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KITWANCOOL RESEARCH SUBMISSION
TO THE
MINISTER OF INDIAN AND NORTHERN AFFAIRS
HUGH PAULKNER

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B.C. Provincial Museum, 1959.

was Kitwancool that refused to permit the officials of the government to take the census in 1921.

"Having jotted down all our replies, he addressed us:

We beg to state that it was the wish of our ancestors, as it is our wish, that all the products on that area north of the nine-mile post in this valley, and for a distance, in this valley, and for a distance in that direction of 115 miles by 60 miles east and west, remain ours.

"When we effect a settlement with the government we will dispose of the said products on a royalty basis, but until that time no white man shall enter there and you are requested to return at once.

Horne then took the stand and explained his mission.

"A consultation followed, after which the big chief again rose and declared: God made land for everybody, Indian as well as white man; and while we believe you are good white men, our decision is final...

"Descending from their platform the chiefs all shook hands with us, and bade us good-bye...

1927: B.C. SPECIAL VOTE

The fund was set up following recommendations from a joint parliamentary committee that heard the "Land Claims" of the allied Indian tribes of B.C. The committee ruled that the allied tribes had not established any claims to the land based on aboriginal or any other title. An annual fund of one hundred thousand dollars to be paid to B.C. Indians in lieu of treaty payment was established. The Kitwancool Band has to this day refused to take B.C. Special funds so that it will not in any way prejudice their stand on the land issue.

3 SEPTEMBER, 1927: THE PROVINCE, REPORT: INDIANS SENT TO JAIL FOR OBSTRUCTING SURVEY

"Five Kitwancool Indians were convicted at Smithers by Magistrate Hoskins of assaulting public officers and obstructing Dominion Government surveyors. With the exception of Richard Douse, who was let off on suspended sentence, jail terms of from one to three months were imposed on Bert Williams, Peter Williams,

Samuel Douse and Walter Derrick.

"It was proved that the accused had entered the camp of a party of surveyors, made away with some of their instruments and warned them to proceed no further with their work. L.W. Patmore prosecuted and Milton Gonzalez defended.

"The story of the case, as reported by the Royal Canadian Mounted Police, is that the survey party entered the Valley, under instructions of the Department of Indian Affairs, to survey the reserves of the valley. The Indians, under certain leaders, had always objected to whites entering the valley. A constable of the R.C.M.P. accompanied the survey party, but was not in uniform. A sergeant followed, also in mufti.

"The Indians demanded meetings, and conferences with the surveyor, but he refused, as he was dealing with the Department of Indian Affairs directly. He did not start surveying. Upon his second refusal to attend a meeting, five Indians came to his camp and attempted obstruction. One picked up a transit and walked away with it. It was taken from him, and he tried it again, but it was removed. The Indians declared they would load the white men in a wagon, with the outfit, and take them out of the valley. One Indian picked up an axe, broke it on a rock, and threw it in the creek. In the opinion of the R.C.M.P. sergeant, they were trying to aggravate the white men to assault. He thought they were acting under advice.

"The Indians left, still threatening. The sergeant went back to his post, took two constables, and in uniform returned to the camp in the valley. While proceeding in, they met Peter Williams, secretary of the Kitwancool council, carrying a six-shooter in his belt. It was loaded. The sergeant asked him for it, he refused to give it up, and the Indian was arrested, and disarmed. Albert Williams, president of the council, was also arrested, as were three others. The five men who were taken were alleged to be the ring-leaders in all the trouble. The chief, David Smith, was not active, nor was the Chieftainess, mother of the two Douses.

"According to the opinion of the authorities, the younger Indians of the tribe are not active in opposition to the survey of the valley."

Albert Williams, Peter Williams, Samuel Douse and Walter Derrick all served jail sentences at Oakalla Prison at New Westminster, in 1927. This is also the date of Original Survey Plans No. 567, 568, and 594 of Kitwancool Indian Reserve, otherwise known as "Oakalla Prison Reserve". "This Reserve" which was established under duress, has never been recognized and its boundaries have never been staked.

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ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA.MEETING WITH THE KITWANCOOL BAND OR TRIBE OF INDIANS AT KITWANGAR I.R.SUNDAY, APRIL 18th, 1915.

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Norman	
Charlotte	
McK. P.	

(?) Moore acts as Interpreter.

THE CHAIRMAN addresses the assembled Indians as to the powers and scope of the Commission, and,

(?) Alexander addresses the Commission as follows:

I am the Chief of the Kitwancool Indians, and we have appointed Albert Williams to say all that we wish to have said.

THE CHAIRMAN:

Q. Do you want Albert Williams to speak for you?

THE CHIEF:

A. Yes.

ALBERT WILLIAMS addresses the Commission as follows: I feel happy because I see two Governments today - the Dominion Government and the Provincial Government. I am standing right in front of you gentlemen and I am not going to tell anything crooked - I am going to tell everything straight. We are right in front before God - God is on top of us all the time and he can also see you two Governments. Our Grandfathers, who have gone already have asked for something, and I am going to ask you for it. Of course those people who have died, we represent those people here today who have gone. I am not going to say much today - only the one thing I am going to talk about in front of you gentlemen today. That is the reason I talk that way because we were born right here in this country, and that is why I am telling you about it today, so we wish kindly to ask the Government to help us and give us what we want. We know our King, George V, he is a great power in the world, and he knows that we belong to this country. It is not long ago that the Governor-General came to Prince Rupert, and when we saw him we put our words right before him, and he put his hand on top of us meaning all the Skeena River, and he promised everything to the Skeena people and he told us that he would get it from the two Governments: that is the reason I am standing here to ask for our own land. It is seven years that we have been crying out about this land from the Government, so we kindly asking you two Governments to help us about this.

ALBERT WILLIAMS IS HEREUPON CALLED AND SWORN.

MR. COMMISSIONER MACDOWALL:

Q. Your name is Albert Williams?

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- A. Yes.
- Q. And you are the spokesman for the Kitwancool Tribe?
- A. Yes.
- Q. It appears that you Band has no Reserves, but the Victoria Government has reserved some land for you about which we are going to ask you about, so that we can recommend lands to be given to you that will be sufficient for you Tribe - Now can you tell me about how many people there are in the Kitwancool Band?
- A. What is the reason you want to know that.
- Q. Because we want to give you enough land, and we want to know how many people we will have to provide land for?
- A. There is not very many people up there, but about the land that we have there and about which I was speaking about today - we don't want the whole Province, but I want to show you the land that we used to have before.
- Q. Can you tell me about how many people there are in your Band?
- A. If you will ask me or ask Mr. Loring how many people there are up there it will be all right, but the land that belongs to us for a long time, we are asking you for that.
- Q. Well then you will be satisfied with the number of people that Mr. Loring gives me, will you?
- A. Yes.
- Q. Do you recognize this place called Kitwancool on the map, where the village is (producing map)?
- A. Yes.
- Q. Is that good land for farming?
- A. Yes, it is all good land.
- Q. Is there much timber on it?
- A. Some places there is some timber and some burned timber.
- Q. Is there much cultivation on that reserve?
- A. There is not much done there - only a very small garden.
- Q. If you had the means to cultivate that land would you like to cultivate it and grow crops there?
- A. We are trying to be civilized people and we are trying to do our best and get a little more civilized all the time.
- Q. Would you like to have someone to teach you how to farm and cultivate that reserve?

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- A. We don't like to see your Government giving us too many tools for our Band.
- Q. Would you like to have a farming instructor under Mr. Loring to teach you how to cultivate your land?
- A. We don't like to hear about "Reservation" - We want to get our own land back.
- Q. You heard the address yesterday in which it was stated that the Government were taking steps to have that matter settled before the courts?
- A. We was waiting all the time to get our land question settled in Ottawa, and I don't want to be talking and talking this over while that matter is not settled.
- Q. Well, you will have to keep on waiting, and in the meantime we will have to do our work. Now would you like to have someone under Mr. Loring to teach you how to cultivate your land, so that you could make money and live like white men?
- A. You ask me quite a lot and give me questions all day when I was telling you before that we want to get our land back.
- MR. COMMISSIONER CARMICHAEL: We cannot settle that question.
- MR. COMMISSIONER MACDOWALL:
- Q. Would you like to have someone to teach you how to cultivate your land?
- A. I don't want any man to come here and teach me before I get the answer about the petition.
- Q. After you get an answer to your petition would you like to have someone come then and teach you and show you how to cultivate your land?
- A. After we get an answer about our land question we will make up our minds what we are going to do about our cultivation. The other Government (Commissioner) he was standing right there yesterday, and he said all our troubles is going to be settled right in Ottawa.
- Q. He did not say that - he said the land title question would be settled in Ottawa; but the question of these reserves will have to be settled right here now?
- A. We don't ask for any reservations at all - we have done with reserves already.
- Q. What is this piece of land next to Lot 1455 on the Kitwanger river. Do you know this piece of land (indicating the land on the blueprint)?

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A. That is our own land.

Q. Is that good land?

A. It is good land - that is the reason we are asking the Government for it.

Q. Is there much timber on it?

A. Not very much timber on it.

Q. Do you know this other piece of land, half of Lot 1210, at the junction of Moon Creek and Kitwanger river?

A. Yes. Do you know the name of the man that owns that land?

MR. COMMISSIONER MACDOWALL:

A. No - I am asking you?

A. There is no use in making questions, because I know my land.

Q. It is because you know everything that I am asking these questions - If I knew everything there would be no need to ask any questions, and that is the reason why I am asking you. Now can you tell me whether that is a good piece of land?

A. Yes, it is all good land all the way up to the lake and also on the west side of the lake. (Producing a map of his own) All different families live where these little red spots are, and that is the reason us signed the petition to get this land back for our own people.

Q. Who was it that made this map?

A. A man by the name of Sam Dower.

Q. Was he a surveyor?

A. He is supposed to be a man that belongs to Kitwancool. He is an Indian and knows all about the land there.

Q. Can we take this map to Victoria with us and return it to you after we get through with it?

A. The reason I am going to give it to you - I am not going to let anyone have this, but the reason I am going to give it to you is because we signed the petition to get this land back. I put my words before you Government people, and I said "God was above us".

(EXHIBIT MAP HANDED IN WITH A LINE AROUND IT SHOWING WHERE ADDITIONAL LAND IS WANTED.)

MR. COMMISSIONER MACDOWALL: I am very glad you brought this map because it is going to help us a great deal.

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A. We want the whole country within that black line.

Q. Is this a good country for grazing cattle?

A. Yes, it is pretty good farming land for cattle.

THE CHAIRMAN:

Q. Any mountains on it?

A. Yes, in some places there are mountains - One trail from the Indian village runs along the east side right to the Naas river and it is all good grazing land.

MR. COMMISSIONER MACDOWALL:

Q. Have your Band any cattle in this part of the country (indicating on map)?

A. We have a few at the Indian village.

Q. You would like to have cattle, would you not?

A. We would like to have the cattle right in this part of the country after you people have settled this over.

Q. Is this a good country for horses?

A. All around the north side of the Lake right to the Naas river is good for grazing and we keep it for grazing, and where the wax spots are (on his map) we have our cultivated land there.

Q. Have you any horses running through this part of the country (indicating on map) or do you keep them in the Indian village?

A. Yes, our horses run up and down over the whole country.

Q. Have you many horses here?

A. Yes, they go wandering all around.

Q. Have you many horses yourself?

A. I have only two horses.

Q. Is there good hay land where these places are marked (indicating on map) ?

A. All those places that are marked its pretty good for hay.

Q. Are people living at all those places where they are marked with red wax on your map?

A. Yes.

Q. How many people live at the lowest point marked on the Naas River, on this map, close to the boundary marked "A"?

A. There is a big family lives there.

Q. Do they belong to this Band?

A. Yes.

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- A. There is a lot of people live there.
- Q. About how many live there?
- A. The family of Chief Alexander lives there.
- Q. With regard to the place marked "A" - how long have they been living there?
- A. No one knows it, but since the world was made.
- Q. Are there any white men living there or have any white men interfered with you at the place marked "A"?
- A. The reason because we signed the petition is because it is grabbed already - the Government has sold it all - that is why we want to get it back again.
- Q. Has any white man or white men taken up any land in village "A"?
- A. Yes, white men are always trying to grab it. The place we are now occupying is already surveyed.
- Q. Now about the place marked "B" - has anyone surveyed that?
- A. Yes, that is surveyed already.
- Q. Has anyone gone to live there?
- A. I have trapped up there and I have often seen white men there, but they have never interfered with us.

GUS ST'PIERRE IS SWORN TO ACT AS INTERPRETER.

WITNESS A. WILLIAMS to COMMISSION: I want to know why you ask me so many questions individually when the land question covers the whole thing - If it is in your power to grant the Title I will explain everything.

MR. COMMISSIONER MCKENNA:

Q. You want all or nothing, is that what you mean?

A. I am asking now for the boundaries.

THE CHAIRMAN:

- Q. We want to know all about it before we can recommend it - If you will give us some information then we will be in a position to recommend more land for you?
- A. My suspicion was this that you might recommend little reserves, and I don't want little reserves.
- Q. We want this information. You have just stated that surveyors had come in on your land and we want to find out whether thses surveyors had come in and turned the Indians out, and if we find that surveyors or anyone else has interfered with you on your land we will have our

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surveyor make a copy of the map and find out who these people are; therefore I am asking, or we are asking, these questions for the protection of yourself and your Band?

A. From Kitwancool lake down to the Naas river is all surveyed except the very tops of the high hills, also the land lying along the Naas river to Damasiadian lake.

MR. COMMISSIONER MACDOWALL:

Q. When it has all been surveyed in that way, it is most important for us to know whether white people are living there now. We want to know whether white people are now living on the land that is now occupied by the Indians?

A. The white men who have surveyed it they are not living there yet, but it is surveyed and it has been taken up.

Q. But no one has interfered with you so far?

A. No.

Q. We will take this map down with us to Victoria, and we will get our surveyor to take it over to the Land Office and see what the Government has done with this land. Has Mr. Green, the surveyor, been up here?

A. Yes, about four years ago, but he did not do any surveying.

Q. Did he see any of the places where the wax marks are?

A. No, he only went as far as the village.

Q. Did the Indians refuse to show him these places?

A. The Indians refused to have it surveyed or reserved for them.

Q. Very well then we will take this map down to Victoria with us and we will return it to you after we have done with it. Now you say where each and every one of these wax marks show you swear that there are Indian families living at each one of these places?

A. Yes, I will take my oath to that.

Q. And they have been living there for some time?

A. Yes.

Q. Why was it that the Indians would not show Mr. Green where they were living?

A. The only object in sending Mr. Green back was because we did not want the land reserved for us.

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Q. How do you Indians make your living generally?

A. Just trapping and fishing.

Q. Have you any schools?

A. No.

Q. Would you like to have a school?

A. Before, I could say that I would like to be enlightened on some points - But who will support the school?

Q. The Dominion Government will support the school.

A. I won't ask for a school just now - I am not in favour of having a school just at the present time. That is a thing I have got to ask the rest of my people about.

Q. Do any of the children from your Band go to school anywhere?

A. They attend schools when they are in a place where there is a school.

Q. I suppose you would like to have a school after you consult your people, would you not?

No answer.

THE CHAIRMAN:

Q. Do you raise vegetables?

A. Yes.

Q. What do you raise?

A. Potatoes.

Q. Have you some cultivation in all those places that are marked in red wax?

A. Those places are chiefly our hunting places, and what we have cultivated is chiefly around Kitwancool village.

MR. COMMISSIONER MACDOWALL:

Q. Do you think Kitwanger would be a good place for a school?

A. I could not talk upon the school question just now.

Q. What church do you belong to?

A. The Church of England.

Q. Have you a church on your reserve?

A. No - any time we go to church we attend this church here at Kitwanger.

Q. Does the Minister ever call around to see you?

A. We haven't seen a preacher up here for a long time, Mr. Price, who used to be the Minister, used to come around to see us once in awhile.

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Q. Have you a doctor?

A. No.

Q. Would you like to have a doctor to attend to the Indians when they are sick?

A. That is another thing I cannot say anything about. If any of us get sick we generally go to Dr. Wrench in Hazelton.

Q. Has the hunting been good lately, or has the railway affected it in any way?

A. It has fallen off quite a bit since the white men came into this country.

Q. How long is it since it began to fall off?

A. I think we can notice it more within the last ten years.

Q. Mr. Tyson, your Inspector, tells me that you possibly don't want help in the way of doctors, schools, and a farming instructor because you think it might affect the land question - Is that correct?

A. Yes, that is right.

Q. Well nothing of that kind will affect the land question because the Governor-General of Canada has promised to take that matter before the courts, so nothing of that kind will affect the case.

WITNESS: Where does the Dominion Government get the money to pay these doctors and preachers who come amongst us?

MR. COMMISSIONER MACDOWALL:

A. From the white people all over the country.

WITNESS:

Q. Is it not the taxes that they get from our lands that they have taken from us?

MR. COMMISSIONER MACDOWALL:

A. No - it is from the custom duties that they get from bringing things across the ocean. The Dominion Government does these things, and it has no land in this Province except what it buys. The Provincial Government administers the land, so the money the Dominion Government spends on the Indians comes from the white men and not from the land at all.

At this point the meeting closed.

Smouldering Embers: Indian/White
Conflicts in the Upper Skeena
Region, 1820-1927

Vol. 2

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In the period following the McKenna-McBride Hearings there were two principal centres of Indian protest activity: the Kitwancool valley and the Bulkley valley. In the former, there were a series of incidents which involved attempts by the people of Kitwancool to prevent a number of white settlers and officials obtaining access to the Kitwancool valley. In the Bulkley valley the situation was rather different. The protests concerned a number of Wet'suwet'en who persisted in occupying land which had been alienated by white settlers or speculators.

There is a brief report, dating from some two years after the event, of an incident in the Kitwancool valley in the summer of 1917. Little is known about this encounter save that a group of white settlers were escorted through Kitwancool village, "but as soon as they discovered that the Police could not remain with them, they were afraid to stay in the village" (Kelly Statement, enc. in Coulter to 'E' Division, Nov. 9, 1919; RG10, Acc P.74-5/59, Box 1, File 1-3-1).

There was a similar occurrence the following summer, with the exception that the whites involved were fire-rangers and not settlers. More important, the hostility of the Kitwancool Indians appeared to extend to the Provincial Police:

"the two fire-rangers were turned back from the Kitwancool village. These rangers came back to Kitwanga and asked for Police assistance. The Provincial Police were sent down to accompany these rangers, but they were told that if they tried to go farther there would be trouble. These Police came back and ever since the Indians have had no respect for the Police" (Davies Statement, enc. in Coulter to 'E' Division, Nov. 4, 1919; Ibid).

Corporal Coulter, of the RCMP detachment at Hazelton, challenged part of this statement as he noted that the "Provincial Police took the rangers as far as they wished to go, and it was the rangers who did not want to go any further into the valley, thus turning back." (Ibid).

In August and September of 1919 there was a replay of much the same scenario. A report in the Interior News (Aug. 16, 1919) of Smithers stated that in the period after the retreat of the fire-rangers, "one or two settlers have tried to make it stick up there [in the Kitwancool valley], but gave up when first a horse and then a cow would mysteriously disappear." The same report

claimed that

"the perpetual interference of the natives has been tolerated long enough, and has reached a point where the public is justified in asking as to who is running the country... Unless some firm stand is taken to break the defiance of these Indians, settlement must be held up; otherwise it will be a prelude to trouble" (IN, Aug. 16, 1919).

These remarks were made just after the first act in the conflict of the summer of 1919. This followed from the work of E.P. Burden, a provincial government surveyor, in the Kitwancool valley. By the middle of August his actions had already brought forth a protest from the Indians. This consisted of a "letter of warning and also a copy of their protest to the Governor [General] of Canada against white settlement" (Ibid). Burden was also informed of the extent of the territory claimed by the inhabitants of Kitwancool (*140). At some point the surveyors "were ordered out by the Indians." This probably occurred sometime around the end of August or the beginning of September, when Burden returned to the area accompanied by Duncan Munro of the Land Settlement Board (*141). The latter, looking for

suitable lands, had refused an Indian request for a meeting which could have prompted the expulsion (J.G. Wood to Oliver, Dec. 16, 1919; GR 441, Vol. 207, File 52).

The next phase of this ongoing conflict took place in September when W.J. Kelly, a prospective settler, guided by E.L. Davies, a white rancher at Kitwanga, set out on a trip "to locate" the latter. On reaching Kitwancool they were met by "the whole village and stopped." Davies tried persuasion,

"but they absolutely refused... Then some of them took our horses by the head, and lead us back for about 200 yards and told us that if we tried to go further there would be trouble. We told them that we would get the Police, and they just laughed at the idea of Police helping any white man to go in and settle in the valley" (E.L. Davies Statement, in Coulter to 'E' Division, Nov. 4, 1919; RG 10, Acc P. 74-5/59, Box 1, File 1-3-1).

Kelly did indeed make good on his promise to inform the Police. The result was that a meeting was held at Kitwanga between the Kitwancool Indians and Constables W.C. Little, of the B.C. Police, and J. Hevenor, of the RNWMP. Since Kelly had already

left the area nothing was achieved at the meeting, gave that the police were warned that there would be trouble "if they attempted to take the white settlers beyond Kitwancool village." At the same time Loring, the Indian Agent, was approached to see if he could do anything to help the situation. Loring's response was that "he could do nothing." (Constable Kelly Statement, in Coulter to 'E' Division, Nov. 9, 1919; Ibid). In his own report Loring managed to convey the impression that such incidents at Kitwancool were both normal and insignificant (1).

Other white residents were less complacent. Rev. Ardagh, a missionary at Kitwanga, noted that there was disaffection at that village as well as Kitwancool (*142). After reviewing some of the problems of the area and suggesting some solutions he concluded by stating that,

"There is no doubt that the Indians in this whole neighbourhood are now so disloyal and so defiant of authority that still further violation of law and even to assault and murder would not surprise me" (Ardagh Statement, in Coulter to 'E' Division, Nov. 4, 1919; RG 10, Acc P. 74-5/59, Box 1, File 1-3-1).

By this stage, though, the events at Kitwancool had already begun to attract a wider audience both, in Ottawa and Victoria. Before the middle of October Duncan Scott had written to Loring to repudiate his complacent interpretation. Scott noted the "considerable trouble" that the Indians of Kitwancool had caused "through their pretention to an alleged title to the entire valley based upon a Proclamation of King George III of 1763." This was a "serious question", Scott pointed out, which required Loring's "most careful attention." (Scott to Loring, Oct. 10 [?], 1919; RG 10, File 292,113).

Scott's view of the seriousness of matters was strengthened, no doubt, by a letter from the Deputy Attorney General in the middle of November. After a brief review of events in Kitwancool, A.M. Johnson blamed the DIA for the situation and requested some action. The grievance of the Kitwancool, Johnson claimed, lay with the DIA "because they have not been granted the reserves to which they claim to be entitled" (Johnson to Scott, Nov. 14, 1919; RG10, Acc. P. 74-5/59, Box 1, File 1-3-1). This was a response which betrayed a considerable ignorance of both the situation in Kitwancool and the previous actions of the Government of British Columbia.

In the middle of December pressure was put upon the provincial government from a new direction. J.G. Wood, of Rattenbury Lands Ltd, a company which owned some 10,600 acres in the Kitwancool valley, approached Premier Oliver about the situation in the area (*143). He noted that the Deputy Attorney-General had already promised him "police protection", which was very much appreciated but it meant "ousting the Indians, and therein... [he saw] trouble." (Wood to Oliver, Dec. 16, 1919; GR 441, vol. 207, File 52). These concerns were forwarded promptly to the DSGIA by Oliver and, early in the new year, he had a response from A. Meighen, the Minister of the Interior. Meighen advised the Premier that W.E. Ditchburn, the Chief Inspector of Indian Agencies for B.C., had been instructed to investigate on the spot. (*144)

Ditchburn's report on Kitwancool called for a further enquiry: a federal and a provincial representative were to visit the area and produce a joint report. The appointments, W.E. Collinson for the DIA and Major Clarke for the province, were made early in May and their report was completed by the end of the month (*145). These official initiatives, however, did not occur in isolation; they were accompanied by a series of developments in the Kitwanga valley.

Early in 1920 Albert Williams, President of the Kitwancool Land Committee, and Premier Oliver had an exchange of letters. For his part Williams put forward a statement of "what we want". This included "control [of] our own land, inside of the Crown, no matter what color our skins." Oliver, in reply, noted that such matters were a federal responsibility (*146). More significant than these exchanges, at least in terms of prompting governmental action, was the attempt of another settler, D.C. McWhiney, to enter the Kitwancool valley.

McWhiney and two companions left Kitwanga on April 13, 1920 and headed north. After travelling about 11 miles a group of Indians unsuccessfully attempted to prevent them from going any further. A second attempt, also unsuccessful, was made at the village of Kitwancool. Finally, at Dousy,

"Rufus Good again ordered them to return and during the conversation two Indians armed with rifles came out of a shed near by when Rufus Good informed the party that unless they returned to Kitwanga and forthwith he would get some Indians from Kitwancool and would get them before they had proceeded twenty miles" (D. McWhiney

Complaint, in Minty to Kelly, Apr. 21, 1920; RG10, Acc P, 74-5/59, Box 1, File 1-3-1).

This third encounter proved too much; McWhiney and party decided to return to Kitwanga and Prince Rupert. McWhiney's complaint, entered at Prince Rupert, was later forwarded to Ditchburn by the Deputy Attorney-General. In a covering letter Johnson stated:

"The situation is simply this. If we attempt to police this district and prevent open murder the Indians may refrain from overt action as long as the officers remain, but the moment their backs are turned I have no hesitation in saying that these Indians will not stop even at murder" (Johnson to Ditchburn, Apr. 28, 1920; *ibid*).

Johnson also indicated that he had no wish to repeat the "useless expenditure" of pursuing Simon Gunanoot and had written to the DSGIA "insisting that some stand be taken by the Indian Department to put an end to the actions of these outlaw Indians" (*Ibid*).

In these circumstances, Collison and Clarke arrived at Kitwanga

on May 24 for a meeting with the people of Kitwancool the following day. Their instructions were to determine "what lands should be set aside as reserves for these Indians." The position of the Kitwancool Indians with respect to settlers and aboriginal title was outlined, but Collison and Clarke were warned to make "no admissions or promises" with respect to that subject. Instead, they were to refer to the conditions of PC 751. Finally, they should not be deterred by the Indians rejection of reserves but determine, "their reasonable requirements in this regard after going over the valley..." (Ditchburn to Collison, May 7, 1920; Ibid).

The meeting was held in the house of Albert Williams, President of the Kitwancool Indian Rights Association, who was also the chief spokesman for the tribe (*147). It was, "very formal and arranged so as to impress upon...[Collison and Clarke] the importance of the occasion." Albert Williams outlined the position of the Kitwancool Indians: their claim to the land which they had "inherited from their forefathers" and fought for "against hostile tribes from the north"; their willingness to provide information; but their refusal to accept reserves "until the land question has been settled". Collison and Clarke were unable to convince the Kitwancool representatives "regarding the

futility of the present attitude" about the question of reserves and Aboriginal Title. Hence, they concluded that, "the attitude of these Indians is largely controlled by adverse outside influence".

For their part the Kitwancool representatives were not aware of the purpose of the Collison-Clarke visit. When it became clear that the objective was to "complete" the work of the McKenna-McBride Royal Commission, by visiting the Kitwancool valley and selecting reserves, the attitude of the Indians changed. Albert Williams, "at first tried to dissuade us from our purpose", wrote Collison and Clarke, "by suggesting that an examination of the Indian map of the Kitwancool valley would be sufficient, and save us the journey; but this attitude was dropped when our firm attitude was disclosed". Hence, the bulk of the report consisted of an account of various lots in the Kitwancool valley and recommendations as to which should be selected as reserves.

In their concluding paragraph, however, Collison and Clarke returned to more fundamental issues than the allocation of reserves:

"Notwithstanding any action which may be taken in

consequence of the above report, we are convinced that the question of Aboriginal Title of the Kitwancool Band must be given a conclusive decision before satisfactory settlement can be effected, and we therefore urge that action be taken by the Dominion Government to secure the ruling of this issue and so put an end to the pernicious influence of interested agitators and clear the way for a true settlement of Indian affairs here, which is so much to be desired to the principal parties concerned."

Such comments, as their instructions indicated, were beyond Collison and Clarke's mandate. The provincial and federal governments were concerned only with the allocation of reserves at Kitwancool and, on a broader scale, the implementation of the Royal Commission as a "final settlement." Within these restricted parameters the work of Collison and Clarke appears to have provided the basis for action. A total of three reservations were eventually established, including some "parcels of land which had been purchased from the owners, by the Provincial Government".(*148). This process became a reality in the Kitwancool valley in 1927 with the appearance of provincial surveyors to demarcate the reservations. It became the occasion of a significant conflict. Before turning to these events,

however, it is necessary to record that there were at least two other protests by the Kitwancool Indians in the period between the visits of Collison and Clarke and the surveyors.

The first of these protests came in connection with the census enumeration of 1921. In the case of the Kitwancool Indians this was a task which fell upon Edward Hyde, the new Indian Agent for the Babine Agency. Hyde reached Kitwancool on Aug. 31 and his report on his visit contained a number of important points. Although he was able to get, "the particulars necessary for the census, from Sam Douse, a very intelligent and loyal Indian," the bulk of the population were antagonistic. Richard Douse, for example, "refused to listen" to Hyde's request for a friendly talk and replied that the people of Kitwancool, "did not want any Indian Agent or Government official to go through their village". There was even an attempt, Hyde claimed, to make him "turn back" (*149).

The result of this attempt, and Hyde's report of it, was the arrival in Kitwancool of a second "official" party. This was on Dec. 12, 1921 when the party consisted of Inspector Acland, of the RCMP, Mr. A.B. Spain of the Criminal Investigation Bureau of the RCMP and W.E. Collison as interpreter. (*150) As in the case

of Collison's previous visit in 1920 a formal meeting was held which was "so arranged as to give...[the visitors] the impression of the tremendous importance of the meeting" (Collison Report, in Collison to Ditchburn, Feb. 7, 1922; RG 10, Acc. P. 74-5/59, Box 1, File 1-3-1).

The Indian representatives, headed by Albert Williams, were under the impression that their visitors had come to "discuss their land question and did not fail to openly express their annoyance when they were informed of the real object of...[the] visit" (Ibid). Thus, much of the meeting was taken up by statements about aboriginal title and the land question. With respect to the issue of the obstruction of Hyde and the census taking they claimed that it was a mistake, that they did not realize that Hyde was the Indian Agent. Collison, however, thought otherwise. From, "conversation between the Indians", he had formed the opinion that, "the object of Mr. Hyde's visit was not unknown to them, and that they had fully intended withholding all information from him". Furthermore, the Indians showed a, "distinctly hostile feeling", towards Hyde, whom they thought responsible for the arrival of the RCMP. (Ibid). Inspector Acland, on the other hand, accepted the Indian explanation of events at face value and simply issued a warning about future

behaviour. (Acland to Wroughton, Dec. 20, 1921; Ibid).

All in all the meeting in December 1921 was remarkably similar to the meeting of May 1920 when Collison and Clarke were the visitors. This is reflected in conclusions reached by Inspector Acland:

"I am convinced from the attitude and behaviour of the Indians at this meeting, that it will be impossible for settlers to succeed in this Valley, until the aboriginal title is settled. I do not think they will accept Reserves in their present frame of mind, and when [7] the aboriginal title is settled, and the present plan of Reserves are allotted to them, some small additional plots further up the Valley will have to be included such as fishing grounds and camping places, in order to avoid friction with the settlers..."(Ibid).

The next stage in the conflicts over the Kitwancool valley was reached in 1924 (*151). In August a white couple, endeavouring to take a, "holiday trip", up the Kitwanga valley to Portland Canal, were turned back by the Kitwancool Indians. This action was described as, "amazing" by a Vancouver newspaper, but far

more startling events followed (*152). A.P. Horne, a forestry engineer and his assistant, were engaged in a survey of timber resources in the Kitwanga valley when, "they were captured and given trial by the natives".

On reaching the village of Kitwancool, Horne's progress was halted by a, "powerful native, who was to all appearances a sentinel". A council of chiefs, "twelve old Indians, including one squaw", was hostily assembled and Horne and his assistant were escorted to appear before them. The hearing opened with a prayer after which "Chief Somlakzeltqu, a man of very formidable appearance, rose and made an impassioned address, his eyes flashing and his words hot and angry flowing from his mouth in a torrent. He was followed by another chief and then the interpreter requested the, "names, ages, occupation, places of residence, nationality", and other similiar information of home and his assistant.

When this information had been collected, Horne was informed:

"We beg to state that it was the wish of our ancestors, as it is our wish, that all the products on that area north of the nine mile past in this [Kitwanga] valley, and for a distance in that direction of 115 miles by 60

miles east and west, remain ours.

When we effect a settlement with the government we will dispose of the said products on a royalty basis, but until that time no white man shall enter there and you are requested to return at once".

In response Horne stated that his intentions were peaceful and that he would, "abide by the decision", if they insisted. He added that his map did not show an Indian reserve, hence he had no means of knowing that he, "had been trespassing". After a consultation, the, "big chief", arose and reiterated the decision: "God made land for everybody, Indians as well as white man, and while we believe you are good white man, our decision is final." Thereupon Horne and his assistant returned down the valley to Kitwanga.

In his account of these events Horne noted that he was "thoroughly convinced that... [the Kitwancool Indians] solemnly - very solemnly - believe that they are protecting their rights". He concluded with a warning to the Federal and Provincial governments:

"I also believe that the government or governments are flirting with trouble when they permit the fires of the red man's discontent to smoulder from year to year. It is in the interests of the country to have this matter amicably settled."

Instead of an amicable settlement the people of Kitwancool received only a visit from Edward Hyde. He brought official notice of the establishment of reserves at Kitwancool and a formal warning from Commissioner Ditchburn "that they must not molest white people, nor prevent them entering by the ordinary routes into the valley..." (VT, Sep. 17, 1924)

As the SJC returned its decision on the claims of the Allied Tribes in 1927 the conditions for a final confrontation in the Kitwancool valley were set in motion. On May 8 Commissioner Ditchburn, shortly after returning from Ottawa, met with Agent Hyde in Prince Rupert. Part of Ditchburn's message was to inform Hyde of the forthcoming visit of V.J. Schjelderup to Kitwancool to survey the reserves. (Ditchburn to Hyde, June 30, 1927; RG 10, Acc. P. 74-5/59, Box 8, File 33/5/1).

The survey crew reached Kitwancool towards the end of August only

to have the Indians raid "the survey equipment, destroying axes and attempting to smash the instruments" (IN, Sep. 7, 1927). In all five Kitwancool Indians were arrested. Of these one was given a suspended sentence and the others were given jail terms of varying lengths to be served in Okalla prison (Ibid).

of control over the land and resources persisted: less certain was the best method of pursuing that objective. Thus A.H. Green, B.C.L.S., was greeted at Kitwanga in 1910 by what he termed "passive obstruction".⁶⁹

Green's presence on the upper Skeena in 1910 was to carry out survey work at Kitwancool and Andimaul. At both locations he encountered opposition to his proposed activities and threats should he proceed. Significantly, it was Green's opinion that all the tribes on the Skeena and Nass had agreed not to accept reserves "until a decision has been arrived at as to their claim to the whole country". To this end a number of Tsimshian and Nishga chiefs had met Prime Minister Wilfred Laurier at Prince Rupert in August, 1910.⁷⁰

The available documents do not indicate that any Gitksan representatives were present at this meeting. Instead, a written address and petition, signed by chiefs from five Gitksan villages, was forwarded to Laurier.⁷¹ This document is an important statement of the grievances and claims of the Gitksan Chiefs:

The Humble Petition
and
Address of Indians of the Upper Skeena
to the Honourable Sir Wilfred Laurier

Honourable Sir,

We rejoice that you have been privileged to visit this part of the Dominion.

We are glad to welcome you as the chief minister of the Dominion House of Parliament, for as loyal subjects of His Most Gracious Majesty King George V, we are ever ready to pay our respects to those who may be glad to guide the affairs of the country.

We do not feel ourselves worthy to speak in the presence of one so high, but being conscious of the Fatherhood of God over all natives and people, and as a people we are trying to obey His Divine commandments, we feel that we can humbly approach you with this written address and petition.

We, as representing the Indian people of the SKEENA RIVER district, sent to you about two years ago, respecting some reform in the Indian Act. We find that Mr. Vowell and Mr. Stewart of the Indian Department, Victoria had not received the petition and could not grant us any reform.

The petition dealt with the question of the land of our fathers, which we feel has been taken away from us by the white-men, and it also requested that hunting rights and fishing rights might be more extensively granted to us. Certain tracts of land which while not being on a "reserve" have for generations been used by our fathers as hunting grounds, & for getting lumber, have now been taken away from us on the pretense that the tracts were not part of the reserve.

We humbly request that the taking away of such land be stopped, and that the rights so long ago enjoyed by our fathers be granted to us.

We also further humbly petition that the land of our fathers may return to us; and that more rights of liberty and freedom, be conceded to us. Also, whereas, two of our people were brought before a magistrate at Hazelton for cutting lumber, (not on a reserve), and whereas the decision of the magistrate against our people was agreed to by the Indian Agent, we humbly request that we may have the right to cut lumber for our own use.

We humbly trust that you will favourably consider our requests.

We pray that your visit will bind our hearts more strongly to our Most Gracious Sovereign Lord King George V, and to the Parliament over which over which you are the chief minister.

We pray that the blessing of Almighty God may rest upon you, and that you may be spared for many years to serve your God, your sovereign, and the people of this great dominion. Assuring you of our unfailing loyalty,

We remain

Your humble Subjects

Edward Liginitha Gitwangak	X	his mark
Shimadeeks Kitwancool	X	his mark
James Gordon Kizegeucia	X	his mark
Edward Clark Hazelton	X	his mark
Walter Kale Kispiox	X	his mark

The visit of A.H. Green to the upper Skeena in 1910 overlapped with the presence of another DIA representative: Rev. John McDougall. McDougall's objective was to collect information on Indian grievances and the general situation in the area. He held a series of meetings with the Gitksan and Wet'suwet'en and produced a brief written report and a set of recommendations. The latter largely reflected his assessment of the situation from the Indians' viewpoint. He urged the Federal and Provincial governments to secure the "extinguishment of the Indian title to the lands in British Columbia".⁷²

In the fall of 1910 there were further reports of Indians obstructing white settlers in the Kitwanga valley. This resulted in the arrest of three Kitwancool Indians.

Shortly thereafter "notices" from the chiefs of Kitwanga and Kitwancool began to appear, pinned to trees along trails in the Hazelton district. The notices laid claim to aboriginal title and invoked the Royal Proclamation:

"We the chiefs of Kitwinkoll and Kitwangak have I [one] thing to say, We do not wish any whiteman to take our land away.
This land belongs to our forefathers and King George 3 tell this land belong to Indian.
We never fight for this land. No pay us any money.
We don't want government at Victoria to steal this land from us.
We go to this land for berries and hunt wild animals.
Take away land and we got no place to live on."⁷³

The report of these "notices" came shortly after a meeting in Victoria between Premier McBride and ninety-six Indian chiefs and delegates from tribes throughout the province. From the Indian perspective this meeting proved to be unsatisfactory. Their memorial of claims was turned down "curtly and peremptorily", leaving a "bitter feeling". The Gitksan took part in one of the responses to this rejection. Charles Martin, of Gitanmax, was selected as "the man ... to speak for the Skeena River Indians" on a projected trip to England about "the land". Owing to the coronation of George V, Martin proceeded no further than Prince Rupert.⁷⁴

The summer of 1911 saw a return visit to the upper Skeena by surveyor A.H. Green. On this occasion his attention was directed towards the fisheries and hunting stations of the Kispiox Indians. Green examined individual sites and had two meetings with representatives of the

village. At both meetings, in addition to some specific complaints, he received demands that would "virtually give them the whole country".⁷⁵ When back in Victoria, Green filed a request that the individual fishing sites, which he had mapped, be protected from further encroachment. By this stage, however, an impasse had been reached between the Federal and Provincial governments, with the latter refusing to agree to the establishment of any further Indian reserves.⁷⁶

This particular impasse was removed by the McKenna-McBride Agreement signed in September, 1912: it provided for the establishment of a joint Royal Commission on Indian Affairs in British Columbia to resolve all outstanding issues. At the insistence of Premier McBride, however, it contained no reference to the question of aboriginal title. The Indians were not parties to this agreement.⁷⁷ By coincidence, on the very day that the agreement was signed, representatives from eight Gitksan villages were in Prince Rupert to meet the Governor-General. It was largely a ceremonial occasion but, for some of the Gitksan, it was viewed as a part of their on-going efforts to obtain justice.⁷⁸

In the period between the McKenna-McBride Agreement of 1912 and the arrival of the Commissioners on the upper Skeena in 1915 local issues continued to cause discontent. Complaints were lodged against the Indian Agent, indicating

the continuing animosity of at least a portion of the Indian population. The Wet'suwet'en, too, continued to complain. In their case the problem remained the disposition of land in the Bulkley valley.⁷⁹ Kitwancool, however, was the site of the most forceful protests of this period.

In 1913 a survey crew was halted in its work, relieved of their instruments, and ordered to leave the Kitwanga valley: these actions were accompanied by a display of fire-arms. Although the survey instruments were returned the next day, the police had been summoned and, in due course, three of the ringleaders were arrested. They were charged under the Official Survey Act and given suspended sentences.⁸⁰

The establishment of the McKenna-McBride Royal Commission brought forth some prompt and co-ordinated responses from the Indian peoples of British Columbia. The principal vehicle for such action was the Indian Rights Association (IRA), which entered a vigorous objection to the restricted terms of reference of the Royal Commission. Their fears proved well-grounded. Under Indian questioning the Commissioners stated that they had no authority to deal with the question of Indian title.⁸¹ For their part, the IRA recommended a format for Indian appearances before the Commissioners. Each tribe, it was resolved, should select two or three spokespersons whose duty it would be "to wait upon said Commission, when it visits their particular locality, and request that the fundamental question of title