

Unit 6

Hunting and Trapping Case Studies

Overview

In this unit students use primary source documents to investigate First Nations governance and treaties through case studies taken from the early twentieth century. It can be used as a unit of study on its own, or the documents include here can be woven into the other units in this Resource Guide.

There are numerous topics that could be used as case studies in tracking the relationships between First Nations and governments, such as fisheries and forestry resources, Indian Reserves, health and education.

Hunting and Trapping have been chosen here because they were central to both food security and economic security in the twentieth century. They highlight the critical and confusing divisions between federal and provincial jurisdictions governing First Nations. As well, there has not been as much academic study of hunting and trapping as there has been of other topics.

For most First Nations in BC, hunting and trapping were important activities in the 19th and much of the 20th century, and they continue to play a part in many communities today. In the past they provided a significant source of food and other resources, and also, since the days of the fur trade, a key part of First Nations' economic structures.

Hunting has always provided food and material resources, and a wide variety of technologies were used in the past, designed specifically for local geographies and habitats. Before contact, trapping was one type of technology used when necessary to provide resources. These include dead-falls for bears or snares for small animals like rabbits. However, to meet the demands of the fur trade, trapping became more significant and First Nations invested much more time and energy to trapping for furs to be sold.

For millennia hunting and the management of animal resources had been controlled according to the governance systems of each First Nation. Some assigned hunting rights to the territories of specific families, clans or house groups. Some had a special hunting chief who was in charge of directing the hunt. In all cases, the people were autonomous and utilized their traditional knowledge to decide when and how many animals to hunt to maintain the sustainability of the resources.

However, after BC joined Confederation, First Nations hunters and trappers became increasingly caught up in a maze of laws and policies that took away their autonomy and restricted their access to their resources. More than that, they were caught in the bureaucratic muddle between the federal Department of Indian Affairs and the provincial game and wildlife laws. These laws were always changing, and often arbitrary in their enforcement. Hunters often found themselves being fined or imprisoned for breaking a law they didn't know about or understand.

This unit provides original documents that students can investigate to see how First Nations communities navigated this maze of federal and provincial laws that governed hunting and trapping in the past.

Essential Understandings

- For thousands of years, First Nations have controlled their lands and resources with their own laws and governance systems.
- Colonialism impacted the lives of First Nations, including their autonomy, self-government and control of lands and resources.
- The provincial laws and policies governing hunting and trapping were confusing, conflicting, arbitrary and discriminatory toward First Nations.

Guiding Questions

- In what ways did the BC wildlife and game laws impact First Nations communities?
- How did First Nations leaders and communities persist in fighting for their traditional hunting rights?

Using the Primary Source Documents

Background to the Documents

Most of the documents come from the voluminous archives of the Department of Indian Affairs. The letters have been microfilmed and stored in the National Archives in Ottawa. Copies of materials relating to BC are available in the BC Archives in Victoria.

The letters in these document sets come from the DIA file RG 10, Volume 6735, British Columbia Game Laws. They include correspondence from First Nations individuals and communities, and between bureaucrats including various levels of the Department of Indian Affairs officials, Indian Agents, and BC officials such as Game Wardens and others involved in wildlife management.

Learning Standards

All the Content Learning Standards that are identified in the Governance and Treaty units are applicable to the learning opportunities provided by the documents.

Using these documents provides many opportunities to apply the Curricular Competencies in depths appropriate to a variety of grade levels. For example, students can analyse the various perspectives of the key players in each document set. They will be able to evaluate the evidence given in the documents to reach their own conclusions.

UNIT 6 • HUNTING AND TRAPPING CASE STUDIES

Using the Documents for Inquiry

These historical documents can be used as learning resources in many different ways. They can be used in open-ended, inquiry based activities, or selected documents can be studied closely as a class to focus on one concept.

One way to use the primary source documents is for an inquiry into one aspect of First Nations governance and treaties. Possible topics include:

- Traditional Governance and Land Management Systems. What evidence is there that demonstrates the acknowledgment and ongoing use of traditional systems?
- The Role of the Indian Agent. By finding out how Indian Agents worked in the different scenarios students can build up a picture of the role of the Indian Agent in the lives of First Nations communities.
- Federal and Provincial Legal Confusion and Conflict. Students can analyse the conflicts over the laws and bureaucracy of the federal and provincial governments, and how First Nations were caught in the middle.
- Discriminatory Laws. Students can analyse the documents to find the extent of discrimination found in some of the laws and policies affecting First Nations' ability to hunt and trap.
- Persistent Pursuit for Recognition of Rights. Students can use the documents to find evidence that First Nations continually protested and resisted the imposition of colonial laws.

The unit is organized in four sections:

1. General Activities. Suggestions for activities that introduce the unit topics and consider current hunting and trapping regulations and practices.
2. Document Suggested Activities. These provide suggestions for introducing the unit topics and unpacking each of the document sets.
2. Document Notes. These provide historical information that will help teachers and students gain a fuller understanding of the context of the documents.
3. Document Sets. A number of documents are organized in sets around a certain event, policy or topic. They are meant to be photocopied for students, or read digitally as PDFs. The document sets are:
 1. Protesting the New BC Game Laws, 1905
 2. Kitsumkalum Beaver Trapping, 1912
 3. Organized and Unorganized Districts, 1914
 4. Spuzzum Band and Hunting Permits, 1916
 5. Douglas Treaty in Court, 1916
 6. Hardship and Conflict in the 1920s
 7. Treaty 8, Peace River Region, 1932

General Activities

1. Governing Wildlife Resources From Time Immemorial

Students build their understanding of traditional ways that First Nations have stewarded the use of their resources through management and governance.

- a. Have students summarize how First Nations governed the management of wildlife resources before contact. They may have prior knowledge they can build on, or do some research to find out more.
- b. Students can find information about traditional governance of lands and resources in the following Backgrounders:
 2. Traditional First Nations Societies
 3. Ancestral Laws and Governance
 5. Traditional Leadership
 6. Public Witness: Feasts and Potlatches

2. How is BC Wildlife Governed Today?

Students can investigate how wildlife is managed by the provincial government today. (Note: Explain that the provincial government assumes it owns the resources, but First Nations do not agree. This is one of many matters to be reconciled.)

- a. How are hunting and trapping governed?
 - Ask students if they know the provincial department that is responsible for managing hunting and trapping today, and the name of the Act that the department enforces. Have them search to find the information on the BC Government website.
 - It is the Fish and Wildlife Branch within the department currently known as the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. The Act is now called the Wildlife Act.
 - Ask students to define the following terms. They can begin by identifying any they know. Then they can predict what they mean before verifying their definitions.
 - Management Unit
 - hunting season
 - bag limit
 - Game warden
- b. Current hunting and trapping regulations

Students can work in groups to analyse the current *Hunting & Trapping Regulations Synopsis* published by the Fish and Wildlife Branch. It is available to download on the Fish and Wildlife website, at <https://bit.ly/2MHPPxZ> or you can get printed versions at various locations such as the local ServiceBC office.

 - Ask students to find out if they would be able to get a hunting license and if so, what they would have to do to get it. Have them find out how much it would cost for the license. (Everyone aged 10 and over can get a hunting license. There are Youth Hunting Licenses.)
 - Have students find the Species License Fees which are special licenses applying to

UNIT 6 • HUNTING AND TRAPPING CASE STUDIES

certain species. Ask questions such as:

- Are you surprised at any animals on the list?
- How are the fees for BC residents different from those of non-residents?
- Judging by the fees charged, which are the two or three most valuable animals? Why do you think they have the highest fees?
- How does the Ministry regulate First Nations hunters under the Wildlife Act?
 - Have students search the publication for “Aboriginal Hunting.”
 - Students may note that under the Wildlife Act, First Nations are still referred to as Indians. How would this interfere with the application of a First Nation’s own citizenship governance? (For instance a First Nations community may grant citizenship to a person who is not recognized as having “Status.” Under the Wildlife Act they would need to get a hunting license, but others with Status would not have to.)

3. Local Hunting and Trapping Connections

Students investigate how significant hunting and trapping are in your local area.

a. Awareness

- Discuss with students if they are aware of hunting or trapping activities in your region. Some may have families that engage in hunting.
- Students can refer to the Hunting and Trapping Regulations Synopsis to find out what areas are permitted hunting areas in your region, and what animals are allowed to be hunted or trapped there.

b. Local First Nations

- If possible, students can learn about traditional and current hunting and trapping practices of local First Nations.
- Invite an Elder or Knowledgekeeper to talk about their traplines in the area, if they have any.
- Students can view a National Film Board movie called *Skeena River Trapline* to learn about what life was like on the trapline in the 1940s.
 - The documentary, made in 1949, is 16 minutes long. Find it at the NFB website at <https://tinyurl.com/fnesc947>.
 - Consistent with the time it was made, the term Indian is used throughout.

4. Document Themes

The documents can be used with a number of different topics that apply to Governance, Treaty and other issues. Some are listed below, with relevant documents.

- Traditional Management Practices: Documents 1b, 1c, 2c, 2d, 4b, 6b
- Indigenous Rights: Documents 1b, 4b, 6d, 6e
- Farming/ Agriculture: Documents 1b, 1c, 4b
- Treaty: Documents 1c, 5 a-c, 7a-g
- Food Security: Documents 1b, 1c, 3a, 3b, 6a-c
- Settler/Industrial Impact: Documents 1c, 4b, 6b
- Injustice and Discrimination: Almost all documents contain evidence
- Role of the Indian Agent: Almost all document sets

1. Protesting New BC Game Laws, 1905

The documents begin on page 212.

Suggested Activities

- Students can read Document 1a to identify reasons why the BC Government wanted to change the game laws. Ask what seem to be the government's priorities?
- Students can find similarities in the positions taken by the Lillooet and Dakelh First Nations.
- Have students create a graphic organizer that illustrates the arguments that each First Nation makes, and what their requests are.
- Ask the question, how do the two First Nations describe their traditional harvesting and management practices?
- Students can write a letter that expresses a reaction to these documents. For example, they could write a letter to the editor of the newspaper, a letter to the government, or to one of the First Nations communities

Documents Notes

1a. Amendment to Game Act, Daily Province, March 10, 1905.

- This newspaper article describes the proceedings in the BC Legislature as the politicians were discussing the new Game Protection Act. Fred J. Fulton was the Provincial Secretary.
- Note that the Game Laws were made by the politicians, not by knowledgeable people in the field.
- The article highlights the desire to encourage big game hunters and sports fishers to spend money in BC.
- The article mentions one of the most significant features of the Act, the prohibition of hunting beaver for six years.
- The impact this would have on First Nations trappers is acknowledged. This article suggests that all First Nations would be exempt from the ban. However, when the Act was passed in April, only regions in the far north were exempt.
- The government understood that First Nations had their own management practices in place. "The Indians took means to preserve this game."

1b. Lillooet Chiefs to Indian Agent Bell, Clinton, Sept 19, 1905.

- This letter was written soon after the new Game Act was made law. It shows there was an immediate reaction by First Nations against the laws.
- Note that Lillooet was spelled slightly differently than it is today (Lilloet).
- The Lillooet Chiefs quickly realized the impacts that the game laws would have on their communities.
- The Chiefs address the Government of Canada's desire to have them turn to

UNIT 6 • HUNTING AND TRAPPING CASE STUDIES

agriculture to point out the importance of hunting.

- They emphasize that when they hunt deer, they make use of all parts of the animals.
- The letter was likely written by the priest, Father Victor Rohr, who has signed it and witnessed the X marks made by the Chiefs. While missionaries were frequently paternalistic in their relationships with First Nations communities, some of them did assist the communities in their land claims and other social and political pursuits.

1c. Chiefs of Stuart Lake, Stony Creek and Fraser Lake to Superintendent of Indian Affairs, 30 October 1905.

- The Chiefs of three Dakelh First Nations worked together to bring their concerns to the Department of Indian Affairs. Today they are the Saik'uz First Nation (Stoney Creek), Tl'azt'en First Nation (Stuart Lake) and Stelat'en First Nation (Fraser Lake).
- The Chiefs speak of the injustice of the laws, especially the ban on hunting beaver for six years.
- They speak of the natural laws that they follow to manage the beaver populations. This includes not hunting two years in a row in the same place.
- They explain how they depend on the beaver for many parts of their lives.
- The Chiefs refer to the fact that they are not “treaty Indians.” The letter shows an interesting perspective the Chiefs have on the benefits Treaty Nations received.
- The Chiefs refer to the governments in metaphorical ways: the province is the cruel step-mother, while they hope that the Indian department will be a good father.

2. Kitsumkalum Beaver Trapping 1912

The documents begin on page 215.

Suggested Activities

These documents involve an incident on the Skeena River in 1912 when some trappers were arrested and taken to court for trapping beaver. They tell the story from different perspectives. The documents follow a narrative line so need to be read in sequence.

- Students can begin by reading the background and documents to find out who the main players were in this event.
- Students can analyze the perspectives of the people involved in the case. They could list each of the players and describe their perspectives on the events using the evidence from the documents.
- Ask students to summarize the different perspectives held by the federal and provincial officials.
- Have students rephrase the last item in the Kitsumkalum petition (Document 2d) in contemporary language. Ask, how does this statement refer to traditional governance systems of the Kitsumkalum people?

- e. Students can consider what message that non-Indigenous readers in Victoria might have taken from the newspaper articles in Documents 2e and 2f.
 - Students can discuss why they think this case was reported in the Victoria news, and also written up for children.
- f. For further investigation, students can refer to another newspaper article in the *Daily Colonist* that covers this story. See Beaver Trapping Case, November 20, 1912, p. 23. Online at <https://bit.ly/2FtRTYY>.

Documents Notes

2a. Telegram from Dominion Constable Parsons, Kitselas, to BC Police Chief Constable W. Owens, Prince Rupert. October 25 1912.

- Students may be interested to know more about the technology of the telegram, the email of its day.
- Dominion Constable Parsons represents the Dominion, that is, the federal government. His jurisdiction only applies on Indian Reserves, which are considered federal lands.
- The constable reports the evidence of hunting beaver out of season, but does not take legal action, showing an understanding of the trappers' situation.
- Parsons calls on the Indian Agent to rectify the situation.
- The “Simpson Indian” referred to would have been a Ts'msyen (Tsimshian) trapper from Lax Kwalaams (Port Simpson) who had his trapline along the Skeena River. Mile sixty refers to the distance along the newly constructed railway between Prince Rupert and Terrace. This was probably the Kasiks River watershed.

2b. Letter from Chief Constable Owen, Prince Rupert, to Indian Agent Perry, Metlakatla. October 26 1912.

- Chief Constable Owen of the BC Provincial Police represented the British Columbia government, and had jurisdiction everywhere in the Prince Rupert region except for Indian reserves. This included trapping grounds outside reserve lands, but still within Kitsumkalum traditional territories.
- Owen's short memo to the Indian Agent explains that he has started proceedings to prosecute the Kitsumkalum trappers.
- Note the use of the word “killing” rather than trapping or harvesting.

2c. Charles Perry, Indian Agent, to Duncan Campbell Scott, DIA, Ottawa. November 4 1912.

- Perry reports the unusual actions taken by the BC police to prosecute the Kitsumkalum men to DIA headquarters in Ottawa. He points out they have previously always been allowed to hunt beaver for food.
- Perry asks the bureaucrats of the Department of Indian Affairs to work with the provincial authorities to work out an exemption for First Nations.
- The Indian Agent acknowledges and highlights what we would call today the traditional management practices of harvesting the beaver for food.

UNIT 6 • HUNTING AND TRAPPING CASE STUDIES

2d. Petition from Kitsumkalum members, November 4, 1912.

- This is the original document that the Kitsumkalum submitted to the Department of Indian Affairs to express their concerns about the changing trapping regulations. The number stamped on it is a bureaucratic file number.
- At the same time, the Kitselas people, neighbours of the Kitsumkalum, submitted a similar petition.
- The people state their claim to be allowed to hunt not only beaver but all their traditional resources.
- They point out that they rely on trapping for survival. Like most First Nations, their ability to survive in a traditional manner had been taken over by the need to enter into the wage economy.
- The Kitsumkalum point out their traditional management systems to conserve the beaver, and make a connection with their ancestors.
- They point out that within their territories there are no places for outsiders to trap “because every man have their own hunting ground.” This is a significant point that is rooted in traditional governance systems, when all the territories of the Kitsumkalum were associated with different House Groups.

2e. “Indian’s Beaver Prayer” Colonist November 15, 1912.

- This article in the Victoria newspaper reports on the court case of the Kitsumkalum trappers.
- Students may need an explanation of the term “*prima facie*,” a legal term which means at first appearance, or, until proven otherwise.
- The information about an earlier petition (earlier than that given in document 1d) is unclear. The Department of Indian Affairs file that these documents come from do not mention it. The article reports that the petition was submitted to the Provincial Police, which may suggest that Chief Constable Owen was already aware of the intent of the Kitsumkalum people.
- Attorney-General William Bowser was a member of Richard McBride’s Conservative government, and became Premier of the province for a short time between 1915-1916.
- The article ends with two paragraphs that are not included here. They discuss a similar case of a Chinese man who had also been charged under the game laws. It concludes with the sentence, “Any officer who would initiate a prosecution under such circumstances would serve to lose his position forthwith.” The full article can be found online at <https://tinyurl.com/y2m5f472>.

2f. Daily Colonist Young Folks Paper, November 24, 1912.

- This is a clipping from the Children’s section of the *Daily Colonist*. It is in a section which today we might call current events. The item appears to be based on the article found at 2e.
- The term “leave to kill” may need to be explained and rephrased as “permission to kill.”
- It is interesting to note that the item focussed on the issue of the petition.

3. Organized and Unorganized Districts, 1914

The documents begin on page 219.

Suggested Activities

- a. Have students read the documents to find out what was so confusing about the administration of the Game Act for the shíshálh (Sechelt) people.
- b. Students can locate shíshálh (Sechelt) and Tla'amin (Sliammon) communities on a map of BC and measure the distance between them.
- c. Ask students to write a statement to the court in defense of the First Nations men. It could be by the Indian Agent or one of the men charged. What might they tell the court in their defense?

Document Notes

These letters highlight the variable and arbitrary ways that First Nations were governed in the early part of the 20th century.

3a. Indian Agent Byrne to Department of Indian Affairs, Ottawa, April 28, 1914.

- Peter Byron was the Indian Agent for the New Westminster Agency, which covered a large territory from the US border north to Bute Inlet, and east to the Fraser River. He is reporting the situation to the Department of Indian Affairs officials in Ottawa.
- Deputy Game Warden Dunn represented the BC government, which regulated the hunting laws.
- The Sechelt people held a community meeting to discuss the arrest of the men and seizure of the food. This is a good example of a traditional governance system continuing to be practised.

3b. Chief George, Sechelt First Nations to Department of Indian Affairs, July 17, 1914.

- Chief George writes to Indian Affairs in Ottawa questioning the difference in the ways that the BC hunting laws treat the Sechelt and Sliammon people.
- He notes that his people suffer from consumption. Today this disease is usually called tuberculosis or TB. At the time, it was one of the serious diseases that disproportionately affected Indigenous people.
- The Sechelt and Sliammon communities are on the region north of Greater Vancouver, called the Sunshine Coast. However their traditional territories take in remote extend farther north on the mainland coast, taking in a number of major inlets.
- Note that Chief George is not acting on his own, but on behalf of the whole community. He specifically mentions other leaders of the community, who no doubt advised him.

3c. Indian Agent Byron to Department of Indian Affairs, Ottawa, September 4, 1914.

- Indian Agent Byron advises his superiors in Ottawa that Chief George is correct and there are different hunting regulations depending on whether the territories are within organized or unorganized territories.
- He is unable to explain the differences when the hunting territories of both the Sliammon and Sechelt were just as remote.

4. Spuzzum Band and Permits, 1916

The documents begin on page 221.

Suggested Activities

- a. Have students examine Document 4a. Ask questions such as how does this document play a role in governing the hunting practices of the Spuzzum people? How is this different from their traditional practices?
 - Ask, How do you think the people reacted when they learned they had to have a permit? Students can record some words or phrases that could describe their reactions.
- b. Students can then read the Spuzzum people's reactions in Document 4b. Students can use annotating strategies to highlight key points, surprising, interesting or controversial statements, words they don't understand or questions that arise.
- c. Students can discuss the Spuzzum people's letter. Ask questions such as:
 - How do they express their position on what we call Indigenous Rights and Title?
 - What is their perspective on the government making them take out permits?
 - What arguments do they use to convince the governments to see their point of view?

Document Notes

4a. Permit allowing Louis James to hunt deer

- This is the permit that Louis James and other First Nations hunters were required to get. It was a temporary permit, allowing him to kill only one deer in a one month period.

4b. Letter from the Spuzzum Band to the Indian Agent in Lytton, Feb 29, 1916.

- This letter was written after a community meeting. It expresses the people's dissatisfaction with the idea of a permit, and also other grievances.
- The community meeting is an example of the persistence of traditional governance systems.
- The Spuzzum people assert their Indigenous Rights and Title, in language of the day. For example, "We claim that we are the original inhabitants of the country from time immemorial."

- They also highlight their traditional management systems to sustain their resources.
- They illustrate how some newcomers do not respect the land and resources.
- The people call for a settlement of their issues (the “Indian question”) on a basis of equality and justice.
- They point out that their reserve lands are useless for agricultural purposes.
- The letter seems to be written with a degree of optimism, as they sign it “Yours in anticipation.”

5. Douglas Treaty in Court 1916

The documents begin on page 224.

Suggested Activities

- a. If they have not already studied the Vancouver Island treaties (Douglas Treaties), provide students with an opportunity to learn some background.
 - See the map of the Victoria area treaties found at <https://bit.ly/2G1puuc>.
 - See the website The Governor’s Letters: Uncovering Colonial British Columbia for teaching resources and primary source documents. <http://govlet.ca/en/index.php>
- b. Have students discuss the differences between the published newspaper report and the report by Ditchburn. Ask, Are the differences significant? If so, why?
- c. Ask, How did the newspaper report confirm the public’s expectations of how the case would be settled?
- d. Ask students to summarize what this case says about the importance of the treaties to the governments of BC and Canada.

Documents Notes

5a Excerpt from “Saanich Tribe - North Saanich” Treaty, 1852

- This paragraph is the same in all of the individual Douglas Treaties. It simply states the fact of extinguishment of title to specific lands (outlined in the rest of the treaty) but importantly includes an acknowledgment of the inherent right to hunt and fish as had been practiced previously, or in the words of the treaty, “as formerly.”
- W. E. Ditchburn, head of Indian Affairs in BC, sent a copy of the treaty along with the letter in document 4c to Duncan Campbell Scott in Ottawa.
- The source Ditchburn used for the treaty wording was the 1875 government publication *Papers Connected with the Indian Land Question 1850-1875*. This collection of early documents is available online at <https://tinyurl.com/fnesc922>.
- The emphasis in this excerpt has been added.

UNIT 6 • HUNTING AND TRAPPING CASE STUDIES

5b News article from the *Victoria Daily Colonist*, May 5, 1916

- Newspapers in this period regularly reported on most court cases held in their home city. This article reports on the trial held in the Victoria police court.
- Mackenzie Bay is now known as Mackenzie Bight. It is on the east side of Saanich Inlet, south of Brentwood Bay.
- As was common in early news items about First Nations people, the arrested man is referred to only by his first name.
- The fact that the case was remanded four times shows there was uncertainty about the status of the treaty in the courts.
- The article summarizes the judge's decision in a simplistic way which could have led the public to incorrect conclusions about the case.

5c. W. E. Ditchburn to Duncan Campbell Scott, DIA, May 4, 1916.

- Ditchburn wrote this letter about the same times as the previous news article. It provides more detail about the case.
- He provides the full name of the man accused as Gus Morris.
- Ditchburn represented Mr. Morris in the court after Morris asked him for assistance.
- One reason for the number of adjournments was to consult with the BC Supreme Court judge who had made a landmark decision the year before. This case, known as *R v Jim*, tried a case where Edward Jim of the Saanich people was charged with having deer in his possession. However, he had hunted it on reserve land. Judge Hunter decided under the British North America Act and the Indian Act, he had rights to hunt on reserve without regard to the BC Game Laws. That decision made it clear that hunting on reserve in BC was not regulated by the BC game law. A summary of this case can be found at “*R v Jim*” on Wikipedia.
- Morris, however was not on a reserve when he shot the grouse, though he was within his traditional territories. Ditchburn argued that he should be found innocent because the treaty implied he should be able to hunt in his traditional territories.
- Judge Jay seems to have thought the case should be decided at a higher court so found Morris guilty but imposed a small fine.
- Evidence shows that the Department of Indian Affairs was keen to have the case pursued, but it was the Department of Justice that had to carry it forward. It seems to have become lost in the bureaucracies in Ottawa. In addition, Canada was in the middle of World War I.

6. Hardship and Conflict in the 1920s

The documents begin on page 226.

Suggested Activities

- Have students work in groups (of 5 if possible, one student for each document) to find out about how the laws regulating hunting and trapping affected First Nations communities.
 - First have groups read the introduction to the Document set 6 and discuss some injustices that First Nations experienced.
 - Then have each student study one of the documents. Ask them to find out who wrote it, who the audience was, and what the main points were.
 - Students then summarize their document for the rest of the group.
- Students can write some questions to some of the people represented in these documents. Ask them to consider what thoughts, questions and feelings arise from these documents.
 - In groups or as a class students can share their questions and predict what answers might be.
- Have students look again at Documents 6d and 6e. Ask, What are the main concerns of the Nisga'a people? How does the Nisga'a reaction fit with their long struggle for recognition of Indigenous Rights and Title?

Documents Notes

6a. Indian Agent J. F. Smith, Indian Agent, Kamloops, Special Report excerpt, 1921.

- John F. Smith was Indian Agent for the Kamloops agency between 1912 and 1923. He was one of the few – if not the only – Black person to have been appointed Indian Agent.
- This is another report talking about First Nations people being arrested for violations of the BC Game Laws. Smith reports that they could be tried without an opportunity to defend themselves.
- In some cases, such as the case described here, hunters had their guns confiscated. This left them with no means of providing food for their families.
- This is another example of a federal employee of the Department of Indian Affairs trying to negotiate with the BC government – in this case the Game Commissioner Bryan Williams – to no avail.
- Indian Agent Smith is seeking some positive action to protect the First Nations in his community from being unfairly treated by the game wardens and the BC Game Commission.

6b. Stoney Creek Chiefs to Department of Indian Affairs, August 12, 1922.

- This is the whole page from the archival record. No signatures were included.
- The Chiefs are seeking assistance as their people are in dire straits.
- They compare their beaver trapping methods with those of non-Indigenous trappers.
- Their comments illustrate the changing relationships with settlers in their region. In this case the settlers seem to be broke as well, showing that First Nations could be linked economically with the local settlers.
- As well as losing their traplines, the salmon runs had been bad. This was a result of the landslides on the Fraser River during the construction of the Canadian Northern Railway, particularly the Hell's Gate landslides in 1913 and 1914. This is considered to be one of the greatest environmental disasters in BC history, affecting the salmon runs in almost the whole Fraser River watershed.

6c. W. E. Ditchburn to Duncan Campbell Scott, Department of Indian Affairs

- This is an excerpt from a longer letter Indian Commissioner for BC Ditchburn wrote to Duncan Campbell Scott in Ottawa. He was responding to a letter from Scott. It referred to the effects of hunting and trapping closures in much of the province, from south of the Canadian National Railway line between Prince Rupert and Prince George, and east of the Cascade Range.
- Ditchburn judges that First Nations hunters and trappers would ignore the closures, and the BC government would not be able to control the situation.
- By his comments, Ditchburn makes it clear that both he and the chair of the Game Conservation Board believe the best way to conserve the fur bearing animals would be to let only First Nations trap them. However, he also explains why pragmatically that would never happen.

6d. Nishga Land Committee, Kincolith BC, December 29, 1925 to Duncan Campbell Scott, Ottawa

- The Nishga (Nisga'a) Land Committee, first established in 1890, was one of the most active First Nations groups in the province who untiringly fought to have Indigenous Rights and Title recognized. This, of course, resulted in the Nisga'a achieving the first Modern Day Treaty in 2000.
- They are protesting against the new requirement of having to register traplines.
- Anyox was a large copper mine and smelter on Observatory Inlet, northwest of the Nass River. It operated from 1912 to 1935. The fumes and effluent from the smelter devastated the ecosystems in the nearby areas. This has impacted the fur bearing animals in Nisga'a traditional territories.
- The Nisga'a link their acceptance of the trapping laws with the settlement of Rights and Title. Optimistically, they hope this will come soon.

6e. Dominion Constable E. G. Newnham to W. E. Collison, Indian Agent, Prince Rupert, 16 December 1925.

- This is part of a series of letters about an event that took place in Kincolith, at the mouth of the Nass River. A number of issues had come to a head for the Nisga'a, including the requirement to register trap lines and the actions of the Dominion Constable who lived in Kincolith.
- Dominion Constable Newnham, like Dominion Constable Parsons in Document set 2, was responsible for policing Indian Reserves. He lived in Kincolith and was responsible for the Nisga'a reserves. His superior was the Indian Agent.
- When he went to the public meeting in Kincolith, he found that most of the villagers had left. Only a few representatives remained to tell him they wanted him to leave.
- They asked him to leave because he had “brought in too many laws since he came to the Nass.”
- The constable blamed some organizers for the event. “There is no doubt that this agitation has been engineered mainly by Walter Haldane and C.B. Bathie and plans are being made towards calling a conference of representatives of all the Indian villages on the Nass.

7. Treaty 8, Peace River Region, 1932.

The documents begin on page 229.

Suggested Activities

- Have students read through all the documents in order to discover the events as they occurred. When they have read them all, ask students to record their thoughts and feelings.
- Students can create a timeline of events.
- Students can make a list of the people involved and their perspectives on the events. What caused some perspectives to change?
- Ask students to identify examples of bias and discrimination in these documents.
- Discuss how the conflicting laws impacted First Nations treaty rights. Ask how the artificial border between BC and Alberta conflicts with the territories recognized under Treaty 8.

Documents Notes

7a. Telegram, Indian Agent N.P. L'Heureux to Department of Indian Affairs, Ottawa, March 1932.

- N.P. L'Heureux was the Indian Agent based in Driftpile, Alberta. Hay Lakes was a great distance away, but still in his district.
- His telegram alerts the Canadian authorities to the actions of the BC officials.

UNIT 6 • HUNTING AND TRAPPING CASE STUDIES

- The main body of the telegram is from Chief Tallay of the Slave Band at Hay Lake. Today they are known as the Dene Thá First Nation. It seems that his telegram was sent from Fort Vermillion.
- In later correspondence it was noted that it was a game warden, not the BC Police, who had ordered the Hay Lakes people out of BC.

7b. Response of Bryan Williams, BC Game Commissioner, March 1932

- This response is quoted in a letter from the BC Attorney General's office to W. E. Ditchburn of the Department of Indian Affairs.
- Williams appears to attribute motives to the Alberta First Nations for which he has no evidence. His predictions of the consequences show he was ignorant of the established practices in the Treaty 8 region.

7c. Department of Indian Affairs to L'Heureux, Indian Agent, April 21 1932.

- The Department of Indian Affairs appears to be willing to let the BC laws take precedence over treaty rights.

7d. Report of Game Warden Clark, April, 1932

- The objective of the Game Warden was to stop the First Nations from Hay Lakes in Alberta from crossing over the BC border to trap, even though they had rights to do so under Treaty 8.
- Clark is shocked to see the destitution of the Hay Lakes people. He exceeds his authority and gives them temporary permission to continue trapping in BC.
- It is clear that the people know nothing about the border between the provinces.
- This region is so remote, Clark reports, that they have never seen the Indian Agent, L'Heureux who was based in Driftpile. (See map in document 7e.)

7e. Map of Treaty 8 territory, 1900.

- This map indicates how close Hays Lakes is to the BC border, and the distance the Indian Agent at Driftpile was from the community.

7f. Williams to Ditchburn, June 28 1932.

7g. Department of Indian Affairs to Williams, July 7, 1932.

7h. Williams to Department of Indian Affairs, July 30, 1932.

- These letters back and forth between Bryan Williams, the BC Game Commissioner, and the Department of Indian Affairs officials, demonstrates how the affairs of the First Nation were conducted without any consultation with the people.
- The word "appropriation" in Document 7g refers to the Department of Indian Affairs' budget allocated to them by the federal government.
- From this correspondence, the issues around treaty don't seem to even be considered.

DOCUMENTS

1. Protesting the New BC Game Laws, 1905

The BC Games Protection Act had regulated hunting, trapping and fishing in the late 1800s, but it was weak. By 1905 people felt there had to be more protection for the wildlife. At the same time sports hunting had become a popular recreation for tourists. This increased the pressures on the resources.

In 1905 a new government position, the Provincial Game and Forest Warden, was created. He was to conduct prosecutions and enforce all laws regarding game, fish and forestry. Arthur Bryan Williams was the first Provincial Warden and later BC Game Commissioner.

The game laws were intended to conserve the wildlife resources in the province. However, right from the start they conflicted with traditional practices of diverse First Nations who had relied on and stewarded the resources in their own lands for millennia. First Nations communities had an immediate reaction to the restrictions it imposed on them and made their views known to the authorities.

1a **THE DAILY PROVINCE, VANCOUVER, BRITISH COLUMBIA, FRIDAY, MARCH 10, 1905.**
Amendment to Game Act.

Hon. F. J. Fulton, in moving the second reading of the amendment to the Game Act, pointed out how important it was to preserve the game of the province. Other parts of Canada and the United States did this with rich results. The State of Maine had shown especial attention in this direction, and it was estimated that \$6,000,000 a year was expended by hunters and fishermen who came to the state.

California also has a good record in this respect, and it was estimated that \$20,000,000 was spent in that state by visitors attracted by the fishing and shooting. British Columbia might, by paying attention to this subject, become very attractive to sportsmen. Already a good number came here, but the number might be very largely increased. The object of this bill, he said, was to adequately protect the fishing and hunting of the province. The great feature of the amendment was that which provided for the appointment of a game warden. This had become a necessity if game was to be properly protected.

He went fully into all the amendments proposed in the bill. Reference was made to the prohibiting of the killing of beaver for six years as a necessity, in order to preserve this animal. It had been arranged to fix upon August 1, 1905, as the date for commencing this, in order that no hardship should be worked upon those who were out hunting and might not know of the passing of the act.

It was possible, he said, that Indians might be excluded from this prohibition as to killing beaver, because it had been represented to him that some Indians in the North derived their living largely from the hunting of beaver. It had further been represented that the Indians took means to preserve this game also.

HUNTING AND TRAPPING DOCUMENTS

1b

Lilloet, Sept 19th, 1905.

Mr Bell, Indian Agent
Clinton BC
Dear Sir,

... Today we the Indian Chiefs of Lilloet we met together to discus the matter. This new game act as a whole is hurting us altogethor. Should it be put in execution it would mean our entire destruction. Hunting & fishing is our living. It is our daily bread for which we have a right and which no law can take away from us. We have a right to live. Outside of this we hardly have anything. ...

Quite a few of us have no farms at all, we have no means to raise and keep cattle to sell or to kill them we do not care for goats and nobody likes to eat this meat. As for the ducks we have not many to kill.

The only thing we depend on is deer. It gives us the meat which we never throw away, we use its grease instead of lard or butter, we use its skins for our vestments and for our shoes. Had we to buy all these things we would not be able to afford it.

We would ask the Government to make a compensation of \$500.00 for each family. Should it not change its decision as long as no compensation is made, we shall hunt in the future the same as we did in the past.

So, dear Sir, we would kindly beg of you to inform the Government to change its decision toward us. We are poor Indians despised by everybody, nobody seems to care for us, especially by those who live in plenty. Hoping that you will do the best you can for us, we remain, yours truly

Signed

Father Victor Rohr O.M.I in the name
Tyhee Jimmy, Chief of Lilloet x his mark
Denis Kilspwtkin of Farmtain (Fountain?) x his mark
Charlie Lash of Cayoosh No. 1 x his mark
Johnny Kiostkus of Cayoosh No. 2 x his mark
Tyuaz A of Ahare x his mark
Dave of Brucqekion x his mark

HUNTING AND TRAPPING DOCUMENTS

1c

Fort St James, 30 October 1905

The Superintendent of Indian Affairs
 Indian Department, Ottawa Canada
 Dear Sir

We the Indian Chiefs of Stuart Lake, Stony Creek and Fraser Lake tribes beg to bring the attention of the Indian Department to a law of this Province, this year promulgated, depriving us of the principal, and we would say, the only means of subsistence, threatening us of complete starvation and annihilating rights of enormous date transmitted to us by our ancestors, giving us nothing in return or as a compensation for the loss.

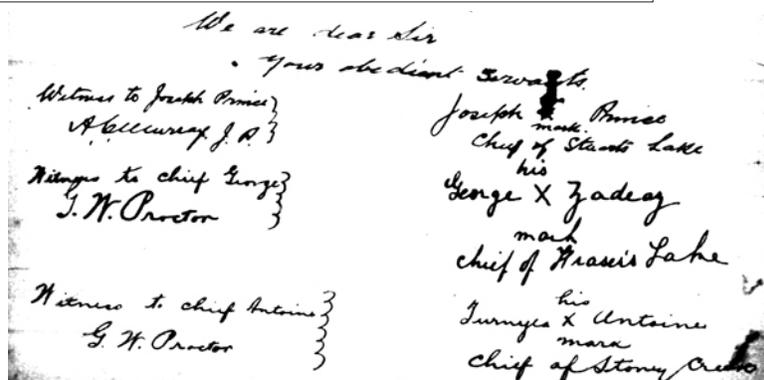
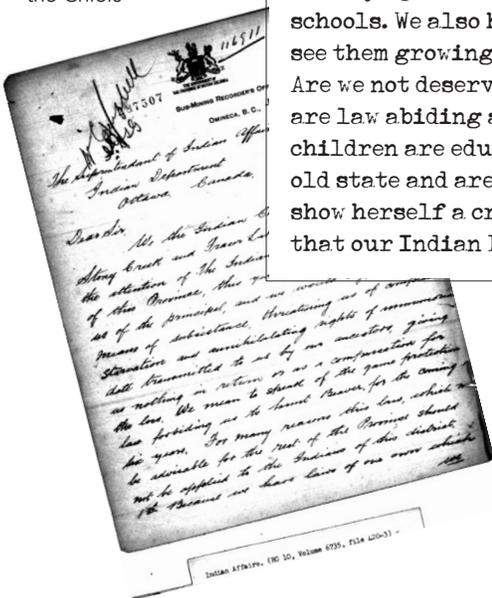
We mean to speak of the game protection law forbidding us to hunt Beaver for the coming six years. For many reasons this law, which may be advisable for the rest of the province should not be applied to the Indians of this district.

1st Because we have laws of our own which we may call natural laws by which Beaver is protected; for instance, every group of families have a certain special circuit where they do their harvesting and they understand that it is their interest to see that the game is not destroyed, to that effect we never hunt two years in succession in the same streams.

2ndly That Beaver is our only means of livelihood, deer and other large game having probably been destroyed by forest fires of past years, and the little hunting we may do in that line requires ammunition and weapons which are very costly in this far off district. Now the Beaver provides us with money to buy these articles. And besides its meat helps us with food and the skin, which we can sell at any time brings us cash enough for ammunition and clothing.

We beg you to consider that we are not treaty Indians, and with rare exceptions the Government has done nothing for us. We look with an eye of envy upon those tribes that the Government provides with stock and schools. We also have bright and numerous children but we are sorry to see them growing up in ignorance in an age of education and progress. Are we not deserving just as much attention and care as they? We are law abiding and loyal to our leaders and times may come, if our children are educated to give proof of loyalty. Now we remain in our old state and are forced to descend lower by laws of the Province that show herself a cruel step-mother to us. We cry for justice and we hope that our Indian Department will be a good father to us.

Below: original document; Below right, signatures of the Chiefs



2. Kitsumkalum Beaver Trapping, 1912

Kitsumkalum is a First Nations community on the Skeena River, about 100 km from the ocean. Their territories include a number of valleys in the Coast Mountain Range that flow into the Skeena watershed. As with most other First Nations in Northern BC, trapping was an important source of income for Kitsumkalum people in the new settler-dominated world they were trying to cope with.

In 1912 the British Columbia government changed the laws governing the hunting of beaver. Again beaver trapping was closed to all trappers, including First Nations. The only exception was for First Nations trappers in the far north of the province, in the Stikine and Peace River watersheds. It was up to the Indian Agent to explain the changes to the people in his agency. For the Kitsumkalum, the Indian Agent was Charles Perry, based in Metlakatla, BC.

Of course, the change came as a complete surprise to First Nations trappers. Many of them were hard at work on their trap lines or harvesting other resources away from town. What was more of a surprise, perhaps, was that if they unknowingly trapped outside of the government's regulated hunting times, they could be arrested, imprisoned and sent to court.

The Kitsumkalum were regulated not only by the Indian Agent but also by Dominion Constable Parsons, who lived on the nearby Kitselas reserve, and by BC Police Chief Constable W. Owens, based in Prince Rupert.

These documents explain what happened when some Kitsumkalum men inadvertently trapped beaver for food and furs outside the provincial government's regulations.

2a

TELEGRAM

Kitsumkalum, B.C.
October 25th, 1912

W. Owen, Provincial Police, Prince Rupert.
Information received to-night fresh Beaver pelts, Kitsumkalum reserve. Searched found 3 bodies in smoke house, took off two tails, Indian Benjamin B. and Phillip R. stated returned thursday from Semakwoitz River with twelve beaver each. Showed me pelts. Indians under impression beaver open not having been notified to contrary. Under circumstances have made no arrests or seized skins as Indians were acting in good faith. Please ask Indian Agent to send representative at once. It is also reported Simpson Indian Dunowits at Mile sixty has nine beaver. The camp is an old one and unnotified regarding change in regulations, Kitsumkalum Indians state traps still out but they will remain on reserve pending arrival of Dominion official. Returning Kitselas tonight.
Parsons

HUNTING AND TRAPPING DOCUMENTS

2b

Chief Constable's Office
Prince Rupert BC
October 26th 1912

C.C. Perry, Esq.
Indian Agent,
Metlakatla, B.C.

Sir: Re: Infraction of the Game Act
I beg to hand you herewith copy of telegram just received from Constable Parsons, Kitselas, re. infractions of the Game Act, by Indians at Kitsumkalum, who have been killing Beaver out of season. I have instructed Constable Parsons to seize all Beaver Skins, and gather the necessary evidence for the purpose of prosecuting the above Indians.
Yours Obediently,
W. Owens,
Chief Constable

2c

INDIAN AGENT'S OFFICE
NASS AGENCY
METLAKATLA, BC
November 4th, 1912

The Secretary,
Department of Indian Affairs
Ottawa

... The action of the Chief Constable in having the skins seized and proceedings taken against the Indians is of serious import to the Indians, as they have had unobstructed access to beaver for food purposes, and to my knowledge have never been proceeded against for contravention of the Provincial Game Laws. This is the first case of the kind that has come to my notice.

The Department is urgently requested to take this matter up with the Provincial authorities, to see if any arrangement can be entered to to exempt the Indians from the application of the statutes in this regard. The Indians, knowing how to protect the beaver from being over-exploited, are usually very careful to do so, and never take them in large quantities for food purposes.

If anything can be done in the Indians' behalf, it will be a source of such satisfaction to the Indians, and remove from their minds much of the disposition to believe that they are being taken advantage of by the Governments. The matter is vitally important to them, and they are most anxious to be at liberty to have access to their natural food resources.

I have the honor to be, Sir,
Your obedient servant,
Charles C. Perry, Indian Agent

The two Kitsumkalum men were taken to court on November 8, 1912 in Terrace, the nearby railway town. Magistrate Little gave them a suspended sentence on the charge of trapping beaver out of season.

HUNTING AND TRAPPING DOCUMENTS

2d

Petition 423369

We humble lay our petition before thee,
 Chief and Honour. We the underign of the
 Band of Kitsumkalium, B.C.

- (1) To allowed us, to killed and trapped some
 Beavers, for our livings.
- (2) Not only the beavers, but all of the other games.
- (3) Because we have no work to do. But hunt and
 trapping, is the only work that we have,
 for our livings.
- (4) Because we know how to keep them.
 We did not kill them ^{all} at one place, But leave
 some, to raise some more. The same as our
 fore-fathers use to do.
- (5) Theres no place to spare, for the white men
 to hunt for some beavers.
 Because every man have their own Hunting
 ground.

S. P. Kennedy.	Gorden Nelson.
E. Hales Nelson X	E. Roberts.
Thomas Wesley X	E. Nelson.
James Peirce.	W. Nelson.
Benjamin Bennett	D. Nelson.
Philip Roberts X	Stevon Wood.
Christopher Kennedy	C. Johnston.



E. Bennett.	J. Nelson.
Job Kennedy.	Annie Starr.
Simon Peirce.	Jane Bennett
Willie Peirce.	Dorcas Bennett.
Ether Roberts. X	G. Bennett
Dorcen Roberts. X	Gerthe Bennett.
Herbert Roberts. X	Victor Bennett
M. Kennedy.	Ellen Kennedy.
Y. Kennedy.	Mable Kennedy.
Emma Johnston.	Angelina Kennedy.
A. Kennedy.	Eva. Kennedy.
G. Wright	Lora Kennedy.
S. Wright	Selas Campbell.
S. Johnston.	M. Wright.
E. Johnston	Maggie Johnston. X
J. Johnston.	Ray Richmond
Emma Nelson.	
M. Nelson.	

Chief Solomon Johnston. X

2e

INDIANS' BEAVER PRAYER

**Inhabitants at Terrace on Skeena River
Anxious to Have Closed Season
Waived to Provide Food**

One of the matters of urgency to obtain the immediate consideration of Attorney-general Bowser upon his return to the capital Monday is in connection with what, prima facie, appears to be a case requiring administrative clemency, which comes from Terrace, on the Skeena river.

The Indians of that district, through their agent, Mr. C. C. Perry, several months ago presented a petition to the provincial police, in which it was set forth that the staple supply of salmon food would this year not be available; that in the past the Indians, when denied the salmon, were accustomed to kill the beaver for food and that in consequence of the season's conditions, the prohibition against the killing of beaver should be suspended in order that they might fortify themselves against starvation.

What has become of this petition is not at present known, but acting upon the assumption that their prayer had been or would be granted, certain of the Indians have killed the beaver for food, and police prosecutions have followed. Upon the intervention of Indian Agent Perry, the case has been adjourned and it will be dealt with presumably by Mr. Bowser direct.

"Any of these laws is intended to be interpreted with discretion," it is said at the department. "And where the beaver is needed as the only available food supply of the natives it is nonsense to strain the provisions of the game law and take proceedings against the Indians who kill them for food. The game act is not intended as a weapon of wanton persecution and irritation."

The Daily Colonist, November 15, 1912.

2f

Monday, November 24, 1912

VICTORIA DAILY COLONIST

11



CURRENT TOPICS

Young Folks Paper

It is against the game laws to kill beaver for food. Some of the Indians on the Skeena river, who could not get salmon this year, will be forgiven for having broken the law. They petitioned the government for leave to kill the beaver, but did not wait for an answer before they began to make provision for winter. The attorney-general does not believe that any law should compel people to go hungry.



press me, and I play on little piece best here in the wood. Then the two fell forward, and each went in a different direction. So in the middle sat a woman.

3. Organized and Unorganized Districts, 1914

As settlements grew in the early 20th century, municipal and provincial governments brought more and more Crown land under some type of political organization. Some areas were organized, while others remained unorganized. This meant that the traditional territories of some First Nations were more regulated by governments than other territories of other First Nations. These documents illustrate the confusion that arose out of the situation.

3a

Indian Agent's Office
New Westminster, BC
April 28th 1914.

The Assistant Deputy & Secretary
Department of Indian Affairs
Ottawa

For the information of the Department I beg to report in regard to a serious trouble which existed between one of the Deputy Game Wardens and the Sechelt Band of Indians. ... Mr Dunn alleges that he warned them that they must not shoot deer for their food or have any in their possession, without first receiving a permit from the Chief Game Warden to do so. This the Indians deny.

I am informed by the Indians that at the same time Deputy Game Warden Dunn took some fish ducks that they had shot out of their canoe, and again returned them with a warning that it was against the law to shoot them.

On the 7th instant Mr. Dunn saw a portion of a deer hanging under the veranda of the house belonging to Captain George on the Indian Reserve, and another portion hanging in a shack or small house belonging to a widow named Mary Ann Big August, he seized and took with him both pieces of deer meat, and when Captain George and Mary Ann informed the rest of the band that he had done so they became very much enraged at him. ...

I visited the Indian village and sent for the Chief, who called a meeting of his Indians and discussed fully the whole subject of the seizure of the venison, and the punishment of the Indians on the charges aforesaid. After about three hours discussion the accused Indians with their chief consented to accompany me to Vancouver and stand their trial for the alleged offences. ...

The Indians were present at the trial and the judge let one of the accused off with a caution. The other was fined \$5.00 which was refunded to him by the Attorney-General's Dept.

I might say in conclusion that the Indians were not aware at the time that they killed the deer that it was necessary for them to have a permit before doing so, this amendment being added to the Game Law only last session.

Your obedient servant
Peter Byrne, Indian Agent

7th instant means the 7th of the current month; in this case, April 7th.

HUNTING AND TRAPPING DOCUMENTS

3b Sechelt BC July 17/14

Indian Dept, Ottawa

Dear Sirs,

My people suffer much from consumption, and their condition is now worse than ever, because they have nothing but fish to eat. Last month one of the boys was taken before the judge for killing a deer. He was let off with a fine of \$5, but we had to promise not to kill any more deer. Since then none of my people have killed any deer. They have lived on fish. But now they are anxious to have some meat, because eating only fish is not healthy.

Please give my people the same permission as the Sliammon people have. The Sliammon have permission for each family to kill two deer a week.

The chiefs under me, William, John and Johnstone and all the boys of the tribe are very anxious to have the permission. They are very discontented now, and it is hard for me to keep them quiet, because it is a question of the lives of their families.

I thank you for all you have done for my tribe in the past. The Government has always been a good father to us.

Yours gratefully, Chief George.

3c Indian Agent Byrne to DIA Ottawa in response to Chief George's letter, September 4, 1914.

What the Indian stated seems to be quite correct, as the Game Law of this Province does not apply to the Sliammon Indians, while does apply to those of the Sechelt tribe, for the reason that the reserves of the latter band are located within what is known as organized territory or districts; while the reserves of the former are not in organized territory, and therefore the Game Act does not apply to them.

Chief George referred particularly to the case of an Indian taken to court for having deer meat in his possession. ... As the Game Act does not give any reason why Sechelt should be included within the prohibited territory, while Sliammon is left out, I do not wonder at all at the Indians not being able to understand why it should be so, as from my observations it would appear that the land lying south of Jarvis Inlet and adjacent thereto, being the hunting ground of the Sechelt Indians, is just as wild and natural as that lying further north, over which the Sliammon people hunt and take all the deer they require for food.

HUNTING AND TRAPPING DOCUMENTS

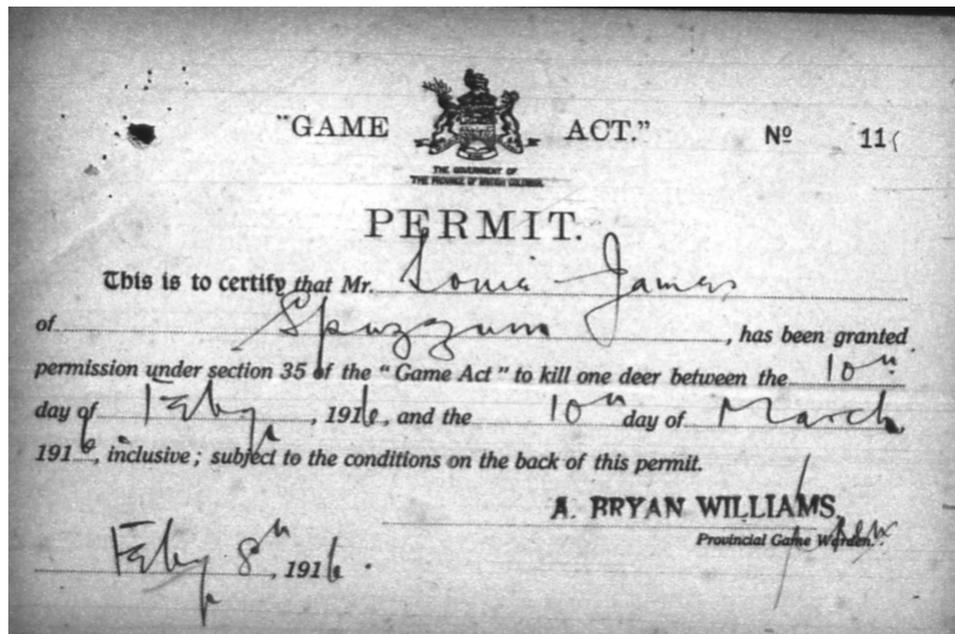
4. Spuzzum Band and Permits, 1916

For thousands of years, First Nations hunted and trapped in their traditional territories, following their own laws and protocols. Then suddenly in the early twentieth century, they were forced to follow the BC Provincial Game Act, and get a license or a permit to harvest resources that they needed to live.

The Spuzzum First Nation is part of the Nlaka'pamux Nation. The name comes from *spozem*, meaning "little flat (lands)." Their territories are in the Fraser Canyon and the surrounding mountains, north of Yale. They hunted many animals such as bear, deer, elk, marmot, and moose, and fished for trout and all species of salmon.

In 1916, when they were required to get temporary hunting permits, the community as a whole refused. One of their leaders, Louis James, expressed the community's feelings in a long letter to the Indian Agent.

4a



Example of a hunting permit submitted by the Spuzzum people to the Indian Agent.

HUNTING AND TRAPPING DOCUMENTS

4b

Spuzzum BC
Feb 29th 1916

H. Graham, Indian Agent, Lytton BC

I beg to inform you that we received your letter also the Permit Papers for hunting, the said Permit being good for one month only. We find it is not the same way as you had told us at the time you visited us in the past, therefore we find it unsatisfactory to our people. It is quite impossible so we cannot accept it for it is of no advantage to our helpless people during these hard time.

We held a meeting here on the 21st of Feb and discussed the matter and after a long discussion we came to the conclusion that we do not agree to the said Permit for they are only made temporary and not built permanent. Therefore we all agree to return back to you these permit papers and advise you to hand them to the Government, or to whoever made them out, and again we wish to request you to make another step because it is your duty to help the aborigines and still also our desire. Read following our proposals regarding the wild animals and birds in the country also the fish in the water.

1st) We claim that we are the original inhabitants of the country from time immemorial, and as such should be given every consideration.

2nd) We claim we are the owners of the wild animals in the country, also the different species of birds and the many kinds of fish to be found in the rivers and waters of the country. Therefore our rights in the country are sacred, and we cannot be prevented from our hunting and fishing for the simple reason our rights are aboriginal. Therefore we must be absolutely free to hunt and fish without restriction of any kind.

But on the other had if the Government wishes to rule us Indians, in the way it does the strangers in our hunting and fishing grounds, as it has been the practice for the last number of years back, then it would be better for them to supply us Indians with some permanent and secure permit, and it must be integrity guaranteed by means of a warrant, when it may be acceptable amongst our people. But as long as the permits are made temporary we will never accept them.

In our discussion we consider and find the Government mistakes, they must think that we are foolish and might slaughter the deer and the birds. No sir! We have never done such a thing, and will not do so at any time in the future. Each Indian hunter shoots one deer at a time, seldom more, and they prove very beneficial to the helpless people among our band. We use all the meat as food, and the hide we make into moccassins. We do not waste any part of the carcass.

And we inform you which is truth, that the white men that live in the cities in their thousands, a great number of them get tired of city life so during the summer months go shooting and camping, killing bears, birds, deer or any game they might happen to meet and being great sport to carry home the antlers or horns of the deer as a trophy, leaving behind them the meat & hides to rot in the sun and be wasted, a thing the Indians never do, and have never done in their lives, but make use of everything because we know too well the animals belong to us and so appreciate their true value... we appreciate the true value. So when we need any at any time must go out and get them.

Transcript of
original letter

HUNTING AND TRAPPING DOCUMENTS

But do not tangle us in your laws with strangers. We have had enough of that and it is a great shame, on the side of the Government of the country, that they grab the whole proceeds of the games taxes and why should we not get our interest from the same proceeds, because we are the original possessors of the said game on the country. And while this local government is overloaded with money from the game and fish taxes then they come and try to prevent us from our shooting.

The Government and others also claim to be civilized. We believe that to be a fact, so why does not the civilized protect our original rights and treat us as men or people like themselves without trying to disturb us and make us wait in vain. Why not immediately settle the Indian question by integrity, and fairly by the laws of God before it can be done perfect.

And another thing our reserve is almost all rocks and barren land so that we are unable to raise enough products to keep us all the year.

Therefore wishing you will immediately submit our complaints to the Government, and if there is any further information that you desire we shall be glad to furnish it if possible. But in the meantime we must ask for consideration of this grave matter at your earliest possible convenience.

Spuzzum B.C.
Feb 27 1876

Graham
Indian Agent
Lynton B.C.

I beg to inform you that we received your letter also the permit papers for hunting the said permit being good for one month only, we find it is not the same way as you had told us at the time you mailed us in the past therefore we find it unsatisfactory to our people. It is quite impossible so we cannot accept it for it is of no advantage to our helpless people during these hard times we held a meeting here on the 27th Feb and discussed the matter and after a long discussion we came to the conclusion that we do not agree to the said permit for they are only made temporary and not built permanent therefore we all agree to return back to you these permit papers and advise you to hand them to the Government, whosoever make them out, and again we request you to help the aborigines and to request you to make another stop because it is your duty to help the aborigines and also our desire. Read following our purpose being the fish in the water and birds in the air. We claim that we are the original in

First page of original letter, and signatories to the letter.

*We remain yours
in anticipation*

The Spuzzum Band

(Chief) Paul - x
Louie James
William Bobb
Mack Bobb
George Dick x
Harry Bobb x

Charlie Chapman x
Johnnie Fraser x
Tommy Johnson x
William Johnson x
William Andrew x
Paul Youle x
Wm Bradby x
Patrick Charley
Billy Graham x
Joe York x
Old Bobb x
Wm John x
Stump x
Johnnie Chapman x
Henry James x
Jimmie Adams x

5. Douglas Treaty in Court, 1916

The Douglas Treaties were made in 1852, during the colonial days under Governor James Douglas, to secure lands near Hudson's Bay Company settlements from the First Nations. They all included a significant statement about hunting rights of the First Nations who signed them. These documents involve an early court case in which a WSÁNEĆ (Saanich) hunter was charged for pursuing those hunting rights.

5a

The condition of or understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these exceptions, becomes the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

Excerpt from the Saanich Tribe Treaty (Douglas Treaty) 1852

5b

Indian Fined— Gus, a West Saanich Indian; was fined \$10 by Magistrate Jay yesterday in the Provincial police court on a charge, laid by Deputy Game Warden Arthur Carter, of shooting game out of season. The Indian was arrested at Mackenzie Bay, Saanich Inlet, on Wednesday, April 12, and the case has been remanded four times. The plea was advanced by Indian Agent Ditchburn that the Indian was legally entitled to shoot by virtue of certain rights the Indians possessed under the old Hudson's Bay Company treaty. The magistrate, however, found otherwise, and a conviction was entered.

Victoria Daily Colonist, May 5 1916

HUNTING AND TRAPPING DOCUMENTS

5c

Office of The Inspector of Indian Agencies,
Southwest Inspectorate,
Victoria BC
4th May, 1916

The Secretary, Department of Indian Affairs, Ottawa

Sir, I beg to inform you that on the 14th April Gus Morris, an Indian of the Saanich tribe, was brought before Provincial Police Magistrate Jay on the charge of a violation of the British Columbia Game Act in having shot two grouse out of season on lands other than an Indian Reserve.

The Indian, coming to me for assistance, I went to the Court and entered a plea that he was innocent as, according to the terms of the treaty made between the Saanich tribe of Indians and the Hudson's Bay Company in 1852, these Indians were allowed to hunt over unoccupied lands as they had done prior to the time of the treaty.

The case was adjourned three times to allow of the prosecuting attorney getting further information on the subject. ...

At today's hearing of the case I again asked that the Indian should be dismissed as I considered that he was innocent, in view of the terms of the treaty before referred to, and that if the Government of British Columbia wished to appeal the case it was their duty to do so.

His Honour Magistrate Jay said he would not care to go as far as this, but imposed a small fine of \$10 on Morris and suggested that the case should go to a higher court, and the he should be requested to give a stated case.

[Ditchburn recommends hiring a firm of lawyers to take the case to appeal]

I am making this recommendation in view of the fact that the Indians themselves fully believe that the rights given them under the treaty of 1852 are in force to-day, and a final decision one way or the other will have the effect of settling this important matter for all time to come. ...

Your obedient servant, W. E. Ditchburn
Inspector of Indian Agencies

Further letters in the file show that the Government of Canada, through the Justice Department, was planning to appeal the case. However no evidence has been found that an appeal was ever held.

HUNTING AND TRAPPING DOCUMENTS

6. Hardship and Conflict in the 1920s

The 1920s saw increasing hardships for First Nations. Changes to the Indian Act became even more discriminatory, such as the laws stopping people going to court to pursue land claims. The BC Game Act also continued to impose further restrictions.

One change to the game laws was the requirement that all trappers had to register their traplines. This created a huge bureaucracy to record, map and monitor traplines. Further, the laws required that a trapper had to work their trapline every year or they would lose the rights to use it. This went against the way that First Nations had always managed their traplines, making sure to leave an area for a year or two so it doesn't become over-trapped.

The overwhelming laws, and often arbitrary enforcement of them, as well as the economic conditions of the time, left many First Nations families struggling.

6a Excerpt from a special report filed September 16, 1921.

There have been a number of cases reported to me where Indians have been arrested by Game Wardens charged with their violations before Justices of the Peace, tried, convicted fined and suffer the confiscation of their possessions without a chance of defence.

In the matter of shooting game, recently a very distressing case was brought to my attention. Two Indians of the Little Shuswap Band were found with deer meat in their possession which they claim was shot on their Scotch Creek Reserve, for the truthfulness of which statement I am not prepared to vouch. They were not given an opportunity of proving their statement. They were taken before a J. P. and convicted, fined and had their guns confiscated.

As it is not easy to over estimate what an Indian's gun means to him, being practically a part of his being, the extreme hardship inflicted in the loss of this main food getter can hardly be over estimated. Especially in the case in point, to replace them, and I have made repeated appeal to the Chairman of the Game Conservation Board for clemency on behalf of these Indians with no result.

I am therefore bringing these matters which are seriously affecting the Indians to the attention of the Department with a view to having some steps taken to afford the Indians some reasonable protection against the procedure which is now being practiced by the officials mentioned above.

Your obedient servant,

J. F. Smith,
Indian Agent.

The handwritten line reads: "the two Indians whose guns have been confiscated are today unable"

HUNTING AND TRAPPING DOCUMENTS

6b

Stoney Creek, B.C.
August 12th 1922.

DEPT. OF INDIAN AFFAIRS
AUG 18 1922
RECORDS

Department of Indian Affairs,
Ottawa

570824

Dear Sirs:-

Referring to the enclosed note from our Chiefs we the Indians on the Stoney Creek Reserve, come to you for assistance in the most serious situation facing us for the coming winter.

Any white man can get a trapping license, and our hunting grounds are being taken away from us. We Indians do not kill all the beaver we find in a house, we always leave some to allow young ones to be born. The white man kills all he can find, leaving nothing at all if he can help it. He also destroys the beaver dams, lets the water run off, and when winter comes all the beaver left in the houses freeze to death.

Things are very bad. We are trying to sell our hay and our cattle, but the white man have no money and cannot pay us any cash. With no cash money in the country we are also unable to get any jobs, and we really do not know what to do to live during the coming winter.

Now we ask you to do this much for us. Establish a line east and west and north and south of Stoney Creek and stop white man from hunting there. If you will do this we have a chance for our lives. We also cannot depend on any salmon as the run is very poor.

Please help us in our serious condition, do what you possibly can for us.

6c

W.E. Ditchburn to Duncan C. Scott, DIA, June 24, 1925

... The closing of hunting and trapping will work a considerable hardship on a large number of the Indians of this Province. ... It would be very difficult for the British Columbia authorities to control the game situation in view of the fact that the Indians are very liable to refuse to recognize the closed season.

The argument put forth by the Chairman of the Board is that unless this area is closed the fur supply in that district will be absolutely depleted. I also pointed out to Mr. Jacks that it would, to my mind, be more in the interest of the conservation of fur if the trapping were placed entirely in the hands of the Indians, and while the Chairman was inclined to agree with me, he pointed out that such a procedure would be impossible, and while he did not say so in so many words, the general understanding is that the Indians have no vote and the white trappers have.

HUNTING AND TRAPPING DOCUMENTS

6d

Nishga Tribe
Land Committee
Kincolith, Nass River, BC. Dec 29 1925

to Duncan C. Scott, DIA.

Dear Sir:

We the undersigned members of the Nishga Tribe, petition you on the advise of our Indian Agent, Mr. Collison, against the new Provincial Law compelling Indians to take out Trapping Licenses. In obtaining these licenses a certain area is allotted each individual in which to operate. According to this law there is nothing to prevent an outsider from applying for a district within the Nishga Territory, and as the acreage harbouring fur bearing animals in this territory is very limited, more so since the fumes from the smelter situated at Anyox has laid waste such a vast areas, we make our humble proposal that this law will not go into affect within our territory, at least until a judgment has been given on Indian Rights in general, which we hope will be soon.

Up to date no trouble has been reported among trappers within this district, and to prevent any we are very much against this new enactment.

We remain, Your humble servants
signed by thirteen men

6e

SPECIAL REPORT

From E. G. Newnham, Dominion Constable
To W. E. Collison, Indian Agent, Prince Rupert
16th December, 1925

Re: -Registration of Trap-lines by Indians

...The constable put up a notice in Kincolith saying people could fill out a trap line registration form at his office.

This evidently gave great offence to the Indians as a result of which a public meeing was held on Saturday, during the course of which, I was sent for. ... They informed me, after a lengthy tirade concerning the Land Question, that it had been resolved at that meeting to reject this law regarding trap-lines. ... It had also been resolved that the people did not wish me to live in the village any longer and I was therefore requested to remove elsewhere. ...

The people were also dissatisfied with the Indian Agent and that he did not count with them. It had been decided that in future the chiefs would run everything and that it was the order of the chiefs that I get out. To this I replied that the chiefs did not count with me and that I was under the orders of the Dominion Government. I then walked out of the building.

HUNTING AND TRAPPING DOCUMENTS

7. Treaty 8, Peace River Region

Treaty 8 crosses several provincial and territorial boundaries, reflecting the ways land was used before Canada was formed. The treaty recognizes the ancestral overlapping boundaries, but the provincial map makers ignored them.

This case involved a First Nation whose traditional territory was in Alberta, but their traditional hunting and trapping grounds extended into what is now British Columbia. The Canadian and provincial laws were confusing. The BC Game Act stated that “No Indian who is not a resident shall hunt or kill game in the Province at any time.”

7a

CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH
TELEGRAM
CABLE CONNECTIONS TO ALL PARTS OF THE WORLD
FORM 1, P. 1
OTTAWA OFFICE
QUEEN 1070
J. McMILLAN, General Manager of Telegraphs, Montreal.
STANDARD TIME
RNA77 76 NL VIA EDMONTON BACKDATE CNT QNS
DRIFTPILE ALTA 3-4
DEPARTMENT OF INDIAN AFFAIRS
OTTAWA ONT
RECEIVED FOLLOWING TELEGRAM FROM CHIEF TALLAY SLAVE BAND HAY LAKES
"BC POLICE AT HAY LAKES HAS ORDERED IMMEDIATE VACATION OF HAY LAKE
INDIANS FROM BRITISHCOLUMBIA WHO HAVE TRAPPED DISTRICT FOR GENERATIONS
THIS MEANS ADDED PRIVATION PLEASE ENDEAVOUR TO HAVE THIS ORDER CANCELLED
AND WIRE REPLY" STOP THESE INDIANS HAVE NO RESERVE IF CHASED
FROM HUNTING GROUNDS THIS WINTER MEANS HARDSHIP FOR THEM STOP
GEORGE CLARKE WAITING REPLY AT FORTVERMILION HUDSONS BAY POST
PLEASE WIRE INSTRUCTIONS
N P L HEUREUX

HUNTING AND TRAPPING DOCUMENTS

7b

Response of Bryan Williams, BC Game Commissioner

Re:- Treaty No. 8.

(extract)

I want to impress upon you the fact that this question is a very serious one. The greater part of the area referred to is held by Indian trappers. ... These Indians have taken very kindly to the registration of the trap lines and they are conserving their fur better than any other Indian in the Province, with the result that they have now a fine stock of fur bearing animals.

Unquestionably the Alberta Indians know this, and having depleted their own country, would now like to take advantage of the good work the Fort Nelson Indians have done. To allow them to come in would simply mean the complete destruction of all the fur in that country and the Fort Nelson Indians would be deprived of their living. The white trappers in that area would also most bitterly resent these Indians coming in and it might lead to very serious trouble up there.

7c

CC Parker, DIA to N P. L'Heureux, Indian Agent,
Driftpile Alberta

April 21 1932

(extract)

It would appear that in view of the attitude taken by the Provincial authorities, it is doubtful if the department can insist upon the treaty rights of the Indians. The department, however, will investigate the legal status of the matter further.

HUNTING AND TRAPPING DOCUMENTS

7d

REPORT OF GAME WARDEN J.S. CLARK OF FORT NELSON, B.C.

I beg to submit a report re the m/n patrol made by myself and accompanied by Special Game Warden Villeneuve with two train of Sleigh-dogs, one team of 5 and one team of 4, and two toboggans. Left Fort Nelson Detachment at 7 A.M January 21st 1932 and returned at 10 P.M. April 19th, 1932. Total number of days - 90. Total mileage for the trip -1430 miles.

... [One] object of the patrol was to see that there were no infractions of the BC Game Laws by the Alberta trappers...

At Hay Lakes, Alberta, there is an Indian settlement with 29 hunters and 3 fur-trading posts. 20 of these Indians have trap lines running into B.C. Some come within a short distance of Hay River, others West of the Shikilie River.

While I was on my way to Hay Lakes from the Fontas, I passed over Indian trap lines running in every direction. They had just been to their traps and had returned to the Lakes ahead of us. As soon as I had arrived at the Hay Lakes word was soon passed around and before I knew anything the Indians trapping on the Shikilis were told to get back.

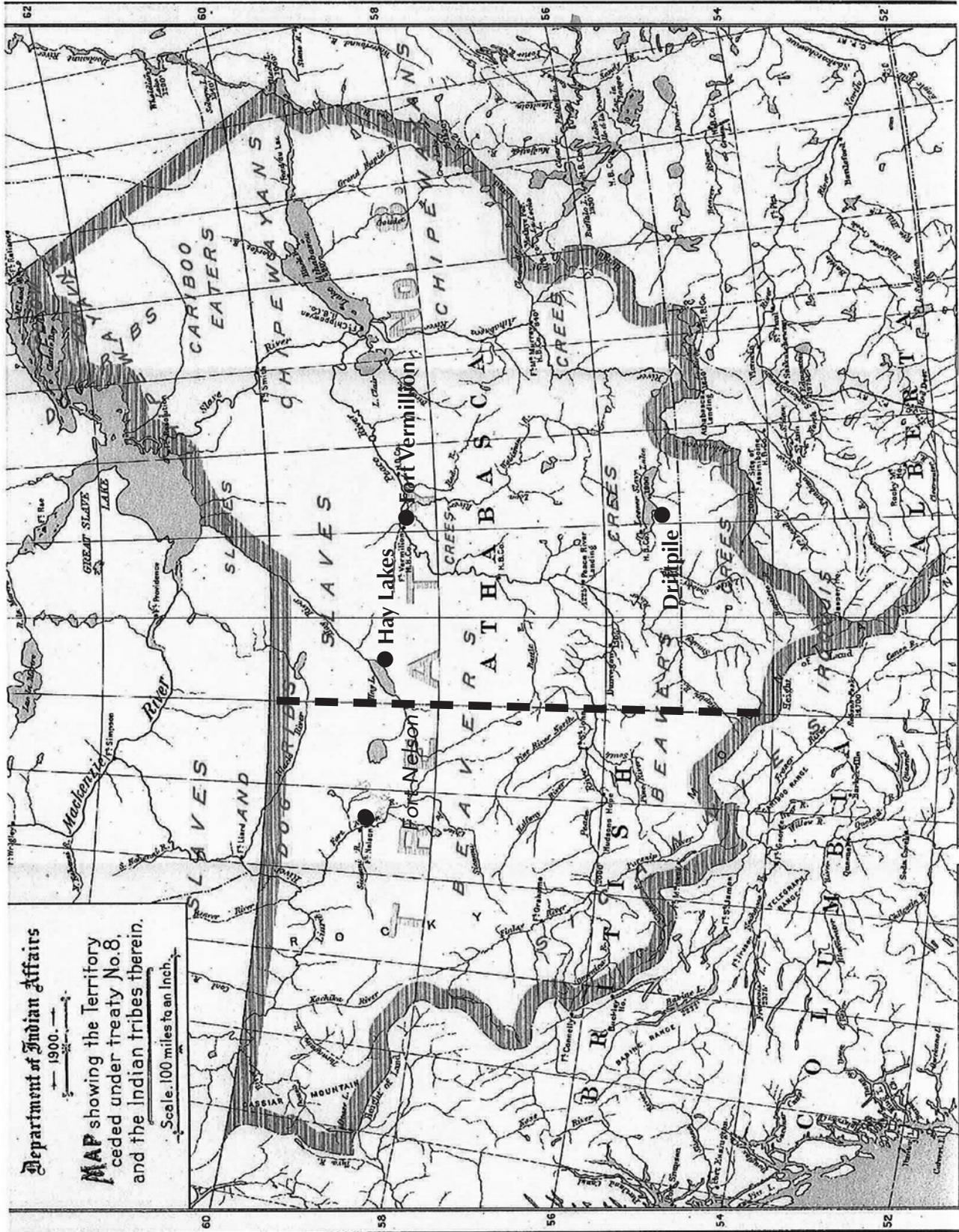
There was nothing I could do with these Indians even if I had caught them on their lines, because these Indians are absolutely destitute and starving. They are issued with a very small ration from the Indian Department. Some of the children are like skeletons. Some have nothing for clothing, only old 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 thsse 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 was the truth. They told me they have trapped towards Hay River and the Shikilie River for generations.

...

These Indians never see their Agent. The agent has never been to Hay Lakes, nor has any Game Warden or Policeman been to see them. They are absolutely ignorant of any laws and what is meant by the boundary line. These Indians informed me that their Agent told the Chiefs at the Upper Hay River last summer at Treaty time that the Indians could trap anywhere, meaning Alberta, British Columbia and the Northwest Territories as provided by their Treaty.

In order to prevent starvation, I gave these Indians permission to leave their traps set until the 20th February. I know I had no authority to do this, but under the above circumstances I was compelled to do something.



HUNTING AND TRAPPING DOCUMENTS

7f

A. Bryan William, BC Game Commissioner to W. E. Ditchburn, Indian Commissioner for BC, June 28th 1932.

... This Game Warden's report has put the matter in an entirely different light. If you will refer to my letter of March 29th you will note that I was very averse to allowing these Indians to trap in British Columbia. I think I pointed out to you that their doing so would be very detrimental to our own Indians who have been conserving their fur for a number of years.

From Game Warden Clark's report you will see that there was no cause for my fears on this account. Apparently these Indians have been trapping in British Columbia for some time past and will in no way interfere with our Indians. ...

I presume that you will be communicating with the Department at Ottawa in regard to this matter, and I want to particularly call your attention to the condition of these unfortunate Indians. I think you will agree that Game Warden Clark showed very good judgment in handling them and that he took a very human view of the situation.

7g

A.S. Williams, Department of Indian Affairs, Ottawa to A. Bryan Williams, Game Commissioner. July 7 1932.

... The departments is aware that these Indians are in a very impoverished condition. Their case is difficult to meet as they are not easily reached. Furthermore, our appropriations for relief purposes, unfortunately, are very limited this year. Undoubtedly unless permission to hunt in their accustomed hunting grounds in British Columbia is granted, the plight of these Indians will be most serious. I trust, therefore, that as suggested in your letter, action will be taken to permit the Indians in question to register their trap lines in the same manner as other Indians in the Province.

7h

A. Bryan Williams, BC Game Commissioner, to A. S. Williams, DIA. July 30 1932.

My dear Mr. Williams:

With reference to previous correspondence in regard to Hay Lake Indians, I now beg to inform you that I am sending instructions to Game Warden Clark to register the trap lines of these Indians.

In future we will treat them in the same fair way we endeavor to treat all our Indians. I may say that up to the present we have found the Indians in that particular district to be some of our best for conserving fur.... I believe they are not only conserving their fur, but are living in harmony with the few white trappers in that neighborhood. I have no doubt that we shall be able to bring these Hay Lake Indians into the same happy frame of mind.

