

# The Historical Journey

**F**irst Nations communities, though weakened severely by disease brought in by the Euro-Canadians, nevertheless resisted and protested the changes that were being imposed on them. In some cases their protests turned violent, but usually only when violence was directed towards them. Overwhelmingly, First Nations people have used petitions and meetings as peaceful forms of resistance. Since first contact with Europeans they have continued to try to meet the settlers on a nation-to-nation basis.

Two major factors hobbled the First Nations people on their journey: the Indian Act and Indian reserves. As you will see, their lives were controlled by legislation which governed nearly every aspect of their lives, something the rest of Canadian society was not subject to. As part of this control, Indian reserves were set aside for them to live on. In the eyes of the governments of the day, these measures were intended to be temporary until all Aboriginal people became assimilated into mainstream society.

Despite the oppressive measures taken against them, First Nations communities retained a strength which enabled them to keep moving forward on the road to just treatment and recognition of Aboriginal rights. Organizations were formed and powerful leaders emerged who confronted government officials,

until slowly changes began to happen. After World War II, First Nations began to use the courts to challenge the status quo. Each case was a small step towards achieving self-determination. The Delgamuukw case is the final step in the journey described in Part Two, but as you will see later, the struggle continues today.

For the First Nations people living in the Gitxsan Wet'suwet'en Territories, the four-year-long Delgamuukw court case was about the right to live as they and their ancestors have for millennia. From the point of view of the governments of British Columbia and Canada, a large tract of land full of crucial economic resources was at stake and had to be defended. The Gitxsan-Wet'suwet'en people, Elders, and chiefs placed their trust in a foreign court. In return, they felt that they were repaid with insult and disdain.

Chief Justice Allen McEachern ruled that Aboriginal title to the land did not exist. However, his decision did not agree with most recent court rulings and it was overturned by the Supreme Court of Canada, which said Aboriginal title existed and has never been extinguished in this province.

This case was a turning point on a long, difficult journey by First Nations people.



Hereditary chiefs Walter Harris (left) and Alvin Weget in 1997 when the Supreme Court of Canada decision on the Delgamuukw case was handed down.

## The Fur Trade Era, 1770s–1849

**T**he lives of First Nations people were irrevocably changed from the time the first European visitors came to their shores. The arrival of Captain Cook heralded the era of the fur trade and the first wave of newcomers into the future British Columbia who came from two directions in search of lucrative pelts. First came the sailors by ship across the Pacific Ocean in pursuit of sea otter, then soon after came the fort builders who crossed the continent from the east by canoe. These traders initiated an intense period of interaction between First Nations and European newcomers, lasting from the 1780s to the formation of the colony of Vancouver Island in 1849, when the business of trade was the main concern of both parties. During this era, the newcomers depended on First Nations communities not only for furs, but also for services such as guiding, carrying mail, and most importantly, supplying much of the food they required for daily survival. First Nations communities incorporated the newcomers into the fabric of their lives, utilizing the new trade goods in ways which enhanced their societies, such as using iron to replace stone axes and guns to augment the bow and arrow. These enhancements, however, came at a terrible cost, for while the fur traders brought iron and guns, they also brought unknown diseases which resulted in massive depopulation of First Nations communities.

### European Expansion

The northwest region of North America was one of the last areas of the globe to feel the advance of European colonialism. For three hundred years before first contact was made on the west coast, countries like

Spain, Portugal, England, and France had colonized eastern North America and most of South and Central America. Early expansion began with the Spanish, who funded Christopher Columbus' voyage in 1492. The following year Spain had claimed all of the Pacific as its territory. England, Spain's rival for imperial superiority, argued that a colonial power should at least visit a territory before claiming it. Thus began a brief northern push by mariners in the 1500s, although it is not clear if the Spanish or English sailed as far north as what we know today as British Columbia's coast. Sir Francis Drake is known to have reached the Oregon coast in 1759, and some believe he may have travelled farther north, although there is no concrete evidence to support this theory. A fabled Spanish expedition led by Juan de Fuca is said to have reached southern Vancouver Island in 1592, and even though no proof has been given that such claims are true, later sailors named the passage between Vancouver Island and Washington Juan de Fuca Strait.

By the 1700s Europeans had explored and colonized much of the rest of the world, and England and Spain were still rivals for supremacy in the Pacific. The focus of exploration was on finding better access to the lucrative Asian markets, particularly the search for what was called the Northwest Passage. In 1745 the British Parliament offered a reward of £20,000 to the first ship which could find a shortcut around or through North America. Ever since Juan de Fuca, Europeans had been certain there must be a westward route that would be faster than the known sea or land routes to Asia.



In addition to the search for the Northwest Passage, international rivalries came to a peak in the 1770s. The Spanish and English learned that the Russians had crossed the Bering Strait to begin colonizing the Aleutian Islands in northwest Alaska, and they were moving their influence southwards down the coast. The first recorded encounter between B.C. First Nations and Europeans was part of a Spanish spy mission under the command of Juan Perez to see what the Russians were up to.

In 1774 Juan Perez anchored his ship the *Santiago* off the northwestern tip of Haida Gwaii. A number of Haida people came out to the ship in canoes, too wary to board the strange vessel, but willing to trade some furs. Weather and illness aboard ship made Perez turn back soon after, and on the trip south, the Spanish made a short stop on the west coast of Vancouver Island, in Nuu-chah-nulth territory, at Yuquot. Perez noted that the Nuu-chah-nulth had iron and copper, proof that even though Europeans had never met First Nations of the coast face to face, their material goods had already reached British Columbia through trade.

## The Nuu-chah-nulth Meet Cook

Four years after the brief contact by Perez, another expedition would coincidentally land at Yuquot. Captain James Cook, a commander in the British Royal Navy, had taken up the challenge to find the Northwest Passage. More than that, he was instructed to claim any territories that looked uninhabited in the name of King George III. Secret instructions to Cook clearly stated that any claims he made were not to conflict with Aboriginal territories or with claims made by other European nations, “but if you find the countries so discovered are uninhabited you are to take possession of them for His Majesty by setting up proper marks and inscriptions as first discoverers and possessors.”

Cook’s ships *Resolution* and *Discovery* approached the west coast of Vancouver Island on March 29, 1778. The Englishmen spent a month among the Nuu-chah-nulth to repair their ships, give the crew some rest, and, even though they had not planned it, to trade. Descriptions by Cook and other observers are the

first written records of the material culture and social life of coastal First Nations. Cook mistakenly thought the name of the local people was Nootka, apparently misinterpreting the Nuu-chah-nulth word *nutka*. This word means “go around,” and the Nuu-chah-nulth used it to direct the mariners to “go around” a point of land to find safe anchorage. The Nuu-chah-nulth people were called Nootka after that, and have only recently reclaimed their true name.

### FIRST NATIONS VOICES

#### Mrs. Winnifred David

*The Indians didn't know what on earth it was when [Captain Cook's] ship came into the harbour. They didn't know what on earth it was. So the Chief, Chief Maquinna, he sent out his warriors. He had warriors, you know. He sent them out in a couple of canoes to see what it was. So they went out to the ship and they thought it was a fish come alive into people. They were taking a good look at those white people on the deck there. One white man had a real hooked nose, you know. And one of the men was saying to this other guy, "See, see . . . he must have been a dog salmon, that guy there, he's got a hooked nose." The other guy was looking at him and a man came out of the galley and he was a hunchback, and the other one said, "Yes! We're right, we're right. Those people, they must have been fish. They've come alive into people. Look at that one, he's a humpback." <sup>1</sup>*

When they left, the Englishmen took 1,500 sea otter pelts with them. They also took a tree that had been used to make a new mast for the *Resolution*. Cook never returned to England. He died in Hawaii soon after leaving the Northwest Coast. However,

his officers reported on the wealth of sea otter furs available on the coast and the fantastic profit to be made by selling them in China. The race for furs was on.



Yuquot, a Mowachat village on Friendly Cove in 1970. The Mowachat, a group of Nuuchah-nulth, have traditional territories in what is now called Nootka Sound.

## ORIGINAL DOCUMENTS

### Captain Cook's Journal

In his journal, Captain Cook described the welcoming ceremony given by Chief Maquinna and his people as they initiated trade.

*On their first coming, they generally went through a singular ceremony; they would paddle with all their strength quite round both Ships, a Chief or other principal person standing up with a Spear, or some other Weapon in his hand and speaking, or rather halloaing all the time, sometimes this person would have his face cover[ed] with a mask, either that of the human face or some animal, and some times in stead of a weapon would hold in his hand a rattle. After making the Circuit of the ships they would come along side and begin to trade without further ceremony. Very often indeed they would first give us a song in which all joined with a very agreeable [sic] harmony.<sup>2</sup>*



Chief Maquinna at Yuquot (Friendly Cove), August 1896. Maquinna was a powerful chief who led Nuuchah-nulth interaction with the Spanish and British at the time of first contact. More than a century later, Maquinna was still an important name. The chief, pictured here at the right, is wearing a sea captain's uniform.

## The Maritime Fur Trade

In the twenty-five years following Cook's stop on Vancouver Island, nearly two hundred ships came from Britain, Spain, and the United States to engage in the lucrative sea otter fur trade. When accounts of Cook's voyages were published in 1784, people took note of the wealth of timber available in addition to furs. Many of the traders who followed Cook left not only with furs but also with boards and timber from the forests.

As they traded for furs, the European mariners followed their policy of claiming sovereignty over the land. They did this in the name of their king or queen and their home nation. The Russians and Americans proclaimed sovereignty, as did the Spanish and the British, who focussed their energies on trying to claim settlement at Nootka Sound. However, after a short-lived international crisis in the 1790s, the imperial powers soon lost interest in the Northwest Coast and colonial power was left to the fur traders.

The European traders generally stayed on board their sailing ships, while the First Nations traders brought furs to the ships in their canoes. Sometimes the visitors were taken ashore and honoured with a feast, but they did not settle on the land. The First Nations integrated the European presence into their traditional social systems. They treated the visitors as they would chiefs from a visiting village, conducting welcoming ceremonies and blowing eagle down as a sign of peace. The chiefs expected an exchange of gifts to begin the negotiations on a positive note. The European traders soon learned that the First Nations people were expert traders and hard bargainers. Often the women in the trading party had an important say in what the final price should be.

Probably the trade item most sought after by First Nations people was iron. Iron often came in the form of chisels and axes, but anything made of iron could be shaped into sharp tools that were easier to use than

Artist Thomas Bamford's impression of ships at anchor in Friendly Cove, painted in 1897. This site was the focus of European attention during what is called the Nootka Sound Controversy. Between 1789 and 1794 Spain and Britain wrangled over which country had sovereignty. War nearly broke out, but the two countries signed a treaty with each other which recognized the British claim. In 1795 the representatives from both countries raised the British flag, then lowered it again. The flag was given to Chief Maquinna for safekeeping. The Nuu-chah-nulth people who lived here and had sovereignty for centuries were not consulted.



tools made of stone or shell. Firearms were also desired greatly since they could increase the number of furs a hunter could acquire, thus adding to his family's wealth. Copper and cloth were also in high demand. Copper was formed into shields that symbolized wealth, and cloth both replaced gifts of furs given at feasts and was made into clothing. Many other manufactured goods were traded, including clothing, buttons, mirrors, and dishes. Food items that could be stored for long periods, such as rice, molasses, and pilot biscuits, were also valued. As time passed, and

### Sovereignty

Sovereignty refers to supreme power or authority over a land or state; the power of self-government, with independence from outside control; autonomy; freedom from outside interference and the right to self-government.



competition between English and American traders became fierce, alcohol became a commonly traded commodity.

From ten to twenty ships a year traded on the B.C. coast during the peak years of the maritime fur trade between 1790 and 1812. The trade devastated the sea otter population, and by the 1840s the animals were scarce. By 1900, they were nearly extinct. Dwindling supplies of the principal commodity combined with increasing competition from the Hudson's Bay Company resulted in the maritime trade declining after the 1820s, although a small number of ships continued to travel the coast into the 1860s.

## ORIGINAL DOCUMENTS

### Women's Participation in Trade

From the *Journal of Vancouver's Voyage*,  
1793-1794:

Trading with the Kitkatla, 1793

*In traficing for some furs & curiosities it was observed that neither of the men would close a bargain let it be ever so advantageous without first consulting the women, & if any of them gave a negative to it or made any objections, the things were instantly handed into the Ship.* <sup>3</sup>

From Charles Bishop's *Log of the Ruby*:  
Trading with the Haida, 1795

*Seeing so many Women about the Ship one would Suppose nothing hostile was Intended, but it is to be remembered that the Eannas [women] are Kings, and Govern the men throughout these Islands, with a degree of despotic Authority. What ever they Say the men must do. Nor dare the men Sell a Single fur without first shewing the Goods to Eanna.*

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## The Land-Based Fur Trade

Soon after the maritime traders arrived by sea, other traders came overland from east of the Rocky Mountains. The North West Company (NWC) had for many years been making profits from trading furs in the vast interior of the continent and shipping them back to their headquarters in Montreal. Their rivals, the Hudson's Bay Company (HBC), operated out of forts on Hudson Bay.

Three NWC traders pushed the range of their company beyond the mountain barrier. Alexander Mackenzie travelled the interior trail networks, reaching the ocean at Bella Coola in 1793. Simon Fraser and David Thompson ventured down their namesake rivers in the early 1800s. Fraser established the first forts in the interior region west of the Rockies, which was known as New Caledonia. Fort McLeod was built in 1805 and Fort St. James and Fort Fraser in 1806. The NWC overextended itself, and facing financial ruin, merged with the Hudson's Bay Company in 1821. The HBC continued European expansion into British Columbia, building posts throughout the future province.

While the maritime fur trade was based on the sea otter market in China, the land-based trade was built chiefly on European markets for beaver fur. Other animals such as mink, marten, muskrat, river otter, fox, and bear provided a broader range of resources. The type of European trade goods that could be carried by canoe through the interior was more limited than what a sailing ship could pack into its hold. Guns were important, but blankets became the principal item traded for furs. The distinctive Hudson's Bay Company blankets, with their red, yellow, and green bands, became a medium of exchange. Other goods that were traded at the forts included foods such as sugar and flour, tobacco, and many household goods. The HBC men, like the maritime traders before them, recognized that the First Nations people were







■ Bella Bella, in Heiltsuk territory, with Fort McLoughlin, 1880s. You can see the fence marking the Hudson's Bay Company's land. The original Fort McLoughlin stood there from 1833 to 1841. Shown here is a later company trading post without the fortified walls and bastions. The Heiltsuk tribes took advantage of the presence of the fort, moving over time from their individual villages to amalgamate here. They traded furs with their neighbours to sell at the fort. The Nuxalk, at the mouth of the Bella Coola River, used their control of trading networks along the grease trails into the Chilcotin. They traded more furs at Fort McLoughlin than even the Heiltsuk. The fort was closed in 1841 and replaced by the steamer *Beaver*.

skilled and experienced traders who could drive hard bargains, refusing to trade if prices fell too low and demanding good quality items. They would sometimes spend hours or days negotiating a trade or would simply keep their furs, waiting for a better price.

First Nations traders integrated the newcomers into their traditional trading systems. The people in the forts depended on First Nations people not only to supply furs, but also for their food. Fish and meat purchased from First Nations people frequently made up the main food supply for the Hudson's Bay Company workers. Those tribes that controlled trade routes and resources before contact with Europeans

often continued to exercise control. However, the presence of a fort increased the local group's status and power, and the people were able to act as intermediaries in a complex trading relationship with their neighbours. If local people did not choose to participate in the fur trade, the HBC had no choice but to abandon its post. Such was the case in Tsilhqot'in territory. Although the HBC built Fort Chilcotin, it was not supported locally and was closed in 1844.

By the 1820s, the Hudson's Bay Company had a network of forts extending from the Columbia River northward. At first, the headquarters for shipping supplies and furs was Fort Vancouver, on the lower Columbia River. Using centuries-old trails, the fur brigades travelled up the Columbia River and through the Okanagan Valley. They crossed to Thompson's Fort at Kamloopa (today's Kamloops) and travelled up the Fraser River to Alexandria and beyond.

Forts were also built along the coast, principally at Fort Langley on the Fraser River and Fort Simpson near the Skeena River. After 1846, when the Oregon Treaty defined the border between British and American territories, the HBC moved its headquarters to Victoria, and after that, the brigade route followed the Fraser River instead of the Columbia.

The forts were built to be islands of protection in what the newcomers considered to be a potentially hostile environment. They were surrounded by high, thick log walls, and had bastions armed with cannons in two opposite corners. Heavy wooden gates guarded the entrance, and often wary employees would admit only one or two people to trade at a time. This was not always the case, however, and sometimes a more relaxed atmosphere prevailed.

## Women in the Fur Trade

Women played an integral role in the fur trade, one that is often overlooked. While men usually took the lead in both the trapping and the trading, there were other dimensions to the functioning of the fur trade in which women were key. At home, often the women of

a village were left to provide for their families on their own while the men were away for extended periods in pursuit of the increasingly scarce furs. More time was required to prepare the furs, which was often the job of women, increasing their workload. Similarly, for many groups, trading salmon with the Euro-Canadians was as important as trading furs, and the extra work needed to clean and dry the salmon was largely the women's task.

However, it was their participation in the social structure of fort life which marked women's most significant contribution to the fur trade, and also to the future population of British Columbia. First Nations women frequently married company employees and they and their children lived inside the fort, becoming bound up in complex social, economic, and political

### PROFILE

## Jean-Baptiste Lolo

Jean-Baptiste Lolo (1798-1868) was an influential Métis employee of the Hudson's Bay Company. His parents were likely Iroquois and French. He worked at Fort St. James and other New Caledonia posts, but spent most of his life at Thompson's River Post, on the east bank of the north Thompson River near Kamloops. The fort depended on him not only for his trading ability but for his role as an interpreter and, most importantly, as a liaison between the First Nations who traded at the fort—the Secwepemc, Okanagan, and others—and the English traders. He had a family of seven sons and four daughters, one of whom married the fort's chief trader, John Tod. When the HBC moved the fort across the river in 1843, Tod built his father-in-law a house at the old site. Lolo raised horses and operated his own fur-trading business there. Through the Catholic missionaries, he received the name St. Paul, and was often referred to as Capt. St. Paul. In 1862, the property where he lived became part of the Kamloops Indian Band reserve. His house still survives today, part of the Kamloops museum.



The original caption on this photograph, taken at Thompson's River Post in 1865, reads "St. Paul and Family. Kamloops, most celebrated Indian Chief in British North America." Jean-Baptist St. Paul "Lolo" is shown with his wife and two of his daughters.

relationships. In some cases, especially in the more structured societies of the coast, marriages were considered to be alliances between high-ranking families and the officers of the trading post, forging a political and economic bond between the two sides. For example, Dr. John Kennedy, chief trader at Fort Simpson on the Nass River, married the daughter of Ligeex (Legaic), the highest-ranking chief of the Tsimshian. Partly because of this marriage, the Hudson's Bay Company moved Fort Simpson from Nisga'a territory south to Ligeex's traditional land.

Most marriages, however, operated at a more personal level. Aboriginal women offered companionship for the employees and a family environment, but they also relieved the men of domestic duties. As was the case in most societies throughout the world, women were not considered equal to men, and this belief certainly held true in these marriages. They suffered further from racial discrimination; there are accounts of a man's wife and children being hustled out of the parlour when visitors arrived.

## CASE STUDY

### Chief Gweh, the Dakelh, and the Fur Trade at Fort St. James

**A**t Fort St. James a monument stands to commemorate the life of Chief Gweh (also spelled Kwah), one of the great leaders of the northern interior. He and his people lived at the village of Nak'azdli on the shores of the lake called Na-kas-le (now called Stuart Lake). They belonged to the Dakelh Nation, also known as Carrier, who occupy most of central B.C., including the upper Fraser River, Nazko River, Bulkley River, Nechako River, and the Stuart, Takla, Pinchie, Fraser, François, and Anahim lakes. Their neighbours include the Sekani to the east and the Nat'oot'en of Babine Lake to the west.

Chief Gweh was a formidable leader, a hunter, trader, and warrior who lived from about 1755 to 1840. The strength of his leadership played an important role in the interaction between First Nations and the fur traders. He gave Simon Fraser food on Fraser's first visit to the lake, and as the traders moved into the region to set up trading posts, Kwah and the Nak'azdli people provided at least a third of the salmon they required for food.

Fort St. James was established as a fur trading post for the North West

Company by Simon Fraser in 1806. Situated on Stuart Lake, it was known at first as Stuart Lake Post. After the North West Company merged with the Hudson's Bay Company, the name was changed to Fort St. James. It became the headquarters of the fur trade in the central region the traders called New Caledonia.

The fur traders depended on the Dakelh people to supply them with salmon. They purchased dried salmon in the fall, and again in the winter when their supplies had run low. People from Stuart Lake and Fraser Lake traded the dried salmon in large quantities, more than 30,000 fish a year. This was enough to give each worker four fish a day. Supplying this quantity of fish to the trading company employees must have put a strain on the management of resources for the Dakelh people. Although they received European goods in exchange, they had either to catch and dry more fish than usual or to eat less themselves. The Dakelh controlled the salmon resource throughout the fur trade period, fitting the traders into their traditional resource management systems.

The interactions of Chief Gweh and the fur traders highlight the nature of power and control between First Nations and the Europeans during the fur trade era. The traders were there to make money, not to colonize or rule the First Nations. Without a government or a military force to back them, the traders tried to maintain power on their own. They often resorted to violence as a show of force. Flogging or execution without trial was fairly common, but more often threats of violence were used to instill fear.

Chief Gweh had at least two major confrontations with fur traders. The first incident occurred during the North West Company days. When the Stuart Lake Post trader Daniel Harmon wrote about this incident, he acknowledged how frequently most fur traders used violence against First Nations people. Harmon wrote, "I gave a tolerable decent beating to the Chief of this Village—but he is the first Indian that I ever lifted my hand to strike. But few, I believe can with truth say so much."

The cause of this beating was a kind of war of wills. Chief Gweh and eight



The quality of the relationships which the women had when they lived inside the forts varied a great deal. Some had happy and loving marriages, and their partners shared in traditional culture and interacted with their families. Aboriginal women brought many strengths to these partnerships, but also gave up a great deal in the process. In some cases they were able to bridge two cultures and share skills and knowledge between them, such as those involved in food preparation. Euro-Canadian objects, such as chairs and tables, were often viewed with suspicion by

the older members of their families, but women were often able to demonstrate their utility and demystify these items. In the same way, they were able to bring an understanding of their culture to the men of the fort and break down at least some racial barriers.

For some men, these marriages were simply a convenience, and when they retired to eastern Canada or England, they often abandoned their wives and families. The famous court case *Connolly v. Woolrich*, the first important trial in Canada to acknowledge Aboriginal rights, resulted from such an incident.

or ten other men came into the trading post. Gweh, according to Harmon, was trying to get trading credit for a friend, which Harmon refused to give. To the trader, it seemed as if the chief was trying to provoke a quarrel. In frustration he leaped over the counter, smacked the chief with a yardstick and “pelted him for five minutes.” To make peace following this clash, Gweh invited Harmon to a feast.

The second incident involved James Douglas, long before he became governor of the Vancouver Island colony. In 1828, he was placed in temporary charge of the fort. Two Dakelh men had previously been accused of killing two HBC employees at the fort. One man named Tzoelhnolle had been secretly killed by HBC men. In August, the second man was found near Fort St. James by Douglas, who had him killed, by most accounts quite brutally. This man’s relatives wanted revenge or restitution.

Chief Gweh organized a large group of men who entered the fort and confronted Douglas. Chief Gweh’s nephew held a dagger poised above Douglas’ heart. “Should I strike?” the nephew asked. Douglas’ wife Amelia and the fort interpreter’s wife ran upstairs where the trade goods were stored. They

tossed down blankets, handkerchiefs, clothing, and tobacco. To the Dakelh people, according to accounts, this was seen as a giving of gifts, a sign of respect. They were motivated, it is clear from every version of this episode, by their understanding of Aboriginal custom. The outcome is described by historian A.G. Morice, who lived at Fort St. James in later years: “Kwah, who never had any real intention to kill the clerk, signified his acceptance of the gifts as a compensation for Tzoelhnolle’s death, and bade his followers quietly return to their homes, as the incident was closed.”

But it wasn’t quite closed for the fur traders. It happened that George Simpson, governor of the HBC, toured through New Caledonia a few weeks later. He and his entourage approached the fort with a grand procession. The British flag led the parade, followed by buglers and bagpipers, with Simpson and others on horseback. At the fort, guns were fired and the bagpipers played a march. Many Dakelh had gathered to witness this strange spectacle. Governor Simpson, introduced to the Dakelh as the “Great Chief,” delivered a speech. He referred to the attack on Douglas and suggested that next time the traders would take much

harsher action. He said, “The next time the Whites should be compelled to imbrue their hands in the blood of Indians it would be a general sweep. The innocent would go with the guilty, and their fate would become deplorable.”

Despite these confrontations, however, Chief Gweh usually had a friendly relationship with the traders at Fort St. James. He continued hunting and trading furs until his death in his eighties. He often visited the chief factor and frequently gave him fresh beaver, bear, or caribou meat. When he died in 1840, he was buried at the mouth of the Necoslie (Stuart) River, so, it is said, the salmon would always return. Not long after his death, the era of the fur trade ended and colonial government took power. The Dakelh gradually lost control of their resources. The buildings of Fort St. James still stand today, and the fort is a national historic site. And the Nak’azdli people still live in their village on the shores of Stuart Lake.

William Connolly had lived with his wife Suzanne, daughter of a Cree chief, whom he had married according to Cree law, for thirty years. When he retired to Montreal, he left her and married his second cousin, Julia. In the 1860s, one of Suzanne's sons, John, sued for half of the inheritance Connolly left, which his second wife Julia Woolrich had claimed solely. The Quebec courts upheld John's argument that the first marriage was valid and that Suzanne's son was entitled to his share of the inheritance. This decision was based on the court recognising that Aboriginal law was in effect when Europeans colonized the land, and that their incoming legal system in no way eliminated the

Aboriginal laws that predated it by centuries.

Another of William and Suzanne Connolly's children was to rise to the highest ranks of British Columbia's colonial society. Their daughter Amelia married James Douglas while they were posted at Fort St. James and later became Lady Douglas when James was made governor of the colony of Vancouver Island. Her understanding of Aboriginal customs and behaviour is credited with saving the life of Douglas during a confrontation at Fort St. James.

Amelia Douglas' experience was unusual for children of mixed marriages. So much depended on the particular experience of the partnership and the environment in which they lived. On the Prairies, the children of Aboriginal women and fur trade employees shared many customs, and a distinctive Métis culture with its own language and values emerged. In British Columbia, such a singular culture did not develop. Many children of mixed marriages returned to their Aboriginal families, especially prior to the growth of settlements in the province. Some adopted their Euro-Canadian heritage and assimilated into mainstream culture. Others, however, found themselves stuck between two worlds, never completely accepted in either, and often struggling for acceptance. They were frequently burdened with the label "half-breed," which in British Columbia, as elsewhere, took on a disparaging connotation. When the issue of Indian "status" was introduced under Canadian law, their situation was exacerbated as anyone deemed "non-status" had no rights under the Indian Act.

The significance of women during the fur trade era as wives, as helpers behind the fort walls, as intermediaries between Aboriginal and non-Aboriginal culture, and perhaps most importantly, as mothers to future generations of British Columbians, cannot be over-estimated. They often sacrificed the traditional bonds with their culture, and risked much as they entered the world of the newcomers.

## FIRST NATIONS VOICES

### Chief Gweh

Chief Gweh, as recorded by North West Company agent Daniel Harmon at Stuart Lake Post (Fort St. James), 1811.

*He then told me, that he saw no other difference between me and himself, but this only: "you," said he, "know how to read and write; but I do not. Do not I manage my affairs as well, as you do yours? You keep your fort in order, and make your slaves," meaning my men, "obey you. You send a great way off for goods, and you are rich and want for nothing. But do not I manage my affairs as well as you do yours? When did you ever hear that Quas was in danger of starving? When it is the proper season to hunt the beaver, I kill them; and of their flesh I make feasts for my relations. I, often, feast all the Indians of my village; and, sometimes, invite people from afar off, to come and partake of the fruits of my hunts. I know the season when fish spawn, and then send my women, with the nets which they have made, to take them. I never want for any thing, and my family is always well clothed." <sup>5</sup>*



Setting a lynx snare near Fort Nelson.

## Impacts of the Fur Trade

The fur trade changed the daily lives of the First Nations people. Although they continued traditional hunting and gathering practices through the seasons, the amount of time they spent on seasonal activities changed. Men spent more of their time hunting and trapping to supply the fur trade. Women, who did most of the work preparing the skins, often found themselves much busier. These trade-oriented activities replaced traditional food harvesting and preparation, creating a dependency on European supplies that had not existed previously.

The fur trade also changed traditional settlement patterns. Even before the arrival of Europeans in the western mountains, several groups in the northeastern region of the province had been displaced by other Aboriginal groups. The Cree of the Prairies and eastern woodlands met the first fur traders, and worked with them as trappers and guides. As the fur trade pushed westward in the early 1700s in the constant hunt for new supplies of fur, so did the Cree. Armed with

guns acquired in trade, the Cree expanded their living and hunting territories into the lands of the Dunne-za (Beaver) and Dene-thah (Slavey) people who lived in northern Alberta. These people in turn moved west of the Peace River, displacing the Sekani people from the foothills into the depths of the Rocky Mountains. The decline in beaver after the establishment of the Hudson's Bay Company led some groups to change or expand their territories to try to meet the demand. For example, Peter Kinbasket led a group of Secwepemc people beyond the eastern boundaries of their territory to settle in the Columbia Valley. Their descendants are known today as the Kinbasket people.

The First Nations used the trade goods they received in different ways. Some objects simply made life easier. Owning a factory-made woollen blanket meant a household didn't need to spend so much time weaving cedar bark capes. Using coins and thimbles to replace deer hooves or bird beaks on dancing aprons also saved time. Iron tools increased a carver's output. These objects also came to increase the status of users. Guns had an even greater effect on status and power. They could make hunting easier, although hunters often found the bow and arrow to be superior to the unreliable musket. Guns could always be counted on, however, to shift the balance of power in warfare with other groups.

By trading with the Europeans, coastal chiefs increased their wealth and power substantially. In many ways, traditional social patterns were enhanced by the new objects and ideas brought by the sailors. However, these sailors also brought silent agents that were to have devastating effects on First Nations societies—unknown diseases like measles, influenza, and smallpox.



## Devastation by Disease

Probably the most devastating result of the European influx was the vast depopulation that occurred because of disease epidemics. The statistics tell the story. Although it is extremely difficult to determine an accurate figure, it is estimated that when Europeans arrived in the late eighteenth century, there were between 200,000 and 400,000 First Nations people living in British Columbia. By 1900, this figure had dropped to around 25,000. In little more than a century, the population had been slashed by 90 or 95 per cent.

The diseases that arrived with the Europeans—measles and smallpox, in particular—were unknown in British Columbia, so First Nations people had no immunity to them. These diseases usually broke out in epidemics, sweeping through a village or even throughout the province.

The first epidemic occurred in the 1770s, when smallpox broke out. It is likely that the smallpox virus was carried to Tlingit territory in Alaska by the Spanish. From there, the disease spread southward to

the Haida and Tsimshian people. In 1782, a terrible wave of smallpox swept up from Mexico through the trading routes into Stó:lō territory at the mouth of the Fraser River. More than 60 per cent of the people died within a few weeks. When Captain George Vancouver observed the shores of the Fraser River delta in 1791, he saw overgrown, empty villages, evidence of the toll which disease had taken on the Musqueam, Burrard, and Tsawwassen people.

Other epidemics and smaller outbreaks of diseases occurred during the nineteenth century. In the 1840s, a measles outbreak spread to most of the First Nations of B.C., taking two years to do so. The measles outbreaks could be traced along the trading routes of the fur traders. At first they appeared along the Fraser River. Then an infected person aboard the *Beaver* carried the disease to Fort Simpson, and from there, measles spread along the trade networks into the interior, attacking people as far inland as Fort St. James and Fort George.

The last major smallpox epidemic did not take nearly as long to affect most of the province. This

### FIRST NATIONS VOICES

#### The Haida Encounter Europeans

The name of the person who gave this description of the first encounter between the Haida and the Europeans is not known. John Swanton, who recorded the narrative in 1905, says only that it was a person from the village of Kaisun.

*All the people who moved from Skidegate Inlet to Tc!a'al [Chaatl] were dead, and their children growing old, when the first ship appeared. When it came in sight, they thought it was the spirit of the Pestilence, and, dancing on the shore, they waved their palms towards the new-comers to turn back. When the whites landed, they sent down to them their old men, who had few years to live, anyhow, expecting they would fall dead; but when the new arrivals began buying their furs, the younger ones went down too, trading for axes and iron the marten and land-otter skins they wore . . . When one of the white men shot with a gun, some of the natives said he did so by striking it on the side; another, that he blew through it; and a third, that a little bird sat on top and made it go off.<sup>6</sup>*

Clearly the Haida associated the Europeans with terrible disease even before they had encountered them directly. They had already been infected with smallpox when the first European ship arrived at Haida Gwaii. Sending some elderly men to meet the sailors first in case they brought disease was a characteristic gesture among many First Nations because it protected the younger generation from any potential danger.



was the worst single epidemic, killing as many as 70 per cent of First Nations people. It began in 1862 in the bustling colonial capital of Victoria. Many First Nations from the north coast—Haida, Tsimshian, Tlingit, Stikine, Heiltsuk, and Kwakwaka'wakw—had travelled to Victoria to work and trade. They lived in an area on Victoria harbour called “the Northerners’ Encampment.” A population count in 1859 showed that out of more than 2,200 people living there, 25 per cent were Haida and 45 per cent were Tsimshian.

Soon after this population count, those numbers were to plunge terribly. On March 13, 1862, a passenger aboard the ship *Brother John*, arriving from San Francisco, had smallpox. Apparently, the destruction that followed originated from that one man. A month later the fearsome disease had taken hold in the Northerners’ camp. Conditions became terrible as people became ill and died. Neither the First Nations people nor the colonial officials were prepared for such an epidemic. They could not cope with the overwhelming number of bodies and people too ill to move. Newspaper reports suggest that there

■ Skidegate, 1880s. Smallpox left many Haida villages with too few people to survive. Many of the people from the southern villages had already moved to Skidegate by the time this picture was taken. Twenty years later, there were only two Haida communities, Skidegate and Masset.

were more than a thousand bodies of people from the northern tribes piled on open ground near the camps. The reaction of the colonial police was to order the northern people to leave Victoria. When they protested, the gunboats moved in and aimed their cannons at them, giving them no choice but to load up their canoes and head north.

One report in the *Daily British Colonist* gives only the briefest suggestion of the horror the Northerners faced: “Forty out of sixty Hydahs who left Victoria for the North about a month ago, had died. The sick and dead with their canoes, blankets, guns, etc. were left along the coast. In one encampment, about twelve miles from Nanaimo, Capt. Osgood counted twelve dead Indians—the bodies festering in the noonday sun.”<sup>7</sup>



■ Songhees reserve in the 1870s, looking across the harbour to Victoria. The Northerners' Encampment was near here.

The epidemic hit the northern people harder than any cannon fire could have. For example, the estimated population of the Haida nation before the epidemic was about 5,700 and after, about 1,600, a loss of 4,100 people, or over 70 per cent of the population. But the epidemic did not end on the coast. Through trading networks the disease was carried far into the interior, until within two years, hardly a corner

of British Columbia was left unscathed. Complete villages were wiped out in some cases, while in others sixty to ninety per cent of the people died. Imagine the impact on the families and the communities they lived in: they would be grieving, leadership would be destroyed, and people would have to use all their energies simply to cope and survive.

## CHAPTER SUMMARY

Europeans came to the West Coast in the 1770s, hundreds of years after first contact occurred in Canada. The search for the Northwest Passage to provide easier access to Asia brought the first ships to the Pacific coast, while others in search of new fur supplies came overland through the mountains. The maritime fur trade, which primarily sought sea otter for markets in Asia, was conducted from sailing ships which moved up and down the coast and stayed a short time. The land-based fur traders, first through the North West Company and later the Hudson's Bay Company, built permanent forts and established transportation routes through much of the interior.

The era of the fur trade was a transitional stage

in the colonization of British Columbia. First Nations people kept control over their lands and resources as the European newcomers relied on them to provide furs and food supplies. The fur trade era had both positive and negative effects on First Nations societies. The new European goods that resulted from trade, such as iron and copper, made some aspects of First Nations people's lives easier, and increased the wealth and prestige of those who could control the trade. However, devastating effects of smallpox and other diseases obliterated any positive effects: as many as 90 per cent of the Aboriginal population died in the period of a few decades.



# The Colonial Era, 1849–1871

**T**he fur traders who lived at the trading posts had a significant impact economically and socially on the lives of First Nations people, but they did not attempt to govern the land and impose their own laws and regulations. Their concern was business. In the 1840s, however, the British government began to exert more direct control over the former fur-trading territories.

This chapter looks at the transition from the fur trade monopoly of the Hudson's Bay Company to a colonial government which directed the settlement of the territory and began to put controls on the lives and lands of First Nations people in B.C. You will see how two different men administered policies regarding Aboriginal people, first James Douglas, governor of the colonial government, and following his retirement, Joseph Trutch. Between them they laid the foundation for the relationship between British Columbia and First Nations people for the next century and a half. This chapter also discusses the importance the Fraser River gold rush had in opening up the country, advancing formal colonization, and increasing tension between First Nations and Euro-Canadians.

## Colonial Precedents

The development of colonial government in British Columbia occurred rather late in the history of the British Empire, and there were precedents which could have been followed in developing a relationship

with First Nations people. British Columbia, however, pursued its own unique course.

In eastern North America the competing imperial powers of Great Britain and France had long since established colonies to defend their territorial expansion into what they called the “New World.” In 1759 the battle for control of North America came to an end at the Plains of Abraham and Britain claimed the continent. Their hegemony was to be shortlived, however, as the colonies on the eastern seaboard south of the St. Lawrence River rebelled against the laws imposed on them by the British government, culminating in the American War of Independence. A period of struggle over sovereignty between Britain and the United States ensued, until finally, in 1846, the border stretched across the continent, following the forty-ninth parallel of latitude for most of its length in western Canada.

### Colony

A colony is a country or territory occupied and ruled by another country. A colony has an elected local government but is subject to the laws of the parent country.

### Precedent

A precedent is a similar event or action that occurred earlier; a previous case or legal decision taken as a guide for subsequent cases or as a justification for subsequent situations.

### Hegemony

The predominant influence of one group or power over others, especially when it involves coercion, as in colonialism. The beliefs and values of the dominant group appear to be universal.

## Colonial Timeline

1843	1846	1849	1858	1866	1871
Fort Victoria established on Vancouver Island	Oregon Treaty defines border	Colony of Vancouver Island created	Colony of British Columbia created	Both colonies united as Colony of British Columbia	Confederation within Canada

Following its victory in 1759, the British government consolidated its policies relating to the administration of the colonies in a document known today as the Royal Proclamation of 1763. Among other things, this proclamation contained Britain's general policies for dealing with First Nations people in its North American colonies. Based on the premise that the Aboriginal people and the British colonizers had a nation-to-nation relationship, settlers and colonial governments were instructed not to settle on Aboriginal lands until agreements had been reached between the First Nations and Britain transferring ownership of the land. The Royal Proclamation set out the guiding principles for making treaties, based on the premise that the lands belonged to First Nations people. In eastern Canada the intent of the Royal Proclamation was adhered to, in that treaties were made with most First Nations. That was not the case in British Columbia.

## ORIGINAL DOCUMENTS

### Royal Proclamation of 1763

These excerpts from the Royal Proclamation regarding First Nations are an important record of colonial policy and underpin modern-day land claims.

*And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds...*

*And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that Purpose first obtained.*

## From Fur Trade to Gold Rush

For decades First Nations people had incorporated the fur-trade economy into their societies, but soon a new economic force—the gold rush—was to bring about a greater transformation in their lives.

In the 1840s, westward expansion of the United States forced the Hudson's Bay Company to move its Pacific headquarters at Fort Vancouver on the Columbia River because this was now American territory. To replace Fort Vancouver, Fort Victoria was established in 1843 at the southern tip of Vancouver Island. The site was chosen because of its large harbour and the rich agricultural land nearby.

Meanwhile, hoping to forestall the advancing Americans, the British parliament decided to create an official colony to establish its sovereignty on the coast. In 1849, Fort Victoria became the capital of a new colony of Vancouver Island. The colonial office in London leased the colony to the Hudson's Bay Company for ten years, with the understanding that the HBC would administer the colony in addition

to its fur-trading activities. The first British governor was Blanshard, but he was soon replaced by long-time HBC employee James Douglas, who continued to work for the HBC as well as acting as governor. It was Douglas who established the first government policies that had such an enormous impact on First Nations people.

The colony of Vancouver Island was established without negotiation with, or even consideration of, First Nations governments. The presence of First Nations people was simply irrelevant to the Europeans intent on carving up North America.

Furs continued to be the prime economic resource of the colony, but some First Nations people recognized that the Europeans were also keen to trade in minerals, particularly coal and gold. The Kwakwaka'wakw and



■ A Nlaka'pamux family placer mining on the Thompson River. The couple at left are Antonie McHalsie (Meshk N'xetsi) and Catherine McHalsie. The woman in the background is Mary Smith, sister to Catherine. The others were not identified.

## FIRST NATIONS VOICES

### Elder Annie York, Nlaka'pamux

*The first thing these people did, they took out the goldpan, and the old lady, my great-grandmother, and my great-grandfather from my mother's side, they look at this pan and they wonder, "What on earth? Are they going to play by the beach?" So they stood and watched them. They went there and moved all the rocks, and they find these great big nuggets—gold nuggets at Thompson Siding, and they were just yellow in the pan and the kids run home and tell their parents, "You know these Whites, they are playing with the rocks, down at the beach there and they are having a nice time. They're gathering these nice yellow rocks, like this." So the old lady went down to see and wondered, "What on earth are they doing with those rocks?" Because she says, "Ourselves, we don't value the rocks. We don't take them—they just play with it and throw it around."<sup>1</sup>*

the Snuney-muxw had both traded small amounts of coal to the HBC, and pointed out the sources of these minerals within their territories. Rather than trading with these First Nations, however, the HBC started a mining division and built mining camps at two new posts, Fort Rupert and Nanaimo. These were small-scale developments compared to events that occurred when gold was discovered on the Fraser River.

Through the 1850s, First Nations people along the Fraser River had traded small amounts of gold with the Hudson's Bay Company. The company encouraged First Nations to search for other sources by paying for their prospecting equipment. Douglas tried to keep the discovery of gold secret because he was familiar with the destructive lawlessness that occurred when gold fever infected California in 1849. The news leaked out in spite of his efforts and in 1858 thousands of miners, mostly American, flooded into Victoria, crossed the Strait of Georgia, and headed up the Fraser River.

The book *You Are Asked to Witness*, published by the Stó:lō Nation, describes how First Nations people perceived the gold miners: "In the Halq'eméylem language the word for people of European descent is Xwelítem. Stó:lō Elders explain that Xwelítem translates as 'hungry people' or 'starving people'. No one remembers exactly when the Stó:lō adopted this term to describe the immigrants who came to



their land, but Elder Dan Milo was of the opinion that it dates back at least as far as the 1858 gold rush when thousands of poorly provisioned miners arrived in Stó:lō territory.”<sup>2</sup>

In the decades that followed, the gold rush moved from places near the coast like Hope and Yale up into the Cariboo to Barkerville. As the gold was exhausted in one area, the miners moved on. Thousands of men and women journeyed along the gold rush trails, trying to make their fortunes. In their hunger for gold, they frequently ignored traditional First Nations use of the rivers and valleys they passed through. They disturbed the environment with their mining activities and with the communities they built to meet their

needs, in most cases showing no respect for the First Nations.

First Nations people became miners too, sometimes working alongside miners from other countries. At one spot on the Fraser called Hill’s Bar, for example, five hundred First Nations people and seventy foreigners mined the river banks for gold. However, most foreign miners opposed the participation of Aboriginal people, because they viewed them as competitors for the gold.

Douglas and the colonial office were determined that the lawlessness which characterized the American frontier would not be copied in British territories, so in 1858 the British government decreed the formation of an additional colony on the mainland. It was

## FIRST NATIONS VOICES

### The Laurier Memorial

In 1910, Secwepemc, Nlaka’pamux, and Okanagan chiefs made a presentation to the Prime Minister of Canada, Sir Wilfred Laurier. This document, today called the Laurier Memorial, traces the history of their interaction with the newcomers, and puts forth their requests for Aboriginal rights. In this excerpt, they describe their perceptions of the gold rush and the colonial era.

*At first they looked only for gold. We knew the latter was our property, but as we did not use it much nor need it to live by we did not object to their searching for it. They told us, “your country is rich and you will be made wealthy by our coming. We wish just to pass over your land in quest of gold.” Soon they saw the country was good, and some of them made up their minds, to settle it. They commenced to take up pieces of land here and there. They told us they wanted only the use of these pieces of land for a few years, and then would hand them back to us in an improved condition; meanwhile they would give us some of the products they raised for the loan of our land. Thus they commenced to enter our “houses,” or live on our “ranches.” With us when a person enters our house he becomes our guest, and we must treat him hospitably as long as he shows no hostile intentions. At the same time we expect him to return to us equal treatment for what he receives.*

*Some of our chiefs said, “These people wish to be partners with us in our country. We must, therefore, be the same as brothers to them, and live as one family. We will share equally in everything—half and half—in land, water and timber, etc. What is ours will be theirs, and what is theirs will be ours. We will help each other to be great and good.”*

*. . . Presently chiefs (government officials, etc.) commenced to visit us, and had talks with some of our chiefs. They told us to have no fear, the queen’s laws would prevail in this country, and everything would be well for the Indians here. They said a very large reservation would be staked off for us (southern interior tribes) and the tribal lands outside of this reservation the government would buy from us for white settlement. They let us think this would be done soon, and meanwhile until this reserve was set apart, and our lands settled for, they assured us we would have perfect freedom of travelling and camping and the same liberties as from time immemorial to hunt, fish, graze and gather our food supplies where we desired; also that all trails, land, water, timber, etc., would be as free of access to us as formerly.”<sup>3</sup>*

named British Columbia, and its headquarters were established at New Westminster.

During the gold rush era, both colonies were opened up to newcomers as never before. The influx of miners caused the creation of transportation routes that enabled them to participate in the gold rush. Prospectors spread out from the Fraser River and Cariboo gold fields, exploring nearly every part of the province. Smaller scale gold rushes occurred, including on the Stikine, the Omineca, and the Peace Rivers, as well as at Kamloops and on the Leech River near Victoria. Once a viable mining region had been established, roads had to be built for easy access. The age-old transportation routes of the First Nations and the fur traders were no longer sufficient, especially on the Fraser River route where the Cariboo Wagon Road crossed the interior plateaus to Barkerville. Other people dreamed up alternative schemes to reach the gold fields; for example, Alfred Waddington led forays from the coast at Bute Inlet into the Chilcotin region,

resulting in what is sometimes called the Chilcotin War.

The British felt that it was imperative for British justice to prevail in these colonies. The chief agent of the justice system in the colonial era and after, was Chief Justice Matthew Baillie Begbie who, through his judgements on a number of early cases, played an important role in administering colonial policies involving First Nations people.

James Douglas continued to administer both colonies until 1864. By that time, running two colonies was becoming too expensive, so they were joined, in 1866, under the name British Columbia, with the capital at Victoria.

## Colonial Policies

As chief factor of the Hudson's Bay Company in British Columbia, and as colonial governor from 1851 to 1864, James Douglas had immense power over the lives and lands of First Nations people. When



Interior chiefs meeting in New Westminster in 1864 or 1866. They are identified (l to r) as Na Mah (from Dog Creek), Quibquarlse (Alkali Lake), Tao'task (Canoe Creek), Se-as-kut (Shuswap), Timpt Khan (Babine Lake), Silko Salish (Lillooet), William (William's Lake), Kam-co-Saltze (Soda Creek), and Sosastumpt (Bridge Creek).

## CASE STUDY

## The Chilcotin “War”

**O**n October 26, 1999, two hundred people gathered in a small park near the Fraser River in Quesnel. They were there to honour five Tsilhqot’in chiefs who had been publicly hanged 135 years earlier. The people stood near the unmarked graves of Head War Chief Lhatsas’in, Chief Biyil, Chief Tilaghed, Chief Taged, and Chief Chayes. Although no one knows the exact location, people think they lie underneath Quesnel’s hospital.

The events that led to the hangings so long ago are often forgotten in the history of British Columbia, yet they are important for us to remember. Some have called these events the Chilcotin War; others call it the Bute Inlet Massacre. Some say that it was the only actual war waged between First Nations people and European colonizers. Whatever you choose to call it, this resistance was the sad result of the coming together of the political, economic, and cultural realities of the colonial years. The resistance grew out of the rush to extract resources, in this case gold. It came from the conflict between colonial assumptions about land ownership and First Nations beliefs. Finally, it is an illustration of the devastating aftermath of the smallpox epidemic.

The events began with the discovery of gold in the Cariboo in 1858. Previously, few Europeans other than fur traders had made their way through the interior of the province. People began to flood in along the routes leading from the Fraser River, in search of gold. One of the incoming miners brought smallpox with him, setting off an epidemic in 1862.

The Tsilhqot’in people, whose territory is on what is called the Chilcotin Plateau, had had relatively little contact with Europeans before the gold rush. They pursued their traditional lifestyle of hunting and fishing, moving throughout their lands between the Coast Mountains and the Fraser River. They did not participate in the fur trade. The Hudson’s Bay Company tried to encourage them by building Fort Chilcotin within their territories, with little success. The last trader there, Donald McLean, became well-known for his often intolerant treatment of First Nations people. He wore a bullet-proof vest for good reason.

When more Europeans started entering their territory in the early 1860s, the Tsilhqot’in tolerated them. They traded with the newcomers and worked for them packing and guiding. Most of the men who came just passed through, but one, named William Manning, stayed. He built a cabin at Puntzi Lake on a traditional Tsilqoh’tin camping site and began a farm. He is said to have threatened the Tsilhqot’in by saying he would bring back smallpox.

Not long after, smallpox did come. In 1862, an epidemic struck the Tsilhqot’in with devastating consequences. Hundreds died within a few short weeks. Villages were empty except for the dead bodies. Making matters worse, two businessmen took the discarded blankets that had wrapped the sick and dying, and sold them, unwashed, to other Tsilhqot’in. Another smallpox outbreak was kindled. It is estimated that between half and two-thirds of the Tsilhqot’in population died in 1862 and 1863.

At the same time, a Victoria businessman named Alfred Waddington began his dream of building a road from



Lhatsas’in was one of six Chilcotin chiefs who were hanged in 1864. Before he was taken to the gallows, Lhatsas’in said: “We meant war, not murder.”

the coast at Bute Inlet, up the treacherous Homathko River, across the Chilcotin, and into the Cariboo. The colonial government gave him a licence to build the wagon road, but it did not consult the First Nations people of the region, nor did it pay them any kind of compensation. Waddington did hire some Tsilhqot’in people as packers, guides, and cooks.

The events which sparked the Chilcotin War began in the spring of 1864. Some Tsilhqot’in people, smallpox survivors, were still ill and starving when they came to Waddington’s camps to work in exchange for muskets and food. They were treated badly, thrown only scraps of food or given none at all. The foreman, William Brewster, is said to have thrown his scraps into the fire rather than give them to the starving people.

Brewster is believed to have ignited the violence of that spring through his actions. Returning to the Homathko River



after the winter break, the roadbuilders discovered that their store of flour had been taken. They searched far and wide for the culprits. Finally they questioned some Tsilhqot'in men. After a long delay, one man said, "You are in our country; you owe us bread."

The man in charge of the builders, probably Brewster, demanded to know the names of all the Tsilhqot'in people. He wrote them down. "I have taken down your names," he told them, "because you would not tell who stole the flour. All the Chilcotins are going to die. We shall send sickness into the country, which will kill them."

The act of writing down names was still mysterious and magical to many First Nations people at this time. Papers with written words seemed to hold power. This act, in addition to the threat of smallpox, frightened the people. Had not William Manning's threats come true? News of the encounter passed quickly to the leading Tsilhqot'in chief, Lhatsas'in (sometimes written Klatsassan). He was the most powerful war chief among the Tsilhqot'in, said to be so fearsome that children ran away when they saw him.

By April 1864, he decided that he had to defend his territories and stop the Europeans from crossing Tsilqoh'tin land. Newcomers were entering Tsilhqot'in land without paying any compensation. They brought diseases that threatened to wipe out his people completely. He and his followers declared war on the interlopers. They did not necessarily act for all Tsilhqot'in people in their actions, but they were acting for the future of them all.

What followed were seen as wanton and savage acts of violence by colonial society. Considered in another light,

however, they were a series of strategic attacks conducted according to the practices of warfare. The warriors used surprise attacks at dawn, and in one case destroyed the ferry crossing on the Homathko River, making it difficult to cross in pursuit.

Lhatsas'in and about twelve warriors carried out three attacks on the Homathko River construction camp at the end of April, 1864. Thirteen men were killed, including Brewster. Two more attacks, this time back in Chilcotin country, left five British dead. One was William Manning, the rancher.

The Tsilqoh'tin warriors were resisting the invasion of their lands; they were defending their land and culture. The European immigrant settlers saw these as unprovoked and unwarranted attacks. The newly appointed governor of British Columbia, Frederick Seymour, felt

compelled to take swift action. He sent out two hastily formed military groups. One moved eastward from the coast at Bella Coola, and Seymour accompanied this contingent himself. The other group came westward from the Cariboo under Gold Commissioner William Cox. His second-in-command was the old fur trader Donald McLean, called out of retirement.

From June through August nearly 200 colonial troops searched for the men they called murderers. One of the casualties was McLean, shot while he was scouting alone. Finally Cox sent out a message to Lhatsas'in that they could come to the camp safely and meet with Governor Seymour without fear. It is clear that the warriors believed they were coming to negotiate a peace settlement between two warring nations; it is just as clear that the colonial government saw them merely as criminals.

On the appointed day Lhatsas'in and six others arrived at the old HBC Fort Chilcotin, where the soldiers had camped. They were unarmed. Instead of being received as equals, they were immediately seized, handcuffed, and transported to the little settlement of Quesnel on the Fraser River. At the end of September 1864, Chief Justice Matthew Baillie Begbie sentenced the five chiefs to be hanged. Later a sixth chief would be hanged in New Westminster for his role in these events.

The death toll was terrible: hundreds of Tsilhqot'in dead from disease, fifteen Europeans killed, and six chiefs hanged. The memory of the events may have faded from the general public view, but it never left the hearts of the Tsilhqot'in people.



In 1993, the provincial government officially apologized for the "Chilcotin War." First Nations people and government officials gathered near the unmarked graves of the six chiefs to unveil a memorial plaque and give them an honourable burial.

he took control, he was given clear instructions to follow British colonial policy, which was to recognize Aboriginal title to the land and to negotiate a treaty or settlement to purchase land required for settlement. In the early years of his administration, Douglas followed these instructions. He negotiated what are known as the Douglas Treaties. Between 1850 and 1854 he signed fourteen treaties, covering approximately 927 km<sup>2</sup> (580 square miles) of land around Victoria, Saanich, Sooke, Nanaimo, and Port Hardy. In each treaty, First Nations land was surrendered “entirely and forever” in exchange for cash, clothing, or blankets. The chiefs and their descendants kept existing village sites and fields for their use, the “liberty to hunt over unoccupied lands,” and the right to “carry on their fisheries as formerly.”

James Douglas did not negotiate any treaties after 1854. His views on Aboriginal residents seem to have changed, due in part to changing policy in London. Earl Grey, colonial secretary until 1852, believed it was important to protect Aboriginal rights in the colonies, but his successor, Sir Edward Lytton, seemed more intent on creating model communities fashioned after English country villages, with a church at the centre and farms surrounding it. Douglas heartily agreed with Lytton’s vision, and instead of making treaties, he began creating “Indian reserves” and developed a “system” that he believed would help the survival of the First Nations people.

Under the Douglas system, First Nations groups would be given parcels of land reserved for them, but owned by the Crown. Most of the reserves

## ORIGINAL DOCUMENTS

### A Douglas Treaty

This extract is taken from the treaty negotiated between the Swengwhung people of Victoria Peninsula and the Douglas administration.

*Know all men, we, the chiefs and people of the family of Swengwhung, who have signed our names and made our marks to this deed on the thirtieth day of April, one thousand eight hundred and fifty, do consent to surrender, entirely and for ever, to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and Committee of the same, the whole of the lands situate and lying between the Island of the Dead, in the Arm or Inlet of Camoson, where the Kosampsom lands terminate, extending east to the Fountain Ridge, and following it to its termination on the Straits of De Fuca, in the Bay immediately east of Hof Clover Point, including all the country between that line and the Inlet of Camoson.*

*The condition of or understanding of this sale*

*is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.*

*We have received, as payment, Seventy-five pounds sterling.*

*In token whereof, we have signed our names and made our marks, at Fort Victoria, on the thirtieth day of April, one thousand eight hundred and fifty*

*(signed) Snaw-nuck his X mark and 29 others  
Done before us*

*(signed) Alfred Robson Benson, M.R.C.S.L.  
Joseph William McKay*

created under the colonial government were in more populated regions, especially where settlers were moving in to take up farming, such as in the Fraser Valley, the Thompson and Okanagan, and Vancouver Island. First Nations people were encouraged to pre-empt land, just as the incoming foreigners did. In this way, they could build communities based on the English countryside ideal. However, this policy caused an outcry from European and American settlers, who were, at this time, outnumbered by First Nations people. They feared that all the best land would be taken up by the First Nations, who would then have an economic advantage over them.

Douglas fought hard to defend land rights for First Nations people, although it was from a colonial perspective based on the assumption that First Nations people would quickly become assimilated into mainstream society. He saw the Aboriginal people in the same light as he saw British immigrants. He believed they had rights similar to those held by British settlers, and enacted laws allowing them to pre-empt land and to vote in elections.

Some of his policies left a legacy that would define the relationship of the future province with First Nations people until the end of the twentieth century. He ignored the important idea of Aboriginal title in his plans, leaving his successors with the impression that Aboriginal title did not exist. He also left the impression that the government had a policy of allotting only ten acres for each family on

### Pre-empt

To pre-empt land (known elsewhere as homesteading) was the main form of land settlement by immigrants in North America. In Canada, British subjects were given 160 acres of land free, as long as they cleared the land and started farming on it. During the Douglas administration, First Nations people were encouraged to pre-empt land, but after Douglas left, the laws were changed to forbid them from pre-empting.

reserves. Although much larger allotments were often made under his government, in a speech made just before he retired, he suggested that reserves should be ten acres a family. Later he tried to clarify this statement, but the damage had been done.

Joseph Trutch succeeded Douglas as the administrator of First Nations policies. He stated his belief in no uncertain terms that the First Nations of B.C. had never owned the land. “The title of the Indians in the fee of the public lands, or any portion thereof,” he said, “has never been acknowledged by Government, but, on the contrary, is distinctly denied.” This statement contradicted the earlier Royal Proclamation of 1763, the policy of the British government, and the intent of the Douglas Treaties that had already been signed. It was, however, consistent

## ORIGINAL DOCUMENTS

### Instructions to Governor Douglas


The colonial office's letter of instructions to James Douglas clearly acknowledges that the First Nations were considered to be the rightful possessors of the land. However, the British only regarded land that was cultivated or that had permanent buildings standing on it to be owned by First Nations people. They had no understanding of the complex systems of land use and ownership that had existed for thousands of years.

*With respect to the rights of the natives, you will have to confer with the chief of the tribes on that subject, and in your negotiations with them you are to consider the natives as the rightful possessors of such lands only as they are occupied by cultivation, or had houses built on, at the time when the Island came under the undivided sovereignty of Great Britain in 1846. All other land is to be regarded as waste, and applicable to the purposes of colonization . . . The right of fishing and hunting will be continued to [the natives], and when their lands are registered, and they conform to the same conditions with which other settlers are required to comply, they will enjoy the same rights and privileges.*



with the general feeling held by the British settlers that the land was “empty” and free for the taking. By accepting the belief that the land had been empty before they arrived, the colonists could say Aboriginal title never existed and that treaties were irrelevant. In fact, even the act of making reserves was thought by government to be a generous gift.

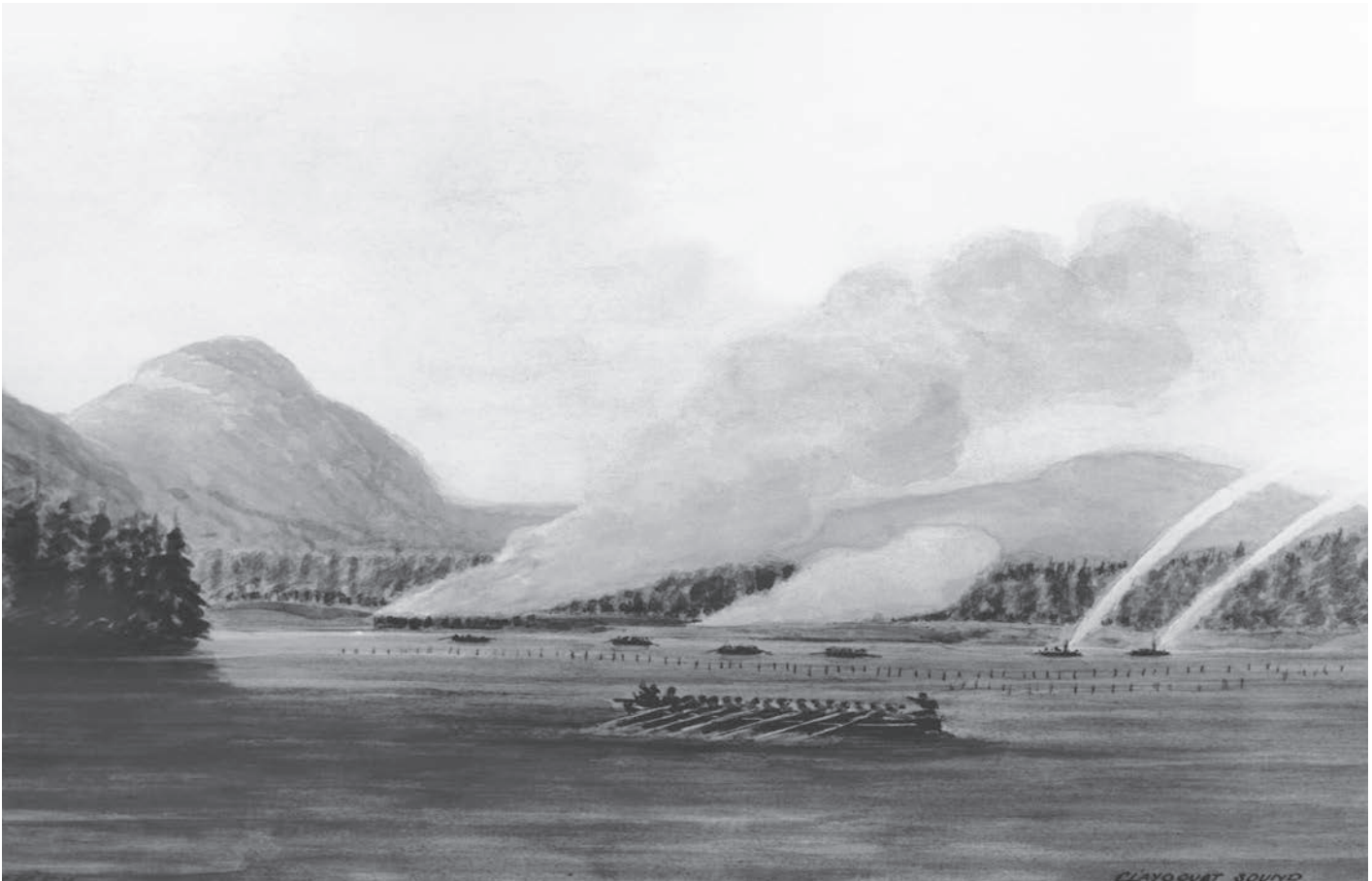
One of the first things the united colony did was to remove the right of First Nations people to preempt land. Reserves were strictly limited to ten acres a family. Inequality became a part of First Nations policy in the colony.

 An artist's rendition of the Royal Navy attacking a First Nations village in Clayoquot Sound.

## Gunboat “Justice”

Violence and the threat of violence were commonly used to keep order on the coast during the 1800s. The might of the British Empire was imposed throughout the world by the Royal Navy, and the Northwest Coast was no different. At its base at Esquimalt, near Victoria, the Royal Navy stationed “gunboats”—sailing ships and steamships armed with cannons, with names like *Forward*, *Grappler*, and *Devastation*. Whenever a First Nations person committed a breach of British justice, there was a public cry of “Send out the gunboats!”

The crime that usually warranted sending out the gunboats was murder. Murders occurred for a number of reasons. Some followed patterns of inter-tribal warfare that were traditionally a feature of some First



Nations societies, but more often they were the result of conflict between First Nations and new settlers moving onto their traditional territories. Some were acts of protest.

The settlers and their governments feared that a murder meant much more than a specific act growing out of local circumstances. It was regarded as a threat, a form of lawlessness that would grow if it were not stopped with a great show of force. From 1849, when Vancouver Island became a colony, until 1910 when the Canadian navy took over, Britain's Royal Navy provided that force. It was believed by government leaders and military commanders that brute force was the only form of justice First Nations people understood.

When the navy was first sent out to the scene of the crime, the commander anchored his ship, often called a "man-of-war," directly in front of the village. He attempted to arrest the accused person or persons. If he faced resistance, he sent in the marines to take hostages, who were usually chiefs or their relatives. If the suspects still failed to turn themselves in, the commander threatened to destroy the whole village, and often fired the ship's cannons to demonstrate their power. Sometimes he seized canoes to prevent

escape. Finally, the threat was carried out, and the whole village was blasted and destroyed, along with the canoes and any people who remained behind.

During the time that gunboats were used to bring "justice," there were at least fourteen major incidents where the Royal Navy threatened a community or groups of communities. Eight of these resulted in the villages being destroyed. The most disastrous campaign involved a number of Nuu-chah-nulth groups on the west coast of Vancouver Island in 1864. Nine villages between Barkley Sound and Clayoquot Sound were destroyed, as well as sixty-four canoes. The last such incident was the destruction of Kimsquit in 1877, but the threat of gunboats was used as late as 1888 on the Skeena River.

When suspects were finally captured, they were hanged, sometimes on the spot in front of their community, sometimes in Victoria or New Westminster. This heavy-handed form of justice left the whole tribe with a sentence of its own. With their houses destroyed, they were forced to disperse, often to live with relatives in other villages. Without canoes, they could not harvest the food and other resources they needed for survival.

## CHAPTER SUMMARY

**D**uring much of the fur trade era, First Nations people had to deal with just one corporate entity, the Hudson's Bay Company, but the discovery of gold brought tens of thousands of newcomers into British Columbia, each concerned only with his own wealth. The British government, to protect its sovereignty on the Pacific coast, created the colony of Vancouver Island in 1849. A second colony called British Columbia was established in response to the influx of miners, and the two were joined in 1866. James Douglas, at first chief factor of the HBC on the Pacific coast and later governor of both colonies, forged the

future relationships that would exist between First Nations and the newcomers. He abandoned the notion of treaties in favour of Indian reserves, which were designed to assimilate First Nations people into the immigrant society. His successor, Joseph Trutch, denied that First Nations people had Aboriginal title to the land. He determined that reserves would be limited to only ten acres per family. The British Empire imposed its control, often using the Royal Navy to dispense gunboat "justice."

# Canada Takes Control, 1871–1911

**U**nder the colonial government of British Columbia, First Nations first experienced the loss of control of their lands and resources, but when B.C. became part of Canada, they found nearly every aspect of their lives dominated by the laws of the new government.

This chapter first describes the politics behind the Terms of Union, which established the relationships among First Nations people, Canada, and British Columbia. Next the Department of Indian Affairs and the Indian Act are discussed, showing the extent of control exerted over Aboriginal people, in an explicit attempt to assimilate them into mainstream society. Specific features of this control are identified, including the setting up of Indian reserves, the banning of important cultural institutions such as the potlatch, and the implementation of residential schools.

These attacks on the Aboriginal world had devastating effects, but they were not imposed without resistance. From the outset, First Nations leaders, supported by their communities, protested the creation of reserves and the stripping away of Aboriginal rights. They used peaceful means to try to make their arguments, meeting with politicians at every level. The chapter concludes with an important meeting of protest in 1911 which united First Nations from many communities around the province for the first time.

## Joining Canada

When Canada became a country in 1867, the British North America Act (BNA Act, now called the Constitution Act of 1867) continued the colonial policy of discriminating against First Nations people

by enforcing government control. The BNA Act divided this control between two levels of government. The federal government took overall responsibility for “Indian affairs”—meaning the governance of First Nations communities and lives. The provinces, however, controlled the land and natural resources, which gave them the power to regulate land uses such as hunting, trapping, and forestry, and to ignore Aboriginal resource management systems. Furthermore, the provinces determined which lands were used for reserves. This basic division of power split control of the lives of First Nations people and their lands between two often antagonistic parties in a way that was foreign to their holistic world view.

British Columbia was still a colony when Canada was formed, however, and followed its own policies for administering First Nations affairs. Under the direction of Joseph Trutch, Minister of Lands and Works, Aboriginal title to the land was denied. The provisions of the Royal Proclamation of 1763 were ignored or dismissed as irrelevant to British Columbia. The colonial government refused to negotiate treaties. Its policies formed the basis of B.C.’s relationship with First Nations for more than a century.

By 1870, most B.C. politicians were in favour of joining the new country of Canada, since the costs of running the colony as a separate territory were becoming too great. Although there were more First Nations people than Europeans in the colony, they had no part

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### Title

Title is a legal term that means the right to the possession of land or property. “Aboriginal title” is based on Aboriginal people’s long-standing use and occupancy of the land as descendants of the original inhabitants of North America.



in the negotiations regarding entry to Confederation. Trutch, in fact, decided on most of the Terms of Union. Joseph Trutch, R.W. Carrall, and Dr. John Helmcken travelled to Ottawa in June 1870 to discuss B.C.'s entry into Confederation. Trutch was content to omit First Nations people from the agreement, but the federal politicians insisted on including them, and Section 13 was added.

Federal politicians did not understand clearly the conditions experienced by First Nations people in British Columbia. They assumed their situation to be similar to that of the First Nations of Ontario, who had signed treaties by 1850 with land allocations of eighty acres of land per family. The federal officials mistakenly believed that treaties had been negotiated in B.C., freeing up the land for settlement.

It is not clear what the B.C. representatives told Ottawa about their policies regarding First Nations people. Dr. Helmcken wrote in his diary: "The clause about Indians was very fully discussed. The Ministers thought our system better than theirs in some respects, but what system would be adopted remained for the future to determine."

Obviously the delegates described some type of system, but the details of how the new system would operate under Confederation were left up in the air. Helmcken's diary continues with the note: "I asked about Indian Wars and Sir G. Cartier said that it depended upon the severity, as a rule the expense would have to be borne by the Dominion Govt."

This is a reference to the armed resistance by the Métis at Red River in Manitoba in 1869–1870. Often called the Riel Rebellion or Red River Rebellion, this was a pivotal episode in Canadian history. It was undoubtedly on the minds of the B.C. politicians, and they wanted to ensure that they would not be liable to pay the costs of quelling any "Indian Wars."

The Terms of Union make no mention of Aboriginal title to the land, or the need for treaties to be negotiated in the future. They do state that

B.C. will transfer lands to the federal government for Indian reserves, but the language used is vague. The administration of reserve lands was to be, in the words of the Terms of Union, "as liberal as that hitherto pursued," and the reserves were to be parcelled out "as it has hitherto been the practice of the British Columbia Government." Federal politicians apparently assumed this reserve allotment was comparable to the eighty acres given to First Nations families in Ontario. Trutch and the B.C. politicians, however, felt it confirmed the ten-acre allotments that the colonial administration had previously distributed.

British Columbia joined Canada in 1871 and Joseph Trutch became the new province's first lieutenant-governor. A Superintendent of Indian Affairs for B.C. was also appointed by Ottawa. Dr. Israel Powell was the first superintendent, beginning in November 1871. He divided the province into regions called "Agencies," each administered by an Indian Agent. He also had the task of determining what reserve lands had been allocated for the First Nations before Confederation. Further, he had the job of continuing to assign Indian reserve land. He found himself caught in the middle of the conflict between the policies of the Department of Indian Affairs in Ottawa and the provincial government in Victoria, which was reluctant to implement federal policies.

In 1873, for example, Ottawa passed an Order-in-Council stating that reserves in B.C. should be eighty acres per family, just as they were in Ontario. Powell dutifully told the provincial officials of Ottawa's resolution. He received a letter back from the province

### **Treaty**

A treaty is a formal agreement between two groups, usually sovereign bodies or nations. Treaties with First Nations in Canada were agreements between the government and the First Nations to clear land of Aboriginal title so the land could be used for settlement, resource extraction, or transportation routes like railways. Certain payments and benefits were traded in exchange for clear title to the lands. In negotiating treaties, the government acknowledges the title of First Nations to their lands.

stating “This quantity is greatly in excess of what has been found to be sufficient by previous Governments, and the Government has decided that throughout the Province the land to be reserved for Indians should not exceed 20 acres of land for each head of family of five persons.” This increase from ten to twenty acres a family was never put into practice.

In the 1870s, Treaties 1 to 7 were signed with First Nations on the Prairies, allotting 160 acres or more to each family. First Nations leaders in B.C. hoped that treaties would also be signed with them, for although

the terms of the treaties were often less than favourable, they nevertheless established that Aboriginal title existed, and that the original inhabitants were compensated for the lands they surrendered. However, British Columbia continued to deny the existence of Aboriginal title and First Nations communities were restricted to tiny reserves, remnants of their traditional territories.

## The Indian Act

When Canada became a country, the Department of Indian Affairs (DIA) was created to administer policies regarding First Nations. In 1876, the Indian Act was passed. This act gave legal power to government to control the lives of First Nations communities across the country. The Indian Act combined earlier colonial and federal laws into one act, and included clauses about land, Indian status, and local government.

The Indian Act defines who is considered a “Status Indian.” Individuals who qualify as “Status Indians” are wards of the government, meaning that the act treats them as if they were children in need of parental care. Before 1951, Status Indians were not deemed to be “people” under the laws of Canada, and therefore were denied certain rights that other Canadians enjoyed. Status Indians could only become “persons” by voluntary enfranchisement—by relinquishing their Indian status. Only then would they be allowed to vote, own property, or have the rights of other Canadian citizens.

The Indian Act provided for reserve land to be set aside for the use of Status Indians, and specified who could live on the reserves. Government officials exercised considerable power over people living on reserves. Among other things, they could dictate when and where children would go to school.

The Indian Act infringed on personal behaviour in its discriminatory laws regarding alcohol use. It was a crime for anyone falling under the act to own or consume alcohol, and an inebriated person could

### ORIGINAL DOCUMENTS

#### Article 13, Terms of Union, 1871

The following is an excerpt from the agreement by which the colony of British Columbia joined Canada in 1871. It defines the responsibilities of the province and the federal government with regard to First Nations people.

*The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.*

*To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.*

be thrown in jail immediately and fined in court the next day. It was against the law for anyone to sell alcohol to Status Indians, and such suppliers were frequently given harsh fines. These paternalistic laws were intended for the people's own good, in the eyes of Canadian law-makers, but they only served to push the use of alcohol underground and became a major factor in one of the most serious issues that First Nations have had to face: alcohol abuse.

Although little control remained in the hands of local communities, the Indian Act dictated the structure of local government. Ignoring the traditional First Nations forms of governance, local government was modelled after the Euro-Canadian elected town council. In this model, the government was formed by a band council, led by a chief councillor rather than a mayor. This band council usually replaced, or sometimes co-existed with, traditional forms of government. In traditional governance, leadership was

usually hereditary. In many cases, the hereditary chiefs were elected to the band council positions. Imposing this electoral system on First Nations created a major disruption within First Nations societies.

The Department of Indian Affairs developed a complex bureaucracy, from the Superintendent of Indian Affairs in Ottawa down to the Indian Agents located throughout the country. The DIA kept extensive files of all their correspondence, memos, and other documents. These are available on microfilm today and are valuable resources for researchers, especially for those researching land claims.

Originally there were a hundred clauses in the Indian Act; today, because of amendments that have been made in response to changing conditions, there are almost two hundred. In many cases, powers that were originally assigned to the DIA have been transferred back to local communities, but the Minister of Indian Affairs still holds the legal ability to

interfere in many aspects of the lives of First Nations people. Although the act gives some benefits to Aboriginal people, these have been outweighed by the discrimination and oppression embedded in it.

## FIRST NATIONS VOICES

### Chief Neeshot, Tsimshian

Chief Neeshot (Albert Nelson), Gitsaxlál tribe, Tsimshian Nation, addressing the first Indian Agent for the Northwest Agency, James McKay, at Port Simpson in 1883.

*We are living in peace for this reason, that this Tsimshian tribe belongs to no government. God has put us here Himself. That is why our minds are at peace, for we know God is the only one who governs us. We have heard that the government has appointed you here. You have told us yourself that the land belongs to us the Tsimshians. That the council will have to make a law to divide the lands; so you have said. We do not see what the council has to do this for, as the land belonged to us years ago. What the people of this place want they will let you know; what they do not want they will let you know also. Well Sir, Mr. McKay, this is all I will say. I will not trouble you yourself. This thing we want is not a small thing, it is a great thing.*

### Enfranchisement

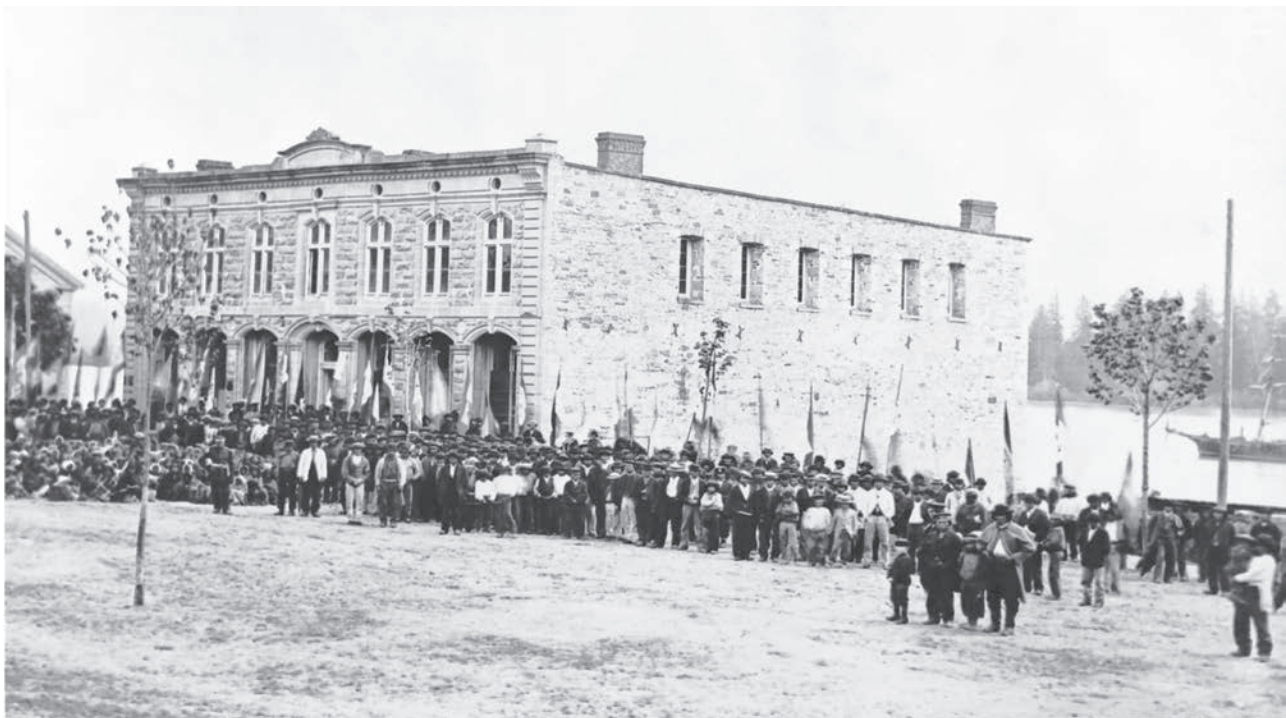
Enfranchisement gives people the right to vote in elections. For First Nations people, however, it has meant more than this. Until 1949 provincially, and 1960 federally, First Nations people could only vote if they relinquished their Indian status. This meant cutting themselves off in many ways from their reserve communities.



## Indian Reserves

Once the Indian Act was passed, First Nations people were not permitted to own land because they had become wards of the state. This shocked the First Nations, who had always had stewardship over their territories. In many areas of B.C., moreover, the First Nations had demonstrated generosity and a willingness to share their territories with the newcomers. For instance, Chief Pelka-mu-lox of the Okanagan stated, “You are my white children and I do not want to lose you. I want you to live in my territory. I have a big country, big enough for all of us. I have plenty of everything, enough for all of us, for our children and for our children’s children.” Instead of living on their traditional territories, the First Nations were now to live on reserves. The idea of reserves was so foreign to First Nations people that many did not fully understand what their impact would be until surveyors arrived to physically mark them out.

Indian reserves were meant to be temporary, lasting only until First Nations people were assimilated into mainstream society and could buy property like other Canadians. The reservation of lands that had started in the colonial era continued once B.C. became a province. An Indian Reserve Commissioner was appointed to oversee this process. The first commissioner, G.M. Sproat, lived among the Nuu-chah-nulth people and was sympathetic to First Nations people. He was as generous as he could be in allotting reserves. In 1880, he was forced to resign and Peter O’Reilly, Trutch’s brother-in-law, assumed his position instead. It comes as no surprise that O’Reilly immediately reduced the size of many reserves that Sproat had set out. Through the 1880s and 1890s, O’Reilly travelled across B.C., consulting First Nations communities and decreeing where reserves should be made. Wherever he went, he was met with resistance and the call for treaties to recognize Aboriginal title.



Coast Salish people gathered at the Land Registry Office in New Westminster in the 1870s. They were protesting the severe restriction of their land base.

## Early Resistance

From the beginning of their relationship with incoming Europeans, First Nations people resisted the alienation of their lands and protested the loss of their rights. Although protests have occasionally turned violent, First Nations protests have usually been peaceful and non-violent. Once the First Nations had unwittingly become part of Canada and come under the control of the Indian Act, First Nations communities organized to resist their new status and to advance the recognition of Aboriginal title and land claims.

First Nations protests generally followed a pattern that placed great importance on community consultation. Everyone in the village, and sometimes the whole nation, would meet to discuss the action they wanted to take. The strongest speakers were appointed to present their claims to politicians, and accompanied by chiefs, they travelled to meet Euro-

Canadian leaders face to face, in some cases all the way to England. Once the advocates returned, they reported the proceedings at another meeting of their community.

Sometimes First Nations people requested assistance from local missionaries, who, with their command of the English language, transcribed letters and petitions which reflected the spoken word of the leaders. Often these missionaries were accused by government officials and newspapers of interfering in First Nations-government relationships. Sometimes the missionaries were accused of supporting protests for their own gain.

One of the earliest protests was made by the Stó:lō people of the lower Fraser River at New Westminster in 1874 in hopes that the government of Canada could redress land issues that dated back to the colonial era. In 1864, shortly before he retired, Douglas directed that fourteen reserves in the Fraser Valley be surveyed,

### ORIGINAL DOCUMENTS

#### Petition to the Government, 1874

The following are excerpts from a petition to the Indian Commissioner for the province of British Columbia.

*The petition of the undersigned, chiefs of Douglas Portage, of Lower Fraser, and of the other tribes on the seashore of the mainland to Bute Inlet, humbly sheweth:*

*That your petitioners view with a great anxiety the standing question of the quantity of land to be reserved for the use of each Indian family.*

*That we are fully aware that the government of Canada has always taken good care of the Indians, and treated them liberally, allowing more than 100 acres per family; and we have been at a loss to understand the views of the local government of British Columbia, in curtailing our land so much as to leave in many instances but few acres of land per family.*

*Our hearts have been wounded by the arbitrary way the local government of British Columbia have dealt with us in locating and dividing our Reserves.*

..

*For many years we have been complaining of the land left us being too small. We have laid our complaints before the government officials nearer to us. They sent us to some others; so we had no redress up to the present; and we have felt like men trampled on, and are commencing to believe that the aim of the white men is to exterminate us as soon as they can, although we have always been quiet, obedient, kind, and friendly to the whites . . .*

*We consider that eighty acres per family is absolutely necessary for our support, and for the future welfare of our children. We declare that 20 or 30 acres of land per family will not give satisfaction, but will create ill feelings, irritation among our people, and we cannot say what will be the consequence. <sup>1</sup>*

averaging eighteen hectares (forty-five acres) per person. Before the reserves could be officially registered, however, Trutch had taken over the administration of Aboriginal affairs. In his opinion these reserves were much too large for the needs of the Stó:lō, so in 1865 he slashed the size of the reserves by eighty per cent. Individual reserves were cut by even more. For example, the Matsqui reserve, which was originally 3,887 hectares, was reduced by Trutch to only 60 hectares. The Stó:lō wrote letters and petitions to various officials hoping to have these cuts reversed. In 1874, more than fifty chiefs and hundreds of other First Nations people gathered in New Westminster to protest in front of the provincial land registry office. They presented a petition to Indian Superintendent Israel Powell requesting that their reserves be increased and that they be compensated for the land outside the reserves. According to government records, this petition caused officials in the Indian Affairs department in Ottawa to realize that treaties had never been signed in British Columbia. However, the relationship between Canada and British Columbia was fragile at that point because the possibility existed that the new province might separate from Canada to join the United States. As a result, the federal government ignored the Stó:lō petitions.

The Nisga'a and Tsimshian were among the earliest First Nations to take action against the reserve surveyors and the Indian Agents. They fought for recognition of Aboriginal title to the land and consistently opposed the idea of Indian reserves. Their protests were based on their traditional ideas regarding land ownership, which made house groups stewards over their territories. They found support for their position in statements made by the colonizers themselves, for example, the Royal Proclamation of 1763 and a statement made by Lord Dufferin, Governor-General of Canada, when he visited Port Simpson and Metlakatla in 1876. Dufferin told the Tsimshian that the people of Canada recognized

them “as the ancient inhabitants of the country.” He also made a speech to politicians and businessmen in Victoria, saying:

*We must all admit that the condition of the Indian question in British Columbia is not satisfactory. Most unfortunately, as I think, there has been an initial error ever since Sir James Douglas quitted office... of British Columbia neglecting to recognize what is known as Indian*

## ORIGINAL DOCUMENTS

### 1887 Meeting in Victoria

The meeting between the Nisga'a and Tsimshian leaders was held at the premier's house. Rev. Thomas Crosby was meant to be the interpreter, but since he was not permitted in the room, Nisga'a Chief Charles Barton, with some misgivings, was made interpreter. Following are some extracts from the transcript of this meeting.

**Richard Wilson** (Tsimshian): *You have power to very easily settle what we want, which is, to be free as well as the whites. You know, if they catch a little bird they put it in a cage. Probably that cage will be very fine; but still the bird will not be free. It will be in bondage; and that is the way with us, and is what we have come to tell you. Can we be free under the laws of Queen Victoria on the top of our land? We have seen that it is not only ourselves who will be in bondage, but it will be worse on our children. Now in this generation there are some who can read and write, who are educated. How much different the next generation will be from us we cannot say. I ask that you will always speak with the Indians just the same as we are speaking now together. Not by frightening us, or by a fuss, or making trouble to make it right, but to make it right with us by what in English you might call a treaty among the Indians. And that is all the world we ask you. This is all I have got to say, and hope that it will be settled. If it is not settled now, in what other way could we help ourselves?*



title. In Canada this has always been done: no government, whether provincial or central, has failed to acknowledge that the original title to the land existed in the Indian tribes and communities that hunted or wandered over them . . .

But in British Columbia, except [for the Douglas treaties] the Provincial Government has always assumed that the fee simple, as well as the sovereignty over the land, resided in the Queen.

Acting upon this principle, they have granted extensive grazing leases, and otherwise so dealt with various sections of the country as greatly to interfere with the prescriptive rights of the Queen's Indian subjects . . . I consider that our Indian fellow subjects are entitled to exactly the same civil rights under the laws as are possessed by the white population.<sup>2</sup>

The politicians in Victoria did not agree with Lord

Later, Nisga'a leader **John Wesley** spoke:

*Our reserve is very little. We have not got any timber land. Neither have we got our hunting grounds. These are what we want and what we came for. We want you to cut out a bigger reserve for us and what we want after that is a treaty.*

**Hon. Mr. Smithe:** What do you mean by a treaty?

**John Wesley:** I have mentioned after a certain amount of land is cut out for the Indians . . . outside of that we want such a law as the law of England and the Dominion government which made a treaty with the Indians.

**Hon. Mr. Smithe:** Where did you hear that?

**John Wesley:** It is in the law books.

**Hon. Mr. Smithe:** Who told you so?

**John Wesley:** There are a good many Indians that can read and write, and they are the ones who say this themselves.

**Hon. Mr. Smithe:** And they told you this, did they?

**John Wesley:** Yes.

**Hon. Mr. Smithe:** Well, I should like them to produce this book that they read this in. I have never seen that book.

**John Wesley:** We could not tell you the book just now; but we can probably find it for you if you really want to see it.

**Hon. Mr. Smithe:** *There is no such law either English or Dominion that I know of; and the Indians, or their friends, have been misled on that point.*

Later in the meeting the Premier explained that the Nisga'a and Tsimshian should count themselves lucky.

**Hon. Mr. Smithe:** *The Indians, indeed are specially favoured. When a white man comes into the country no land is given to him, no reserve is made for him, and he does not own a single inch until he has paid for it. The land all belongs to the Queen. The laws provide that if a white man requires a piece of land he must go to the Land Office and pay for it, and it is his. The Indian is placed in a better position. A reserve is given to each tribe, and they are not required to pay for it. It is the Queen's land just the same, but the Queen gives it to her Indian children because they do not know so well how to make their own living, the same as a white man, and special indulgence is extended to them and special care shown. Thus, instead of being treated like a white man, the Indian is treated better. But it is the hope of everybody that in a little while the Indians will be so far advanced as to be the same as a white man in every respect. Do you understand what I say?*

**Charles Barton** (Nisga'a): *I understand. As I said before, we have come for nothing but to see about the land which we know is ours.*<sup>3</sup>

Dufferin, however, and continued to deny Aboriginal title and implement the reserve system. In the 1880s, the northern people began actively seeking answers to their land claims questions by travelling to the seats of government. In 1881, Chief Mountain led a Nisga'a delegation to Victoria, and in 1885 three Tsimshian chiefs became the first First Nations delegation from British Columbia to travel to Ottawa. In 1886,



■ Chief Israel Sgat'iin, also known as Chief Mountain, wearing a silver-tipped grizzly robe. He held hereditary rights to wear this rare fur. In the 1880s he was a leader in protesting reserves and once stopped government surveyors from entering Nisga'a lands.

Tsimshian and Nisga'a leaders decided to join political forces to present their case to the representatives of the provincial and federal governments. They travelled through winter storms to meet Premier Smithe and others in February 1887. Accompanying them were Methodist missionaries Rev. Thomas Crosby and Rev. A. Green. However, the premier would not allow the ministers into the meeting, presumably believing that the First Nations people on their own would be unable to speak for themselves. It is clear from the records of these meetings, however, that First Nations leaders were able to speak for themselves very eloquently.

At the meeting in Victoria, the Nisga'a and Tsimshian leaders made a case for a treaty. The officials, however, kept returning to the idea of Indian reserves. The premier even tried to make out that there was no such thing as a treaty in Canada. Finally, the northern leaders requested that the government officials visit their territories to talk with all members of their nations. The government agreed, and set into motion a Royal Commission that travelled to the north coast and met with people, but ultimately did nothing to settle land claims or the question of Aboriginal title.

## Potlatch Banned

The sweeping law set out in the Indian Act of 1876 was not having the success that Indian Affairs officials thought it should. People were not choosing to enfranchise themselves, but were continuing their cultural practices, including their spiritual practices. Consequently, in 1884 the government attacked the central expression of Northwest Coast culture and banned the potlatch. An amendment was made to the Indian Act forbidding the potlatch and other customs involving dancing and singing. Banning the potlatch, which was central to the political, economic, social, and spiritual life of many First Nations in British Columbia, was akin to some foreign power today banning all parliaments, libraries, banks, and churches.

Not all Euro-Canadians believed the potlatch

should be banned, but the church and the state certainly did. All they could see were the external aspects of the potlatch, the giving away of great amounts of wealth, and the weeks of unproductive time involved. From the perspective of the capitalist work ethic, the whole affair was simply wasteful and, because they did not understand it, they could see no purpose to it.

Many communities simply ignored the law, while others, particularly those which had incorporated Christianity into their belief systems, continued to practise potlatches in other forms. Some called the get-togethers “dinners” but kept the overt potlatch practices to a minimum. In some communities organizations such as the Fireman’s Brigade or sports clubs brought people together for public sharing. Indian Agents and missionaries, finding it impossible to enforce the potlatch ban, lobbied Indian Affairs to strengthen the law. This was done in 1895, when other cultural practices from other regions of the country were added. It effectively became illegal for a First Nations person to wear ceremonial articles or to dance in public.

## ORIGINAL DOCUMENTS

### Section 3, The Indian Act

*Every Indian or other person who engages in or assists in celebrating the Indian festival known as the “Potlatch” or in the Indian dance known as the “Tamanawas” is guilty of a misdemeanour, and shall be liable to imprisonment for a term of not more than six nor less than two months in any gaol or other place of confinement; and any Indian or other person who encourages, either directly or indirectly, an Indian or Indians to get up such a festival or dance, or to celebrate the same, or who shall assist in the celebration of same is guilty of a like offense, and shall be liable to the same punishment.*

## State and Church Education

One of the main tools of colonialism in British Columbia and throughout the world was the education system. The values and the language of the colonizing culture could be taught to the youngest generation through educational institutions. To make schools even more effective, the students were taken out of their home environment and isolated in a foreign environment.

In Canada, the education system for First Nations children was a partnership between the Department of Indian Affairs and the Christian churches. The missionaries shared the beliefs of government officials regarding First Nations people, and had operated their own schools since their arrival. In the words of Rev. Thomas Crosby, a Methodist missionary, “Our way to a heathen tribe was often through the school.”

Most reserve communities were aligned with one of the major Christian denominations, and children from the reserve went to schools operated by their local church, even though they might be a great distance away. Children from Methodist (later United Church) communities usually attended Coqualeetza at Sardis, near Chilliwack in the Fraser Valley. Some students from these communities also went to the United Church residential school in Port Alberni. Children from Anglican communities went to the residential school in Alert Bay or Lytton. Catholics attended school at places such as Kuper Island near Chemainus and St. Mary’s at Mission.

Even though many students were eager to learn, these schools gave them little opportunity beyond the most basic academic and practical skills. They were only in class for half the school day; the other half they spent applying their practical skills to such tasks as cleaning and laundry. The students were required to work not only to maintain the institution, but also to produce the food they would eat. They spent time in the bakery, the dairy, or the garden. It is not surprising that many people who attended residential schools



■ The Catholic, United, and Anglican churches ran 17 residential schools in B.C. This is St. Michael's, the Anglican school in Alert Bay from 1929 to 1973.

say they were like slaves, having to perform tasks that in any other situation would have been done by paid employees.

One of the greatest wedges driven between the old and new ways was the enforced use of the English language. Students were not permitted to use their own languages at any time, and if they did, were often physically punished. The state and the church knew very well that culture is transmitted by language, and by imposing the English language they could impose English culture.



Not all First Nations children went to residential schools. Communities continued to have local schools called Indian Day Schools, which, at least until the 1950s, were run by local missionary teachers. By law, people with Indian status were not allowed to go



■ Pictured here is the Junior Girls class at the Alberni Indian Residential School in approximately 1930.



## FIRST NATIONS VOICES

## Jeannette Armstrong

In 1988 Okanagan educator and writer Jeannette Armstrong was one of several invited guests at a conference hosted by Simon Fraser University on the theme "Women and Language Across Cultures." Here is an excerpt from her talk.

*I was one of the lucky people on my reservation. I was born into a traditional family: my family is an old family in the Okanagan with a long history. They were given responsibilities that date back thousands of years. Because of those responsibilities, they kept certain parts of our culture and our traditions alive and handed them down to other people in the Okanagan, to other children of generations coming. As a result, my family took a really hard line on independence during the colonial process and withstood real hardship during the past one hundred years of brutality that all my people in Canada and the United States shared.*

*As a youth, I did not understand why my family were the way they were. I remember as a teenager that I began to understand the value of being who I am, an Okanagan woman, a person who has been educated and taught many things that other people did not have access to. Many of our people were coerced and brutalized for speaking their language and practicing their culture until their memory grew distant and dim. Over the years my family was able to separate us from that in many ways.*

*My grandmother refused to speak English all her life. I really admire her for that. She refused to acknowledge any English word from any of us, refused to allow my father and my uncles and my sisters to receive any sort of white education, in any way. At the time my father was a child, the government was taking Native children by force and putting them in residential schools. They were called agricultural schools at that time. The children raised pigs, they raised potatoes and they fed the nuns and priests—really well. My father*



*did not attend these schools. He married and had children when the provincial government was coercing people in our communities, forcibly removing the children and putting them into residential schools at Kamloops, and they resisted that.*

*There was a huge battle. There are newspaper accounts of this mini-war that happened in our community, right on our reserve. The traditional people who were not adherents of the Catholic Church just refused, said "No, we're not letting our children be taken." My father stood by that, but at the same time he knew and realized that the world was changing, that there was a need for his children to be able to speak our language and learn to survive in this world where English is a must. He spoke to the people, the traditional leadership in the community, and said there needed to be schools on the reservation and only then would his children attend.<sup>4</sup>*

## CASE STUDY

## Death of a Residential School Runaway

**O**n a cold February afternoon in 1902, nine boys ran away from the Williams Lake Industrial School, trying to return to their homes. Eight were captured and returned to the school, but one, eight-year-old Duncan Sticks, was able to escape capture. However, his parents were not informed that he was missing and no one from the school went after him until too late. Two days later he was discovered dead in the snow by a local farmer between the school and his home at Alexis Creek.

The background to this sad episode and its outcome both reveal the relationship which existed between Indian Affairs and churches in running residential schools, while practically ignoring their relationships with the First Nations community.

The Catholic church established St. Joseph's mission in northern Secwepemc territory near Williams Lake, and in the 1880s began the Williams Lake Industrial School, a residential school for boys and girls from surrounding communities such as Alexis Creek, Canim Lake, and Williams Lake. Girls and boys lived, studied, and worked apart, in separate buildings.

Priests were responsible for the boys, and nuns for the girls. As was the case in similar schools, pupils studied basic academic subjects in the morning and "industrial training" in the afternoon. This, in reality, meant working in the kitchen, bakery, workshops, or fields.

Labour disguised as instruction was central to the school's operation, although it had little to do with the children or their families. Money was the key factor: the church never had enough to run the school properly. The school was inadequately funded by the Department of Indian Affairs. Soon after the school was built, parents requested that their children be given a month's holiday in the summer to visit with their families. The principal would only agree if the school continued to be paid for the days when the students were away. The department was not willing to do that, so the students had no holiday due to the financial need of the school, which later rationalized this decision by saying it was better for students to attend all year.

In the 1890s, to increase its income, the school sold the products made and harvested by the students, including

leather goods, grain, and hay. Students were not compensated in any way. Like children in other residential schools, they had to work to support the institutions, but in Williams Lake they also unwittingly entered the market economy.

This did not sit well with local merchants in Williams Lake and Kamloops, who complained to authorities. They weren't concerned about the fact that children were being used as a labour force, but the fact that their goods were being sold at lower prices with which the merchants could not compete. Indian Affairs supported the sale of goods, as it lifted from government the responsibility of paying for the full costs of running the school.

The fact that they were made to work was not the main reason Duncan Sticks and the other boys ran away, nor were they the first to do so. It was a sign of the conditions inside the institutions that runaways were a constant concern for most residential school staffs. And the explanation for the frequent attempts at escape given by authorities in this case is one more example of the government and churches' attitude towards their "wards."

to public schools until the Indian Act was revised to allow this in 1951.

In the end, residential schools did not accomplish what they and the Department of Indian Affairs had set out to do, that is, to assimilate First Nations people. They did, however, create extraordinary social problems for several generations of people who lost

their language and their normal childhood. Some people had positive experiences at residential school, but for most, the loneliness, the regimentation, and the institutionalization left terrible memories. For many, the experience was much worse. Those who suffered physical, mental, or sexual abuse can only look back on residential schooling as a nightmare.

The principal and the Indian Agent agreed that an inquest would not be necessary, as it would be too expensive, and Duncan's body was buried without being examined by a coroner. The Indian Agent conducted a short investigation into the matter, and, when the boys told him they had run away because of the frequent whippings they received, put the episode down to "the wild nature of the Indian [who] hates confinement." The role of the school was to "civilize" the children, and running away was, to the Indian Agent, a perfect example of why this was necessary.

That would have been the end of the incident were it not for the antagonistic businessmen and others in the non-native community who learned of the death, and the fact that there had been no inquest. Seeing a possible public outcry blowing up, Indian Affairs called an inquest, and for five days the coroner and six jurors listened to witnesses describe the school. From the students who had previously run away, they learned that the worst of the conditions were the poor quality and small quantity of food, and the strict discipline, including frequent whippings. The jury concluded that indeed there were problems with the

operation of the Williams Lake Industrial School.

Given the jury's findings, Indian Affairs had to follow through, and the Indian Superintendent for British Columbia, A.W. Vowell, was directed to investigate. But Vowell appeared to be less concerned about the welfare of the children, than for the politics of the matter. As writer Elizabeth Furniss points out, Vowell had two purposes: first, to conduct a "public relations job" with the families, telling them the students' welfare was being looked after, and second, to intimidate the school staff into running a "tighter ship." His conclusions discredited the testimony at the inquest, saying the children had said what they thought the court expected to hear. He blamed the students for the problems. All they had to do, he said, was ask for more food and the staff would happily give it to them. Aside from the fact that often they wouldn't want to have more of the rotten meat served them, Vowell's response shows an utter lack of sympathy for these children. How could these little children, who were punished for simply speaking their own language, face the formidable authority of the priests and nuns to ask for more?

Vowell's report on the incident closed the case, but not the problems at the school. Runaways continued, and in the 1920s several students made a suicide pact. The nature of the relationship between the two agencies responsible for the care and education of First Nations children perpetuated the problems within the residential school. In the 1990s former students of the Williams Lake residential school were among the first to gather strength and take the very private experience of abuses suffered at the school into the public forum of the courts.

<sup>5</sup>

## Treaty 8

The government of British Columbia consistently argued that Aboriginal rights, if they ever existed, had been extinguished at the time of Confederation. Why, then, did the government agree to a treaty in the Peace River region in 1899?

Between 1870 and 1877, the federal government negotiated Treaties 1 to 7 as part of a strategy to open up the west for settlement. Canada, which continued to follow the policy stated in the Royal Proclamation of 1763, needed to ensure there were no obstacles for new settlers on the Prairies. The regions north of the Prairies, from Saskatchewan across to the Rocky



Mountains, were occupied by Dunne-za (Beaver), Sekani, Dene-thah (Slavey), Chipewyan, and Cree people. This area had little farming potential, so no treaties were made there until gold seekers began travelling through the area.

Even before the influx of miners, the people living in this vast territory had called for a treaty because their way of life had changed. Before European contact, they were principally moose, caribou, and bison hunters. After the fur trade began, they devoted much more time to trapping and came to depend on the fur trade for income. By the 1880s, fur supplies in their territories were depleted, and there were so few fur-bearing animals that people could no longer

earn a living. Thus, many First Nations people saw the benefits of a treaty. Even the \$5.00 yearly cash payment (a fairly large sum at that time) to each person common to previously signed treaties would keep them from starvation.

The year 1897 brought many more prospectors travelling by pack trains along the trails from Edmonton, through Fort St. John, and on to Fort Graham. They were part of the Klondike gold rush, and they were determined to reach the Yukon and strike gold. Some of the men behaved with complete disregard for First Nations people. For example, they stole or shot First Nations' horses on numerous occasions. The First Nations people depended on



their horses not only for regular transportation, but also for packing, one of their sources of income. In one case, a miner shot two stallions belonging to Chief Montaigne of Fort St. John, because, he said, the stallions were chasing his horses.

The increase in the number of people moving along the trails also affected the traplines. Prospectors often destroyed traps that the Dunne-za had laboriously built or set. Some newcomers stole food or other items such as snowshoes which the people had cached in trees as they moved about their territories.

The First Nations could not tolerate this behaviour, and they retaliated. On one occasion, miners left seventy-five buggies and wagons at the top of a hill near Fort St. John. Some Dunne-za pushed the whole works down the steep hill. The Sekani near Fort Graham set up a toll gate for prospectors crossing their territories. Open hostility threatened when the travellers refused to pay.

By 1898, when the Klondike gold rush began in earnest, it was obvious that something had to be done before violence broke out, or, in the language of the day, there would be an "Indian War." The world learned of the tense situation in May, 1898, when five hundred First Nations people gathered at Fort St. John. They blocked the way of the miners and the Mounties. No one could pass, their leaders said, until the government signed a treaty with them. The story was carried in newspapers across North America, forcing the government to take action.

The process was set in motion to sign a treaty with the people of the vast territory in northern Alberta and Saskatchewan, in the southern Yukon, and in the Peace River region. The only problem was, the Peace River region was in British Columbia, and the B.C. government had stated clearly that it did not recognize Aboriginal title and would give no provincial land for treaties.

The federal government tried to involve B.C. in the treaty process, but politicians in Victoria ignored any

invitation to participate. Still, the federal government had a way around the issue. Previously, British Columbia had given a large tract of land in the Peace River region to Canada as part of a deal involved in the construction of railways in B.C. The original intention had not been to use this block of 8,850 square kilometres (5,500 square miles) for treaties or reserves, but now the province had no say in the matter. Not that it wanted any. By remaining silent about the issue, British Columbia could maintain its position that Aboriginal title did not exist. Still, the treaty stands today as proof that the Royal Proclamation of 1763 does apply to British Columbia, and that Aboriginal title was recognized, at least in one corner of the province.

## 1911 Victoria Conference

One of the first attempts to organize all the First Nations in B.C. came in 1909 with the formation of a group called the Indian Tribes of the Province of British Columbia. Around the same time, a number of ministers and other non-Aboriginal people formed the Committee of Friends of the Indians, with the goal of advancing the recognition of Aboriginal rights through public education and fundraising.

In March 1911, the Indian Tribes of B.C. held a conference in Victoria to discuss issues important to them and to meet with the premier of the day, Richard McBride. As they had been before, the clergy were accused not only of organizing the conference but also of inciting the First Nations people to militancy. "The entire course of the clerics," wrote one paper, "is warmly criticised."

At the opening of the conference, Rev. C.M. Tate, a minister and leader of the Committee of Friends, presented a draft of a petition for the group to sign. A young man jumped up. He spoke eloquently against signing Tate's petition. The First Nations people needed to make their own statements, said Peter Kelly, the Haida representative from Skidegate. And when he spoke, the people listened.



■ The ceremony marking the transfer of the Songhees reserve on Victoria harbour to the province of B.C. in 1911.

Peter Kelly, only twenty-five years old, was educated both in the Haida community of Skidegate and at Coqualeetza Residential School in the Fraser Valley. He continued reading and studying on his own, until he understood constitutional law and the matters relating to Aboriginal rights. When he was only eighteen, he became the teacher at the Skidegate school, and in 1910 was made the lay minister and teacher at the Tsimshian village of Hartley Bay.

At the Victoria Conference, he argued that instead of simply accepting Rev. Tate's petition, the gathered leaders should discuss fully their intentions and their demands. He pointed out the folly of Section 13 of the Terms of Union which required Canada to continue the colonial policies with regard to land issues. But the colony had never established title to the land; it had only assumed it. It was this point, Kelly argued, that needed to be made to the premier. After three days of discussion, the leaders agreed, and appointed Peter Kelly to be their speaker.

On March 3, 1911, nearly one hundred chiefs and leaders from all parts of the province met Premier McBride. Chief Chiekleets of Douglas Lake headed the delegation. Peter Kelly read the unified statement of the chiefs, and spoke powerfully in favour of it. The premier, however, would not consider the question of Aboriginal title. He told the chiefs that he didn't even know there was a problem until a few months earlier. "The question of title," newspapers such as the *Prince Rupert Empire* reported him saying, "would never have been raised were it not for the pernicious activity of some white men who should have known better. If they had any legitimate grievances these should be presented to the Indian department at Ottawa, as they were the wards of the Dominion government."<sup>6</sup>

The province had once again made its position clear. At the same time, other activities reflected the government's policies in practice. Two days after the report of the Victoria Conference appeared in the *Prince Rupert Empire*, another article appeared,

describing the anticipated arrival of five hundred men to mine and farm in the Nass valley. The headline unabashedly read, “To Exploit the Nass Valley.” One month after the Victoria Conference, Premier McBride purchased the reserve lands of the Songhees tribe on Victoria harbour. The headline read “Cold Cash for Songhees Indians.”

Similarly, in 1913, the Kitsilano people living on the shores of False Creek in Vancouver, after tremendous pressure, sold their reserve to the

province. The deal, signed on a barge on the beach by the Attorney General of British Columbia, was highly questionable. The Indian Act was ignored, no surrender from Indian Affairs was obtained, nor did the federal government intervene on behalf of the Kitsilano people. In July 2000, after years of legal action, the Squamish Nation and Canada agreed on a settlement to compensate for the loss of these lands, which today include Vanier Park, roads to the Burrard Street Bridge, and a number of industries.

## CHAPTER SUMMARY

**T**he division of powers at the time of Confederation was to have long-lasting repercussions on First Nations societies. The federal government assumed responsibility for First Nations people as wards of the government, while the province had control over crown lands. This, along with B.C.’s repeated refusal to recognize Aboriginal rights, has left the land claims issue in a stalemate since Confederation in 1871.

The Indian Act was passed in 1876, effectively taking control of many aspects of their lives away from First Nations individuals and communities. They were restricted to small fragments of their former territories by the establishment of Indian reserves. They were banned from continuing important cultural practices such as the potlatch, and many of their children were taken away to residential schools where the continuity of family life and language learning were disrupted. The damage to families and communities has lasted

for several generations, and First Nations are still in the process of healing from that devastation.

However, from the first, First Nations people resisted these discriminatory laws. They consistently maintained their right to Aboriginal title and sovereignty to the land of their ancestors. They always attempted to meet with political leaders on a nation-to-nation basis.

Ironically, Treaty 8 was signed with the First Nations of northeastern B.C., but due to unusual circumstances, the province was not a party to it.

Until 1911, most resistance was undertaken by individual groups, but that year in Victoria, the beginnings of a unified protest movement began when many First Nations gathered to present a petition to Premier Richard McBride. He resolutely rejected the notion of Aboriginal title.

# Adapting to New Economies

**T**raditional First Nations economies were based on extended families working together to provide for the whole group. Europeans brought a new economy based on the production of the individual. With the discovery of gold in the 1850s, thousands of newcomers entered the colony. By the early 1860s, mining, forestry, and fishing had replaced the fur trade to become the backbone of British Columbia's settler economy.

In this chapter we will see how First Nations people applied their traditional skills to jobs such as fishing, logging, ranching, and other resource-based industries. By joining the wage economy, First Nations people were no longer working for the good of their communities but for the capitalist interests that operated these industries. This fundamentally changed the relationship between First Nations people and the non-Aboriginal newcomers. First Nations people were no longer valued as trading partners. They were seen only as workers in a rapidly growing labour force.

As they became integrated into these industries, control of the land and resources was taken away from First Nations through the combined powers of the companies and discriminatory laws. Without First Nations ever ceding their Aboriginal title, their resources were appropriated and their traditional way of life was made perilously difficult. How the division of work between women and men was allocated changed, and families underwent major stresses. As well, subsistence activities on the land became more difficult as habitats deteriorated.

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## Capitalism

Capitalism is an economic system in which private wealth or capital is invested to produce and distribute goods at a profit. In order to accumulate wealth, owners hire labour to produce the goods. Market forces determine production and distribution.

## Colonialism and Resource Appropriation

The relationship between non-Aboriginal newcomers and First Nations has revolved around the exploitation and appropriation of the natural resources of British Columbia. The fur trade economy allowed First Nations people a great deal of control; however as the fur traders gave way to settlers, First Nations people lost control over trade. In the Fraser Valley and the southern interior, many settlers arrived to introduce a new lifestyle, that of the farmer. They exercised their rights as British citizens to homestead large tracts of land, rights that were denied First Nations people. By the 1880s, First Nations' control of valuable land and resources was almost completely destroyed through laws and practices introduced by governments to provide for the Euro-Canadian settlers.

In the 1880s, under the provisions of the Canada Fisheries Act, specific laws were passed to create the legal category of "food fishing." This law said that under their Aboriginal fishing rights, First Nations people could use salmon resources for food and ceremonial uses only. The main effect of the law was to forbid the sale of fish caught by First Nations people within their traditional fisheries. As a result, First Nations lost their traditional and customary ownership of fishing resources. Ownership shifted into the hands of industrial capitalist fishing firms, in which First Nations people worked primarily as labourers.

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## Appropriate (v)


To appropriate something is to take possession of it, usually unlawfully or without authority.



The struggle of First Nations people to regain control of their traditional land and resources continues to bring them into conflict with non-Aboriginals employed in resource extraction industries such as fishing, forestry, mining, and agriculture. For over a century the needs of a market economy based on resource extraction industries have taken precedence over First Nations Aboriginal title to the land and resources. For many non-Aboriginals, the prospect of settling land claims with First Nations sparks fears of loss of jobs and homes. In contrast, First Nations people look forward to a better tomorrow in which they again control their traditional territories. As we will see in Chapter 8, this fundamental issue remains unresolved.

## Fishing for a Living

From about 1880 until the mid-1970s, commercial fishing, logging, and mining were the major industries in British Columbia. Throughout this period First

 A First Nations commercial fisher on the Skeena River in the 1920s.

Nations women and men were workers on fishing boats and in fish plants, mills, and logging camps. On the north coast, First Nations fishers and cannery workers supplied the bulk of the early labour force. Cannery managers would contract with local village or house leaders to hire entire families much the same way as trading alliances had been organized during the fur trade period. This system quickly broke down in the south of the province under the onslaught of Euro-American settlement, but it remained the dominant mode of labour recruitment on the north and central coasts until the 1950s, when factors such as global markets, improved technology, and more government regulation shifted the employers' demand for First Nations workers.

In the early years First Nations people became allies with non-Aboriginal people in the trade union movement that fought for workers' rights in the fishing industry. In the 1890s they played a prominent role in central and north coast fish strikes. They were also decisive in turning the tide in favour of the Fishermen's Union in a critical strike on the Fraser River in 1900.

That Fraser River strike was important for two major reasons: (1) it demonstrated that a labour force from diverse cultural backgrounds could work together toward a common goal, and (2) it established that the employers, the cannery owners, had to

### Trade union

A trade union, also known as a labour union, is an organized association of workers formed to protect and further their rights and interests and to bargain collectively with employers on issues such as working conditions and wages.





First Nations women became an essential part of the workforce in salmon canneries. These skilled workers were paid according to the number of trays of cans they filled.

share some of their profits with the workers. After nearly thirty years of expansion, the industrial canning industry was an almost invincible force. Until the 1900 strike the large fish processing firms had almost complete control. They dictated nearly all terms of employment, and they set the prices of fish and the conditions of work. Following the strike, however, the canning industry was faced with a union movement that went beyond racial, gender, and regional boundaries to act collectively in the interests of workers.

Union building in the fishing industry was most intense in the 1890s–1910s (led by the Second International Socialist Party of Canada) and in 1925–1945 (led by the Communist Party of Canada). Organizers worked hard at building labour unions that included both First Nations and non-Aboriginal people. Although they were accepting of First Nations organizing their own workers, most union organizers believed that First Nations people's interests were with the working class in general. In fact, from the 1890s until the Depression of the 1930s, First Nations fishers chose to join the unions rather than organize themselves. But First Nations fishers ultimately

found themselves in conflict with many of their non-Aboriginal co-workers because the trade unions never developed a united policy to recognize and lobby for First Nations' Aboriginal rights and title.

In 1931 leading commercial fishermen from Haida and Tsimshian villages formed the Native Brotherhood of British Columbia, which pledged to work for the recognition of Aboriginal rights in hunting, fishing, trapping, and off-reserve logging activities. Eventually the women's section of the Native Brotherhood, the Sisterhood, led the struggle for better working conditions and wages for women working in the fish canneries. Over time the Native Brotherhood expanded from the north coast to the south coast, and began to act as a union for First Nations fishermen. In 1943 it signed its first contract with canning companies.

Meanwhile in their role as labour brokers for the canneries, some First Nations leaders were able to accumulate wealth and assume positions of higher social rank. On the north coast, for example, when the restriction on using motorized boats in the gillnet fishery was lifted in 1923, leading First Nations fishers purchased their own boats, often using their control of

## CASE STUDY

## Rivers Inlet Salmon Canning

Rivers Inlet reaches approximately 48 km (30 mi) into the Coast Mountains on B.C.'s central coast. The Owikeno people live at the head of what is called Rivers Inlet, where the Wannock River runs into the sea. For centuries they had enjoyed the riches of one of the largest salmon runs in the province. Everything changed in the 1880s when the salmon cannery boom hit their peaceful waters. Before long nearly a dozen canneries were built along the shoreline. Hundreds of workers descended during the summer, caught and canned as much salmon as they could, then left again.

Many of the workers were First Nations people from up and down the coast, from Tsimshian in the north to Coast Salish in the south. A large proportion came from Alert Bay and other Kwakwaka'wakw communities. Their age-old skills in fishing and processing salmon were valuable to the canners, and they formed the backbone of the workforce, especially in the early years of the industry. Usually the men fished for salmon using gillnets set out from small open boats powered by oar and sail. The women worked in the canneries. Sometimes when the fish were plentiful they worked around the clock.

Each cannery was a self-contained community, a miniature village with homes and workspaces built on pilings and connected with boardwalks. They were highly segregated both in their assignment of jobs and in their living spaces.

Fishing was done by men of First Nations, Japanese, and European descent. The job of canning the fish was

done by Chinese men and First Nations women. Each ethnic group had its own area of the cannery village to live in. The management, always of European descent, lived in individual homes, the finest in the village. The Japanese lived in bunkhouses of eight to ten fishers. The Chinese workers, always men, had the worst living conditions. They all lived in one large bunkhouse.

Cannery employees worked under a contract system. The complete canning operation was given to a Chinese contractor, who hired the Chinese men and First Nations women who made the cans, butchered the salmon, washed and cleaned the salmon, packed the fish into cans, sealed and cooked them, boxed them and loaded them onto the steamers that shipped them away to markets around the world. The women were paid piece rates, a few cents for each tray of tins filled.

For First Nations people, coming to the cannery in the summer was a family affair. They lived in small cabins, usually built in rows, often over the water. Each family, no matter how large, had a little cabin of about 7 by 3 metres, with a small room used as a living room, dining room, and kitchen, and two tiny bedrooms. Furniture was rustic, usually hand-built.

First Nations people often faced discrimination in the company store. Some stores set different prices for their goods, the lowest for the white workers and the highest for First Nations shoppers.

The living conditions were cramped and unhealthy. Working conditions were harsh, given the stench and the noise

of the canneries. Yet many First Nations people who experienced this lifestyle have a fondness for those days. The work was difficult, but the social side of the life made up for it. With so many people gathering together, there was a great sharing of friendship and culture.

Chief Harry Assu of Cape Mudge recalled the excitement of travelling to Rivers Inlet in the 1920s:

*Our people all went off together as families around June twentieth on the Union Steamship that called in at Quathiaski Cove twice a week. It was like a summer holiday beginning. It must have been like that in the old days when we had this country to ourselves and our people all started off together in spring from the winter village to head out to the summer camping grounds . . . We worked hard, and we had a very good time too. The best thing was that our friends and families were all there together. I remember that there was a big net-loft where we danced on the weekends. It was a lot of fun.<sup>1</sup>*

By the 1930s, the industry had changed considerably since its early days. Mechanization had replaced much of the hand-operated canning equipment. Most fishers now used larger gillnetters with gasoline-powered engines. Many of the smaller independent canneries had closed or been swallowed up by a few large companies. The cannery owners tried to reduce the price paid for fish as low as possible, while increasing rent on boats and nets. They also encouraged

*Continued*





■ The price paid for salmon was at the heart of the 1936 strike that shut down Rivers Inlet canneries.

more boats to fish, meaning the average earnings dropped. Fishers were going deeper and deeper into debt.

In 1936 there were eight canneries operating on Rivers Inlet, with 1,300 fishers who had barely managed to survive the Depression of the early thirties. Now that the economy was back on its feet they wanted a better price for the fish.

Instead, the companies offered a cut of 5 cents a fish. In those days, fishers were paid a set price per fish, not by weight as today. All the companies were willing to pay was 45 cents for one rich Rivers Inlet sockeye. The reason, they said, was that they were smaller than the Skeena River sockeye, which were worth 50 cents each.

Fisheries and shoreworkers had gone on strike numerous times since the beginning of the industry, but by

the 1930s they were becoming more organized. The Fishermen's and Cannery Workers Industrial Union became the major player in 1934.

In June 1936, union organizers set out to shut down salmon fishing on Rivers Inlet. Fishers of all races joined together in solidarity. They felt if they stood unified, the strike would be over in a week and the canneries would have to raise the price to 50 cents a fish.

But the employers did not give in. They were determined to stop the union. They encouraged non-union men to fish for them. Rivers Inlet canneries locked their company stores to anyone belonging to the union. Families were starving. The strike dragged on until it was too late. The fish had gone, and there was nothing to fight over.

This strike was an important turning point in the development of an independent First Nations voice for workers in the fishing industry. Many union fishermen saw the Rivers Inlet strike

as a major advance for unions, but many First Nations still think of it as a betrayal. The conflict between non-Aboriginal and First Nations union members grew out of differences in where their home port was, and how involved their families were in the fishing industry.

A great many of the non-Aboriginal fishers lived in Vancouver. Each season they would ready their boats, leave their families behind, and set sail for fishing grounds spread along the coast. First Nations fishers, on the other hand, mostly fished in or close to their historic territories. More often than not their entire family laboured in the fishing industry either as fishers or shore workers.

In the Rivers Inlet strike, First Nations fishers were concerned about the well-being of their families locked away behind picket lines. Kwakwaka'wakw Chief James Sewid said, "We weren't allowed to go up to Knight Inlet to see our wives and children and we wanted to know how they were getting along. They finally settled it but we didn't make hardly anything at all because we had been tied up nearly all season." Following this incident the Pacific Coast Native Fishermen's Association was formed at Alert Bay on the south coast. It later amalgamated with the north coast Native Brotherhood of British Columbia to form one unified coast-wide organization.



the labour supply in the competitive market to extract loans for this purpose from the cannery owners. Though some Aboriginal chiefs raised sufficient capital to purchase their own boats and then break free from the companies, most First Nations fishers could not. The reason for this is embedded in the colonial relationship between the Canadian state and First Nations. Legal restrictions prevented First Nations fishers from borrowing money from banks, keeping them tied to the processing companies through debt. Changing fisheries management regulations and technological innovation combined, moreover, to push up the cost of operation, driving First Nations fishers out of the fishery.

Fishers of European descent faced an entirely different set of conditions. While there were no legal barriers designed to prevent them from securing a loan to buy a fishing boat, the fish companies were able to maintain effective control over the Euro-Canadian fishers through a monopoly-like control of fish prices. As opposed to their First Nations brethren, Euro-Canadian fishers could not rely upon a subsistence base or home village in times of need. Most resource workers of European descent circulated between jobs in forestry, fishing, construction, or other semi-skilled industrial jobs. Their only effective resistance against exploitation within the market economy was collective organization, as in trade unions, cooperatives, or credit unions.

A vital cooperative and credit union movement in the Euro-Canadian communities following World War II created an avenue of escape for fishers. Once out from under the economic control of the companies, an independent boat-owning class of predominantly Euro-Canadian fishers developed.

The fish canning industry in British Columbia has always relied upon a workforce segregated by race and gender. While this produced immediate and pronounced benefits for the companies and their distant shareholders, it has not been in the best

interests of either First Nations or Euro-Canadian communities. The different historical links of Euro-Canadian and First Nations to the fishing industry has led to the current segregation of the fleet. First Nations fishers are more highly concentrated in the north and among the gillnet fleets. Euro-Canadian fishers, though by no means absent in the gillnet fleet, predominate in the more capital-intensive seine and offshore fleets.

## Working in Agriculture

A common assumption of colonialism is that agriculture is the hallmark of civilization, as if there is an evolutionary scale of development and those societies with agriculture are more advanced. This false assumption led the agents of colonialism to see First Nations people as uncivilized because they were not farmers. Government agents and missionaries were determined to make First Nations people farmers as part of their process of civilization.

Most coastal First Nations had very little arable land even if they were inclined to farm. Interior First Nations did join in the agricultural economy to some degree, but discriminatory laws which favoured the settlers put almost insurmountable obstacles in their way. Just as the industrial take-over of the salmon resource displaced First Nations of the coast from their fishing grounds, so did agricultural interests displace interior people from their territories. They had a small land base and little capitalization to operate commercial farms. Instead, they formed an important segment of the agricultural workforce.

A vast difference existed between the economic, social, and political structures of traditional First Nations resource-gathering, and Euro-Canadian farming. First Nations people utilized a wide diversity of plants and animals, moving throughout a large expanse of land. Farmers used a limited number of crops or livestock, sometimes restricting their total production to one crop such as grain or hops. They

Looking across the Thompson River near Kamloops, with a view of fertile farm land. As settlers pre-empted large tracts of land for farming, First Nations lost much of their most productive land.



lived and worked in one spot year-round. Hunting and gathering required less work, but larger spaces. Farming was much more labour-intensive, with the tilling, planting, weeding, and harvesting that needed to be done.

The principal resources required for agriculture are land and water. First Nations people were unable to fully participate in agriculture because they were denied access to these resources. Any British citizen could come into the province and squat on 160 to 320 acres of “unoccupied” land, and it was theirs, as long as they “improved” the land. Improving the land meant clearing it and converting it to agricultural land. As we have already seen, First Nations people could not pre-empt land in this way.

Settlers arrived in growing numbers in the 1860s and 1870s, taking up land and water rights. There were laws which prohibited settlers from claiming lands that were burial sites, First Nations villages, or cultivated fields, but these were often ignored. When First Nations people tried to seek justice, they found the legal system was against them.

Many people were in despair. The survivors of the smallpox epidemic were just getting back on their feet again, only to find their land base disappearing. Not only that, animals such as deer and beaver were being

driven from their habitats. When the Fraser River salmon run failed in 1879, things became desperate. The despair of one of the leaders of the time, Chief William of the Williams Lake band, is clear in his letter printed in the *Victoria Daily Colonist*:

*I am an Indian chief and my people are threatened by starvation. The white men have taken all the land and all the fish. The country was ours. It is all gone. The noise of the threshing machine and the wagon has frightened the deer and the beaver. We have nothing to eat. We cannot live on the air, and we must die. My people are sick. My young men are angry . . . The land on which my people lived for five hundred years was taken by a white man; he has piles of wheat and herds of cattle. We have nothing not an acre. Another white man can take three hundred and twenty acres of our land and the Indian dare not touch an acre . . . Now, what I want to say is this—there will be trouble, sure. The whites have taken all the salmon and all the land and my people will not starve in peace.<sup>2</sup>*

First Nations people became involved in agriculture in three ways: subsistence farming, commercial farming, and working as farm labourers. Subsistence farming, that is farming to provide food for the family, was the most common. It took many forms, from potato gardens which were widespread in coastal villages to larger farms elsewhere with poultry, vegetable gardens, hay, and cows for milk.

Commercial farming was undertaken in relatively few areas of the province, primarily in the Cowichan Valley, the Fraser Valley, and the Okanagan. The height of First Nations commercial farming was between 1890 and 1920. However, many factors made it difficult for these farms to succeed. Partly, it was due to the economics of the time, as small farmers generally were having difficulty by World War I. First Nations farmers faced other obstacles. They could not increase their land base, since they were restricted to using only their reserve land. They had no access to water for irrigation, because people living on reserves could not get a water licence. Gradually, the commercial farms died out as people realized they could make more money working as labourers for the owners of large farms. Seasonal work on farms in many ways suited the lifestyle of First Nations people better than running their own farms because they could continue with their seasonal activities.



Working in a potato field near Bella Coola in 1913. First Nations people grew potatoes in many parts of the province, particularly on the coast and in the Okanagan.

## Labouring on Hop Farms

The hop industry was one of the first agricultural enterprises that hired large numbers of First Nations people as seasonal workers. The flowers of the hop plant, used in the making of beer, ripened in late August or early September. Large hop plantations required hundreds of workers. Hop farmers of



Cabins on a hop farm in the Fraser Valley, 1950, where First Nations families lived during the hop-picking season.



## CASE STUDY

## Farming in the Okanagan

One of British Columbia's prime agricultural areas is the Okanagan Valley, where fruits and vegetables flourish in a hot summer climate. But the story of the relationship of the Okanagan people with the farming industry is another example of how Euro-Canadian social, economic, and political structures replaced those of First Nations people.

The Okanagan tribes are members of the Interior Salish language family, whose traditional economy produced a wide range of food and materials throughout the mountains and valleys of their territories. These are dry lands, except around the series of long, narrow lakes that run in a north-south corridor. There were ten winter villages, most on the same sites as the present-day towns and cities.

When the first settlers arrived in the 1880s, the Okanagan people were already familiar with agricultural methods. They were skilled at stockraising, for they had been keeping horses for a century and a half. The horse fit in well with the flexible nature of their resource gathering, and also made long distance trading journeys easier. In more recent years, people had learned how to grow fruit and vegetables from the Hudson's Bay Company posts which all had gardens. Most Okanagan

people, like First Nations people throughout the province, grew potatoes beginning in the 1840s.

By the 1860s miners and farmers were moving into the Okanagan Valley and squatting on traditional sites. To avoid conflict between First Nations people and the newcomers, Governor James Douglas negotiated peace agreements with the Okanagan and other interior people. Okanagan chiefs agreed to permit Europeans to share their land and resources, as long as they were guaranteed the ability to continue with their traditional hunting and fishing practices. Reserve lands were set aside for the Okanagan people, lands that included space for raising cattle and farming as well as for hunting and fishing. Substantial reserves of land were marked out by the local Lands Commissioner, William Cox, guided by the Okanagan chiefs. Most of the flat land around the southern and northern ends of Okanagan Lake was included in the reserve lands, as well as traditional village sites, fishing camps, and gardens. While conditions were more restrictive than before the Europeans came, they at least seemed to offer opportunities not only for following their traditional economies, but participating in the new economies if they so desired.

Increasing numbers of settlers made it clear to the colonial powers, however, that these large reserves were a hindrance to settlement. The Okanagan people were viewed simply as obstacles in the way of progress, rather than owners of the land with whom the newcomers would negotiate. For example, in the winter of 1865 a rancher brought two hundred head of cattle down from the mountains into the valley for wintering. The best wintering grounds were at Penticton, where there was plenty of feed and protection from the weather. However, the rancher was unwilling to pay the Penticton people for wintering his cattle there, so he moved them to a less desirable location where most of the cattle died.

The very next year all the Okanagan reserve lands were slashed in size. Douglas had retired in 1864 and colonial policies involving First Nations lands were taken over by Joseph Trutch. The reserves marked out by Cox were ignored. New, much smaller and less valuable lands were set out by a local magistrate named Haynes. The man who surveyed the new reserves probably spoke for the ranchers when he wrote, "Mr. Haynes' reservation at Penticton is a great improvement to the last."

western Washington, the Saanich Peninsula, the Fraser Valley, and the Okanagan Valley depended on First Nations workers from the 1870s to the 1940s, when mechanization replaced them.

Hundreds of families travelled to the hop fields from the coast and the interior. Usually the beginning

of the hop season coincided with the end of the main salmon canning season. Women and children picked the hop flowers, while the men took care of the plants, transported the full sacks, and operated the kilns where the hops were processed. Pickers earned about one cent a pound. The faster workers could pick 300 pounds in a day, earning a total of \$3.00 a day.



Ranching became the way of life in the Okanagan during the final decades of the 1800s. Settlers could acquire huge tracts of grass-covered hills for grazing. One ranch near Vernon, Coldstream, had a great influence on the development of agriculture in the Okanagan Valley. Coldstream couldn't have had a more colonial landowner. The ranch was owned by the Earl of Aberdeen, who later became Governor-General of Canada. He initiated many of the changes in the valley, encouraging settlement, beginning the orchard industry, and building irrigation systems.

Hops were one of the crops grown at Coldstream, to be shipped to Britain. Aberdeen relied on First Nations labourers to pick the hops. Okanagan people were the major workforce, but families came from Lytton, Similkameen, and as far away as eastern Washington. Hundreds of families gathered at the farm for a month in early September, camping in tents. Aberdeen maintained a level of economic control which kept the wages circulating in the settler community. First Nations workers weren't paid in cash, but rather with coupons, coloured cards printed with different denominations, which could only be cashed at local stores.

By the turn of the twentieth century, the cattle industry was disappearing from the Okanagan. Rich grasslands

were overgrazed, making it harder and harder to feed the animals. More settlers were moving in, dividing the land into smaller sections, with fences dividing them. Instead, fruit farming became the main form of agriculture in the valley. One resource was key to running a profitable orchard, and that was water. In the dry, hot summers, expensive irrigation systems were indispensable. In the following years, access to water was to play a defining role in the ability of the Okanagan First Nations to participate in the industry.

There should have been every reason for Okanagan people to become active owners and operators in the fruit industry. By 1890 they were as skilled farmers as any. They successfully cultivated land and grew a variety of crops. Much of their produce was used for subsistence, but there was enough left over to sell at a profit.

Then, in the 1890s, the realities of the reserve system brought development to a halt. More people had turned to farming, and the fields were expanded until there was no room left on the reserves. But because of the special laws governing them, First Nations could not acquire additional land. In fact, they found their reserves shrinking as the government arbitrarily removed acreage. For instance, the chief of the N'kamapeleks applied

for more land, but instead reserve land was taken away from them in favour of settlers.

As well as a shortage of land, a shortage of capital to invest in fruit farming was a hindrance to agricultural development for the Okanagan people. Perhaps the most frustrating obstacle, however, was access to water supplies for irrigation. Water rights were controlled by the provincial government under the British Columbia Water Act, and water licences were denied to anyone who did not own their land in fee simple. Of course, under the Indian Act, the Okanagans could not own land individually. The province consistently refused to consider special dispensation for the First Nations farmers. In some cases farmers were forced to defy the laws and use water to save their crops, only to be thrown in jail.

Instead of participating in significant ways in the agricultural economy of their valley, the Okanagan people had to settle for working as labourers on the farms of the newcomers. The farmers depended on them for much of the work required to send the fruit off to market, from picking in the fields to canning and packing.

Hop picking was more than an opportunity to earn extra income. It was an enjoyable social gathering. With hundreds of families living on the fields, there was a great deal of interaction between people from many different nations, from the Tsimshian of the north coast to the Secwepemc of the interior. People

traded food and things they had made, caught up on the news, and held competitions, especially slahal (lahal).

## Ranching

Cattle ranching came to the interior of B.C. from the United States in the 1860s following the Cariboo gold rush. The large expanses of land necessary to raise cattle were apparently there for the taking for the newcomers. The colonial government sold or leased land for very little. Soon ranching became established in the Okanagan Valley, the Nicola Valley, the Cariboo, and the Chilcotin country. Many First Nations people found that ranching fit their lifestyle; since they were already expert at riding and breeding horses it made sense to apply these skills to raising cattle.

Some First Nations people were able to run their own ranches successfully, but they were the exception. The Okanagan people of Spaxomin, at the west end of Douglas Lake, have worked with cattle since they were introduced. One of the leaders



First Nations men from the Soda Creek reserve in 1901. Many First Nations men worked on ranches as cowboys and labourers, while First Nations women were often employed as camp cooks.

### FIRST NATIONS VOICES

#### Chief Johnny Chillihitzia

*I want to speak to you about grazing. Long ago the Indians already started to have cattle, horses, and everything, and they had the use of the range and the Indians succeeded in getting large stock for themselves, and at that time they had big use of the range; it was not under control then, and they had a lot of stock, and it increased because there was range for the Indians at that time—open range. Now the white people sell it between themselves, and they are all taken up, and the Indians have no more land, and finally the Indians' cattle diminished, because they were short of land.*

*... At the time [Reserve Commissioner] Sproat came and had the reserves surveyed out for the Indians he said, "This stream that runs through the reserve is for your use; after a while you maybe will get to know how to cultivate your land, and that will be for your water—for irrigation. Now, I am going to record this water for you Indians with the Queen." Now, the water*



Chief Johnny Chillihitzia (centre) standing with two members of the McKenna-McBride Commission in 1912 or 1913.

*is taken away from the Indians by the white people ... Long ago, when they had the use of the waters, the Indians had a lot of grain and potatoes which they planted, and they sowed their wheat...*

*Now the Indians are poor because their water is taken away from them, and the water is taken from the Indians in Kamloops by the harbour account, and their land is dried up, and they have not water to irrigate it. Now, the Indians want to have their water given back to them.*<sup>3</sup>

was Chief Johnny Chillihtizia, who owned hundreds of cattle and horses. In addition to being a successful rancher, he was a strong leader for the interior people in the political arena.

In the Peace River, the first ranchers were the Thomas family, who were of Iroquois and Métis descent. Napoleon Thomas, the head of the family who moved to the Peace River in the 1890s, paid a price to become a rancher. He had signed Treaty 8, but had to give up his Indian status and his treaty rights in order to pre-empt land. He and his family raised Black Angus cattle and a large number of horses. They adapted new economic opportunities into their traditional lifestyle. Mrs. Thomas was noted for the quality of her leatherwork, such as moccasins and jackets. The sons learned traditional skills of hunting and tracking, as well as cattle handling and rodeo performing. One son became a famous rodeo champion known as “Johnny Napoleon.”

## Impact of the New Economies

The forces of the capitalist economy transformed First Nations economic and social structures. As businesses expanded in the province, they required First Nations people to become assimilated as wage labourers. Hand in hand, capitalism and colonialism transformed First Nations economies from collective, independent production to dependant, single family subsistence.

Becoming involved in the wage economy often meant that First Nations people had to move beyond their local region. Often, especially in the earlier colonial days, this was a seasonal move. Many left home for several months in the summer to work in salmon canneries or to harvest fruits and vegetables. One especially disastrous result of leaving home for work was the smallpox epidemic of 1862. Hundreds of men and women from northern tribes such as the Haida and Tsimshian made the long journey to Victoria to work following the influx of miners after 1858. Men often worked as carpenters, while women

## CASE STUDY

### Tsimshian Women and the Forest Industry

**T**he Tsimshian are one of the Aboriginal groups whose traditional lands occupy the coastal territories of British Columbia. These Tsimshian lands are located in the northwestern corner of British Columbia and include the communities of Lax Kw'Alaams, Metlakatla, Kitkatla, Gitgia'ata, Kitasoo, Kitselas, and Kitsumkalum as well as the towns of Prince Rupert, Port Edward, and Terrace. Today the members of the Tsimshian Nation number around 10,000 and are the direct descendants of people who have lived and worked in this area since time immemorial.

Tsimshian women have been less obvious participants in the forest industry than their uncles, fathers, brothers, husbands, or sons. They have nonetheless been involved in forestry in various ways since contact with the Europeans. The nature and degree of their involvement has changed throughout the last 150 years, however, and these changes are important to understanding the significance of colonialism in transforming the status of Tsimshian women and their relations within Tsimshian society.

When the Hudson's Bay Company (HBC) set up Fort Simpson on Tsimshian territory in 1834, the white residents were fearful of the Tsimshian community outside the fort walls. The HBC hired men to cut wood for them but would only allow Tsimshian women to bring the wood inside. As well, the women were hired to cut firewood when the fishing season caused a shortage of male labour at the fort. The proliferation of local sawmills during the late nineteenth century did not result in any direct employment opportunities for Tsimshian women. However, the increase in sawmills did lead to an increase of small-scale handlogging and this resulted in some work for women in the family-based harvesting of timber for the mills. While the men did the actual falling, the women were involved in the process of handlogging: trimming

*Continued*

the logs, making the boom, driving the boat, gathering and preparing food for the loggers.

The money brought in through handlogging helped with Tsimshian subsistence activities such as buying gas and supplies for fishing. This continued until the late 1950s when the large logging companies began to monopolize timber claims in the region. The Tsimshian soon found that this shift to industrial logging impacted their ability to gather other resources. In other words, large tracts of clearcut land meant fewer animals to hunt, fewer fish, smaller amounts of forest foodstuffs. For Tsimshian women, the end of the handlogging era also meant the end of any significant involvement in the forest industry for several decades. Logging companies did not hire women, either as loggers or as labourers in the local sawmills. (There was one brief exception to this exclusion, however, when women were hired to replace Japanese male labourers who were forced to go to internment camps during World War II.)

The recent shift in control of logging operations in reserve lands back to First Nations may result in increased employment opportunities for Aboriginal women. Administrative positions may appear for women in joint-venture logging projects, although jobs in the actual logging process may not materialize for them. One thing is certain, this most recent shift in forestry in the Tsimshian territories cannot provide fewer employment opportunities for Tsimshian women than were provided when logging was controlled by the large transnational companies up until the

1990s.

It may not be surprising that Tsimshian women experienced a steady decline of involvement in forestry as the industry became more industrialized. What complicates this picture is that Tsimshian women found steady employment in waged labour positions in another sector of the resource economy. From the 1880s until the 1950s, First Nations women provided the majority of workers for the salmon canneries on the north coast. The reasons are very complex as to why Tsimshian women were integrated into the waged labour of fishing and not forestry. This would require an analysis of the ideology driving the Euro-American industrialists that is beyond the scope of this chapter.

The massive growth of capitalism that occurred in the late nineteenth and early twentieth centuries could not have occurred to the extent it did without the colonizing of indigenous people throughout the world. This process involved three key features: (1) the appropriation of indigenous lands and resources by foreign investors and settlers; (2) the transformation of independent indigenous workers into waged labourers; and (3) the denigration of indigenous beliefs and values. Furthermore, the Tsimshian practice of matrilineal descent, where people become part of the mother's group at birth and remain so for their entire lives, did not fit in with the patriarchal model favoured by the Euro-American industrialists, and therefore, had to be altered through their colonizing efforts. These goals were achieved largely through the efforts of the Christian missionaries and capitalists: the social and

economic benefits of the potlatch were undermined with the federal ban of 1881; male-headed single family households were established; male and female labour was completely segregated; and subsistence activities on the land such as hunting and fishing became more difficult to do with the deterioration of habitats.

The assimilationist policies of the federal government and the missionaries, most effectively delivered through residential schooling, eventually led the Tsimshian and other First Nations to shift their own ideology regarding gender relations. Despite the fact that the Tsimshian had traditionally valued both male and female labour as crucial to the well-being of the family and the community, during the twentieth century many Tsimshian community members internalized the notion of the "male breadwinner" (even though many Tsimshian women continued to work outside the home for wages).

Whatever the future holds for the Tsimshian, it is obvious that they have been key players in the development of forestry in northwestern B.C. Despite the obstacles facing them, Tsimshian women have contributed significantly in a variety of ways to the family income through forestry. Recent changes in political and environmental conditions may provide an increase in employment opportunities for Tsimshian women in the future.



did domestic jobs in households. It was the large concentration of people living in close quarters that allowed the disease to take hold, and their eviction from the town back to their home territories that caused it to spread.

As First Nations people became more involved in the wage economy, they often faced a difficult choice: to stay at home on the reserve or local community, or to move to an urban centre where there might be more economic and educational opportunity. This meant the population in rural and reserve communities declined. Those who moved to the cities faced challenges adapting to urban life.

Families underwent many changes due to the demands of the new economies. Instead of the whole family working together on the production of food, roles of men and women often diverged. Sometimes husband and wife worked together on a fishing boat or in a handlogging operation. More often than not,

men were occupied in the resource-gathering side of industry, while women worked in processing or stayed at home without employment.

Women had additional changes to make. They had the primary role of processing food, such as the cutting and drying of salmon. As they moved into wage labour in salmon canneries or on farms, the demands on their time changed. They had to spend most of the summer working for others and then had to try to maintain the same level of family food production when the work for their employers was done.

Diet was also affected. For a variety of reasons, people moved away from their traditional diets to eat more Euro-Canadian foods. Since working for others cut into their time for food production, people found they had to spend the cash they earned at grocery stores to fill the gap. Those who moved to urban centres had little choice but to depend on the food they found on store shelves.

## CHAPTER SUMMARY

**T**he outside forces of capitalism drastically changed the relationship First Nations people had with their lands and resources. They were displaced from their lands by waves of settlers who did not acknowledge the rights of First Nations people to hold land. At the same time, First Nations people were blocked from full participation in the new economies by discriminatory laws.

First Nations people were the backbone of the fishing industry. Their traditional skills were applied in the harvesting and processing of the salmon resource, but not in its management. Seasonal movement to cannery villages became an important part of the lifestyle of First Nations families until the 1960s. First Nations workers also played important roles in the labour movement within the fishing industry.

In the Fraser Valley and the southern interior of the province, agricultural interests took up most of the land base under the laws established to encourage settlers. First Nations people became involved in agriculture in three ways: subsistence farming, commercial farming, and as farm labourers. Most who tried commercial farming soon found that restricted access to land and water made success nearly impossible.

In forestry, the Tsimshian people played a key role in northwestern B.C., but as the industry became more mechanized, their involvement declined. Today, many First Nations are negotiating to regain control over the management of forestry and fishing resources in their traditional territories.

# Organizing for Aboriginal Rights, 1912–1951

**D**uring the first half of the twentieth century, Canada entered three major wars, the two world wars and the Korean war. In all of them a significant number of First Nations people volunteered to fight on behalf of Canada, despite the fact that they did not have the same rights accorded to other Canadian citizens.

Meanwhile at home perhaps the greatest battle First Nations people engaged in was the struggle against renewed attacks by governments on land claims and potlaches. Many of the veterans who had served abroad returned home to become leaders in their communities in the fight for equal treatment for First Nations people. Through the efforts of organizations such as the Allied Indian Tribes, led by Andrew Paull and Peter Kelly, and the Native Brotherhood of B.C., First Nations people gradually gained rights to do such things as attend public schools and qualify for old-age pensions. The struggle for land claims, however, was far from resolved.

After many years of lobbying by First Nations, a memorial in honour of Aboriginal veterans was erected in Ottawa in 2001.



## World War I

World War I (1914–1918) saw many First Nations men volunteer to fight for Canada, despite the fact that they held no rights as Canadian citizens. The Canadian government does not have accurate records of the total number of First Nations men who enlisted, partly because it counted only “Status Indians,” and even then the records were not complete. However, today Veteran Affairs Canada estimates that one

in three able-bodied First Nations men who were of age to serve enlisted during WWI (approximately 4,000 Status Indians and probably as many Non-Status and Métis people). In B.C., the Head of the Lake band in the Okanagan district saw every single man between the ages of twenty and thirty-five volunteer. First Nations women, like other Canadian women, also contributed to the war effort. They formed Red Cross societies and other charitable groups and collected clothes, money, and food for shipment overseas.

Over the course of the war, First Nations men participated and earned medals for valour in practically every major land

battle. At least 300 of them died, and many more became ill with tuberculosis. Following the war, returning soldiers spread a deadly strain of influenza, which hit First Nations communities particularly hard.

## McKenna-McBride Commission

The 1911 Victoria Conference discussed in Chapter 6 illustrated two things: the First Nations of the province could come together to collectively organize a protest, and the governments realized that what they called the “Indian Problem” was not going away. To resolve the question in a way which they hoped would be final, Canada and British Columbia held another Royal Commission on Indian Affairs, commonly called the McKenna-McBride Commission (1912–1916), named after federal minister McKenna and provincial premier McBride. Its task was to visit each First Nations community in B.C., consult with the people about the amount of land they required, and assign additional reserves. Some bands refused to meet with the commission, while others, in making their presentations, reinforced their desire for treaties. In the end, the commission did make new reserves, but it also removed valuable land from certain reserves. These lands are referred to as cut-off lands, and most of them were in urban areas where the property had come to have great economic potential.

In 1913 one individual, Duncan Campbell Scott, came to control the Department of Indian Affairs. He had been rising through the ranks of the department since 1879, but had now attained a position where he created departmental policy and advised politicians on drafting new legislation. Outside his career as a civil servant, he was one of Canada’s best-known poets. Inside the halls of the government, Scott was an influential bureaucrat whose intention for his department was to complete the full assimilation of “Indians” into mainstream Canadian society. “The happiest future for the Indian race,” he wrote, “is

absorption into the general population, and this is the object of the policy of our government. The great forces of intermarriage and education will finally overcome the lingering traces of native custom and tradition.” In 1931, he wrote about the First Nations of B.C., “The outlook in British Columbia is certainly encouraging; there is fine material among the natives to make good British citizens, and in two or three decades we may expect that a large number of Indians will have been absorbed into the ordinary life of the Province.”

Scott saw in the McKenna-McBride Commission the perfect way to achieve his goals. In 1914, he drafted an Order-in-Council that stated that if the decisions of the McKenna-McBride Commission were accepted by the courts, the First Nations of the province would surrender and extinguish all title in return for whatever compensation the governments deemed adequate. No further claims could be held against the provincial government; for them, the “Indian Problem” would be over. The decisions of the commission could only be taken to court if the province chose to do so, and if it did, the First Nations leadership could not choose its own lawyers, but would have to accept those assigned by Canada.

As you might expect, there was vehement protest against this Order-in-Council. A delegation of Nisga’a and interior tribes met with the federal cabinet in 1916, but the politicians told them that no action could be taken because they did not represent all First Nations in British Columbia. Naturally, leaders took steps to remedy this situation.

## The Allied Indian Tribes

By that time, the Indian Tribes of the Province of British Columbia, the First Nations organization which had met in Victoria in 1911, had dissolved. A new province-wide organization (called the Allied Indian Tribes of British Columbia) was formed in response to the McKenna-McBride Commission. Two





Members of the Nisga'a Land Committee in 1913. (From left to right) 4th Row: Charlie Elliot, Mark Smith, Brian Peal, Charlie Brown, William Stevens; 3rd Row: Matthew Russ, Jeremiah Clayton, Charlie Davis, Leonard Douglas, Benjamin Benson, George Pollard; 2nd Row: Benjamin Monroe, Peter Calder, William Lincoln, George Woodfield, Lazarus Moody, Andrew Mercer, William Angus, Alfred McKay, George Eli, Johnny Moore; 1st Row: Paul Mercer, John Wesley, Steven Allan, Arthur Calder, Charlie Barton, William Foster, Sam Pollard, and William McNeil.

## ORIGINAL DOCUMENTS

### Order-in-Council, July 1914

This is an excerpt from the Order-in-Council that was introduced following the McKenna-McBride Commission's findings.

*The Indians of British Columbia shall, by their Chiefs or representatives, in a bind way, agree, if the Court, or, on appeal, the Privy Council, decides that they have a title to the lands of the Province, to surrender such title, receiving from the Dominion, benefits to be granted for extinguishment of title in accordance with past usage of the Crown in satisfying the Indian claim to unsundered territory, and to accept the finding of the Royal Commission on Indian Affairs in British Columbia, as approved by the Governments of the Dominion and the province as a full allotment of reserve lands to be administered for their benefit as part of the compensation.*

*That the Province of British Columbia, by granting the said reserves, as approved, shall be held to have satisfied all claims of the Indians against the Province.*

### Response of the Allied Indian Tribes

This is an excerpt from the Allied Indian Tribes' reply, dated June 1916.

*The reason of the opposition of the Allied Indian Tribes to a settlement under the provision of the McKenna-McBride Agreement is that the carrying into effect of the agreement shall be a 'final adjustment of all matters relegating to Indian affairs.' But the agreement ignores completely the general rights of the Indians as aborigines of the Province. We maintain that to accept the provisions of the McKenna-McBride agreement would be surrendering all that the aboriginal title involves.<sup>1</sup>*



men emerged as the force behind the Allied Indian Tribes, Andrew Paull from the Squamish Nation and Peter Kelly, the young leader who had made such an impression at the Victoria Conference.

The Allied Indian Tribes took on a battle on another front. The idea of enfranchisement was a failure; by 1918 only 102 people in all of Canada had chosen to renounce their Indian status for Canadian citizenship. That year the Indian Act was amended to make it easier to become enfranchised. Previously the band had to agree, but under the new legislation, a man who wanted enfranchisement could say to the Superintendent-General that he did not follow “the Indian mode of life.” Widows and unmarried women could also apply, although married women had to allow their husbands to make this choice on their behalf.

This measure wasn’t enough for Duncan Campbell Scott, however. He wanted the Department of Indian

Affairs (DIA) to be able to enfranchise individuals or whole bands without even consulting them or getting their consent, if, in the wisdom of the department, “the continuance of wardship was no longer in the interests of the public or the Indians.” In 1920, Bill 14 was put forward in Parliament to amend the Indian Act to make it legal to enfranchise any adult Indian whether he or she wished it or not. Also included in this bill was a law to force First Nations children between the ages of seven and fifteen to go to school. One of the key signs of suitability for becoming enfranchised was education, and part of the law stated that any Status Indian who completed a university degree was automatically enfranchised and lost his or her Indian status.

Naturally this legislation caused a great outcry in First Nations communities, and the Allied Indian Tribes protested it, asking why Status Indians could

## PROFILE

### Andrew Paull (1892–1959)

From the Squamish Nation, Andrew Paull attended St. Paul’s residential school on the reserve in North Vancouver. In 1913 he worked as an interpreter for the McKenna-McBride Commission, which led him to a role as Secretary of the Allied Indian Tribes. He was also a labour organizer, working to organize hop-pickers in the Fraser Valley and later First Nations people in the fishing industry when he helped organize and lead the Native Brotherhood of B.C. In 1945, he split with the Brotherhood and formed a new organization called the North American Brotherhood, with the aim of uniting Aboriginal people across the continent. Another side to his life involved helping a number of Aboriginal musical bands, training them and booking their concerts. He was probably most well known outside the political realm for his organization of sports, particularly baseball and lacrosse. He managed teams and took a local lacrosse team called Salmon Village to the national championships in Ottawa. He was made a member of the B.C. Sports Hall of Fame in 1999.



Andrew Paull, shown here in 1958, was a key cultural and political organizer of First Nations people throughout his adult life.

George Manuel, in his book *The Fourth World*, gives a tribute to Andrew Paull with these words:

*We honour our great grandfather Andrew Paull, whose scholarship and diligence combined with humour and humility to strengthen him for the work for which he was raised.*

not be given full citizenship and the vote while still holding their lands and status. Representatives of the Allied Indian Tribes travelled to Ottawa and petitioned Parliament against the compulsory enfranchisement laws. As a result, a parliamentary committee investigated the issue, and although the law was not repealed, it was never put into practice. This successful petition to Parliament encouraged the Allied Indian Tribes and other First Nations across the country in the belief that organized protest could achieve results.

The McKenna-McBride Commission completed its report in 1916, and in 1920 an act was passed to implement its recommendations. The Allied Indian Tribes continued to resist, and in 1923 petitioned the government. In August 1923, federal officials made an almost unprecedented visit to British Columbia expressly to meet with the Allied Indian Tribes. Interior Minister Charles Stewart (responsible

for Indian Affairs) and Duncan Campbell Scott, Deputy Superintendent of Indian Affairs, met with the executive of the Allied Indian Tribes, including Andrew Paull, Peter Kelly, and twelve other leaders. As Kelly later wrote, this visit revealed “the power of unity that existed among all the B.C. Indian Tribes at that time.”

At the opening of the meeting, Kelly put an old issue to rest. Just as in earlier times, it was assumed that when First Nations people took political action, there must be a non-Native person behind it. With the Allied Tribes, it was assumed that the protests were instigated by their lawyer, A.E. O’Meara. Kelly clarified the matter in this way:

*The idea has gone abroad that Mr. O’Meara leads the Indians by the nose, as it were, and he agitates our minds, even against our will.*

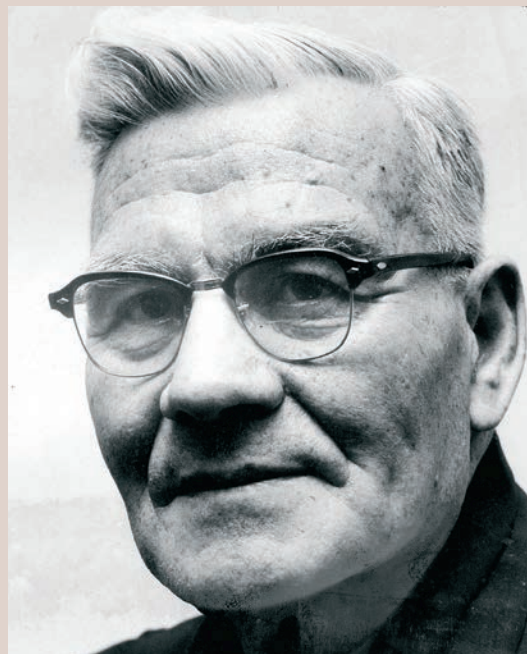
## PROFILE

### Peter Kelly (1885–1966)

Peter Kelly, a member of the Haida Nation, was one of the most influential of British Columbia’s First Nations leaders in the twentieth century. From his home in Skidegate, he travelled to school at Coqualeetza in the Fraser Valley. As a young man he taught school and became a lay minister of the Methodist (United) Church, first in his home town, and later in the Tsimshian village of Hartley Bay. He became an ordained minister, and served in a number of coastal communities as well as on the mission boat *Thomas Crosby*. Beyond working for his parishioners, he used his eloquent speaking abilities to advance the cause of Aboriginal rights for all First Nations people in the province. He was a co-founder and chairman of the Allied Indian Tribes, and later played an important role in the Native Brotherhood of British Columbia.

George Manuel expresses the esteem that all who knew Peter Kelly held for him:

*We honour our great grandfather Peter Kelly, who returned in charity two-fold the learning he took from all cultures.*



■ Peter Kelly, from the Haida community of Skidegate, was the spokesperson for chiefs from all parts of the province when they met with Premier McBride in Victoria in 1911.

*We have engaged him to give us his opinion, his interpretations of important matters, but we reserve the right to act on his advice. As to his being the sole agitator, I think he agitates insofar as we allow him to agitate.* <sup>2</sup>

Peter Kelly presented their case, and Stewart promised to take it before cabinet. It required another petition before any action was taken. Finally, in 1926 a Special Joint Committee of the Senate and the House of Commons investigated the issue of land claims and Aboriginal title in British Columbia. The official record of this committee includes documents submitted in evidence that compile all the work by various First Nations groups and leaders since 1875, and also all the testimony given by the witnesses. Today the document provides an excellent summary of the land claims struggle for researchers.

The outcome, however, was far from satisfactory. The committee recommended a yearly payment of \$100,000 to provide for technical education, hospital care and medicine, promotion of agriculture, and for irrigation projects—and nothing else. These were all areas which the government already had an obligation to provide for. However, as Kelly noted, the idea of the grant did prove something.

*The grant of \$100,000 indirectly recognizes the validity of the Indian land question of British Columbia. The British Columbia Indians claim that if their title to the lands of British Columbia were without foundation why would there be the necessity of a \$100,000 annual payment 'in lieu of an annuity.' This deviously admits the actuality of the Indian land claims of British Columbia.*

As it happened, the work of the Allied Indian Tribes had an unforeseen outcome: Parliament apparently decided the First Nations organization had become too powerful. A new amendment to the Indian Act was passed in 1929 which stopped

the Allied Indian Tribes cold. The new law made it a criminal act for First Nations people to try to achieve recognition of Aboriginal title, or to pursue in any way their Aboriginal rights. It was now illegal to raise money to pursue land claims; it was illegal to hire a lawyer to pursue land claims; and it was even illegal for people to meet to talk about land claims.

## Prosecuting the Potlatch

The criminalization of the potlatch was one of the most significant acts of Canada's assimilationist policy, but it took some time before it was successfully prosecuted. Section 149 of the Indian Act, which made it illegal to participate in a potlatch, had not been enforced before Duncan Campbell Scott became Deputy Superintendent of Indian Affairs. He quickly took steps to put teeth into the legislation, convincing Parliament to change the nature of the crime so it became a "summary offence." This meant that the trial did not have to be heard before judges, who in the past had usually dismissed potlatch cases. Instead, a justice of the peace could try the case. This was a local person empowered to hear minor crimes, someone who usually lacked legal training. This change did not result in potlatch prosecutions either, so the federal government took even greater steps to have the laws enforced by establishing new Royal Canadian Mounted Police posts in "trouble spots." The presence of an RCMP officer at Alert Bay seemed to be the turning point for prosecuting chiefs and elders who participated in the potlatch. In 1921, the potlatch of Dan Cranmer, the biggest feast in the history of the Kwakwaka'wakw, became a test case for the legislation. Many Kwakwaka'wakw were arrested, twenty of them were sent to prison, and Duncan Campbell Scott declared the potlatch "dead." It did not die, however, but went underground or was adapted into a more "acceptable" form such as Christmas gift giving or community dinners.

## CASE STUDY

## Prosecuting the Kwakwaka'wakw Potlatch

Indian Agent and justice of the peace William Halliday was at the forefront of the prosecution. Duncan Campbell Scott had instructed him to charge any-one involved in a potlatch. Halliday had previously had a good relationship with the Kwakwaka'wakw. Now he felt caught between them and his bosses in Ottawa. He followed instructions, however, and between 1913 and 1918 tried unsuccessfully to bring people to trial. Then, in 1918, two men were charged and sentenced to two months at Oakalla Prison. Although they did not serve due to appeals, they were the first people to be sentenced to jail for participating in the potlatch.

In 1920, a special RCMP detachment was established in Alert Bay under Sgt. Donald Angermann, whose main task was to stop the potlatch. When he learned of Dan Cranmer's potlatch at Mamalilikulla, he knew this would be the trial to end all trials.

Dan Cranmer's potlatch was part of Kwakwaka'wakw life that had continued for centuries. His wife, Emma, her family and relatives of Mamalilikulla wanted to complete the wedding contract that had been made when they were married.

This tradition was often the reason for a Kwakwaka'wakw potlatch. When a marriage is arranged, the bride's family promises to pay a dowry at some point in the future. They save up for this potlatch over a number of years until they are ready. Chief Billy Assu of Cape Mudge was related to the Mamalilikulla people, so he also took part. Members of the three families, Emma Cranmer, Dan Cranmer, and Billy Assu, distributed

gifts and presented their hereditary dances and songs.

Three to four hundred people participated in the potlatch at Village Island over the Christmas holiday season in 1921. There were guests from all the southern Kwakwaka'wakw villages to witness the proceedings. Emma Cranmer's family gave her husband much wealth. Some was material goods, but they also gave rights to dances and songs, which were performed.

Dan Cranmer in turn distributed the wealth he had just received, plus much more, to all those who had gathered. People had never seen anything like it. He passed out boats, pool tables, sewing machines, violins and guitars, sacks of flour, and much more.

Sergeant Angermann gathered evidence to put together a case. Forty-five people were arrested on a variety of charges such as giving speeches, dancing, arranging articles to give away, and receiving gifts. They were summoned to court in Alert Bay in February, presided over by Indian Agent Halliday. Sgt. Angermann, the arresting officer, also acted as the prosecuting attorney.

The accused, guided by their lawyers, pleaded guilty. They were told they would receive a suspended sentence if they signed an agreement to stop potlatching. They also had to turn over their ceremonial objects as part of the deal. The masks, headdresses, instruments, coppers, and other items would be sold to museums and the profits from the sales would be returned to the original owners, Halliday and Angermann said. This agreement was a breach of the law, but no one at the

time seemed to have questioned it. The people were, in fact, paying for their freedom.

The people were given a month to turn over their potlatch regalia. Halliday, in his report to Scott, said he believed that the "potlatch question is at its crisis." For the Kwakwaka'wakw people, the crisis was how to choose between turning in their cultural treasures and sending their chiefs and young people to prison. Some of the village chiefs agreed very reluctantly to turn their objects over, while others refused. Those who relinquished their regalia received suspended sentences. Twenty people refused to turn them over, including four women. They were all sentenced to two months' hard labour in the Oakalla Prison Farm in Burnaby.

The regalia and coppers were gathered up by the scowload. Chief Harry Assu recalls the day they were taken from Cape Mudge:

*The scow came around from the cannery and put in at the village to pick up the big pile of masks and headdresses and belts and coppers—everything we had for potlatching. I saw it pull out across Discovery Passage to the Campbell River side where more stuff was loaded on the Princess Beatrice for the trip to Alert Bay... Our old people who watched the barge pull out from shore with all their masks on it said: "There is nothing left now. We might as well go home." When we say "go home," it means to die.<sup>2</sup>*





Halliday rented the Anglican church hall to display the masks and coppers as they came in from the surrounding tribes, charging 25 cents admission to cover the rent. There were over 450 items displayed and the church hall was filled. Halliday's instructions were to pack the treasures up and send them to Ottawa. He delayed, and sold some of them to a collector from an American museum, for which he was reprimanded by officials in Ottawa. Finally he packed the materials into seventeen crates. They were split between the National Museum of Man in Ottawa (now the Canadian Museum of Civilization) and the Royal Ontario Museum in Toronto. Some pieces ended up in private

collections, including those of Duncan Campbell Scott and Sgt. Angermann.

The impact of the prosecution of the Kwakwaka'wakw people was great. There was a personal toll on those who went to jail. The humiliation they suffered was terrible. One of those sent to prison, Herbert Martin, gave a grease potlatch the next year, where he gave out 1,000 cans of oolichan grease to cleanse those who were imprisoned.

The families of those in prison felt an immediate economic impact, since the prisoners were unable to work. Greater than that, however, was the economic loss to those who held the feast. They had invested a great amount of wealth

The U'Mista Cultural Centre in Alert Bay was established in 1980 to house a collection of potlatch ceremonial objects that have been returned to First Nations from museums.

which they would never be able to recover in the traditional way.

Potlatching was never the same. It did not stop, but it was done in secret. "A strict law bids us dance," a Kwakwaka'wakw chief once said to anthropologist Franz Boas. But Kwakwaka'wakw laws were ignored in the bid to assimilate First Nations people. Section 149 was dropped from the Indian Act in 1951, although it was not formally repealed. It was simply forgotten. The Kwakwaka'wakw did not forget the treasures that had been taken from them, and in the 1960s they began to work towards bringing the masks, headdresses, coppers, and other objects back to their territories.

Museum officials agreed to repatriate objects, as long as they were stored in fireproof buildings. Kwakwaka'wakw leaders decided to split the repatriated pieces into two groups. Half would be kept in the Kwakiutl Museum in Cape Mudge, opened in 1979, and half in the U'Mista Cultural Centre at Alert Bay, opened in 1980. Today the potlatch is practised with renewed vigour, not only by the Kwakwaka'wakw, but by all the First Nations who value it.

## Native Brotherhood of British Columbia

The Allied Indian Tribes folded after it was made illegal to pursue land claims. There was, however, still a great deal of work to be done to advance Aboriginal rights and the fair treatment of First Nations people. A new organization emerged during the Depression of the 1930s known as the Native Brotherhood of British Columbia. As we saw in chapter seven, it began on the fishing grounds of the North Coast in 1931, when Haida and Tsimshian leaders agreed there was a need to organize the northern communities into a unified group which could fight for better social, physical, and economic conditions. Alfred Adams from Masset suggested creating an organization similar to the successful Alaska Native Brotherhood.

In December 1931, the first meeting of the Native Brotherhood of B.C. was held in Lax Kw'alaams (Port Simpson) with delegates from five northern villages. The members signed their first petition to the federal government, requesting revisions to hunting and trapping laws that would allow people to follow their traditional practices without restrictions, and to fish for food without permits.

Over the following years more coastal communities joined, until the organization became recognized as a powerful lobby for Aboriginal rights. Two elder statesmen of First Nations politics, Andrew Paull and Peter Kelly, contributed their wisdom. By the 1940s the Native Brotherhood represented most of the coastal communities and some interior ones as well. Its role changed in those years; while it continued to work for changes in the laws governing First Nations people, the Brotherhood also became a union which supported First Nations people in the fishing industry.

The Native Brotherhood of British Columbia successfully met its goals of improving the lives of First Nations people, and today many of its achievements are taken for granted. For example, the Brotherhood helped First Nations people become eligible for the

Old Age Pension and Family Allowance programs, it worked to improve medical and education services on reserves, and it lobbied to change the B.C. School Act to permit First Nations children to attend public schools.

## World War II

During World War II, more than 3,000 Status Indians volunteered across Canada, and probably a similar number of Métis and Non-Status people as well. George Manuel points out, “because we lacked European education, most of our men served in the infantry. We were among the first to see action and the last to come home.”<sup>9</sup> Although Aboriginal soldiers who fought for Canada overseas experienced equal treatment alongside other soldiers during the war, once they returned home that equality faded away.

Many enlisted men and women lost their Indian status by volunteering to fight for Canada. Some were told by superior officers that they must become enfranchised before they could enlist. Others were encouraged to drop their status when they returned so that they could take advantage of the benefits given to veterans.

The primary benefit to war veterans was provided through the Veterans' Land Act (VLA), which gave most veterans of World War II a low-interest loan of \$6,000 to purchase agricultural property or, for those on the coast, to invest in the fishing industry. A portion of this, \$2,320, was in the form of a forgivable loan. However, the Act was specially revised in 1942 to deal with Status Indian veterans who were returning to their home reserves. Since reserve land could not be sold, they were not eligible for the loan. The most they could receive was a grant of \$2,320, and control over who could receive the benefit was in the hands of the Indian Agent. Those who did get approved did not actually receive the money. Instead, it was held in trust for them, and required extra paperwork, resulting in delays while payments were processed. Individual veterans did not own any fishing





■ A ceremony honouring Stó:lō veterans of World War II.

equipment purchased under the VLA; Indian Affairs retained ownership for ten years.

Most Aboriginal veterans faced long waits for the applications to be accepted, and not all of them were. Some people gave up waiting and tried to find other employment, a difficult task in itself. Some, seeing no alternative, left Canada to take jobs in the United States. Others, seeing the obstacles and delays encountered, chose out of frustration to become enfranchised. They were convinced by people like Indian Agents that it would be the easiest way out. What rights they were giving up by signing the forms was often unclear to them.

When the VLA was denounced as being discriminatory to Aboriginal veterans, Indian Affairs replied that the vets were free to apply for the full loan for lands not on reserves. Few took advantage of this because they were afraid that they would lose their status and become enfranchised.

Many Métis and Non-Status veterans also had difficulty receiving veterans' benefits. Often, they were not aware of what benefits were open to them, or the regulations were improperly applied to them. For example, some were only given the \$2,320 grant that veterans with status received, when they should have been eligible for the full amount of the loan.

For many Aboriginal people in the armed forces, the wars, particularly World War II, gave them a new outlook on the world and the possibilities of their role in it. Like most men and women who fought in the war, they experienced the intense camaraderie that grows between people thrown into extraordinary situations. More than that, they felt, perhaps for the first time since the fur trade era, what it was like to be considered equal by non-Aboriginals. They also saw other countries and cultures, broadening their understanding of life in different societies. When they returned to their homes, many of these people became leaders in their communities and in larger political arenas.

Only recently have Aboriginal veterans been given the respect they are due. Until 1994, Aboriginal veterans were unable to participate in Remembrance Day ceremonies as a group. They were expected to participate as individuals only. Remembrance Day 1994 was the first time that they were permitted to lay a wreath symbolizing the Aboriginal veterans at the War Memorial in Ottawa. In Vancouver, before 1995 Aboriginal veterans could not march as an Aboriginal group, nor could they lay their own wreath on the cenotaph. The reason given was that the monument was too crowded.

## Post-War Developments

In the years following World War II and the creation of the United Nations, federal and provincial governments slowly changed their relationship with Aboriginal people, thanks in large part to the work of the Native Brotherhood. British Columbia extended the vote to First Nations people in 1949 (to Chinese people in 1947 and to Japanese people in 1949). In federal elections, First Nations people were first allowed to vote in 1960.

In 1949 Frank Calder was elected to the B.C. provincial legislature. He held his seat in Atlin from

### FIRST NATIONS VOICES

#### "Sound the War Cry"

The Native Voice was the monthly newspaper of the Native Brotherhood of B.C. Here is an editorial from August 1947, written shortly after the leaders of the Native Brotherhood had made their submission to the federal government regarding changes to the Indian Act.

*In May the Native Brotherhood Brief was successfully presented at Ottawa. There has been much publicity re Reserves and living conditions. Indian sports days are becoming popular, every day we see printed pamphlets of Indian lore and radio talks on the color and contribution of Indian Art. These are all indications, not so much of what we have done, but of public sympathy. Now our down-to-earth work begins.*

*Goal—To retain the love of our ancestry and our identity as Indians but at the same time to absorb our white brothers' culture in order to put ourselves on a competitive basis.*

*Weapons—Equal education, better health facilities, better housing, and equal status.*

*Our goal and weapons are before us. The presentation of the Brief at Ottawa is a wedge and that only—we must shoulder the Brief and keep it there*

*before Ottawa. There is one weapon that will make the work easier, and that is an official say in our own affairs. Practically every question brought up is to have consideration during the revision of the Indian Act except THE question. The vote question has been shelved for another year. Everyone should sit down and read the present Indian Act; you bite your nails all during the reading and feel like going out to bite someone else after. Without an official voice, we will always be futile.*

*Today the Municipality of West Vancouver is dickering for the purchase of a portion of the Capilano Reserve. No matter how the people on the Reserve feel about the sale of the land the Department has the veto power, the last word . . . Consider the dangerous question of the right to drink beer in a beer parlor. If the right to drink in a beer parlor signifies equality, then let us through an official vote decide for ourselves. Let's grow up. From where the members sit in Ottawa, they can study cause and effect, statistics, etc., but can they know what is in our hearts like one of our own people would know? <sup>3</sup>*



1949 to 1956 and again from 1960 to 1979, and during that time became the first Aboriginal cabinet minister in Canada. He was also the founding president of the Nisga'a Tribal Council.

In 1951, major changes were made to the Indian Act and some of the most discriminatory clauses, such as the anti-potlatch law and the ban on any land claims activities, were dropped. At the same time, women finally obtained the right to vote in band council elections.

■ Frank Calder, seen here by a volcanic cone near New Aiyansh, was the first Aboriginal person to be elected to a provincial legislature in Canada.



## CHAPTER SUMMARY

**T**he Royal Commission on Aboriginal Affairs, also known as the McKenna-McBride Commission (1912–1916), was expected to provide the final solution to the “Indian Problem” by creating additional reserves and extinguishing Aboriginal title in the process. First Nations communities resisted vigorously, and the Allied Indian Tribes emerged as a strong voice on their behalf, led by two men, Andrew Paull and Peter Kelly. Protests over the application of the commission’s report resulted in a federal committee investigation. However, the outcome was a new discriminatory law making the pursuit of land claims illegal.

At the same time, the potlatch laws were prosecuted with renewed force when participants in a great potlatch in Kwakwaka’wakw territory were sent to prison and much of their ceremonial regalia was confiscated.

A new organization, the Native Brotherhood of British Columbia, emerged in the 1930s, and by the 1940s had become an important voice in bringing about changes to basic human rights. For example, First Nations people got the right to vote in British Columbia and the anti-potlatch law was repealed.

The leaders of the early part of the twentieth century lived to witness many fruits of their labour, although they knew there was still much work to do. In the words of George Manuel, “The surest sign that the lives of our fathers had meaning did not lie in convincing the Parliament of Canada of our humanity. It lay in the fact that the tradition of the potlatch never died. The organizing and coming together of people to work for our common goals never stopped.”<sup>4</sup>

## Pursuing Justice, 1951–1997

A new era in First Nations politics emerged in the 1950s and 1960s following the gains made after World War II. Local organizations began to appear on some reserves, but real changes in recognition of land claims and Aboriginal rights came not through government negotiations, but through the courts. Some important cases, such as the *Calder* case, prepared the way. The Constitution Act of 1982 entrenched Aboriginal rights in Canada's constitution. Other court cases, using the Constitution Act as evidence, further defined and recognized more fully what Aboriginal rights are. This chapter ends with the *Delgamuukw* court case, which was groundbreaking in several ways, including the fact that the Supreme Court of Canada accepted oral histories as evidence.

### Studies, Hearings, and Papers

From 1959 to 1961, the federal government's Joint Committee of the Senate and House of Commons held hearings aimed at overhauling the administration of "Indian Affairs." Among the many recommendations issued in its report in 1961 was the creation of a land-claims commission. When Lester B. Pearson's Liberal government came to power in 1963 it brought forward a bill to create a commission that would settle all outstanding "Indian claims." However, the proposed legislation did not acknowledge Aboriginal title as being the basis of land claims and it did not allow First Nations to file suits against the provinces for land. First Nations political organizations and leaders denounced the bill, and eventually, it was defeated.

Then in 1963 the federal government commissioned a study of First Nations people, officially titled the "Survey of the Contemporary

Indians of Canada," but usually called the Hawthorn Report after its editor. It pointed out the many social and economic disparities between First Nations people and other Canadians. The first of the report's ninety-one recommendations was this:

*Integration or assimilation are not objectives which anyone else can properly hold for the Indian. The effort of the Indian Affairs Branch should be concentrated on a series of specific middle range objectives, such as increasing the educational attainments of the Indian people, increasing their real income, and adding to their life expectancy.<sup>1</sup>*

The federal government reacted to the Hawthorn Report by preparing a White Paper describing plans for change. The "Statement of the Government of Canada on Indian Policy," as it was officially called, was issued in 1969 by then-Minister of Indian Affairs Jean Chrétien. The report proposed repealing the Indian Act and ending the acknowledged status First Nations people had in Confederation. It also denied any governmental responsibility for Inuit and Métis people. As the 1996 Report of the Royal Commission on Aboriginal Peoples found, reaction from the Native community to the White Paper was strong:

*The release of the White Paper on federal Indian policy in 1969 generated a storm of protest from*

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#### White Paper

A White Paper is named after the colour of the cover. The term refers to a government report that summarizes an investigation that has been made by a government committee into an issue, policy, or proposed legislation and outlines the government's intentions regarding it.

*Aboriginal people, who strongly denounced its main terms and assumptions. It left in its wake a legacy of bitterness at the betrayal of the consultation process and suspicion that its proposals would gradually be implemented. However, it also served to strengthen the resolve of Aboriginal organizations to work together for a changed relationship. This marked the beginning of a new phase in Aboriginal/non-Aboriginal relations.<sup>2</sup>*


Another important event of 1969 was the founding of a new First Nations organization, the Union of British Columbia Indian Chiefs. It grew partly as a response to the White Paper, and out of the need for a province-wide organization. People like Chief Dennis Alphonse of the Cowichan band called for a unifying organization and others agreed. At the inaugural Kamloops Conference in November 1969, 140 bands were represented.

Also that year another association was formed to organize Métis and Non-Status First Nations. This was the British Columbia Association of Non-Status Indians (BCANSI). The driving force was H.A. Smitheram.

## The Calder Case

From its inception in 1907, the Nisga'a Land Committee laboured persistently to resolve Nisga'a land claims. The Nisga'a people finally took the Province of British Columbia to court in 1969, arguing that Aboriginal title to their traditional territory in the Nass Valley had never been extinguished. The case was filed under the name of Frank Calder, one of the young Nisga'a leaders at that time, and is now usually referred to as the *Calder* case. The Supreme Court of British Columbia did not agree with the Nisga'a, saying that the Royal Proclamation of 1763 did not apply to B.C. It agreed with the provincial government's position that the actions followed by the colonial governments proved that Aboriginal rights had been extinguished.

The next step for the Nisga'a was to appeal the decision to the British Columbia Court of Appeal, which upheld the first decision. So the Nisga'a appealed to the Supreme Court of Canada in 1973. This appeal did not succeed either, yet it is still considered a

 An aerial view of the Nass valley in Nisga'a territory. The Nisga'a Nation defended its Aboriginal title to the land for over a century before the claim was settled.





major victory. The highest court in Canada said, in no uncertain terms, that the Nisga'a had held title to their land when the colonial government was formed. However, the judges were split on whether the Nisga'a still held title in the 1970s.

As a result of the *Calder* case, the federal government took a renewed look at its policies toward land claims, and in 1973 instituted a new process for dealing with land claims with two types of submissions. One, the comprehensive claim, covered the Aboriginal rights to unsurrendered land, while the second, specific claims, dealt with redress of particular cases in which the Department of Indian Affairs had failed to live up to its responsibilities to local bands. This included such issues as cut-off reserves and departmental mismanagement of band funds. However, part of the deal for settling claims was to have Aboriginal land and resource rights extinguished. As well, the government would only consider land claims, not the broader issues of self-government. The provincial government of British Columbia, still refusing to recognize Aboriginal title, did not participate. Two claims were negotiated under this policy, resulting in the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement.

In order to submit land claims to the Office of Native Claims (later called the Comprehensive Claims Branch), a group had to prove that its members held rights to their territories and that their ancestors had done so before the arrival of Europeans. This meant documenting the traditions and histories of a community or nation using oral histories from Elders and archival records. Partially because of this need, First Nations people began to align into tribal councils, which are usually based on a common language and culture. The Nisga'a and the Nuu-chah-nulth had begun such councils in the 1950s, but in most other regions of B.C. it was not until the 1970s and 1980s

that tribal councils became the voice for federations of local band councils and communities. Besides the principal goal of preparing for land claims, many tribal councils moved towards self-government and took over some of the responsibilities that had previously been managed by the Department of Indian Affairs. Individual bands also began to run programs that concerned their local communities. During the 1970s and 1980s, both tribal councils and band councils gained more autonomy and workers at both levels gradually replaced much of the Department of Indian Affairs bureaucracy.

## The Constitution Act

In 1980, the federal government announced that it would repatriate the Canadian constitution. This means that ultimate control over the constitution would be in Canada, whereas until then any changes to the constitution had to be made in Great Britain. Under the terms of the proposed constitution, First Nations people would lose all of their Aboriginal rights. When First Nations leaders across the country realized this, they took action to make sure that Aboriginal and treaty rights were entrenched in the Canadian constitution.

One form of action was a cross-country train trip called the Constitution Express, rallying Aboriginal people to protest in Ottawa. Under the leadership of people such as George Manuel, president of the

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### Tribal council

A tribal council is an organization of Aboriginal communities that have joined together to achieve greater social, political, and economic strength than they wield individually.

### Constitution Act, 1982

This legislation describes the basic principles on which the government of Canada bases its laws. Before 1982, the Canadian constitution was contained in the British North America Act (now called the Constitution Act, 1867), and any changes to the constitution had to be made in the Parliament of Great Britain. Now Canada has complete control of its constitution.



## PROFILE

**George Manuel (1921–1989)**

George Manuel was a dynamic leader who helped organize important First Nations political bodies provincially, nationally, and internationally. He is regarded as being one of the most visionary and influential Aboriginal leaders in our country. Born at the Secwepemc village of Neskonlith, east of Kamloops, he spent much of his childhood with his grandfather on the land. His schooling began at the Kamloops Indian Residential School, but when he became ill with tuberculosis he was moved to Coqualeetza, which had a special hospital for Aboriginal children with the disease. In the late 1940s, George Manuel became chief of his band. The problems and issues he dealt with at the local level, he came to realize, needed to be addressed by the larger community. One of his objectives was to build communications between the band and the community of Chase. He was one of the few chiefs of the day who openly criticized Department of Indian Affairs officials. He grew to believe that the First Nations of British Columbia needed a provincial organization to present a united front. Through a number of organizations, including the Aboriginal Rights Committee and the North American Indian Brotherhood, he became the accepted spokesperson for the First Nations of the Interior, and also a nationally recognized figure.

In the 1960s, Manuel worked for the Department of Indian Affairs, hoping to bring about change from within the system. However, the 1969 White Paper ignited him to renewed activism. In 1970, he was elected president of the National Indian Brotherhood (NIB), the forerunner of today's Assembly of First Nations. In this role as a national leader, Manuel sometimes travelled to other countries. He realized as he met with indigenous people around the world that they had a common history of colonization and shared common goals. He took his experiences and his ideas and, working with writer Michael Posluns, recorded them in a landmark book called *The Fourth World: An Indian Reality*. In 1975,



he brought leaders of indigenous people from around the world together at Port Alberni, B.C., and there the World Council of Indigenous Peoples was born, with Manuel as its first president.

In 1977, Manuel moved back to the provincial level as president of the Union of British Columbia Indian Chiefs. Through the UBCIC he initiated public protests which called attention to important issues of the day such as the "fish-ins" protesting Department of Fisheries policies, the Indian Child Caravan, which challenged the social welfare system, and the Constitution Express, which fought for recognition of Aboriginal rights in the constitution. Many people credit George Manuel with convincing the federal government to include amendments to the draft constitution. Even when he became ill and confined to a wheelchair in the 1980s, Manuel continued his role as a chief of the Secwepemc. He received many acknowledgements for his achievements, including three nominations for the Nobel Peace Prize and being made an officer of the Order of Canada in 1986. George Manuel died on November 15, 1989, leaving a rich legacy of accomplishments. His son Arthur continues in his footsteps as a leader of the Secwepemc people.

Union of British Columbia Indian Chiefs, the protest continued at the United Nations in New York and in Europe. The Constitution Express visited the Netherlands, Germany, France, Belgium, and England. The First Nations people of Canada, the world learned, were not going to allow their Aboriginal rights to be taken away.

The attention that the Constitution Express and other protests focussed on the proposed constitutional changes forced the Trudeau government to take a second look. Not everyone was enthusiastic about having Aboriginal rights entrenched in the constitution. Eight provincial governments opposed it, and so did many First Nations people. Some organizations, such

as the National Indian Brotherhood (now the Assembly of First Nations), lobbied against the amendments. Some First Nations chiefs travelled to Great Britain to oppose repatriation. Treaty nations were concerned that the new constitution would not recognize treaty obligations. Provinces took the federal government to court.

A new draft constitution was written at a First Ministers conference. Most provinces agreed this time, but all references to Aboriginal rights were removed. First Nations people joined together from coast to coast to fight to have Aboriginal rights reinserted into the document. They joined forces with another concerned group, Canadian women, who

## ORIGINAL DOCUMENTS

### Aboriginal Rights in the Constitution Act, 1982

#### PART I

Section 25 of the Charter of Rights:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
- b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

#### PART II

#### RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, “aboriginal peoples of Canada” includes the Indian, Inuit, and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the “Constitution Act, 1867”, to section 25 of this Act or to this Part,

- (a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and
- (b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item.







Ontario, the Constitution Express broke away from the rest of the train, arriving in Ottawa on Friday for the opening of the second annual conference of the National Indian Brotherhood, comprised of chiefs from across Canada. This group is known today as the Assembly of First Nations.

By the time the train arrived to a noisy reception in Ottawa there were more than 700 First Nations, Inuit, and Métis people aboard, while many more had arrived by car and airplane.

Delegates to the National Indian Brotherhood hammered out a Declaration of First Nations that was presented to Governor General Ed Schreyer. In part, it read: "The Creator has given us the right to govern ourselves and the rights to self-determination. The rights and

responsibilities given to us by the Creator cannot be altered or taken away by any other nation."

In addition to the declaration, the delegates, after much emotional debate, voted to boycott, at least for the time being, the special parliamentary committee studying the constitution. Their point was that Aboriginal people should meet directly with Prime Minister Trudeau, not with a committee that had little authority. In the House of Commons, the opposition under Progressive Conservative leader Joe Clark seized the opportunity and made a non-confidence motion, condemning the Trudeau government's policies regarding Aboriginal people.

The Constitution Express successfully

■ The Union of British Columbia Indian Chiefs used mass protests to get the government to include Aboriginal rights in the Constitution Act, 1982 .

demonstrated the collective will of Aboriginal people in their pursuit of justice. Largely due to the attention drawn to the matter by the train journey and the subsequent declaration, the Canadian Constitution now includes Section 35, which specifically entrenches Aboriginal rights.



feared sexual equality rights of the charter could be overridden by the “notwithstanding” clause. The two groups supported each other, and after a hard-fought political battle, both had their concerns reflected in the new draft constitution. The notwithstanding clause does not apply to the sexual equality section of the charter, and Aboriginal and treaty rights were put back in. The word “existing” was inserted, however.

The Constitution Act, 1982 was proclaimed on 17 April 1982. At the same time, the Canadian Charter of Rights and Freedoms also became law. The whole process of constitutional reform helped unite First Nations people across the country.

## Royal Commission: Response to the Oka Crisis

In the summer of 1990, the nation’s attention was focussed on a small piece of land outside Montreal near the Kanesatake reserve. What began as a small protest over the fate of a parcel of land exploded into a summer-long siege, often referred to as the Oka crisis.

On July 11, 1990, Quebec provincial police tried to dismantle a roadblock that had been set up in mid-March by a group of Mohawks from the community of Kanesatake. The roadblock was to prevent the nearby town of Oka from expanding a golf course onto traditional burial grounds the Mohawks considered sacred and their own. An armed force of 100 police attacked the blockade, but the protesters refused to move. After the gunfire had stopped and the tear gas cleared, one of the police officers was dead.

For seventy-eight days, armed Mohawk warriors faced Quebec provincial police, and later the Canadian Armed Forces. In a show of support, Mohawks at nearby Kahnawake also set up a blockade at the Mercier bridge, which crosses the St. Lawrence River into Montreal. Finally, at the end of September, the Mohawks peacefully withdrew from the barricade without having their land issues settled.

Oka was a turning point in the relationship between Aboriginal and non-Aboriginal people in Canada. It triggered protests across the country in support of the blockaders at Oka. The stand-off was reported in newspapers and broadcast around the world on television. Hundreds of reporters arrived on the scene, moving behind the barricades. Carla Robinson, from the Haisla village of Kitamaat and a *Newsworld* news anchor, said of the unprecedented news coverage, “I think that was the first time that journalists became sympathetic towards native people. And I think after that native issues became a topic in the news, there were native reporters all of a sudden.”<sup>3</sup>

While the Oka crisis did not solve the immediate issue, it focussed public attention on Aboriginal issues and showed the need for an improved relationship between governments and First Nations. Consequently, the Report on the Royal Commission was released in November 1996. In 3,500 pages it outlined the experiences of colonization for Aboriginal people across the country and made many recommendations aimed at changing the way the government and Canadian society dealt with First Nations people. One of the report’s recommendations was that the federal government create an Aboriginal parliament and abolish the Department of Indian Affairs.

In a response to the Royal Commission, the federal government issued a plan for redressing the wrongs of the past, titled *Gathering Strength—Canada’s Aboriginal Action Plan*. On January 1, 1998, Jane Stewart, Minister of Indian Affairs, issued a formal apology to all Aboriginal people of Canada in a “Statement of Reconciliation.” As well, the government committed \$350,000,000 to healing programs aimed at overcoming the legacy of residential schools, including counselling programs and language training.

The action plan had four general themes: renewing the partnership, strengthening Aboriginal governance,

developing a new fiscal relationship, and supporting strong communities. It suggested ways of working towards self-government and promoting economic development, and building on new and historic treaties. It also proposed a public-education campaign to “build more balanced, realistic and informed perspectives with respect to Aboriginal people.”

Finally, in 1990, the year of Oka, the province of British Columbia agreed to negotiate land claims. The First Nations, Canada, and British Columbia established a task force to develop a process for land claims negotiations. The B.C. Treaty Commission began negotiations in 1993.

## Testing the Constitution

What did Section 35 of the Canadian Constitution actually mean in practical terms? A number of landmark court cases have tested it and, through the judicial process, defined Aboriginal rights.

The *Guerin* case of 1984 confirmed that the federal government has a “fiduciary responsibility” to protect First Nations interests and rights. This case started long before the Constitution Act was even thought of. In the 1950s, the local Indian Agent convinced the Musqueam band to lease 65.6 hectares (162 acres) to a neighbouring golf course. Department of Indian Affairs officials negotiated on behalf of the band. In 1970, Chief Delbert Guerin learned that the government officials had made a lease agreement with the golf club that leaned heavily in the golf club’s favour. The Musqueam band sued the federal government for breach of trust. Although the court ruled in the band’s favour, the government appealed this ruling

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### **Fiduciary responsibility**

Fiduciary comes from the Latin word for trust. Fiduciary responsibility is the position of trust given to the government to act in the best interests of First Nations people. It cannot act against First Nations’ interests but must preserve and protect Aboriginal rights. It must justify government regulations and laws that interfere with Aboriginal rights.

and the case was eventually heard by the Supreme Court of Canada. The Supreme Court ruled that the federal government had a fiduciary responsibility for First Nations people, meaning that it was obligated to protect the interests of the First Nations, and in this case it had not done so. This was an important ruling because it recognized that pre-existing Aboriginal rights applied to land that was on reserves and also outside reserves.

## The Sparrow Case

Ron Sparrow, a senior member of the Musqueam band, was arrested in 1984 for illegally fishing salmon in the Fraser River. He was fishing under the band’s food fishing license, but he used a net longer than was allowed under the Fisheries Act. His action changed the way the country looks at Aboriginal fishing rights and brought about the first Supreme Court of Canada decision concerning Section 35(1) of the Constitution Act, 1982.

Sparrow’s defence was that he was exercising his Aboriginal right to fish. The laws restricting the net size, he argued, violated Section 35(1), which recognized and affirmed existing Aboriginal and treaty rights. A provincial court judge found him guilty, saying Sparrow could not claim Aboriginal rights without a treaty. Sparrow and the Musqueam band took the case through the judicial system until it came to the Supreme Court of Canada in 1990.

The Supreme Court ruled that Section 35’s phrase “existing Aboriginal rights” has to be interpreted flexibly. It recognized that Aboriginal rights are changing; they aren’t necessarily the same as they were in the past. The court also recognized the federal government’s fiduciary relationship with Aboriginal people.

The court ruled that for Aboriginal rights to be truly extinguished, the government must clearly state its intentions. It cannot just assume or imply that the

rights no longer exist. The Supreme Court also ruled that Aboriginal fishing was subject to conservation needs but is to be given priority over the demands of other groups.

## ORIGINAL DOCUMENTS

### The Supreme Court Decision in the Sparrow Case

The following is a brief excerpt from the Supreme Court's decision on the Sparrow case.

*The Crown failed to discharge its burden of proving extinguishment. An aboriginal right is not extinguished merely by its being controlled in great detail by the regulations under the Fisheries Act. Nothing in the Fisheries Act or its detailed regulations demonstrated a clear and plain intention to extinguish the Indian aboriginal right to fish. These fishing permits were simply a manner of controlling the fisheries, not of defining underlying rights. Historical policy on the part of the Crown can neither extinguish the existing aboriginal right without clear intention nor, in itself, delineate that right. The nature of government regulations cannot be determinative of the content and scope of an existing aboriginal right. Government policy can, however, regulate the exercise of that right but such regulation must be in keeping with section 35(1).<sup>4</sup>*

## Van der Peet v. The Queen

A series of B.C. court cases in 1996 also clarified Aboriginal rights. These cases included the *Van der Peet*, *Nikal*, *Lewis*, and *NTC Smokehouse* cases.

*Van der Peet* is a key case in the clarification of the Constitution Act. Dorothy Van der Peet, a member of the Tzeachten Band of the Stó:lō Nation, sold ten sockeye salmon to non-Aboriginal people in September 1987. She was charged with illegally selling fish. Under the Fisheries Act, selling fish caught with a food-fishing license was illegal.

At her trial, Van der Peet argued that it was her Aboriginal right to sell the fish if she so desired. She argued that this right had not been extinguished and that the fisheries laws violated it. At her first trial, Van der Peet was found guilty and fined \$50.

Van der Peet successfully appealed to the Supreme Court of British Columbia. Justice Selbie ruled that the trial judge, who had ruled that in traditional society the Stó:lō people did not sell their fish commercially, had made an error. Judge Selbie said we cannot compare modern definitions of commercial fishing with the economy of the past. Trade and economies have changed. He ruled that Van der Peet had proved that her Aboriginal right to fish included the right to sell the fish she caught.

The *Van der Peet* case went to the Supreme Court of Canada in November 1995. This court decided that Van der Peet had no Aboriginal right to sell fish and her conviction was upheld. However, as part of their decision, the justices defined the requirements that an activity had to meet to be protected as an Aboriginal right. First, the activity must have existed before the arrival of Europeans in North America. Secondly, the modern activity must have been practised continually in a similar fashion according to pre-contact practices, customs, and traditions, although, the court admitted, it may be practised in a modern form. Finally, the activity must meet an “integral to a distinctive culture”



test. To be integral, a practice, custom, or tradition must have been of central significance to the particular First Nation. It cannot, according to the Supreme Court decision, be something done by every human society, but must have been distinctive and a central

and defining attribute of the Aboriginal society in question. These three requirements have been referred to in other court cases as the “*Van der Peet* test.” They give a narrow or limited definition of “Aboriginal right.”

The *Van der Peet* test, applied in the *Nikal*, *Lewis*, and *NTC Smokehouse* cases being heard in the Supreme Court at the same time, resulted in those appeals being lost. However, the Heiltsuk people were able to meet the requirements to prove they had an Aboriginal right to sell herring roe on kelp. This case, known as the *Gladstone* case, showed that commercially trading herring spawn was integral to the Heiltsuk, had been a distinctive part of their culture before contact, and had been practised continually.

## Delgamuukw v. The Queen

In 1987, the hereditary chiefs of two neighbouring nations, the Gitksan and the Wet’suwet’en of the Skeena and Bulkley rivers, sued the provincial government for ownership of over 57,000 km<sup>2</sup> of their traditional territories in northwestern British Columbia. Their rights to use the resources on these territories have never been extinguished, they argued. Their system of resource management, the house system, continues from generations ago down to the present. The first Gitksan chief on the list of those named in the court document was Delgamuukw, and the case is now referred to by his name.

The trial in the B.C. Supreme Court was lengthy. The chiefs filed their statement of claim in 1984. The trial began in Smithers in 1987 and ended in Vancouver in 1990. Chief Justice Allan McEachern announced his decision in March 1991. He completely dismissed the claims of the chiefs, saying



In the court case known as *Van der Peet v. The Queen*, the Stó:lō Nation argued that its Aboriginal right to fish included the right to sell fish. The Supreme Court of B.C. ruled in favour but the decision was overturned by the Supreme Court of Canada in November 1995.

that the lives of First Nations people before contact were “nasty, brutish and short.” He would not accept as evidence the many oral histories that recorded the stewardship that each house group had over its territory.

The *Delgamuukw* case moved on to the British Columbia Court of Appeal, which, in June 1993, reversed part of the first decision. It found that Aboriginal rights in the territory had not been extinguished by colonial actions. However, it said these rights did not entitle the Gitksan and the Wet’suwet’en to jurisdiction or ownership.

In June 1997, the chiefs appealed to the Supreme Court of Canada and a ruling was made December 11, 1997. The court agreed with the Gitksan and the Wet’suwet’en that Aboriginal title to their lands had

never been extinguished, stating that the trial judge, McEachern, had made an error in not accepting oral history as evidence. The court ruled that a new trial be held. However, the ruling also suggested that it would be better for the Gitksan and the Wet’suwet’en to return to treaty negotiations rather than litigation to resolve their claims.

Many important points were made by the Supreme Court in its decision on *Delgamuukw v. The Queen*, and the decision is still discussed and analyzed to try to determine the full meaning of its conclusions. In one of its principal findings, the court said that Aboriginal title is more than hunting and fishing rights. It is the right for the people to choose how their land may be used. The court said First Nations should expect to be part of the government decisions involving the use of their traditional lands and resources.

## FIRST NATIONS VOICES

### Testimony of Gisdaywa (Alfred Joseph)

Gisdaywa was a witness for the Wet’suwet’en Nation who presented evidence at the *Delgamuukw* trial. He began by describing how First Nations take responsibility for preserving resources of the land.

*When House Chiefs take a name, they take on the responsibilities that go with a name. One of them is to make sure that, on the territory you have taken to protect, the people using it make sure there is no pollution, and that the area the animals are using and game trails and beaver dams and fishing sites are free from any obstructions, and you have to make sure that the people using it don't clear out the animals that are there for reproduction.*

He went on to give an example of First Nations stewardship of the land.

*... We were camped at Owen Creek back in 1983 and as we were camped there an Elder was with us and it was a cold morning and he related to me how we used the territory, how we used the*

*resource of the land. And while we were talking there was a logging truck going by every two or three minutes and that interrupted him, so he had to stop. So he finally said to me, “Those logging trucks going by there and the trees you see on the back of that truck,” he asked me, “Who—who protected that when they were small trees?” He asked me, “Who protected that?” And I didn't know. So he said, “Gyologyet protected those young trees when they first started to grow up because he was using the territory. He didn't want to see any burns.” He said that Gyologyet protected those trees. That's why those trees are going by here now. There was no B.C. Forest Service. There was no Department of Indian Affairs at the time. So that is why I say we owned the territory. We owned the resources that are on it, because our ancestors protected those resources before the coming of the government or any Federal or Provincial Government.<sup>5</sup>*





Along with defending Aboriginal rights in the courts, the Gitksan people are also taking action to protect their resources from depletion. Here a Gitksan Elder is blocking a road through their territory to keep logging trucks from passing.

Another major statement in the decision was that Aboriginal title may allow First Nations to sell fish caught under old food-fishing licences. However, the court said, First Nations must show that they controlled this fishery before contact with Europeans.

A third area of importance is the Supreme Court acceptance of oral histories as evidence. Since *Delgamuukw*, trial courts must accept oral history and

other forms of traditional knowledge as evidence when First Nations are proving use of traditional territories.

According to the *Delgamuukw* decision, the province has no right to extinguish Aboriginal title. Only the federal government can do that. Further, both governments have a moral, if not a legal, duty to negotiate issues dealing with Aboriginal title in good faith.

## CHAPTER SUMMARY

The last half of the twentieth century saw a renewal of political action by First Nations communities. The Hawthorne Report demonstrated the gap in social and economic conditions between Aboriginal people and other Canadians. In response, the federal government issued the White Paper of 1969, which sought to abolish the Indian Act and not replace it with anything that recognized and protected Aboriginal rights. This galvanized Aboriginal people in British Columbia and across the country to protest. A new generation of leaders, including George Manuel and Frank Calder, took up the reins from the great leaders of the first half of the century. They worked tirelessly for the betterment of the lives of Aboriginal people and the resolution of land claims. Two approaches were available to them: negotiation with governments or pursuing rights through the courts. The Nisga'a land claims court case, known as the *Calder* case, changed the face of treaty negotiations when the federal government responded by opening the Comprehensive Claims Branch. However, the British

Columbia government still refused to negotiate land claims.

When the Canadian parliament repatriated the Canadian Constitution in 1982, Aboriginal leaders fought hard to have Aboriginal rights entrenched in it. Section 35 of the Constitution Act now recognizes and affirms “existing aboriginal and treaty rights” and defines Aboriginal people as including “Indian, Inuit, and Métis peoples of Canada.” However, it does not spell out just what those rights are. In order to test the constitution, Aboriginal individuals and groups have taken specific issues to the courts, and a number of cases from British Columbia have become landmark cases in defining Aboriginal rights. These include *Guerin*, *Sparrow*, and *Van der Peet*. However, it wasn't until the Gitksan and Wet'suwet'en nations sued the British Columbia government in the case known as *Delgamuukw* that the highest court in the land acknowledged that Aboriginal title has never been extinguished.