

Restrictive
Legislation

The Provincial governments are attempting to deal with the fur-trade by enacting restrictive legislation, and the Department of Indian Affairs endeavours to induce the Indians to obey the Provincial laws. That is the fixed policy of the Department. As you are all well aware, we have what we call 'treaties' with the Indians. These treaties are really cessions of land, surrenders of large areas of Indian lands over which the Indians had usufructuary title. It has been British policy, ever since the year 1763, to require a surrender of these titles before the country was thrown open for settlement. In most of the treaties the question of hunting and fishing was mentioned. I will read the clause which is inserted in these treaties:—

" His Majesty further agrees with his said Indians, that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by His Government of His Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering, or other purposes, by His said Government of the Dominion of Canada, or by any of the subjects thereof fully authorized therefor by the said Government."

While allowing the Indians this privilege, these treaties, for the most part, contained the general provision that the Indians shall be loyal subjects of His Majesty and obey the laws passed from time to time by His Majesty's Government.

Indians under
Provincial Law

The Indian Act contains no specific legislation on the subject of hunting and fishing, but contains the following clause, which controls the application to Indians of Provincial laws in Manitoba, Saskatchewan, Alberta and the Northwest Territories:

" The Superintendent General may, from time to time, by public notice, declare that on and after a day therein named the laws respecting game in force in the Province of Manitoba, Saskatchewan, or Alberta, or the Territories, or respecting such game as is specified in such notice, shall apply to Indians within the said Province or Territories, as the case may be, or to Indians in such parts thereof as to him seems expedient."

From time to time, by proclamation, we have brought Indians under the provisions of the provincial game laws, and, through correspondence with our agents, and, through the exercise of all the influence we can bring to bear on the Indians themselves, we are endeavouring to get them consistently to obey these laws.