

DOCUMENTS

Document One

Native Studies Review has selected this fragment from the archival record for publication because it illustrates a struggle over the Lake Winnipeg fishery resources and because the written record rarely includes Indian perspectives about their economic situations.¹ This document reports Indian concerns expressed at a meeting held at Berens River in July, 1890. This dialogue between Schultz and this band of Ojibwa Indians was probably translated by a local missionary and recorded by someone in Schultz's party. The original document has been reproduced in its entirety without editorial changes.

In the subarctic, fish were always a major resource, but with a stagnant fur trade economy, Natives became increasingly dependent upon fisheries. In the 1880s, American capital invested in Lake Winnipeg fisheries and a commercial industry developed rapidly. This freshwater fishery developed like many other Canadian staple industries: incomes were low and employment was unstable, the industry was owned by foreign capital, fish prices were low, profits were drained to the United States, and the resource base of the industry was mismanaged. Many Natives worked as wage laborers and sold fish to commercial companies; however, they also opposed the encroachment on their traditional, near-shore fisheries by companies. The commercialization of fisheries seriously jeopardized the subsistence base of many Native communities in the Lake Winnipeg region.

The commercialization of fisheries also resulted in tension between two government departments. Indian agents regularly reported Indian concerns about fisheries and they recommended exclusive fishery reserves for Indians.² Local missionaries also voiced opposition to the activities of commercial companies. Fisheries overseers tend to reflect the thinking of fish companies, and argued that commercialization did not threaten fish stocks. In Ottawa, the Department of Indian Affairs was unable to influence fisheries policy with respect to Indian fishing rights. John Christian Schultz, as Lieutenant-Governor of Manitoba and the Keewatin District intervened.³ Schultz responded to the concerns raised by missionaries by sending G.I. McVicar in 1888 and J. Cornish in 1889 to secretly investigate and report on the operations of commercial fishing companies.

The major speaker (unidentified) in this document is Chief Jacob Berens.⁴ The paternalistic attitude of the State towards Native people is clearly indicated by this document. Schultz's questions do not reflect any sympathy with Indian concerns; in fact his comments reflect the skepticism found in the Fisheries Department. His questions have a "devils-advocate" tone, and as such, allows Indian speakers to successfully argue that they are not responsible for depletion. A conservationist attitude is expressed. Indian demands are limited to the need to protect their near-shore fisheries as a subsistence resource, but their concern about the commercialization of fisheries was part of a long legacy of opposition by Native and non-Native fishermen to the manner in which the large-scale companies operated. In this debate about resource ownership and management, Indians refer to the terms of Treaty Five.

Schultz's correspondence does not explain why the "Notes of Indian Council at Treaty Roch" were recorded and typed. As with any document representing verbal exchanges, problems exist with translation and with recording what was

said and understood. Nonetheless, the events described by this document, the combined opposition from Indians, missionaries and Indian agents, and the evidence Schultz had collected about the destruction of fishery resources by American companies created sufficient pressure to get an official investigation. In 1890, the Ottawa office of the fisheries department sent Samuel Wilmot to investigate Lake Winnipeg fisheries. Wilmot's report supported the claims that commercial companies were over-exploiting the fisheries.⁵ Some of his recommendations became regulations which recognized subsistence fisheries and protected spawning grounds. Fisheries regulations and Native resources are complex issues, but in this period of Native economic history, Indians pressured the state into adopting conservation measures so that their access to subsistence resources would continue.⁶

Frank Tough

NOTES OF INDIAN COUNCIL AT TREATY ROCK BEREN'S RIVER.

LAKE WINNIPEG, MAN. 12th. JULY 1890.

Indian Chief of Beren's River Band:-

The usual expressions of welcome and allusions to having met His Honour in 1870.

Indian Chief.

(Substance of Speech)

We are glad to see you here this day as our people are in much trouble. I must tell you that they have, like myself, lived here from childhood, and over these barren rocks our fathers before us went down to their canoes and skiffs to set their nets among the islands at the mouth of this river. We had always plenty of fish to eat, and we have, like them, learned to depend upon it almost entirely for our food. In the winter we used to find a good deal of game in the woods, and those who were unable by age to go in pursuit of game, remained here and caught plenty of fish through the ice. Now all this is changed, fires have run through the woods and game is very scarce, but while we had rice and fish we could get along; but now our fish is going too. There are here tonight Indians from the Poplar River, Black River, and other rivers in the same treaty

with us, and they complain the same as us. We still go down to set out nets but the larger nets outside of the river have caught so many fish that little remains for us, and sometimes our children cry for food. Why does the white man with his large nets and miles of nets, and his steam boats to tow his other boats, not go out north into the deep waters of the lake where we cannot go with our small boats and nets, and catch fish there? Why does he come to spread his nets just at our feet, and take away the food from our children's mouths? Our people's hearts are sore for the last two years. We have complained and complained and still the big fishermen comes and we see only starvation for our children in front of us. When we made this Treaty, it was given us to understand that although we sold the Government these lands, yet we might still hunt in the woods as before, and the fish and the waters should be ours as it was in our Grandfathers' time. We try to be Christian Indians, and our Minister and our Agent and the Hudson Bay Officer here gives us good advice, but tells us not to break the Law and that we must not interfere with the big fishermen, but wait until the great people at Ottawa protect us. Now you have come and we hope that you bring us some good news. I must tell you that our people did not expect that the big fishermen would put his nets for Sturgeon across the mouth of the river again, but as he did so, and he put them closer than ever, we could scarcely get any fish for our families at all. So that I tell you the truth, we felt so bad about it, that the young men were determined to go and cut the nets adrift to give a chance for a few fish to come inside the mouth of the river where we could catch them! I must tell you that the white fish is done everywhere between here and the Red River.⁷ There is not one white fish now where there were many before, and the big fishermen are now all

going to the north end of the lake and if they went into the deep water and staid there we would not care so much but why should they come and take the food from our childrens' mouths? We cannot go where they can go to fish, and why do they come to interfere with us? We complained before and as I tell you, our hearts were sore, and we intended to cut their nets and drive them away. I went to the Island where the ice-house is myself, and asked them to take away their nets, but they wouldn't and we were going to cut them loose, but our Agent spoke to us, and threatened to take us to Fort Garry in irons, and told us to wait a little while yet that it was said in the newspapers that some men were coming from Ottawa who knew all about the fish business, and we must first wait and see what the Government would do, so we have told you the truth, if we cannot catch fish we must starve. We hear of the Indians in the Buffalo country having farm Instructors and planting food to eat, but what would a Farm Instructor do on these bare rocks and the muskegs between them. If we cannot have fish which is the food we are accustomed to, we must starve. We try to be patient but it seems that everyone forgets us, and that no attention is paid to our complaints. We try to do what the Missionary tells us, but we find it very hard that the White man should come and take the food out of our children's mouths. This is what I have to say. You were known to be a friend of the Indian twenty years ago, help us now if you can.

 Lieutenant Governor's answer, (after the usual thanks for the demonstration and signs of welcome:)

I have heard what you have to say to me, I have no power of any kind to help you in this matter. You are now in the Province of Manitoba, and I am sorry to learn from what you say that Indians from the District of Keewatin

were here when you intended to take the law into your own hands, and cut the nets of the white fishermen adrift, you have no right and they had no right, to propose any such thing, and your Agent was quite right in taking any means he thought proper to prevent you from doing so. And I charge you now that, although you are far from the centre of authority in this Province, yet the arm of the law is long enough and strong enough to reach you here if necessary or in your winter hunting-grounds, and I must hear no more of even an intention on your part to break the laws which are made for the Indian and white man alike in the Province of Manitoba. If I receive your promise before the conclusion of this Council, not again to make the slightest attempt in the way in which you yourselves have admitted, I will promise you in return, and especially as I hope to meet one of Her Majesty's Ottawa Ministers at Winnipeg on my return, to state to him as nearly as possible, what you have stated to me, and request him as soon as it is possible for him to do so to take such action in the matter as seems best to him.

I have listened patiently to your story and I have heard other stories, not quite the same in regard to fishing matters generally, as you have stated them. I have been told that it is you Indians who, by catching fish at spawning time on the spawning bars and beaches, that has caused the south part of Lake Winnipeg to be almost bare of white fish, and while you complain of the white fisherman spreading his nets across the mouth of your river, that you cannot even now, get enough for yourselves; I have heard it said that the reason why the Sturgeon have become scarce is because you catch them for the mere purpose of making oil of them, and that you yourselves are to blame for their fast lessening numbers, Now what have you to say to this?

Chief Councillor:

My Chief has given me permission to speak and I have to say the same words of welcome to the Kitchee Ogemaw, and I am sorry that he believes that the Indians have caused the south end of Lake Winnipeg to be empty of white fish and Sturgeon in the rivers to be so scarce.

(Interpreter:)

The Kitchee Ogemaw did not say that he believed this, he said that he had heard it, and he wishes to know your answer to it.

Chief Councillor:

I am glad that this has been told to us, I am an old man and have lived on fish for many years and my father before me drew his fish boat up on these rocks at our feet. I known most of the fishing places for Sturgeon and white fish, between the Red River and this river, and I tell the Kitchee Ogemaw that what he has heard is not true. In my father's time and in my early years there were as many Indians as now, and the Indians at the mouth of the Red River were fishermen, like us, now they have none. The Missionaries and the Government taught them to get food out of the ground, and it is well for them that they were taught, or they would starve now as we are likely to starve soon. I remember catching many Sturgeon at the mouth of the Red River myself, now there is not one I am told by the Indians from there since the white man has come up the Lakes with his nets stretched in some places so far that the floats can't be seen. It is only since he came that anywhere on this Lake and in these rivers have white fish become scarce. When an Indian puts his little net near shore in the water when the white fish come there to spawn he is there just in time to spawn and when he struggles in the net he drops that spawn, and our

Indian's are always careful when they take him out of the net to pass their hand down so as to let everything run out and if it is the Indians fault that white fish are getting scarce and Sturgeon also, why is it that they were never scarce when my father and my grandfather and myself fished in this lake in the these rivers? It is not true what has been told to the Kitchee Ogemaw, it is only since these big fishermen commenced that there has anywhere, even at the mouth of the Red River, been fewer fish. I recollect when the families of the English and French Halfbreeds, (Buffalo Hunters) came down to the head of this Lake from far up the Red River to fish for white fish, and they came down again when the Lake froze to take back thousands of white fish. How was it that white fish were not scarce then? It is not so much what the white man uses as what he destroys that makes the difference now. And if he must fish at all in this great Lake let him go away out of sight of land and fish in deep water where we cannot go and leave us the little that is left to keep our children from starving. I beg him to try and do something for us, I have heard from the Indians of the Winnipeg River about him and I beg him to believe that we tell him the truth this day and if, as he says, we did wrong, in thinking of cutting the big fishermens nets I ask him to forgive us. He says that the Government at Ottawa, and especially the great head chief of the Indian Department, and the other gentleman who is now at the head of the Indian Department are all friends of the Indian, and that they will do everything that is right for them to do to help us, but I must ask him to tell them again of our troubles. Look at these men here on this rock and at our squaws and children in these bushes near us, these are our sons and daughtors, and it is for them that we are speaking today, and we hope that as the chief and I have promised

him that this band will do nothing against the fisherman that the Kitchee Ogemaw will be sure to tell the great man from Ottawa, whom he expects to meet in Winnipeg, how hard it is for us and ask him to help us, not with food for the fish is the food we want, but to keep away these big fishermen away from our rivers and away from our sand-bars, let them fish in the deep water at the north end of the Lake and leave us our rocks and our fish and our children and our poor homes and we will never trouble them.

Lieutenant Governors reply:

I desire to know whether what has been told me by the Chief and his principal Councillor is the expression of all who have heard him speak to me or whether there are others who wish to speak if there are no others who wish to speak, let some signification be given of their assent to what their Chief and Councillor have said.

The whole Band: -

Ugh Ugh Ugh¹⁰

Lieutenant Governor: -

Then in parting from you I desire to say that I know nothing of what was promised or what was not in the Treaty No. 5 but I do know that the present head of Indian Affairs, the Honourable Mr. Dewdney, has no right to do anything but what is agreed upon in writing at the time you made this Treaty.

The greatest man at Ottawa the one who was head of Indian Affairs when this Treaty was made, I know well is one of the strongest and best friends the Indians of the North West have had. I believe the present gentleman to have the same spirit towards you all, from him, but you must remember that you have your own Agent here, you have another gentleman resident in Winnipeg, and it is

to them, and through them, that any complaint should be made. You must remember that you are but a handful here and that the head of the Indian Department has to look after, among many other duties, all the Indians between the Atlantic and the Pacific Oceans, and while I know him to be as anxious (as if he knew you all intimately) for your welfare, yet you must remember that the fishing matters are not under his control, and you have yourselves said that the newspapers say that the gentlemen who have knowledge of fishing matters are likely to come from Ottawa to investigate these very complaints of yours, and the complaints which have been made against yourselves. And you must have patience, you will have to wait until these gentlemen come here, and should they, ask you questions, you must tell them what is true. If you do so you may be sure that the Government at Ottawa will give all reasonable complaints their fullest consideration, but I am, as I said before, going to report exactly what you have said to me, I have your promise that you will commit no overt act, and I warn you now, if you do, you will be taking the course less likely to aid you in getting brought about the objects you have in view. You may rely upon my promise, but if you do not hear any result from it in a short time you must not be despondent, as you know you are a long distance from Winnipeg. There is no mail, no regular steamboat, and your best way is, as payment is to be made to you soon, to go about your usual avocations, and those who go into the interior not wait, because any information which comes to you will come to your Agent here and will by him be communicated to your Chief. I hope, if God is willing, to visit you next year and trust that the promise that was made to me will be faithfully kept. I hope then to be able to report regarding you as I shall report now, that with the sole exception of the one act, which you have so wisely been

prevented from committing, you have always borne a good name and my advice to you is that in any matter of difficulty which affects your Treaty, always to be guided by the advice of Mr. McKay, your Agent and in any other matters trust you will pay attention to the advice of the Missionary here, who has the confidence of the Church who sends him, and whose advice you will always find to be in the direction that is best for your spiritual and temporal welfare.

NOTES

¹Provincial Archives of Manitoba, John C. Schultz Papers, MG 12 E3. This collection includes papers and correspondence largely related to his role as Lieutenant-Governor of Manitoba and the Keewatin District. The Schultz Papers provide important documentation about the commercialization of Lake Winnipeg fisheries in the 1880s and early 1890s. This is a unique collection because so very little of the Department of Fisheries's records from this era have survived.

²In the late 1880s the Inspector of Indian Agencies, E. McColl, and Indian Agents A. Mackay, A.M. Muckle and H. Martineau frequently reported on the effects of commercial fishing companies on Indian fisheries. For example, Martineau recorded that: "Fear is entertained by some [Indians] that whitefish will soon be scarce in consequence of the increasing fishing operations carried on by white traders and others, and the Indians express a desire that some check be placed on them. . ." Canada, Sessional Papers, 1887, Annual report for the Department of Indian Affairs, No. 6, p. 59.

³John Christian Schultz (1840-1895), is well known as a leader of the Canada Party at the Red River Settlement and as an opponent of Louis Riel's provisional government (1869-1870). He was also well-connected as a senator from 1882. He was Lieutenant-Governor of Manitoba and the Keewatin District from 1888 until 1895. W. Stewart Wallace, The MacMillan Dictionary of Canadian Biography (Toronto: Bryant Press, 1963) p. 673.

⁴Chief Jacob Berens or Naw-ee-keegick-wq-yach was Head Chief of the Berens River band which also included Indians from Poplar River, Little Grand Rapids and Pekangikum.

⁵Wilmot's report was published. See Canada, Sessional Papers, 1891, Annual Report for the Department of fisheries, No. 8, Special Report on the Preservation of Whitefish Fisheries of Lake Winnipeg," pp. 55-62.

⁶The commercialization of Lake Winnipeg fisheries, that is the encroachment by the market on Native subsistence resources was another "Tragedy of the Commons." For a discussion of the impact of the market on other resources, see Irene M. Spry, "The Tragedy of the Loss of the Commons in Western Canada,"

As Long as the Sun Shines and Water Flows, Ian A.L. Getty and Antoine S. Lussier, eds. (Vancouver, University of British Columbia Press, 1983) pp. 203-228. Spry argues that for Native People, the rich resources of western Canada gave away to scarcity. For information on the commercialization of Lake Winnipeg fisheries, see Frank Tough, "The Establishment of a Commercial fishing industry and the Demise of Native Fisheries in Northern Manitoba," Canadian Journal of Native Studies, IV, 2 (1984) pp. 303-319.

⁷Many contemporary observers agreed that the south end of Lake Winnipeg had been depleted of whitefish, but, other species of fish continued to be caught. Commercial fishing companies were species selective, they were largely interested in whitefish and sturgeon. The decline in whitefish at the south end of the Lake was probably related to the fishing pressure on the main spawning grounds on the mid and northern shores.

⁸This may seem to be a strange comment in light of Schultz's insurrection and opposition to Riel and the provisional government. In fact, Schultz had connections to the St. Peters band. Shortly after Lieutenant-Governor Adam George Archibald's arrival at the Red River Settlement, Schultz arranged a meeting between Chief Henry Prince (St. Peters) and Archibald. When the federal government would not recognize the Outside Promises made during Treaty One and Two talks, Schultz again became an intermediary and supported the Indian claims. Shortly after the clash at Duck Lake in the spring of 1885, Schultz spoke in the Senate on the problems of Indian Policy. He had a 1873 speech read into the record. In 1873, he was critical of the treaty terms, argued that the Hudson's Bay Company had received too much from the Canadian government and noted that the terms of Treaties One and Two were inadequate. Schultz concluded his address to the Senate in 1885 by asking for tolerance and an acknowledgement of the Indian's birth right. See "The Indian Question" Extract from Official Report of Senate Debates, Ottawa, 16 April 1885.

⁹It is not clear what was meant by the term Chief Councillor or whether this was a formal political position. The three bands associated with Berens River all had "Minor Chiefs." The only other band affected by commercial fishing was the Poplar River band. The "Minor Chief" of the Poplar River band in 1890 was Jacob Nanewin or Pewan-oo-inimi, aged forty.

¹⁰This is an example where a document should not be taken too literally as the record could not properly distinguish the manner in which the band indicates agreement with the Chief and Councillor. Schultz probably wanted to pass on to Ottawa officials that the band supported the Chief's opposition to commercial fishing.