This paper is about government restrictions on access to game and fur animals. It may well be asked why it is necessary to explore, yet again, another account of the government’s disregard for native peoples’ rights to their land and subsistence. We all know, in some vague way, that the Canadian and provincial governments have trampled on their resources and rights for centuries. But do we? I refer back to the “Oka crisis” of 1990. Among all the problems in native-white relations that stood out so clearly during those long 93 days of standoff one, in particular, struck me as sitting squarely in the domain of the academics — the collective memory. From what I gathered from newspaper reports, the Oka crisis began in March 1990, only four months before the barricades went up on July 11th. I suspect that many amongst the public, both Quebecois and other Canadians, were shocked by the depth of feeling and resolve that the Quebec authorities unleashed amongst the Kanesatake and Kahnawake peoples. Barring a few exceptions, the newspaper and television reports from which the public drew their information did nothing to undermine the perception that the Mohawk were reacting to a recent event, namely the expropriation of a spiritually significant sector of land known as “the Pines” for transformation into a golf course.

We know this event has much deeper roots. The fact that the media overlooked drawing attention to a 250-year history of land expropriation at Oka is not entirely their fault. At the time, journalists called around to various academics asking for information, but it was difficult to direct them to readily available histories. However, even had the documentation been accessible, it is doubtful whether the Oka history would have received much exposure. How accepting are we in Canadian society of the place of history in the present — unless it is to our advantage?

1 About the only identifiable writing about Oka was a 1984 report from the Research Branch of DIAND by Villeneuve and Francis.
Furthermore, what politician, provincial or federal, would have stood up to say publicly that the Mohawk have long-standing grievances?

It is with this assumption that Canadians must, each generation, have the stories retold, that I retell the following history. The data come mainly from Indian Affairs records on file at the National Archives of Canada. Similar records held by the Province of Quebec are not extant, having been destroyed in a series of fires.2

GAME LAWS

The Province of Quebec enacted its first comprehensive Game Law in July 18953 but it was not the first indication of the province’s concern with the depletion of its natural resources. As navigable waters were a federal matter, the Canadian government passed an act in 1855 to control the salmon fishery along the lower north shore of the St. Lawrence River. Fishing licenses were sold for the right to operate fishing stations by commercial concerns, such as the Hudson’s Bay Company, all to the exclusion of the Montagnais whose fishing rivers were once under their exclusive jurisdiction.4

Forestry was another natural resource that Quebec felt required to regulate, particularly because of the number of forest fires started by settlers, and so in 1868 the first Commissioner of Crown Lands was appointed.5 However, the systematic cutting of the forests began in the early 1800s in the Outaouais region and in 1840 in the Saguenay region.6 Some restrictions on hunting of animals were already in place before the Quebec Game Law of 1895, as Indian Affairs has on record, earlier that

3 NAC, RG 10, v. 6750, file 420-10, Memorandum of material for construction of reply to questions in the House, 19 May 1897.
same year, a complaint by Sak Hanethotako of St. Regis regarding restrictions on muskrat hunting.  

Private sporting clubs, generally fishing clubs, were in existence by 1873 and were formalized through legislation in Quebec in 1885. It seems one of Quebec’s major aims in permitting private clubs was, as the Act reads, “pour la protection du poisson et du gibier”, primarily to protect the territory from poaching. These private clubs, company or individually owned, were originally granted leased rights to portions of salmon fishing rivers by the provincial government, for an annual sum. Later, fishing and hunting clubs were located in the interior on fishing lakes. In exchange for fishing and hunting rights, the club provided protection and surveillance of a territory, usually by hiring a warden to prevent poaching. The private members were from Montreal or the U.S. but certainly did not include locals and certainly excluded the Montagnais on whose fishing rivers they settled.

The Quebec Game Act did not suddenly appear in a list of provincial concerns or legislation. It was a consolidation of earlier developments and a product of the thinking of the time in North America, as will be shown. The Act not only prescribed hunting seasons, hunting methods and bag limits for large game and fur-bearing animals, it also, for the first time, imposed a “close season” on beaver trapping for five years, until 1 November 1900. Nowhere in the Act was mention made of Indians, let alone of their being exempted. Due to this omission, deliberate or otherwise, there is extant a flurry of correspondence in the Indian Affairs records between three parties — the Department, the Hudson’s Bay Company, and the Quebec Commissioner of Lands and Forest, hence the data for this paper.

In 1895 the territory of the Province of Quebec extended to the Abitibi region. As with Ontario, the federal government turned over

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7 NAC, RG 10, v. 6750, file 420-10, letter from Sak Hanethotako to Superintendent General of Indian Affairs, 26 February 1895.
9 Benoit Dugal, 40 ans d’évolution vers la conservation (Chicoutimi, 1990), 14, 211. At the end of the 1960s the government of Quebec abolished 450 private clubs (15).
10 NAC, RG 10, v. 6750, file 420-10, 176318, “An act to amend the Quebec game laws.”
some of its northern lands, part of the Northwest Territories that it had gained by the purchase of Rupert’s Land (the land of the Hudson’s Bay Company) in 1869–70. The first land grant to Quebec was in 1898, up to the Eastmain River. In this Boundary Extensions Act no mention was made of the Indian inhabitants except that the 1870 document between the Hudson’s Bay Company and the Federal Government required that Indian claims be extinguished. The final transfer of land occurred in 1912, giving Quebec the rest of the Quebec-Labrador peninsula. This second Boundary Extensions Act enjoined Quebec to seek extinguishment of the territories of the Indian inhabitants, though the territory now included Inuit as well. This was not done until 1975. Thus there were no land settlement treaties in Quebec, neither in the north nor the south (the “organized and unorganized territories”, as they were then designated), for the period examined.\(^{11}\) The absence of treaties as an implicit policy was acknowledged in 1903 when an Indian Affairs official stated in a memo that “Indian title in the Province of Quebec has never been recognized or surrendered as in the Province of Ontario and, I presume, that it is not proposed to change the policy in that regard.”\(^ {12}\)

Even if there had been treaties, these likely would not have offered hunting and fishing protection to the Indians in Quebec. Ontario had treaties but they did not seem to afford the native inhabitants any exemption from Ontario laws which set up forest reserves, as in 1898, and prohibited hunting for everyone.\(^ {13}\)

The types of economic pursuits of the various Indian communities in Quebec at the turn of the century can be very generally stated. Where settlements had formed in the midst of Indian lands, the Indian economy tended to be a mixture of farming, wage employment, crafts, subsistence fishing, hunting and some trapping for the fur markets. As an example, in 1915, the Abenaki band council at Pierreville passed a resolution that was forwarded by the Indian Agent to Indian Affairs. It read, in translation, “owing to the bad condition of the trade in baskets, the


\(^{12}\) NAC, RG 10, v. 3033, file 235, 225, part 1, memo from Department of Indian Affairs to the Minister of the Interior, Clifford Sifton, 17 August 1903.

\(^{13}\) David McNab, “ Principally rocks and burnt lands”, *Aboriginal resource use in Canada*, ed. by Kerry Abel and Jean Friesen (Winnipeg, 1991), 164, 170.
principal industry of the tribe, ...the band asks... the Department of Indian Affairs to obtain for the members of the band the right to hunt and fish notwithstanding the prohibition...”  

Others engaged in such a mixed economy were the Mohawk and the Micmac, while the Algonquin, Attikamek and some Montagnais were more heavily involved in subsistence hunting and trapping. Those living beyond the settled regions, including many of the last three named peoples and all the Cree, Naskapi and Inuit, were entirely involved in subsistence hunting and trapping for the fur trade.

Thus the Quebec game laws affected, in one way or another, all the native peoples. However, in the unorganized territories there were no game wardens, not even as late as 1931. Although hunting for food may have gone on unchecked in these warden-less regions, the long arm of the law was still felt by the native trappers. They may have eaten the beaver meat but they could not sell the pelt, their only source of cash for obtaining manufactured items. Although the Quebec Game Law of 1895 did not mention Indians, the Hudson’s Bay Company, through a series of letters, pressured the Deputy Superintendent of Indian Affairs to ask Quebec to exempt the Indians on the grounds that beaver hunting was their “livelihood”. The result of this campaign was that E. E. Taché, the Assistant Commissioner of Crown Lands for Quebec in December 1896 granted an exemption for those whose poverty could be shown, writing that “a special permit may, however, be granted to any Indian whose poverty would be well established and who would require hunting the beaver as means of subsistence for himself and family”. In reply, the next month, the Hudson’s Bay Company Commissioner informed Indian Affairs that he would send such a list of Indians but it would include “the

14 NAC, RG 10, v. 6750, resolution passed by the Abenaki band of Pierreville, 26 January 1915.

15 NAC, RG 10, v. 6750, file 420-10A, report from RCMP officer E. S. Covell, Moose Factory, to RCMP Headquarters, Toronto, 4 October 1931. Covell notes that there are no game wardens in James Bay to check up on the white trappers and he comments that he has no authority over the matter as he does not have any appointments under the Ontario or Quebec Game Acts.

16 NAC, RG 10, v. 6750, file 420-10, letter from Hayter Reed, Deputy Superintendent General of Indian Affairs to C. C. Chipman, Commissioner, Hudson’s Bay Company, 12 November 1896. This is one of many examples of the correspondence between the two men on the question of whether or not the Act applied to the Indians.
names of all adult hunters”. However, by March 1897, Taché had changed the policy and now wrote that “the reports of our game keepers are of such a nature as to justify the Government to issue no permits to indians [sic] to kill beaver until 1900 and consequently the sale of beaver skins is absolutely prohibited until that date.”

Evidently, this five-year prohibition against the trapping of beaver did not end in 1900. The Montagnais of Bersimis discovered in 1902 that it had been extended to 1905. Then, in 1912, Armand Tessier, the Indian Agent at Pointe Bleue, wrote a newspaper article condemning the provincial government for having instituted a ban on beaver trapping until April 1917. By way of reply, in 1914, the Deputy Minister of the Department of Colonization, Mines and Fisheries of Quebec wrote to Tessier informing him that “where it related to the preventing of the Indians dying from hunger” the provincial government would look into the matter and undertake the sale of the furs. The next month, Tessier—proudly, one presumes—wrote to Duncan Campbell Scott, the Deputy Superintendent of Indian Affairs, that he secured for the Pointe Bleue people the sale of their beaver skins, 2000 which yielded them $10,000, a not inconsiderable sum even by today’s standards. Had Tessier not interceded this sum would have been lost to them and one wonders how many thousands of dollars were denied the Indians of Quebec throughout the years of the ban.

Subsistence hunting, as opposed to trapping furs, was also denied the Indians by other Quebec legislation. The creation of provincial parks began in 1895 with Parc Laurentide. Tessier’s predecessor at Pointe Bleue, P. L. Marcotte, is the source of information about the effects of the park on the Montagnais of that region. In a letter to the Department

17 NAC, RG 10, v. 6750, file 420-10, Taché, Asst. Commissioner of Crown Lands, Quebec to Hayter Reed, Deputy Sup’t. Gen’l. of Indian Affairs, 15 December 1896; Hayter Reed to C. C. Chipman, Commissioner, Hudson’s Bay Company, 7 January 1897; and Taché to Hayter Reed, 23 March, 1897.

18 NAC, RG 10, v. 6750, file 420-10, Frank Pedley, Deputy Sup’t Gen’l. Indian Affairs to E. E. Taché, 31 December, 1902, and article by Armand Tessier in an unidentified newspaper, 20 December 1912. A translation into English with the same date indicates it is from L’Action Sociale.


20 Zaslow, Opening of the Canadian north (Toronto, 1971), 170.
in January, 1897 he commented that 300 square miles of forest land had been set aside

where hunting and fishing is permitted to white people only that are provided with licenses. Many of our Indians who were in the habit to frequent that part of the country have been left in a great distress when they saw their traps taken away from them by the Government-Guardian and chased off their hunting ground. This and the forbidding of the beaver trapping up to 1900 leaves to the poor Indians a very poor show to sustain their future existance.  

A final example of bureaucratic thinking regarding the Indians seems to have gotten no farther than proposed legislation. Likely it was never enacted; references to it are not from the Indian Affairs correspondence but in newspaper articles, including a strong objection by Tessier and a letter of protest by the Abenakis. It is cited here to indicate the kind of obstacles provincial governments could set up that would interfere with Indian use of their lands and to provide further insights into the government view of how Indians used the land. According to the *Quebec Chronicle*, it was proposed at a “Congress of Colonization” held in Quebec City in January 1924 that a law be passed requiring the Indians of Quebec, but particularly those in the Lac St. Jean region, to come out of the bush late in the spring, not to return until early fall. As M. Moreau, a provincial minister without portfolio, explained in his address to the Congress, the Indians were responsible for a “large number of forest fires” and should be made to come out because there was nothing for the Indians to do in the woods during this time. Both the Abenaki and Armand Tessier protested vehemently against such charges, Tessier attributing the forest fires to the settlers, not Indians. In the end, there is no indication that such a policy restricting Indian movement in the bush was ever implemented. However, it does highlight the poor understanding the provincial authorities had of the native peoples.

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21 NAC, RG 10, v. 6750, file 420-10, extract from letter dated Pointe Bleue, 4 January 1897.

22 NAC, RG 10, v. 6759, file 420-10, article in the *Quebec Chronicle* entitled “May be kept out of forests for summer and early fall”, n.d. (circa winter 1924).

REASONS FOR THE GAME LAWS

Why did Quebec enact its game laws? Were they punitive measures or were they well-intentioned? Certainly, Quebec’s laws were both a reflection of the time and an attempt to control a dwindling animal population, principally of beaver, caribou and wildfowl that resulted not only from over-hunting but from destruction of the forests by fire. In a 1911 address to the Second Annual Meeting of the Commission of Conservation at Quebec City, Col. William Wood spoke of the animal life in Labrador being “recklessly and wantonly squandered”, attributing this, in part, to the sports hunters and fishermen. He told of one “rich man” who used caribou as targets for his new rifle and a “scientific man” who killed 72 in one morning. As for wildfowl, he claimed the fishermen along the St. Lawrence took or destroyed every egg in every place they visited.\(^{24}\)

Regarding beaver, the Indians faced competition from whites eager to sell pelts on the market. As each region opened up to settlement or became more accessible by rail, and farmers, fishermen and lumbermen moved in, the beaver population declined both through hunting and deforestation. Therefore, the game laws of the 1890s were the government’s response to “certain game becoming extinct”\(^ {25}\) which the Abenakis blamed on the great number of Canadian hunters coming onto their land.\(^ {26}\) By the 1920s, when fur prices were at their highest, the number of whites on the land grew even more dramatically. Thus, in 1927 the Chief at Waswanipi complained he found ten white men trapping on his land, moreover, using poison.\(^ {27}\)

The destruction of game was a concern not only to the Quebec government but also throughout Canada and the continent. This was first an issue in the United States where the American attitude had been that

\(^{24}\) Wood, Animal sanctuaries in Labrador (Ottawa, 1911), 14, 19, 16.

\(^{25}\) NAC, RG 10, v. 6750, file 420-10, letter from J. D. McLean, Asst. Deputy Minister, Indian Affairs, to Noel St. Aubin and five other Abenakis, Becancourt, Quebec, 18 October 1898.

\(^{26}\) NAC, RG 10, v. 6750, file 420-10, letter from Noel St. Aubin and five others of the Abenaki village of Becancourt to Sir Wilfrid Laurier, 7 October 1898.

\(^{27}\) NAC, RG 10, v. 6750, file 420-10A, letter from Harry G. Cartlidge, Anglican missionary at Waswanipi (writing at the request of the Chief) to D. C. Scott, Deputy Superintendent Indian Affairs, 29 October 1927.
the land and its wealth were “unlimited” and “the continent was a source of goods, to be used or used up”.

As American migration moved west, “great chunks of the East lay stripped”. By the 1880s, the frontier in America had disappeared along with the buffalo; beginning in the mid-1800s, conservation movements, under the dynamic leadership of a few individuals, took root. Sport hunting became a “mass movement” in the 1870s, at the same time as the development of popular magazines. The magazines devoted to sports issues, such as the The American Sportsman and Forest and Stream used this medium to mobilize their readers for game preservation. The U.S. Geological Survey was established in 1879 to bring together several independent agencies, but even earlier, in 1872, Yellowstone National Park was established, while a few years later several counties in New York State were closed to moose hunting for five years.

Similar movements were occurring in Canada. In both countries the disappearance of the buffalo had a distinct influence on the enactment of game protection laws. The earliest law in Canada was in 1864 to protect grouse in Prince Edward Island; closed seasons on deer were instituted in both British Columbia and Newfoundland in 1870. Most jurisdictions had game laws by the 1890s; Ontario’s was passed in 1893 and Quebec’s two years later. In part, the Canadian measures may have been influenced by the increasingly vocal interest groups in the United States, such as was to be seen slightly later with the Migratory Birds Convention Act of 1916. The forest reserves and national parks, as previously discussed, also were a conservation strategy that seemed to regulate hunting for whites and deny it to Indians. All this was happening at a time when settlement and industrialization were causing the forest reserves to diminish and Indians faced formidable competition from white trappers for the dwindling game and fur supply.


Peter Wild, Pioneer conservationists of western America (Missoula, Mont., 1979), 5.


Robert McCandless, Yukon wildlife: a social history (Edmonton, 1985), 14.

McCandless, Yukon wildlife (Edmonton, 1985), 14, 19.

E. Brian Titley, A narrow vision: Duncan Campbell Scott and the administration of Indian affairs in Canada (Vancouver, 1986), 53.
The provincial government had another perspective on what the legislation was achieving. They maintained they were protecting the animals for the benefit of the Indians. In a reply to the protesting Abenaki in 1898, J. D. McLean, writing for Indian Affairs, remarked the Provincial authorities ....point out that it would be unreasonable to expect other classes of the community to submit to restrictions for the preservation of game if the Indians, who are perhaps more interested in the matter than any others, were allowed by unrestricted hunting to destroy the effect of such restriction.\(^{34}\)

**INDIAN, FEDERAL GOVERNMENT AND COMPANY RESPONSES**

Given the times, one would say the Indians protested *en masse* the various pieces of legislation that restricted their use of the land. The government archives has on record letters from Mohawk, Huron, Montagnais, Algonquin, Attikamek, Cree and Micmac, all protesting this interference in what they perceived as their rights as well as their sustenance. As noted above, there were few wardens over much of the land that could stop the hunting but the Indians were caught when they tried to sell their furs. On 5 March 1915, Andrew La Fleche from Lake of Two Mountains (Oka) tried to sell 101 muskrat skins to Hiram Johnson of Montreal at his shop and was immediately confronted by two game constables. Despite La Fleche’s citing an 1858 Order in Council and referring to the dates of the Royal Proclamation (7 October 1763) and various decrees signed by Gov. J. Murray in March 1762 and later, by which he contended the “Indians are free to trade from you people”, the skins were confiscated. La Fleche’s letter to the Prime Minister in which he gives this account was again answered by J. D. McLean informing him that the “Act to which you refer and which related to the hunting rights of Indians was repealed many years ago and the Game Act is now in force”.\(^{35}\)

\(^{34}\) NAC, RG 10, v. 6750, file 420-10, letter from J. D. McLean, Secretary, Indian Affairs, to Noel St. Aubin, Becancourt, Quebec, 18 October 1898. Such sentiments were again reiterated in 1911 in correspondence of J. D. McLean: file 420-10B, letter for the law firm of Meredith, McPherson et al., 6 November 1911.

\(^{35}\) NAC, RG 10, v. 6750, file 420-10, Andrew La Fleche, Lake of the Two Mountains, to the Prime Minister, 5 March 1915, and J. D. McLean, Secretary, Indian Affairs, to La Fleche, 9 March 1915.
Not only the Indians, but also the Department of Indian Affairs protested these measures to the provincial Commissioner of Lands and Forests, although their first response was a “hands off” approach, advising the Indian agent at St. Regis that the Indians had to comply with the game laws as the Department had no power to interfere in any way.\textsuperscript{36} Seemingly, the Indian Affairs officials were egged on by the Hudson’s Bay Company, who at first, in 1896, challenged whether the laws even applied to Indians who relied on hunting and trapping for their subsistence, then argued hardship. In response, the Department of Indian Affairs made some internal legal inquiries to the Department of Justice which concluded the “provisions were within the legislative rights [of Quebec]”\textsuperscript{37} and took the case no farther. Inasmuch as this legislation was causing hardship—“destitution”, as it was termed in 1897—the Department of Indian Affairs was “prepared to... extend some assistance to them out of the ordinary appropriation for the relief of the Indians of the Province of Quebec.”\textsuperscript{38} The Company also informed the Department of Indian Affairs that the Indians were likely to disregard the hunting ban on the grounds that they regarded their right to hunt “as one which cannot be taken away”: permit or not, the beaver would continue to be hunted and the skins wasted or sold at low prices to unscrupulous traders.\textsuperscript{39}

The Department of Indian Affairs was not vigorous in its defence of the Indians, collectively or individually. It repeatedly refused to support, financially or legally, those charged by the Province, as in 1916 and 1922, claiming the Indians were subject to the provincial game laws.\textsuperscript{40}

\textsuperscript{36} NAC, RG 10, v. 6750, file 420-10, letter from the Superintendent General of Indian Affairs to George Lory, Indian Agent at St. Regis, 8 March 1895.

\textsuperscript{37} NAC, RG 10, v. 6750, file 420-10, letter from Hayter Reed, Deputy Superintendent, Indian Affairs, to C. C. Chipman, Commissioner, Hudson’s Bay Company, 12 December 1896.

\textsuperscript{38} NAC, RG 10, v. 6750, file 420-10, “Material for construction of reply to questions in the House re Upper Ottawa Indians and their relation to the game laws, to be asked by Mr. Poupore”, 19 May 1897.

\textsuperscript{39} NAC, RG 10, v. 6750, file 420-10, letter from Hayter Reed, Deputy Superintendent General of Indian Affairs, to C. C. Chipman, Commissioner, Hudson’s Bay Company, 12 November 1896, and Chipman to Reed, 7 January 1897.

\textsuperscript{40} NAC, RG 10, v. 6750, file 420-10, Department of Indian Affairs to W. J. McCaffrey, Indian Agent, Maniwaki, 6 June 1912, and letter from Department of Indian Affairs to Rev. Louis Renaud, Les Escoumins, 2 February 1922.
This was also the position of Duncan Campbell Scott, Deputy Superintendent of Indian Affairs from 1913–32. He advised the Indians throughout Canada to obey the game laws, which he contended superseded their treaty rights.41

The Hudson’s Bay Company was concerned, both because of the hardship suffered by the Indians and their loss of revenues. They, not the Department of Indian Affairs, launched a court action in 1916 testing the applicability of the game laws.42 Presumably they lost as the documents continue to refer to the restrictions and no further mention of the case could be found.

THE OUTCOME

Despite the letters of inquiry by the Department of Indian Affairs and the much more vigorous letters and newspaper articles of denunciation by Indian agents and missionaries, the Quebec government continued its restrictions on hunting by Indians.

Previously it was noted that provincial government officials held the Montagnais accountable for the forest fires in the Lac St. Jean region and the cause of much of the destruction of the wildlife. Their supporters, in letters and articles, pointed to the great hardships the provincial policies were causing and also documented the Indians’ careful harvesting of the wildlife, arguing it was their only means of livelihood.43 The provincial government officials were not convinced and did not, over the years, alter their attitude to the Indians’ use and abuse of the forest. Nevertheless, by 1917 they were allowing for the killing of game out of season “in real cases of unavoidable destitutions”.44 Not unlike the position of D. C. Scott, the Quebec authorities believed the Indians in the settled regions should be seeking employment in lumbering, etc., instead of slaughtering

41 Titley, A narrow vision (1986), 52.
43 NAC, RG 10, v. 6750, file 420-10A, letter from Harry Cartlidge, missionary at Waswanipi (Cree), to D. C. Scott, Deputy Superintendent, Indian Affairs, 29 October 1927.
44 NAC, RG 10, v. 6750, file 420-10, letter from S. Duffault, Deputy Minister, Department of Colonization, Mines and Resources, Quebec, to the Deputy Minister of Indian Affairs, 4 April 1917.
the moose. Their 1917 communication also highlights the attitude they held towards native people, referring to those caught poaching as flying “for refuge to the Indian Agent or Missionary”.

In retrospect, it is not surprising the provincial authorities viewed native peoples as wanton destroyers of game and natural resources. Nor is it difficult to see why they accorded the Quebec natives peoples no greater rights than those for the white population and had no desire to favour them over the latter. Simply stated, the provincial government was not accountable for the Indians or Inuit; they were considered wards of the federal government. Armand Tessier recognized this obvious fact in an article published in *L’Action Sociale*, 27 December 1913:

> I understand that the provincial government is not responsible for these people, who are under the guardianship of the federal government, and that, if injustices are done to their detriment by the imposition of laws, it is due simply to the fact that not having direct relationship with them, the government forgets them or does not think about them.

In this article as in others, Tessier countered government perceptions that the Indians were “careless and improvident”.

Not only were the relevant Quebec authorities disinterested in the welfare of the Indians, they evidently were also unknowing and, perhaps, indifferent, about the territories which they inhabited. I surmise this from reading the Canada–Quebec correspondence of 1927: faced with a complaint about white trappers from the Chief at Lac Simon, L. A. Richard, Deputy Minister in the Quebec Department of Colonization, Mines and Fisheries wrote to Indian Affairs in Ottawa to inquire, “Will you please tell the department where Lac Simon is situated?”

The reply from Indian Affairs is also telling for it reads, “I have to advise you that Simon Lake or Lac Simon is situated in Pontiac County near Senneterre which is on the Trans-Continental Railway line”. The Chief of this Algonquin band was obviously not writing from an extremely remote,  

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46 NAC, RG 10, v. 6750, file 420-10, translation of “The game laws and the Indians”.

47 NAC, RG 10, v. 6750, file 420-10, letter to J. D. McLean, Deputy and Secretary, Department of Indian Affairs, 28 October 1927.

uncharted region, yet the Department of Colonization could not locate it on a map.

Understandably, Indians were beyond the bureaucratic interests of Quebec, yet fell totally under the heavy hand of their legislation, restricting hunting and trapping. The federal government, despite its fiduciary trust, then, as now, was reluctant to intercede on behalf of the Indians, abandoning them to adjust as best as they could to the Quebec legislation.

How did it end? Following the end of the First World War, the fur industry, as with other sectors of the economy, boomed, and this brought droves of white trappers and traders, aided by railways and airplanes, onto Indian lands, even into remote, isolated areas such as Eastmain and Fort George in James Bay.\(^49\) So destructive were these trappers with their “promiscuous use of styrchnine”\(^50\) that the Indians, federal officials and the Hudson’s Bay Company complained vociferously. Finally, in 1928 the Quebec government passed a resolution setting aside in “unsettled regions” certain “suitable and reasonable areas whereon Indians only may be allowed to trap.”\(^51\) Although this was finally recognition by Quebec of the natives’ prior rights to the game, the province was never able to patrol these regions adequately against poachers, while the RCMP who were in the area had no authority to enforce the provincial regulations.\(^52\)

Very soon after, the problem of white poachers, faded on its own. The beaver all but disappeared and the 1929 stock market crash and resulting Depression destroyed what was left of the Quebec fur market for several decades. Indians suffered great hardships and unknown numbers died. Hunting reserves for the exclusive use of native peoples were set up in the unorganized territories in the late 1920s; ten years later, beaver preserves stocked with breeding pairs of beaver and strictly controlled trapping were


\(^{50}\) NAC, RG 10, v. 6759, file 420-10A, “Trapping and the use of poisons” (report of J. J. Wall, Indian Affairs medical officer for the region along the CNR rail line, Cochrane, Ont., to La Tuque, Que.), October 1929.

\(^{51}\) NAC, RG 10, v. 6750, file 420-10A, Department of Indian Affairs memorandum to Dr. Duncan C. Scott, 2 March 1928.

\(^{52}\) NAC, RG 10, v. 6750, file 420-10, report of Constable E. S. Covell, Moose Factory Detachment, to Commanding Officer, RCMP, Toronto, 4 October 1931.
the solution. Beaver numbers did increase by the late 1940s on these preserves which had been established with the cooperation of the Indians, the Hudson’s Bay Company and the Quebec and federal governments.53

CONCLUDING REMARKS

This has been a protracted account to demonstrate that native peoples’ grievances with the Quebec provincial government are not recent. It seems evident to me that Quebec was not acting maliciously but thought it was protecting the rights of its citizens. These policies were to the great detriment of the native peoples; however, they were neither a provincial responsibility nor held political currency for Quebec at the time. That native peoples remember these past inequities is not surprising but it does ensure that they and the provincial authorities can never share a history, a collective memory, regarding the use of the land. Each incident or conflict starts afresh for the government of Quebec but for the native peoples, as elsewhere in Canada, it is rooted in a past of incomprehensible restraints and restrictions, barriers to their well-being and development. For these reasons, this contentious history of real estate between native peoples and governments is doomed to repeat itself over and over again in the Canadian setting. And historians, such as myself, are doomed to retell the history of these violations — to deaf ears.

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