

“MANY FAMILIES OF UNSEEN INDIANS”:

Trapline Registration and Understandings of Aboriginal Title in the BC-Yukon Borderlands

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IN 1925, THE BC GOVERNMENT passed an order-in-council requiring the registration of all traplines, a geographically bounded territory in which an individual or group has exclusive trapping rights. This order-in-council produced the first compulsory trapline registration system in North America.¹ In the Yukon, the territorial administration chose to conserve its furbearer population through closed seasons until 1950, when it began to develop its own trapline registration system.² These government actions not only affected contemporaneous Indigenous land use and tenure but also continue to affect claims to Aboriginal title and understandings of boundaries among different Indigenous groups. Although established under different contexts, trapline registration in these two jurisdictions represented imposing upon Indigenous peoples colonial conceptions of what was “appropriate” land use. While trapline registration protected certain tracts of land for use by Indigenous trappers, it also opened other tracts of land to non-Indigenous peoples, creating a patchwork of trapping territory and disrupting pre-existing migratory hunting and trapping practices.

Focusing on the Kaska Dena claim to Aboriginal title, this article examines the complex and contradictory effects of trapline registration on Indigenous land rights. Specifically, I track the imposition of trapline registration on the Kaska as it simultaneously limited and protected their land use. I then examine the appropriation of colonial records by Kaska themselves as a means of advancing land claims.

¹ Brenda Ireland, “Working a Great Hardship on Us’: First Nations People, the State, and Fur-Bearer Conservation in British Columbia Prior to 1930,” *Native Studies Review* 11, 1 (1996): 76–77.

² Robert McCandless, “Trophies or Meat: Yukon Game Management, 1898–1976,” unpublished manuscript, 7 January 1977, 25–26.

As historian David Vogt notes, the historiography focused on trapline registration in British Columbia typically revolved around the dispossession of Indigenous lands.³ Added to this, the scope of each historical study belied variations in the ways that trapline registration was administered throughout northern British Columbia and the impacts that administration had on Indigenous trapping. In *Maps and Dreams*, for example, anthropologist Hugh Brody primarily focuses on the implementation and consequences of trapline registration in Treaty 8 territory in northeastern British Columbia. Brody contends that trapline registration reflects the imposition of order on Indigenous land use, the purpose being to bring Indigenous peoples into a rational market economy. While highlighting the acculturative measures of trapline registration, he also notes that Euro-Canadians sympathetic to Indigenous peoples (settler allies) viewed the system as a solution to the dispossession of Indigenous lands.⁴ Brenda Ireland's work casts a broader view of conservation in British Columbia. Her analysis focuses on the entire province and goes beyond traplines to consider the effects of conservation in general.⁵ Regarding the effects of trapline registration, Ireland states that it "restricted First Nations access to traditional territories, validated non-Aboriginal encroachment of Aboriginal lands designated as Crown land, disrupted the First Nations' way of life and caused hardship."⁶ In response to the arguments advanced by scholars such as Brody and Ireland, Vogt sees problems with the myopic focus on dispossession. He suggests that this focus may obscure the day-to-day administrative practices of bureaucrats. Moreover, he asserts that Indigenous peoples in northern British Columbia actually retained a large amount of trapping lands.⁷ Rather than concentrating on dispossession of Indigenous lands, Vogt analyzes the administrative division of traplines along racialized lines, creating what government agents called "Indian lines" and "White lines."⁸ Historical geographer Jonathan Peyton describes the effects of trapline registration on the Tahltan in the Stikine watershed region. He suggests that the implementation of trapline registration destabilized extant Tahltan social networks and usufructuary rights. Moreover, he

³ David Vogt, "'Indians on White Lines': Bureaucracy, Race, and Power on Northern British Columbian Traplines, 1925–1950," *Journal of the Canadian Historical Association*, n.s., 26, 1 (2015): 165–66.

⁴ Hugh Brody, *Maps and Dreams: Indians and the British Columbia Frontier* (Vancouver: Douglas and McIntyre, 1981), 85–102.

⁵ Ireland, "Working a Great Hardship," 65–90.

⁶ *Ibid.*, 80.

⁷ Vogt, "Indians on White Lines," 166–67.

⁸ *Ibid.*, 163–90.

points out the paternalistic approach through which the BC government viewed and regulated Tahltan trapping activities.⁹

I consider both the dispossession of Indigenous lands through trapline registration and the ways in which the program served to prevent further encroachment by Euro-Canadian trappers. In particular, I am interested in the role that trapline registration played in shaping governmental knowledge of Indigenous land use and occupancy and the implications of this knowledge production on future developments. Moreover, by focusing on the Kaska Dena – whose hunting and trapping territories are bifurcated by the BC-Yukon border – this study draws attention to the effects of trapline registration as it clashed with a different conservation regime to the north and the subsequent effects on Kaska Aboriginal rights and title.¹⁰

Various scholars have analyzed the experiences of people living in borderland regions. Building on Dan Flores's concept of bioregionalism, environmental historians often extend their analyses beyond political boundaries.¹¹ Other historians examine how the creation of international borders affected Indigenous communities. In "Before the Medicine Line," for instance, historian Ryan Hall discusses the role of Blackfoot peoples in the shaping of the Canada-US borderlands.¹² Similarly, archaeologist and ethnohistorian Norman Easton describes how the surveying of the Yukon-Alaska border divided the Dineh.¹³ While such works effectively reconceptualize histories across international boundaries, little attention has been given to internal boundaries, such as provincial and territorial borders within the nation-state.

Government agencies deepened their knowledge of Kaska land use as trapline registration systems – and the broader furbearer conservation initiatives of which trapline registration was a part – were implemented and enforced throughout northern British Columbia and southeastern

⁹ Jonathan Peyton, "Imbricated Geographies of Conservation and Consumption in the Stikine Plateau," *Environment and History* 17, 4 (2011): 566–68.

¹⁰ In "The Sinews of Their Lives: First Nations Access to Resources in the Yukon, 1890–1950," in *The Culture of Hunting in Canada*, ed. Jean L. Manore and Dale G. Minor, 148–66 (Vancouver: UBC Press, 2007), Kenneth Coates provides a brief discussion about cross-border Indigenous hunting and trapping activities. However, to the detriment of more detailed cross-border analysis with British Columbia, Coates's analysis is largely based on archival materials focused primarily on the Yukon Territory.

¹¹ Dan Flores, "Place: An Argument for Bioregional History," *Environmental History Review* 18, 4 (1994): 1–18.

¹² Ryan Hall, "Before the Medicine Line: Blackfoot Trade Strategy and the Emergence of the Northwest Plains Borderlands, 1818–1846," *Pacific Historical Review* 86, 3 (August 2017): 381–406.

¹³ Norman Alexander Easton, "King George Got Diarrhea: The Yukon-Alaska Boundary Survey, Bill Rupe, and the Scottie Creek Dineh," *Alaska Journal of Anthropology* 5, 1 (2007): 95–118.

Yukon. The implementation of trapline registration required a more comprehensive understanding of the spatial distribution of trapping activities. Processes of trapline registration involved interactions among the federal Department of Indian Affairs (DIA), the BC government through the Office of the Provincial Game Commissioner, and the Yukon government administered by the federal Department of the Interior. As northern Indigenous nations began to negotiate comprehensive land claim agreements beginning in the early 1970s, trapline records took on new significance. In conjunction with other forms of historical documentation, these records demonstrated Indigenous peoples' historical land use and the concomitant existence of Aboriginal title. Registered traplines appeared in studies written to elucidate Aboriginal title.

Defining Kaska land use in the context of trapline registration involved rendering Kaska activities into easily legible forms intelligible to the state. In his influential book *Seeing Like a State*, political scientist and anthropologist James C. Scott sets out to analyze the state's effort to settle mobile people (a process that he describes as "sedentarization"). This process entailed making society legible, which, in turn, meant producing a simplified understanding of a more complicated ground truth. Through such simplifications, state interventions, such as the implementation of trapline registration, were made possible.¹⁴ Just as (as Peyton argues) big game conservation rendered the Stikine region legible to government administrators, trapline registration performed a similar function.¹⁵ Kaska trapping activities were to be understood in a way that could be charted on a map and listed among other traplines based on longitudinal and latitudinal coordinates. Defined in this way, government agents debated the nature of Kaska (and other Indigenous peoples') mobility patterns as well as the nature of their fur-harvesting activities. These debates were structured by agents' Eurocentric understandings about providential fur conservation practices that, through their rationale, elucidated the range of Indigenous land use. Correspondence circulated among provincial and federal government agents discussing the nature of Indigenous trapping practices.¹⁶ In British Columbia, trapline registration simultaneously circumscribed the extent of Indigenous trapping

¹⁴ This process is reflective of the state simplifications described by James C. Scott in *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

¹⁵ Peyton, "Imbricated Geographies," 556.

¹⁶ See, for example, British Columbia Archives (BCA), Fish and Wildlife Branch, GR-1085, box 2, file 10, Scott Simpson as quoted in W.E. Ditchburn to A. Bryan Williams, Victoria, BC, 6 January 1932, and T. Van Dyk to the Game Commissioner, Prince George, BC, 17 March 1932. These debates are analyzed in greater detail below.

activities and opened up ground for Euro-Canadian trappers.¹⁷ Trapline registration processes led government officials to define the extent of Kaska territory (or the territory associated with bands within the broader Kaska Nation) in relation to neighbouring Athapaskan groups, such as the Tahltan to the west and the Acho Dene Koe to the northeast. As names that appeared on trapline maps were associated with specific communities and bands, boundaries among these groups became more concrete than had been evident through early renderings of geologist George Mercer Dawson and anthropologist James A. Teit.¹⁸

In addition to the efforts of late nineteenth- and early twentieth-century ethnographers and surveyors to delineate Kaska land use and occupancy, the DIA made efforts to roughly define their traditional territories. In a 1912 report, Indian Agent W. Scott Simpson describes the territory of the Kaska resident on the Dease River: "The headquarters of this band is at McDames Creek, but these Indians have no reserve. Their hunting grounds extend to all points within a radius of 80 miles from this centre."¹⁹ In a slightly more thorough effort to define the territory of the Upper Liard Kaska, Simpson writes: "This band, with headquarters at Liard, a trading post at the junction of the Dease river with the Liard, number 67, and their hunting grounds extend north into the Yukon territory for 180 miles or more, south to the junction of the Turnagain or Mud river with the Liard, and east to the Rocky mountains."²⁰ While the different levels and branches of government did not see eye to eye when it came to delineating Kaska trapping activities, the implementation of trapline registration created a process that served to reduce Kaska land use to a simplified, relatively easy-to-map area.

Trapline registration was not the first imposition of colonial ideas about land use on the Kaska Dena. From 1912 to 1915, the McKenna-McBride Reserve Commission swept through British Columbia in order to establish reserves in an attempt to settle the question of Indigenous title to land.²¹ Historian Brenda Ireland suggests that the Reserve Commission served as a platform for the province's Indigenous peoples to

¹⁷ BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 2, file 10, has a series of correspondence discussing traplines registered to Euro-Canadian trappers and the ensuing conflict with Indigenous trappers.

¹⁸ George Mercer Dawson, *Report on an Exploration in the Yukon District, NWT and Adjacent Northern Portion of British Columbia* (Montreal: Dawson Brothers, 1888); J.A. Teit, "Field Notes on the Tahltan and Kaska Indians: 1912-15," *Anthropologica* (1956): 40-170.

¹⁹ Canada, *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1912* (Ottawa: C.H. Parmlee, 1913), 252.

²⁰ *Ibid.*, 253.

²¹ Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002), 228-29.

launch (futile) requests for the return of their land rights.²² For the Kaska, that process was largely dominated by Stikine Indian Agent W. Scott Simpson, and it focused primarily on reorienting Kaska land use away from hunting and trapping (which the DIA believed was a moribund industry) towards farming and ranching.²³ However, records produced by trapline registration suggest two things: first, the Reserve Commission's predictions of a dying trapping industry during the 1910s were far from accurate; second, trapline registration exerted a much greater influence on the lives of the Kaska and their other Athapaskan neighbours than did the creation of reserves.

British Columbia's compulsory trapline registration system emerged from the government's earlier efforts to conserve the province's furbearers. These efforts aimed to restrict trapping practices temporally rather than spatially. When animal populations were seen to be under threat, closed seasons were declared. As Ireland notes, the BC government implemented its first closed season in 1896, which lasted from 1 April until 1 November. During this time, trappers were prohibited from harvesting beaver, marten, and land otter.²⁴ Sometimes Indigenous peoples were exempt from closed seasons. Such a situation occurred in northern British Columbia during two closed seasons on beaver, the first lasting from 1905 until 1907 and the second occurring during the 1912–13 trapping season.²⁵ Trapline registration enabled the colonial rationalization of land use in the northern reaches of the province. Trapping legislation resulted in efforts to delineate and register pre-existing traplines. For example, in Telegraph Creek during the winter of 1925–26, provincial game wardens recorded individuals' information about the existing traplines that applicants wished to register. Officials took applications from Indigenous and non-Indigenous peoples. The application process included questions about the applicants and the relevant tracts of land. Trappers were asked their nationality, how long they had resided in British Columbia, and how long they had trapped the territories under consideration. With respect to nationality, Indigenous peoples were referred to as either "Half-breeds" or "Indians." In order to better ascertain the disposition of the land and (what today is recognized as) its historical use and occupancy, the forms required applicants to name the previous occupants

²² Ireland, "Working a Great Hardship," 73.

²³ British Columbia, Royal Commission on Indian Affairs, *Report of the Royal Commission on Indian Affairs for the Province of British Columbia*, vol. 4 (Victoria: Acme Press Limited, 1916), 745.

²⁴ Ireland, "Working a Great Hardship," 67.

²⁵ *Ibid.*, 72–73.

of the trapline. Here, responses were vague, often simply: "Indians. Names unknown." In accordance with the conservationist imperative driving trapline registration, trappers were also queried on the types of furbearers that were found along their respective traplines. Additionally, trappers were asked about animal populations observed along their lines when they initially began trapping the area and then at the point at which they were applying for the traplines.²⁶ Finally, trapline applications required geographical descriptions of the lines. These descriptions often followed natural boundaries. For example, a trapline applied for by a resident of Porter's Landing was described as: "Commencing at a point 4 miles north of Laketon, and on the east bank of Dease Lake, thence north to Beady Creek, thence up Beady Creek 5 miles, and return to dease [*sic*] River, thence north down Dease River to Canyon Creek, thence up Canyon Creek 8 miles, thence returning to Dease River, thence north to south end of Mosquito or Elbow Lake."²⁷ In addition to these descriptions, applications included sketched maps. Using these forms, the provincial government rendered knowledge about pre-existing land use into a formulation of land management that would be legible to the bureaucrats in Vancouver and Victoria.

The order-in-council requiring trappers to register their traplines with the provincial government was issued in August 1925. With few exceptions, no one could trap without having first "secured registration of a trap-line, and no person shall set or cause to be set any trap save within the limits of the registered trap-line of which he is the holder."²⁸ Trapline registration also required individuals to obtain trapping licences. In doing so, they provided information about their nationality, how long they had resided in British Columbia, and how long they had trapped on a particular tract of land. When licences expired, trappers submitted a report indicating the number of furbearing animals taken from the line while the licence was in operation.²⁹

On-the-ground implementation of trapline registration was mostly carried out by the British Columbia Provincial Police force. On 2 September 1926, the provincial game warden, J.H. McMullin, issued a General Order to the NCOs and constables throughout the province

²⁶ There are numerous examples of these applications in BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 7, file 6.

²⁷ BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 7, file 6, Application for Registration of a Trapline, 1 March 1926, Telegraph Creek, BC.

²⁸ *Ibid.*, box 2, file 9, Registration of Traplines, Gazetted, 23 August 1925, 2550.

²⁹ *Ibid.*

laying out the process by which trapline registration would be implemented:

In due course you will be furnished with a book containing maps of your district or Division for use in connection with the regulations dealing with the registration of trap lines. These maps have been ruled and divided into small blocks. It is my wish that all NCO's or Constables in charge of detachments do everything possible to keep these maps up to date, in good condition and to see that any work thereon is done neatly.³⁰

These sketch maps were to be sent to the headquarters in Victoria.³¹ Indian agents who were responsible for registering Indigenous traplines were sent applications and paper for sketch maps. Upon registering traplines for the Indigenous peoples of a specific Indian Agency, the application was to be sent to the provincial constable in charge of the district.³²

Complications and conflicts emerged with the implementation of trapline registration in the Stikine, Cassiar, and Liard regions of northern British Columbia and the further expansion into the hunting and trapping territories of the Kaska. Among the obstacles to trapline registration was the seasonal movements of the Kaska – and other northern Indigenous groups – as they participated in trapping and subsistence harvesting activities. During the interwar period, two government agencies held competing interests relating to trapline registration and Indigenous land use: BC's Office of the Game Commissioner (assisted by the British Columbia Provincial Police force) and the federal Department of Indian Affairs. The two agencies debated the nature of Indigenous trapping practices, land use, and systems of land tenure (within limits that already defined the colonial acknowledgment of systems of land tenure among Indigenous peoples). For example, writing to A. Bryan Williams, British Columbia's game commissioner, on 6 January 1932, the Indian commissioner for BC, W.E. Ditchburn, quoted from a 1926 report from the former Indian agent of the Stikine Agency, W. Scott Simpson. Simpson had noted the large territory that Indigenous peoples trapped:

³⁰ BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 2, file 9, J.H. Mullin, British Columbia Police General Order No. 43, Victoria, BC, 2 September 1926.

³¹ Ibid.

³² Ibid.

Trappers are obliged to move from one section to another in order to secure a variety of pelts; for instance, a man may be trapping in one locality in November for Lynx or Coyotes and later on in another section for Foxes; then towards February they go into the Marten country, and towards the close of the season they may be trapping Beaver in a section one hundred miles away from their first trapping ground.³³

His description raised questions about the appropriateness of a system of registered traplines in the Cassiar region and supported the DIA's alternative suggestions for conserving furbearers. For example, Ditchburn noted that, within the adjacent Yukon Territory, rather than implementing a system of registered traplines, officials declared a closed season on beaver.³⁴

Prior to Ditchburn's criticism of registering traplines in northern British Columbia, the agent for the Stikine Indian Agency, Harper Reed, had attempted to ascertain the requirements for registered traplines for the Kaska of McDames and Liard Districts. Noting that there were no trapping regulations in force during the summer of 1930, Reed stated: "These Indians travel in bunches and trap as they go[.] Under the new system 196. traplines will be required. However, there are many families of unseen Indians in this Country, some not seen for 4 years, and these if they return will require at least 100 traplines."³⁵ In addition to attempting to understand the number of traplines that would be required for the Kaska, efforts were undertaken to understand the locations of different bands in the Stikine Indian Agency. Reed endeavoured to gain information on Indigenous land use from the Indigenous peoples themselves. In 1931, Ditchburn noted: "Mr. Reed reports that it is expected that during the present summer the Teslin, McDames and Liard Indians will be consulted and their lines become established as well as in other parts of the Agency."³⁶ This statement highlights Reed's efforts to allocate trapping territories by band and, consequently, suggests the mapping of boundaries among them. Further evidence of the combined efforts to register Indigenous traplines and understand traditional band territories is provided in Figure 1. This map appears in a file that deals with the allocation of Indigenous traplines within the Stikine Indian Agency.

³³ BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 2, file 10, Scott Simpson as quoted in W.E. Ditchburn to A. Bryan Williams, Victoria, BC, 6 January 1932.

³⁴ Ibid., W.E. Ditchburn to A. Bryan Williams, Victoria, BC, 6 January 1932.

³⁵ Library and Archives Canada (LAC), Indian Affairs, RG 10, C-II-2, vol. 11291, pt. A, Harper Reed to C.C. Perry, Telegraph Creek, BC, 21 August 1930.

³⁶ Ibid., W.E. Ditchburn to Rev. E. Allard, 30 March 1931.

Delineating the Indigenous peoples of northern British Columbia into bands connected with specific trapping territories was part of the process of rendering Indigenous land use legible to government bureaucrats. Anthropologists Paul Nadasdy and Brian Thom each describe how the creation of Indian Act bands relates to the emergence of today's Indigenous political units and the territorial boundaries that emerged among them. According to Nadasdy, bands that were created by the Indian Act had no relation to existing political units in the Yukon Territory.³⁷ Thom's work details ways that the Indian Act enforced non-Indigenous concepts of boundaries and created formal band members among Coast Salish nations.³⁸ Terms of membership and associated boundaries were created with little regard for actual kinship relations.³⁹ Similarly, in the 1930s, as Harper Reed linked specific trapping territories with specific bands, he contributed to the construction of a portrait of Kaska land use that ignored broader kinship ties and usufructuary rights. Repetition of this process, in turn, led to the development of defined boundaries among communities.

Sometimes the process of trapline registration and band creation advanced hand in hand. Thus trapline registration advanced the process towards what Nadasdy has referred to as "ethno-territorial nationalisms."⁴⁰ For example, in 1940, Reed provided a detailed description of how he went about naming specific bands. The Indian agent undertook this task in order to avoid confusion among the game wardens, whose job, Reed noted, was "that of Registration, not Tribal arrangements."⁴¹ Reed proceeded to note that "the indians of the Interior are not in Bands, strictly speaking. They are composed of bands of indians who together trade to certain Trading Posts."⁴² In his identification of "bands," Reed stated: "therefore such small or large 'sets' of indians who 'ran' together, were named Bands."⁴³ Consequently, the spatial affiliation of trapping

³⁷ Paul Nadasdy, "Boundaries among Kin: Sovereignty, the Modern Treaty Process, and the Rise of Ethno-Territorial Nationalism among Yukon First Nations," *Comparative Studies in Society and History* 54, 4 (2012): 508.

³⁸ Brian Thom, "The Paradox of Boundaries in Coast Salish Territories," *Cultural Geographies* 16 (2009): 187.

³⁹ Not least of which was the colonial imposition of a patrilineal system of land use and ownership among groups whose customary systems are/were matrilineal. See Jo-Anne Fiske and Betty Patrick, *Cis Dideen Kat (When the Plumes Rise): The Way of the Lake Babine Nation* (Vancouver: UBC Press, 2000).

⁴⁰ Nadasdy, "Boundaries among Kin," 528.

⁴¹ LAC, Indian Affairs, RG 10, C-II-2, vol. 11291, Trapline Registration for Liard Post Band, Harper Reed to D.M. Mackay, Telegraph Creek, BC, 11 January 1940.

⁴² Ibid.

⁴³ Ibid.

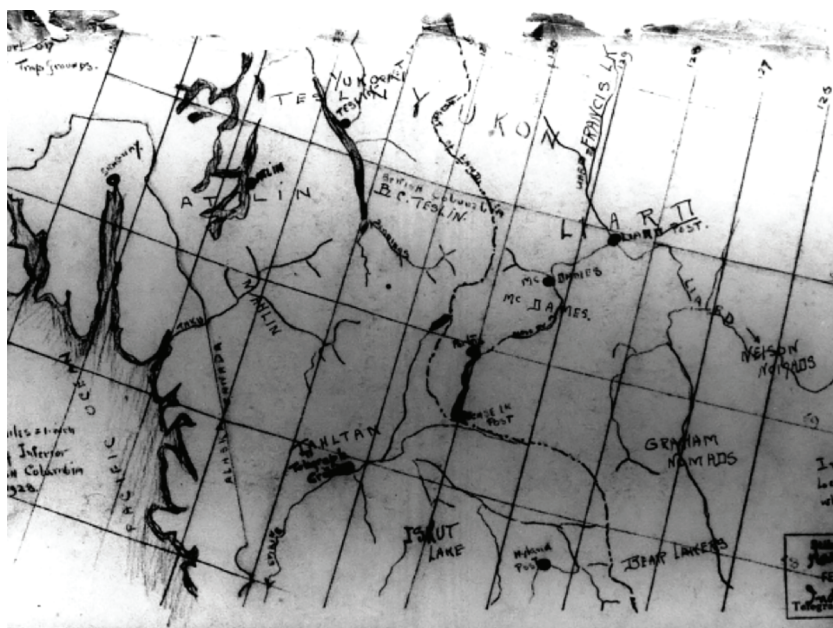


Figure 1. 1931 map identifying names and locations of bands within the Stikine Indian Agency. Source: LAC, Indian Affairs, RG 10, C-II-2, vol. 11291, pt. A, map accompanying report of registered Indian trap grounds, produced by Harper Reed, 5 February 1931.

territories emerged concurrently with band formation, as conceived of by Reed.

Regarding the interagency debates, as Ditchburn's criticisms of the registered trapline system circulated through the Office of the Game Commissioner, reaching game wardens stationed in the North, various departmental agents expressed their own perceptions of Indigenous trapping activities. Thomas Van Dyk, the district game warden for northern British Columbia, wrote to Game Commissioner Williams providing what he viewed as a corrective to Simpson's description of trapping practices in the Cassiar region:

I beg to submit that the Indians are not moving from one section of the Country to another to secure a variety of pelts of fur-bearing animals, but their moving is brought about by the killing of moose, cariboo [*sic*] or bear, the whole tribe moving to the kill. Where they remain until the meat is consumed. In the meantime, extensive trapping is carried out over the surrounding Country. Upon the killing of another moose, cariboo [*sic*], etc., the Tribe again moves to the place

of killing (at times many miles from the original kill). The method of hunting and trapping being resorted to during the whole Season, a great number of miles are covered and a great variety of pelts secured.⁴⁴

In case this point was not clear, Van Dyk added that “trapping is only incidental to the killing and consuming of the meat.”⁴⁵ In this respect, Van Dyk and Simpson were in agreement about the migratory nature of Indigenous peoples’ harvesting practices in the Cassiar region; however, they disagreed on the nature of their mobility and the significance of trapping to their movements through the subarctic landscape. Van Dyk’s assertion that trapping was incidental to hunting suggests that Indigenous peoples in the Cassiar region were not dependent on trapping. This statement implicitly served as a counterargument to the position of DIA officials that trapping was important to the livelihoods of Indigenous peoples in the Cassiar region.⁴⁶ The correspondence between the Office of the Game Commissioner and the DIA, as well as within the Office of the Game Commissioner, reflects government officials’ efforts to position themselves as “experts” on Indigenous land use. In spite of the divergent views of government agents from these different departments and levels of government, they demonstrate ways that trapline registration circumscribed extant Indigenous harvesting practices by limiting their range of movements.

Even as DIA officials and provincial game wardens debated the nature of Kaska hunting and trapping patterns in the Cassiar-Liard region in order to establish themselves as authorities on the matter, evidence points towards an inchoate understanding of the region by all levels of government during the early 1930s. This fact was highlighted by Royal Canadian Mounted Police inspector T.V. Sandys Wunsch in September 1931 during his Liard Patrol. Part of the problem stemmed from poor communication between game wardens and the game commissioner in Vancouver. The other part of the problem was a lack of geographical knowledge of the region in question. As Sandys Wunsch wrote:

When Sergt Brice and I visited the Game Office in Vancouver we were shown a map on which trap lines in the Liard District were marked, there were none on the Liard River. On arrival at Telegraph Creek a map in the possession of the Provincial Constable was found to show a few, this was the first difficulty.

⁴⁴ BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 2, file 10, T. Van Dyk to the Game Commissioner, Prince George, BC, 17 March 1932.

⁴⁵ Ibid.

⁴⁶ Ibid., W.E. Ditchburn to A. Bryan Williams, Victoria, BC, 6 January 1932.

All the trappers at Liard were in an uncertain state of mind as to whether their lines were registered or not. Some of them had been paying licences for several years and applying each year for the same ground, but have received no definite information that their registration was effected. The situation was further complicated by the fact that some of these trap lines were half in B.C. and half in the Yukon.⁴⁷

Wunsch's statement highlights the lack of administrative control that the provincial government exercised over Kaska hunting and trapping territories from the provincial constable's office in Telegraph Creek, to say nothing of the Office of the Game Commissioner in Vancouver. This situation allowed Euro-Canadian trappers to flout conservation legislation in both British Columbia and the Yukon.⁴⁸ With respect to Indigenous trapping activities in the Liard region, Wunsch stated:

With regard to the Indians, the situation is even more involved. I received a letter from Mr. Harper Reed the Indian Agent, claiming practically the whole country for the Natives. I understand he is seeing the Game Warden from Prince Rupert with a view to allotting trapping grounds to the Indians. His task is rendered more difficult by the fact that these people will not stay in a definite area, but wander all over the country, more especially in the Spring when they hunt Beaver. None of the local Indians wish to trap on the ground held by any of the four men mentioned above. Most of them trap in the Yukon. I am sure that Mr. Reed will be able to satisfactorily settle the question of where the McDame Indians shall trap, which is apparently his main problem.⁴⁹

The last line in particular demonstrates the incomplete understanding of extant Indigenous land use during the early 1930s.

While the provincial and federal governments endeavoured to advance their concepts of Kaska land use, they did not hold a monopoly on the discourse around land use knowledge. The Roman Catholic missionary Reverend E. Allard also commented on Kaska land use, trapline registration, and the incursions of Euro-Canadian trappers into the Cassiar region. Allard had first visited the Kaska in 1925.⁵⁰ Harper Reed, agent of the Stikine Indian Agency (succeeding the late Simpson), found an

⁴⁷ BCA, British Columbia Fish and Game Branch, GR-1085, box 19, file 1, T.V. Sandys Wunsch, "Enforcement of BC Game Act," 12 September 1931, 1.

⁴⁸ BCA, British Columbia Fish and Game Branch, GR-1085, box 19, A. Bryan Williams to T. Van Dyk, Vancouver, BC, 20 August 1932.

⁴⁹ Ibid., Sandys Wunsch, "Enforcement of BC Game Act," 2.

⁵⁰ E. Allard, "Notes on the Kaska and Upper Liard Indians," in *Primitive Man* 2, 1/2 (1929): 25-26.

ally in the missionary when it came to advocating on behalf of the Kaska and advancing their trapping rights. For example, in February of 1931, Reed noted that Allard greatly assisted him in instructing the Kaska of McDames Creek to register their traplines. The goal was to ensure that the Kaska would “be on the map.”⁵¹ Moreover, Ditchburn, in his letter to Williams, suggested that Reverend Allard supported Simpson’s views on Indigenous trapping patterns in northern British Columbia.⁵²

In 1929, Allard published an ethnological work on both the Kaska of the Dease River region and the Kaska of the Liard region, referred to as the “Upper Liard Indians.”⁵³ While providing geographical coordinates for the Dease River Kaska’s traditional territory, Allard was less precise in describing the Upper Liard Kaska’s traditional territory. Allard’s knowledge about Kaska land use and occupancy was likely derived from his involvement in trapline discussions with Indigenous trappers and government agents alike. Correspondence between Allard and DIA officials indicate that the missionary had conferred with Indigenous peoples about trapping rights in northern British Columbia. Through his contact with Indigenous trappers, Allard learned of their concerns about the encroachment of white trappers.⁵⁴ Moreover, the less detailed information on the Upper Liard Kaska likely reflects the dearth of knowledge Euro-Canadians had about the region.⁵⁵ This is supported by Harper Reed’s 1930 statement that there were “many families of unseen Indians.”⁵⁶ This example, along with Figure 1, demonstrates the combined effort not only to define Kaska land use within the context of mobility but also to delineate band territories. Moreover, the cooperation between Reed and Allard, and the production of the latter’s ethnography,

⁵¹ LAC, Indian Affairs, RG 10, C-II-2, vol. 11291, pt. A, Harper Reed to W.E. Ditchburn, Telegraph Creek, BC, 6 February 1931.

⁵² BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 2, file 10, W.E. Ditchburn to A. Bryan Williams, Victoria, BC, 6 January 1932.

⁵³ In “Notes on the Kaska and Upper Liard Indians,” Allard referred to the Kaska of the Dease River region as Kaska, but he did not refer to the Kaska of the upper Liard River as Kaska. However, he did note similarities between the two groups (25). In this respect, Allard seems to have adopted a similar view to James Teit before him – a view that would later be reproduced by anthropologist John Honigmann – which was that the Dease River Kaska were the “Kaska Proper.” See Canadian Museum of History Archives, Edward Sapir’s Correspondence, I-A-236M, James A. Teit (1915), B635, f14, James A. Teit to Edward Sapir, Telegraph Creek, BC, 7 September 1915; John Joseph Honigmann, *The Kaska Indians: An Ethnographic Reconstruction* (New Haven: Yale University Press, 1954), 19.

⁵⁴ LAC, Indian Affairs, RG 10, C-II-2, vol. 11291, pt. A, E. Allard to W.E. Ditchburn, Fort St. James, BC, 7 April 1931.

⁵⁵ Allard, “Notes on the Kaska and Upper Liard Indians,” 24–26.

⁵⁶ LAC, Indian Affairs, RG 10, C-II-2, vol. 11291, pt. A, Harper Reed letter to C.C. Perry, Telegraph Creek, BC, 21 August 1930.

demonstrates the interplay among differently positioned colonial actors in delineating Kaska land use.

During the discussions among state agents about Indigenous trapping practices and the merits of trapline registration, "nomadism," the nature of non-Indigenous trapping practices, and conservation were recurrent themes. Traplines were a quasi-private property asset. Given the conservationist goals of the program, it is not surprising that concepts resembling Garret Hardin's "tragedy of the commons" emerged within these discussions. Proponents of this idea condemned common property as antithetical to sustainable resource management, favouring privately held land and restricted use as sustainable ways to manage resources.⁵⁷ Given the prominence of the theme of nomadism, conservation was seen to be contingent on the spatial organization of trapping activities. However, DIA officials, their Roman Catholic ally, and provincial game wardens viewed the relationship between space and conservation differently, with the DIA highlighting the transience of Euro-Canadian trappers. Rather than conceiving Euro-Canadian trappers as being relatively sedentary, confined to one trapline and managing the line in a manner that ensured the maintenance of a healthy population of furbearers, Reed – and other DIA officials – highlighted their mobility. Unsurprisingly, stereotypes around Indigenous harvesting practices and the improvident uses of wildlife also factored into these discussions about spatiality.⁵⁸ For example, almost two decades prior to the implementation of trapline registration, Williams wrote to long-time resident of northern British Columbia and provincial deputy game warden George Adsit: "[You will] report to me on your return in detail all you have done during your trip, and you will also endeavour [t]o stop the excessive slaughter of game by our own Indians."⁵⁹ In 1932, as trapline registration was being implemented in the Cassiar District, Edmund Martin recounted a discussion with Reed regarding the lack of traplines registered to Indigenous peoples: "I asked him why when there were so many Indians without trapping ground these area[s] were not registered, he replied that they were not worth registering, this would indicate that these

⁵⁷ Garret Hardin, "The Tragedy of the Commons," *Science* 162 (December 1968): 1243–48. It might be argued that the trapline registration system was the product of a clash of Indigenous and Euro-Canadian trapping commons, similar to the process described by Allan Greer in "Commons and Enclosure in the Colonization of North America," *American Historical Review* 117, 2 (2012): 365–85.

⁵⁸ John Sandlos, *Hunters at the Margin: Native People and Wildlife Conservation in the Northwest Territories* (Vancouver: UBC Press, 2007), 238.

⁵⁹ BCA, British Columbia, Provincial Game Warden, GR-0466, box 17, file 4, A. Bryan Williams to George Adsit, Vancouver, BC, 20 August 1908.

areas were trapped out by the Indians and completely depleted and are now abandoned for more productive areas which have been protected by white trappers since they were registered.”⁶⁰ These statements suggested that Indigenous hunting and trapping practices were unsustainable and needed to be checked by Western conservationist principles, including trapline registration.

As government agents debated Indigenous trapping practices, they failed to consider the intricacies of Indigenous land tenure systems such as kinship ties and associated hunting and trapping rights. In his ethnography of the Kaska, anthropologist John Honigmann notes that the fluidity of kinship groups was often based on the successes (or lack thereof) of the hunt.⁶¹ As Thom suggests, so-called boundaries dividing Indigenous territories need to be considered within “a complex field of social relations.”⁶² Similarly, these social relations must be considered with respect to the various mobilities of Indigenous trappers.

An additional pressure on Kaska land use was the registration of traplines in the Stikine Agency to Euro-Canadian trappers. Writing in 1931 about the Dease Lake and Atlin regions – which would have affected the Kaska, Tahltan, and Tlingit, respectively – Indian Agent Harper Reed stated:

During the past year information has come to hand that several White Trappers are considering throwing up their present trapping grounds, and making application for new locations. Various reasons have been advanced, the favourite being “the Indians are kicking so let them [the White Trappers] have it.” Some have given no reasons but have never the less been supplied with new ground which have [*sic*] displaced or overlapped Indian Grounds.⁶³

Reed added: “It is most apparent to the Office that the real reason why White trappers of the Cassiar require new ground, is due to the fact that their present holdings are not producing sufficient returns for them to stay on same: i.e. they have depleted fur resources.”⁶⁴ Moreover, in response to a suggestion from Game Warden Martin that once white lines were abandoned they could revert to Indigenous peoples, Ditchburn

⁶⁰ BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 2, file 10, E. Martin, Report: Reference to Mr. W.E. Ditchburn’s Indian Commissioner’s letter to the Game Commissioner, dated January 6th, 1932.

⁶¹ Honigmann, *Kaska Indians*, 75.

⁶² Thom, “Paradox of Boundaries,” 181.

⁶³ LAC, Indian Affairs, RG 10, C-II-2, vol. 11291, pt. A, Harper Reed to Game Warden, Telegraph Creek, BC, 24 January 1931.

⁶⁴ Ibid.

argued that Euro-Canadian trappers generally trapped out regions before moving on to new lines. While transferring these lines to Indigenous peoples was "better than no lines at all," it would "not ensure to them the results that could be best attained by giving the Indians the lines in the first instance upon a careful and impartial investigation of prior moral, if not legal, rights."⁶⁵ Finally, describing both Indigenous and non-Indigenous trappers in the Cassiar region, Harper Reed wrote to Ditchburn in 1930: "This country is unmapped and unregistered, and has all sorts of trappers within its boundaries, from Nomad Indians to the Alien White Trappers, who all go where they please, at any time."⁶⁶ By using this terminology, Reed presented Indigenous trappers as individuals who required a large tract of land to carry out their trapping activities. Moreover, Reed cast Euro-Canadian trappers in the Cassiar region as interlopers in the territory by referring to them as "Alien White Trappers." In this respect, trapline registration simultaneously confined Kaska trapping to sharply defined areas and made space for Euro-Canadian trappers, while also serving to limit the extent to which Euro-Canadian trappers could further encroach on Indigenous trapping areas.

THE BC-YUKON BORDER

While game wardens and Indian agents attempted to confine individual trapping activities within specific boundaries, the process of registering traplines, and the efforts to define and delineate Kaska land use abutted the unnatural boundary between British Columbia and the Yukon. The Yukon-BC border follows the sixtieth parallel north in a straight line, cutting across the region's natural features. While during the interwar years British Columbia had chosen a spatial approach to furbearer conservation, the Yukon had chosen to do so through temporal restrictions, perhaps most notably a closed season on beaver.⁶⁷ Nevertheless, spatial components of Kaska land use were still important as the Kaska's hunting and trapping territory was divided by the Yukon-BC border. This fact drew the Yukon's Indian agent John Hawksley into discussions with Reed about cross-border trapping practices. Correspondence between the two Indian agents suggests that there was some accommodation of

⁶⁵ BCA, British Columbia, Fish and Wildlife Branch, GR-1085, box 2, file 10, W.E. Ditchburn to A. Bryan Williams, Victoria, BC, 6 January 1932.

⁶⁶ LAC, Indian Affairs, RG 10, C-II-2, vol. 11291, pt. A, Harper Reed to W.E. Ditchburn, Telegraph Creek, BC, 4 August 1930.

⁶⁷ Robert G. McCandless, *Yukon Wildlife: A Social History* (Edmonton: University of Alberta Press, 1985), 124–25.

Kaska seasonal movements. Hawksley wrote Reed in 1933 expressing his gratitude that Indigenous peoples in the Yukon were permitted to hunt and trap in the Stikine Indian Agency.⁶⁸ Hawksley commented, "Apparently there is no objection raised by the Indians of your Agency to the Yukon Indians hunting and trapping on the British Columbia side of the boundary, this [*sic*] is very gratifying."⁶⁹ Hawksley's observation highlights the fact that the arbitrary boundary cut across the cultural lines of the Kaska and other Indigenous groups. Moreover, the fact that Indigenous peoples in the Stikine Indian Agency did not object to individuals from the Yukon trapping south of the border likely reflects kinship ties linking people across the border.

Reed not only allowed the Yukon's Indigenous peoples to trap in British Columbia but also appears to have registered traplines to some of them. In the early 1940s, DIA and the game commissioner attempted to sort out conflicting claims over traplines between Indigenous and non-Indigenous peoples in the Stikine Indian Agency. These conflicts had resulted from the acrimonious relationship between Reed and the provincial game wardens. As noted by James Coleman, the inspector of Indian agencies:

Relations between the Agent and the Provincial officials simply do not exist and I consider that the cause lies chiefly with the Agent himself. The result of this is that the Game officials in an attempt to carry on their administration have been compelled to deal direct with the Indians of late, which is not a satisfactory condition of affairs so far as we are concerned. I doubt very much whether we can expect any improvement in this direction.⁷⁰

During this effort to resolve these disputes, it came to light that traplines had been registered to Indigenous people from the Yukon, who, according to Coleman, "are unable to meet the residential requirements of the B.C. 'Game Act.'"⁷¹ Coleman added: "Undoubtedly many of the Indians along the northerly end of the Agency trap both in British Columbia and the Yukon and I am not at all satisfied that one Indian community has any legal right to this activity in British Columbia."⁷² Coleman also used

⁶⁸ Yukon Archives (YA), Records of the Yukon Government, YRG1, ser. 1, Central Registry Files, GOV 1619, file 1490J, fol. 1, John Hawksley to Harper Reed, Dawson, YT, 25 February 1933.

⁶⁹ Ibid.

⁷⁰ LAC, Indian Affairs, RG 10, vol. 6736, file 420-302, pt. 2, James Coleman, "RE Indian Traplines, Stikine Indian Agency," 17 September 1940, 2.

⁷¹ Ibid.

⁷² Ibid.

the borderlands issue to cast doubt on the supposedly vast tracts of land that were needed by Indigenous trappers. Commenting on the estimated Indigenous population in the Stikine Indian Agency, Coleman wrote:

The Indian population of this Agency is not much over 700, which probably includes a number also on the Yukon Territory census, and that with even the most moderate attempt at conservation they should do very well with very much less ground than they now hold, but assuming that they will continue in occupation, they should find it a comparatively easy matter to build up their breeding stocks of fur while continuing to draw a reasonable revenue from the lines.⁷³

Coleman articulated a watered-down version of the concept of *terra nullius*. This concept, as expressed in this particular context, was not based so much on the BC-Yukon borderlands being uninhabited; rather, it was based on the idea that it was sparsely inhabited by Indigenous peoples who could legitimately claim trapping rights in British Columbia, and, therefore, more land could be occupied by Euro-Canadian trappers. In this regard, the provincial-territorial boundary took on a more meaningful role in the lives of the Kaska and other Indigenous groups who had previously hunted and trapped on both sides of the border. The border issue was used to divide the Kaska into the Stikine Indian Agency and Yukon Indian Agency, respectively. In 1950, trapping conditions for the Kaska in the Yukon became similar to those of their counterparts in British Columbia when the Yukon administration, then under the control of the federal government, implemented its own trapline registration program.⁷⁴ As trapline registration was implemented north of the BC-Yukon border, Kaska land use was further defined in the eyes of the state as it related to neighbouring groups such as the Acho Dene Koe, resident in Fort Liard, Northwest Territories.⁷⁵ As traplines were mapped out by the Yukon's administration, the names of trappers from the Watson Lake region were primarily located to the west of Toobally Lakes. Meanwhile, the names of Fort Liard trappers were generally located east of the lakes. While the traplines mapped out were associated

⁷³ Ibid.

⁷⁴ For a description of the process towards a trapline registration system in the Yukon, see McCandless, *Yukon Wildlife*, 142–48. Also see Ken S. Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840–1973* (Montreal and Kingston: McGill-Queen's University Press, 1991), 168–69.

⁷⁵ YA, Records of the Yukon Government, YRG1, ser. 9, GOV 2154, file 12, J.R. Gilholme to NCO in charge of Watson Lake Detachment, Fort Liard, NWT, 10 March 1966. This correspondence discusses two "Slavey Indians of the Fort Liard Band" trapping in the southeasternmost corner of the Yukon.

with both Indigenous and Euro-Canadian trappers, respectively, they nevertheless reflect the emerging geographical boundaries between the two communities.⁷⁶

COMPREHENSIVE LAND CLAIMS

While trapline registration circumscribed Kaska trapping activities to specific areas, registration and the associated documentation also provided a means for the Kaska to assert their land rights. The use of these records to protect Indigenous land rights extended far beyond the initial processes of implementing trapline registration. In the years following the *Calder* decision, the federal, British Columbia, and Yukon governments were brought to the table to negotiate land claims (albeit at different speeds). Because the Kaska claim territory on both sides of the Yukon-BC border, during the mid-1980s the Kaska Dena Council (KDC) submitted research reports detailing its claims on both sides of the border. In addition to other evidence, such as fur trade records, trapline correspondence served as key evidence of Kaska land use and occupancy. Additionally, these records were used to provide a narrative outlining the process of dispossession of Indigenous lands that had occurred during the twentieth century.⁷⁷

In 1981, as the KDC advanced its claims, the federal policy relating to Indigenous land claims was laid out in a publication entitled *In All Fairness*. The federal government established both its intent with respect to settling land claims and the means by which Indigenous nations were to demonstrate these claims: "The thrust of this policy is to exchange undefined aboriginal land rights for concrete rights and benefits. The settlement legislation will guarantee these rights and benefits."⁷⁸ In essence, the federal government's policy aimed to substitute what the government considered vaguely defined rights for rights that it could more easily define.⁷⁹

⁷⁶ YA, Records of the Yukon Government, YRG1, ser. 9, GOV 2154, file 12 [list of trappers in South Nahanni District accompanied with Old Trapline Numbers], n.d.; YA, H-1600-3 (86/106), South Nahanni – Traplines, Preliminary/1948.

⁷⁷ Peter Douglas Elias, "Kaska Dena Land Use and Occupancy in the Yukon," study prepared for Kaska Dena Council, 18 May 1985; Peter Douglas Elias, "Kaska Dena Land Use and Occupancy in British Columbia," study prepared for Kaska Dena Council, 31 January 1986.

⁷⁸ Canada, Indian Affairs and Northern Development, *In All Fairness: A Native Policy – Comprehensive Claims* (Ottawa: Indian Affairs and Northern Development, 1981), 19.

⁷⁹ This process is reflective of the state-simplification process described in Scott, *Seeing Like a State*. In "Property and Aboriginal Land Claims in the Canadian Subarctic: Some Theoretical Considerations," *American Anthropologist* 104, 1 (2001): 247–61, anthropologist Paul Nadasdy describes how notions of "property" outlined in land claims would be inconceivable to their

These reports, authored by Peter Douglas Elias, used government records to describe Kaska contact with government officials. In the report discussing Kaska Dena land use and occupancy in the Yukon, for example, Elias describes how government agents acquired knowledge about Kaska land use in the BC-Yukon borderland. Much of Elias's analysis focuses on Indian Agent Harper Reed's evolving knowledge of Kaska land use. Elias described Reed's initial attempt to come to terms with Kaska land use and occupancy as it extended northward from British Columbia into the Yukon Territory. Noting that most of the Kaska on the Liard River trapped northward into the Yukon, the Indian agent had suggested that the Stikine Indian Agency should also extend north of the sixtieth parallel. However, Reed's description of the territory contained a geographical error, indicating that he lacked an intimate knowledge of the region. This error involved a nonexistent height of land commencing at the "intersection of 58 parallel with 126 meridian" and proceeding northward along the "126 meridian to intersect 62 parallel."⁸⁰ By noting this inaccuracy, Elias implicitly challenges the authority of governmental agents and the paperwork that they produced. By challenging the authority of governmental knowledge (in this case, that of the federal DIA), government records are viewed as supporting documents to be used in asserting Aboriginal title – not as being the final arbiters of that title. Rather, the Kaska Dena – through Elias's report – are the authorities on their own land use and occupancy.

Elias suggests that Reed provided the first accurate description of Kaska Dena lands in 1931:

The Boundary Lines are as follows: Mouth of Eagle River to Cottonwood Rv. up same to headwaters along height of land and over the head of Rancheria to headwaters of Moose Rv. Thence to Sayer Creek of Scurvy Creek and over to this side of Frances Lake some little ways down the river. Thence to head of Hyland River and on to top of Coal River – Beaver River – Smith River and Tobally [*sic*] Lake. Also Caribou Mountain and down to Devils Canyon on the Liard. Thence Munchoeau [*sic*] Lake and along height of land to top end of Muddy

Athapaskan ancestors. Meanwhile, in "Imposing Territoriality: First Nation Land Claims and the Transformation of Human-Environment Relations in the Yukon," in *Ice Blink: Navigating Northern Environmental History*, ed., Stephen Bocking and Brad Martin, 333–76 (Calgary: University of Calgary Press, 2017), Nadasdy describes how comprehensive land claims imposed territoriality on Indigenous peoples and their forms of land use.

⁸⁰ Harper Reed as quoted in Elias, "Kaska Dena Land Use and Occupancy in the Yukon," 30. The broader discussions of the inaccuracies are contained on pages 30–31.

River and then back in to Eagle River.⁸¹

Elias then states that the boundary line identified by Reed corresponded with the boundary line described by members of the Kaska Dena community.⁸² Elias also argues that Reed was the first government agent to appreciate the Kaska “as a distinct culture and political people.”⁸³ Much of Reed’s knowledge regarding Kaska land use was likely acquired through the process of registering traplines for the Indigenous peoples of the Stikine Indian Agency. While residing in the Stikine Indian Agency, travelling through the region, and reporting on and speaking to the Kaska likely contributed to the Indian agent’s knowledge of the Kaska, the process of trapline registration would have provided more detailed geographical understandings of Kaska land use. Reed’s geographical knowledge was then used to demonstrate the continuity of land use from the mid-nineteenth century to the present.⁸⁴

The Elias reports were produced within the context of the *Calder* and the *Baker Lake* decisions. While the 1973 *Calder* decision was technically a loss for lawyer Thomas Berger and the Nisga’a he represented, it nevertheless resulted in an acknowledgment of the existence of Aboriginal title in British Columbia and prompted Pierre Elliott Trudeau’s Liberal government to negotiate outstanding land claims.⁸⁵ Following the *Calder* decision, there have been (and continue to be) several court cases seeking to further refine the definition of Aboriginal title and the associated duty to consult. Prior to the production of the KDC research reports, one of the most influential decisions in defining the former was the *Baker Lake* decision of 1979. This court case centred around the effects of mineral exploration on the caribou population in present-day Nunavut. While the decision acknowledged the Inuit’s extant Aboriginal title, the ruling was against the Inuit.⁸⁶ The *Baker Lake* decision also established prerequisites for establishing Aboriginal title:

⁸¹ Harper Reed as quoted in Elias, “Kaska Dena Land Use and Occupancy in the Yukon,” 33.

⁸² Elias, “Kaska Dena Land Use and Occupancy in the Yukon,” 33.

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ Dave De Brou and Bill Waiser, eds., *Documenting Canada: A History of Modern Canada in Documents* (Saskatoon: Fifth House Publishers, 1992), 571. In *Calder et al. v. Attorney-General of British Columbia*, three judges ruled that the Royal Proclamation of 1763 did not apply to British Columbia and that Aboriginal title had been extinguished through other proclamations. Meanwhile, three other judges in a dissenting opinion stated that the Royal Proclamation of 1763 did apply to British Columbia and that Aboriginal title was a burden on Crown title. A seventh judge ruled against the Nisga’a on procedural grounds (571–73).

⁸⁶ De Brou and Waiser, *Documenting Canada*, 595.

The plaintiffs relied on a common law aboriginal title and to establish such a title four elements must be proved: (1) that they and their ancestors were members of an organized society; (2) that the organized society occupied the specific territory over which they asserted the aboriginal title; (3) that the occupation was to be exclusion [*sic*] of other organized societies; and (4) that the occupation was an established fact at the time sovereignty was asserted by England.⁸⁷

Similar principles with respect to demonstrating Aboriginal title were communicated in a letter from Minister of Indian Affairs and Northern Development John Munro to KDC chairman Peter Stone.⁸⁸ This context illustrates the importance of trapline records and other colonial records in proving a link between the Kaska Dena of the 1980s and the occupants of the territory at the time of the assertion of British Crown sovereignty in British Columbia.

Elias describes Reed's process of registering a trapline to the Muncho Lake Band in 1937 as the completion of the DIA's official awareness of the Kaska Dena.⁸⁹ Additionally, Elias uses trapline records to demonstrate the dispossession of Kaska lands as Euro-Canadian trappers took up traplines.⁹⁰ Nevertheless, while these records provide valuable evidence of Kaska land use and dispossession, they also represent the state's view of land use. Trapline registration programs and the geographical knowledge acquired in the process represent efforts to render both Indigenous and non-Indigenous land use into patterns that are easily legible and regulated by the state. As James Scott argues, "no administrative system is capable of representing *any* existing social community except through a heroic and greatly schematized process of abstraction and simplification."⁹¹ In this respect, trapline registration represented a simplification of a much more complicated ground truth. Consequently, as the Kaska endeavoured to advance their rights to the land in northern British Columbia and southeastern Yukon, trapline records hinted at the scope of Aboriginal title but failed to tell the whole story.

As colonial records, such as trapline maps and correspondence, were used to demonstrate Aboriginal title, the KDC deployed a method called counter-mapping. Thomas McIlwraith and Raymond Cormier describe

⁸⁷ *Hamlet of Baker Lake et al. v. Minister of Indian Affairs and Northern Development et al.* in De Brough and Waiser, *Documenting Canada*, 595.

⁸⁸ LAC, James Ross Fulton Fonds, R5284, ser. 3, sub-ser. 31, vol. 17, file 1, Indian and Northern Affairs – Land Claims, May 1980–1981, John C. Munro to Peter Stone, 22 October 1981.

⁸⁹ Elias, "Kaska Dena Land Use and Occupancy in the Yukon," 40.

⁹⁰ *Ibid.*, 29–40.

⁹¹ Scott, *Seeing Like a State*, 22. Emphasis in original.

counter-mapping as “a cartographic technique used by marginalized peoples who employ conventional means to assert their knowledge of lands local to them.”⁹² Brian Thom notes that counter-mapping often conforms to state protocols.⁹³ When the federal government laid out the parameters determining how the KDC was to proceed with demonstrating its claim, it effectively circumscribed the KDC’s counter-mapping efforts to these state protocols.

CONCLUSION

As trapline registration spread through northern British Columbia, it held complex and contradictory implications for Kaska trappers. Traplines limited the mobility of Indigenous trappers and opened up space for Euro-Canadian trappers. However, for the tracts of land that Kaska trappers were successful in registering, the policy of trapline registration served to safeguard these lands from further encroachment. As land claim negotiations commenced during the 1970s and 1980s, the records produced by trapline registration took on a new life as they served to reinforce Kaska Aboriginal title. However, Kaska claims to Aboriginal title also challenged the authority of the records. By pointing out Harper Reed’s initial misreading of the geography of the Kaska territory, Peter Douglas Elias subtly positioned the Kaska as the authority on their traditional territory, with government records provided supporting evidence. This dual assessment of colonial renderings of Indigenous land use was likely the result of a desire not to let government perspectives circumscribe the terms of their claims.

Just as trapline registration functioned as a means of rationalizing Indigenous land use in the eyes of the state, so concepts of Aboriginal title have a similar effect. As Indigenous peoples, such as the Kaska, seek to demonstrate their Aboriginal title in the face of increasing natural resource development pressures, prior representations of Indigenous land use have a persistent legacy. Building upon works by individuals such as Thomas McIlwraith, Raymond Cormier, Paul Nadasdy, and Brian Thom, which examine how land claims reshaped Indigenous governance structures and associated land tenure, the colonial legacies of Eurocentric

⁹² Thomas McIlwraith and Raymond Cormier, “Making Place for Space: Land Use and Occupancy Studies, Counter-Mapping, and the Supreme Court of Canada’s *Tsilhqot’ in* Decision,” *BC Studies* 188 (Winter 2015–16): 36.

⁹³ Thom, “Paradox of Boundaries,” 179. This has been similarly argued by anthropologist Siomonn P. Pulla in “Critical Reflections on (Post)colonial Geographies: Applied Anthropology and the Interdisciplinary Mapping of Indigenous Traditional Claims in Canada during the Early 20th Century,” *Human Organization* 75, 4 (2016): 290.

representations of Indigenous land use must be confronted.⁹⁴ Legible understandings of bands and boundaries did not simply emerge as a result of land claims; rather, these notions were historically constructed as state administrators endeavoured to extend their control over Indigenous affairs, including their trapping practices.⁹⁵ It is through recognizing the continuing influence of this colonial legacy that we can move towards a more culturally appropriate conception of Indigenous land rights.

⁹⁴ McIlwraith and Cormier, "Making Place for Space," 35–53; Nadasdy, "Boundaries among Kin," 499–532; Nadasdy, "Imposing Territoriality," 333–76; Nadasdy, "'Property' and Aboriginal Land Claims in the Canadian Subarctic," 247–61; Thom, "Paradox of Boundaries," 179–205.

⁹⁵ In Glenn Icton, "Trapped by Geography in the BC-Yukon Borderlands." *Historical Geography* 45 (2017): 113–16, I discuss some of the broader implications of the fraught nature of using colonial records for demonstrating Aboriginal title in the Canadian North. In this roundtable contribution, I consider the subjective nature of the creation of colonial records, such as trapline correspondence, within regions not fully understood by the state.