

**Mapping Aboriginal Title:
Tsilhqot'in v. British
Columbia**

Ken Brealey

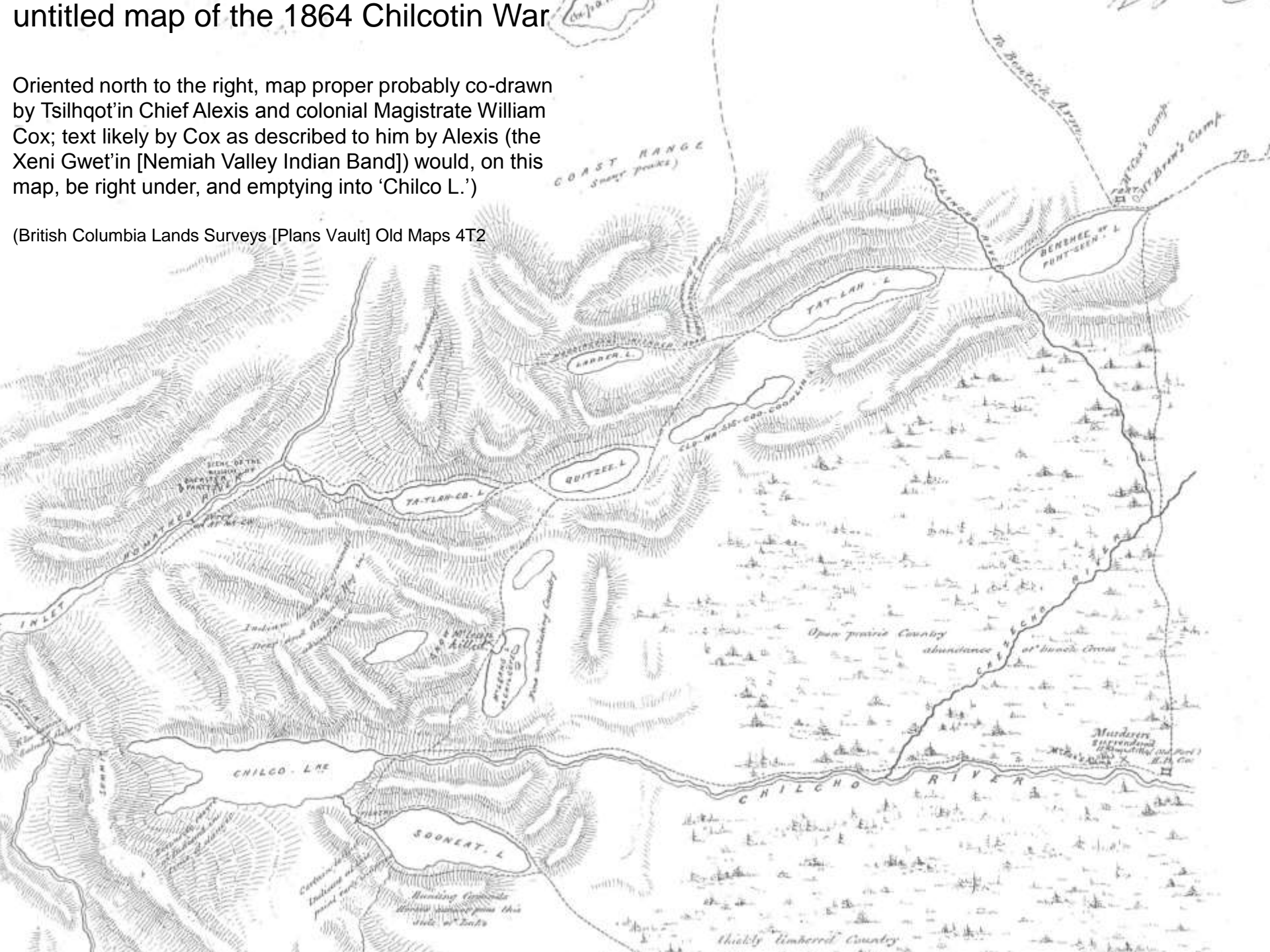
University of the Fraser Valley

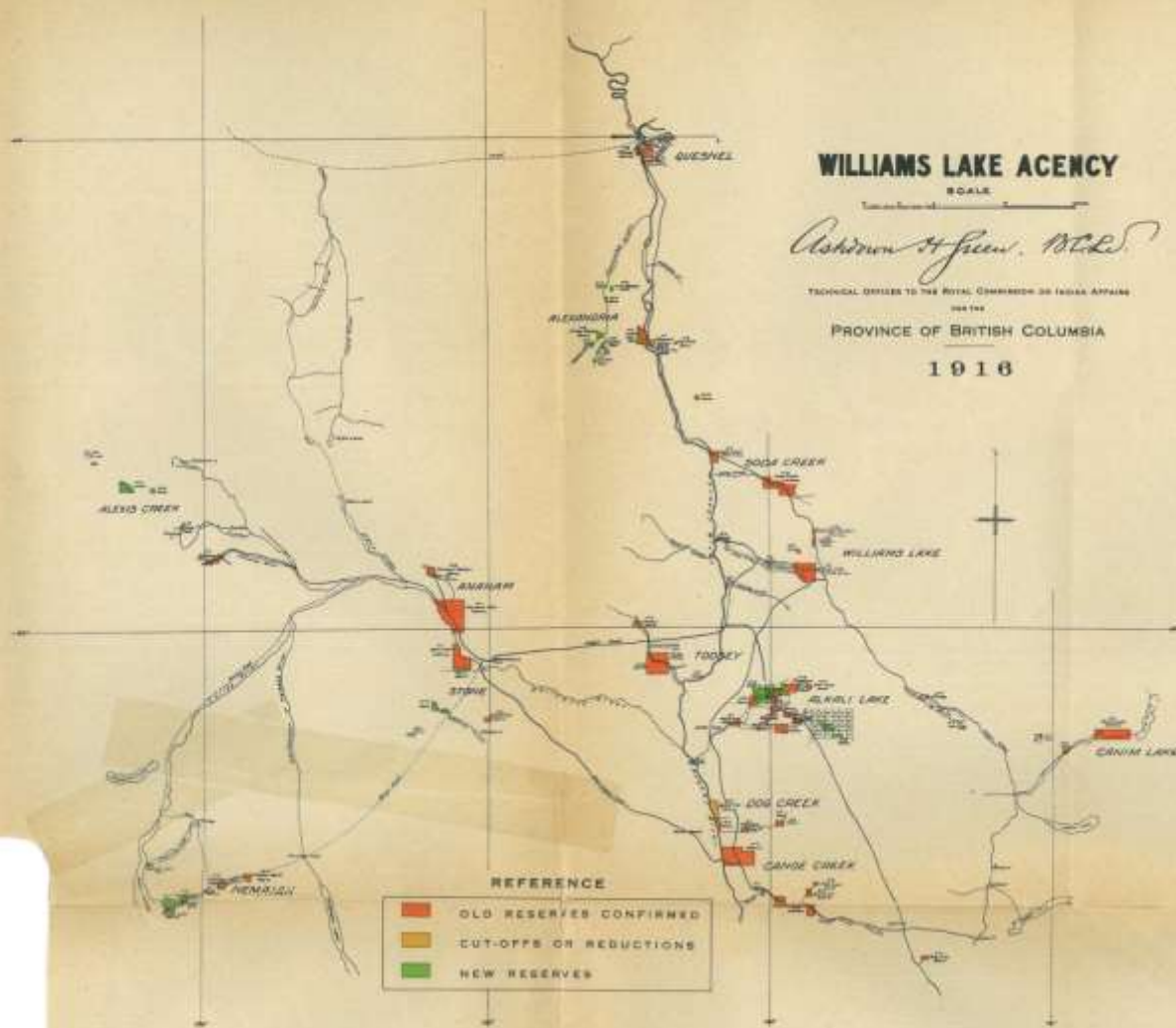
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untitled map of the 1864 Chilcotin War

Oriented north to the right, map proper probably co-drawn by Tsilhqot'in Chief Alexis and colonial Magistrate William Cox; text likely by Cox as described to him by Alexis (the Xeni Gwet'in [Nemiah Valley Indian Band]) would, on this map, be right under, and emptying into 'Chilco L.')

(British Columbia Lands Surveys [Plans Vault] Old Maps 4T2)

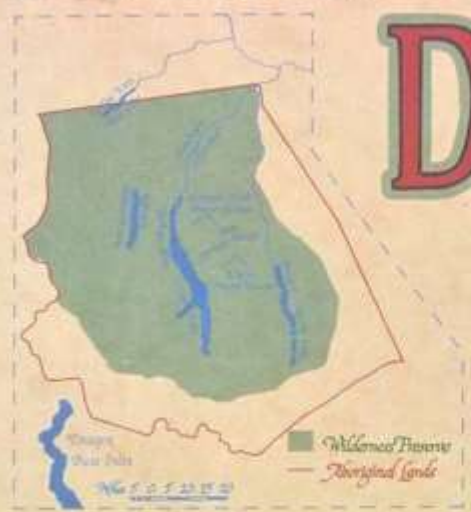




Williams Lake Agency shows six Tsilhqot'in reserves at Toosey, Anaham, Stone, Alexis Creek and Nemaiah (the other reserves further east are in Secwepemc [Shuswap] territory)

(1913-16 Royal Commission on Indian Affairs for the Province of British Columbia, UBC Special Collections HR E78 B9 B96)

DECLARATION



Let it be known as of August 23, 1989.

We, the Tsilhqot'in people of Xeni, known as the Nemiah Valley Indian Band, declare that the lands shown on the map attached, which form part of our traditional territory, are, and shall henceforth be known as:

Nemiah Aboriginal Wilderness Preserve

Let it be known that:

Within the Nemiah Aboriginal Wilderness Preserve:

1. There shall be no commercial logging. Only local cutting of trees for our own needs, i.e. firewood, housing, fencing, native uses, etc...
2. There shall be no mining or mining explorations.
3. There shall be no commercial road building.
4. All terrain vehicles and skidoos shall only be permitted for trapping purposes.
5. There shall be no flooding or dam construction on Chilko, Taseko, and Tatlayoko Lakes.

6. This is the spiritual and economic homeland of our people. We will continue in perpetuity: a) To have and exercise our traditional rights of hunting, fishing, trapping, gathering, and natural resources. b) To carry on our traditional ranching way of life. c) To practise our traditional native medicine, religion, sacred, and spiritual ways.

7. That we are prepared to SHARE our Nemiah Aboriginal Wilderness Preserve with non-natives in the following ways: a) With our permission visitors may come and view and photograph our beautiful land. b) We will issue permits, subject to our conservation rules, for hunting and fishing within our Preserve. c) We will issue permits, subject to our conservation rules, for hikers, light campers, and other visitors to enjoy our traditional rights in any way we are able.



Nenduwah Kan de'n Gwetu Za, P'inkh' 1989.

Nenduwah Gadidinh:

Xen Tsilhqox gwet'in Xeni deni ni'llin, nenduwah jid guzit'in. Yedonx xwedeni nen je ranajest'in, jedalst'i taragunt'ih xeyal gawnerawijez xeyal nenduwah gadidinh jid guzit'in.

Xeni Gwet'in Xa Gwenerisjuz Nenduwah Gadidinh:

- Xeni gwet'in xagwenerisjuz xeyal:
1. Lha xwedechen bid seniya ranots'at'uluyi gut'in. Xeni gwet'in ni'llin dzanx be ranotoghat'in.
 2. Lha tsi ts'edulhduz chuh gut'in.
 3. Lha w'en nats'ogut'i gut'in.
 4. Yes qay nozush gadant'i xqats'etat'inlh dzanx be ranots'etat'in.
 5. Tsilhqox Biny, Dasiqox, hink'an Telhqox xeyal lha ts'ogulhbanx hink'an nats'u'lh gut'in.
 6. Yedonx dzanx nenduwah gut'in deni ni'llin in
 7. M'idugh xawenen sijetayalh neak'ed se'agunt'i
 8. Xen Xeni gwet'in xawenen gawipa'adidinh xu

The Declaration Co-authored with Western Canada Wilderness Committee, the image at center is Ts'il?os (original print in possession of author)

Signs in Tsilhqot'in territory

'Nemiah Valley' on logging road as it crosses Taseko River and into the claim area; 'Nagwentled' and 'Gwetsilh' signs posted at fishing sites on secondary roads leading out of Williams Lake

(author's photographs)



Tsilhqot'in Title
Fishing site

Nagwentled

Maximum speed

20 km



Posted by authority of the Tsilhqot'in National Government Council of Chiefs

Tsilhqot'in
TITLE TERRITORY

Gwetsilh

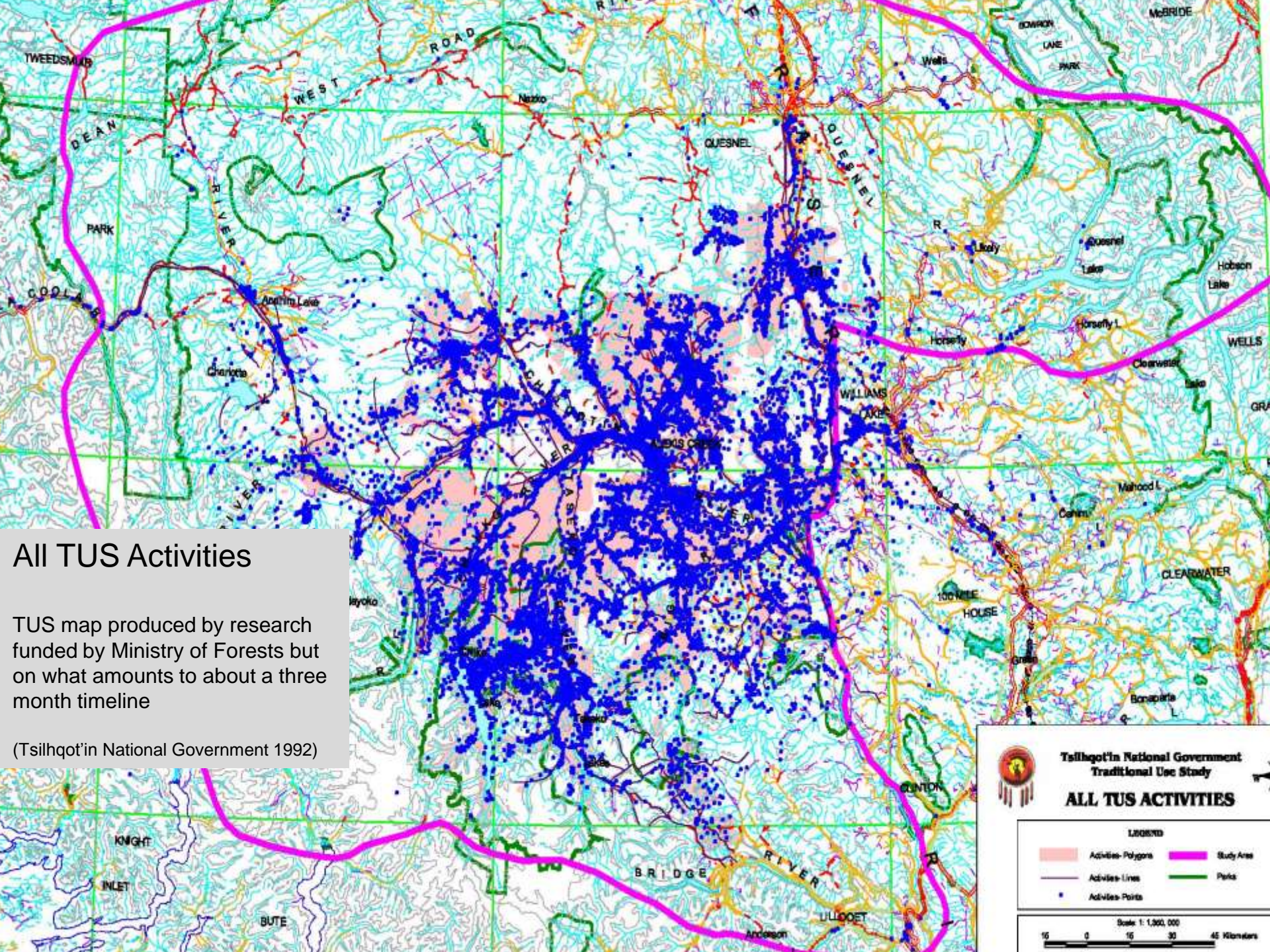
RESPECT OUR LAND AND PEOPLE OR

KEEP OUT



Posted by authority of the Tsilhqot'in National Government Council of Chiefs. Do not remove.





All TUS Activities

TUS map produced by research funded by Ministry of Forests but on what amounts to about a three month timeline

(Tsilhqot'in National Government 1992)




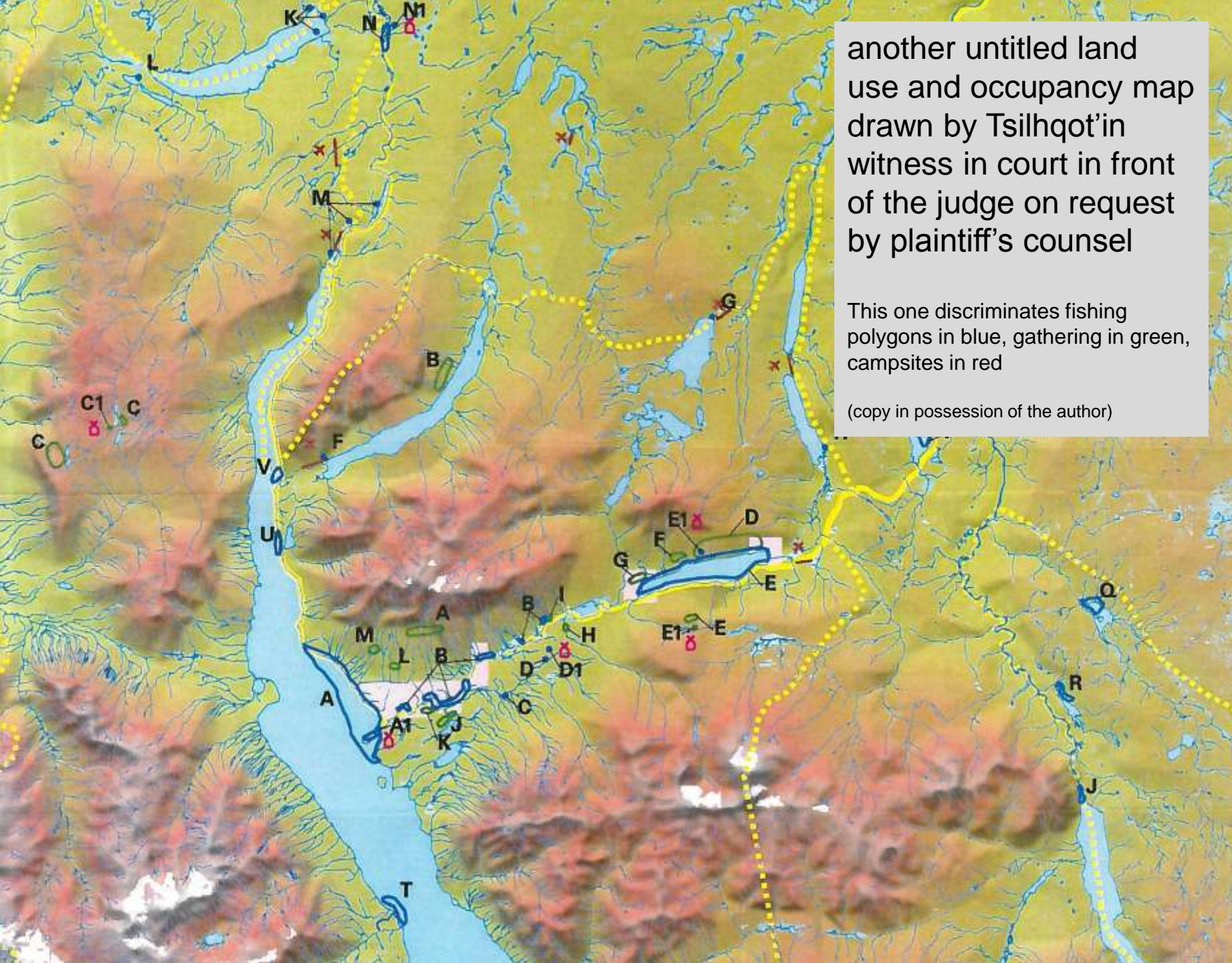
**Tsilhqot'in National Government
Traditional Use Study**

ALL TUS ACTIVITIES

LEGEND	
	Activities-Polygons
	Activities-Lines
	Activities-Points
	Parks
	Study Area

Scale 1: 1,300,000

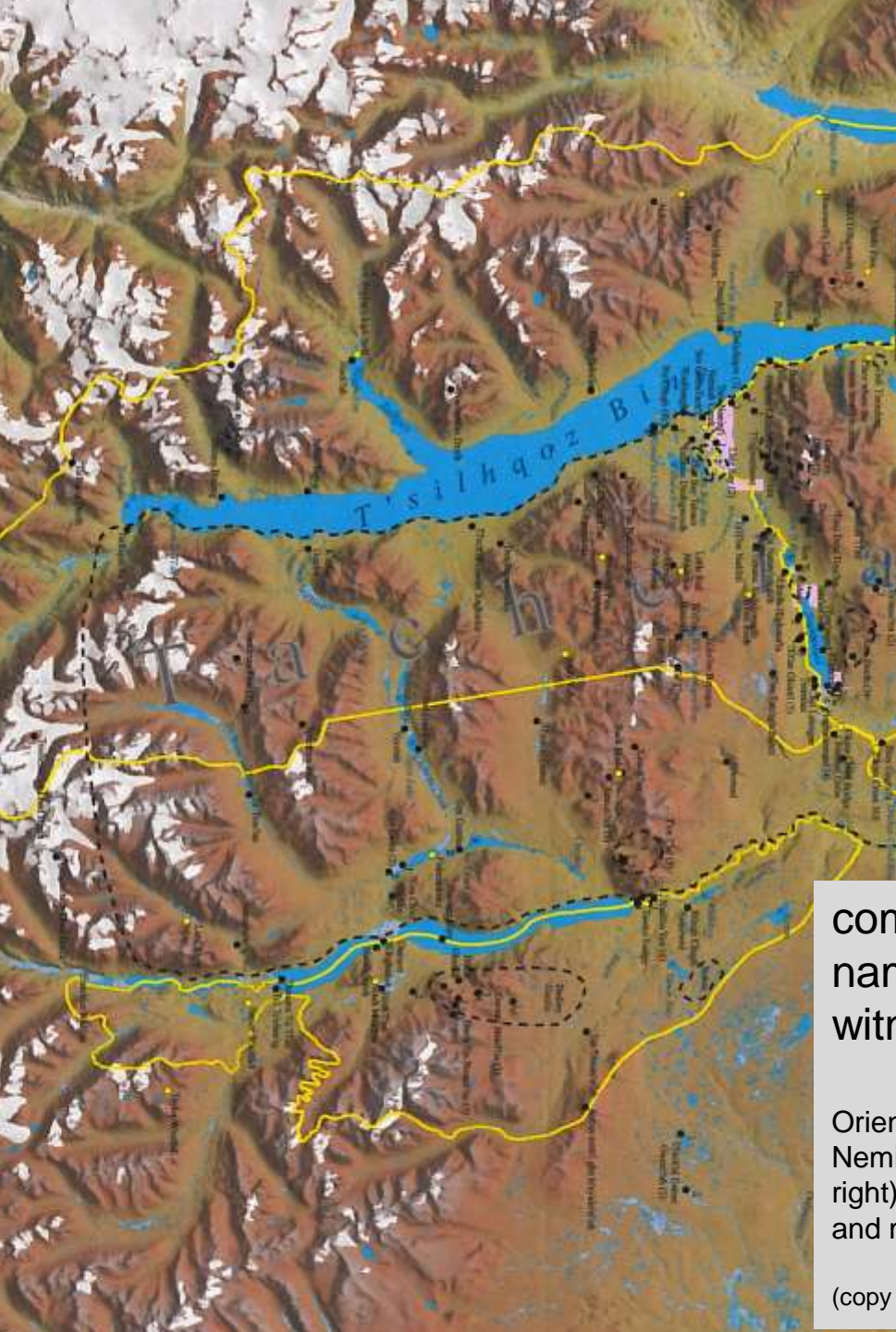




another untitled land use and occupancy map drawn by Tsilhqot'in witness in court in front of the judge on request by plaintiff's counsel

This one discriminates fishing polygons in blue, gathering in green, campsites in red

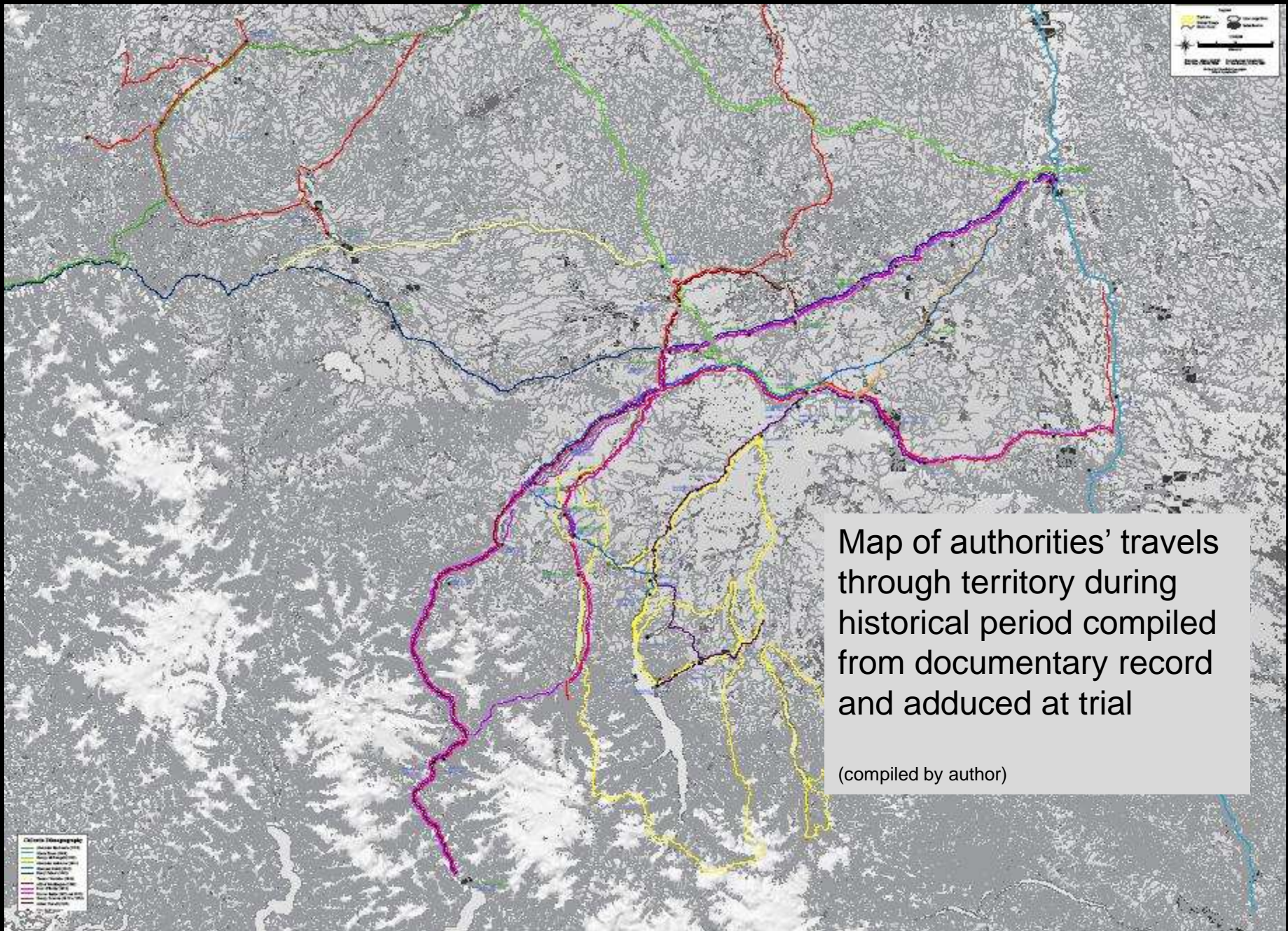
(copy in possession of the author)

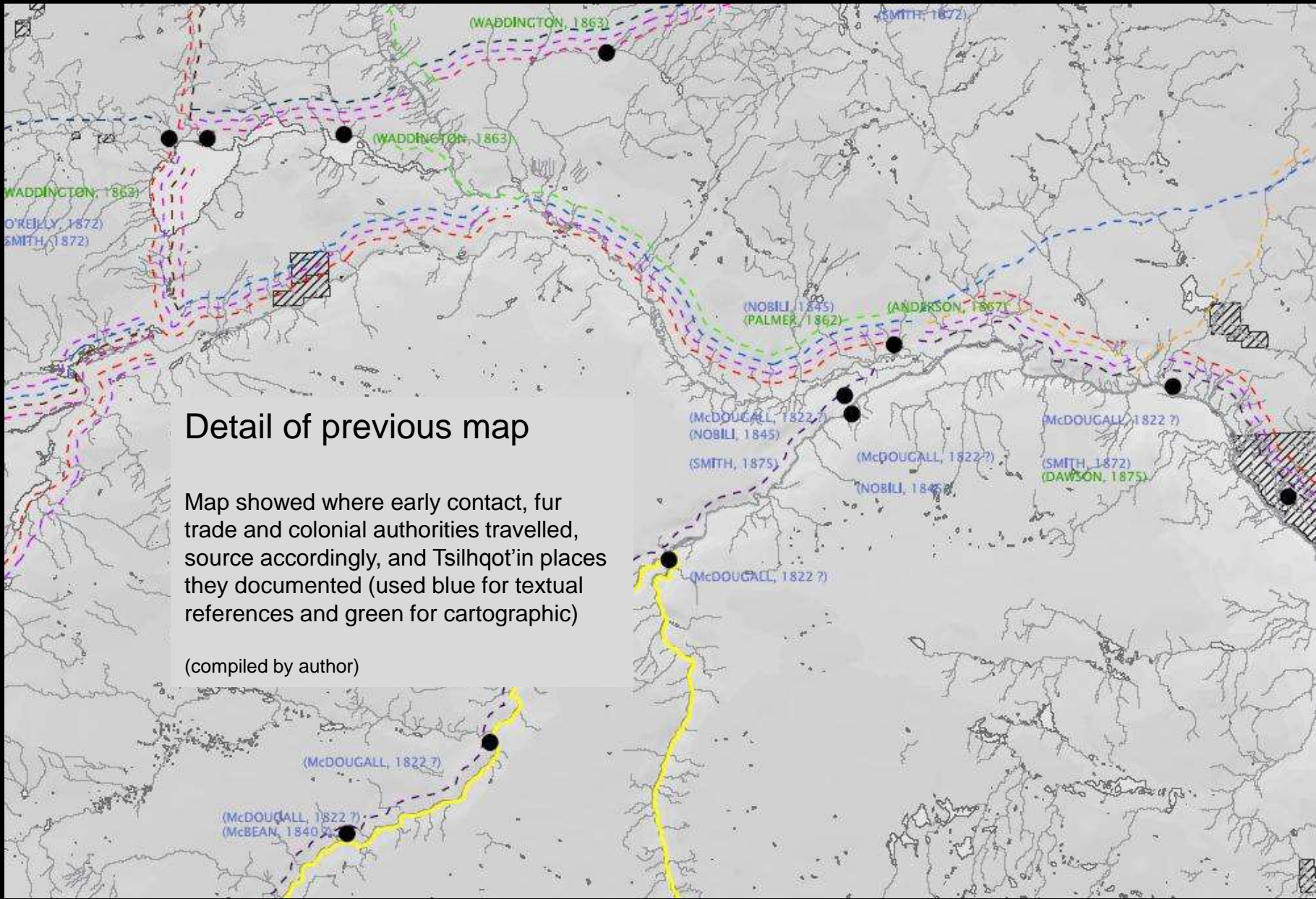


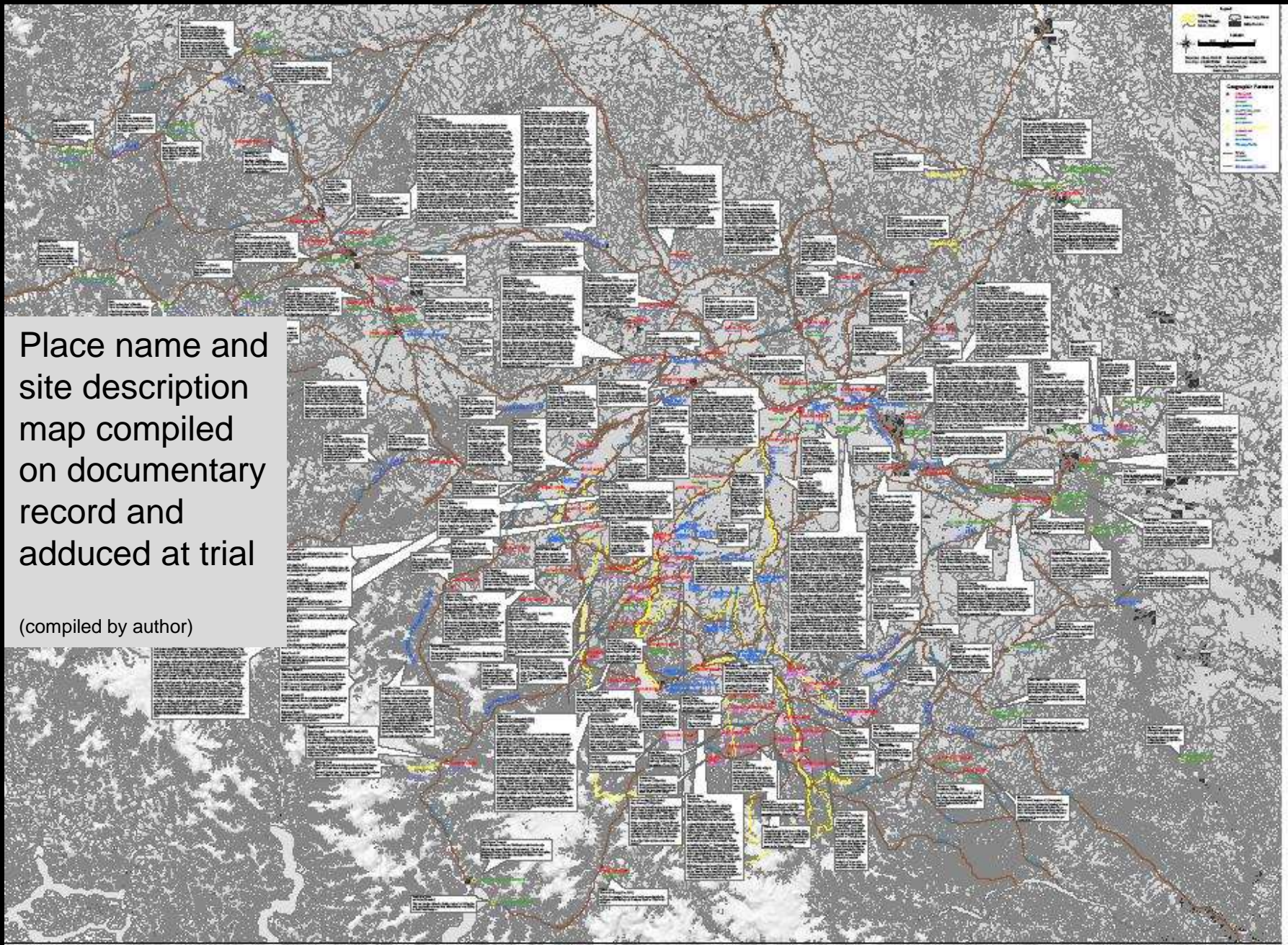
composite territorial map of place and district names compiled by multiple Tsilhqot'in witnesses in front of the judge

Oriented north on the right, solid yellow lines denote boundaries of the Nemiah Trapline (mainly left side of map) and Brittany Triangle (mainly right) claim areas (compare this map with untitled map of Chilcotin War and map of Ts'il?os Provincial Park in the Draft Master Plan)

(copy in possession of the author)

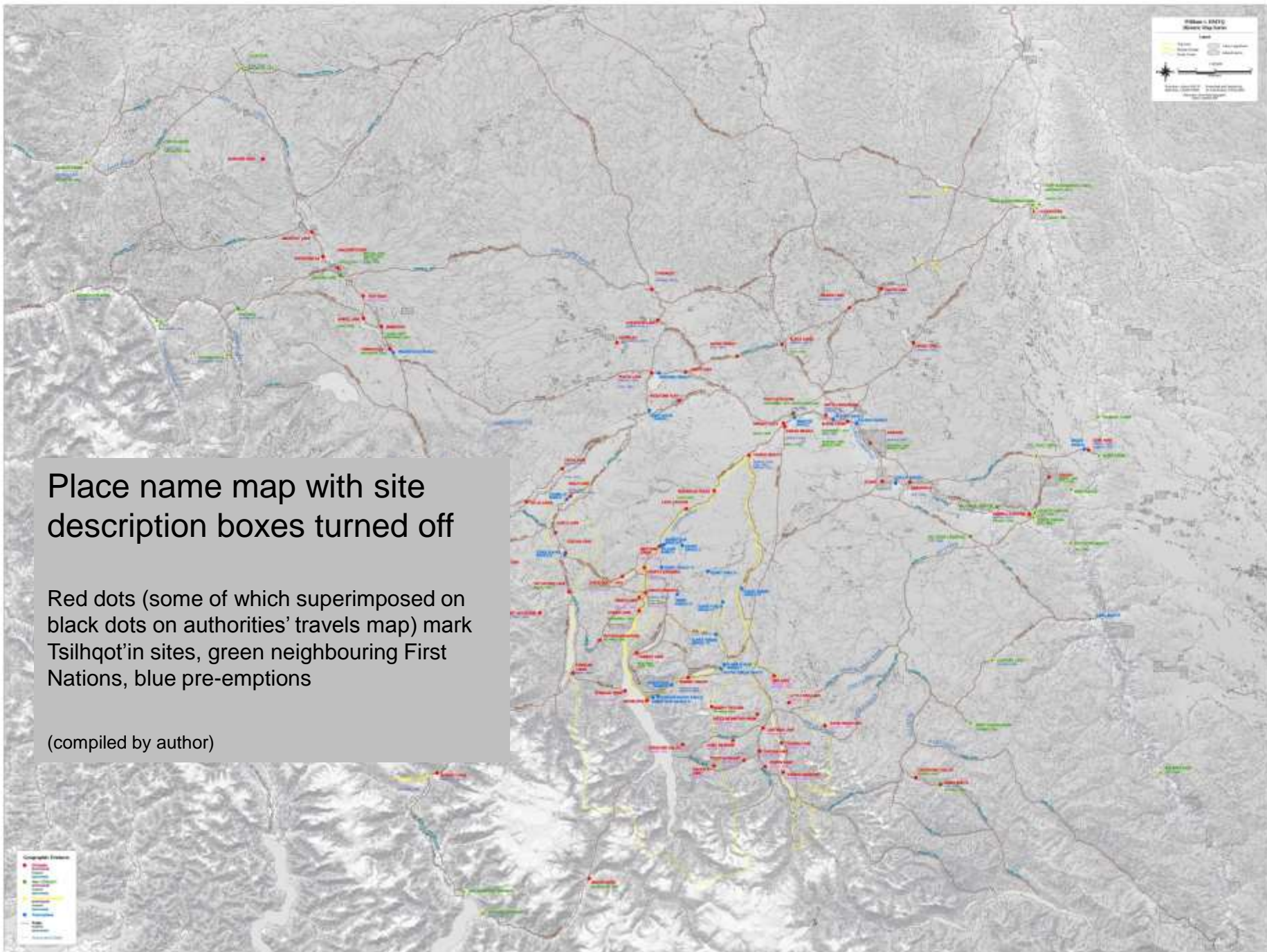






Place name and site description map compiled on documentary record and adduced at trial

(compiled by author)

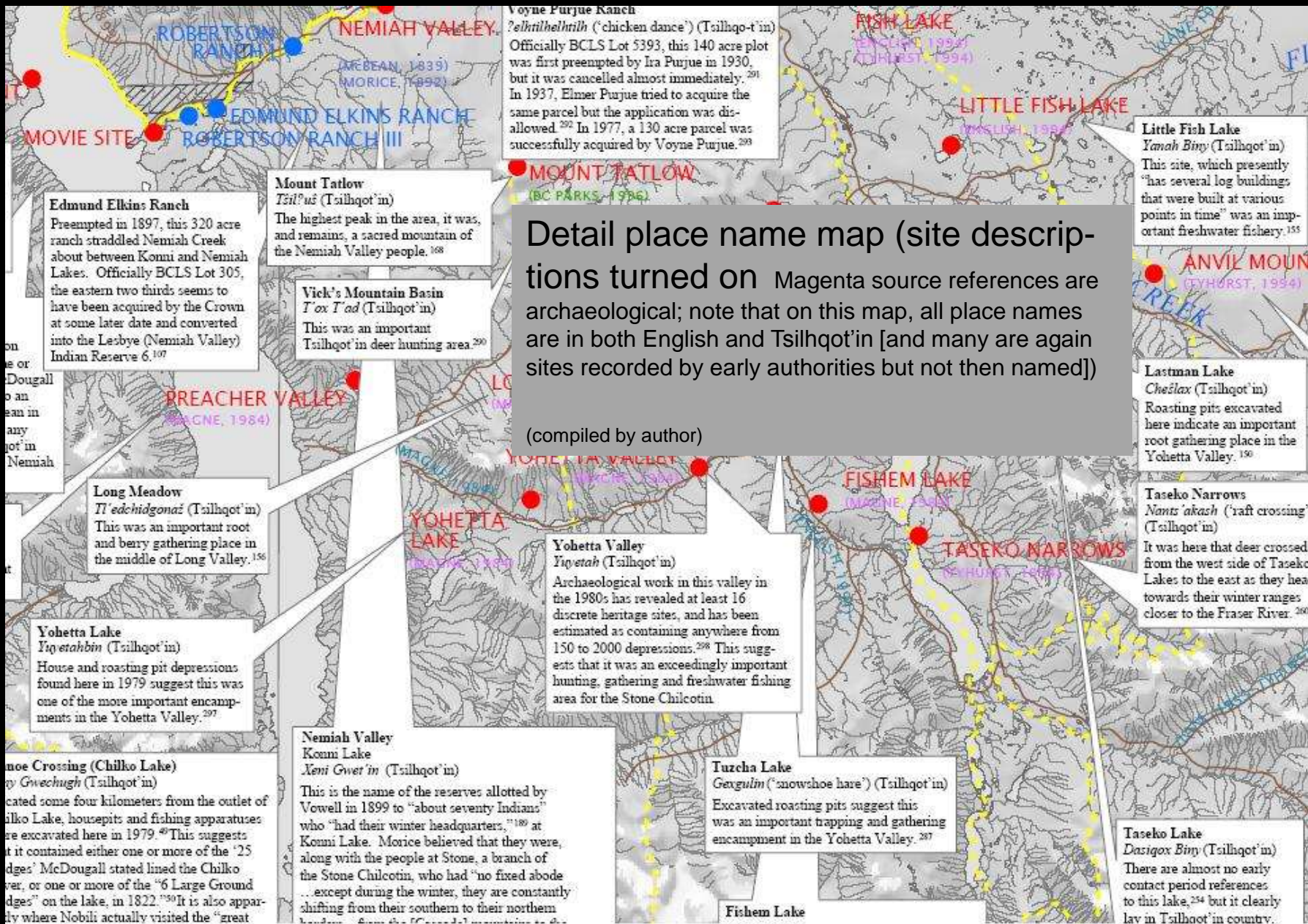


Place name map with site description boxes turned off

Red dots (some of which superimposed on black dots on authorities' travels map) mark Tsilhqot'in sites, green neighbouring First Nations, blue pre-emptions

(compiled by author)





Voyne Purjue Ranch
?elhtilhelhthil ('chicken dance') (Tsilhqot'in)
 Officially BCLS Lot 5393, this 140 acre plot was first preempted by Ira Purjue in 1930, but it was cancelled almost immediately.²⁰¹ In 1937, Elmer Purjue tried to acquire the same parcel but the application was disallowed.²⁰² In 1977, a 130 acre parcel was successfully acquired by Voyne Purjue.²⁰³

FISH LAKE
 (BENGLIS, 1993)
 (GUTHRIE, 1994)

LITTLE FISH LAKE
 (MUSLICH, 1984)

Little Fish Lake
Yanah Biny (Tsilhqot'in)
 This site, which presently "has several log buildings that were built at various points in time" was an important freshwater fishery.¹⁵⁵

MOUNT TATLOW
 (BC PARKS, 1986)

Mount Tatlow
Tsil'us (Tsilhqot'in)
 The highest peak in the area, it was, and remains, a sacred mountain of the Nemiah Valley people.¹⁶⁸

Detail place name map (site descriptions turned on) Magenta source references are archaeological; note that on this map, all place names are in both English and Tsilhqot'in [and many are again sites recorded by early authorities but not then named]

Vick's Mountain Basin
Tox Tad (Tsilhqot'in)
 This was an important Tsilhqot'in deer hunting area.²⁰⁰

ANVIL MOUNTAIN
 (GUTHRIE, 1994)

(compiled by author)

Lastman Lake
Chešlax (Tsilhqot'in)
 Roasting pits excavated here indicate an important root gathering place in the Yohetta Valley.¹⁵⁰

Edmund Elkins Ranch
 Preempted in 1897, this 320 acre ranch straddled Nemiah Creek about between Komni and Nemiah Lakes. Officially BCLS Lot 305, the eastern two thirds seems to have been acquired by the Crown at some later date and converted into the Lesbye (Nemiah Valley) Indian Reserve 6.¹⁰⁷

Long Meadow
Tl'edchidgonaz (Tsilhqot'in)
 This was an important root and berry gathering place in the middle of Long Valley.¹⁵⁶

Yohetta Lake
Yiqetahbin (Tsilhqot'in)
 House and roasting pit depressions found here in 1979 suggest this was one of the more important encampments in the Yohetta Valley.²⁰⁷

Yohetta Valley
Yiqetah (Tsilhqot'in)
 Archaeological work in this valley in the 1980s has revealed at least 16 discrete heritage sites, and has been estimated as containing anywhere from 150 to 2000 depressions.²⁰⁸ This suggests that it was an exceedingly important hunting, gathering and freshwater fishing area for the Stone Chilcotin.

FISHEM LAKE
 (MAGNIE, 1981)

TASEKO NARROWS
 (GUTHRIE, 1994)

Taseko Narrows
Nants'akash ('raft crossing') (Tsilhqot'in)
 It was here that deer crossed from the west side of Taseko Lakes to the east as they headed towards their winter ranges closer to the Fraser River.²⁰⁹

Chilko Crossing (Chilko Lake)
Gwechugh (Tsilhqot'in)
 Located some four kilometers from the outlet of Chilko Lake, housepits and fishing apparatuses were excavated here in 1979.⁴⁰ This suggests that it contained either one or more of the '25 edges' McDougall stated lined the Chilko River, or one or more of the '6 Large Ground edges' on the lake, in 1822.¹⁵⁰ It is also apparently where Nobili actually visited the "great

Nemiah Valley
Komni Lake
Xeni Gver'in (Tsilhqot'in)
 This is the name of the reserves allotted by Vowell in 1899 to "about seventy Indians" who "had their winter headquarters,"¹⁸⁰ at Komni Lake. Morice believed that they were, along with the people at Stone, a branch of the Stone Chilcotin, who had "no fixed abode... except during the winter, they are constantly shifting from their southern to their northern

Tuzcha Lake
Gexgulm ('snowshoe hare') (Tsilhqot'in)
 Excavated roasting pits suggest this was an important trapping and gathering encampment in the Yohetta Valley.²⁰⁷

Taseko Lake
Dasiqox Biny (Tsilhqot'in)
 There are almost no early contact period references to this lake,²⁵⁴ but it clearly lay in Tsilhqot'in country.

Fishem Lake

Movements map compiled from documentary record and adduced at trial

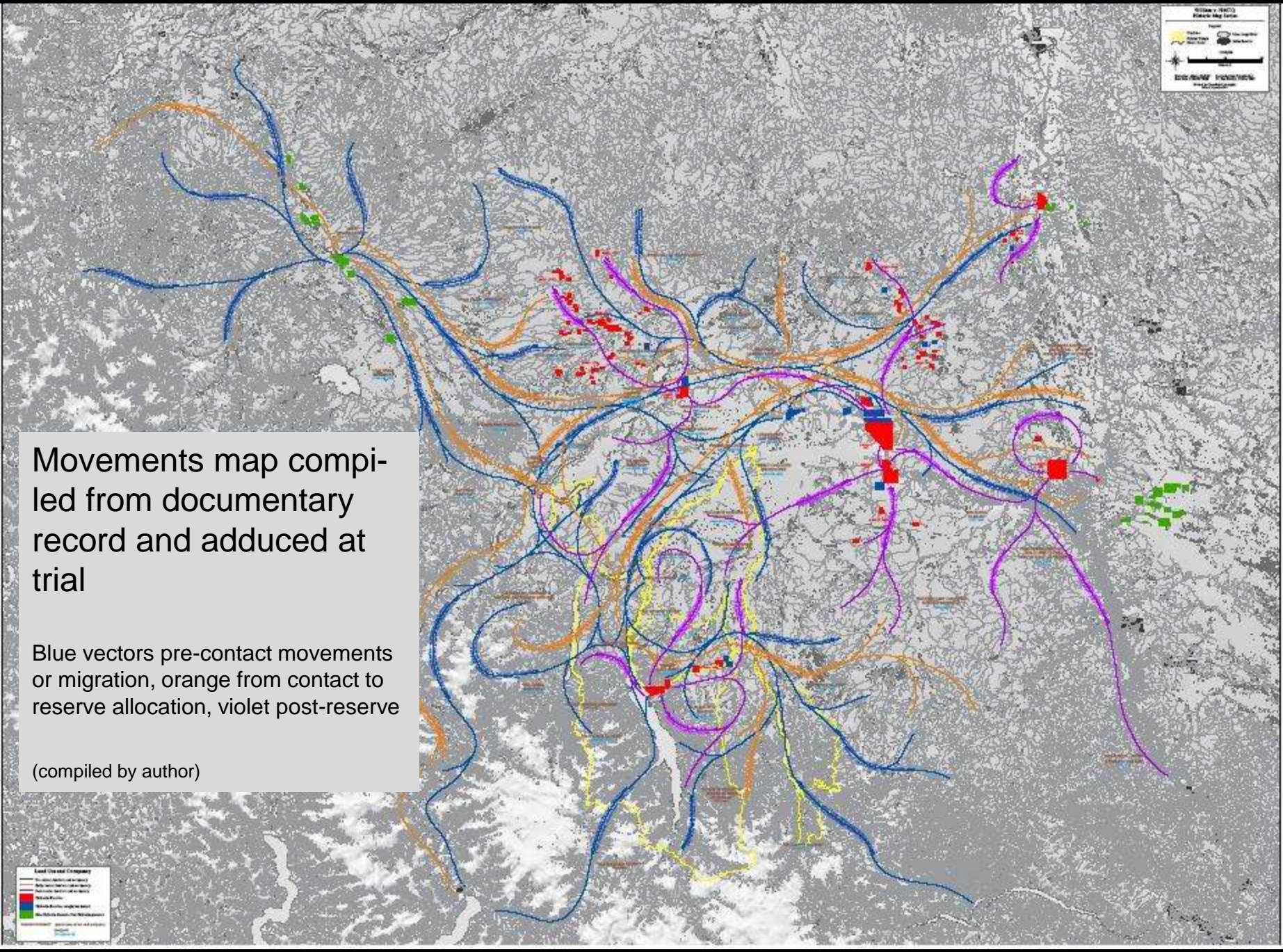
Blue vectors pre-contact movements or migration, orange from contact to reserve allocation, violet post-reserve

(compiled by author)

Local Use and Contingency

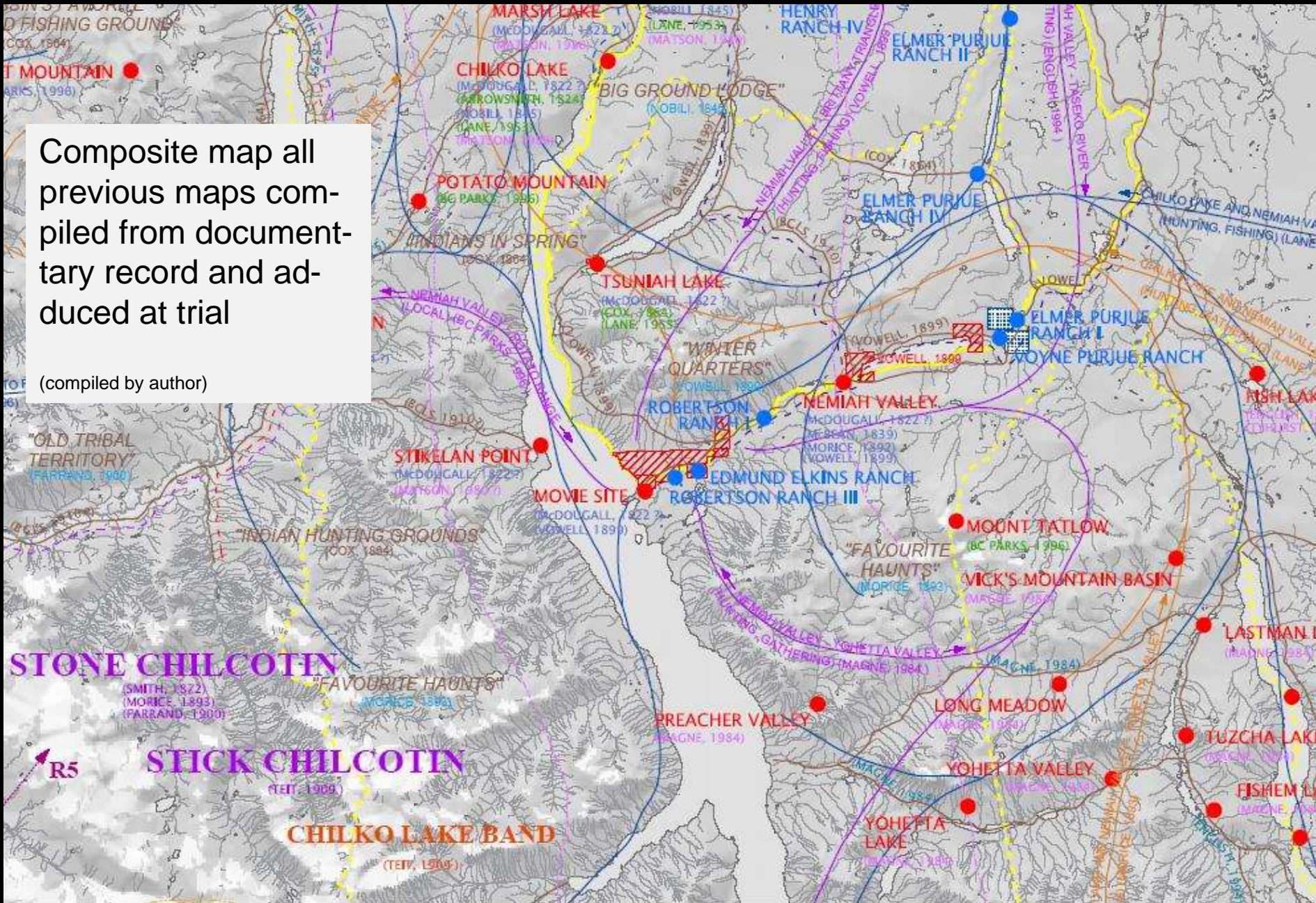
- Blue: No action, no change in status
- Orange: Action taken, status change
- Red: No action, status change
- Green: No action, status change

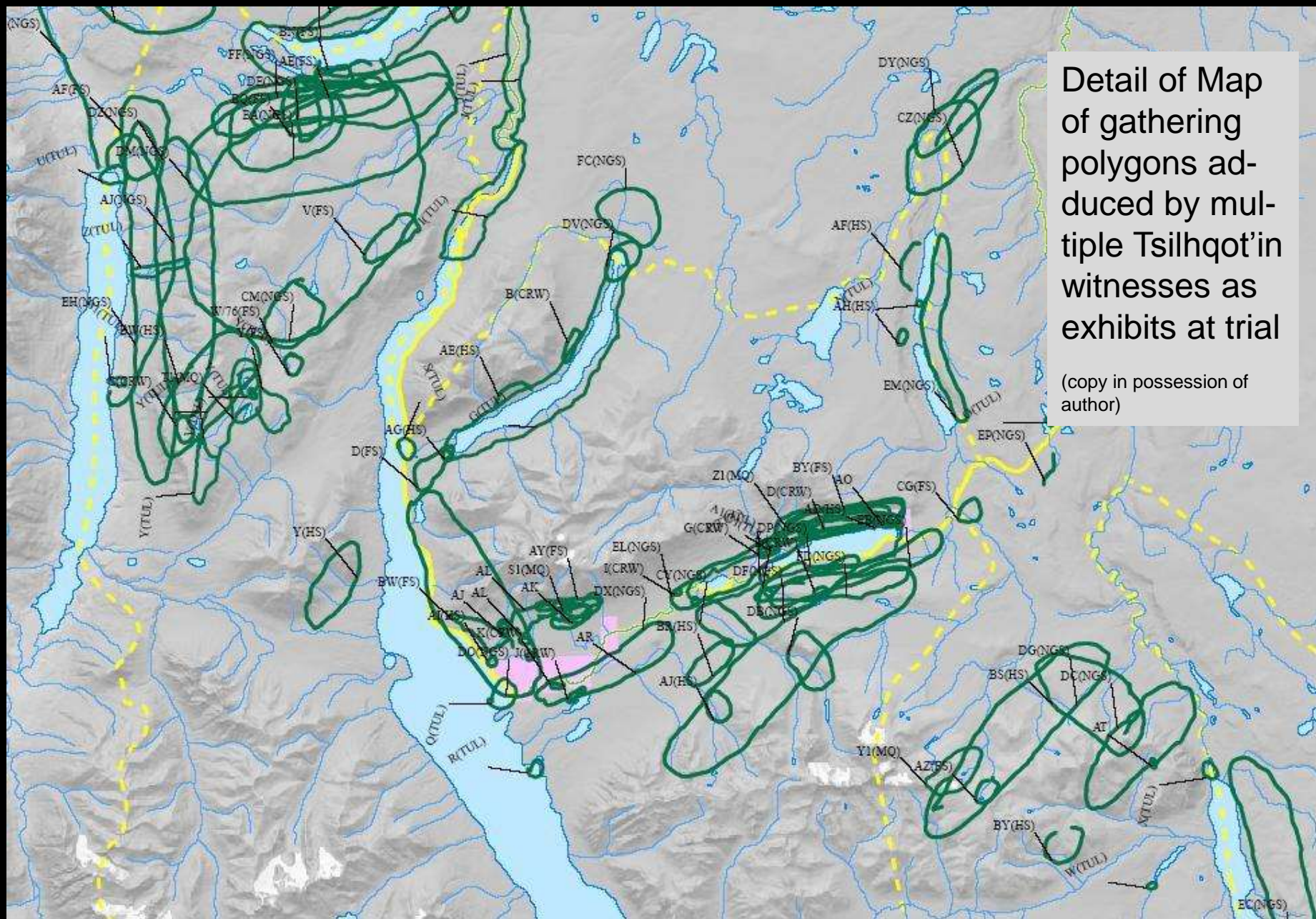
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Composite map all previous maps compiled from documentary record and adduced at trial

(compiled by author)





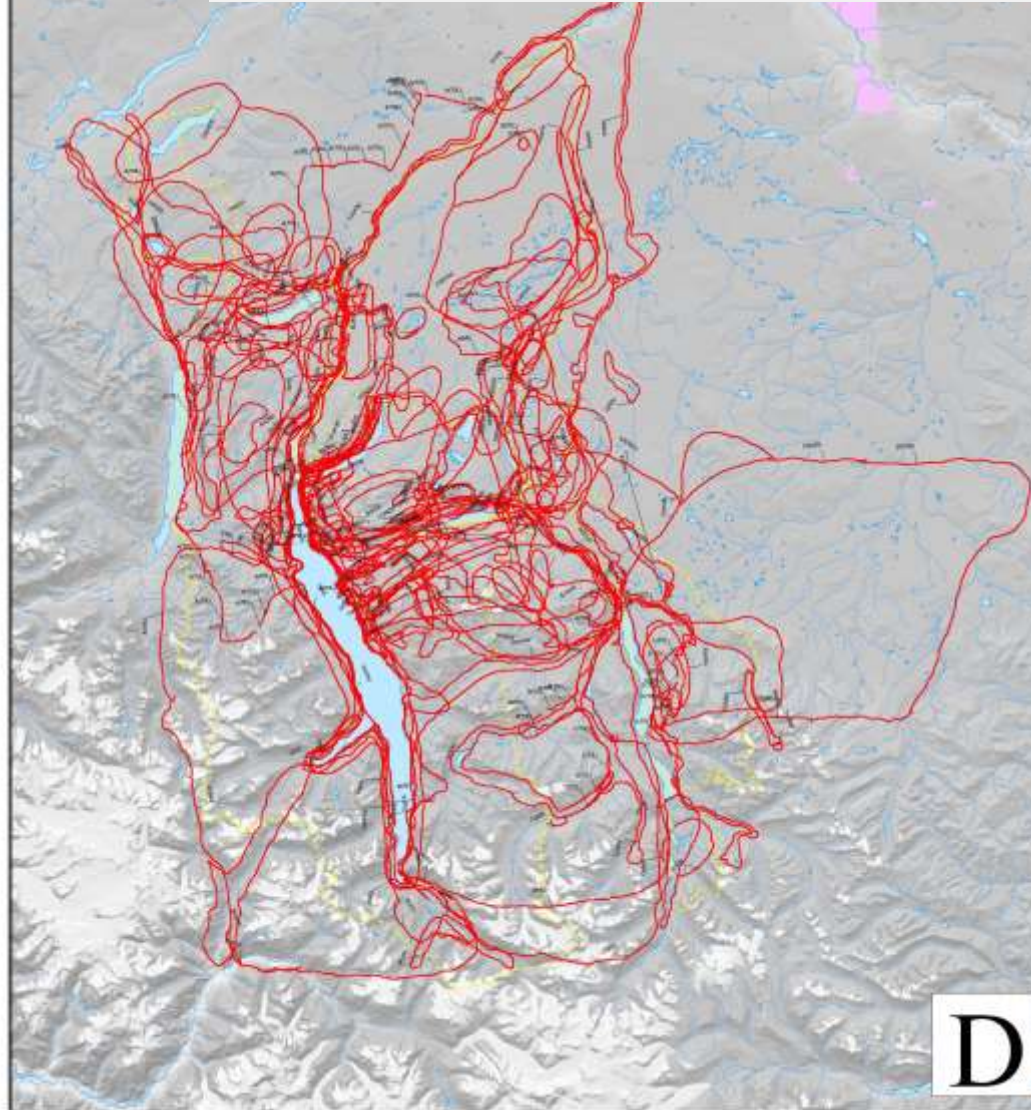
Detail of Map
of gathering
polygons ad-
duced by mul-
tiple Tsilhqot'in
witnesses as
exhibits at trial

(copy in possession of
author)

MAP D
Hunting & Trapping Control
Map of the Tsimshian
Village of 1912
Legend
Hunting & Trapping Control

Map of hunting or trapping polygons adduced by multiple Tsilhqot'in wit- nesses as exhibits at trial

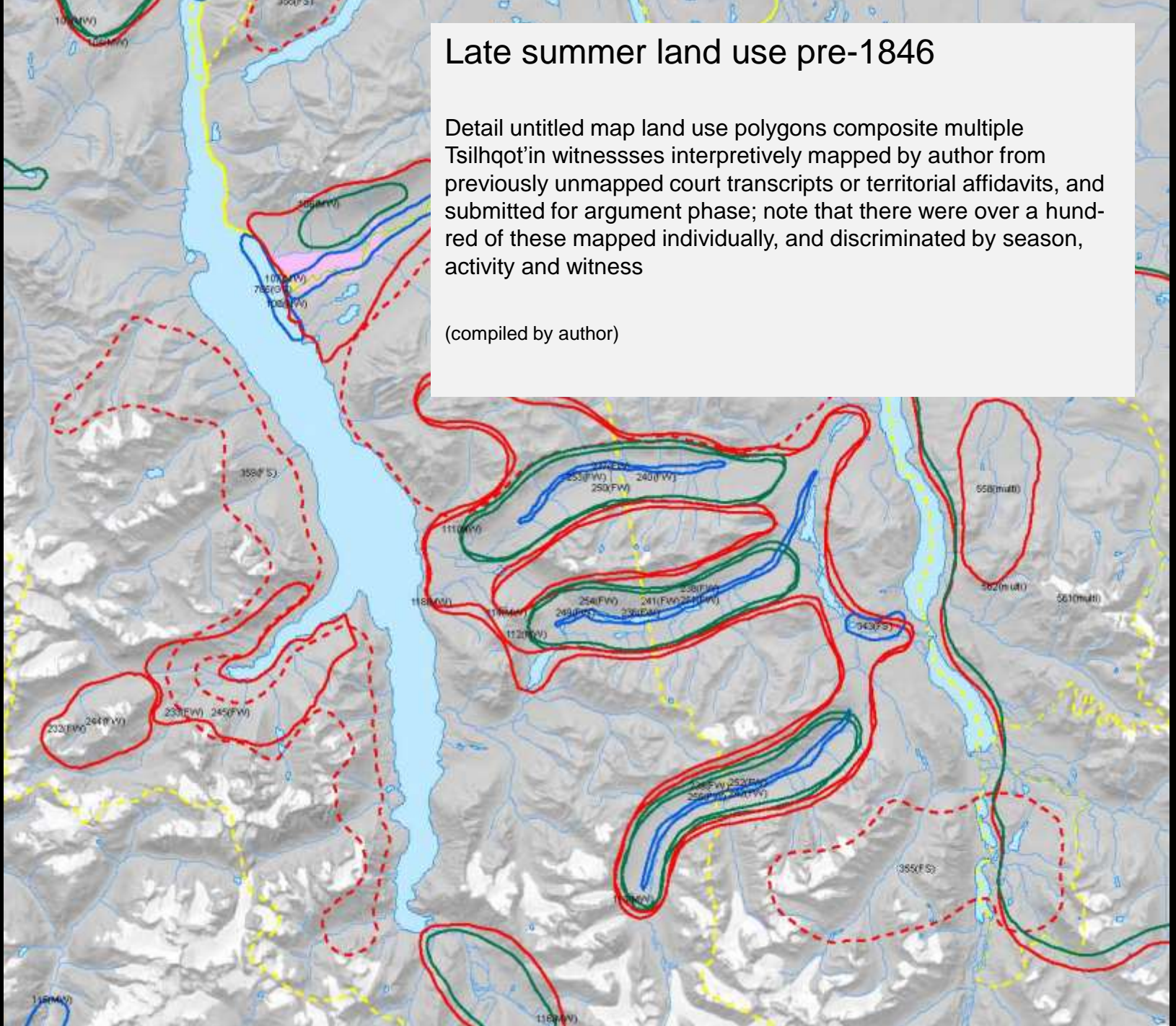
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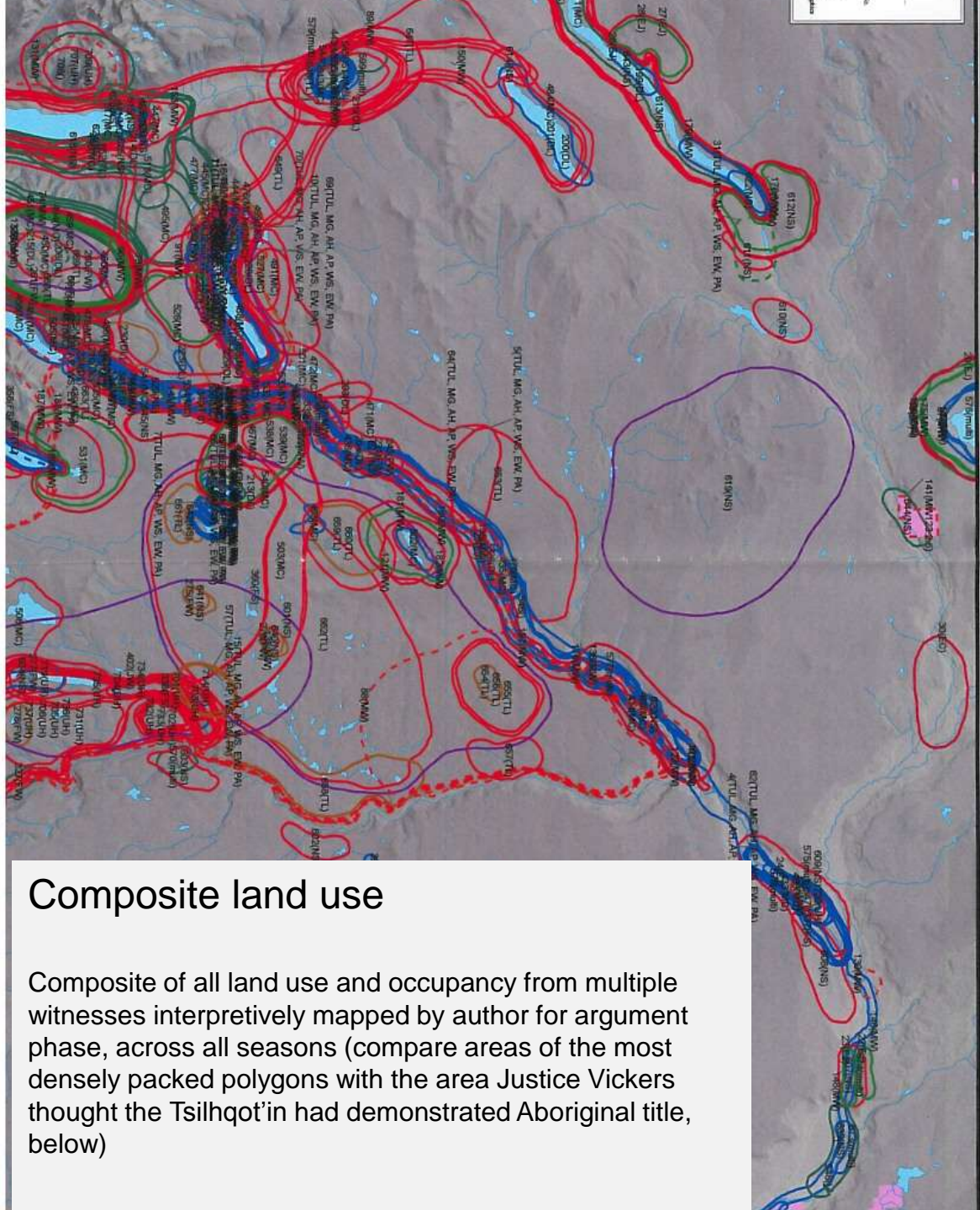
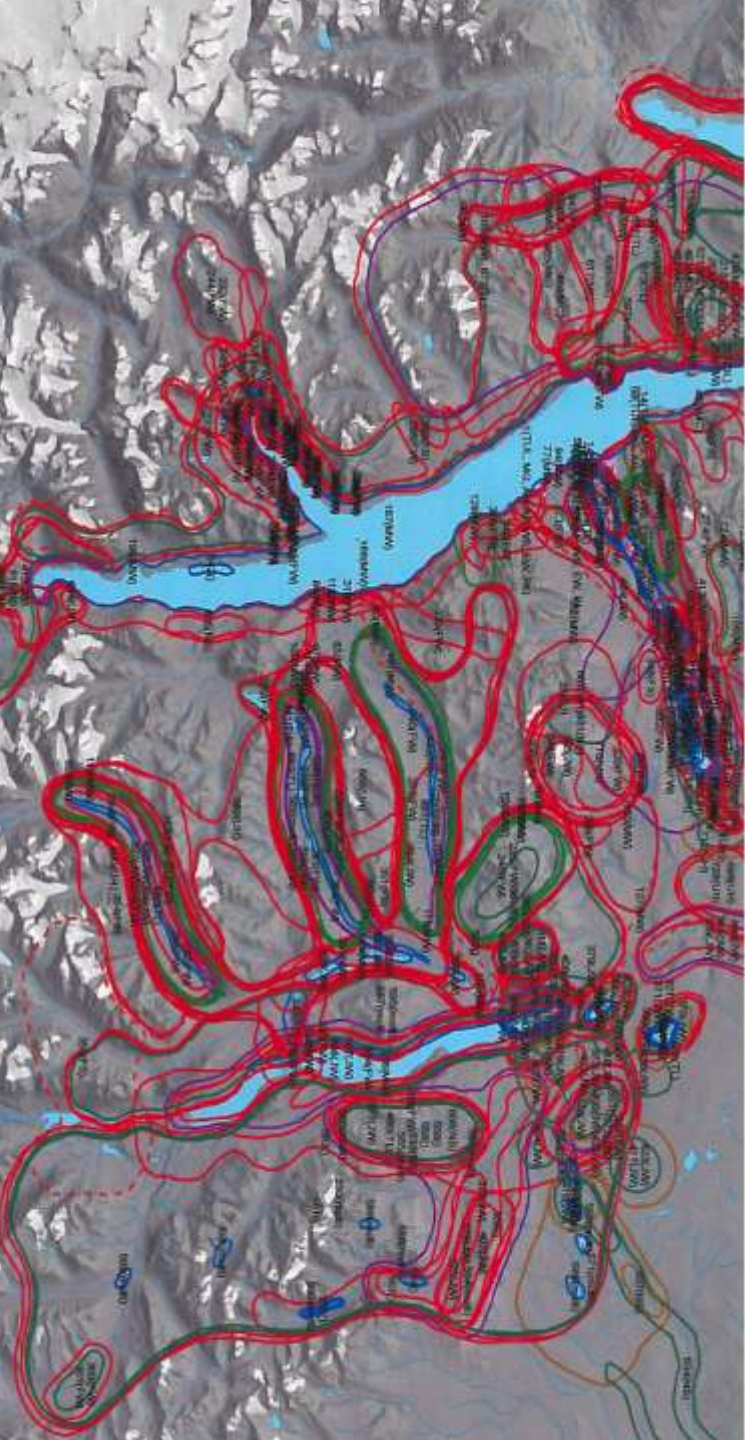


Late summer land use pre-1846

Detail untitled map land use polygons composite multiple Tsilhqot'in witnesses interpretively mapped by author from previously unmapped court transcripts or territorial affidavits, and submitted for argument phase; note that there were over a hundred of these mapped individually, and discriminated by season, activity and witness

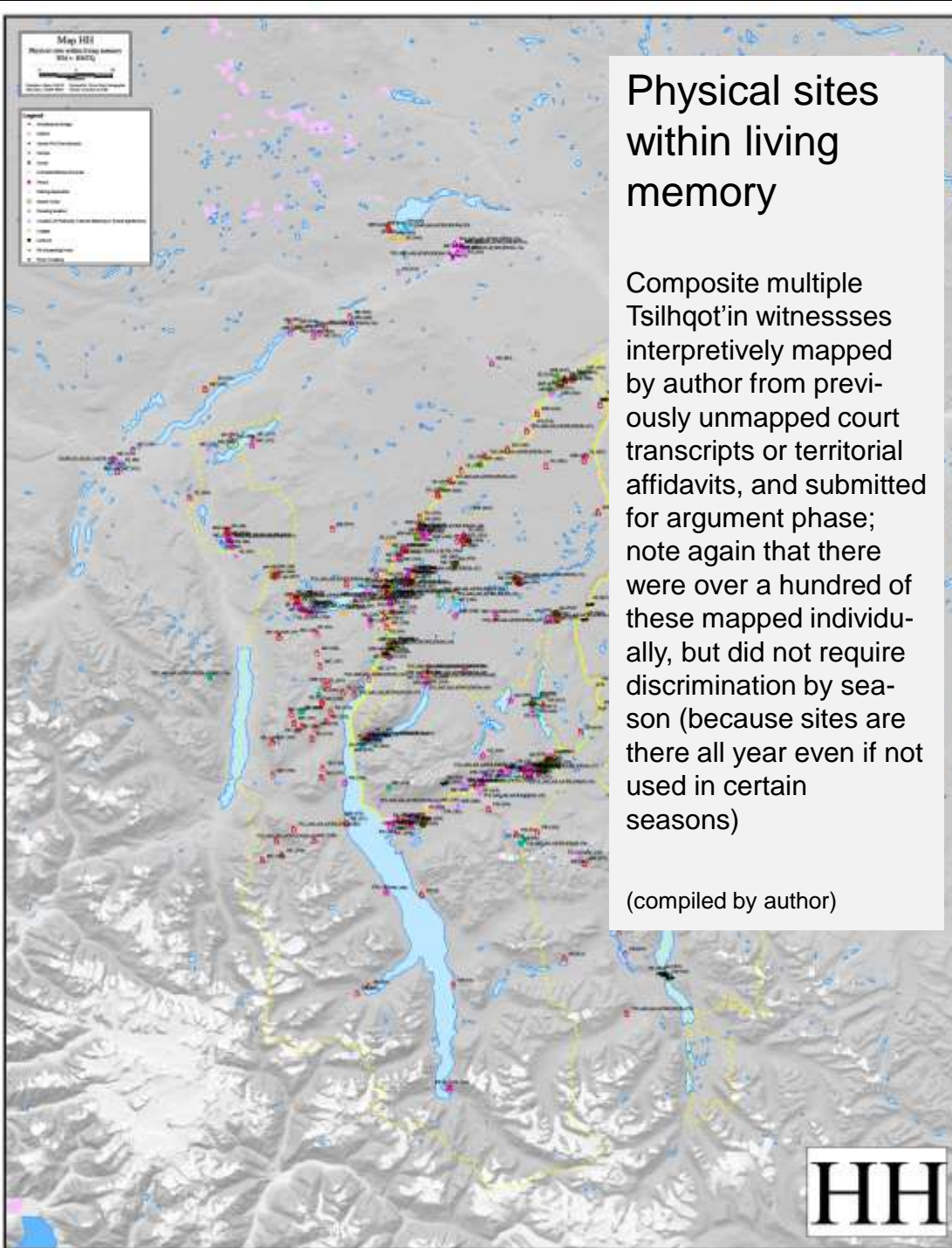
(compiled by author)

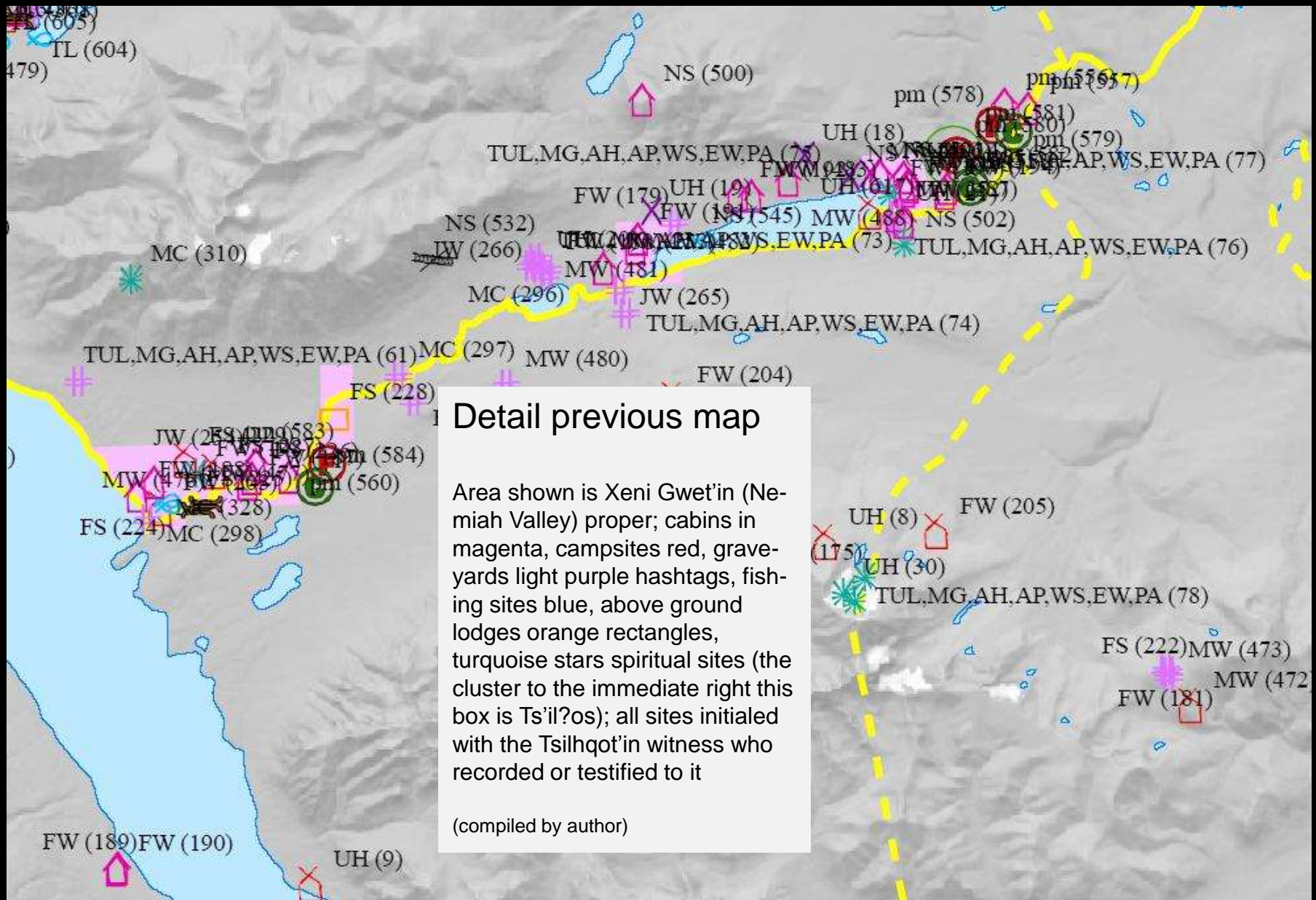




Composite land use

Composite of all land use and occupancy from multiple witnesses interpretively mapped by author for argument phase, across all seasons (compare areas of the most densely packed polygons with the area Justice Vickers thought the Tsilhqot'in had demonstrated Aboriginal title, below)

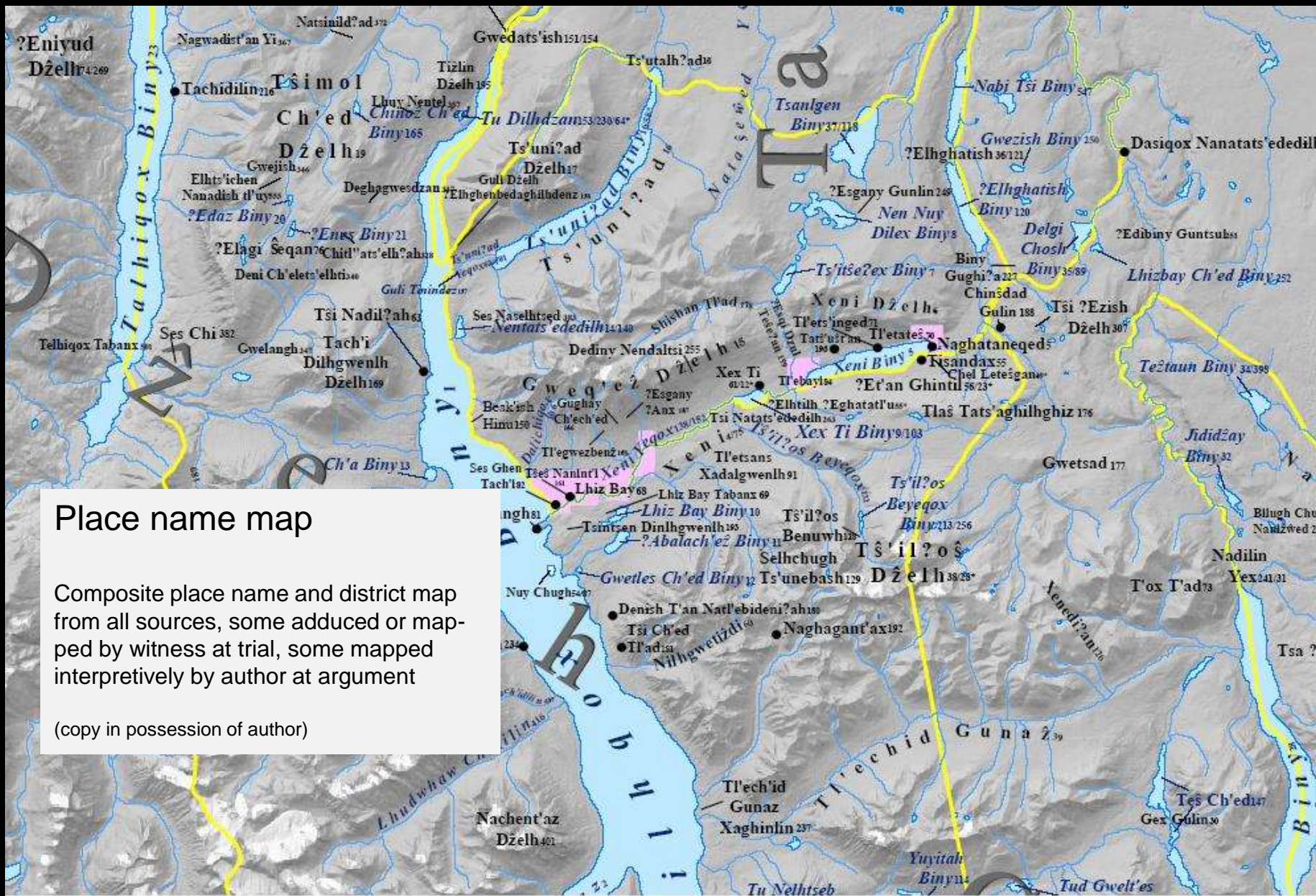




Detail previous map

Area shown is Xenigwet'in (Nemiah Valley) proper; cabins in magenta, campsites red, graveyards light purple hashtags, fishing sites blue, above ground lodges orange rectangles, turquoise stars spiritual sites (the cluster to the immediate right this box is Ts'il'os); all sites initialed with the Tsihqot'in witness who recorded or testified to it

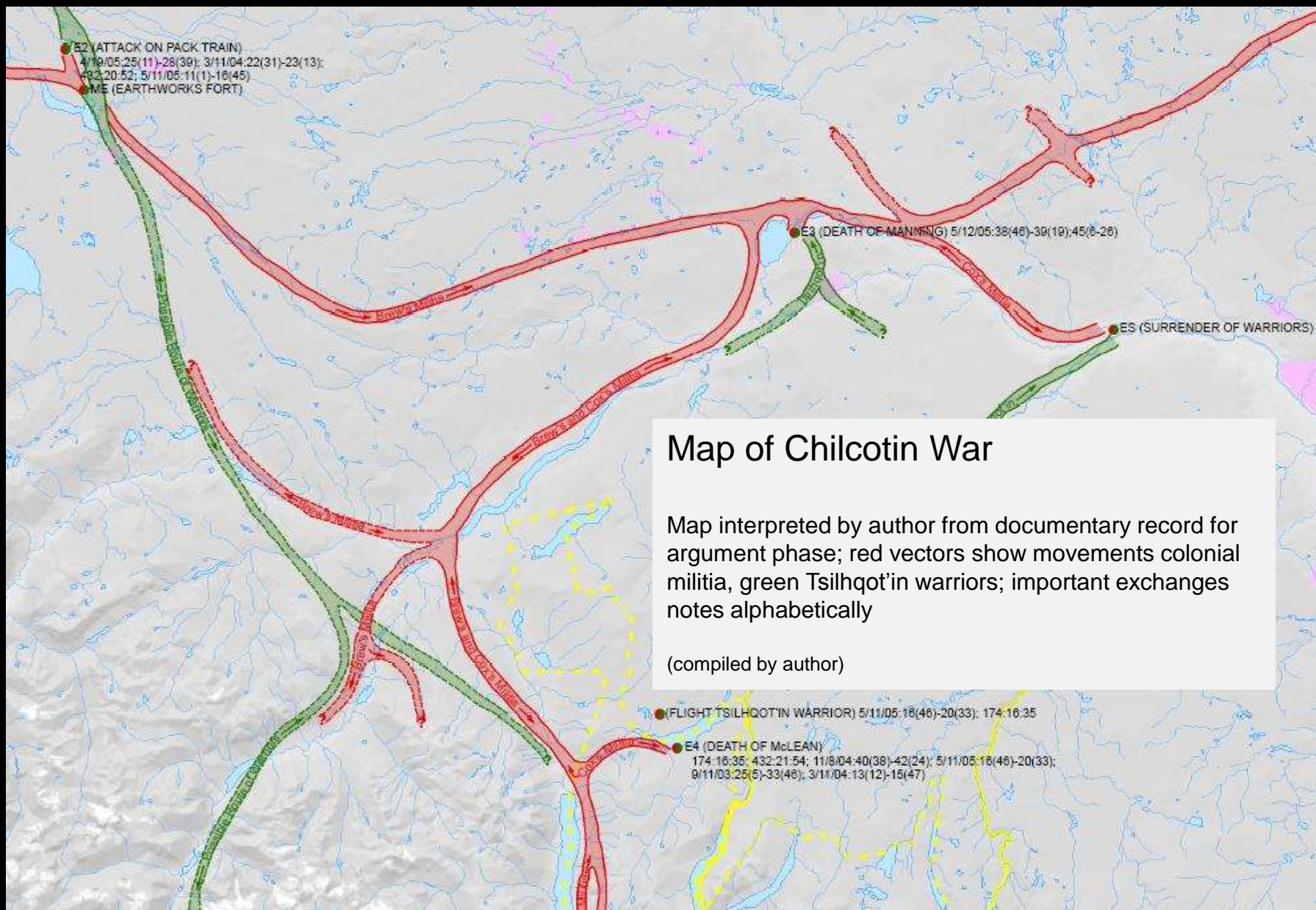
(compiled by author)



Place name map

Composite place name and district map from all sources, some adduced or mapped by witness at trial, some mapped interpretively by author at argument

(copy in possession of author)



Map of Chilcotin War

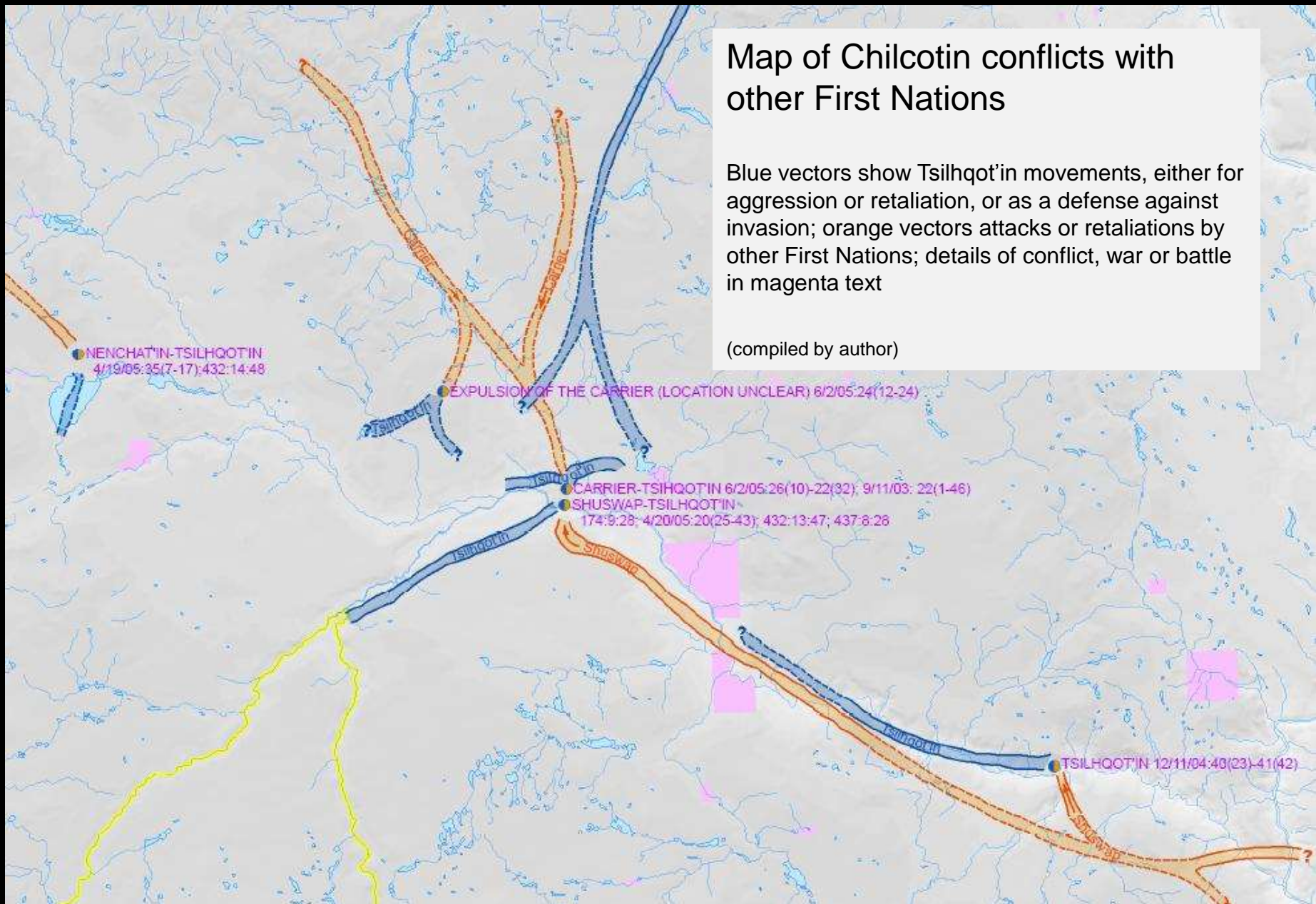
Map interpreted by author from documentary record for argument phase; red vectors show movements colonial militia, green Tsilhqot'in warriors; important exchanges notes alphabetically

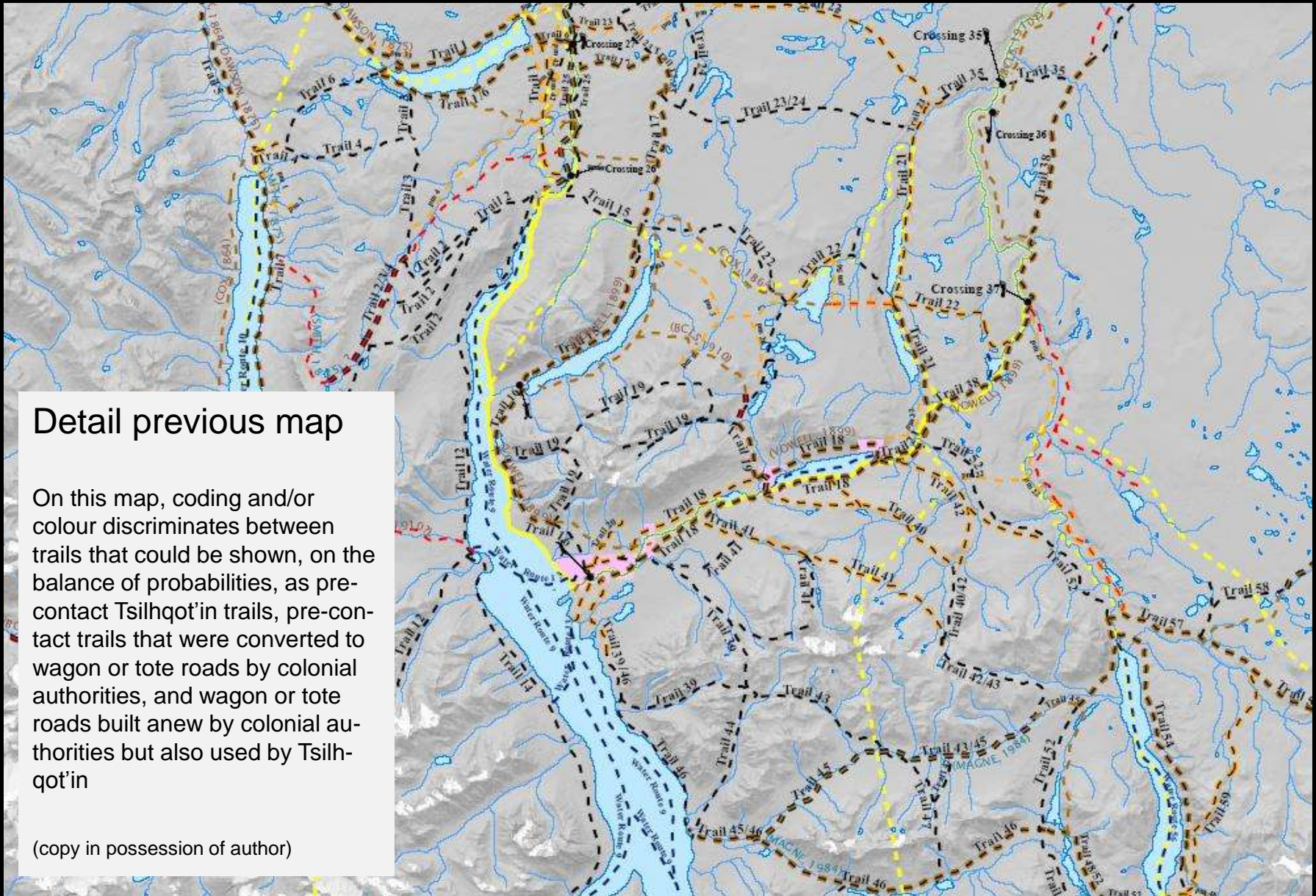
(compiled by author)

Map of Chilcotin conflicts with other First Nations

Blue vectors show Tsilhqot'in movements, either for aggression or retaliation, or as a defense against invasion; orange vectors attacks or retaliations by other First Nations; details of conflict, war or battle in magenta text

(compiled by author)





Detail previous map

On this map, coding and/or colour discriminates between trails that could be shown, on the balance of probabilities, as pre-contact Tsilhqot'in trails, pre-contact trails that were converted to wagon or tote roads by colonial authorities, and wagon or tote roads built anew by colonial authorities but also used by Tsilhqot'in

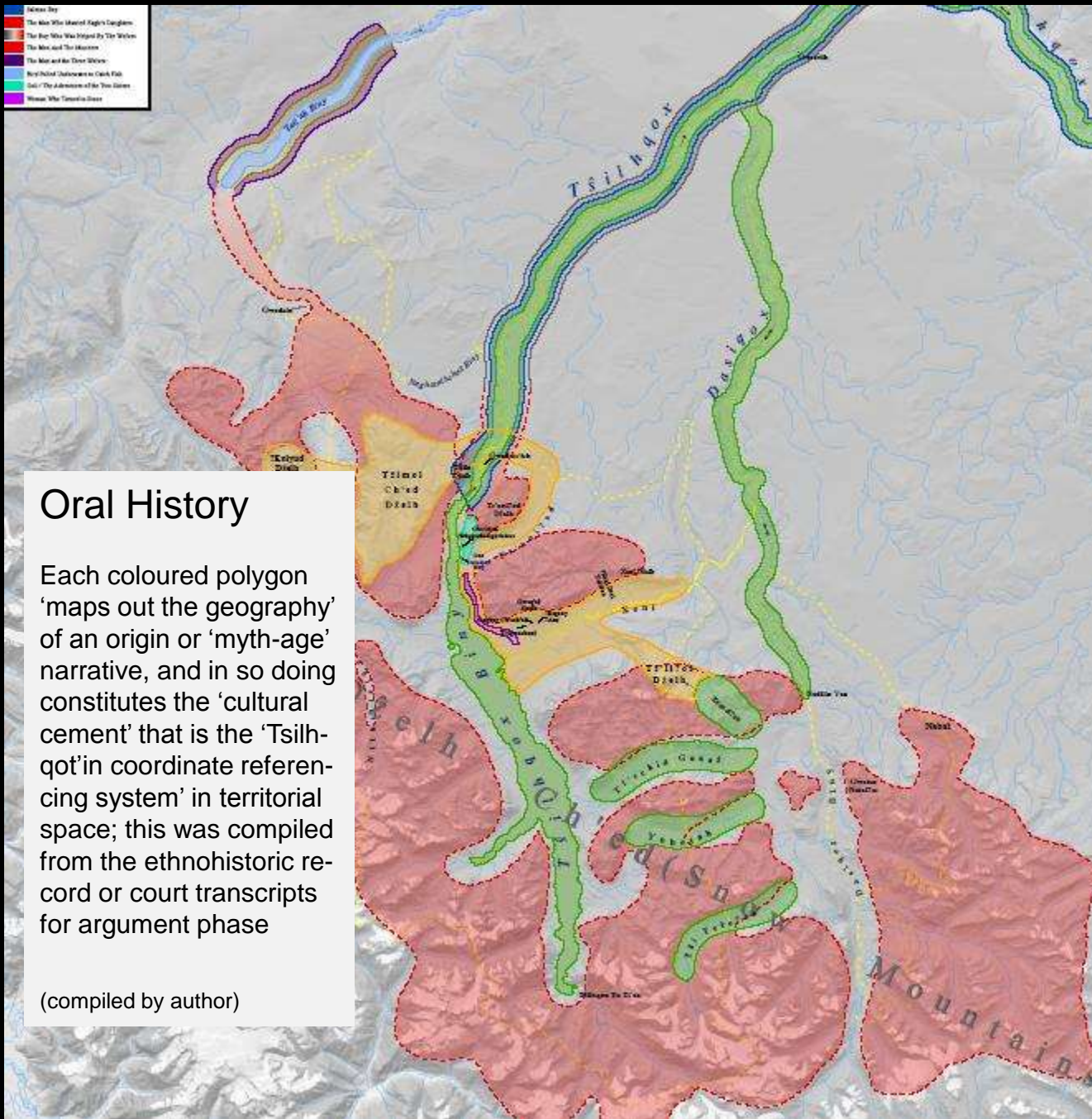
(copy in possession of author)

- Yellow: Sky
- Red: The Area Which Maximal Height Reached
- Orange: The Area Which Was Hit Upon By The Waves
- Light Blue: The Area of The Mountains
- Dark Blue: The Area of the River Shores
- Green: Not Filled Outlines in Case of Flood
- Light Green: The Address of the Two Sisters
- Purple: Women Who Turned to Stone

Oral History

Each coloured polygon 'maps out the geography' of an origin or 'myth-age' narrative, and in so doing constitutes the 'cultural cement' that is the 'Tsilhqot'in coordinate referencing system' in territorial space; this was compiled from the ethnohistoric record or court transcripts for argument phase

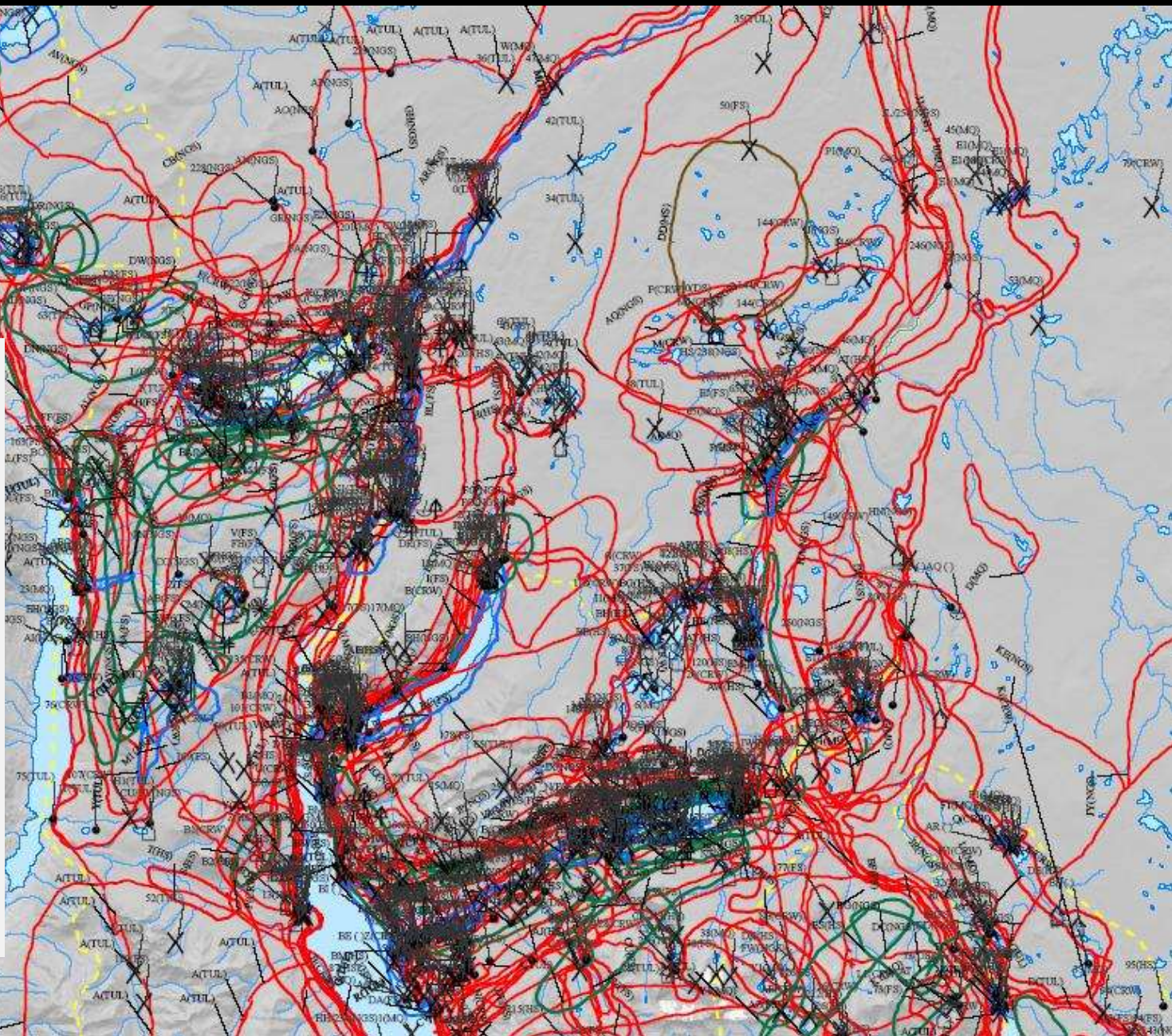
(compiled by author)



Composite

All site and land use polygons from all Tsilhqot'in witnesses as in exhibits at trial or mapped in front of the judge; it *does not* include any of the sites or land use polygons (or transportation system or oral history) interpretively mapped by author for argument

(copy in possession of author)



Acknowledgements:

The people of the Xeni Gwet'in First Nation

For their perseverance in seeing this action through to its conclusion

Jack Woodward and Co.

For their vision of the litigation and moving it forward

Clover Point Cartographics

For their diligence and patience in correctly digitizing countless analog maps

John Newcomb and Olav Lian

At UVIC and UFV respectively for helping this analog historical geographer with the preparation of this presentation