

**The Evolution of Game Regulation in New Brunswick and the
Anti-Poaching Campaign of 1935**

by

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Abstract

Game conservation in Canada in the early 1900s was at the intersection of important legal, social, and political conflicts over private property, class, citizenship, and the expansion of the liberal state. As game conservation was instituted in New Brunswick under the *Game Act* of 1893, political and institutional interests within the Crown Lands Department, and later the Department of Lands and Mines significantly influenced its evolution in the 20th century. This report looks at the development of game conservation in the province and the events surrounding the Department's anti-poaching campaign in northern New Brunswick during March and April 1935. During what was described as the largest deer 'slaughter' ever reported in the province, the effort to eliminate poaching marks an important period when attitudes on poaching and game laws were changing, with muted and overt resistance or approval throughout the province.

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Historiography: The Context of Wildlife Management in New Brunswick

Wildlife conservation in New Brunswick, as in many places in North America, emerged during the late 19th century as part of a wider re-examination of natural resource use and depletion. Its development in the province began with the introduction of limits on game animals and a network of enforcement to police the province, both initiated by the passage of the *Game Act* in 1893. These reforms, though adopted by some, were generally met with different and varying levels of resistance and conflict. As Bill Parenteau has pointed out in his study of the introduction of conservation in the Maritimes' Atlantic salmon fishery, enforcement of limits on what continued to be viewed by rural people as inviolable rights to access natural resources was usually complicated by political, social, and personal allegiances.¹ This report examines the development of the wildlife conservation efforts undertaken by the Department of Lands and Mines in New Brunswick during the interwar period. During this period a reformed and meritocratic wildlife protection service was one facet of the Department of Lands and Mines' commitment to efficient, effective, and politically neutral management of natural resources. During March and April of 1935, the province was shocked by the news of what was reported as the largest, most organized, and inhumane slaughter of deer in the province's history, which was uncovered by the coordinated efforts of the

¹ Bill Parenteau, "A Very Determined Opposition to the Law: Conservation, Angling Leases, and Social Conflict in the Canadian Atlantic Salmon Fishery, 1867-1914," in *Environmental History* 9 (3), 449-51.

province's warden service and others with the Department. This brief snapshot in the province's history provides an excellent vantage point to analyze the development of the province's wildlife protection program and the competing interests that guided their actions and institutional development.

Understanding the institutional and social context of game protection in the 19th and 20th century requires a background in the development of the intellectual and scientific debate from which it began. In Thomas Dunlap's text *Nature and the English Diaspora: Environment and History in the United States, Canada, Australia, and New Zealand* Dunlap notes that the development of natural history and ecology in these contexts defined both a popular and scientific discourse on what has amorphously been called "nature."² Conservation, part of a greater discourse on land stewardship and property in the last stages of colonial expansion, was both about ideas of humanity's power over nature, and the development of the study of humanity's impact on nature.³ Within the institutional and social growth of science during this time, Dunlap points out that its development was part of a struggle between instrumental folkbiologies, and the growing authority of the state and scientists.⁴ Within both sides of the divide, conservation in the early 20th century has been characterized as competing interests of all-knowing scientists and foolhardy settlers, which confuses the larger debate, that the conservation movement can be described as competing ideas of "how nature was to be

² Thomas R. Dunlap, *Nature and the English Diaspora: Environment and History in the United States, Canada, Australia, and New Zealand* (Cambridge: Cambridge University Press, 1999), 4-7.

³Dunlap, *Nature and the English Diaspora*, 78.

⁴Dunlap, *Nature and the English Diaspora*, 14.

seen, and who had the authority to construct authoritative pictures of it.”⁵ Understanding how conservation evolved as a historical process necessarily requires a background in the scientific discourse which informed conservation during the 19th century, and its direct and indirect influence on the intellectual, social, and political debates which it created. Dunlap’s study shows how science and settlement affected the worldview of those involved in and affected by conservation. Specifically in regards to game protection in New Brunswick, the game laws were informed by ecological science, as well as citizens’ beliefs and attitudes to game animals, and Dunlap’s study is important to understand how these ideas developed. Dunlap’s work importantly points out the intellectual foundations of how competing parties - the state, citizens, or aboriginal groups - conceptualized their role as protectors of nature and natural resources. As George Colpitts points out about the development of citizen’s conservation association in Western Canada in the late 1800s, the ideas that motivated game protection in that context were unique from other contexts in North America because of traditions of “safeguarding the land’s wealth for local use.”⁶ Traditions in wise land use were given more meaning when understood within the context of settlement during the late 19th century, and the myths of plant and animal superabundance which attracted settlers. Dunlap’s study is important for understanding the background of competing ideas of state and citizen conservation programs.

Apart from the debate over how humans saw themselves in relation to nature, understanding the growth of conservation in North America necessarily requires a

⁵Dunlap, *Nature and the English Diaspora*, 78.

⁶ George Colpitts, *Game in the Garden: A Human History of Wildlife in Western Canada to 1940* (Vancouver: University of British Columbia Press, 2002), 130.

discussion on the development of ecology, both as a scientific discipline and as a discourse in social environmental movements. Donald Worster's book *Nature's Economy: A History of Ecological Ideas* examines the growth of ecological thought over the last three centuries. The development of conservation, and the discourse of defining and managing land and animals, was influenced by the development of the science and social discourse of ecology. Worster argues that ecological thinking formed two primary approaches to nature, the arcadian and imperialist. The arcadian approach to nature is embodied by thinkers such as Gilbert White and Henry David Thoreau, whose own ideas and contributions to ecology as a science were heavily influenced by a deeply reverent connection to nature.⁷ Their ideas of studying and living in the world, expressed as living holistically, or in harmony with nature, found significant traction with those dissatisfied with urban industrialization in the 19th century, and have remained a popular set of ideas in opposition to industrial and suburban expansion even today.⁸ This approach is linked to the development of tourism in the 20th century, and orientated urban-dwellers to experience the 'natural world' and to think of nature as a harmonious world separate and in opposition to urbanism. More influential to the development of conservation were imperialist ideas which, as Worster and many other authors have pointed out, placed humans in a positive role shaping and guiding nature to humanity's ends.⁹ In both arcadian and imperialist approaches the ideas of shared growth, and the interconnected relationship of the land, plants, and animals, created an

⁷Donald Worster, *Nature's Economy: A History of Ecological Ideas* (New York: Cambridge University Press, 1994) 2nded. 3-25.

⁸Worster, *Nature's Economy*, 388-433.

⁹Worster, *Nature's Economy*, 256-7.

intellectual and scientific approach to managing and profiting from the products which nature produced. Worster separates the social and scientific development of ecology in both the arcadian and imperialist traditions throughout the 19th and 20th century. Its impact on conservation in the 20th century, shaping the economic-ethical considerations of the state and of citizens has been explored, with many more opportunities to expand the literature. Worster's study on the development of ecological thinking in relation to the history of game protection is important because it provides a useful analytical tool to view sportsmen's organizations and citizens' groups, who adopted arcadian or imperialist ideas in response to the expansion of wildlife protection in the 20th century.

Anti-modernism and sport hunting tourism were influential forces in reconceptualising land, animals, and nature in Canada during the 1890s. Tina Loo's *States of Nature: Conserving Canada's Wildlife in the Twentieth Century* argues that the anti-modern retreat from urban industrialism grew the conservation movement, which Loo describes as a "modernist project aimed at controlling nature and human nature," which were complimentary ideological forces shaping wildlife conservation.¹⁰ Bill Parenteau and Richard Judd, writing on the development of conservation in New England and Atlantic Canada, argue that anti-modernism was a complimentary ideological force in the growth of the region's tourist industry, and was an important component in the expansion of "railroads, steamship lines, and grand hotels [catering to] the region's recreational" industries.¹¹ The pressures to escape modernity fostered arcadian "visions of the countryside ... imbued with the power to reinvigorate mind and

¹⁰Tina Loo, *States of Nature: Conserving Canada's Wildlife in the Twentieth Century* (Vancouver: UBC Press, 2006), 35-6.

¹¹Parenteau and Judd, "More Buck for the Bang," 233-4.

body,” which altered the discourse on wildlife protection in Canada.¹² While this revision of the countryside was typical in many places in North America, George Colpitts notes that Western Canada, which was experiencing immigration and settlement pressures on wildlife resources at a different time than eastern North America, developed conservation attitudes that were influenced by myths of superabundance and did not reflect an urban/rural duality as in many other places during the same time.¹³ Despite differences in how these ideas were expressed and how wildlife conservation developed in different regions in Canada, they were as Loo notes “completely consistent ... and indeed reinforced the general purpose and direction of Progressive conservation.”¹⁴

One of the major ironies of federal or provincial conservation programs, as they were instituted throughout North America during the mid- to late-1800s, was the fact that they were a complete reversal of government’s approach to land and resources decades earlier. Industrialization throughout the United States, and in many countries, was aided by government’s “disposing of the nation’s wealth, often to railroad, mining, and timber groups.”¹⁵ This relationship to nature helped facilitate the economy of the Western world, and in important ways defined the role of conservation during its early stages. As Ted Steinberg expressed it in his book *Down to Earth: Nature’s Role in American History*, nature became more an instrument of economic gain by corporations and governments, and “being reduced to economic units ... [meant that what was] the

¹²Parenteau and Judd, “More Buck for the Bang,” 233.

¹³Colpitts, *Game in the Garden*, 63-83.

¹⁴Loo *States of Nature*, 35.

¹⁵ Ted Steinberg, *Down to Earth: Nature’s Role in American History* (Oxford: Oxford University Press, 2009), 2nd ed. 152.

face of nature had become commodities to be efficiently managed.”¹⁶ This system of managing, what Samuel P. Hays described as “the great crusade” in his text *Conservation and the Gospel of Efficiency*, had grown from efficient management of water and cattle, to a sweeping agenda of management, conservation growing to “connote efficiency in the development and use of all resources.”¹⁷ This aggressive campaign, which Karl Jacoby would later describe as “authoritarian” in scope and practise, represented a new relationship between both government and nature, one which relied on efficient management for sustained-yield benefits of what were now natural resources. Further, as Hays pointed out, the growth of conservation was a battle over who could “determine the course of resource development.”¹⁸ Natural resource management, particularly game protection, was at the intersection of many competing issues facing rural North America during this time over the growth of the liberal state, class and regional tensions, and aboriginal rights.

Reflecting the debate over urban and rural concerns that were inevitable with the introduction of wildlife management, Aldo Leopold’s writings were an important component of the intellectual concerns over game management.¹⁹ While Leopold’s ideas were not always implemented institutionally, these ideas attracted a wide audience, and made him a major figure in the history of conservation in the United States. His writings are a unique intersection of some of the larger debates over

¹⁶Steinberg, *Down to Earth*, 57.

¹⁷ Samuel P. Hays, *Conservation and the Gospel of Efficiency* (Cambridge: Harvard University Press, 1959) 122-3.

¹⁸ Hays, *Conservation and the Gospel of Efficiency*, 3.

¹⁹ Aldo Leopold, “The Conservation Ethic” in *The River of the Mother of God and Other Essays by Aldo Leopold*, edited by Susan Flader and J. Baird Callicott (Madison: University of Wisconsin Press, 1991), 181-92.

ecological science, the politics of game protection, and the practical difficulties of enforcement, which have great significance for understanding the development of wildlife protection during the 1920s and 1930s. His later career reflects one of the central tensions of game protection, as he worked to incorporate both arcadian and imperialist ideas into a system of oversight, particularly the morality and ethics of conservation, and how they could be reconciled with market forces. Trying to get private individuals to operate in a way which promoted the public good was a significant theme of Leopold's writing. In *Game Methods: The American Way*, published in 1931, Leopold promoted having game management which "s[ought] a happy medium between the evident necessity of some management, and the aesthetic desideratum of not too much," satisfying the needs of society without violating the "recreational values" of those who hunted for enjoyment.²⁰ Further, these measures should be taken up by landholders, given the costs associated with conservation, and that the nature of the work consisted of "many small jobs scattered throughout the whole gamut of the seasons."²¹ Having everyone share the load, enacting conservation as a background requirement of their daily lives, was part of Leopold's own appreciation for nature and its importance, but was also promoted as an effective tool of getting the promised benefits of conservation without violating the democratic and aesthetic values that had traditionally been paramount. Leopold's writings on game management provide a background to the debate around wildlife conservation during the time, and though

²⁰ Aldo Leopold, "Game Methods: The American Way," in *The River of the Mother of God and Other Essays of Aldo Leopold* (Madison: University of Wisconsin Press, 1991), 157-8.

²¹ Leopold, "Game Methods," 160.

many of his designs were not implemented, they speak to the ecological, social, and political ideas that informed the development of conservation.

Apart from the development of ecology and ecological ideas, the development of conservation, and particularly wildlife conservation, has its own historiography. The historiography of the development of wildlife conservation can be separated into two analytical categories, one viewing conservation as a top-down process, and the other which views conservation as a contested social and political process.²² The most prominent proponent arguing conservation as a top-down process is John Reiger, who argued in *American Sportsmen and the Origins of Conservation* that a particular elite class of sportsmen within American society, connected through various clubs and publications, had the most formative impact on how conservation developed as a government program. In this class of individuals, the democratically minded and noble sportsmen of the late 19th century, Reiger finds the originators of the conservation movement, and the major ideals which informed game laws throughout North America. Publications such as *Forest and Stream*, *American Angler*, and *American Sportsmen* promoted a new ethic of conservation after the Civil War. Collectively, the “sportmen’s code” which Reiger outlines was an informal set of rules which distinguished sportsmen from reckless and wanton hunters, which gave the cause of conserving wildlife a purpose in American society. The code comprised a set of moral imperatives around hunting wild animals, such as not killing animals that were trapped or defenceless, that a hunter only aims for one and not at many, that the animal be used responsibly and

²² These two categories are ones which I myself have imposed on the literature in order to separate the historiography of wildlife conservation. They are only useful as a way to introduce major difference in the historiography.

hunted with the health of the population of game in mind, and most importantly, that animals were not to be sold for profit, but that hunting be enjoyed as a sport which was above the material concerns of the market.²³ These considerations were an important component of the growth of conservation, and were influential in shaping the growth of the tourist sport hunting in North America during the late 1800s and early 1900s.²⁴ As numerous authors have pointed out, the institution of conservation laws were achieved by individuals who belonged both to sportsmen's groups and were directly or indirectly connected to provincial or federal governments.²⁵ Reiger's thesis, that sportsmen's groups were the major drivers of conservation's moral and institutional development, has been challenged by many authors over the last two decades.

Numerous authors, in opposition to Reiger and other proponents of a top-down model, have analyzed the development of conservation as a product of the progressive era in North America, linking the development of state programs of conservation with rural customs of the 'commons,' and nature as a collectively shared resource. As Lewis S. Warren pointed out, older notions of collective "commons [were] cultural

²³ John Reiger, *American Sportsmen and the Origins of Conservation* (Corvallis: Oregon State University Press, 2001), 3rd ed. 10-20.

²⁴ As James Tober points out in his book *Who Owns the Wildlife: The Political Economy of Conservation in Nineteenth-Century America* (Westport: Greenwood Press, 1981), the sportsmen's code incorporated vocabulary, fashionable dress, and inculcated an interest in natural history which defined their class. These groups were important participants in the formulation of wildlife protection groups during this time.

²⁵ Bill Parenteau and Richard Judd, "More Buck for the Bang: Sporting and the Ideology of Fish and Game Management in Northern New England and the Maritime Provinces, 1870-1900" in *New England and the Maritime Provinces: Connections and Comparisons* (Montreal: McGill-Queen's University Press, 2005), 233-9. James Tober, *Who Owns the Wildlife: The Political Economy of Conservation in Nineteenth-Century America* (Westport: Greenwood Press, 1981), 43-52. Perhaps the first work to study the growth of conservation in Canada, studying the role of federal bureaucrats, is Janet Foster's *Working for Wildlife: The Preservation of Wildlife in Canada* (Toronto: University of Toronto Press, 1978).

construct[s], a way of interpreting and living on the land.”²⁶ Before the transition from locally managed ecosystems to politically managed ones was a loose set of relations and community mediated claims to land and resources. The creation of conservation programs was a trend within this period across the continent, and is a consequence of the larger trends of continental trade and industrial expansion in the late 19th century.²⁷ Out of the many authors that have taken this approach I have selected the most important for my study, and will briefly outline their contributions to the field as it relates to the development of conservation and the ideas associated with it. The rise of conservation programs in New Brunswick, similar to many states and provinces, was informed by traditions of efficient and responsible communal management, guarding the resources for their perpetual growth.

The most important book that has undermined the thesis of conservation being exclusively a top-down phenomenon has been Richard Judd’s *Common Lands, Common People: The Origins of Conservation in Northern New England*. Judd’s thesis, that conservation was a product of a vastly complex “tangled thicket of social forces,”²⁸ has greatly influenced the historiography of conservation and environmental history. The origins of conservation in New England, Judd argues, were the product of a long history of settlement, and were the product of older ideas around democratic access, local control, and the rights of individuals to the resources. In the context of increased settlement and industrial expansion, many of the traditions which informed individuals’ rights to hunt were challenged by government and industry. The development of game

²⁶ Louis S. Warren, *The Hunter’s Game* (New Haven: Yale University Press, 1997) 10.

²⁷ Warren, *The Hunter’s Game*, 11-12.

²⁸ Richard Judd, *Common Lands, Common People* (Cambridge: Harvard University Press, 1997), 12.

laws incorporated the traditions of rural people, which evolved from the ways of living that had developed throughout northern New England's settlement history.²⁹ The conflicts created by game law enforcement were due to the fact that many relied on game as a food source, particularly during winter, and that limiting access to game and fish was fundamentally anti-democratic.³⁰ With the growth of the tourist sportsmen industry, the game laws denied practices which were widespread.³¹ Dogging, for instance, having dogs chase game and either killing them or driving the animal into a lake or stream to make them an easy target, was one of the more controversial prohibitions in New England and occasioned many conflicts between rural hunters and tourists. But dogging, and other outlawed practices, were part of the larger class conflict between the elites and the poor. "Uneven law enforcement," Judd points out, "sharpened class antagonisms."³² The imposition of game laws, defining closed seasons, fines, licenses, and other bureaucratic obstacles were in opposition to the democratic access many had previously enjoyed. However, the game laws were frequently remade to suit circumstances.³³ While some rural residents did come to acquiesce to the game laws, Judd points out that their adoption was part of a process of changing and remaking the game laws that were partly inclusive of traditional ways of hunting and fishing. This study is particularly important because of the close

²⁹Judd, *Commons Lands, Common People*, 210-5. Karl Jacoby, *Crimes Against Nature*, 15-20.

³⁰ The political aspects of wildlife conservation, limiting access to game and fish, has been an important factor in the development of conservation, and as George Colpitts points out in his study *Came in the Garden*, traditions of rightful access shaped not only the administration of game protection, but also significantly influenced the social concepts of nature and animals, and their symbolism.

³¹ Judd, *Common Lands, Common People*, 213-4.

³² Judd, *Common Lands, Common People*, 216.

³³ Judd, *Common Lands, Common People*, 216-7.

geographic and demographic similarities between New England and New Brunswick, particularly Maine, and the similar ideological underpinning which guided the growth of each state's conservation program. In New Brunswick, for my study, understanding the moral dimensions of the application of game laws is necessary to articulate how they were applied, and how those who routinely flouted the law in the woods got away with breaking the law.

Of course there are many who were marginalized by the introduction of conservation, and game conservation introduced changes to rural economies, ones which were contested in a variety of ways. Karl Jacoby's *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* presents the responses of whites and indigenous peoples in the early years of modern wildlife management. Conflicts between communities, insiders and outsiders, affected how rural communities used land and resources, and Jacoby's analysis is unique in showing how locals used and co-opted conservation laws as a social or political response to the commodification of wildlife.³⁴ To understand poachers and the social acceptance or denial of poaching as a community-condoned act is to necessarily examine a community worldview, which Jacoby points out was intimately related to “self-sufficiency, the drive to prove one's manliness and daring, [and] the hope of avoiding the dependency of the workplace.”³⁵ As Jacoby elaborates, the ethics of poaching were defined by “the reluctance of many rural folk to embrace a completely capitalist orientation,” and that individuals would “give primacy to [poaching for] subsistence in keeping with enduring

³⁴Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001), 138-9.

³⁵Jacoby, *Crimes Against Nature*, 146.

agrarian notions of simplicity and self-sufficiency.”³⁶ People could be not only concerned about game populations and poachers within their community, but also much larger considerations around the market and preserving community independence. As Lewis Warren points out in his study on rural Pennsylvania during the late-1800s, many poachers were acting within a community-adopted spirit of entrepreneurialism, where market hunting was one of only a limited set of enterprises available to them.³⁷ For these people, “abundance on the local commons came not from plentiful game,”³⁸ but rather the value of game meat on the market.³⁹ Similarly, George Colpitts explains that the expansion of game laws which limited the sale of game meat in Western Canada early in the 20th century limited what was still a necessary and vital market for many rural communities.⁴⁰ Within each study, the competing interests of rural citizens defines an underground acceptance of poaching, which is generally applicable to eastern North America. Rural New Brunswickers broke laws, informed on others, and set fires for similar reasons as people in Vermont or upstate New York, with important differences that were unique to the community relationships, the types of game poached, and the nature and manner of enforcement. The way that provincial authorities selectively dealt

³⁶ Jacoby, *Crimes Against Nature*, 53.

³⁷ Lewis S. Warren, *The Hunter's Game: Poachers and Conservationists in Twentieth-Century America* (New Haven: Yale University Press, 1997), 58.

³⁸ Warren, *The Hunter's Game*, 58.

³⁹ In using the terms of ‘market hunting’ and ‘pot hunting,’ James Tober points out that these were at times distinguished as separate practices by lawmakers. Market hunting in the 19th century was the legal sale of game meat by a licensed hunter, while pot hunting was a pejorative term used for poachers who subsisted on the game they killed, often without concern for efforts to manage and grow wildlife populations. *Who Owns the Wildlife*, 45-6. It should be added that although these definitions could be separated, after many jurisdictions banned the sale of game meat by the beginning of the 20th century, the terms were used interchangeably by department officials in New Brunswick.

⁴⁰ Colpitts, *Game in the Garden*, 63-77. Colpitts points out that the trade in game meat was an adaptation of earlier exchanges that were part of the fur trading networks between aboriginals and Hudson Bay Company traders for centuries previous.

with those who routinely broke the law, accepting or ignoring social acceptance of poaching, will be the focus of my study.

The history of conservation in Canada has developed over the last two decades exploring the growth of conservation with different analytical approaches. There are indeed many issues that conservation challenged, and major themes in the Canadian literature primarily deal with the growth of the liberal state, class conflict between urban elites and rural settlers, the challenges to property and the ‘commons,’ and the place of aboriginal rights to land and resources in conflict with the aims of wildlife protection. Due to geographical, ethnic, and cultural differences the Canadian historiography has been analyzed by geography. Because of differences in settlement and the necessities of settlers in Canada’s west, for instance, conservation was instituted later and had different aims than Ontario, Quebec, or in Atlantic Canada.⁴¹ Tina Loo has described Canada’s gradual institution of game laws as “several commons,” reflecting provincial or territorial differences informed by localism.⁴² As Darcy Ingram has argued about south-eastern Quebec, studying the rural acceptance of an infamous poacher and outlaw Henri Ladouceur, the “urban-rural and class dimensions” of the conflict over poaching were the most important.⁴³ In a similar context to Quebec’s Beauce region during the late 1890s, New Brunswick’s Victoria, Madawaska, and Restigouche counties, the

⁴¹ The most defining difference in western Canada, argues George Colpitts, is that conservation had a uniquely populist origin, and was more responsive to public input than in other contexts in Canada.

⁴² Loo, *States of Nature*, 36-7.

⁴³ Darcy Ingram, “Au temps et dans les qualities qui lui plaisent: Poachers, Outlaws, and Rural Banditry in Quebec” in *Social History* 42 (83), 33. Ingram notes that although there were significant ethnic divides in the newly-settled region, Ladouceur’s evasion of the law was aided by both English and French settlers, who generally shared an ambivalence or aversion to limits on access to game animals. Thus, this episode should not be primarily read as reflecting ethnic tensions within Quebec, although those concerns are a part of other periods in Quebec’s introduction of natural resource management.

context of my study, shared similarities, particularly over access to game and the extension of the state in limiting traditional access to hunting.

Similar patterns of resistance seem to have been part of how rural New Brunswickers responded to game laws in the first few decades of their introduction. There are important differences in how game protection in New Brunswick developed over the course of the early 20th century that were different from other contexts in North America. New Brunswick was one of the last jurisdictions to ban the sale of game meat permanently, twice lifting the ban during the 1920s before enacting the ban for the last time in 1931.⁴⁴ As will be discussed in the next chapter, the structure and operation of game protection in the province suffered from a series of setbacks related to the economic decline of the province in the 1920s. These changes influenced the operation of the department through the decade and into the 1930s and altered how the game laws were administered.

My study adds to the existing historiography on conservation in New Brunswick in important ways. The work of Bill Parenteau is instrumental in the historiography of conservation in Canada, and has important conclusions regarding the introduction of wildlife and fishery management in the latter half of the 19th century. Bill Parenteau and Richard Judd's article "More Buck for the Bang" points out that game laws had precedent in the province shortly after settlement in the 1780s, and that many of the laws were created in response to increased settlement and environmental degradation.⁴⁵ In the modern context, during the first few decades after Confederation, New Brunswick, Nova

⁴⁴ "Report of the Chief Game Warden, 1931" in *Annual Report of the Department of Lands and Mines for the New Brunswick*, 1932 (Fredericton: Government publication), 23-4.

⁴⁵ Parenteau and Judd, "More Buck for the Bang," 234-7.

Scotia, and Quebec limited the Atlantic salmon harvest to elite angling groups through a series of conservation programs initiated by the federal Department of Fisheries.⁴⁶ This period saw the first introduction of provincial guardians for Atlantic Canada's waterways, usually working in coordination with private guardians employed by sportsmen's clubs or associations.⁴⁷ New Brunswick's restrictions on stake netting and other destructive practices were slowly introduced over the 1870s in recognition of the "potential difficulties [of] prohibition, and widespread resistance along the province's most productive rivers."⁴⁸ Following the introduction of limits on fisheries, modern game administration in New Brunswick began with the passage of the Game Act in 1893, which both "consolidated existing statutes and introduce[ed] a number of new regulations."⁴⁹ Parenteau and Judd argue that this period in New Brunswick, as in the entire Maritime-northeast New England region saw the administration develop in close alignment with the tourist sport hunting and fishing economies in the province. Parenteau argues that anti-modernism and the notions of arcadian nature that many elite sportsmen held were influential factors in shaping conservation in the province and elsewhere, and undermined the traditions and folkways of rural landowners and indigenous peoples through their campaign for game and fish protection. To rectify the deficit of game and fish populations, both generally declining during the late 19th century, both government and elite sportsmen groups, many belonging to both groups, "defined a reasonably comprehensive conservation program" that would perpetuate "the

⁴⁶ Bill Parenteau, "Care, Control, and Supervision: Native People in the Canadian Atlantic Salmon Fishery, 1867-1900," *Canadian Historical Review*, 79, 1. 1-15.

⁴⁷Parenteau, "Care, Control, and Supervision," 10-11.

⁴⁸Parenteau, "A Very Determined Opposition to the Law," 448-9.

⁴⁹Parenteau and Judd, "More Buck for the Bang," 234.

code of the Sportsman:” closed seasons, hunting licenses, prohibitions on immoral practices, and wardens in the field to police the forests.⁵⁰ While their goals were ostensibly achieved, conservation during its early stages was met with “a crisis of legitimacy that was expressed through a broad pattern of resistance.”⁵¹ Though many took on their new roles in the seasonal economy, being guides or outfitters, many continued to poach. As Parenteau and Judd point out, though the new order of game management did become more accepted, it fundamentally altered the lives of rural landowners, changing the demographic and economic reality of many, and firmly relegated their existence to a pre-industrial state of rural subsistence.⁵² My work will build upon Bill Parenteau’s analysis of fishery overseers and the political and social pressures of enforcement. As Parenteau notes, employment in these positions was often insecure, “limiting the effectiveness ... [of] those qualified and diligent.”⁵³ Often overseers, in a similar position to game wardens and forest rangers employed by the province’s Crown Land Department, were under significant political and social pressure to appear legitimate in the eyes of rural citizens, while facing significant risks in the enforcement of regulations. These “contradictory forces,” as Parenteau points out, created a fishery service “that was uniform in statue but highly uneven in implementation.”⁵⁴ My study will be looking at the political and social context around deer poaching in northern counties in the province during 1935, and how their

⁵⁰Parenteau and Judd, “More Buck for the Bang,” 239.

⁵¹Parenteau and Judd, “More Buck for the Bang,” 245.

⁵²Parenteau and Judd, “More Buck for the Bang,” 250-1.

⁵³Parenteau, “A Very Determined Opposition to the Law,” 450.

⁵⁴Parenteau, “A Very Determined Opposition to the Law,” 451.

operations were a continuation of similar political and social forces that Parenteau points out about fishery protection decades earlier.

Progress and Regression: Creating a Modern Game Protection Service, 1893-1930

As previously discussed, New Brunswick's early history of game and fish conservation were part of a larger trend of creating government oversight of natural resources, with the goal of perpetually profiting from their use. Organized through the Wildlife and Game Department within the Crown Lands office, and later within the Department of Lands and Mines, a bureaucracy was organized to administer and enforce the game laws in the province. Reporting directly to the Surveyor-General, the Chief Game Warden was in charge of all aspects of enforcement, and in charge of the province's warden service. Coordinating the wardens during both the open and close seasons, the Chief Game Warden was the authority on the application of the game laws. This study looks at an important moment in the enforcement of the game laws, a series of arrests made during March and April of 1935. During this period, perhaps one of the most aggressive and prolonged investigations conducted by the Department into deer poaching in Victoria, Madawaska, and Restigouche counties, this analysis will highlight how the actions taken during that short period show how the game laws in the province were motivated by factors extrinsic to conservation. Enforcement of the game laws was at times directly influenced by the political capital gained from punishing transgressors. Beyond the mandate to protect wildlife and their habitat, officials within the department's service could perform their duties irregularly and selectively, with severity or leniency. To contextualize these events, it is first necessary to introduce the history

of game conservation in the province, and the development and role of the warden service within it.

Game protection, a component of the conservation movement in North America in the late 1800s, was instituted in New Brunswick to preserve sport-hunting tourism as it emerged as an important industry to the province, which Bill Parenteau pointed out often grew in coordination with each other.¹ The goals of the new program, creating the “Sportsmen’s Paradise,”² were not only to perpetuate tourist hunting as an industry, but to remake the moral economies of hunting, including how game were pursued, when they could be hunted, and the numbers that could be taken. The game laws were enforced through a network of game wardens placed throughout the counties of the province, organized informally around the regions where sport-hunting tourism flourished. Becoming a warden, as many individuals were reminded throughout their tenure in the service, chiefly entailed prolonged surveillance in the forests, travelling daily by foot, reporting on game populations and occasionally investigating any violations of the game laws.³ Their intervention directly interfered with the economies of many rural communities, creating a profound change to how communities thought about hunting and the law, particularly during periods of economic decline. The ways in which the warden service succeeded and failed in applying the law defined their role as part of the growth of the state in the province during the first decades of the 20th century.

¹ Parenteau and Judd, “More Buck for the Bang,” 234-7.

² Parenteau and Judd, “More Buck for the Bang,” 237.

³ L. A. Gagnon, Chief Game Warden for much of the early 1900s, frequently stressed the importance for wardens to never spend prolonged periods of time collecting statements in town, but to return to the forest so as to not allow poachers to become too familiar with how wardens’s operated.. *Letter from L. A. Gagnon to Samuel Orr*, May 10 1920. PANB, RS110 51048 57.

As Bill Parenteau and Richard Judd explained in “More Buck for the Bang,” modern game regulation in New Brunswick began in the late 1890s with the passing of the *Game Act*, which was the first comprehensive statute on game protection. The growth of the new economy meant remaking the workforce with new jobs such as wilderness guides, hunting outfitters, and wardens, which eventually evolved into a lucrative and influential industry in many parts of the province. The administrative and logistical challenges of game enforcement, however, remained significant, and were met with varying degrees of resistance and accommodation. The process of licensing, hiring wardens, and creating a bureaucracy to oversee the administering of the game laws was overseen by the Chief Game Commissioner, a position within the Crown Lands Department after 1893. The effort to make game management a reality in New Brunswick was one which created numerous legal, political, and personal conflicts that shaped the allegiances of New Brunswickers, the warden service, their superiors, and provincial politicians. My study focuses on the context of the most comprehensive effort by the Department to stop poaching during March and April 1935, as a case study of how game protection operated aggressively and in particular political and social circumstances to achieve political or institutional recognition.

As instituted by the Crown Lands Department, the basic structure of game protection for its first two decades of existence had individual wardens placed throughout the province who were under the direction of the office of Chief Game

Commissioner.⁴ The immediate objective of the Department was to protect the most valuable game from wanton killing and destruction by placing wardens from the area on duty in the places most frequented by tourist sportsmen. The most important components of game conservation were the product of the international development in conserving and protecting natural resources, particularly big game and sport fishing habitats. The province brought in comprehensive open and close season regulations on game species to ensure they thrived and multiplied. For large quadrupeds the open season lasted from roughly the middle of September to the beginning of December.⁵ Morally troubling practices of hunting big game, such as trapping and snaring, were prohibited.⁶ Quotas were imposed on big game, and hunting cow moose (female moose) and calf moose (those under three years of age) was prohibited to ensure a greater likelihood that moose populations, which reproduced at a slower rate than other game,⁷ would maintain their numbers. The laws prescribed the penalties for infractions, defining minimum and maximum fines for violations, or in lieu of payment, jail sentences, with minimum and maximum durations at the discretion of the justice of the peace, or county magistrate. As the game laws became more refined through experience and experimentation, regulations were modified to punish the intent to hunt illegally. For instance, in 1905, it became illegal to carry a firearm in the forest during open or

⁴ After the Crown Lands Department became the Department of Lands and Mines, the Chief Game Commissioner was renamed the Chief Game Warden.

⁵ *An Act to Consolidate and Amend the several Acts for the Protection of Birds and Animals, Game Act.* Acts of the General Assembly of Her Majesty's Province of New Brunswick, passed April 15, 1893.

⁶ *Letter from L. B. Knight to Ora King*, Nov 5 1907. PANB, RS110 51051 74.

⁷ "Chief Game Warden's Report, 1934" in *Annual Report of the Department of Lands and Mines of the Province of New Brunswick, 1934*. (Fredericton: Provincial Government publication), 25.

close season without a hunting license or a permit from the Chief Game Warden.⁸ Changes such as the ban on carrying firearms became a useful tool for wardens to charge suspected poachers if there was insufficient evidence for a more serious charge. The ban on the sale of game meat had been introduced and repealed at different times in the early 1900s.⁹ The ban was in response to large families with many males who would buy numerous licenses purposely to sell meat at country markets, to local hotels, or restaurants. As L. A. Gagnon noted, the measures taken against “pot hunters, those who sold meat on the open market” corresponded to them “giving our big game a rest,” saving big game from over hunting.¹⁰ However, the ban on game meat, which was already in place in most provinces and states in the early 1900s,¹¹ likely made it much harder for those who relied on inexpensive game meat as a protein source during the winter.¹² Within the strictures of the economic depression in the province, how wardens addressed the ban on game meat, particularly during a time when the numbers of big game were on the decrease throughout the province, was a pressure that many wardens likely had to approach frequently in their travels through rural communities in the counties. These changes were important to shape the game laws to deal with the logistical obstacles that wardens faced in the field. As yearly changes grew, the game

⁸ “Report of the Chief Game Commissioner, 1905” in *Annual Report of the Crown Lands Department of the Province of New Brunswick, 1905*. (Fredericton: Provincial Government publication), 76-7.

⁹ “Chief Game Warden’s Report, 1920” in *Annual Report of the Department of Lands and Mines of the Province of New Brunswick, 1920*. (Fredericton: Provincial Government publication), 41-2.

¹⁰ “Chief Game Warden’s Report, 1921” in *Annual Report of the Department of Lands and Mines of the Province of New Brunswick, 1921*, 38.

¹¹ “Report of the Chief Game Commissioner, 1908” in *Annual Report of the Crown Lands Department of the Province of New Brunswick, 1908*. 74.

¹² While the ban on the sale of game meat was lifted in 1925, it was again enacted in 1931 and was not subsequently repealed.

laws allowed wardens to charge poachers with a number of infractions, which could be fines that were relatively minor or very serious.

Along with patrolling the forests and in some cases being a vendor for game licenses, wardens also had to detain those who broke the game laws and bring their cases to court; a process of getting a case together had a few important steps. It included a summons to the county magistrate, and possibly a trial, though relatively few risked the costs of trying the cases in court rather than pleading and accepting the minimum penalties. Most wardens only brought forward two charges during the open season, reflecting the limited opportunity to successfully fine individuals and the difficulty of proving a case, but they likely encountered many offences which were settled by seizing property or other means.

Wardens were the primary authority concerned with the protection of game, at times working in coordination with provincial surveyors, scalers, and others within the Crown Lands Department. As the game laws became more comprehensive through the 1900s and 1910s, wardens had acquired a more defined role in game protection, and gained some limited autonomy in how the game laws were applied in their particular district. The minimum and maximum fines and jail sentences could vary significantly to encourage defendants to plead guilty and accept the minimum fines to avoid the further costs of trial, a potentially higher fine, or a longer jail term. This ensured a way for wardens to successfully press charges, as the Chief Game Warden L. A Gagnon explained in 1924.¹³ By encouraging defendants to take penalties it allowed the

¹³ *Letter from L. A. Gagnon to H. N. Wood*, December 2, 1925. PANB, RS110 51048 57.

department to quickly recoup costs for the wardens' salary during that month. Many in rural New Brunswick, even if they were sympathetic to the department's goal of conserving big game, were often opposed to the fines set in the game laws, and through overt or subtle opposition influenced the ways in which wardens applied them.

Thus, to achieve the "Sportsmen's Paradise," and to enact a meaningful measure of game protection, "citizens had to adopt the values of conservation."¹⁴ In a letter to L. B. Knight, the first Chief Game Commissioner, warden J. Albert Verge echoed the sentiments of Knight and others when he alluded to the fact that citizens needed to see the "tangible benefits" that game protection promised and have a warden service who "enforced the game laws reliably," without serving "special interests."¹⁵ Knight and others likely also understood that protecting game was not only about the "active sympathy of residents," but having trustworthy individuals who were honest in applying the game laws. Most citizens likely had some sympathy with the idea of protecting game animals, though perhaps fewer would have agreed with the penalties for breaking the game laws. Importantly, many would have been aware that some small game populations, such as pheasants had already experienced drastically reduced numbers and risked extinction in the province around 1900, a sign of the pressures that settlement and over-hunting were having serious consequences in the province.¹⁶ Gaining the confidence of citizens was a necessary component to investigating and prosecuting individuals who broke the game laws, and, in many instances, could be lost in

¹⁴ *Letter from J. Albert Verge to L. B. Knight, July 10 1906. PANB, RS110 51048 57.*

¹⁵ *Letter from J. Albert Verge to L. B. Knight, July 10 1906. PANB, RS110 51048 57.*

¹⁶ "Report of the Chief Game Commissioner, 1902" in *Annual Report of the Crown Lands Department of the Province of New Brunswick, 1902, 88.*

communities that felt unjustly treated by wardens and their superiors. The province's game management often came under criticism for being dictated by the politics of officials inside government, or the Crown Lands Department specifically, and maintained a poor reputation among the province's most important sportsmen's association, the New Brunswick Fish & Game Protective Association.¹⁷

While cooperation with the public was necessary, wardens experienced pressures from citizens groups, hunting and angling associations, and their superiors within the Department. Enforcement was almost always reactive, and catching an individual during the act was rare. Typically, wardens patrolled by themselves, sometimes accompanied by forest rangers or hunting guides, but usually did not have the ability to stop those who escaped arrest. Clarence Newman, a game warden in Charlotte county during the early 1930s, noted that when he did happen upon individuals that appeared to be hunting illegally, they often could "spot him well before he could approach them," and if they did not leave tracks behind they would inevitably escape into the woods.¹⁸ Even with the evidence, successfully charging them usually required informers from the community to prove the case in court. Newman noted that despite having lost individuals in the woods, he stayed in the same woods for a few days to question other hunters he would meet and try to gain information, then question local hoteliers and other public places in order to put some pressure on those with knowledge to come

¹⁷ *Minutes of the Annual Meeting of the New Brunswick Fish and Game Protective Association, 1934.* PANB, MC1075 MS1. Issues over cronyism within the warden service was a founding concern for the NBF&GPA, which from their beginning advocated a depoliticized organization of game management.

¹⁸ *Warden Diary, Clarence Newman.* Entry for 19 October 1935. PANB, RS 110 51061.

forward.¹⁹ While many cases simply were never able to be pursued, there were successful cases, which usually progressed over time as eyewitnesses felt more secure in informing authorities.

Throughout their investigations the social risks of informing required strict confidence in communications, and often tested the integrity of wardens. The social pressures were often serious enough that informants would only come forward in regard to particularly objectionable practices, usually when excessive numbers of game had been killed and left to spoil. When Sunbury county Justice James Powers wrote to the Chief Game Commissioner L. B. Knight in May, 1906, after having previously informed on a group of hunters who had slaughtered four or more caribou not far from Powers's property, he was beginning to experience the negative consequences of cooperating. What he eventually found was that his letter was unfortunately misdirected and landed in the hands of warden P. H. Welsh in Chipman, Queens county. Despite Powers' strong insistence that the contents of the letter remain private, it was alleged that Welsh not only spread the word throughout the town about Powers informing, but "posted the letter in his community's General Store" for over a week.²⁰ Realizing the letter was made public, the Justice, "ostracized from having acted outside the league of pot hunters," threatened a civil suit against Welsh and the Fish and Game Department for damages to reputation.²¹ This case is an example of how individuals interacted to help enforce the game laws and the significant pressures that individuals faced when trying to help authorities enforce laws that had significant social opposition. While relatively few

¹⁹ *Warden Diary, Clarence Newman*, Entry for 19 October 1935. PANB, RS 110 51061.

²⁰ *Letter from James Powers to L. B. Knight*, May 20 1906. PANB, RS110 51048 57.

²¹ *Letter from James Powers to L. B. Knight*, May 20 1906. PANB, RS110 51048 57.

have survived with as much detail as the case with Judge Powers and warden Welch, that is likely owing to the fact that Powers had the means to challenge the Department and get recognition for being wronged. Many individuals who informed on poachers usually wrote to the Chief Game Warden instead of local wardens, often making explicit that they did not want to be part of the department's case against the perpetrators, an indication they understood the negative consequences of such crimes, and a strong scepticism that authorities could intervene without damaging their reputation.²² Despite an earlier policy in the game laws that split the remuneration for fines with the informants or witnesses, it was rescinded when it became clear that the rewards for informing were not worth the costs of being socially stigmatized.²³ Despite a brief period of institutional change after the First World War, which will be discussed later, it seems that these patterns of distrust persisted.

While those who cooperated with investigations took risks, those pressures also extended to the wardens themselves. Wardens often drew the ire of many who felt wrongfully pursued for transgressing the game laws, and they had many options at their disposal to enact some limited form of retribution.²⁴ I. M. Comeau, after pursuing a case against former warden Leonard Robichaud, lost the case after it came to light that the police magistrate had recorded incorrect dates when drawing up the court summons.²⁵ However, as was intimated by the Chief Game Warden L. A. Gagnon, the magistrate knew Robichaud personally, and designed to have the case be dropped by

²² *Letter from Mrs. S. A. Batson to H. H. Ritchie*, January 9, 1928. PANB, RS 110 51049 59.

²³ "Report of the Chief Game Commissioner, 1905" in *Annual Report of the Crown Land Department of the Province of New Brunswick*, 1905, 75-6.

²⁴ *Letter from I. M. Comeau to L. A. Gagnon*, October 1, 1925. PANB, RS110 51049 59.

²⁵ *Letter from L. A. Gagnon to I. M. Comeau*, October 26, 1925. PANB, RS110 51049 59.

intentionally incorrectly recording significant facts in the case.²⁶ Comeau not only lost the case, but was required to take on the costs for travel and expenses, in addition to court fees. While it is unclear how the botched case affected his career within the Department, Gagnon received “many letters asking for [his] resignation” in the weeks after the court proceedings, pointing to a retributive animosity within the community for pursuing Robichaud.²⁷ The social context had a direct influence not only on how wardens performed their duties, but was part of larger social process which at times punished enforcement.

By the 1910s there was significant growth in game protection in New Brunswick, reflected by the increase in hunting licenses and yearly increases in departmental revenue. By this period it can be said that the majority of hunters accepted licensing, likely because of they could get a license easily and at a relatively low cost. Despite these changes there remained, however, persistent conflict with the enforcement of game laws, many still seeing them as unjust. Oversight was often limited, and many wardens had brief seasonal employment, requiring many to complement their income with other duties, chiefly working as farmers or forest workers. With little direct supervision, many wardens shirked duties, resulting in numerous complaints from those in their community.²⁸ Even more troubling, most wardens from northern counties, Restigouche, Gloucester, and Northumberland in

²⁶ *Letter from L. A. Gagnon to I. M. Comeau*, October 30, 1925. PANB, RS110 51049 59.

²⁷ *Letter from L. A. Gagnon to I. M. Comeau*, January 18, 1926. PANB, RS110 51049 57.

²⁸ *Letter from H Bishop to L. B Knight*, March 19, 1916. PANB, RS110 51049 57. Bishop’s conversation alludes warden Patrick McKernon (or McKernin) who had a reputation for charging poachers who did not agree to pay him, in money or in game meat, hides, etc. The tone of the conversation indicates that many in his community reported him, and that he should be removed when a candidate is found.

particular, routinely did not correspond with the Chief Game Commissioner, who had no assurances they were actually performing their duties.²⁹ In response to these and other criticisms, in 1918, as part of an agenda for change within the Crown Land Department, game conservation was going to be reformed to more effectively respond to the social and institutional expectations that had grown over its first few decades of existence.

The early reforms of the warden service, similar to the reforms that were extended to all workers within the Department, were ultimately about creating a more effective and efficient workforce. The reforms of the Crown Land Department had a few important goals that were to be progressively instituted. Professionalizing the workforce, which included all game wardens, scalers, rangers, and other workers who were ‘in the field,’ was sought through a variety of measures for testing and selecting prospective workers, as well as increases in pay in for wardens to exclusively perform their duties. These reforms were brought forward in the *Forestry Act* of 1918, and provided a background for professionalizing forest and game enforcement for the next few decades. These tests were both practical and intellectual, and individuals who met the criteria began a brief introductory training regimen. The standards were to incorporate a comprehensive skill set that would suit the overlapping duties of those employed, scalers, forest rangers and wardens, and provide each group with a familiarity with the game laws. Necessary for any of these jobs was a familiarity with woodcraft,

²⁹ *Letter from H. Bishop to L. B. Knight*, March 10, 1916. PANB, RS110 51049 57. Bishop wrote to Knight to suggest that instead of having “the representatives” pick their candidate for warden, communities should “pick a suitable man first,” and “the representatives can consult [with] him after.” In either case, this period shows the growing frustration with the service, and the institutional response to inefficiency and corruption.

or being able to camp and provide for oneself in the woods. Getting individuals who were experienced outdoorsmen would be a means tested requirement of the department, ensuring these individuals had a familiarity with the skills necessary for the demands of their position, and a knowledge of the game and forest laws of the province. Through a series of “competitive examination[s]” the department would ensure that the department would be employing only those most effective and efficient in their capacity.³⁰ In addition to this, a probationary period of employment of six months was used as a way of ensuring a new employee had the right skills, abilities, and were honest. As E. A. Smith, the Minister of Lands and Mines in 1918, sternly reminded readers in the Department’s yearly report, that individuals were “to understand that efficiency alone will count in the retention of their services and for future advancement, [and the] inefficient will be discharged.”³¹ The Department’s reforms would be a long-term process of overhauling entrenched habits with the bureaucracy and political life of the Department and province, and but also represented the genesis of modern game and forest management. Also, while some of these reforms were new, such as training and means-testing, it is unclear exactly how effective these changes would be given the fact they incorporated practices that were informally part of the department for decades, such as temporary employment of wardens and rangers.

While the merit-based reforms were about efficiency and effectiveness in the service, they were in part addressing the political and social influences on departmental hiring. While rarely openly discussed, employment within the Department was

³⁰ *Annual Report of the Department of Lands and Mines of the Province of New Brunswick*, 1918. “Forest Act,” 9.

³¹ *Annual Report of the Department of Lands and Mines*, 1918, “Forest Act,” 10.

permeated by patronage, many wardens touting their party affiliations in confidence when lobbying for a position.³² This compromised the function of game and forest conservation, with Minister E. A. Smith guardedly commenting that the previous system of hiring “had produced only estimated results.”³³ Although a background component of the reforms, emphasis on merit-based appointment was partly in response to criticism about political interference, and marked a change in how the Department would address negligence and inefficiency in the service. The reforms were also consistent with the general milieu of Progressivism during this period.

While the professionalization of rangers and wardens shows one component of these reforms, the quest for efficiency within the Department had many other important attributes. This period marked a brief expansion of forest and game conservation in the province, with strategic department spending to improve infrastructure and communication. The Department built watchtowers and rural roads to aid in the protection against forest fires. In addition, a more comprehensive system of logging time on duty was brought in. Specifically, in regards to game protection, having these new guidelines in place meant that wardens would be more responsible and industrious, raising the level of game protection and generating more revenue for the department, and doing so without punishing or rewarding political friends or foes. Within these reforms was the potential for renewed public support and institutional improvement, holding the possibility of more comprehensive game protection.

³² *Files of the Deputy Minister of Land and Mines, Correspondence with Rangers, etc.* PANB RS106-2/10a1. Correspondence from this container between the Deputy Minister and forest rangers and wardens who were recently released from employment. Almost without exception, those recently let go allude to their volunteering, politicking, or other connections to provincial political parties.

³³ “Report of the Minister” in *Annual Report of the Department of Lands and Mines*, 1918, 4-8.

As the reform program progressed, there were obvious flaws which undermined the effort. One of the primary cost saving measures proposed had rangers acting in two capacities, primarily as forest rangers and secondarily as game wardens. As the fifth section of the Forest Act stated, the Forest Service was charged with the protection “relating to Forestry, Hunting, and Fishing, and the protection of the Forests, Game, and Fish.”³⁴ It soon became clear that this did not provide a meaningful level of protection. Uniting the service, at least in the regions in the province which were traditionally under-served, allowed for duties to be united under fewer workers. In practise, with such a broad mandate, many rangers could rarely attempt to enforce game laws when not attending to their regular duties. Acknowledging the lack of protection under the new system, the Minister later hired many temporary wardens a year later in 1919, in response to the renewed interest in hunting in the immediate post-war period.³⁵ This system of temporary hiring, while not uncommon in years previous, was an important component of the *Forestry Act* as well, allowing the Minister to shed jobs quickly when finances were low, and rehire individuals when necessary.³⁶ However, these were usually seen as partially patronage appointments. In a brief and unguarded letter L. A. Gagnon warned recently hired James Nichols “that political influence will not keep you in [a] position of idleness,” pointing to the continuation of well-worn habits of operating.³⁷ It is also unclear when the testing and training of wardens began to take

³⁴ *Forest Act*, Acts of the General Assembly of His Majesty’s Province of New Brunswick, passed 1918, 127.

³⁵ *Annual Report of the Department of Lands and Mines*, 1919, 11.

³⁶ *Annual Report of the Department of Lands and Mines*, 1919, 11.

³⁷ *Letter from L. A. Gagnon to James Nichol*, March 25 1918. PANB, RS110 51048. The fact this letter addressed the issue of patronage so openly could indicate the perceived crackdown on patronage. The

place, but it appears to have been delayed into the early 1920s, operating irregularly throughout the decade.³⁸ With delayed and half-implemented reforms, the department's program fell short of its stated goals.

The initial failure of reforms set the institutional background for how game protection would be carried out over the next few decades. The limited reform achieved within the Department of Lands and Mines was partially attributable to decreased revenues throughout the 1920s which limited the resources of the Department, a trend of the much larger economic recession that affected the province during the 1920s and 1930s. With significant budget decreases the department reduced the number of wardens, lowered their pay and days on duty, and eliminated many of the allowances for travel that were previously available.³⁹ Further, within the much bleaker job climate, the old ties of patronage remained, and those who had secured seasonal employment within the department vented their frustration at having been retained for two months of the year and reduced wages.⁴⁰ Judging from the diaries of wardens and the correspondence of the Department, between 1920 and 1940 warden's pay for full-time during the open

fact that Nichol remained in his position for at least three more seasons indicates that influence at least partially played a role in keeping his position, despite being reprimanded for misconduct.

³⁸ "Report of the Chief Game Warden, 1925" in *Annual Report of the Department of Lands and Mines*, 1925, 55.

³⁹ *Letter from Octave King to H. H. Ritchie*, January 14, 1928. PANB, RS110 51052 178. Expenses could burden wardens, making travelling through New Brunswick's forests much more difficult. In a letter to H. H. Ritchie, Octave King pointed to the fact that individuals had to rely on networks of campers and guides in order to get by, at times to supply meals and shelter. Having wardens dependent on the charity of others in the field no doubt made many question allegiances.

⁴⁰ *Correspondence of the Deputy-Minister of Lands and Mines*, RS106-2/1b. While these records are from the mid-1930s, many of those who were released from duty pleaded their case to the Deputy-Minister, usually directly or indirectly mentioning party affiliation. These letters show the persistence of patronage during the 1930s, as many of those kept on and released had been with the Department for ten years or more.

season had not increased, averaging \$60 a month full-time, or \$2.50 to \$3.00 per day part-time a few days a week.⁴¹ These reductions were part of the larger constraints felt by the department throughout the decade, which can partially be reconstructed through the decrease in revenue from hunting licenses.⁴² After 1920, revenue from licenses dropped six out of eight years between 1920-7, dropping from \$64,313 to \$54,141.⁴³ Additionally, most of the losses came from decreases in resident licenses, which dropped from 14,649 in 1920 to 9,719 in 1926, prompting a new set of licensing fees for big game in the province.⁴⁴ Within these constraints, and what appears to be strong resistance to licensing during the onset of the economic recession in the province, the application of the game laws undeniably lapsed.

During this period there was a marked reduction in the number of cases brought to court by the department, an indication that the reductions within the Department were affecting the effectiveness of game protection. After a high of 121 charges brought to court in 1921, there was a significant decrease, where in the next six years the total in each year was less than half 1921's decade high, reaching a low of only 27 charges in

⁴¹ Fees during the 1920s were variable, with some wardens being paid higher than newly hired wardens. The rates of pay were discussed in the correspondence of Chief Game Wardens L. A. Gagnon and H. H. Ritchie, PANB RS110 51049 71, 51049 72, 51049 73. Indicated from wardens diaries held at the Provincial Archives of New Brunswick, wardens pay during 1935-40 was a fixed rate, \$60 expenses included.

⁴² The department's budget for game protection was not declared during the 1920s, and while the revenue generated from hunting licenses does not indicate a total amount of funds for the department, it indicates the budgetary pressures that the department had to work within.

⁴³ Figures taken from "Report of the Chief Game Warden," 1920-8. Published in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick*, 1920-8.

⁴⁴ Changes brought by the department encouraged cheaper licenses for deer only, encouraging those who could not afford the more expensive licenses that covered all big game to acquire a license.

1928.⁴⁵ The reduced number of charges also point to a movement away from charging the most severe fines for poaching, and an increase in charges for relatively minor infractions, which included charges for hunting on Sunday, and carrying a gun in a resort of game. In writing to Octave King, a veteran deputy warden, Chief Game Warden L. A. Gagnon wrote that while the reductions had affected the effectiveness of the service at times, it also “incentivized the men, some getting more days a week than others, some get[ting] laid off.”⁴⁶ While Gagnon discussed the reductions as an opportunity to remove ineffective wardens, his reluctance to meaningfully discuss the challenges facing the service suggests a growing disconnect between wardens and their superior. As King told him a year previous, the wardens on duty during the end of hunting season in 1925 were routinely ignoring their duties. As King pointed out, when the lumber camps were finishing in the spring, when poaching could be rampant, few wardens sought to patrol near them, an indication of a reluctance to meaningfully perform their duty within the financial pressures placed upon them.⁴⁷ When Edgar Raines wrote the Chief Game Warden regarding frustrations during an investigation into poaching, he admitted that many former wardens who had been “laid off during the last spring ... [felt they] had no right to go looking for trouble,” often refusing to inform on poachers.⁴⁸ Many turned to any market opened to them, preferring to “make a

⁴⁵ Figures taken from “Report of the Chief Game Warden,” 1920-8. Published in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick*, 1920-8.

⁴⁶ Letter from L. A. Gagnon to Octave King, January 13, 1926. PANB RS110 51048.

⁴⁷ Letter from Octave King to L. A. Gagnon, March 3 1925. PANB RS110 51048.

⁴⁸ Letter from Edgar Raines to L. A. Gagnon, March 13, 1925. PANB RS110 51048.

business of getting game meat and sell it to the hotels.”⁴⁹ By 1927 the financial pressures were too significant for wardens where few tourist hunters frequented. Warden H. W. Haney of Deer Island reported that “illegal hunting preced[es] the open season by a good period,” and that many “believe the best and safest time to get a deer is before the season opens.”⁵⁰ Well into the hunting season, he reported not having sold a single license, and that under the current circumstances, having reduced work and wages, questioned whether to remain in the position. While Haney’s position was likely more dire than others within the department, the fact that the island’s MLA Scott Guptil was worried over the deer population on the island during this time points to credibility of Haney’s complaints, and the problems involved with game protection in the rural margins of the province. Between the law and the market, the reduction of service and pay drove many of those released by the Department into the practises they were previously trying to eliminate, and significantly limited most of the reforms from being meaningfully implemented.

This period in the Department’s evolution determined its future into the 1930s. In looking at the events of March and April, 1935, the investigations into the deer slaughter in Victoria, Madawaska, and Restigouche counties, it will be one of the few instances where game protection gained a public profile. This investigation sheds important light on the conduct of those within the Department, and provides important detail on how the development of game protection in the province selectively responded to those who broke the law.

⁴⁹ *Letter from Edgar Raines to H. H. Ritchie*, October 1 1927. PANB, RS110 51052 178.

⁵⁰ *Letter from W. G. Haney to H. H. Ritchie*, October 4 1927. PANB, RS110 51049 85.

The Politics of Enforcement: The Anti-Poaching Campaign of 1935

In March and April 1935, there was a particularly drastic series of arrests by wardens in the northern districts of the province, Victoria, Madawaska, and Restigouche counties. These arrests, taking place in different areas around northern New Brunswick, provide an excellent opportunity to see how the application of game laws in New Brunswick was carried out. Recognized by the press then as the “largest case of deer poaching” the department ever encountered, it can be considered one of the most active and most aggressive periods of game law enforcement in the province’s history. As the case gained attention in the press, being covered by the major newspapers in the province, it increased the profile of the Chief Game Warden H. H. Ritchie, the deputy wardens who persistently searched the woods and pressed the cases, and generally put the problems of game conservation, poaching and sale of game meat, into public consciousness. Although the departmental records relating to all parties involved during this particular episode are not extant, the record can be partially reconstructed through a combination of other sources that covered the events as they transpired, particularly the diaries that wardens were required to keep.¹ Reconstructing this case forms an important case study of how game laws were enforced in the province, and the events of this short period offers a closer look at how investigations and arrests were conducted that is exceptionally rare in the department’s historical record.

¹ These sources are not the same as traditional diaries. These were distributed to wardens similar to a timesheet, for time spent travelling, hunters encountered, or any other notable events.

The investigations by the Department of Lands and Mines wildlife conservation department during March and April 1935, is an important opportunity to study of how wardens applied the game laws in the province. Reconstructing the actions of those on both sides of the law during this period necessarily relies on a small but detailed amount of source material from those involved. The material that has survived, primarily newspaper reports, warden's diaries, and brief departmental yearly reports, have significant limitations. With carefully analysis, they are valuable to understand the actions and motives of those applying the laws. In addition, gauging the attitudes of government, the public, and from interested parties, particularly the New Brunswick Fish & Game Protective Association, are all part of the context of how and under what conditions individuals or groups were arrested and charged. Encompassing at least 28 individuals and secured over twenty jail sentences, this brief period marked a significant reassertion of game laws in the province, and was the result of lengthy social resistance to game management laws in northern New Brunswick.

Analyzing the actions of those involved is particularly difficult, for numerous reasons. The most useful material, departmental correspondence and records of any kind, have for the most part not survived, and what has been saved has significant blind spots, with sometimes multiple years missing. Further, that material that has survived, letters, diaries, and the muted or overt political and institutional wrangling in the files of the Department of Lands and Mines, for instance, necessarily requires the historian to read and interpret very carefully.² Understanding the role of wardens and how they

² Parenteau, "A Very Determined Opposition to the Law," 445.

operated requires reading between the lines, yearly reports and diaries providing an “above board” account of actions taken. Fortunately, the context of the anti-poaching operation was a period where poaching, and the operations of the Department, had gained significant interest. This study can be constructed due to the fact this was one of the only times that there was significant public interest in poaching that was reported throughout the province. It marks an important moment when there was a social discussion around poaching and the game laws.

When constructing the narrative of the ‘deer slaughter’ in the northern counties of New Brunswick, the province’s two biggest newspapers were the main sources of coverage. Fredericton’s *Daily Gleaner* and the *Telegraph-Journal* in Saint John carried the news of deer poaching in their paper for about a two-week period at the end of March, updating the story as it grew each day to encompass a wider area and more individuals. Reporters for both papers were in close contact with Chief Game Warden H. H. Ritchie as case after case came to court, and his input in guiding the narrative in the press was instrumental in gaining public awareness of the department’s activities. Coordinated directly by the Chief Game Warden, this investigation was a unique period in game enforcement for a few reasons. Most importantly, it represented the first time when game poaching, and charges related to game offences, were major public concern in the media of the province. Game offences did occasionally get coverage in the province’s newspapers, but it was often a brief and passing notice, and was not connected to a wider pattern of illegal activity. In isolation, the charges for violating the game laws were background news that filled a slow news day, the majority going

unreported.³ The context in March and April 1935, was exceptional, in that there was a coordinated operation in different localities to arrest poachers, and that there was a concern of a criminal network between those arrested. The timing and circumstances surrounding the arrests are instrumental in explaining the actions of those on the ground, particularly how the Department and rural citizens responded once the investigation gained attention throughout the province.

These events are also particularly important because they preceded the June 1935 provincial election by two months. Performing these arrests before the election had obvious political capital, and likely affirmed the role of game protection within the Department of Lands and Mines. This episode, however, is part of a much larger trend within the Department. Collecting information from the yearly reports from the period 1924-35, the numbers of cases, amount of fines, and the numbers of the largest and most severe fines, reveal a trend of when the Department pursued poachers. While there are some major differences in yearly revenue and number of charges laid per year during the twelve-year period between 1924-35,⁴ the number of the most serious fines was usually

³ More often, charges for poaching were reported if an individual was particularly poor, or unfairly burdened by the game laws. "In Sussex on Game Charges," *Daily Gleaner*, December 9 1937. William Wilson of Ratter's Corner appeared in [court] with A. J. Brooks, M. P., asking to let the fine stand for he was a poor man." Wilson, despite his poverty, was found guilty and sentenced to ten days in jail in lieu of payment for having had a rifle in his possession on Sunday. Also, "Were Sentenced on Game Act Charges," *Daily Gleaner* March 16, 1938. The article, about three poor men found guilty of hunting with dogs, is a short piece buried within the paper. It is an example of the limited attention and detail that stories on game laws enforcement received. These two articles were two of only four that were published in the *Daily Gleaner* relating to *Game Act* offences during late 1937 and all of 1938.

⁴ There were numerous periods of "retrenchment" within the Department of Lands and Mines during these years, a consequence of the struggling economic performance in the province before the 1930s economic depression. While cost-cutting does factor in to how many were employed by the department as wardens, the trend highlighted speaks to a larger issue than the number of men employed, but when they chose to crackdown on offenders.

very low, often around less than five or six cases brought to court yearly.⁵ Tellingly, the number of cases brought to court and the number of the most severe fines rose dramatically the year preceding a provincial election. This trend is true for the provincial election held in August 1925. In 1925, only forty-four cases were brought to court for violating the *Game Act*. In 1924, the previous year seventy-nine individuals were charged, a reduction of forty-four percent.⁶ Again, before the 1930 provincial election ninety cases were charged, and seventy-nine were brought the year after. This reduction is less dramatic, but the number of severe fines went down significantly, and the revenue generated from fines had decreased sixty-six percent.⁷ The three most severe fines, Killing a cow moose, Killing a calf moose, and Killing moose out of season, illustrate a difference in when these significant cases were pursued. In 1929, the year preceding the provincial election, there were 16 of these cases taken to court, generating \$1550 in fines.⁸ In the previous year, 1928, no charges were brought before the court on any of these offences. Further, in 1930, only eight of these charges were brought to court, netting the department \$450.⁹ In 1930, many individuals seem to have been offered the lesser charge of having possession of moose meat out of season, or for carrying firearms without a permit. This investigation, preceding the election of 1935,

⁵ Statistics relating to the number of convictions secured under the *Game Act* have been taken from the *Annual Report of the Department of Lands and Mines of the Province of New Brunswick* (Fredericton: Government publication), 1920-35.

⁶ "Game Act Violations in Which Convictions were Secured in Court, Nov 1 1924 Oct 30 1925," in *Annual Report of the Department of Lands and Mines, 1925*, 41-2.

⁷ "Game Act Violations" in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick, 1925*, 41-2.

⁸ "Game Act Violations" in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick, 1929*, 49.

⁹ "Game Act Violations" in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick, 1930*, 43. This year does, however, mark a renewed commitment to game protection. Many cases seem to have been suspended due to no payment.

fits this trend in important ways, and represents a more aggressive approach to eliminating poaching.

There are a few important reasons for the Department's aggressive approach during election years. Considering the timing, wardens likely were aware of, or were informed directly, of the necessity to achieve results, and secure their job within the Department. This seems likely given the fact that wardens frequently contacted the Chief Game Warden during most situations where charges would result, both significant and minor. Further, it is reasonable to assume that the pre-election period was the most opportune moment for wardens to put forward the biggest charges. While this cannot be as firmly argued about the contexts around the province's two previous elections in 1925 and 1930, the details of convictions having not being recorded as thoroughly as years after, during March and April 1935 almost every major charge recorded that year was during the Department's major investigation in the northern counties.¹⁰ The fact that a veteran warden from outside the locality headed each investigation could indicate that they were recruited partly due to the fact they would not be acting against friends or relatives, and they also would not have to experience any lingering community resentment in the future. Thus, while little is known about the arrests during the two previous pre-election periods, the 1935 context points to a Department which was repeating a trend in capitalizing on the political and public interest of stopping poaching. While the election cycle cannot explain everything about how the

¹⁰ "Game Act Violations in which Convictions were Served in Court," in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick, 1935*, 34-44.

Department operated, it does show a trend of a more aggressive presence preceding an election.

The crisis of deer poaching in northwestern New Brunswick in March of 1935 came to the attention of the Chief Game Commissioner early in the month, the circumstances regarding what was known about poaching in the region is unclear,¹¹ but by March 15, wardens from outside Madawaska and Victoria counties were sent to the region to investigate. The area concerned, Victoria, Madawaska, and Restigouche counties, was generally considered places where the game laws had not been rigorously applied. This feeling towards enforcement was obviously subtle and never admitted, but this attitude was intimated in numerous reports regarding northern counties, particularly northern Victoria, Madawaska, Restigouche, and Northumberland counties.¹² In an editorial to the *Daily Gleaner*, W. V. Powers, Secretary of the New Brunswick Fish and Game Protective Association, alleged that the province had in previous years undermined their mandate by extending investigations that were not thorough. Powers alleged that the Department routinely “reported [that] conditions were quite satisfactory when deer were slaughtered by the hundreds,” in order to avoid the larger problems and costs of proper game enforcement.¹³ In March 1935, the department seemed resolved to

¹¹ The minutes of the New Brunswick Fish & Protective Association’s annual meeting in April, 1935, briefly allude to members being in contact with the Chief Game Warden, but do not elaborate. PANB MC1075 MS1.

¹² L. A. Gagnon, “Notice to All Wardens in Restigouche County.” December 29, 1926. PANB, RS110 51049 179. While Gagnon was writing a decade earlier, his questioning of all wardens employed in the county gives some perspective on the problems faced in the county. Similar questions were raised about different areas throughout the province, but did not always receive a similar response.

¹³ W. V. Powers, “That Deer Slaughter,” editorial published in the *Daily Gleaner*, March 25 1935. Powers was the Secretary of the Grand Falls branch of the NBFPGA in Victoria county.

deal with the problems that were reported to them in a comprehensive way, sending select personnel in to patrol the woods.

While it is unclear exactly how the department received information on the situation in the northern counties, given that wardens on the ground intuitively knew where to find the offenders when the investigation started points to growing concern from many sportsmen and rural citizens. As was stated in an editorial in the *Daily Gleaner* when news of the arrests began to garner attention, members of the Fish and Game Protective Association had given the Department of Lands and Mines “detailed reports every winter of the existing conditions this locality [Victoria county]” for the past three years.¹⁴ Clearly, poaching in the area was well known among sportsmen interested in game protection. With branches throughout the province, it is likely that other reports of poaching were routinely forwarded to the Department by sportsmen’s groups. On March 11 or 12, both T. A. Mersereau and K. M. Arnburg met in Grand Falls with C. A. Estey, who was a “member [of the New Brunswick] Fish and Game proc. assn.”¹⁵ This individual seems to have had valuable information on illegal activities happening both in Grand Falls and in other areas. The fact that both wardens were able to secure arrests quickly points to significant help from outside sources, particularly the NBFPGA, and that the Department had a broader public mandate to limit poaching in northwestern New Brunswick.

Moved to action, the Department recruited veteran deputy game wardens from different districts throughout the province. The investigation was initially divided into

¹⁴ Powers, “That Deer Slaughter,” *Daily Gleaner*, March 25 1935.

¹⁵ *Warden Diary*, T. A. Mersereau, March 11, 1935. PANB RS110 51061. *Warden Diary*, K. M. Arnburg, March 12, 1935. PANB RS110 51061.

three small investigating teams, one sent to St. Leonard and the surrounding area in Madawaska county composed of deputy wardens T. A. Mersereau and William LeClair, another to St. Quentin in Restigouche county of deputy warden Arthur Pringle and RCMP Constable P. Godin, and a third of K. M. Arnburg of York county and Walter Mockler of Victoria county patrolling around Grand Falls.¹⁶ All wardens involved had been with the department for several years, except for Walter Mockler, who was a special game warden, and was hired a year previously and worked part-time without a yearly schedule.¹⁷ From the outset, this investigation was in line with other investigations carried out in the district during years prior, which had resulted in few charges. Having a few deputy wardens arrive on the scene and investigate the activities in the woods had precedent in Madawaska and Victoria counties, as well as Restigouche and Northumberland in preceding years.¹⁸ Primed for the province's biggest bust in illegal hunting, now more determined in their role to stop deer poaching, wardens and their superiors planned their assault on poachers.

Indicated from the diaries of the warden T. A. Mersereau, a Deputy Game Warden from Oromocto, Sunbury County, was the first to be involved on March 11, and was sent to St. Leonard, arriving March 13.¹⁹ The next day, Mersereau and Leclair, after briefly meeting at the train station, had already arrested one individual, Eclude

¹⁶ These teams have been constructed through cross-referencing both wardens diaries held at the PANB and the Collections of Charges printed in the *Annual Report of the Department of Lands and Mines for the Province of New Brunswick*.

¹⁷ Walter Mockler does not appear to have been involved much in the department's affairs during the hunting season between September and November, 1934, but was likely brought on when the department began to look into poaching around Grand Falls.

¹⁸ Powers, "That Deer Slaughter" editorial published in the *Daily Gleaner*, March 25 1935.

¹⁹ *Warden Diary, T. A. Mersereau*, Entry for March 11-13, 1935. PANB RS110 51061.

Desjardins of Upper Siegas, and laid an information against him for having a firearm in a resort of game.²⁰ Although the charges were later suspended, it was an important initial step in how the wardens approached their investigation. As it was reported a week later, Mersereau and Leclair, “after laying [the] minor charge [against Desjardins], they left, letting it be known they had found everything satisfactory.”²¹ Having defused any tension from arriving in Upper Siegas and beginning the investigation, the wardens had a better opportunity to catch offenders in the act. This fact does reveal a few larger points about the past experiences with poaching investigations. The fact the wardens were attempting to trick poachers into thinking they were satisfied with a minor arrest points to a departure from previous approaches within the Department, showing a willingness to take this investigation further than what they were in previous years. Also, in charging Desjardins they were indicating that there would be a much less lenient application of the game laws, with firearms possession usually used against groups of hunters and not individuals.

On the next day, March 14, Mersereau and Leclair made their first large bust, investigating a lumber camp near Upper Siegas, detaining seven men as they loaded their deer onto sleds.²² Arriving upon their camp in the late afternoon, they found four sleds in total, “loaded with deer meat,” and promptly seized “meat, dogs, and men” and

²⁰ “Game Act Violations in which Convictions were Served in Court,” in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick*, 1935, 43. Laying an information to a county magistrate was the first step in bringing the case to court.

²¹ “Twelve Arrested for Alleged Game Infractions,” *Telegraph-Journal*, March 20 1935.

²² *Warden Diary*, T. A. Mersereau, Entry for March 14, 1935. PANB RS110 51061. *Warden Diary*, William Leclair, Entry for March 14, 1935. PANB RS110 51060.

made an overnight journey back to St. Quentin.²³ As reported a week and a half later in the *Daily Gleaner*, there were thirty-six quarters of venison seized from the group submitted as evidence.²⁴ The individuals involved were Conde Martin, Donat Martin, Edmond Martin, Louis Martin, Omer Martin, and Michael Morin, all of whom except for Morin faced the most serious charge, hunting deer in close season, facing a \$300 fine or a six-month jail sentence.²⁵ With these major busts in illegal hunting, the investigation into deer poaching had gotten off its feet, and would gain momentum in the weeks ahead. Elsewhere in the province, the crackdown on illegal hunting was coming to the fore, as wardens, in coordination with other law enforcement agents, descended on the hunting grounds of northwestern New Brunswick.

Remarkably, the day after charging the seven men in St. Leonard, Mersereau and Leclair came upon other significant crimes the next day, after they returned to Upper Siegas. While traversing along a portage they noticed “blood and pieces of meat,” and after “searching several farm yards for [a] sled with blood on [it], finally located 66 quarters of deer meat hid under the barn floor in [the] barn of [the] Lefrancois brothers.”²⁶ Caught were three individuals, Arsene, Joe, and Wilson Lefrancois, who were charged with hunting deer in the close season, and faced a \$300 fine or six months in jail.²⁷ This investigation is irregular, however in that the wardens did not catch any of

²³ *Warden Diary, William Leclair*, Entry for March 14, 1935. PANB RS110 51060.

²⁴ “Investigation of Deer-Slaughtering to be Continued,” *Daily Gleaner*, published March 23 1935.

²⁵ “Game Act Violations in which Convictions were Served in Court,” in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick*, 1935, 43-44. Neither the report or newspaper articles mention if the Martins were close or extended family, or related at all.

²⁶ *Warden Diary, T. A. Mersereau* Entry for March 16, 1935. PANB RS110 51061.

²⁷ “Game Act Violations in which Convictions were Served in Court,” in *Annual Report of the Department of Lands and Mines of the Province of New Brunswick*, 1935, 43.

the brothers in the act of hunting, only illegally possessing deer meat out of season. It is likely that the brothers admitted their guilt to having hunted the animals, but were likely not aware of the differences between being charged with illegal hunting in relation to illegal possession, which was a significantly lower fine, only \$50 or a month in jail.²⁸ Aside from this, the fact that this arrest came so quickly on the heels of Mersereau and Leclair's previous arrest raises certain questions about how this operation was conducted, and the wider scope of how and why the department pursued illegal hunting. Travelling familiar routes through the forests, along timber roads and along rivers, the wardens were not particularly covert in their actions when they happened upon gangs of poachers. As the *Daily Gleaner* pointed out weeks later when the court cases began, what made these cases was the fact that Mersereau and Leclair kept returning to the woods before word travelled of any arrests.²⁹ Given the fact that some of these crimes were not concealed indicates a certain acceptance of illegal hunting. Also, given the quick arrests of those involved, it also points to a larger battle to reassert authority in the rural margins of the province.

After their two most significant cases, Mersereau and Leclair encountered one more individual illegally hunting. Accompanied by an R.C.M.P. officer, Sgt. Lacey, the group encountered Ben Violette trudging through the forest "with his hand sleigh and

²⁸ "Game Act Violations in which Convictions were Served in Court," in *Annual Report of the Department of Lands and Mines of the Province of New Brunswick*, 1935, 43. Those charged with the lesser offences sometimes did take the jail sentence, indicating that even comparatively small fines could incur financial ruin for those arrested. Further, the efficacy for securing the highest fines should be reconsidered considering this fact.

²⁹ "Twelve Arrested for Alleged Game Law Infractions," *Telegraph-Journal*, March 20 1935, pages 8-9. "Four Convicted in Deer Slaughter," published in the *Daily Gleaner*, March 23, 1935, page 4.

two deer and a gun.”³⁰ The group encountered Violette near their first significant bust; they were in the midst of cutting wood for the overnight fire at a lumber camp when they spotted Violette.³¹ While Violette was arrested, and all his equipment confiscated, he escaped during the night while everyone camped before their return to Upper Siegas. When Warden Leclair returned to lay an information on Violette he charged him both with hunting deer out of season, and with carrying a firearm in a resort of game without a permit. Because Violette only had two deer and was not in excess of the open season bag limit, his fine was only two hundred dollars or two months in jail.³² It appears that the second charge was added after Violette escaped custody, indicating a harsher punishment for having evaded police detention.³³ Violette turned himself in two days after being detained in the woods to authorities in St. Leonard, and was jailed until his hearing a week later.³⁴ Unable to pay the fines, he was found guilty of both charges and received the jail sentence.³⁵ The circumstances of this case were particularly unfortunate because it is very likely Violette was providing for his family, and not hunting excessively.³⁶ Further, while the previous cases investigated were found to have had a significant amount of illegal deer meat, the amount found on Violette was less

³⁰ *Warden Diary, William Leclair*, Entry for March 19, 1935. PANB, RS110 51060.

³¹ *Warden Diary, William Leclair*, Entry for March 19, 1935. PANB, RS110 51060.

³² “Game Act Violations in which Convictions were Served in Court,” in *Annual Report of the Department of Lands and Mines for the Province of New Brunswick*, 1935, 44.

³³ *Warden Diary, T. A. Mersereau*, Entry for March 20, 1935. PANB, RS110 51061. The second charge against Violette is never mentioned in Mersereau’s diary until after Violette turned himself in.

³⁴ *Warden Diary, T. A. Mersereau*, Entry for March 19, 1935, Entry for March 21, 1935. PANB, RS110 51061.

³⁵ “Game Act Violations in which Convictions were Served in Court,” in *Annual Report of the Department of Lands and Mines of the Province of New Brunswick*, 1935, 43.

³⁶ “Continued Probe into Deer Slaying,” *Telegraph-Journal*, March 21, 1935, page 2. Even in its early stages, H. H. Ritchie’s idea that there were “commercial purposes” at play connecting the poachers in Madawaska and possibly elsewhere, little evidence was then available to suggest that. The idea of having an organized ring of poachers was a theme which united the effort of conservationist, the department, against their foe, the pot hunters.

than what was found in previous cases, indicating a zero tolerance approach to poaching.

While the cases pursued by wardens Mersereau and Leclair were the most notorious cases of poaching that were reported during March and April of 1935, they were accompanied by several other significant arrests, with charges that equalled the severity of those in Madawaska. Wardens K. M. Arnborg of York county and Walter Mockler of Victoria county quickly sprung to action on March 13 and extensively patrolled abandoned and active lumbering camps. On March 15 they arrested three individuals, Eloie Cyr, Remie Cyr, Emile Martin, all of St. Amand, for hunting deer in the close season.³⁷ The circumstances of how they were arrested is not clear, but Arnborg and Mockler apprehended the three while “foot patrol[ing] near to [the] head of big forks on grand river ... [with] ten deer in their possession.”³⁸ The seizures, while not as large as some happening at around the same time in Madawaska, were enough to secure the toughest fines, \$300 for each of the three individuals, all of whom chose jail sentences.³⁹ Reported in the media days after Mersereau’s and Leclair’s arrests in Madawaska, these charges were the first indication that the department’s operation was comprehensive and thorough, stopping poaching in several counties at once. This investigation did secure another set of arrests, Fred Oulette, Alcide Oulette, and Alfred Turcotte, the latter being arrested with an illegal hide in his possession, and the Ouelettes for accompanying someone with a firearm in a resort of game without a

³⁷ *Warden Diary, K. M. Arnborg*, Entry for March 13, 1935, Entry for March 15th, 1935. PANB, RS110 51061.

³⁸ *Warden Diary, K. M. Arnborg*, Entry for March 15, 1935. PANB, RS110 51061.

³⁹ “Investigation of Deer Slaughter to be Continued,” *Daily Gleaner*, March 23, 1935, page 12.

permit.⁴⁰ This has survived as another instance where the punishment, while within the parameters of what the law prescribed, was not only about deterring poaching, but about raising the profile of the department. The last charges, coming at the end of the investigation, were the most obvious abandonment of any previous attitudes of leniency, and represent the efforts by Armburg and Mockler to expand the investigation as widely as possible.

The third investigation taken place during this time was in Restigouche county by veteran deputy warden Raymond Pringle of York county and R.C.M.P. Constable Godin. This investigation, starting around March 19 or 20, was initiated after the major arrests in Madawaska and Victoria counties.⁴¹ In comparison to the investigations in Madawaska and Victoria counties, Pringle's investigation in Restigouche county was the most thorough and prolonged of the three investigations occurring during this time. Patrolling the forests for four or five days straight, checking along abandoned camps and logging roads and "search[ing] all luggage of parties met,"⁴² Pringle and Godin eventually happened upon a camp on March 24th "on old dam on Big Cedar[,] and while searching around camp found considerable deer meat and ten deer hides around camps."⁴³ After interviewing and questioning all parties in the camp, Pringle laid informations for more than ten individuals. Before returning to St. Quentin to lay the informations, Pringle also encountered another camp operation, and had four more

⁴⁰ "Game Act Violations in which Convictions were Served in Court," in *Annual Report of the Department of Lands and Mines of the Province of New Brunswick*, 1935, 42-3.

⁴¹ *Warden Diary, Raymond Pringle*, Entry for March 19, 1935, Entry for March 20, 1935. PANB, RS110 51061.

⁴² *Warden Diary, Raymond Pringle*, Entry for March 20, 1935. PANB, RS110 51061.

⁴³ *Warden Diary, Raymond Pringle*, Entry for March 24, 1935. PANB, RS110 51061.

charges drawn up on four individuals. Circumstances surrounding these arrests are absent from the accounts that Pringle submitted to the department, and less was reported about the first major arrest of ten individuals, as when it was reported in the newspapers it was given less attention than the cases which had already been processed.⁴⁴ As the cases were tried in groups, again, less attention was given to the aspects of how the arrests were made; rather the number of individuals in these cases fed the narrative in the newspapers, creating the story of an expanding network of poachers. While less is known of how the two major arrests by Arthur Pringle and Constable Godin transpired, it is reasonable to believe that the individuals involved, although having killed deer out of season, did not kill excessively. All the charges laid by Pringle and Godin that year for illegal hunting were minimum fines, \$25 for either “hunting deer in close season”⁴⁵ or an alternative charge for “having part of a deer in possession between certain dates without a permit.”⁴⁶ While this fine was likely still a very significant fine for those arrested, it reflects the limited autonomy of Pringle and Constable Godin, who did not pursue more severe penalties on those caught, exerting a small measure of leniency. Despite the fact that there was less seized during these arrests, other wardens charged individuals with higher fines having less material evidence.⁴⁷ Given this, those arrested at the camp may have convinced Pringle and Godin they had no further intentions for sale. While their reasons to charge minimum fines are not knowable, nine eventually

⁴⁴ “Campaign Against Offenders Widens” *Telegraph-Journal*, March 27, 1935, page 3.

⁴⁵ The fine for hunting deer in close season could be \$25, provided there was no evidence that they killed a deer, only intended to hunt.

⁴⁶ “Game Act Violations in which Convictions were Served in Court,” in *Annual Report of the Department of Lands and Mines of the Province of New Brunswick*, 1935, 35-36.

⁴⁷ “Stiff Sentences Meted out in Game Act Violations,” *Telegraph-Journal*, March 23, 1935, page 2. The case of Ben Violette in particular comes to mind in relation to these cases.

being found guilty and six individuals having their charges withdrawn,⁴⁸ it is likely that because there was less physical evidence submitted to the court than was reported when they were detained at the camp,⁴⁹ it appears there was a been a reduction in the severity of the fines.

Taken within such a short period of time, the first seizures by wardens in Madawaska, Victoria, and Restigouche counties were enough to elicit great interest in the newspapers of the province, providing a sensational continuing story as successive cases came through the courts. As the main source for the news, Chief Game Warden H. H. Ritchie regularly updated reporters on the investigation into poaching in the province, referring to the recent activities as the “wholesale slaughter” which plagued the province.⁵⁰ As the number of arrests rose, he began to step in and help prosecute the cases when they made it to the magistrate court, travelling from one court to another throughout Victoria, Madawaska, and Restigouche counties. What made the narrative of the deer slaughter more disturbing was the economics of their operation, and the possibility of a network of poachers throughout the region. Given the successive seizures in different areas of the province, and the confusion created in the press over who was arrested and how they were connected, concerns over a network of poachers gained precedence in the press coverage. Department officials warned of the supposed “commercial purposes” of poachers within the province, alerting the District Chief

⁴⁸ “Twenty-five is Now the Total of Convictions in Game Act Cases,” *Daily Gleaner* April 9 1935, page 12, 6.

⁴⁹ “Twenty-five is Now the Total of Convictions in Game Act Cases,” *Daily Gleaner*, April 9 1935. Page 6. While ten deer hides were reported found, the charges were only for “having a part of a game animal in possession without a permit,” when much higher fines could have been applied.

⁵⁰ “Arrested Thirteen in Stopping Slaughter of Deer in North,” *Daily Gleaner*, March 19 1935, page 12.

Game Warden in Maine Irvine L. Smith to investigate “the disposal of deer” dumped by poachers who crossed the border to avoid the authorities.⁵¹ While the investigation on the other side of the border seemed to lose enthusiasm quickly, the growing concern in the news served as a way to frame the proactive activities of the department, the Chief Game Warden and the wardens brought in to root out criminal activity in the forests of the counties. Also, it established game protection in the political and social discourse in the province, the first time it experienced extensive coverage, reaffirming the warden service’s role within the Department of Lands and Mines. However, as the investigation in all three counties slowly receded from the headlines, particularly when it was eventually surmised that the contraband deer meat was not being sold illegally, the wardens patrolled active or abandoned lumber camps with as much effort in the weeks after as they had previously. Towards the end of the March and early into April, the Department continued their effort, continuing on any lead they received from citizens. At this point in the investigation it appears that there was change in how communities cooperated with the service, evidenced by a pattern of resistance to official investigations.

By the time the public had the opportunity to grasp the scope of how the department was responding to widespread poaching, the investigation had been ongoing for three weeks. Traveling from one camp to another, Raymond Pringle spent nearly five weeks in total throughout Restigouche County before returning home by train.⁵² Though having spent the most time in the woods of any of the wardens investigating

⁵¹ “Maine Authorities Seek Destination of Deer Killed in N.B.” *Daily Gleaner* April 1 1935, page 12.

⁵² *Warden Diary, Raymond Pringle*, Entries from March 19 to April 21, 1935. PANB, RS110 51061.

deer poaching, and regularly contacting forest rangers and scalers throughout his stay, he was unable to bring any more cases to court. After attending court for the major arrests made previously, he spent more than two weeks travelling through abandoned camps and along rivers and streams, encountering few. His last investigation was in regards to deer killed months previous possibly by loggers in the area.⁵³ Interviewing suspects in the Upper Balmoral area, and specifically a hunting camp owner and outfitter Joe Bartlett, Pringle resolved that he “could not make any headway ... all claiming they didn’t know anything about [deer poaching]”⁵⁴ Frustrated, Pringle lamented that they “[we]re all in some way mixed up in it.”⁵⁵ Pringle might have been correct in that assumption, and he was likely already familiar with interviews which were fruitless and obfuscating. What appears to have happened is that numerous individuals lied or obscured Pringle’s investigation for specific reasons. The alleged offenses were months previous, without physical evidence, those who were interviewed did not cooperate. Given the large fines that had been brought against others during the investigation, it is likely that there was a reluctance by some to cooperate. This indicates a latent dissatisfaction with how the investigation had grown. Despite the extended effort and costs of the prolonged investigation, an indication of the focus and commitment of the department, Pringle returned home later on April 20, having found no further offenses after the major arrests of the previous weeks. By this point in time, a month after the first major arrest, many likely felt that the Department had overstepped its bounds in pursuing poachers, and consequently, cooperation with authorities ceased.

⁵³ *Warden Diary, Raymond Pringle*, Entry for April 9, 1935. PANB, RS110 51061.

⁵⁴ *Warden Diary, Raymond Pringle*, Entry for April 10, 1935. PANB, RS110 51061.

⁵⁵ *Warden Diary, Raymond Pringle*, Entry for April 10, 1935. PANB, RS110 51061.

Others who were brought in to investigate had a similar experience to Pringle's. After travelling from Madawaska and encountering no further cases, T.A. Mersereau and William Leclair spent two more weeks in Restigouche County. In consultation with forest rangers and R.C.M.P. officers, they conducted searches on a few properties suspected of poaching. They did find a "part of a deer hide in a barn own[ed] by Octave Ouellete and Arthur Oulette," which led to a \$25 fine for both parties, resulting in a 30 day term in jail.⁵⁶ This last case again highlights the persistence, if not the invasiveness, of the department's investigation. Further, because the charges were based on one hide, the charges in retrospect seem particularly punitive in comparison to what they had encountered up to that point, and shows how far they would go to justify a prolonged and extensive investigation, which had reached its fifth week. After the case had gone to court, both Mersereau and Leclair returned home, likely exhausted from weeks in the forest and on trails, after an extended period in which they encountered no one in the woods.

When considering the role of those involved in the investigation, and the fact they were brought in from outside the communities, there are larger questions that help to evaluate the actions taken by the department during this time. As one example, while Restigouche County had seven wardens on duty during the hunting season during late 1934,⁵⁷ only two wardens from within the county were on patrol during the time when the largest arrests were being made. Retained for a very brief period, special warden

⁵⁶ *Warden Diary, T. A. Mersereau*, Entry for April 18, 1935. PANB, RS110 51060.

⁵⁷ *Warden Diaries*. PANB, RS110 51060, 1934-5. In the collection there are seven diaries for wardens in Madawaska county.

William Cook began patrolling in the area of Sunnyside in Restigouche County.⁵⁸ His employment seems out of place with the larger ambitions of the department at the time, and he was not in contact with any of the wardens brought in to investigate deer poaching. In fact, Cook's employment only lasted from March 26, after Raymond Pringle had already brought a major case to court in Restigouche County, to April 7.⁵⁹ Within that period, however, Cook not only encountered illegal hunting, but seems to have resisted pressing the case. While patrolling through the woods during the last week of March, Cook came upon "a deer that had been killed by a dog," nearby where "two men were cutting logs near South Branch."⁶⁰ After hauling the deer out himself, he returned the next day to the camp near Winston Crossing to investigate, and interviewed the crowd of men whom he "suspect[ed] were hunting," owing partly to the fact that "a dog was in [the] camp."⁶¹ Despite interviewing the men at the camp, no charges were brought forward by Cook, even for the most obvious offence, allowing a dog running in a resort of game, which carried a significant fine. Even without that charge, the fact Cook did not pursue any further action indicates an unwillingness to charge the men. There could be a few explanations for why Cook did not to pursue the case further. From Department records, this was his first time employed as a special warden. While he could have been unsure of how to proceed after interviewing the men at the camp, he was in contact with forest ranger Hachey shortly after he interviewed the men, who

⁵⁸ *Warden Diary, William Cook*, Entry for March 26. PANB, RS110 51060.

⁵⁹ *Warden Diary, William Cook*, Entry for March 26, Entry for April 7. PANB, RS110 51060.

⁶⁰ *Warden Diary, William Cook*, Entry for March 28. PANB, RS110 51060.

⁶¹ *Warden Diary, William Cook*, Entry for March 28. PANB, RS110 51060.

helped him distribute the deer meat to the local poor house in Sunnyside.⁶² Given the fact that he was not retained by the Department in subsequent years, the period of two weeks being his only employment as a warden, he could have been a patronage appointment within the department. In contrast to the investigation by Pringle and others in Restigouche County at that period in time, Cook seems to have encountered a situation that he did not want to pursue. Given the fact that charges resulted from arrests which had less physical evidence, this one instance points to Cook's general unease pursuing those in his community. While it cannot be said for certain Cook avoided his duty to bring the case to court, it is reasonable to assume that Cook, given the Department's efforts to search out poachers, he only recorded the incident to avoid obscuring his role in the investigation. Cook declaring the evidence he had was an exceptional action, especially given the fact he was one of only two wardens from the county on duty during that time. While the circumstances of how and why Cook proceeded the way he did are not completely clear, it offers a window into how game law enforcement was at times undermined by disinterested or insecure individuals who acted outside their mandate. It is a subtle confirmation of the continuation of old entrenched habits within the Department.

The five-week investigation ended the most comprehensive crackdown on poaching in the province's history. The investigation shared, however, many similarities with how the Department had operated in the past. Aggressively pursuing poaching during the election cycle was a familiar tactic, and the Department succeeded in

⁶² *Warden Diary, William Cook*, Entry for March 29. PANB, RS110 51060.

capturing public attention to the problems of game management. While they were effective in limiting poaching in the northern counties of the province during this time, it did not significantly influence change within the Department in the short term.

Announced during the next open season in October 1935, Minister F. W. Pirie increased in the number of wardens in the province. This was done with the goal of reducing the “patrolling territory of each,” allowing the men to be responsible for territory they were familiar with, while reducing costs of travel over a large area.⁶³ These increases, however, were not significant, an increase of less than ten percent of the service, who were employed irregularly throughout the next four months.⁶⁴ It seems doubtful any meaningful increase in the service persisted over the next few years, and it is questionable those increases could have translated to more effective enforcement.⁶⁵

The events surrounding the anti-poaching operation in March and April 1935, show that game protection acted more aggressively during politically opportune times, and pursued charges that were drastically more punitive than usual, reflecting political and institutional interests. The campaign came at a cost, alienating regions where residents felt unfairly punished by the game laws. As J. Gaspard Boucher, a M.L.A. from Edmundston, indicated in a letter to the Minister of Lands and Mines in April 1937, resentment continued to exist between those in the region and the Chief Game

⁶³ “More Game Wardens with Smaller Areas for Patrol Intended,” *Daily Gleaner*, September 20, 1935, page 12.

⁶⁴ *Wardens – General*. PANB, RS110 51048 359. Many of the newly hired worked week or two week periods during the open season, as recorded in their warden diaries. It is unclear how effective they were in their position, as they did not bring cases to court.

⁶⁵ *Wardens –General*. PANB, RS110 51048 359, 361. Lists available that provide the names of all wardens employed during 1937-9 show that there were no significant increases in the numbers employed. The number of employed by the Department was roughly one hundred and ten, though the number increased or decreased from year to year.

Warden H. H. Ritchie. Gaspard guardedly pointed out that “[Ritchie] was very anxious to have his name in the paper when he ca[ught] a poor man who has killed a deer for his family,” yet was reluctant to act on other matters in the county.⁶⁶ Game management during this time remained an intensely political activity, the Department’s anti-poaching campaign being a stark reminder of the continuation of its compromised methods, objectives, and principles.

⁶⁶ *Letter from J. Gaspard Boucher to F. W. Pirie, April 12, 1937. PANB, RS106 2/1F6.*

Conclusion

As the bureaucracy of wildlife management in New Brunswick developed through the early 20th century, becoming more receptive to the concerns of citizens, sportsmen's groups, and workers within the Department, their methods of applying the game laws in the province did not become more prudent, just, or effective. With the failure of reforms within the Department of Lands and Mines' any attempts to significantly change how the game laws were applied in the rural regions of the province were eventually discredited and undermined by habits and customs within the Department.

Throughout the inter-war period the optimism of progressive wildlife management receded into the background of what remained a flawed and deeply divided network of enforcement, which pursued political and institutional objectives over the interests of progressive conservation and the welfare of those subsisting on the margins of the faltering provincial economy. The anti-poaching campaign in March and April 1935 is the clearest example of game laws enforcement serving to reaffirm the compromised objectives of those within the Department of Lands and Mines during this time. This study has contributed a starting point for a larger discussion on the development of wildlife conservation in New Brunswick during the 20th century, but more importantly the professionalization of wildlife conservation in the province during that time. Both are fruitful areas of research to contribute to the historiography on conservation in the Maritimes, and other regions in Canada as well.

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