiting the sale of moose meat after December 15 was strictly enforced, it would impose great hardship upon the isolated community that had no access to fresh meat delivery.

I think that it has been the custom in previous years to let an Indian bring in a moose as required, and sell it at a price per pound which no more than covers the expenses of the Indian. I do not think that this would decrease the number of moose in the least for breeding purposes; provided they [Indians] are prevented from killing cows and the killing of bulls under one year of age. The big game hunters who were here at the commencement of the present open season, reported that moose and goat were very plentiful everywhere

59. BCARS. GR 1323. B.C. Attorney General Correspondence, 1902-37. Files G-95-2 - H-99-6. Memorandum from the Secretary Game Conservation Board to A.M. Johnson, Esq., Deputy Attorney General, "RESOLUTION TO BE SUBMITTED TO THE GAME CONVENTION HELD AT OFFICES OF THE COMMISSION OF CONSERVATION, February 19th, 1919."

60. Department of Indian Affairs. RG 10, Volume 6735, File 420-3A. Duncan Campbell Scott to all Indian Agents and Inspectors in Man. Sask., Alberta, British Columbia & Yukon. Ottawa, July 14, 1919.

61. Ibid., New Westminster Indian Agent's Office to Duncan C. Scott, Esq. Deputy Superintendent General of Indian Affairs, Ottawa. July 22, 1919.

62. Ibid., Okanagan Agency, Indian Agent's Office to Assistant Deputy and Secretary, Ottawa. July 30, 1919.

63.Ibid., Inspector of Indian Agencies, Southeastern Inspectorate, Vernon, B.C. to Duncan Campbell Scott. Ottawa. July 28, 1919.

64.Ibid., Indian Agent, Stuart Lake Agency, Fort Fraser to the Secretary, Department of Indian Affairs, Ottawa. July 30, 1919.

65.Ibid., Indian Agent, Stuart Lake Agency, Fort Fraser to the Secretary, Department of Indian Affairs, Ottawa. July 11, 1919.

66.Ibid., File 420-3. Acting Indian Agent, Harold Laird, Lesser Slave Lake Agency, Grouard, Alberta. April 24, 1917.

67.Ibid.

68.BCARS. Fish and Wildlife Branch. GR 1085, Box 2, File 9. British Columbia Police, General Order, No. 43. September 2, 1926.

69.Department of Indian Affairs. RG 10, Volume 6735, File 420-3 6. D.M. MacKay, Indian Commissioner for B.C. to F.R. Butler, Member of the Game Commission, Vancouver, B.C. January 20, 1938. BCARS. Fish and Wildlife Branch. GR 1085, Box 30, File 7. Trapline Files, 1935. K. Correspondence re. Hudson Bay Company Manager trapping on Indian trap line. O.J. Jack, Game Warden to T. Van Dyk, Inspector, "D" Game Division. December 6, 1935 and related correspondence.

70.Ibid., Indian Commissioner for B.C. to The Secretary, Indian Affairs Branch, Department of Mines and Resources, Ottawa, June 15, 1938 and related correspondence.

71.Ibid., File 420-3 5. H.A.W. Brown, M.D., Indian Agent, Fort St. John, B.C. to The Secretary, Indian Affairs Branch. Ottawa, November 12, 1937.

Brown recommends that band lines be individualized and Special Firearms Licence fee of \$10.00 be levied on Indians over the age of 21 engaged in trapping. Brown believed that Game Wardens could monitor Indian and white trap lines equally.

See Also: Brown to Secretary, Indian Affairs Branch, June 9, 1937; Brown to Secretary, Indian Affairs Branch, April 22, 1937.

72.BCARS. Fish and Game Branch. GR 1085, Box 23, File 8. Trapline Files 1933, M. G.C. Mortimer, Indian Agent, Babine Agency. Trapline Claim of the Morgan Families, Kitwanga Indians. March 31, 1933 and related correspondence. See Also: Box 14, File 5. Trapline Files 1930, A.; R. Moore, Indian Agent, Vanderhoof, B.C. to Thos. Van Dyk, District Game Warden, Prince George, B.C.

October 11, 1930 and related correspondence; Box 12, File 3. Trapline Files 1929, F - G.; J. Gillet, Indian Agent, Masset, B.C. to J. H. McMullin, Esq., Provincial Game Warden, Victoria, B.C. March 7, 1929 and related correspondence; Box 13, File 8. Trapline Files 1929, W-X-Y-Z.; R. Moore, Indian Agent, Vanderhoof, B.C. to Thomas Van Dyk, Esq., Chief Game Warden, Prince George. December 10, 1929 and related correspondence; Box 23, File 6. Trapline Files 1933, K.; G.C. Mortimer, Indian Agent, Hazelton, B.C. to T. Van Dyk, Esq., Divisional Game Inspector, Prince George, B.C. November 29, 1933 and related correspondence; Box 10, File 7. Trapline Files 1928, T - U.; Harper Reed, Indian Agent, Telegraph Creek, B.C. to Bob Webster, Game Warden, Atlin. September 28, 1928 and related correspondence; Box 24, File 8. Trapline Files 1933, W.; Harper Reed to E. Martin, Esq., Game Department, Prince Rupert, B.C. December 31, 1932 and related correspondence; Box 1, File 2. E. Forfar, Constable, Fort Fraser Detachment. Report. September 30, 1926.

73. Ibid., Box 23, File 8. Trapline Files 1933, M. G.C. Mortimer, Indian Agent, Babine Agency. Trapline Claim of the Morgan Families, Kitwanga Indians. March 31, 1933 and related correspondence. See Also: Box 14, File 5. Trapline Files 1930, A.; R. Moore, Indian Agent, Vanderhoof, B.C. to Thos. Van Dyk, District Game Warden, Prince George, B.C. October 11, 1930 and related correspondence; Box 23, File 8. Trapline Files 1933, M.; G.C. Mortimer, Indian Agent, Babine Agency to T. Van Dyk, Divisional Game Inspector, Prince George, B.C. March 31, 1933 and related correspondence; Box 12, File 3. Trapline Files 1929, F - G.; J. Gillet, Indian Agent, Masset, B.C. to J. H. McMullin, Esq., Provincial Game Warden, Victoria, B.C. March 7, 1929 and related correspondence; Box 13, File 8. Trapline Files 1929, W-X-Y-Z.; R. Moore, Indian Agent, Vanderhoof, B.C. to Thomas Van Dyk, Esq., Chief Game Warden, Prince George. December 10, 1929 and related correspondence.

74. Ibid., Box 9, File 4. Trapline Files, 1928. H. J.P. Brown, Constable, British Columbia Provincial Police, Bella Coola Detachment to N.C.O. in Charge, Prince Rupert District. November 21, 1929.

The Inians [sic] have no respect for the Agent, a Norwegian, who has been here for the last 30 years. Once more I request that all trappers call at the Police Office before [sic] their lines are registered. I do not see a fraction of the Indians applying for a line, and I submit that this Indian Agent is not a proper person to handle this work.

See Also: Box 37, File 7. Trapline Files 1935, R.; A. Bryan Williams, Game Commissioner to T. Van Dyk, Esq., Divisional Game Supervisor, Prince George, B.C. January 17, 1933 and related correspondence. Indian Agent Collison supports appropriation of

Indian trap line because he has not trapped for two years; Box 25, File 4. Trapline Files 1934, A. Joe Antoine, Vanderhoof, B.C. to Game Department, Victoria, B.C. October 30, 1934. Antoine complained that the Game Warden at Vanderhoof was attempting to confiscate a major part of his trap line for a white trapper; Box 24, File 5. Trapline Files 1933, S. Matthew Sam and Rosie M. Sam to A. Bryan Williams, Game Commissioner. April 6, 1933. The Sams complain that the Game Warden in their area has sold their trap line to a white man.

75. Department of Indian Affairs. RG 10, Volume 6735, File 420-3 5. Harper Reed, Indian Agent, Telegraph Creek, B.C. **Agency's Annual Report**, year ending 31 March, 1936. June 15, 1936. See Also: Harper Reed, **Stikine Agency Report for Month of April 1936**.

76. Ibid., File 420-3A. J.D. Jackson, Chairman of the Game Conservation Board, Victoria, B.C. to J.D. McLean, Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa. November 4, 1926.

77. Ibid., File 420-3 5. Harper Reed, Indian Agent. Agency's Annual Report, ending 31 March 1936. June 15, 1936.

78. Canada, **Census of Canada: Population classified according to principal origins of municipalities, etc., 1931**: Division No. 9. Subdivision B, Stikine, Liard Indian Reserves.

79. BCARS. Fish and Wildlife Branch. GR 1085, Box 2, File 7. M. Christianson, Inspector of Indian Agencies, Alberta Inspectorate to The Hon. G.M. Sloan, K.C., Attorney General, Province of British Columbia, Victoria. September 10, 1934.

80. Department of Indian Affairs. RG 10, Volume 6735, File 420-3 6. H.A.W. Brown, M.D., Indian Agent, Fort St. John, to The Secretary, Indian Affairs Branch, Ottawa. December 23, 1938.

81. BCARS. Fish and Wildlife Branch. GR 1085, Box 26, File 5. T. Van Dyk to C.C. Gleason, Esq., Dome Creek, B.C. February 8, 1934.

82. Ibid., Box 27, File 4. Trapline Files 1934, L.; Game Warden E. Martin, Game Department Report. February 22, 1934.

83. Ibid., Box 23, File 3. Trapline Files 1933, H.; Complaint of white trapper, Smithers, B.C. to Game Commissioner, Vancouver, B.C. October 24, 1933.

84. Ibid., Box 27, File 7. Trapline files 1927, Mc. Complaint from Laird Post, B.C. to The Game Commissioner, Vancouver, B.C. August 4, 1934.

85. Ibid., Box 1, File 2. E. Forfar, Constable, Fort Fraser Detachment. Report. September 30, 1926.

86. Ibid., Box 23, File 6. G.C. Mortimer, Indian Agent, Hazelton, B.C. to Inspector Van Dyk, Game Department. Prince George, B.C., October 23, 1933. See Also: Box 30, File 7. Trapline Files, 1935. K. Correspondence re. Hudson Bay Company Manager trapping on Indian trap line. O.J. Jank, Game Warden to T. Van Dyk, Inspector, "D" Game Division. December 6, 1935 and related correspondence.

87. Ibid. J.D. McLean, Assistant Deputy and Secretary. Department of Indian Affairs, Ottawa to Chief George Jack, Fort George, B.C. October 20, 1919.

88. Department of Indian Affairs. RG 10, Volume 6735, File 420-3A. Duncan Campbell Scott, Deputy Superintendent General to All Indian Agents and Inspectors in Manitoba, Saskatchewan, Alberta, British Columbia and Yukon. July 14, 1919.

89. Department of Indian Affairs, RG 10, Vol. 6735, File 420-3A. W.E. Ditchburn, Chief Inspector of Indian Agencies, to The Secretary, Department of Indian Affairs, Ottawa. January 26, 1923.

90. Ibid., W.E. Ditchburn, Chief Inspector of Indian Agencies, B.C. to all Indian Agents of the province. January 27, 1923.

91. Ibid., File 420-3C 4. Mr. McGill to the Honourable Gordon Mc. Sloan, K.C., Attorney General for the Province of British Columbia, Victoria. October 30, 1934.

92. K. Lysyk, "Indian Hunting Rights: Constitutional Considerations and the role of Indian Treaties in British Columbia, University of British Columbia Law Review. Vol. 2, No. 3, 1966. p. 405. [S.88 of the **Indian Act**, R.S.C. 1970]

93. David Knoll, "Treaty and Aboriginal Hunting and Fishing Rights," Canadian Native Law Reporter. (1979); D.E. Sanders, "Indian Hunting and Fishing Rights," Saskatchewan Law Review. Vol. 38, (1974); K. Lysyk, "Indian Hunting Rights:"; Peter W. Hutchins, "The Law Applying to the Trapping of Furbearers by Aboriginal Peoples in Canada: A Case of Double Jeopardy," Wildlife Furbearer Management and Conservation in North America. Milan Novak, et al, eds. Ontario: Ministry of Natural Resources, 1987.

94., **Simon v. the Queen** [1985] 2 S.C.R. p. 413.

As noted, it is clear that under S. 88 of the Indian Act provincial legislation cannot restrict native treaty rights.

If conflict arises, the terms of the treaty prevail.

Jacob Kruger and Robert Manuel v. the Queen. [1978] 1 S.C.R.
p. 114.

It has been urged in argument that Indians having historic hunting rights which they have not surrendered should not be placed in a more invidious position than those who entered into treaties, the terms of which preserved those rights. However, receptive one may be to such an argument on compassionate grounds, the plain fact is that S. 88 of the Indian Act, enacted by the government of Canada, provides that "subject to the terms of any treaty" all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except as stated. The terms of the treaty are paramount; in the a treaty provincial laws of general application apply.

95. **Simon v. the Queen.** p. 387.

96. BCARS. Fish and Wildlife Branch. GR 1085, Box 2, File 7. W.E. Ditchburn, Indian Commissioner for British Columbia, to J.H. McMullin, Superintendent, British Columbia Police. October 6, 1925. See Also: Box 2, File 2. J.H. McMullin to W.E. Ditchburn, Esq. October 5, 1925; Department of Indian Affairs. RG 10, Volume 420-3B. A. Bryan Williams, Game Commissioner to W.E. Ditchburn, Indian Commissioner for British Columbia, Victoria. March 19, 1932 and related correspondence.

97. Lysyk, pp. 413-414.

98. Ibid. P. 414.

99. Peter W. Hutchins, "The Law Applying to the Trapping of Furbearers by Aboriginal Peoples in Canada: A Case of Double Jeopardy, Wildlife Furbearer Management and Conservation in Norht America. Milan Novak, et al, eds. Ontario: Ministry of Natural Resource, 1987.p. 40.

ENDNOTES FOR CHAPTER THREE

1. Dennis F.K. Madill Treaty Research Report: Treaty Eight. Ottawa: Treaties and Historical Research Centre, 1986. p. 4.
2. Daniel Richard, "Spirit and Terms of Treaty Eight," The Spirit of the Alberta Indian Treaties. Richard Price, ed., Toronto: Institute for Research on Public Policy, 1979. pp. 61, 66.
3. Inspector J.D. Moodie, "1897, Blazing a Trail To The Klondike," Peace River Chronicles. Gordon E. Bowes, ed. Vancouver: Prescott Publishing Co., 1963. p. 201.
4. Madill, p. 14.

This was not the first or only blockade set up by the Dunne-za to prevent outsiders from entering their territory. In 1837 a party of Saskatchewan freemen had been refused access to Dunne-za territory.
- See Also: Leonard Ugarenko, "The Beaver Indians and the Fur Trade on the Peace River of Northern British Columbia." Dissertation, York University, 1975. pp. 44, 100.
5. Madill, p. 4.
6. Ibid., Abstract.
7. Ibid., p. 122.
8. Charles Mair, Through the Mackenzie Basin: A Narrative of the Athabasca and Peace River Treaty Expedition of 1899. Toronto: William Biggs, 1908. p. 58.
9. Ibid., p. 62.
10. Rene Fumoleau, As Long As This Land Shall Last: A History of Treaty 8 and 11, 1879-1939. Toronto: McClland & Stewart Ltd., 1975. pp. 74-75. See Also: Hickey, Lynn, Richard L. Lightning and Gordon Lee, "Interviews with Elders Program," Spirit of the Alberta Indian Treaties. pp. 144 - 160; Hugh Conn, "Indian Treaties as Related to the Wildlife and Fishery Resources," **Brief to the Joint Committee of the Senate and House of Commons in Indian Affairs**, 1961. p. 13.
11. Canada. **Sessional Paper No. 27, Report of Commissioner For Treaty No 8**. Department of Indian Affairs, Ottawa, December 11, 1900.
12. Ibid., **Report from Inspector for Treaty No. 8**, Ottawa, October 5, 1903.

13. Ibid., **Report of Inspector for Treaty No 8**, Ottawa, February 5, 1907.
14. BCARS. Add MSS. Earl K. Pollon, Correspondence 1922 - 1926. Constable E. Forfar, Hudsons Hope Detachment. British Columbia Provincial Police, **Report re. Unprime Fur**. February 7, 1924.
15. Department of Indian Affairs. RG 10, Volume 6735, File 420-3C 4. Headman East End Moberly Lake Reserve, Moberly Lake, B.C. to Indian Agent, Driftpile, Alberta. December 12, 1932.
16. Ibid., File 420-3C 4. Inspector of Indian Affairs, Alberta Inspectorate, M. Christianson to The Secretary, Department of Indian Affairs, Ottawa. January 11, 1934. See Also: M. Christianson, Inspector of Indian Agencies, Alberta Inspectorate to Dr. Harold McGill, Deputy Superintendent General, Department of Indian Affairs, April 16, 1934.
17. Ibid., H.A.W. Brown, Fort St. John Agency, **Monthly Report September 1934**.
18. Ibid., H.A.W. Brown, **Monthly Report of Fort St. John Agency**, B.C. July, 1934.
19. Ibid., H.A.W. Brown, Indian Agent, Fort St. John to Mr. M. Christianson, Inspector of Indian Agencies, Alberta Inspectorate. January 13, 1936.
20. Ibid., File 420-3 6. H.A.W. Brown, M.D., Indian Agent. Fort St. John, to The Secretary, Indian Affairs Branch. December 23, 1938.
21. Madill, p. 77
22. Weinstein, Interview with John Yahae, p. 67.
23. G.J. Duncan, Staff-Sergeant, B.C.P.P. "Peace River Trap Lines," The Shoulder Strap: The Official Journal of the Force, Issued by Authority of the British Columbia Provincial Police, No. 8, Summer edition, June, 1942. p. 48.
24. Ibid., p. 49 - 50.
25. Phillip Godsell, Arctic Trader: The Account of Twenty Years with the Hudson's Bay Company. New York: G.P. Putnam's Sons, 1932. p. 118. See also: W.O. Harper, "A Settler's Family Arrives," Peace River Chronicles. Gordon Bowes, ed. Vancouver: Prescott Publishing Co., 1963. p. 325.
26. Phillip H. Godsell, Red Hunters of the Snows. Toronto: Ryerson Press, 1932. p. 187.

27.H.E. Walker, "1917, A District Agriculturalist Report," Peace River Chronicles. Gordon Bowes, ed. Vancouver: Prescott Publishing Co., 1963. p. 350.

28.Monica Storrs. God's Galloping Girl: The Peace River Diaries of Monica Storrs, 1929-1931. W.L. Morton and Vera K. Fast, eds. Vancouver, University of British Columbia Press, 1979. p. 291. note 40.

29.Weinstein, pp. 53-55.

30.Ibid., p. 34.

See Also: British Columbia. Sessional Papers. Report of Surveyor-General for the year ending December 31, 1924.

The Peace River area was not the only region where the majority of white settlers participated in the fur trade. In this report regarding the Coast District, it was noted that "Practically all the settlers trap in the winter"

31.Cora Ventress, Marguerite Davies and Edith Kyлло. Peacemakers of the North. Davies, Ventress and Kyлло, 1973. p. 248.

32.A.M. Bezanson, "1907 The Last West," Peace River Chronicles. p. 244.

See Also: Peacemakers.

Numerous reference to settlers trapping in Peace River District indicates extent of trapping and suggests degree to which First Nations groups were displaced. pp. 23, 25, 54, 76, 84 - 90, 108, 128, 130, 136, 141, 161, 194, 220, 251, 259 - 261, 282, 302, 326.

33.Bezanson, p. 244.

34.Godsell. Red Hunters of the Snows. p. 214. See Also: Ibid. pp. 216-217, 223-224; Frederick K. Vreeland, "An Expedition to Laurier Pass," Peace River Chronicles. p. 312.

35.Godsell. Arctic Trader p. 128

36.Ventress, Davies, Kyлло. Peacemakers. pp. 54-55, 79. See Also: Godsell, Red Hunters of the Snows. pp. 216-217, 223-224.

The Beaver medicine man Yellow Wolf devised a plan to intimidate white settlers by ransacking a cabin. He believed that this might cause the settlers to leave the Beaver's country. Yellow Wolf was unable to damage the cabin because

of a watch dog, so destroyed the corral instead and stole two silver foxes. He was caught, charged and sentenced to 3 months hard labour.

37.Ventress, Davies, Kylo. p. 248.

38.BCARS. Fish and Wildlife Branch. GR 1085, Box 7, File 2. Peace River District. Fort St. John. 1925 - 1926. Filed applications.

39.Ibid., Box 2, File 7. Chief Game Inspector Furber to H. Laird, Indian Agent, Grouard, Alberta. June 9, 1926.

40.Ibid.

41.Ibid., Vol.2, File 2. BCPP "D" Division Report. Constable C.G. Barber, Fort St. John, September 17, 1925.

42.Lynn Hickey, Richard L. Lightning and Gordon Lee, "Interviews with Elders Program," The Spirit of the Alberta Indian Treaties. Richard Price, ed. Toronto: Institute for Research on Public Policy, 1979. pp. 154-155.

43.BCARS. Add MSS 769. Earl K. Pollon, Correspondence 1922-1926. Constable E. Forfar, Hudsons Hope Detachment, "D" Division, Peace River District. Registration of Trap Lines and Guides, October 15, 1925.

44.BCARS. Provincial Game Warden. GR 446, Box 126, File 1. E. Forfar, Constable, BCPP. "D" Division, Peace River District, Hudsons Hope Station. Annual Report. April 23, 1924. See Also: Kylo et al, Peacemakers of North Peace, p. 40.

[Constable Ed Forfar] settled disputes over traplines. He pleaded with the government for clarification of game regulations, since the provincial regulations were in conflict with those of the Federal Indian Act. The Indians were permitted by the Federal government to hunt when and where they wished. B.C. started registering traplines in 1925 which prohibited the Indians from hunting on the white man's lines.

45.BCARS. Fish and Wildlife Branch, GR 1085, Vol. 2, File 2. BCPP "D" Division Report. Constable C.G. Barber, Fort St. John, November 11, 1925. postscript. N.C.O. W.W.A. Duncan, BCPP Pouce Coupe to Commanding "D" Division, Prince Rupert B.C.

46.Ibid. Box 2, File 7. Chief Game Inspector Furber to H. Laird, Indian Agent, Grouard, Alberta. June 9, 1926.

47.Department of Indian Affairs, RG 10, Volume 6735, File 420-3C 4. M. Christianson, Inspector of Indian Agencies, Alberta

Inspectorate to the Superintendent General of Indian Affairs, Ottawa. November 30, 1933. See Also: BCARS. Fish and Wildlife Branch. GR 1085, Box 7, File 2. Filed Applications, 1925.

48. Ibid. Vol. 2, File 7. Constable A.T. Batchelor, Hudson Hope to N.C.O. Pouce Coupe, B.C., July 10, 1927.

49. BCARS. Fish and Wildlife Branch. GR 1085, Vol. 2, File 7. Inspector Commanding "D" Division, W. Spiller to N.C.O. Pouce Coupe, August 20, 1927.

50. Department of Indian Affairs. RG 10, Volume 6735, File 420-3C 4. H.A.W. Brown, M.D. Indian Agent to The Secretary, Department of Indian Affairs, Ottawa. February 23, 1935.

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54. BCARS. Fish and Wildlife Branch. GR 1085. Box 2, File 2. "D" Division Game Report, Prince George. T. Van Dyk, Inspector. November 9, 1933.

55. Department of Indian Affairs. RG 10, Volume 6735, File 420-3A. Chairman of Game Conservation Board, Victoria M.B. Jackson, to J.D. McLean, Esq. Assistant Deputy of Indian Affairs, Ottawa. November 4, 1926.

56. Ibid., File 420-3C 4. Letter from Chief Saccon and Sub Chief Joseph Abs ..., Fort St. John to Department of Indian Affairs. September 22, 1932.

57. BCARS. Fish and Wildlife Branch. GR 1085, Box, 2, File 7. M. Christianson, Inspector for Indian Agencies, Alberta Inspectorate, Department of Indian Affairs to The Hon. G.M. Sloan, K.C., Attorney General, Province of British Columbia, September 10, 1934.

58. Ibid., M. Christianson, Inspector of Indian Agencies, Alberta. to Dr. McGill, Secretary, Department of Indian Affairs, July 24, 1933.

59.Ibid., T. Van Dyk, Inspector, "D" Division to The Game Commissioner, Vancouver, B.C. November 14, 1933.

60.Department of Indian Affairs. RG 10, Volume 6735, File 420-3C 4. A.F. MacKenzie, Secretary to M. Christianson, Inspector of Indian Agencies, Calgary, Alberta. September 14, 1934. See Also: File 420-3 5. R.H. Moore, Indian Agent. Vanderhoof, B.C. to The Secretary, Indian Affairs Branch, Department of Mines and Resources. October 10, 1937; R.H. Moore, Indian Agent, Vanderhoof, B.C. to The Secretary, Indian Affairs Branch, Department of Mines and Resources. May 12, 1938; Memorandum to Mr. MacInnes. Ottawa, February 3, 1939.

61.Ibid., File 420-3C 4. M. Christianson, Inspector of Indian Agencies, Alberta Inspectorate, to Dr. McGill. Department of Indian Affairs. October 4, 1934.

62.Ibid. T.R.L. MacInnes, Secretary to Dr. McGill, Superintendent. Memorandum Re. British Columbia Game Administration. October 4, 1934.

63.BCARS. Fish and Wildlife Branch, GR 1085, Box 2, File 2. "D" Division Game Report, Fort St. John. G.M. Kerkoff, Game Warden. December 17, 1933.

64.Ibid., Box 8, File 5. "D" Division Game Department Report. (page 1 of 3) G.M. Kerkoff, Game Warden. November 6, 1933.

65.Ibid.

66.Ibid., Box 2, File 2. "D" Division Game Report, Prince George. T. Van Dyk, Inspector. November 9, 1933.

67.Ibid., Box 2, File 7. M. Christianson to A. Bryan Williams. December 1, 1933.

68.Ibid., Box 2, File 7. Christianson to Williams. October 14, 1933.

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71.Ibid., Christianson to B.C. Attorney General G.M. Sloan. September 10, 1934. A copy of this letter accompanied a letter sent to Game Inspector Van Dyk also dated September 10, 1934.

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74.Department of Indian Affairs. Mr. MacInnes, Secretary, Department of Indian Affairs to Dr. McGill, Superintendent General, Ottawa. R. British Columbia Game Administration. October 4, 1934.

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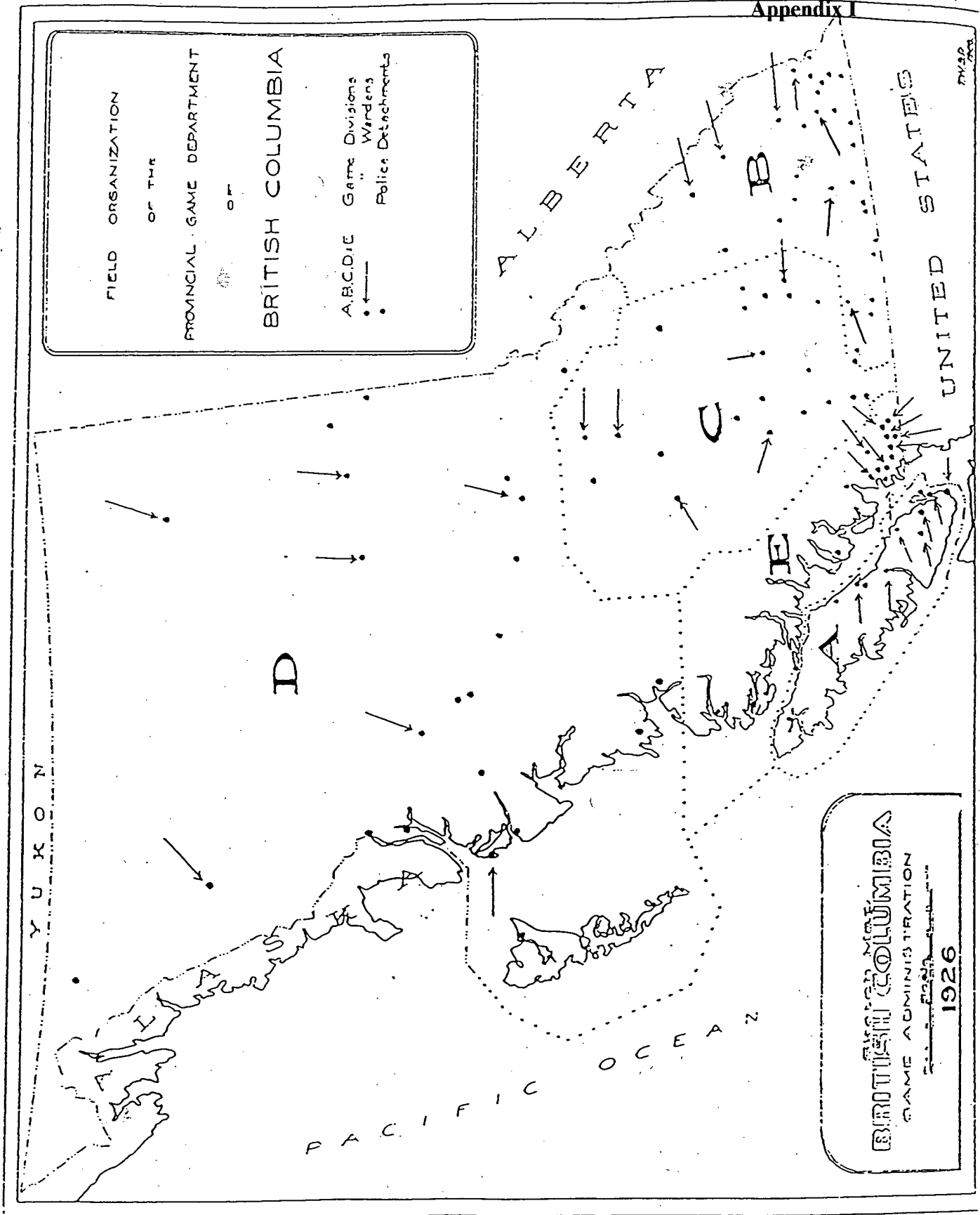
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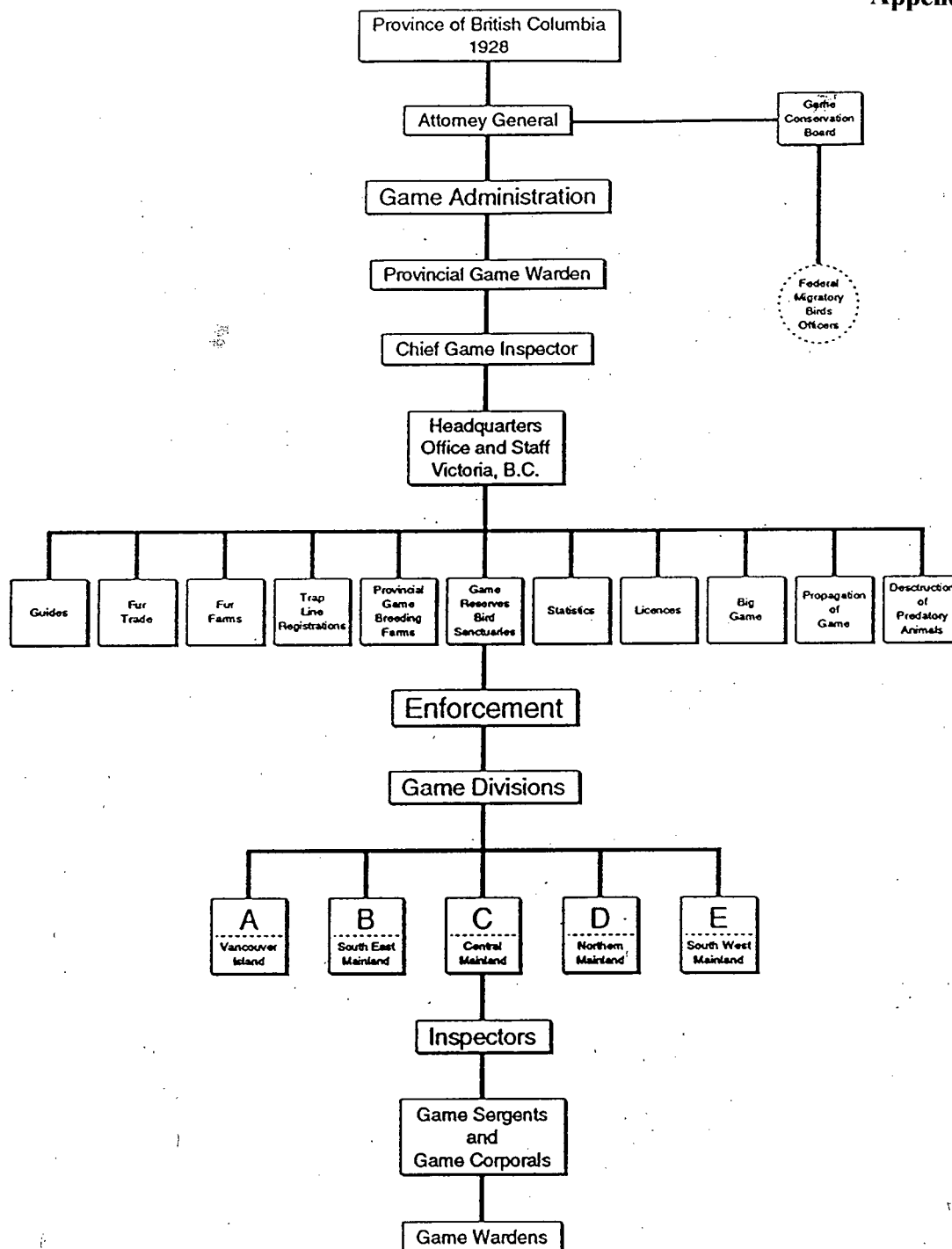
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Jacob Kruger and Robert Manuel v. the Queen [1978] 1 S.C.R.

APPENDICES

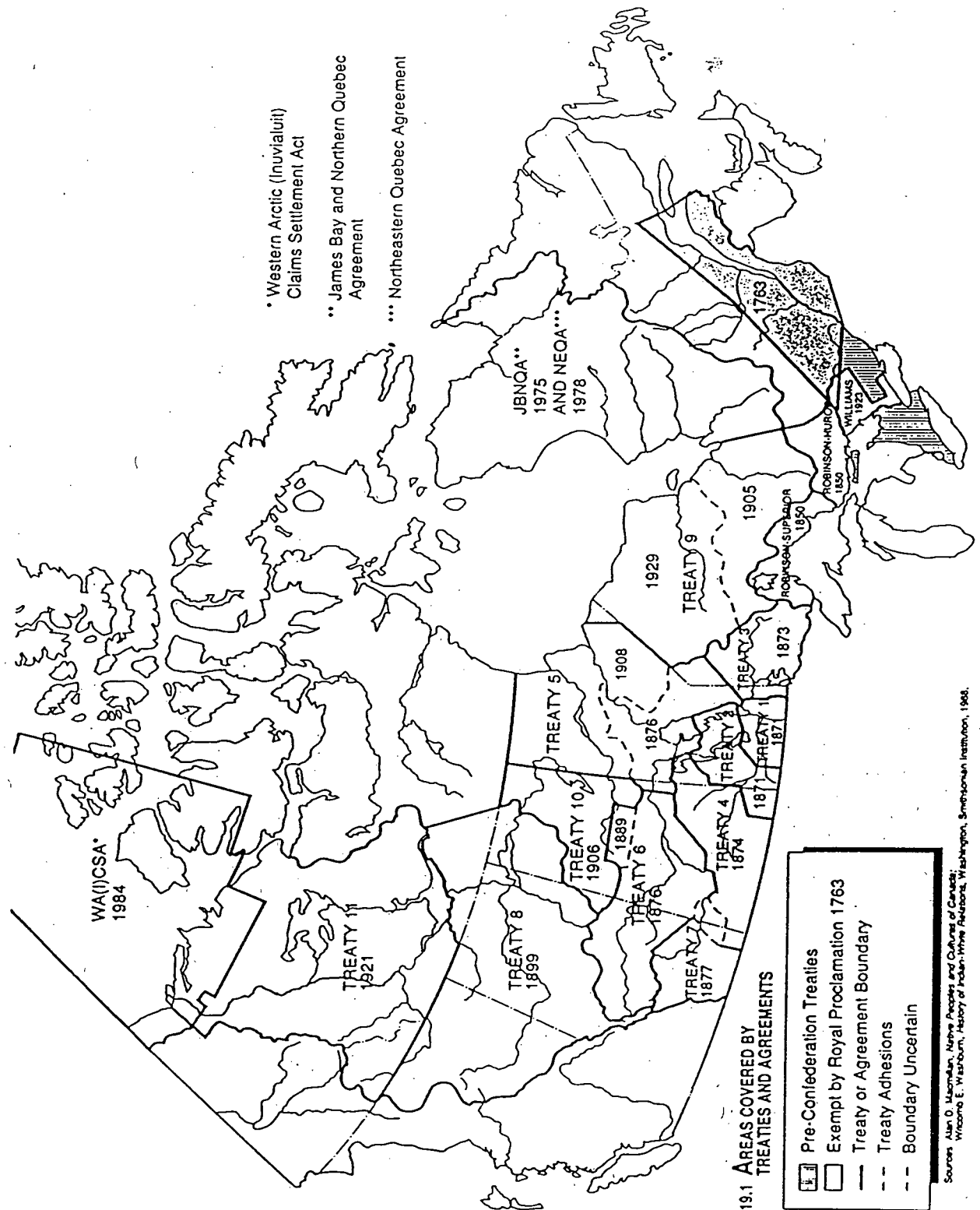


Appendix II



Source : British Columbia Sessional Papers
Report of the Provincial Game Warden
for year ending Dec. 31, 1927

Appendix III



Source: Olive Patricia Dickason, Canada's First Nations. Toronto: McClelland & Stewart, 1992. p. 274.

NORTHEAST BRITISH COLUMBIA

Appendix IV

Northeast British Columbia Indian reserves

Present Bands	Reserves	Date allocated	Terrain	Acreage	Culture
Saulteax	East Moberly Lake	1918	high foothills	4490	Cree
West Moberly	West Moberly Lake	1916	high foothills	5025	Beaver & Cree
Halfway	Halfway River	1925	low foothills	9890	Beaver
Blueberry	Blueberry River	1950	boreal forest	2383	Cree & Beaver
Doig	Doig River	1950	boreal forest	2473	Beaver
	Beatton River*	1950	boreal forest	883	
Fort Nelson	Fort Nelson	1966	muskeg & river valley	444	Slavey & Cree
	Fontas	1966	muskeg & river valley	25	
	Kahntah	1966	muskeg & river valley	26	
	Snake River	1966	muskeg & river valley	28	
Prophet River	Prophet River	1966	low foothills & muskeg	924	Beaver

*Held jointly by Blueberry and Doig Bands.

Source: Hugh Brody, Maps and Dreams. Vancouver: Douglas & McIntyre, 1981. p.31

Appendix V

British Columbia Registered Indian Population by Residence Code for the Month Ending August 1994

NORTHEAST BRITISH COLUMBIA

Type of Residence Code:

- 1. On Reserve (Own Band)
- 2. On Reserve (Other Band)
- 3. On Crown Land (Own Band)

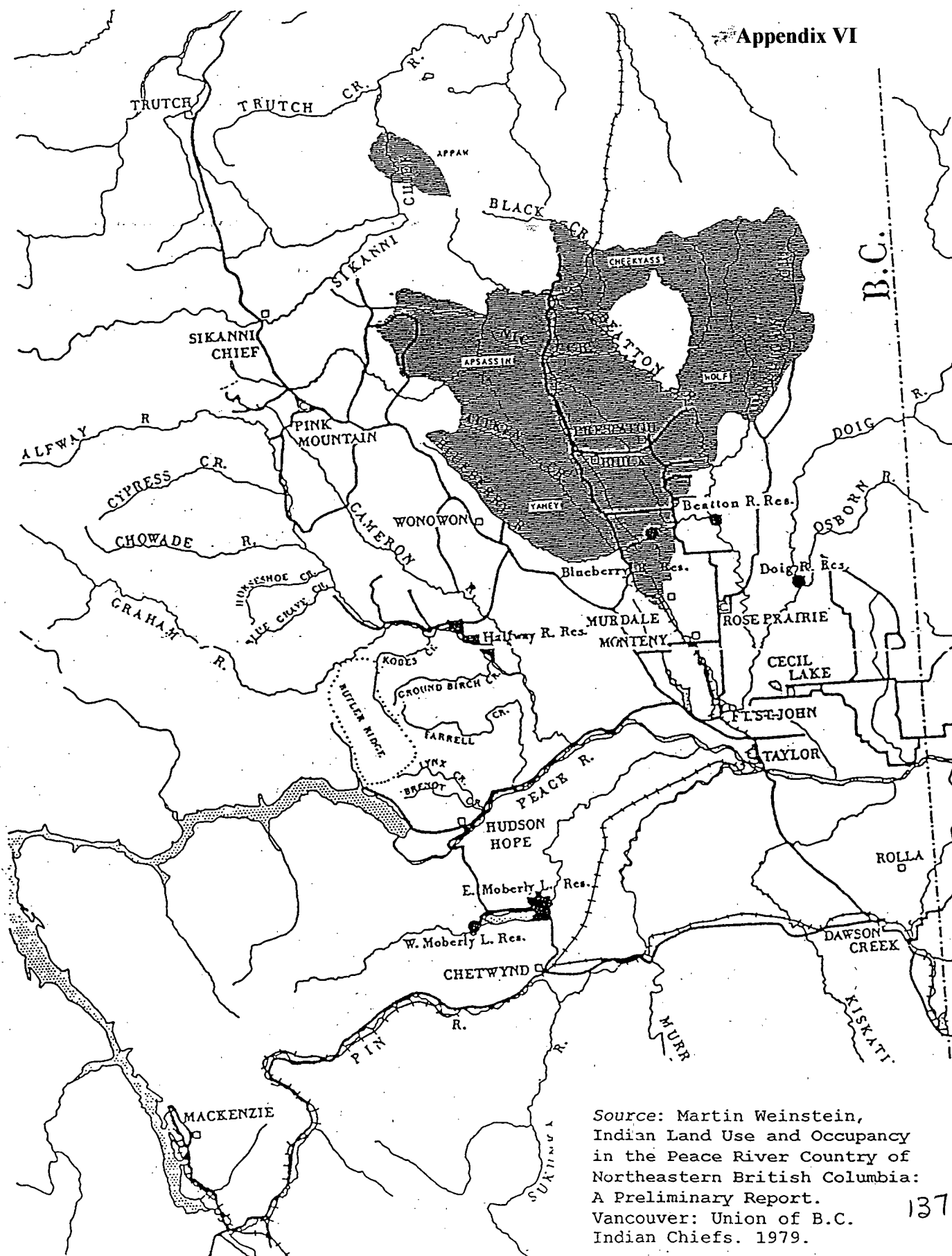
- 4. On Crown Land (Other Band)
- 5. On Crown Land (No Band)
- 6. Off Reserve

Band Name	1	2	3	4	5	6	Total
Saulteaux	293	1	0	0	0	324	618
West Moberly	68	0	0	0	0	47	115
Halfway River	143	3	0	0	0	136	182
Blueberry River	143	13	0	0	0	106	262
Doig River	108	4	0	0	0	84	196
Fort Nelson	278	4	1	0	0	285	568
Prophet River	99	1	0	0	1	50	151

Source: BC Region Registered Indian Population by Residence Code for the Month Ending: 9408. Indian and Northern Affairs Canada, 1994.

INDIAN BAND LAND, Pre 1926, PEACE RIVER DISTRICT
 Band consisting of Apsassin, Cheekyass, Yahey and Wolf families

Appendix VI



Source: Martin Weinstein,
 Indian Land Use and Occupancy
 in the Peace River Country of
 Northeastern British Columbia:
 A Preliminary Report.
 Vancouver: Union of B.C.
 Indian Chiefs. 1979.