
IMPLEMENTING DELGAMUUK'W

Biography of Brenda Ireland

Anishnabe Cree historian, Coordinator, First Nations Programs and Services, British Columbia Institute of Technology, and author of *"Working a Great Hardship on Us: First Nations People, the State, and Fur-Bearer Conservation in British Columbia Prior to 1930,"* (MA thesis).

Brenda Ireland is an Anishnabe-Cree transplant from Manitoba who has been living in Coast Salish territory for 12 years. She completed her MA at UBC in 1996. Her thesis is titled *"Working a Great Hardship on Us: First Nations People, the State, and Fur-Bearer Conservation in British Columbia Prior to 1930."* This work examined the impact of provincial game laws, specifically the 1925 implementation of the trapline registration system, on First Nations communities and economies of BC. A condensed version of the thesis was published in *Native Studies*, Volume 11; 1997. She is currently Coordinator of First Nations Programs and Services at the British Columbia Institute of Technology.

I would first of all like to acknowledge the traditional territories of the Coast Salish people that we are meeting on today. I would like to acknowledge and honour the Elders and the leaders who have joined us. I would like to thank the coordinators of this conference, the hard work of the U.B.C.I.C. [Union of British Columbia Indian Chiefs] staff. I would like to thank you all for being here. I would also at this time acknowledge Professors [Arthur] Ray, [Dianne] Newell, and [Julie] Cruikshank for being so indulgent, as I lost myself in the archives trying to pull this thesis together.

"Working a Great Hardship on Us: First Nations People, the State, and Fur-Bearer Conservation in British Columbia Prior to 1930," unlike the fisheries, there has not been a lot of work done in this area, so it's exciting to be looking at. I just want to give you a brief outline of the research that I have done on the trap line registrations. It was a system that was implemented in 1925 and replaced, as one inspector of the Indian agencies noted, their "promiscuous trapping system," an ad hoc system of willy-nilly trapping where aboriginal and non-aboriginal competed for resources. Although the system was meant to establish the trappers both as a fur harvester and a conservationist on a specific trap line, even though it was primarily a conservation strategy, it was also meant to insure that the provincial coffers would continue to get tax, license fees, and royalties from the furs. Another concern that the provincial government had at this time was the over-trapping that was threatening the economic endeavours of settlers, prospectors, placer miners who trapped during the winter to supplement their summer incomes. This is in contrast to the aboriginal approach to trapping, which trapping was their primary vocation at this time. White trappers used the fur only, where the First Nations utilized all of the animal: the meat for food and the fur for exchange. This source of food was especially important to the peoples of the northern territories. What was ironic about the implementation of the trap line registration system was that it was designed, defined by one of the legislative members, as an effort to put the fur industry back into the days when the First Nations, or the Indians, did most of the trapping, because Indians always endeavour to preserve the fur animals.

Indians experienced three major difficulties in adhering to the trap line registration system: one of them was the cultural and language barriers to compliance, the registration process itself, and the administrative structures of the Department of Indian Affairs and the provincial Game Board. What happened with the trap line registration system is the jurisdictional divisions that occurred under the constitution, where the federal government was responsible for aboriginal lands and the interest of First Nations people, and the province was responsible for wildlife management and conservation. So what happened there was a vacuum that was created between these divisions of power, which aboriginal rights were lost.

I just want to review some of the findings that I have found in looking at these records. Some of these I have already just mentioned, others will come as no surprise: consultation in trapping and the allocation of trapping lands was non-existent, Indian petitions were ignored, and third-party -- meaning usually church officials -- recommendations to establish specific trap lines areas for aboriginal people, or to lobby efforts to have them exempted from game laws, were dismissed. I think that one thing that comes out clearly from the records -- and those of you that have been researching in this area will know this -- that the First Nations leaders were very strong speakers on behalf of their communities in defense of the traditional lands and economies and, even though most of these petitions were dictated to third-party individuals, they were very clear about their rights and their demands, that the government respect those.

The other thing that came out was the impact of the white encroachment on the lands and the stewardship strategies. The government in the early 1900s tried to address the depletion of the fur populations by introducing a closed season, which meant it was illegal to trap and/or own any kind of pelt in certain times, for actually quite extended periods of time. For those nations or bands who relied heavily on the beaver for food, this had a dramatic effect. There was a number of reports

of people starving and actually dying because of these game laws that were being introduced that restricted aboriginal people from following their traditional hunting and trapping economies.

One of the other things that came out from the records was the approach that aboriginal people had toward the traditional stewardship of land and resources. The idea of using three or four areas in rotation and utilizing all the resources on that area, and then moving on to another to leave the first area the time to rehabilitate. I talked a little bit about the motivation of the provincial government in developing these laws. This will come out also in the records: the trap line registration strategy and implementation, the inequitable nature of the trap line system. I have mentioned the three main difficulties that First Nations had, or Indians had, in dealing with this, but there were others: the racist attitudes of the game wardens and the police, who were actually submitting these registrations on behalf of the Indian trappers; trap line maps -- if I have time, I will show you an example of the trap line map -- and every registration, by law, was to have a sketch of the area that was to be trapped; and the process of transferring trap lines. When the system went into effect the white trappers were very astute about registering their trap lines and managed to take up a large number of the traditional trapping areas. Although it was illegal to sell a trap line, you could sell the cabins, the traps, and any other equipment that was associated with that trap line to an interested party. Then all that the seller had to do was recommend to the Game Board that this person take over that license. Now in order to accept a nomination, or to be eligible for a nomination to receive a trap line, you had to have a special firearms license. The catch-22 for Indian people was that they did not have to have this license, therefore they were not eligible to be nominated for transfer of the trap line. In 1933 it became apparent to the Department of Indian Affairs that the trap line registration system was causing hardship for a lot of First Nations people, so they determined or they tried to purchase trap lines for reversion back to the Indian trappers. I think the other thing that came out of the records that I looked at was that the Treaty 8 area of British Columbia, in the northeastern part of the province, received no greater protection of their aboriginal rights than those bands that were not offered treaties in the rest of the province.

I just want to give you an idea of some of the primary sources that I looked at. I am only going to actually go into, for time restraints, I am actually going to look at, under the British Columbia Archives, the Fish and Wildlife and the Department of Indian Affairs. If later you have any questions and would like some more information on what I was able to find out in the other sources, just come up and speak to me.

Under the Department of Indian Affairs, volume 3848, it has extensive records on Treaty 8 and all the issues that were related to the registration of trap lines in this area. What was interesting about this area, even though it was part of British Columbia, their Indian agent was situated in Alberta. For the first part of this, the initial implementation of the trap line registrations, the Indian agent was actually responsible for registering on behalf of the bands or on behalf of Indian people. To have the Indian agent in Alberta at a key time when the lands were being registered was very detrimental to the people in this area. So these records deal with a great deal of that.

The other volume that was relevant to my research was 6735, and there was a great many petitions in here from all over British Columbia about the trapping systems, both prior and after the implementation of the trap line registrations, the Department of Indian Affairs' disregard for aboriginal rights, enforcement of the Game Act, and the impact on the people. Another volume that was really clear was the one Dianne [Newell] has already mentioned, Royal Commission on Indian Affairs [1913], and extensive petitions from bands about encroachment issues, hunting and trapping, and demands for recognition of aboriginal title.

I actually want to give you an example of some of the records that I was able to find in here, and to show a little bit about some challenges that the people had in trying to get their rights recognized. This actually was a letter to the secretary of the Department of Indian Affairs, Ottawa, about a complaint made by the chief of the Anderson Lake area -- and I'd like to acknowledge these people for allowing me to use their resources in public -- about a trap line that had been claimed by a non-aboriginal trapper. The Department is informing him, or the chief inspector of the Indian Agencies for British Columbia -- and we need to keep in mind that these are the people that are charged with looking after aboriginal interests and protecting First Nations' land -- writing to the secretary of the Department of Indian Affairs in Ottawa, stating that the Indian had not taken the necessary measures to secure his trap lines under the provisions of the Game Act, and he goes on to list what those provisions are, and then, interestingly, he ends his comments by saying, "the great trouble with Indians in this matter is that they appear to be under the impression that because a certain trap line was used by themselves and their forefathers for a great many years, it is theirs for all time. The Game Act however, does not give any special privileges to the Indians in this regard and provides that the trap line can only be taken out from year to year," which meant that even

though these trap lines may have been used by the aboriginal peoples for years and years and for generations and generations, they still needed to be renewed every year.

One of the other things that comes to in the records -- I'd like to acknowledge the people of the Spuzzum area. This is one of the petitions that went to the Indian agent. What had happened -- this was written in 1916 -- this was during a closed beaver season, which meant that it was illegal for anybody, including First Nations people, to be trapping, and they had received a monthly permit to do hunting of big game. The members had met and decided that they were going to return these permits because they were not pleased with the temporary nature of these permits. They asked the Indian agent to hand them back to the government, or to whoever had made them. They also made their own recommendations about these issues. They claimed that they were the original inhabitants of the country and, as that, they had been there since time immemorial and that they should be treated with every consideration. They claimed to own the animals in the country, all the species of the birds and the fish, and therefore our rights in the country are sacred and that they could not be prevented from hunting and fishing. They go on to demand that the province share the revenue of the licensing and the royalties of the trapping and the hunting fees, and they concluded by saying that they were dissatisfied with the reserve because it was small, rocky, and they weren't able to produce a living from this.

I'd like to just go on now and give you an example of a registration for a trap line and to give an idea of what kind of information you could find on a trap line registration form. This one was submitted by a non-aboriginal person, an American and naturalized Canadian. It is interesting to note that the number of years that he had been trapping on this line were "none." But seeing that there was animals to be trapped, you could almost be assured that an aboriginal group was using this area, but he did not know that it had been trapped in the past. An example of the sketch that would have had to accompany this registration would be this one, and it stipulates the area and the boundaries of the trap line that this gentleman planned to trap on. This, in turn, would have been placed on a regional map which would show all of the areas in the trap line and of all the trap line areas in the specific region. By law, there was to be a mile distance between each registered trap line to ensure that there would be no boundary overlaps and to ensure that there would be optimum chances for the stock to be regenerated. My understanding -- it's been some time since I have looked at these records -- is that you can actually go back and get these regional maps and get a copy of these maps prior to 1962, but they won't release anything after that time. So if you are looking at current issues, you may have some difficulty accessing that.

I just wanted to show you a little bit more of what is in the Fish and Wildlife, some of the complaints of the white trappers against the Indians. This is from 1933, and the trap line registration system had only been in effect for eight years. This non-aboriginal trapper had taken out a special firearms license and had tried to trap this area here, Milligan Creek, only to find that it was being used, and was offering to sell it to the Department of Indian Affairs for \$100. As part of this report, there was a Game Department report that came in response to this complaint stipulating who had been trapping on the area and what members of the bands were actually there. So, if you are looking at trying to determine traditional areas, this potentially is a very good source for you to determine this.

Now when you go into these documents -- they're filed chronologically and in boxes, and then you'll find files in each one of the boxes that are more or less filed alphabetically. There's no index, at least there wasn't an index to this when I was working in this area and I don't know if there is now. Thank you, Dianne, for your tip. I'll go in and check on that. But it is very difficult to have to go through the whole, but it is rewarding if you have the time to go through each of these because you will find information as you are going along. As part of this report -- you'll get this if you are researching this area a lot -- the attitudes of the game wardens and police to the Indians who are trying to register their trap lines. Ignorant type; haven't the slightest idea about the registration system, no knowledge of maps, and just the whole concept of not understanding the language and the cultural differences; the concept of the traditional way of identifying land and putting that into a concept that was non-aboriginal made it extremely difficult. There were files that I wanted to look at but Skip [Arthur Ray] kept telling me that there was no way he was going to let me parlay this into a Ph.D., so I didn't try too strenuously. But there are some restricted files that I think would be extremely relevant for your areas: the Attorney-General 1323, there are specific reels addressing trap lines and trapping and Indian issues from 1919 to 1924, and Game Act regulations from that same period. There are also a number of record books from the Supreme Court and there's case files. I think that if you are working in these specific areas to establish claim or aboriginal right and title to land, that if you could look at these you would get a sense of what the nations' understanding of where their territories were and what their aboriginal rights were. So I think I have taken up my time. I'd like to thank you for your patience and thank you for listening.