

POLITICAL ACTION OF THE INDIANS OF BRITISH COLUMBIA

by

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## ABSTRACT

This thesis traces the development of political action by the Indians of British Columbia. The Europeans who occupied British Columbia in the nineteenth century placed the natives under a colonial style of administration. Without citizenship or representation in the federal or provincial government for many years, the Indians tried to present their grievances to the government mainly through protest organizations.

The effectiveness of Indian protest organizations was weakened by the inability of the natives to unite in one provincial association. The diversity of cultural, religious, and economic factors in the Indian population caused persistent divisiveness. Regional political organizations were formed to resolve local problems. Finally, the prospect of the removal of the Indian Act provided a catalyst for the formation of a single provincial Indian political organization.

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## CHAPTER I

### INTRODUCTION

Social scientists and other writers have gathered a great deal of information about the Indians of British Columbia. They have described the cultures and the problems of the natives in some detail. But one aspect of Indian life to which they have given relatively little attention is political activity. This was acknowledged by researchers from the University of British Columbia while compiling a comprehensive study on the natives of the province in 1955: "We have not carried out historical research on the development of groups of Indians organized for political purposes. Such a study would be revealing and instructive."<sup>1</sup>

But Indian political activity in British Columbia has not been entirely ignored by anthropologists and historians. Edgar Shankel, in his thesis on the development of Indian policy in British Columbia, described

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<sup>1</sup>H. B. Hawthorn, C. S. Belshaw, and S. M. Jamieson, The Indians of British Columbia, University of California Press, Berkeley, 1958, p. 475.

Indian political activities that occurred until 1927.<sup>2</sup>

Philip Drucker wrote a monograph on the Native Brotherhoods of British Columbia and Alaska.<sup>3</sup> An important Indian political leader, Andrew Paull, was the subject of a thesis by E. Palmer Patterson II.<sup>4</sup> The most complete treatment of Indian political activity was written by Forrest E. LaViolette who traced its development to 1951.<sup>5</sup> Since those studies were completed, however, there has been an efflorescence of political activity among the Indians of British Columbia.

For some time I have believed that the mere recounting of Indian political activity in British Columbia would be interesting. If it complemented other studies that aimed

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<sup>2</sup>G. E. Shankel, The Development of Indian Policy in British Columbia, unpublished Ph.D. thesis, University of Washington, Seattle, 1945.

<sup>3</sup>Philip Drucker, The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast, Bureau of American Ethnology Bulletin 168, U. S. Government Printing Office, Washington, 1958.

<sup>4</sup>E. Palmer Patterson II, Andrew Paull and Canadian Indian Resurgence, unpublished Ph.D. thesis, University of Washington, Seattle, 1962.

<sup>5</sup>Forrest E. LaViolette, The Struggle For Survival, University of Toronto Press, Toronto, 1961.

at discovering the reasons for the position of Indians in Canadian society, the account would increase in significance.

My interest in the political activity of the Indians of British Columbia stemmed from three sources: an interest in the history of British Columbia, an interest in the cultures of the Indians of the province, and a concern for native people confronted with the problem of adjustment to Canadian society. My concern for the people was, of course, a stronger motivating force than my interests in history and culture. But through knowledge of the history and culture of the Indians, I expected to begin to understand the nature of the problems they faced. This thesis is the result of a search for information about the causes of some of the problems of the native people of British Columbia. It is about politics because I believe that to a great extent political decisions caused contemporary Indian problems, and wise political decisions are essential before they can be resolved.

When I began to gather facts for my examination of the political issues, I relied on written sources--and as much as possible on those written by Indians. Had the study been more advanced and had time and finances permitted, I would have travelled to interview people who were involved

with recent political action. My method, however, was not entirely confined to what I read. I have listened to Indian leaders speak at conferences, on the radio, and at informal meetings. I have associated with many other Indians and have personally observed the consequences of the Indian political situation in British Columbia.

I acquired historical and ethnological information from books and newspapers, but I was probably predisposed by my background to ask the questions I did. I lived the first seventeen years of my life in the British Columbia coastal village of Bella Coola. The population of about 1,000 in the Bella Coola Valley was nearly evenly divided between Indians and whites. Most of the white people were descendents of Norwegians who had settled in the valley in 1894. Many of them were prejudiced about Indians, but race relations were generally amicable. My parents were "outsiders," as the local vernacular termed late arrivals. Our family tended to be more friendly than most with Indians but not to the extent of comradeship.

As a child, I adopted some of the prejudices of rural British Columbia. But when about nine years old I had a friend of mixed Indian-white parentage who was taunted by white boys because he was a "siwash" (the opprobrious term

for an Indian). I wanted to be neutral but I remained loyal to my friend. Perhaps I sensed that neutrality in the face of cruelty is deceitful.

About a year later, the first Indian child to attend a provincial school at Bella Coola was enrolled in my class. The other native pupils attended an Indian school operated by the Department of Indian Affairs. Some white parents protested against allowing Indian children to attend the provincial school. They said the Indian children were dirty, diseased, and slow to learn. The allegations could not be substantiated and the Indian and white classes were amalgamated.

As a youngster I was fascinated by Indian activities. Traditional dances, especially the ones using transformation masks, scattered eagle down, or clowns captivated me. The long dugout canoes, the large stationary V-shaped nets, and the stink associated with the rendering of oolichan grease attracted me to the river each April. The Indian community hall was the centre for many activities, especially basketball games. Indians were interesting also because they seemed to suffer frequent tragedy. Boat explosions, suicide, murder, house fires, drownings: they happened to Indians. White people died less spectacularly.

Every summer while I was a boy Carrier Indians (we called them "stick Indians") from Ulkatcho and Anahim Lake rode their horses into the Bella Coola Valley and camped along the river to dry salmon. Some of them camped near the village of Bella Coola. Although they could speak almost no English, a few of the young men arranged to rent bicycles by the hour from the white boys. They were willing to rent out their horses but the whites could not control the animals.

Within ten years after I had first rented my bicycle to interior Indians, I was working with them in the logging operations. They then came to Bella Coola for work instead of salmon, and they travelled by car rather than by horse. They were good loggers but they preferred to "chase cows" in the plateau country.

While still a schoolboy I accompanied my parents, my brother, and a Carrier Indian on a packhorse trip into the mountains. I idolized the Indian because he was a good horse wrangler, an expert woodsman, and a superb shot with a rifle. He later moved to Bella Coola and became a logger. He began to suffer from periods of depression, and deliberately shot himself through the head one night while drinking with his wife.

As a boy I had a number of Indian friends. We attended the same school, played basketball together, occasionally hunted and fished together. I liked the friendliness, laughter, and energy of the young Indians, and the dignity and gentleness of the older ones. The ceremonial aspects of their culture fascinated me more than anything in my own.

My Indian friends left school before reaching graduation. They became fishermen and loggers. I went to the city for more education. During the summers, when I returned to the central coast, I worked in the logging and fishing industries with some of them. They still liked to joke and laugh but some of them already drank heavily.

In the city I felt more akin to the Indians I met than to white people. I could adjust little better to urban life than the Indians could. City people, it seemed to me, were superficial, self-centered, and uninteresting.

While I struggled to adjust to the complexities of existence beyond the coastal village of my boyhood, I sympathetically observed the trials of others in similar circumstances. The Indians were having difficulties adjusting to a strange way of life, too. The consequences of their failure to adjust were documented in statistics

about alcoholism, crime, unemployment, and accidental death. I began to perceive the pervasiveness of the kinds of individual catastrophes I had observed in Indian communities.

For the first time I observed the meaning of social and economic inequality. Some Indians suffered from poor housing, poor education, poor health, poverty, and social disorientation. In Bella Coola, however, nobody had been particularly privileged or wealthy. But in the city I observed a concentration of wealth beyond imagination.

I came to believe that Indians had become demoralized because they were disinherited; that they had been disinherited by Canadian white people through the actions of politicians; that the minimal social assistance in the past had been part of a preposterous fraud; and that there would be no solution to the problems of the Indians until they acquired enough political power to demand and receive a larger portion of their birthright. In writing this thesis, I hoped to discover why the Indians had lost their birthright and their spirit, and how they intended to regain them.

I favour the Indian interpretation of native rights. I believe, for instance, that they should be considered the owners of the land of British Columbia until a formal

settlement has been made between the Government of Canada and legitimate Indian representatives. I believe that the Indians have been treated unjustly. Nonetheless, I have tried to present the historical facts without bias and to set out the position of both white and Indian politicians.

The study of Indian society, both traditional and contemporary, has been the purview of anthropologists. I have used their works for much of the data in my study of Indian political activity. However, I employed concepts fundamental to political science, such as the characteristics of colonialism, interests, and interest groups, when describing the nature of Indian political activity.

The historical data provoked the questions: (1) Why have the Indians of British Columbia been politically powerless since shortly after the advent of Europeans? (2) Why have the Indians of British Columbia had difficulty in achieving political unity among themselves? (3) What have been the consequences of political powerlessness for the Indians?

The answers are to be found in the study of the three themes that run through the political history of the Indians of British Columbia: (1) the political relationship of white politicians and the Indians, (2) the political interaction of the Government of Canada and the Government

of British Columbia concerning Indian administration, and (3) the political activity among Indians in the formation of protest organizations.

The philosophical background for my study of the Indian political situation in British Columbia is exemplified by a quotation from the social philosopher Reinhold Niebuhr:

Most rational and social justifications of unequal privilege are clearly afterthoughts. The facts are created by the disproportion of power which exists in a given social system. The justifications are usually dictated by the desire of the men of power to hide the nakedness of their greed, and by the inclination of society itself to veil the brutal facts of human life from itself. This is a rather pathetic but understandable inclination; since the facts of man's collective life easily rob the average individual of confidence in the human enterprise. The inevitable hypocrisy, which is associated with all the collective activities of the human race, springs chiefly from this source: that individuals have a moral code which makes the actions of collective man an outrage to their conscience. They therefore invent romantic and moral interpretations of the real facts, preferring to obscure rather than reveal the true nature of their collective behavior. Sometimes they are as anxious to offer moral justifications for the brutalities from which they suffer as for those which they commit . . . . As individuals, men believe that they ought to love and serve each other and establish justice between each other. As racial, economic, and national groups they take for themselves, whatever their power can command.<sup>6</sup>

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<sup>6</sup>Reinhold Niebuhr, Moral Man and Immoral Society, Charles Scribner's Sons, New York, 1932, p. 8.

My thesis is (1) that the white citizens of Canada through their elected and appointed representatives, disinherited the Indians of British Columbia and suppressed them under a colonial regime, and (2) that the Indians' attempts to achieve political power in order to obtain compensation for their birthright has been frustrated by disunity caused by conflicting interests within the Indian population.

## CHAPTER II

### ABORIGINAL POLITICAL ORGANIZATION

#### Ethnic Divisions

The region now comprising the province of British Columbia was one of the last parts of the world to be visited by European explorers. The first Europeans to see the Pacific coast of Canada were the men on the voyage of exploration commanded by the Spaniard Juan Perez in 1774. In 1778, the English explorer, James Cook, was the first European actually to step ashore on the coast of British Columbia. Although the eastern part of North America had already been settled by Europeans for nearly two hundred years, Alexander Mackenzie was yet to become the first European to reach the Pacific Coast north of Mexico by travelling overland.

When first seen by the explorers, the natives of British Columbia represented a number of cultures. Those on the coast were included in the Northwest Coast culture area.<sup>7</sup> Most of those in the interior belonged to the

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<sup>7</sup>A. L. Kroeber, Cultural and Natural Areas of Native North America, University of California Press, Berkeley, 1963.

Plateau culture area. A culture area was inhabited by independent groups of people who had developed, within a geographic region, cultures that shared many similarities. The idea of a culture area was, of course, an anthropologist's concept, certainly not an aboriginal one. Similarity of culture did not necessarily lead to cooperation or friendliness. In fact, friendship with groups from a different culture area was probably as advantageous as with one's own, especially for trade.<sup>8</sup>

Within each culture area were a number of ethnic divisions that varied in physical type, culture, or language. The major ethnic divisions have been classified on the basis of language by anthropologists. The Indians of British Columbia were divided into ten major divisions, each with a common language or related languages and a similar culture. The natives were aware of the other people who shared their language and often included them with themselves in the term meaning "people", but felt no particular bond of kinship or loyalty to them.<sup>9</sup> There were six major

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<sup>8</sup>Diamond Jenness, The Indians of Canada, National Museum of Canada Bulletin 65, Anthropological Series No. 15, 1934, p. 114.

<sup>9</sup>Wilson Duff, The Indian History of British Columbia, Anthropology in British Columbia Memoir No. 5, Provincial Museum of British Columbia, 1964, p. 12.

ethnic divisions on the coast and four in the interior.

The major ethnic divisions that corresponded to the languages spoken on the coast were the Haida, Tsimshian, Kwakiutl, Bella Coola, Nootka, and Coast Salish. Those in the interior were the Inland Tlingit, Athapaskan, Interior Salish, and Kootenay. Within some major ethnic divisions, particularly the Coast Salish, Interior Salish, and Athapaskan, a number of related languages were spoken. But even though the people recognized the same language, culture, and territory, they were not united politically. Sometimes, however, a feeling of unity existed among speakers of a common dialect.<sup>10</sup>

#### Local Groups

One of the characteristics of Northwest Coast and Plateau society was the simplicity of formal political organization. The fundamental social and political unit of Indian society in all regions was the group of people who lived together throughout the year. The members of the group were kinsmen. On the coast they were intimately

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<sup>10</sup>Verne F. Ray, Cultural Relations in the Plateau of Northwestern America, Publications of the Frederick Webb Hodge Anniversary Publication Fund, Vol. III, Los Angeles, 1939, p. 9.

associated with definite localities and village sites and were frequently named from these sites. In the interior the groups of relatives were usually nomadic hunters. On both the coast and interior, kin groups owned resource areas and had a name and a chief or headman.

In many places, particularly on the coast, autonomous local groups of kinsmen united to form tribes without giving up their autonomy.<sup>11</sup> On the north coast the tribal village, usually inhabited by the entire tribe only in winter, was a cluster of dwellings belonging to members of different lineages.<sup>12</sup> Each lineage continued to own separately its economic resources and to give its own ceremonies. Even during warfare local groups within the tribe sometimes voluntarily remained uninvolved in the activities of the rest of the tribe.

On the south coast, political unity among the Salish was even more attenuated. Barnett put their political situation succinctly:

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<sup>11</sup>Philip Drucker, Cultures of the North Pacific Coast, Chandler Publishing Company, San Francisco, 1965, p. 70.

<sup>12</sup>A lineage was a formal, named group of relatives who traced descent to a common ancestor through the paternal or maternal line. The extended family was a less formalized group of relatives who traced descent through both maternal and paternal lines.

Among the Salish, the highest unit of common allegiance was the extended family. There was no tribe or state; hence, there were no offences against or loyalty to either. There were no tribal officers; no council; no bodies for the enactment, or enforcement of regulations. Action involving the rights of others was governed by a set of traditional and theoretically unchangeable rules.<sup>13</sup>

Barnett was reluctant to call the people gathered together at a winter village a tribe:

The aggregate of the extended families inhabiting a winter village has not been called a tribe because any sense of unity which may have bound the family units together was of a diluted sort and was not the basis for collective action. The motivation for collective action in all cases derived from blood relationship; and, if and whenever all or any part of a village membership responded as a unit, it was because of interconnecting blood ties. There was no single individual or body to which village members as such could appeal for leadership.<sup>14</sup>

Leadership was based on respect.<sup>15</sup> The Salish living in the lower Fraser Valley believed that nobody had the right to give them orders but they were willing to follow the leadership of a man they respected. There were no chiefs in the sense that men were chosen to fill an office of leadership.

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<sup>13</sup>Barnett, Homer G., The Coast Salish of British Columbia, University of Oregon Press, Eugene, 1955, p. 241.

<sup>14</sup>Barnett, 1955, p. 243.

<sup>15</sup>Wilson Duff, The Upper Stalo Indians, Anthropology in British Columbia Memoir No. 1, Provincial Museum of British Columbia, 1952, p. 81.

Indian groups in the interior lacked strong tribal organization, too. Describing the Carriers, a part of the Athapaskan ethnic division, Jenness reported:

Like other Carrier subtribes, the Bulkley natives were divided into a number of fraternities or phrateries, each intimately associated with the others, yet politically independent. The phrateries assembled and lived together at the same fishing places each season, they joined in common feasts and ceremonies, and they united at times to repel a common danger; but they all owned separate hunting territories to which their members repaired for the winter months, and they associated at will with foreign peoples even when these might be hostile to others of their countrymen. Since there was no regulation of foreign intercourse and trade and no hindrance to marriage outside the community, foreign ideas and foreign customs could take root in one family or phraterie without permeating the others.<sup>16</sup>

Indian existence on the plateau region of British Columbia involved village life beside a river in the winter and camping in the summer at fishing, berrying, and root-digging grounds. The northern Athapaskans lived together as small, independent migratory hunting bands. But several autonomous local groups among the southern Athapaskans and the Interior Salish sometimes joined together at a village site and appointed a headman.

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<sup>16</sup>Diamond Jenness, *The Carrier Indians of the Bulkley River: Their Social and Religious Life.* Bureau of American Ethnology, Bulletin 133, 1943, p. 481.

## Tribes

Throughout the North Pacific Coast and its hinterland the local kinship group was the basic social unit and usually comprised the largest body of united individuals. There were, however, some exceptional tribal organizations and chiefdoms or confederacies.<sup>17</sup>

On the north coast the smallest political unit was the lineage composed of kin who lived together in one or more houses. There were several of these local groups in each village. When formally united with several others by possession of a common winter village, a fixed ranking for their assembled chiefs, and often a name, the local groups within a village could be called a tribe.

In most settlements the political organization remained at a fairly simple level. The head of the lineage had no authority beyond his lineage relatives in his own village. The Tsimshians of the lower Skeena and Nass Rivers were among the first Indians in British Columbia to develop a more complex political structure. The Kwakiutl, who inhabited

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<sup>17</sup>See Elman R. Service, Primitive Social Organization, Random House, New York, 1962, for a description of bands, tribes, and chiefdoms. Also Marshall D. Sahlins, Tribesmen, Prentice-Hall, Englewood Cliffs, 1968.

the central coast, also formed tribes from groups living in one winter village who acted as a unit for ceremonials and war.<sup>18</sup>

Early in the eighteenth century the Tsimshians developed lineage leadership into village chieftainship.<sup>19</sup> Within several decades more they developed further into tribal chieftainship. The Tsimshian were intensely pre-occupied with rank in their social relationships and chose the highest ranking individual as village or tribal chief. Within historic times, each tribe, acting as a unit, built the house of its chief and considered it tribal property.

There were nine tribal villages on the lower Skeena River and four on the lower Nass. Some time before the arrival of the Europeans, the people in each of the villages had accepted one of their lineage heads as village chief. Residents of the nine Skeena villages used the site of Metlakatla as a camping ground on their way to and from the oolichan fishing grounds of the Nass. Each village had its own site which was hereditary property.

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<sup>18</sup>Franz Boas, Kwakiutl Ethnography, edited by Helen Codere, University of Chicago Press, Chicago, 1966, p. 41.

<sup>19</sup>Viola E. Garfield and Paul S. Wingert, The Tsimshian Indians and Their Arts, University of Washington Press, Seattle, 1950, p. 33.

Eventually people from each Skeena village settled permanently at Metlakatla, but the village chief maintained his authority over his people both at Metlakatla and at the original village.<sup>20</sup> It was at this stage that tribal leadership emerged and the tribal chief was regarded as the active leader of his tribesmen regardless of where they lived. However, a political organization to include all the tribes at Metlakatla did not develop.

The tribal chief had little formal political authority. He could legitimately give commands only to members of his own lineage, and he did not have power for law enforcement. But because of his wealth and rank, his advice carried great authority. His council consisted of the lineage heads within the tribe, and it organized tribal projects.

Among the northern Kwakiutl, four Bella Bella groups established a common winter village. The Bella Coola, too, had several tribal winter villages where a number of otherwise independent local groups assembled.

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<sup>20</sup>Garfield, 1950, p. 34.

## Confederacies

Even more notable than the development of Tsimshian and Kwakiutl political organization was the formation of tribes and confederacies among the Northern Nootka. The basic political unit of Nootka society was, of course, the local lineage group that owned territorial rights, houses, ceremonial privileges, and a name. However, unlike most other Indian groups in the Northwest Coast region, the local groups among most Northern Nootkans were not autonomous. Each was formally united with several others to form a tribe which possessed a common winter village, fixed ranking for assembled chiefs, and often a name.

Undoubtedly the geography and climate of the west coast of Vancouver Island contributed to the conditions which favoured the formation of confederacies among the Nootkan tribes. From early autumn until spring strong southeasterly storm winds thrash the open coastline. For days and weeks small boats cannot round the headlands separating the inlets and sounds of the deeply indented shore. Consequently, the inhabitants of each sound associated with each other without interruption by outside contacts during frequent periods of bad weather. In fact,

the isolation was complete enough to permit regional accents in speech to develop from one sound to another.<sup>21</sup>

There were four confederacies or chiefdoms in Nootka territory, each situated on a sound or along protected inlets. They were held together by ties similar to those that united local groups into tribes: a summer village site near the open ocean where everyone in the confederacy hunted and fished for sea mammals and halibut, a ranking of chiefs for ceremonial occasions, and a name. At its summer site a confederacy could have as many as thirty houses and more than a thousand people. There was a strong unity within the confederation for war as well as ceremonials.

Since confederacies were composed of a number of local groups, each with its own headman, a strong leader or chief was required before the population could be unified under one authority. A series of leaders with the family name Maquinna ruled the Moachat confederacy of Nootka Sound during the maritime fur trade era in the late eighteenth and early nineteenth century. The leader of the confederacy at

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<sup>21</sup>Philip Drucker, *The Northern and Central Nootkan Tribes*, Smithsonian Institution Bureau of Ethnology Bulletin 144, Washington, 1951, p. 7.

Clayoquot Sound, just south of Nootka Sound, was Wickaninish who had acquired his domain through conquest.<sup>22</sup> An early trader wrote of Wickaninish: "The dominions of this chief were very extensive, and the numerous tribes who acknowledged his dominion, rendered him a very powerful sovereign."<sup>23</sup> Another trader reported that Maquinna would not allow other villages in his confederacy to trade with the Europeans because he and his people wished to keep the business for themselves.

#### Warfare

Local groups controlled most internal conflicts by exhortation. In cases of serious community disruption the offending individuals were exiled or killed.<sup>24</sup>

Warfare and feuds, the violent forms of political conflict, were carried on to some extent by all British Columbia Indians before the Europeans arrived. Feuds were hostile operations intended to punish an offense committed

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<sup>22</sup>Drucker, 1951, pp. 240-243.

<sup>23</sup>John Meares, Voyages Made in the Years 1788 and 1789 from China to the Northwest Coast of America, Logographic Press, London, 1790, p. 145.

<sup>24</sup>Drucker, 1965, p. 75.

by another group. They were a means of social control.

Wars, on the other hand, were violent actions to acquire wealth, capture important economic resources, or for adventure. Most wars were actually a series of raids undertaken by relatively few individuals who approached their enemy stealthily and usually under the cover of darkness. The leader in war was usually an outstanding fighter rather than the chief of the group.

Throughout the interior and along the coast, food resource sites, especially fishing sites, were often disputed and frequently changed ownership after a small-scale war. Some relatively large areas were occasionally acquired as the spoils of war, too. Several Nootka groups, particularly those who became the Clayoquot and the Ahousat, gained large holdings through conquest.<sup>25</sup> The Kitwancool, a Tsimshian tribe, conquered the now extinct Tsetsaut tribe of Athapaskans to gain a large territory along the Nass River.<sup>26</sup> The Haida forced some southern Tlingit to withdraw from part of Prince of Wales Island in Alaska and established

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<sup>25</sup>Drucker, 1951, p. 238-243.

<sup>26</sup>Wilson Duff, ed., *Histories, Territories, and Laws of the Kitwancool*, Anthropology in British Columbia, Memoir No. 4, British Columbia Provincial Museum, Victoria, 1959, p. 31.

themselves there.<sup>27</sup> The Southern Kwakiutl expanded southward at the expense of the Coast Salish. Both population pressure and well developed concepts of land ownership led to the idea of wars of conquest.

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<sup>27</sup>Philip Drucker, Indians of the Northwest Coast, The Natural History Press, New York, 1955, p. 148.

## CHAPTER III

### THE INFLUENCE OF THE FUR TRADERS

One day, many, many years ago, the Indians, one morning, looking out to sea from the village called Oummis, saw between the Hole-in-the-Wall and Sunday Rock a large object floating on the water which, at first, they took to be a very large bird. But when it came nearer, near enough to see people moving about on it, they concluded among themselves that it was a very big canoe and that the strangers were their dead chiefs coming back from the dead. The ship came close into a place called Patcista, a bay marked on the chart as a good landing place for boats, between Sunday Rock and Escalante Reef, and stayed there a short time.<sup>28</sup>

The ship was the Santiago, commanded by Juan Perez, the first European vessel to sail along the British Columbia coast. The Spaniards stood off the entrance to Nootka Sound on that day, August 8, 1774, traded with the Indians, but did not land. Four years later, on March 29, 1778, the British navigator, James Cook, landed at Nootka Sound. The value of the furs his crew acquired from the Indians prompted many expeditions to the Pacific northwest coast within a few years. And the British Columbia coast had been brought within the orbit of civilization.

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<sup>28</sup>R. E. Gosnell, A History of British Columbia, The Lewis Publishing Co., Victoria, 1906, p. 14.

The European nations did not doubt their right to claim lands occupied by the Indians. The problem was to determine which European nation could defend its claim. The Indians and their wishes were relatively unimportant.

Spain and Britain vied for the sovereignty of the coastal regions of British Columbia at the end of the eighteenth century. Britain was the stronger nation and Britain won. Although the Englishman, John Meares, in 1788, paid the chief of a Nootka tribal confederacy for some land on which to erect a building and construct a ship, the British Government was not interested in purchasing Indian title to the land on the Pacific Coast at that time.

The Europeans were not interested in the land as such, in any case. They were interested in controlling fur trading territory. Ships of many nations visited Vancouver Island and the Queen Charlotte Islands in the ensuing years. Some of the maritime traders were unscrupulous men, and when the Indians finally began to kill white men it was usually for revenge for harsh treatment rather than for the retention of their land or their way of life.<sup>29</sup>

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<sup>29</sup>B. A. McKelvie, Tales of Conflict, Vancouver Daily Province, Vancouver, 1949.

European explorers reached the interior of British Columbia fifteen years after their maritime counterparts first landed on the coast. In 1793, the fur trader Alexander Mackenzie travelled overland to Bella Coola, the first white man to meet the Sekani, Carrier, Shuswap, and Bella Coola Indians.<sup>30</sup> He could, in a sense, be called the European discoverer of British Columbia since the mariners of the time never ventured inland.

The white men encroached on Indian territory relatively slowly at first. The fur traders built small establishments throughout the interior and along the coast, but they did not encourage European settlement. The Indians and the permanent traders established a mutually profitable relationship both socially and economically. The natives adopted European metals and technology and thereby heightened their ability to acquire food and produce art. The traders got furs and Indian wives, but they interfered little with the traditional Indian way of life. Intermarriage sometimes resulted in an alliance between the white traders and the Indian lineage they had joined by

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<sup>30</sup>Reverend A. G. Morice, The History of the Northern Interior of British Columbia, William Briggs, Toronto, 1904, p. 44.

marriage.<sup>31</sup>

The fur trading posts became a rallying point for the Indians. On the coast, in particular, many Indians moved from their villages to live permanently beside the posts. In three places tribal federations developed when neighbouring tribes abandoned their winter villages to gather at the major trading posts of Fort Simpson, Fort McLoughlin, and Fort Rupert. In all three cases the tribes were culturally and linguistically homogeneous, and normally on friendly terms with each other.

When the Hudson's Bay Company built Fort Simpson on a Tsimshian camping ground near the mouth of the Skeena River in 1834, the nine Skeena River tribes dismantled their winter homes at Metlakatla and rebuilt them beside the trading post. By 1857, about 2300 natives lived at or near the new village. The tribes formed a loose confederacy but individual tribes never completely gave up their autonomy. Competitive potlatches were held by the assembled chiefs as they vied for high rank in the social hierarchy. As early as 1836 one tribal chief at Fort Simpson named Legaik began to monopolize the trade between the coast and

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<sup>31</sup>Marius Barbeau, Pathfinders of the North Pacific, Ryerson Press, Toronto, 1958, p. 150.

the Skeena River people and maintained the monopoly until about 1868. Like the Nootka chiefs Maquinna and Wickaninish, Legaik and his predecessor<sup>32</sup> acquired an unusual degree of influence in their society, and could have been the harbingers of a change from segmentary tribes to chiefdoms<sup>33</sup> among the coastal Indians, but native social organization was seriously disrupted before the change could occur.

In 1849, the Hudson's Bay Company built Fort Rupert near the northern tip of Vancouver Island. Four Kwakiutl tribes soon settled permanently near the trading post. As with the Fort Simpson Tsimshians, the Kwakiutl chiefs at Fort Rupert vied for high rank by engaging in competitive potlatches. The chiefs of the newly organized Fort Rupert confederacy had no precedents on which to base the rank of the chief of each tribe. The competition grew so strong that eventually a great potlatch was used to validate any claim, whether based on hereditary rights or not.

The tribal chiefs at Fort Rupert formed a tribal council that decided on matters that concerned the

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<sup>32</sup>Andrea Laforet, Notes on Legaik, unpublished term paper, University of British Columbia, 1970, p. 2.

<sup>33</sup>See Marshall D. Sahlins, p. 20, for descriptions.

community.<sup>34</sup> The Fort Rupert tribes occupied the highest four positions of rank among the twenty-five Southern Kwakiutl tribes in the region who considered themselves somewhat related because they were "those speaking the same language."

The Indians outnumbered the white men during the first half of the nineteenth century and did not feel inferior to them. The Europeans were tolerated because they were a source of desirable trade goods. When the Indians disliked the actions of the white men, they made their feelings known. The Indians attacked Fort Simpson several times and a chief claimed the land on which the fort stood. The fur traders on the coast feared the Indians but were able to defend themselves with guns and cannons.

In the interior the white fur traders were just as vulnerable. Peter Ogden, in a circular letter to all the Hudson's Bay Company trading posts under his charge, wrote: "We are well aware that in this country our lives are constantly exposed, and in regulating our treatment of Indians neither too much severity nor leniency will answer; but a medium between both is the most advisable."<sup>35</sup>

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<sup>34</sup>Clellan S. Ford, Smoke From Their Fires, Yale University Press, New Haven, 1941, p. 16.

<sup>35</sup>Morice, 1904, p. 177.

When advising an employee, Ogden wrote:

It is not only our duty, but our interest also, so far as circumstances will admit, to avoid coming to extremes with the Indians. Look at our numbers compared to theirs; look at the many opportunities they may have of committing murder; look at their treacherous character; look also at the weakness of our establishments in the summer and the impossibility of obtaining assistance and then judge for yourself if it is not more prudent to avoid quarrels than to engage in them.<sup>36</sup>

The Indians did not at first welcome the interference of white men in their affairs. A white trader at Babine Lake suggested to the natives that revenge killings made matters worse. He reported to his superiors:

They say it's no business of mine, and they will act as they please, and making further allusions to the manner we punish murderers, they determined to kill the Chief. From Indian accounts I have been in the necessity of keeping my men constantly under arms for the last three weeks.<sup>37</sup>

Unlike the administrators and missionaries who were to follow them, the fur traders made little conscious effort to alter the traditional Indian way of life. But their activities inevitably had a considerable effect on the natives. The trading posts attracted permanent concentrations of population, especially on the coast. European goods intensified some aspects of Indian culture. Guns made warfare more deadly. Iron tools permitted an efflorescence

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<sup>36</sup>Morice, 1904, p. 200.

<sup>37</sup>Morice, 1904, p. 217.

of the art of carving on the coast. Greater wealth intensified the potlatch custom and the associated struggle for status and prestige.

The fur traders tried to introduce a new concept of social organization in the interior groups. The bands of hunters did not have chiefs with authority over large numbers of tribesmen. In order to make their negotiations with the Indians easier, the Hudson's Bay Company appointed "head chiefs". One particularly able man was named Prince, a name that survives as a surname in the Stuart Lake region. The head chiefs were intended to be the spokesmen of the traders to the natives, to help the company persuade the hunters to leave on hunting expeditions, and to smooth over difficulties between whites and Indians. Apparently the new political position was not very effective. It was reported that the chiefs gave more trouble than they were worth; they reigned without governing.<sup>38</sup>

For the first seventy or eighty years after Captain Cook landed in Nootka Sound, the advent of the white man in British Columbia was largely advantageous to the Indians. Their traditional way of life was little disturbed but they acquired trade goods that made that way of life easier and

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<sup>38</sup>Morice, 1904, p. 195.

more enjoyable. Although the Europeans were convinced of their own moral and political superiority, there is no evidence that the Indians shared their conviction. When the white men displeased the Indians, the Indians fought back or told the whites to mind their own business.

Gradually, British guns convinced the Indians of their military vulnerability. In 1844, for example, a year after the Hudson's Bay Company fort had been established at Victoria, a large force of Indians attacked the fort with muskets. Instead of returning fire on the attackers, the white men demolished a nearby Indian house with a shot from a cannon. The Hudson's Bay Company officer then told the Indians that he could destroy all their houses and kill as many Indians as he wished. The Indians gave up the battle. The incident was referred to in 1927 when the Government of Canada used it as evidence that the territory of British Columbia had been taken by conquest.<sup>39</sup>

The fur trade era in British Columbia produced several transient results in Indian political organization.

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<sup>39</sup>Claims of the Allied Tribes of British Columbia, As Set forth in their Petition Submitted to Parliament in June, 1926: Report and Evidence, Ottawa, 1927, p. viii. (Henceforth referred to as Allied Tribes Claims.)

Some chiefs, Maquinna and Legaic, for example, increased their influence because they became middlemen in the trade between the Europeans and the Indians. The congregation of natives at trading posts resulted in loose confederacies at several locations. Strong chieftainships and confederacies had evolved as a result of responses of Indian societies to new circumstances. They disappeared when white administrators began to control Indian society.

## CHAPTER IV

### COLONIAL INDIAN ADMINISTRATION

When the Colony of Vancouver Island was formed in 1849 the Indians were not represented in the local colonial government. They were, instead, seen as a threat to settlers. There were only about 450 white people on Vancouver Island at that time. In his speech to the first Colonial Legislature in 1856, Governor James Douglas (also still Chief Factor of the Hudson's Bay Company) said:

Her Majesty's Government, ever alive to the dangers which beset the colony, have arranged with the Lord's Commissioners of the Admiralty that the President frigate should be sent to Vancouver Island, and the measure will, I have no doubt, be carried into effect without delay. I shall, nevertheless, continue to conciliate the goodwill of the native Indian tribes by treating them with justice and forbearance, and by rigidly protecting their civil and agrarian rights. Many cogent reasons of humanity and sound policy recommend that course to our attention. We know, from our own experience, that the friendship of the natives is at all times useful, while it is no less certain that their enmity may become more disastrous than any other calamity to which the colony is directly exposed.<sup>40</sup>

In order to comply with British policy, to avoid conflict with the Indians, and to sustain his own sense

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<sup>40</sup>Henry J. Boam, British Columbia, Sells Ltd., London, 1912, p. 39.

of justice, James Douglas began to make treaties with the Indians soon after the formation of the colony. Implicit in the treaties was the notion that the aboriginal race had some kind of ownership over the land that ought to be extinguished. Between 1850 and 1854, Governor Douglas made fourteen treaties with the Indians around Victoria, Nanaimo, and Fort Rupert. The Indians received blankets and small areas of land reserved for their own use. The rest of the land became "the entire property of the white people forever."<sup>41</sup>

Although already governor of the Colony of Vancouver Island, James Douglas became governor of the Colony of British Columbia as well when it was founded in 1858. At that time, however, he gave up his post with the Hudson's Bay Company. Consequently, he could no longer use company stores for treaty payments. Even though the Colonial Office in Britain agreed that the Indian rights to the land must be purchased, it refused to assist the penurious new colonies to do so. With no funds, Governor Douglas could make no treaties. Instead, he continued to defend Indian rights by insisting that reserves were to be laid out in accordance

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<sup>41</sup>Wilson Duff, The Fort Victoria Treaties, B. C. Studies, No. 3, Fall, 1969.

with the wishes of the Indians, and that once established they were not to be reduced either by encroachment of individual settlers or by the collective action of the House of Assembly. The Indians apparently were satisfied with the way Governor Douglas had treated them.<sup>42</sup>

Up to the time of the formation of the colonies, Indian political activity had been concerned almost entirely with tribal and intertribal relations. Once European settlers began to arrive, Indian political action became increasingly directed toward relations with the white men. Within a few years, the natives found themselves overpowered. Ignoring Indian opposition, the white men occupied the land with little regard for the original inhabitants.

During his four years in British Columbia between 1857 and 1861, Commander R. C. Mayne noted again and again that Indians objected to the occupation of their land:

This valley is the most extensive yet discovered on the island, and is reported by the colonial officers who surveyed it to contain 30,000 to 40,000 acres of good land. It is peopled by the Cowitchin tribe of Indians, who are considered a badly-disposed set, and have shown no favour to those settlers who have visited their valley. Although it has been surveyed it cannot yet be settled, as the Indians are unwilling to sell, still less to be ousted from their land.<sup>43</sup>

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<sup>42</sup>Robin Fisher, Joseph Trutch and Indian Land Policy, B.C. Studies, No. 12, Winter 1971-72, p. 4.

<sup>43</sup>Commander R. C. Mayne, Four Years in British Columbia

. . . On our way we stopped at the northern settlement on Admiral Island, as it had been reported that some Indians had been troublesome there. We found, however, that the Indians had done nothing more than tell the settlers occasionally, as Indians do everywhere, that they (the whites) had no business there except as their guests, and that all the land belonged to them . . .<sup>44</sup>

. . . We found the ground on the west bank of the Courtenay nearly as good as that on the east. The soil, indeed, appeared quite equal to it, but it is not so level. We estimated the clear land here together at 7000 to 8000 acres. The Indians told us that a great many blankets would be wanted for the purchase of this tract, as all the neighbouring tribes resorted there in the summer-time to collect berries, shoot deer, catch fish, etc., all of which were found in large quantities. Indeed, they showed some reluctance in taking us over it, feeling sure, no doubt, that we should desire to possess it when its qualities became known . . .<sup>45</sup>

. . . About the same time, Captain Torrens also went with a party to prospect on Queen Charlotte Island. They landed at the village on the Skidegate Channel, and were very nearly being murdered there. One of the Indians commenced haranging the others, and incited them to murder the party by saying they were come to rob them of their land. One of the chiefs, however, stood by them, and enabled them to get to their canoes, and they escaped unhurt, though several shots were fired after them . . .<sup>46</sup>

In 1860, G. M. Sproat was among the settlers who purchased land at Alberni from the Colonial Government. The Indians who lived there demanded to be paid, too.

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and Vancouver Island, John Murray, London, 1862, p. 152.

<sup>44</sup>Mayne, 1862, p. 164.

<sup>45</sup>Mayne, 1862, p. 175.

<sup>46</sup>Mayne, 1862, p. 189.

Sproat had no doubt about the underlying reality of the situation:

We often talked about our right as strangers to take possession of the district. The right of bona fide purchase we had, for I had bought the land from the Government, and had purchased it a second time from the natives. Nevertheless, as the Indians disclaimed all knowledge of the colonial authorities at Victoria, and had sold the country to us, perhaps under the fear of loaded cannon pointed towards the village, it was evident that we had taken forcible possession of the district.<sup>47</sup>

The Nootkas at Alberni may have heard of a recent Kwakiutl experience with a British gunboat. The Euclataw tribe at Cape Mudge had stolen some goods from some Chinese miners. A gunboat was sent from Victoria to retrieve the goods and was fired on from the Euclataw stockade amid shouts of defiance. The ship returned the fire with shots from its cannon. After several of their men had been killed, the Indians capitulated and gave up the stolen goods. Other groups of Indians had similar experiences with European firepower. It is little wonder that Commander Mayne discovered that the Indians had become somewhat cowed by 1861.

Although they were anxious to change the cultural system and beliefs of the Indians, the missionaries were

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<sup>47</sup>G. M. Sproat, Scenes and Studies of Savage Life, London, 1868, p. 2, quoted in Native Rights in Canada, p. 118.

concerned with justice, as they saw it, for the natives. The missionaries gave the Indians their first lessons in the techniques of European politics. A newspaper editorial admitted as much in 1860:

Economy invites the Indian title to be extinguished, custom calls for it . . . . Do it now, for it can be done at small cost. But let priests and missionaries once gain the ear of the Indian then farewell to so easy and so inexpensive an arrangement.<sup>48</sup>

The petition became the technique most frequently used by the natives to bring their grievances to the attention of the authorities. Written petitions were undoubtedly drafted by the missionaries on the advice of the Indians. Sometimes the Indians went as a delegation to see the governor personally. Probably one of their first political actions as aboriginal subjects of the colonial government was to request Governor Douglas not to move them from their villages as the United States authorities had done to the Indians in the Washington Territory.<sup>49</sup>

The man responsible for Indian policy after Sir James Douglas retired in 1864 was not the succeeding governor but Joseph Trutch, the Chief Commissioner of Lands and Works.

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<sup>48</sup>Victoria Gazette, April 13, 1860, quoted in Native Rights in Canada, p. 117.

<sup>49</sup>Mayne, 1862, p. 279.

His attitude was revealed in a report in 1867 about the Kamloops and Shuswap Indian Reserves:

The Indians have really no right to the lands they claim, nor are they of any actual value or utility to them, and I cannot see why they should either retain these lands to the prejudice of the general interests of the Colony, or be allowed to make a market of them either to Government or to individuals.<sup>50</sup>

Trutch's attitudes were probably shared by most settlers and those who represented them in the Legislative Council. An editorial illustrated some of the feeling of the time:

. . . shall we allow a few red vagrants to prevent forever industrious settlers from settling on the unoccupied lands. Not at all . . . . Locate reservations for them on which to earn their own living, and if they trespass on white settlers punish them severely. A few lessons would soon enable them to form a correct estimation of their own inferiority, and settle the Indian title too.<sup>51</sup>

As it developed under Trutch, the Indian land policy in British Columbia resulted in non-recognition of aboriginal title and comparatively small amounts of land laid aside for Indian reserves. Governor Frederick Seymour, who succeeded Sir James Douglas, tried to gain Indian friendship through public relations gestures when he learned that

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<sup>50</sup>British Columbia, Papers connected with the Indian Land Question, Victoria, 1875, p. 41, quoted in LaViolette, 1961, p. 109.

<sup>51</sup>The Daily British Colonist, March 8, 1861, quoted in Fisher, 1971, p. 19.

they felt the loss of Douglas as a protector and friend. At New Westminster on the Queen's birthday in 1864, he gave away "one hundred canes with silver gilt tops of an inexpensive kind, also one hundred small and cheap English flags suitable to canoes 20 to 30 feet long."<sup>52</sup> The Indians, however, were interested in more important matters and at least three times asked the governor to protect their reserves. Although Governor Seymour assured them that their reserves would be undisturbed, he apparently gave Trutch a free hand to deal with the Indians as he wished.

The Indians were aware that Trutch was dealing unfairly with them. Their only recourse was to complain to the governor. Probably with the help of missionaries, they began to send written petitions. A petition from the Indians of the lower Fraser Valley in 1868 described one situation:

Governor Douglas did send some years ago his men amongst us to measure our Reserve and although they gave us only a small patch of land in comparison to what they allowed to a white man our neighbour, we were resigned to our lot . . . . Some days ago came new men who told us that by order of the Chief they have to curtail our small reservation, and so did to our greater grief; not only they shortened our land but by their new paper they set aside our best land, some of our gardens, and gave us in place, some hilly and sandy land, where it is next to impossible to raise any potatoes: our hearts were full of grief day

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<sup>52</sup>Robin Fisher, B. C. Studies, No. 12, p. 8.

and night . . . .<sup>53</sup>

Scattered and politically disunited, the Indians usually protested in a local and limited manner. Their resentment erupted in an incident in the Cowichan Valley on Vancouver Island in 1869, reported by John Morley:

In the case of dispute between Mr. Rogers and the Indians, I summoned Te-cha-malt on the charge of trespass, but as I found it was a case of dispute, as to the ownership of the land . . . , I have taken no further action. Te-cha-malt made use of very improper language, and was very insolent. He said he was the Chief, and that the land was his. He also said that Governor Seymour could not take the land from him, that if the Governor sent his gun-boat he would fetch his friends from all parts, and hold the land against him. He also said the Governor was a liar, and had not fulfilled his promise to pay for the land he had taken. And he told me that he did not care for me or the prison either, that I had no power over the Indians.<sup>54</sup>

In this case, a little bluster went a long way. Governor Seymour met the chiefs involved, interviewed one of the surveyors who had reduced the reserve, and then ordered that the land should be returned to the Indians. The Cowichan Indians had been given a valuable political lesson about the effectiveness of protest.

Petitions and deputations were the first formal political actions that the Indians of British Columbia

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<sup>53</sup>Robin Fisher, B. C. Studies, No. 12, p. 16.

<sup>54</sup>F. E. LaViolette, The Struggle For Survival, University of Toronto Press, 1961, p. 113.

directed toward the white men. The primary political issue between them concerned the disposal of the land, and it was to remain unresolved for more than a century. The Colonial Government, representing the interests of white settlers, was determined to acquire as much land as it could without compensating the Indians, and with little regard for Indian needs. Disunited and without political or military power, the Indians had to submit to the alienation of their lands.

## CHAPTER V

### THE LAND AND POTLATCH ISSUES

#### The Land Title Question

In 1871, the Colony of British Columbia became a province of Canada. The federal government assumed responsibility for Indian policy and its administration. Article Thirteen of the Terms of Union required that the Government of Canada should continue a policy "as liberal as that hitherto pursued by the British Columbia government." Dr. I. W. Powell was appointed Indian Commissioner for Indian Affairs in British Columbia.

Joseph Trutch became Lieutenant-Governor of the new province and requested the Prime Minister of Canada to allow him to continue to direct Indian administration:

The Canadian system as I understand it will hardly work here. We have never bought out any Indian claims or lands, nor do they expect we should, but we reserve for their use and benefit from time to time tracts of sufficient extent to fulfil all their reasonable requirements for cultivation or grazing. If you now commence to buy out Indian title to the lands of B. C. you would go back on all that has been done here for 30 years past and would be equitably bound to compensate the tribes who inhabited the districts now settled and farmed by white people equally with those in remote and uncultivated portions.<sup>55</sup>

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<sup>55</sup>Allied Tribes Claims, 1927, p. 6.

Controversy about Indian policy in British Columbia continued for decades between the federal and provincial authorities. The Indians were rarely consulted about their needs or wishes. The federal government appointed white Indian agents to administer a policy of wardship and to promote programs it believed were designed for assimilation of the Indians into European society. Because they thought the native system of political control was inadequate, they tried to substitute a form of responsible government by establishing band councils. The government supported the missionaries in their effort to change Indian beliefs and actions. The missionaries, however, did not invariably agree with government policy. Among their other lessons they taught the Indians techniques for political action.

In 1874, a number of Indian chiefs sent a protest petition to Indian Commissioner Powell which was probably prepared with the help of missionaries or other white people:

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:

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

2. 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 a few acres of land per family.

3. 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. Chamiel, ten miles below Hope, is allowed 488 acres of good land for the use of 20 families; at the rate of 24 acres per family; Popkum, eighteen miles below Hope, is allowed 369 acres of good land for the use of four families; at the rate of 90 acres per family; Cheam, twenty miles below Hope, is allowed 375 acres of bad, dry, mountainous land for the use of 27 families; at the rate of 13 acres per family; Yuk-yuk-y-yoose on the Chilliwack River, with a population of seven families, is allowed forty-two acres, five acres per family; Sumaas (at the junction of Sumaas River and Fraser) with a population of seventeen families, is allowed 43 acres of meadow for their hay, and 32 acres of dry land; Keatsy, numbering more than 100 inhabitants, is allowed 108 acres of land. Langley and Hope have not yet got land secured to them, and white men are encroaching on them on all sides.

4. For many years we have been complaining of the land left us being too small. We have laid our complaints before the government officials near 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 been always quiet, obedient, kind and friendly to the whites.

5. Discouragement and depression have come upon our people. Many of them have given up the cultivation of land because our gardens have not been protected against the encroachments of the whites. Some of our best men have been deprived of the land they have broken and cultivated with long and hard labour, a white man enclosing it in his claim, and no compensation given. Some of our enterprising men have lost a part of their cattle, because white men had taken the place where those cattle were grazing and no other place left but the thickly timbered land, where they die fast.

Some of our people are now obliged to cut rushes along the bank of the river with knives during the winter, to feed their cattle.

6. We are now obliged to clear heavy timbered land, all prairies having been taken from us by white men. We see our white neighbours cultivate wheat, peas, etc., and raise large stocks of cattle on our pasture lands, and we are giving them our money to buy the flour manufactured from the wheat they have grown on same prairies.

7. We are not lazy and roaming-about people, as we used to be. We have worked hard and a long time to spare money to buy agricultural implements, cattle, horses, etc., as nobody has given us assistance. We could point out many of our people who have those past years bought with their own money, ploughs, harrows, yokes of oxen and horses; and now, with your kind assistance, we have a bright hope to enter into the path of civilization.

8. 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.

9. That, in case you cannot obtain from the Local government, the object of our petition, we humbly pray that this, our petition, be forwarded to the Secretary of State for the provinces, at Ottawa.

Therefore, your petitioners humbly pray that you may take this our petition into consideration, and see that justice be done us, and allow each family the quantity of land we ask for.

And your petitioners, as in duty bound, will ever pray.<sup>56</sup>

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<sup>56</sup>Allied Tribes Claims, 1927, p. 103.

A Royal Commission was appointed to investigate the reserve requirements of the Indians in British Columbia. The provincial government became increasingly recalcitrant toward federal government demands for larger allotments for Indian reserves. The Canadian government had recognized the Indian title to land east of the Rocky Mountains by signing treaties. Because of the attitude of the British Columbia government, treaties could not be made in the westernmost province.

The Indians in the Interior were even more angry than those on the coast. In 1873, Father Grandidier, a missionary in the Okanagan region wrote;

. . . But if the Indians are persistently refused their demands, if they are deprived of their father's land without any hope of redress from the proper authorities their dissatisfactions will increase, meetings will be held again, . . . the end of which I am afraid to foresee . . . . If it is my duty to teach the Indians to keep the commandments of God and obey the just laws of man, it is no less my obligation to spare no effort in order that justice be done to them, and that peace and security be preserved in my adopted country.<sup>57</sup>

The Indian Commissioner, Dr. Powell, wrote:

If there has not been an Indian war, it is not because there has been no injustice to the Indians, but because the Indians have not been sufficiently united.<sup>58</sup>

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<sup>57</sup>Quoted in LaViolette, 1961, p. 118, from B. C. Papers, 1875, p. 146.

<sup>58</sup>Allied Tribes Claims, 1927, p. 119.

In 1874, David Laird, federal Minister of Interior, listed the reasons for Indian unrest:

The other principal land grievances, of which the Indians complain, besides that of the insufficient quantity allowed them, as already referred to, may be briefly stated under two heads:

1st. They complain that, in many instances, the lands which they had settled up and cultivated, have been taken from them without compensation, and pre-empted by the white settlers, and that in some cases, their burial grounds have been thus pre-empted.

2nd. They complain that, in consequence of the present state of the law in reference to pastoral land, their cattle and horses are systematically driven away from the open country by white settlers, who have taken leases on pastoral land in the neighbourhood.

All these several grievances have been, for many years past, the subjects of complaint among the Indians. But, during the last two or three years, they have assumed a more serious aspect than heretofore; partly from the fact that the Indians are now, for the first time, feeling practically the inconvenience of being hemmed in by the white settlers, and prevented from using the land for pastoral purposes; partly because the Indians are only now becoming to understand the value of agriculture, and to desire the possession of land for cultivation; and partly, it may be, because they have been recently made aware of the liberal land policy extended to the Indians of the Northwest in recent Treaties, and naturally contrast this treatment with the policy meted out to themselves.<sup>59</sup>

The Catholic missionaries in the interior were not alone in their concern about Indian rights. On the coast, William Duncan, an Anglican missionary among the Tsimshian

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<sup>59</sup>Allied Tribes Claims, 1927, p. 119.

Indians, was alarmed at the way British Columbia ignored the needs of the Indians. In 1875, he travelled to Ottawa to protest to the federal authorities about provincial legislation that would deprive the natives of their lands. He predicted an Indian uprising if the federal government did not protect Indians from the actions of the provincial government.<sup>60</sup>

The following year, Lord Dufferin, Governor-General of Canada visited British Columbia. During his tour of the coast he visited a number of Indian villages, including Metlakatla, the Tsimshian Christian community established by William Duncan. At New Westminster the Governor-General spoke to a crowd of Indians, and his speech was translated by five different Indian interpreters. A few weeks earlier, in a speech in Victoria, he had said:

From my first arrival in Canada I have been very much preoccupied with the condition of the Indian population in this Province. You must remember that the Indian population are not represented in Parliament, and consequently that the Governor-General is bound to watch over their welfare with especial solicitude. Now, we must admit that the condition of the Indian question in British Columbia is not satisfactory.<sup>61</sup>

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<sup>60</sup>John. W. Arctander, The Apostle of Alaska, Fleming H. Revell Company, Toronto, 1909, p. 130.

<sup>61</sup>Quoted in Native Rights in Canada, p. 126.

But the federal politicians were afraid that British Columbia might secede from confederation unless treated with utmost care. In short, the province had political power and the Indians did not. Good intentions toward the Indians were no match for the apprehension about the intentions of the province.

However, the Indians may still have been able to frighten the white people into concessions if they had known when to fight. Shankel described the situation:

In a letter from Mills (Minister of the Interior) to Powell (Indian Superintendent in British Columbia) August, 1877, Mills declared that in the event of an Indian War the land question would be taken entirely out of the hands of the local government until the Indian title had been extinguished by proper compensation. The Dominion Government expressed itself as having no desire to raise the question of land title and its extinguishment, if it could be avoided, but it would have no hesitation in requiring such a measure to prevent an Indian War.<sup>62</sup>

#### The Potlatch Law

The Indians continued to try to influence the authorities with petitions. In 1883 a church group in

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<sup>62</sup>G. E. Shankel, The Development of Indian Policy in British Columbia, unpublished Ph.D. thesis, University of Washington, 1945, p. 130.

Victoria, which included Tsimshian chiefs from Fort Simpson, Kincolith, and Greenville, submitted a petition to Indian Commissioner Powell "praying that the system of Potlatching as practiced by many Indian tribes on the Coast of British Columbia may be put down."<sup>63</sup> The petition was apparently instigated by missionaries who everywhere opposed the potlatch custom. Further north on Vancouver Island, Father Donckele, a Roman Catholic missionary, told the local Indian Agent that he had a petition signed by the best and most civilized Indians of Cowichan requesting a law against potlatching.

In 1884 the Indian Act of 1880 was amended to prohibit potlatching.

Every Indian or other person who engages in or assists in celebrating the Indian festival known as the "Potlach" or in the Indian dance known as the "Tamanawas" is guilty of a misdemeanor, 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 the same is guilty of an offence, and shall be liable to the same punishment.<sup>64</sup>

The law against the potlatch was not the result of a

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<sup>63</sup>LaViolette, 1961, p. 35.

<sup>64</sup>Statutes of Canada, 1884, 47 Victoria, chap. 27, sec. 3.

vote, a compromise, a consensus, or a political debate in which the Indians were involved. Instead, missionaries and Indian Agents had decided that the potlatch custom was reprehensible and must be outlawed; the members of Parliament saw no reason to disagree. The only Indians who could welcome the law were the few who had acquired an intense Christian faith. Most Indians objected immediately and were determined to ignore the law.

In 1887, Sir John Macdonald, Prime Minister of Canada received a petition with twenty-four marks and signatures beneath it:

We the undersigned Indians of the Cowichan agency beg respectfully to ask you to use your influence to have the clause of the Indian Act forbidding the "Potlach" and "Tamanawas" Dances repealed.

In asking this we would point out that these are two of our oldest customs and by them we do not injure anyone.

We cannot read like white people and the dances are our winter amusements.

When our children grow up and are educated they perhaps will not wish to dance.

Some only of us dance now, and we do not wish to teach others, but when one is seized with the (Quellish) dance he cannot help himself and we believe would die unless he danced. On Saturdays and Sundays we will not dance as this offends the Christian Indians.

The lands of our fathers are occupied by white men and we say nothing.

We have given up fighting with each other.

We have given up stealing and many old habits, but we want to be allowed to continue the "Potlach" and the Dance. We know the hearts of most of the Coast Indians are with us in this. We therefore ask you to have the law amended, that we may not be breaking it when we follow customs that are dear to us.<sup>65</sup>

The Indians would not have had missionary assistance to draft a petition supporting the potlatch. However, other white people, including the anthropologist, Franz Boas,<sup>66</sup> had some insight into the value of the potlatch in Indian society and supported the Indian requests for its retention.

The early years of the administration of Indian Affairs by the Government of Canada were influenced by the wish of the federal government to compensate the Indians for the land of British Columbia and by its even greater desire not to antagonize the provincial government by pressing the issue. The missionaries, too, were beginning to have profound effects on Indian administration, the most important of which was their part in convincing the federal government to prohibit by law the potlatch custom. The missionaries were in a somewhat ironic position: they assisted the Indians in their struggle with governments

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<sup>65</sup>LaViolette, 1961, p. 57.

<sup>66</sup>LaViolette, 1961, p. 74.

concerning the land issue, but sided with the government in opposition to the potlatch. The Indians were still too inexperienced in European political techniques to prepare petitions and protests to government officials without the help of white men, and they accepted the assistance of those who sympathized with their wishes concerning either the land issue or the potlatch issue.

## CHAPTER VI

### EARLY INDIAN PROTEST MOVEMENTS

#### Land Petitions

The question about compensation for Indian land remained more of an issue for the Indians on the north coast than the prohibition of the potlatch. A renewed effort to gain assurance that they still owned the land was begun in Metlakatla in 1885. When surveyors informed the natives that even their village was owned by the Queen they felt that the promises of the Governor-General had been false. William Duncan and two Indians went to Ottawa to talk to Prime Minister Macdonald who promised protection for their land--and then betrayed them.<sup>67</sup> Their anger was so intense that the Christian Metlakatla Indians were prepared to use violence in defense of their land.

In 1887 a large group of Tsimshian Indians from Fort Simpson and the Nass Valley went to Victoria to talk to the provincial government. Their immediate complaints were restrictions on cutting timber and the limited size of their reserves. They asked for larger reserves and for a treaty

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<sup>67</sup>LaViolette, 1961, p. 125.

guaranteeing their rights to their land forever.

The premier told them that there was no such thing as a treaty with Indians, and that they should be thankful for the lands they had already been given as a matter of charity.

The missionary, A. E. Green, was responsible for bringing the land title question to the Indians' attention. Not surprisingly, in the same year, the Provincial Board of Inquiry into the Conditions of the Indians of the Northwest Coast inveighed against irresponsible stimulation of Indian land claims by missionaries and also their opposition to the Indian Act and the authority of the Indian agents.<sup>68</sup>

Disunited by tribalism and language and political naivete, the Indians continued to protest in small groups with petitions and delegations. In 1906, three Coast Salish chiefs went to England to present a petition to King Edward VII. Their petition stated that the title to their land had never been extinguished, that white men had settled on their land against their wishes, that they had no vote, and that all appeals to the Canadian Government had proven vain. The appeal to the King proved vain, too.

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<sup>68</sup>Philip Drucker, The Native Brotherhoods, Bureau of American Ethnology, Bulletin 168, U.S. Government Printing Office, Washington, 1958, p. 90.

When the province tried to acquire some Tsimshian reserve land near Prince Rupert in 1909, it inspired the Indians to further action to protect their rights. An Indian political organization called Indian Tribes of the Province of British Columbia was formed to state Indian grievances and search for the resolution of problems. Another delegation of three Indians representing twenty tribes presented the King with another petition without effect. The premier of British Columbia, Sir Richard McBride, countered the renewed action by stating: "Of course it would be madness to think of conceding the Indians' demands. It is too late to discuss the equity of dispossessing the red man in America."<sup>69</sup>

The Society of the Friends of the Indians, a group of white citizens, became active, too, and interviewed the premier in 1910. Among them was A. E. O'Meara, an Ontario lawyer turned missionary. Soon afterward a delegation of about a hundred Indian leaders went to Victoria. Their spokesman was Peter Kelly, a young Haida school teacher.<sup>70</sup> The premier told them flatly that the Indians had no title to the public lands of the province.

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<sup>69</sup>Laviolette, 1961, p. 128.

<sup>70</sup>Alan Morley, Roar of the Breakers, Ryerson Press, Toronto, 1967, p. 75.

A few months later, Sir Wilfred Laurier, Prime Minister of Canada met with Indians at Prince Rupert and at Kamloops. At Prince Rupert he said: "The only way to settle this question that you have agitated for years is by a decision of the Judicial Committee, and I will take steps to help you."<sup>71</sup>

#### The Nishga Land Committee

From the missionaries, the Indians learned to form organizations patterned on white models. On the south coast, the Roman Catholic missionaries instituted the Durieu system of a tightly knit community under the guidance of the priest.<sup>72</sup> The chiefs of the village had under them watchmen and policemen to report on the conduct of the villagers. A Eucharist Chief assisted the priest with spiritual matters. On the north coast, Protestant missionaries sometimes tried to imitate William Duncan's Metlakatla community organization that comprised ten companies, each with a headman, two elected elders, two constables, three councillors, and ten firemen.<sup>73</sup>

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<sup>71</sup>Native Rights in Canada, p. 128.

<sup>72</sup>Duff, 1964, p. 91.

<sup>73</sup>Duff, 1964, p. 93.

In 1877 the Methodist missionary, A. E. Green, established a mission among the Nishga Indians at Greenville in the Nass Valley. Green informed the Indians that even the reserves were not theirs, but belonged to the government. After several meetings to discuss the land situation, the Nishgas invited the Port Simpson natives to accompany them to Victoria to interview the premier in 1887. Although the Indian delegation was rebuffed at Victoria, they decided to continue to put forward their claims.

In the 1890's they formed the Nishga Land Committee led by Arthur Calder, a Greenville man.<sup>74</sup> Four chiefs of each clan were elected or appointed to the committee in each village. The village committee elected its own chairman and other officers. There were three village committees and the three together constituted the Nishga Land Committee. The Port Simpson people were invited to join, but declined, possibly because they claimed land that the Nishgas also claimed.

The Nishga Land Committee raised money to send delegations to Victoria and to Ottawa to present their claims, to hire a lawyer to advise and represent them, and

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<sup>74</sup>Drucker, 1958, p. 91.

to draw up petitions. In 1909 the Nishgas raised \$500 to get a legal opinion on their case. They asked A. W. Vowell, the new Indian Commissioner, for an order prohibiting further settlement until the matter was decided in court. They were among the groups who heard Sir Wilfred Laurier tell the Indians at Prince Rupert the following year that the only way to settle the land question was through a decision of the Judicial Committee of the Imperial Privy Council.

In 1912 the federal government appointed J. A. J. McKenna as the commissioner to investigate Indian affairs in British Columbia. After negotiations between McKenna and Premier McBride, the provincial government agreed to be bound by the findings of a Joint Federal-Provincial Royal Commission, but it refused to discuss the concept of aboriginal title to the land. Consequently, the commissioners were able only to allocate and adjust reserve boundaries. Some Indian groups refused to discuss their reserves lest their claims to aboriginal rights be jeopardized. On the Queen Charlotte Islands, for instance, the Haidas told the commissioners that they were not prepared to name any area for a reserve because the whole area of land was theirs.<sup>75</sup>

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<sup>75</sup>Allied Tribes Claims, 1927, p. 151.

The Joint Royal Commission visited every Indian population centre in the province to hear representations of every band that would appear before it. Many Indians realized that they were losing most of their large land heritage in return for small reserves and little else.

Just as the Joint Commission was beginning its work, the Nishga Land Committee drafted a petition with the assistance of its solicitor. The petition requested that "the nature and extent of the rights of the said Nishga Nation or Tribe in respect of the said territory" be determined. In May, 1913, the petition was submitted to the Government of Canada with the request that it be submitted to the Judicial Committee of the Imperial Privy Council. It was based on the following statement adopted at Kincolith by the Nishga Land Committee on January 22, 1913:

From time immemorial the Nishga Nation or Tribe of Indians possessed, occupied and used the territory generally known as the Valley of the Naas River, the boundaries of which are well defined.

The claims which we make in respect of this territory are clear and simple. We lay claim to the rights of men. We claim to be aboriginal inhabitants of this country and to have rights as such. We claim that our aboriginal rights have been guaranteed by Proclamation of King George Third and recognized by Acts of the Parliament of Great Britain. We claim that holding under the words of that Proclamation a tribal ownership of the territory, we should be dealt with in accordance with its provision, and that no part of our lands should be taken from us or in any way disposed of until

the same has been purchased by the Crown.

By reason of our aboriginal rights above stated, we claim tribal ownership of all fisheries and other natural resources pertaining to the territory above-mentioned.

For more than twenty-five years, being convinced that the recognition of our aboriginal rights would be a very great material advantage to us and would open the way for the intellectual, social, and industrial advance of our people, we have in common with other tribes of British Columbia, actively pressed our claims upon the Governments concerned. In recent years, being more than ever convinced of the advantages to be derived from such recognition and fearing that without such the advance of settlement would endanger our whole future, we have pressed these claims with greatly increased earnestness.

Some of the advantages to be derived from establishing our aboriginal rights are:

1. That it will place us in a position to reserve for our own use and benefit such portions of our territory as are required for the future well-being of our people.
2. That it will enable us to a much greater extent and in a free and independent manner make use of fisheries and other natural resources pertaining to our territory.
3. That it will open the way for bringing to an end as rapidly as possible the system of Reserves and substituting a system of individual ownership.
4. That it will open the way for putting an end to all uncertainty and unrest, bringing about a permanent and satisfactory settlement between the white people and ourselves, and thus removing the danger of serious trouble which now undoubtedly exists.
5. That it will open the way for our taking our place as not only loyal British subjects but also Canadian citizens, as for many years we have desired to do.

In thus seeking to realize what is highest and best for our people, we have encountered a very serious difficulty

in the attitude which has been assumed by the Government of British Columbia. That Government has neglected and refused to recognize our claims, and for many years has been selling over our heads large tracts of our lands. We claim that every such transaction entered into in respect of any part of these lands under the assumed authority of the Provincial Land Act has been entered into in violation of the Proclamation above mentioned. These transactions have been entered into notwithstanding our protests, oral and written, presented to the Government of British Columbia, surveyors employed by that Government and intending purchasers.

The request of the Indian Tribes of British Columbia made through their Provincial Organization, that the matter of Indian title be submitted to the Judicial Committee of His Majesty's Privy Council, having been before the Imperial Government and the Canadian Government for three years, and grave constitutional difficulties arising from the refusal of British Columbia to consent to a reference, having been encountered in dealing with that request, we resolved independently and directly to place a petition before His Majesty's Privy Council.

In following that course we desire to act to the fullest possible extent in harmony both with other tribes in British Columbia and with the Government of Canada.

We are informed that Mr. J. A. J. McKenna sent out by the Government of Canada has made a report in which he does not mention the claims which the Indians of the Province have been making for so many years, and assigns as the cause of all the trouble, the reversionary claim of the Province. Whatever other things Mr. McKenna found out during his stay, we are sure that he did not find out our mind or the real cause of the trouble.

We are also informed of the agreement relating only to the so-called reserves which was entered into by Mr. McKenna and Premier McBride. We are glad from its provisions to know that the Province has expressed willingness to abandon to a large extent the reversionary claim which has been made. We cannot, however, regard that agreement as forming a possible basis for settling the land question. We cannot concede that the two Governments have power by the

agreement in question or any other agreement to dispose of the so-called Reserves or any other lands of British Columbia, until the territory of each nation or tribe has been purchased by the Crown as required by the Proclamation of King George Third.

We are also informed that in the course of recent negotiations, the Government of British Columbia has contended that under the terms of Union the Dominion of Canada is responsible for making treaties with the Indian Tribes in settlement of their claims. This attempt to shift responsibility to Canada and by doing so render it more difficult for us to establish our rights, seems to us utterly unfair and unjustifiable. We cannot prevent the Province from persisting in this attempt, but we can and do respectfully declare that we intend to persist in making our claim against the Province of British Columbia for the following among other reasons:

1. We are advised that at the time of Confederation all lands embraced within our territory became the property of the province subject to any interest other than that of the province therein.

2. We have for a long time known that in 1875 the Department of Justice of Canada reported that the Indian Tribes of British Columbia are entitled to an interest in the lands of the province.

3. Notwithstanding the report then made and the position in accordance with that report consistently taken by every representative of Canada from the time of Lord Dufferin's speeches until the spring of the present year, and in defiance of our frequent protests, the Province has sold a large portion of the best lands in our territory and has by means of such wrongful sales received a large amount of money.

4. While we claim the right to be compensated for those portions of our territory which we may agree to surrender, we claim as even more important the right to reserve other portions permanently for our own use and benefit, and beyond doubt the portions which we would desire so to reserve would include much of the land which has been sold by the Province.

We are not opposed to the coming of the white people into our territory provided this be carried out justly and in accordance with the British principles embodied in the Royal Proclamation. If, therefore, as we expect, the aboriginal rights which we claim should be established by the decision of His Majesty's Privy Council, we would be prepared to take a moderate and reasonable position. In that event, while claiming the right to decide for ourselves the terms upon which we would deal with our territory, we would be willing that all matters outstanding between the Province and ourselves should be finally adjusted by some equitable method to be agreed upon which should include representation of the Indian Tribes upon any Commission which then might be appointed.

The above statement was unanimously adopted at a meeting of the Nishga Nation or Tribe of Indians held at Kincolith on the 22nd day of January, 1913, and it was resolved that a copy of same be placed in the hands of each of the following:

The Secretary of State for the Colonies, the Prime Minister of Canada, the Minister of Indian Affairs, the Minister of Justice, Mr. J. M. Clark, K. C., Counsel for the Indian Rights Association of British Columbia, and the Chairman of the "Friends of the Indians of British Columbia."<sup>76</sup>

The Government of Canada rejected the Nishga petition.

But the Nishgas had their solicitor take the petition to London where it was studied by the Judicial Committee of the Privy Council. The British Government referred the Nishga petition back to the Canadian Government, advising that the Indians' case could come before the Judicial Committee of the Privy Council only through an appeal from the decision of a Canadian court and with the consent of

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<sup>76</sup>Allied Tribes Claims, 1927, p. 58.

the government.

The Nishga Land Committee refused to allow their case to be brought before a Canadian court. Although Nishga delegations to Ottawa in 1915 and 1916 pleaded for the processing of their petition, no action could be taken so long as they demanded a hearing before the Judicial Committee. Misled by their solicitor, the Indians believed the petition was still under consideration long after it had been permanently set aside by the government.

#### Potlatch Petitions

While the Tsimshians were protesting the loss of their land, the Kwakiutl, Nootka, and Coast Salish were resisting the potlatch prohibition. The varying attitudes toward the potlatch showed the uneven influence of the missionaries and the lack of cohesion of Indian sentiment about their most important social institution.

Soon after two Kwakiutl Indians were brought to trial for potlatching early in 1914, there was a flurry of petition-writing. The Salish Indians at Musqueam sent a four-page petition to the Department of Indian Affairs asking for permission to keep the old customs.<sup>77</sup> A petition

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<sup>77</sup>Laviolette, 1961, p. 81.

from the Salish Indians at Sechelt supported the potlatch law and claimed the potlatch was opposed to civilization.<sup>78</sup> A petition from the Salish Indians at Coquitlam requested that the potlatch law be enforced.<sup>79</sup> The Nootka Indians sent a seven-page petition to the Department of Indian Affairs in 1914 asking for the repeal of the potlatch law. Two years later some Nootka chiefs sent another petition to Ottawa to explain the potlatch and ask for its retention.<sup>80</sup> The Kwakiutl Indians sent a petition in 1915 to complain about arrests and trials under the potlatch law.

The influence of the missionaries among the Indians in the Nass Valley was indicated by the early abandonment of the potlatch by many Nishgas. In 1895 some Nass River Indians sent a petition to the Indian Commissioner of British Columbia complaining that the missionary J. A. McCullagh interfered with people holding potlatches.<sup>81</sup> But in 1899 a petition signed by 138 Christian Nishgas from Aiyansh claimed that most Indians were opposed to potlatching and that when a similar situation occurred among white

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<sup>78</sup>LaViolette, 1961, p. 81.

<sup>79</sup>La Violette, 1961, p. 81.

<sup>80</sup>LaViolette, 1961, p. 82.

<sup>81</sup>LaViolette, 1961, p. 68.

people the law was enforced.<sup>82</sup> Ironically, the Nishga concern about aboriginal land rights grew as their interest in the potlatch subsided.

The Indians of British Columbia submitted many petitions to government authorities without effect in the final years of the nineteenth century and the early years of the twentieth. In an attempt to increase the effectiveness of their demands, they formed protest organizations and began to solicit legal advice to support their claims. Nevertheless, their first protest organizations involved a very small part of the Indian population.

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<sup>82</sup>Laviolette, 1961, p. 78.

## CHAPTER VII

### THE ALLIED TRIBES OF BRITISH COLUMBIA

In February, 1915, a number of Interior Salish groups met at Spences Bridge on the Thompson River to form an organization for the support of the Nishga petition. A few months after the first meeting, another was held in Vancouver at which the Interior Salish joined with some Indians from the south coast. Probably this meeting was attended by Peter Kelly and Andrew Paull who were to become the important Indian leaders of their generation. Andrew Paull was already active in the concerns of the Squamish tribe. Recently ordained in the Methodist Church, the Reverend Peter Kelly worked at the Nanaimo Indian reserve.

Kelly and Paull set out to enlist the entire Indian population of British Columbia in one unified organization. Already the Indians had displayed a measure of unity for Kelly was a Haida living at Nanaimo and Paull was a Squamish from North Vancouver. Both were acting on an idea initiated by the Interior Salish in support of the Nishgas. Strangely, the Nishgas did not join the new organization but chose only to cooperate with it.

The Allied Tribes of British Columbia was organized at one of the early meetings and its influence grew as Indian groups joined it. At first the new organization consisted of some north coast and interior Indians. Some south coast Indians, already organized under the Indian Rights Association, joined under Andrew Paull's leadership. Peter Kelly, the Haida clergyman, became chairman.

In 1916 a meeting of the Allied Tribes was attended by representatives from sixteen Indian groups: Okanagan, Lake, Thompson River, Shuswap, Lillooet, Kootenay, Chilcotin, Tahltan, and Kaska from the interior, and Nishga, Tsimshian, Gitksan, Haida, Bella Coola, Cowichan, and Lower Fraser (Stalo) from the coast.<sup>83</sup> A larger meeting in 1922 gathered representatives from the Haida, Tsimshian, Bella Coola, Kwakiutl (Fort Rupert, Alert Bay, Kingcome Inlet, Cape Mudge, and Campbell River), Coast Salish (Cowichan, Nanaimo, Saanich, Musqueam, Squamish, and Stalo), Interior Salish (Lillooet, Pemberton, Fort Douglas, Kamloops, Simikameen, Penticton, Okanagan, Fairview, and Nicola Valley).<sup>84</sup>

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<sup>83</sup>Allied Tribes Claims, 1927, p. 175.

<sup>84</sup>Allied Tribes Claims, 1927, p. 176.

The Allied Tribes organization was controlled by a new elite. The Executive Committee elected its officers, such as chairman and secretary, from its own members. On the village level there was no permanent formal organization. Delegates from each community were elected to attend meetings from time to time at Vancouver and Victoria, and to provide communication between the villagers and the Executive Committee. Because of the diversity of Indian languages, the meetings were conducted in English. Consequently, individuals who had been educated by white men became leaders in the organization. Money for travel, legal, and conference expenses was usually raised by taking collections. By 1927 the Allied Tribes had spent about \$100,000.<sup>85</sup>

The Executive Committee sent a number of petitions and statements to provincial and federal officials. In framing and presenting these, the Indians had the assistance of white men. The first secretary of the Executive Committee of the Allied Tribes was James Teit, a white man who had married an Interior Salish woman and who had a sympathetic interest in the Indian way of life. After Teit died in

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<sup>85</sup>Allied Tribes Claims, 1927, p. 69.

in 1922, Andrew Paull became secretary. Arthur E. O'Meara, who had previously acted as counsel for the Nishga tribe, was appointed to work for the Allied Tribes as well.

Throughout the existence of the organization, Peter Kelly was the chairman.

As soon as the report of the Royal Commission of 1912 - 1916 was made public the Allied Tribes opposed it.

James Teit wrote:

The Indians see nothing of real value for them in the work of the Royal Commission. Their crying needs have not been met. The Commissioners did not fix up their hunting rights, fishing rights, water rights, and land rights, nor did they deal with the matter of reserves in a satisfactory manner. Their dealing with reserves has been a kind of manipulation to suit the whites and not the Indians. All they have done is to recommend that about 47,000 acres of generally speaking good lands be taken from the Indians, and about 80,000 acres of generally speaking poor lands, be given in their place. A lot of the land recommended to be taken from the reserves has been coveted by whites for a number of years. Most of the 80,000 acres additional lands is to be provided by the Province, but it seems the Indians are really paying for these lands. Fifty per cent of the value of the 47,000 acres to be taken from the Indians is to go to the Province, and it seems this amount will come to more than the value of the land the Province is to give the Indians. The Province loses nothing, the Dominion loses nothing, and the Indians are the losers. They get fifty per cent and lose fifty per cent on the 47,000 acres, but, as the 47,000 acres is much more valuable land than the 80,000 they are actually losers by the work of the Commission.

Bill 13 is to empower the Government of Canada to adopt the findings of the Royal Commission as a final adjustment of all lands to be reserved for the Indians. The McKenna-McBride Agreement, the Order in Council, the

findings of the Royal Commission, and Bill 13, are all parts of a whole. The Order in Council states that the Indians shall accept the findings of the Royal Commission as approved by the Governments of the Dominion and the Province as a full allotment of reserve lands, and further, that the Province, by granting said reserves as approved, shall be held to have satisfied all claims of the Indians against the Province. What chance will there be for the Indians in the future to get additional lands or a fair adjustment of all their rights, if Bill 13 is made law?<sup>86</sup>

The comments of Andrew Paull in reply to Dr. Scott, the Deputy Superintendent-General of Indian Affairs revealed the attitude of the Indians toward the Department of Indian Affairs:

Mr. Scott has said Bill 13 is merely an enabling Act, giving the Government power to deal with British Columbia, and that the whole bargain is so advantageous to the Indians, that the Indian Department feels justified in backing it up. We are sorry the Indian Department is of this opinion, for it places it out of sympathy with us, and makes it appear to the Indians an instrument of oppression and injustice. The chief enabling the Indians see in the Bill is that of enabling the Government to take their lands without their consent. There may be something advantageous to the Government in the Bill, but certainly not to the Indians.<sup>87</sup>

The Indians had discovered the nature of the Department of Indian Affairs; it was a colonial administration designed for the advantage of the white population.

The chairman of the Allied Tribes had no illusions

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<sup>86</sup>Allied Tribes Claims, 1927, p. 125.

<sup>87</sup>Allied Tribes Claims, 1927, p. 125.

about the place of Indians in Canadian society. When asked by a Member of Parliament from Vancouver, H. H. Stevens, what Indians would do if aboriginal title were refused, Peter Kelly answered:

Then the position that we would have to take would be this: that we are simply dependent people. Then we would have to accept from you, just as an act of grace, whatever you saw fit to give us. Now that is putting it in plain language. The Indians have no voice in the affairs of this country. They have not a solitary way of bringing anything before the Parliament of this country, except as we have done last year by petition, and it is a mighty hard thing. If we press for that, we are called agitators, simply agitators, trouble makers, when we try to get what we consider to be our rights.<sup>88</sup>

The Indians were not prepared to accept the report of the Royal Commission on Indian Affairs in British Columbia. Because the changes in reserves made by the Commission were based on an agreement between the Government of Canada and the provincial government (the McKenna-McBride Agreement), Parliament had to initiate legislation to enable it to fulfil the original agreement with the province. Bill 13 was introduced in 1919 for that purpose and the Indians organized to protest it. A circular letter to Indian tribes was sent out by the Allied Tribes:

A meeting of great importance to the Indians of the Province was held at the Indian Reservation, North

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<sup>88</sup>Allied Tribes Claims, 1927, p. 160.

Vancouver, commencing on the 13th January. This meeting or conference was called jointly by the allied Indian Tribes of British Columbia and the Squamish Tribe. Fifty-four chiefs and delegates were present representing nearly all the Indian Tribes of British Columbia. Rev. P. R. Kelly of Nanaimo acted as chairman of the meeting.

After discussion lasting three days, the following resolution was adopted, ". . . be it resolved that the Indians of British Columbia form an organization of Indians to fight Bills 13 and 14, and adopt for its policy the statement of the allied Tribes of British Columbia presented to the government of British Columbia. Said organization to have a standing executive committee which will consist of Indians and others deemed acceptable by the Indians, and the said executive committee to have power to retain a legal advisor." This means that all the tribes represented are now in a single organization which is the largest organization of Indians ever established in British Columbia.

The meeting re-affirmed the declaration made in the statement prepared by the Committee of the Tribes taking part in the conference of Indians held at Vancouver in June 1916, viz.: "while it is believed that all of the Indian Tribes of the Province will press on to the Judicial Committee, refusing to consider any so-called settlement made up under the McKenna-McBride Agreement, the Committee feels certain that the tribes allied for that purpose WILL ALWAYS BE READY TO CONSIDER ANY REALLY EQUITABLE METHOD OF SETTLEMENT OUT OF COURT WHICH MIGHT BE PROPOSED BY THE GOVERNMENT." 89

The statement of the Allied Tribes of British Columbia presented to the government of British Columbia which the circular letter referred to was prepared in 1919 and signed by Peter Kelly and James Teit. It listed the grounds upon which the Indians refused to accept the findings of the Royal Commission:

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<sup>89</sup>Allied Tribes Claims, 1927, p. 118.

1. We think it clear that fundamental matters such as tribal ownership of our territories require to be dealt with either by concession of the governments or by decision of the Judicial Committee before subsidiary matters such as the findings of the Royal Commission can be equitably dealt with.

2. We are unwilling to be bound by the McKenna-McBride Agreement under which the findings of the Royal Commission have been made.

3. The whole work of the Royal Commission has been based upon the assumption that Article 13 of the Terms of Union contains all obligations of the two governments towards the Indian Tribes of British Columbia, which assumption we cannot admit to be correct.

4. The McKenna-McBride Agreement and the report of the Royal Commission ignore not only our land rights but also the power conferred upon the Secretary of State for the Colonies.

5. The additional reserved lands recommended by the report of the Royal Commission, we consider to be utterly inadequate for meeting the present and future requirements of the Tribes.

6. The Commissioners have wholly failed to adjust the inequalities between Tribes, in respect of both area and value of reserved lands, which Special Commissioner McKenna, in his report, pointed out and which the report of the Royal Commission has proved to exist.

7. Notwithstanding the assurance contained in the report of Special Commissioner McKenna that "such further lands as are required will be provided by the Province, in so far as Crown lands are available," the Province, by Act passed in the spring of the year 1916, took back two million acres of land, no part of which, as we understand, was set aside for the Indians by the Commissioners, whose report was soon thereafter presented to the governments. X

8. The Commissioners have failed to make any adjustment of water rights, which in the case of lands situated within the Dry Belt, is indispensable.

9. We regard as manifestly unfair and wholly unsatisfactory the provisions of the McKenna-McBride Agreement relating to the cutting-off and reduction of reserved lands, under which one-half of the proceeds of sale of any such lands would go to the Province, and the other half of such proceeds, instead of going into the hands or being held for the benefit of the Tribe, would be held by the Government of Canada for the benefit of all the Indians of British Columbia.<sup>90</sup>

In 1920 an amendment to the Indian Act was proposed which would give the Government of Canada the power to impose enfranchisement on Indians. The Indians of British Columbia feared that enfranchisement would destroy tribal unity, do away with reserves, nullify their claim to an aboriginal title, and increase their taxes. Their concern prompted them to look beyond their own borders to enlist the support of other Canadian Indians.

The Indian protests failed. Both the enfranchisement bill and Bill 13 were passed. Bill 13 became Chapter 51 of the Statutes of Canada of 1920 which gave the federal government power to diminish Indian reserves without the consent of the Indians.

For the purpose of adjusting, readjusting or confirming the reductions or cutoffs from reserves in accordance with the recommendations of the Royal Commission, the Governor in Council may order such reductions or cutoffs to be effected without surrenders of the same by the Indians, notwithstanding any provisions of the Indian Act to the

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<sup>90</sup>Allied Tribes Claims, 1927, p. 33.

contrary, and may carry on such further negotiations and enter into such further agreements with the Government of the Province of British Columbia as may be found necessary for a full and final adjustment of the differences between the said Governments.<sup>91</sup>

The Indians continued to demand more land for reserves and to press for recognition of aboriginal title. They were willing to have a settlement out of court but were determined to take their case to the Judicial Committee of the Privy Council unless a fair settlement was made.

In 1923 the Minister of Indian Affairs, Charles Stewart, met with the Executive Committee and general counsel of the Allied Tribes. Before the meeting, the leaders of the Allied Tribes had met to prepare a statement to present to the Minister. Peter Kelly remarked that the conference brought about the unity of the British Columbia Indians.<sup>92</sup> The leaders represented natives from both the coast and the interior: George Matheson from Chilliwack, Peter Kelly from Nanaimo, Andrew Paull from North Vancouver, Alec Leonard from Kamloops, and Ambrose Reid from Port Simpson. Apparently Indian politics had become newsworthy;

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<sup>91</sup>Statutes of Canada, 1920, 10-11 George V, chap. 51, sec. 3.

<sup>92</sup>E. Palmer Patterson II, Andrew Paull and Canadian Indian Resurgence, unpublished PhD. thesis, University of Washington, 1962, p. 132.

the Vancouver Sun ran an article about the meeting.<sup>93</sup>

Mr. Stewart conceded that the Allied Tribes were entitled to a judicial decision on the Indian land controversy and offered the assistance of the federal government.

Within weeks, the Deputy Superintendent-General of Indian Affairs, Dr. Duncan Scott, was holding comprehensive discussions in Victoria with Indians about many issues. Although invited to send a representative, the provincial government avoided the talks.

The nature of the meetings between Dr. Scott and the Executive Committee of the Allied Tribes and its lawyer foreshadowed the difficulties to come at the inquiry of the Special Joint Committee in Ottawa in 1927. First, Mr. O'Meara, the counsel for the Allied Tribes, made a 22-page general statement of the Indian case, showing his penchant for verbosity. Then the discussion on the report of the Royal Commission faltered because the members of the Executive Committee were unfamiliar with its contents even though they had been in possession of it for some time.<sup>94</sup>

In addition to requesting special attention for their land, fishing, timber, pelagic sealing, education, and

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<sup>93</sup>Patterson, 1962, p. 132.

<sup>94</sup>Allied Tribes Claims, 1927, p. 66.

medical needs, the British Columbia Indians asked for treaty money. But they did not want payment in the same way other Canadian treaty Indians received it.

We deprecated the idea of putting on the same basis as the Indians in the territory and eastern provinces. That is to say, we deprecate the idea of receiving a few dollars annually. This sort of thing we realize in the long run amounts to a great deal; for I understand that on this system the treaties guarantee that those annuities would continue until the Indians became extinct, or even absorbed into the larger body of citizenship. Generally speaking, Indians in this province have not looked upon that with any great favour. They think it does not really bring them anything worth while . . . . Now we do not say that there should be an eternal annuity; but perhaps because of the brunt of the battle borne by the present generation, and also the last generation to some extent, in trying to get this matter up for real consideration by the Governments from time to time, we take it it would be a fair proposal to make, that monetary payments, perhaps covering a given period--I do not know how long--that is open to negotiation--perhaps twenty years more or less, so that the people who are now living, and who will not be in a position to profit by any of the future benefits that we have claimed, would receive direct benefit from the question that is now being brought we hope to a position where we are in sight of a settlement.<sup>95</sup>

Dr. Scott quickly calculated the probable cost of such a settlement. The Indian population of British Columbia in 1923 was 24,744; the usual treaty annuity was \$5.00 per capita; therefore, for a twenty year period the payment would be \$2,474,400.

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<sup>95</sup>Allied Tribes Claims, 1927, p. 69.

The Allied Tribes also demanded restitution for money they had spent during the Indian land controversy.

We have always insisted on this. And since the Minister has recognized our aboriginal title, and has assured us that we are in a position as of having won our case in Court, we take the ground that we are entitled to the cost of the case. We have been put under heavy expense during these years past, when this matter has been pressed; not only in our particular organization known as the Allied Indian Tribes, but different organizations, we have pressed the matter before that. We think of the Indian Rights Organization, we think of the independent efforts that have been made by the different bands from time to time sending delegates to Ottawa . . . . We are not putting any specific sum in at this particular time; we say that is open to negotiation, but I am inclined to think looking over accounts, the cost up to the present time has been something like a hundred thousand dollars, in a round sum.<sup>96</sup>

In 1924 the federal government adopted the report of the Royal Commission of 1912-1916 by means of an order in council. The reserves were more or less permanently set in size and distribution.

In August, 1925, Mr. O'Meara sent a letter to the Minister of Justice in Ottawa, in which he restated the history of the British Columbia Indian land case and suggested that a joint committee of the Senate and House of Commons of the Canadian Parliament should be appointed to deal with the issue. A year later, June, 1926, the

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<sup>96</sup>Allied Tribes Claims, 1927, p. 69.

Government of Canada received a Petition to Parliament from the Allied Indian Tribes of British Columbia.

Therefore the Petitioners humbly pray:

1. That by amendment of Chapter 51 of the Statutes of the year 1920 or otherwise the assurance set out in paragraph 11 of this Petition be made effective and the aboriginal rights of the Indian Tribes of British Columbia be safeguarded.

2. That steps be taken for defining and settling between the allied Indian Tribes and the Dominion of Canada all issues requiring to be decided between the Indian Tribes of British Columbia on the one hand and the Government of British Columbia and the Government of Canada on the other hand.

3. That immediate steps be taken for facilitating the independent proceedings of the allied Tribes and enabling them by securing reference of the Petition now in His Majesty's Privy Council and such other independent judicial action as shall be found necessary to secure judgment of the Judicial Committee of His Majesty's Privy Council deciding all issues involved.

4. That this Petition and all related matters be referred to a Special Committee for full consideration.

Dated at the City of Ottawa, the 10th day of June, 1926.<sup>97</sup>

Parliament granted the request of the Allied Tribes. A Special Joint Committee composed of seven members from the Senate and seven members from the House of Commons was authorized to hold hearings and to make recommendations. It held hearings in Ottawa on March 30 and 31, and April

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<sup>97</sup>Allied Tribes Claims, 1927, p. xviii.

4, 5, and 6 in 1927. The British Columbia government refused to send a representative. The Indian witnesses were Peter Kelly, Chairman of the Executive Committee of the Allied Tribes, Andrew Paull, Secretary of the Allied Tribes, Chief John Chillihitza of the Nicola Valley Indian Tribes, and Chief David Basil of the Bonaparte Indian Tribe. The chiefs had their own interpreters. A. E. O'Meara was counsel for the Allied Tribes, and A. D. McIntyre was counsel for the interior tribes. Other witnesses were Dr. Duncan Scott, Deputy Superintendent General of Indian Affairs, W. E. Ditchburn, Indian Commissioner of British Columbia, W. A. Found, Director of Fisheries, and John Chisholm, Assistant Deputy Minister of Justice.

The Joint Committee proceedings were a somewhat empty show of concern for Indian grievances. The hearings were, first of all, an aspect of the colonial administration by which the Indians were governed. One of the members of the Committee for the House of Commons was Charles Stewart, the Superintendent General of Indian Affairs. His Deputy, Dr. Scott, was the first witness. He gave an extensive report defending the quality of guardianship his Department gave the Indians of British Columbia. The Indians had

come to ask for justice concerning the land issue but Dr. Scott thought only in terms of money spent on their physical welfare. He said: "I am still of the opinion that the Indians are fairly compensated for the aboriginal title by the provision of reserves and by the extension to the Indians of British Columbia of the policy which obtains in the other provinces of the Dominion."<sup>98</sup> The British Columbia Indians had been arguing for years that the policy which obtained in the other provinces had not been extended to them. What they wanted was a treaty arrangement like the Indians in the other provinces.

The Joint Committee was composed of politicians and could be expected to make a political decision in favour of the white citizens they represented. Early in the hearing, Dr. Scott warned the Committee about the consequences of accepting the Indian claims.

If the Indians win, there will be a cloud on all the land titles issued by the province, and this point has always been an obstacle in the way of the reference. As early as the Order-in-Council of 1875 the policy of obtaining a cession was held to be questionable. During one conference between Sir Richard McBride and Mr. McKenna, the Prime Minister held that the public interest was paramount, and the question was dropped owing to the seriousness of then raising that question. The seriousness

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<sup>98</sup>Allied Tribes Claims, 1927, p. 14.

and importance of that aspect has not lessened, and it is now as much a question of public policy as of Indian interest.<sup>99</sup>

The Indians did not favourably impress the Joint Committee with their display of disunity at the hearing. The situation was made worse by the men who had chosen to represent the Indians as legal counsel.

Mr. O'Meara and Mr. Beament represented the Allied Tribes. Mr. McIntyre did not support them. He said:

I represent the Chiefs from the Interior. I heard the Chairman inquire of this gentleman (Beament) as to whom he represented, and I understood him to say that he represented the Allied Tribes of British Columbia. There is no such entity as that from the lawyers' point of view, and it is my duty to interrupt and to point out to the Chairman that my friend can only be representing the Indians known as the Coast Indians, although they are under the name of Allied Tribes.<sup>100</sup>

Andrew Paull retorted: "I truthfully say that the Allied Tribes of British Columbia are composed of an organization which was formulated in the year 1922, when all these Chiefs, whom Mr. McIntyre is now representing, were a party to this Alliance."<sup>101</sup> Peter Kelly added:

The purpose of the formation of the Executive Committee of the Allied Tribes was to bring before the Government such

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<sup>99</sup>Allied Tribes Claims, 1927, p. 14.

<sup>100</sup>Allied Tribes Claims, 1927, p. 73.

<sup>101</sup>Allied Tribes Claims, 1927, p. 74.

grievances as have been brought before this Committee. On that Executive Committee were represented all the Indian Tribes of British Columbia, from every part of the interior of British Columbia, and to this day have never repudiated their membership on the Executive Committee to this day, except by a letter which was sent out by Chief John Chillihitza, not over the signatures of these chiefs, but simply with their names written down by the interpreter for Chief Johnnie Chillihitza.<sup>102</sup>

The Chairman of the Joint Committee read a letter that the Department of Indian Affairs had received from Narcisse Batisse, a member of the Committee of Interior Tribes:

Dear Sir: I have heard John Chillihitza has gone to Ottawa but I do not know the object of his going. I wish to inform you that he is not representing the Indian Tribes from the interior of British Columbia, but he might be a representative of the Shuswap tribe.<sup>103</sup>

Peter Kelly remarked:

I take it that this Committee, which is the High Court of Parliament, has been constituted to consider the petition of the Allied Tribes of British Columbia, and if these Tribes which Mr. McIntyre represents are not members of the Allied Tribes of British Columbia, then I contend they have no business to be here.<sup>104</sup>

Nonetheless, McIntyre was allowed to proceed. He went through the Allied Tribes' list of grievances, commenting on each one, demonstrating the lack of consensus among

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<sup>102</sup>Allied Tribes Claims, 1927, p. 137.

<sup>103</sup>Allied Tribes Claims, 1927, p. 136.

<sup>104</sup>Allied Tribes Claims, 1927, p. 137.

the Indians of the province, and thereby injuring the Indian case. He said:

The majority of the matters brought before you by the coast Indians do not concern the Interior Indians at all . . . further land grants by the B. C. Government. We do not understand what that means. . . . Free medical and hospital attention. They get a fair amount of that, so that does not concern them . . . . Mothers' and Widows' pension. They are not concerned with that . . . . Cash compensation. They do not quite understand what the other Committee is driving at. . . . Reimbursement of about \$100,000 spent. They do not quite understand that.<sup>105</sup>

The two old witnesses represented by McIntyre claimed, through interpreters, to speak only for their own small bands. Chief Chillihitza had only local complaints about range lands and irrigation water disputes in the Shuswap area. Chief David Basil had few complaints. He, too, wanted more grazing land and irrigation water.

The Indian case was incompetently presented by everyone except Andrew Paull and Peter Kelly. Kelly knew he was bargaining from a position of weakness.

Apparently he sensed the arrogance of the members of the Joint Committee.

I beg of this Committee to be a little more tolerant in supporting our petition which was lodged with Parliament last year. We realize that this is the one privilege for which we have been pressing for the last fifty or sixty years. . . . in view of the fact that the rightful dealing

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<sup>105</sup>Allied Tribes Claims, 1927, p. 139.

of this question affects the future of 23,000 Indians who are not represented in Parliament, who have no voice in the affairs of this land, except through the Indian Department, I beg of you to be a little more tolerant  
 . . . . .<sup>106</sup>

The Special Joint Committee of the Senate and House of Commons rejected the claims of the Allied Tribes of British Columbia. The final report of the Joint Committee made random use of historical records to support its conclusions. Because the Hudson's Bay Company factor, Roderick Finlayson, had awed the Indians at Victoria with artillery in 1844, the Joint Committee maintained that all of British Columbia had been taken by conquest.<sup>107</sup> It went on to say:

Tradition forms so large a part of Indian mentality that if in pre-Confederation days the Indians considered they had an aboriginal title to the lands of the Province, there would have been tribal records of such being transmitted from father to son, either by word of mouth or in some other customary way. But nothing of the kind was shown to exist. On the contrary the evidence of Mr. Kelly goes to confirm the view that the Indians were consenting parties to the whole policy of the government both as to reserves and other benefits which they accepted for years without demur.<sup>108</sup>

The core of the Joint Committee report lay in two sentences:

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<sup>106</sup>Allied Tribes Claims, 1927, p. 149.

<sup>107</sup>Allied Tribes Claims, 1927, p. vii.

<sup>108</sup>Allied Tribes Claims, 1927, p. vii.

Having given full and careful consideration to all that was adduced before your Committee, it is the unanimous opinion of the members thereof that the petitioners have not established any claim to the lands of British Columbia based on aboriginal or other title . . . it is the further opinion of your Committee that the matter should now be regarded as finally closed.<sup>109</sup>

The Joint Committee recommended against compensating the Allied Tribes for the expenses of their land claims case. They seem, however, to have had qualms about their recommendations. In one part of their report they stated:

The Committee wish to state that they are impressed by the fact that the Indians of British Columbia receive benefits which are in excess of those granted by Treaty to Indians in other parts of Canada.<sup>110</sup>

But further along they recommended:

In lieu of annuity your Committee would recommend that a sum of \$100,000 should be expended annually for the purposes already recommended, that is, technical education, provision of hospitals and medical attendance, and the promotion of agriculture, stock-raising and fruit culture, and in the development of irrigation projects.<sup>111</sup>

The final recommendation of the Joint Committee meant the end of the Allied Tribes of British Columbia.

In concluding this Report your Committee would recommend that the decision arrived at should be made known as completely as possible to the Indians of British Columbia

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<sup>109</sup>Allied Tribes Claims, 1927, p. x.

<sup>110</sup>Allied Tribes Claims, 1927, p. x.

<sup>111</sup>Allied Tribes Claims, 1927, p. xvii.

by direction of the Superintendent General of Indian Affairs in order that they may become aware of the finality of the findings and advised that no funds should be contributed by them to continue further presentation of a claim which has now been disallowed.<sup>112</sup>

The Joint Committee could not comprehend the Indian grievances because they could not accept the idea that Indians were anything but passive wards of Canadian society. An exchange between H. H. Stevens and Peter Kelly illustrated the conflicting attitudes:

Hon. Mr. Stevens: We do not want to get into a wrangle between Mr. O'Meara's group and these others, if it is some personal fight.

Mr. Kelly: We do not want to get into a wrangle, but I do not like to have our group referred to as Mr. O'Meara's group or somebody else's group. We do not belong to Mr. O'Meara. We have engaged Mr. O'Meara as legal advisor, and, as I said to the Minister of the Interior in Vancouver, I think in the year 1922, he agitates just insofar as we allow him to agitate, just as any legal advisor. We take exception to that sort of statement very much, that we belong to Mr. O'Meara or are Mr. O'Meara's children.<sup>113</sup>

But the Joint Committee apparently learned nothing from Kelly's outburst. They displayed their lack of understanding (or their hypocrisy) in their final report:

The Committee note with regret the existence of agitation, not only in British Columbia, but with Indians in other parts of the Dominion, which agitation may be called

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<sup>112</sup>Allied Tribes Claims, 1927, p. xvii.

<sup>113</sup>Allied Tribes Claims, 1927, p. 146.

mischievous, by which the Indians are deceived and led to expect benefits from claims more or less fictitious. Such agitation, often carried out by designing white men, is to be deplored, and should be discountenanced, as the Government of the country is at all times ready to protect the interests of the Indians and to redress real grievances where such are shown to exist.<sup>114</sup>

The report of the Joint Committee was approved by Parliament and legislation passed to carry its recommendations into effect. An amendment was made to the Indian Act making it an offense to solicit funds for the purpose of bringing an Indian claim against the government.<sup>115</sup>

The Indians interpreted the Joint Committee's report as total defeat. The Allied Tribes organization, never closely knit, collapsed. Mr. O'Meara, a rather pathetic, incompetent man, was not employed again by the Indians. Peter Kelly commented tersely: "We could have done much better without him."<sup>116</sup> As for the \$100,000 annual grant, he wrote years later that "this deviously admits the actuality of the Indian land claims of British Columbia."<sup>117</sup>

The formation of the Allied Tribes was a great attempt

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<sup>114</sup>Allied Tribes Claims, 1927, p. viii.

<sup>115</sup>Statutes of Canada, 1927, 17 George V, chap. 32, sec. 6.

<sup>116</sup>Morley, 1967, p. 116.

<sup>117</sup>The Native Voice, February, 1960, p. 21.

by a disenfranchised people to present their grievances to the governing officials of the nation. The unity that the organization had achieved, while tenuous, was remarkable considering the disparity of the cultures and interests among the Indians of British Columbia. The rejection of their demands by the Government of Canada and the repressive legislation to prevent further attempts at negotiation was a bitter defeat. Nonetheless, the Indians had learned a great deal about how to administer a large organization, about who wielded power in white society, and how to present a claim to those in power. Most importantly, they had formulated clearly their claims to the lands of British Columbia. In years to come, the work done by the Allied Tribes provided a solid base for further prosecution of their claims.

## CHAPTER VIII

### THE NATIVE BROTHERHOOD OF BRITISH COLUMBIA

The economic depression which began about 1930 had a disastrous effect on the British Columbia fishing industry. As a result, the Indians along the coast suffered financially. They were, in addition, experiencing increasing competition from white and Japanese fishermen.<sup>118</sup> At the same time, rapid technological advances in the fishing industry required capital which most Indians lacked. The bitterness about the land question and other arbitrary governmental actions had resulted in a deep distrust of white men. The Indians felt compelled to organize to protect their interests.

In 1931, Alfred Adams, a Haida from Massett, suggested to a number of Tsimshian fishermen who were trolling off the Queen Charlotte Islands that they form an inter-tribal organization similar to the Alaska Native Brotherhood. Adams had become familiar with the organization through visits with his Alaskan relatives.

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<sup>118</sup>Percy Gladstone, Native Indians and the Fishing Industry of British Columbia, The Canadian Journal of Economics and Political Science, XIX, 1953, p. 29.

In December 1931, a delegation from Massett met at Port Simpson with representatives from five Tsimshian villages for about a week. At the meetings Alfred Adams stressed the need for unity among the Indians. A petition to the Minister of Indian Affairs that had been drafted at Port Simpson a few months earlier was approved at the meeting. It requested the establishment of a vocational school for Indian children from the north coast, modification of hunting and trapping laws, permission to fish for home use without permits, permission to cut firewood off reserves, free medical care, and a conference with the Minister on additional problems.

The delegates adopted a resolution that the groups represented would organize as the Native Brotherhood of British Columbia. The following constitution was drafted:

#### CONSTITUTION

##### NATIVE BROTHERHOOD OF BRITISH COLUMBIA

1931 - 32

##### Preamble

Whereas, we the Natives of British Columbia, owing to the keen competition in our efforts for an existence, the time has come when we must organize for the betterment of our conditions, socially, mentally and physically. To keep in closer communication with one another to cooperate with each other and with all the authorities, for to further the interests of the Natives.

Hence we organize as the Native Brotherhood of British Columbia whose objective will be, to stimulate and increase learning among our natives, to place them on equal footing to meet the ever increasing competition of our times.

To cooperate with all who have at heart the welfare of the natives and to cooperate with the Government and its officials for the betterment of all conditions surrounding the life of the native.

#### BYLAWS

1. That this organization shall be known as the Native Brotherhood of British Columbia.
2. The powers of this organization shall be Legislative, Executive and Judicial, in such time as the Convention shall from time to time dictate, and all members shall be governed by such constitutions and laws adopted at these conventions.
3. In order that there be better unity this organization shall have power to establish branches in all native villages for the purpose of this organization.
4. Conventions shall be held annually and at such times and places as the previous convention shall decide. Delegates shall be appointed from each \_\_\_\_\_ branch. The President, General Secretary and General Treasurer shall attend all conventions.
5. Conventions shall pass on all credentials and audit all books, elect officers and prepare resolutions and all matters pertaining to the business of the Brotherhood.
6. Officers of the Brotherhood shall consist of President, Vice-President, General Secretary, General Treasurer, Recording Secretary, and an Executive Committee to be elected, two from each village of the Brotherhood.
7. Duties of the officers will be: President shall preside over all meetings of the convention and all executive meetings and shall direct the policy of the organization, as agreed on at the convention and executive meeting.

First Vice-President, in event of the Office of President be vacant to fill same, and to have full executive powers.

The General Secretary, to attend all conventions, to keep all the accounts and records of the General organization, to be empowered to receive and expend monies on behalf of the organization.

The Treasurer shall have charge of the funds of the Organization. All monies received by the officers of the Brotherhood shall be deposited in his care. The Recording Secretary shall take and keep all records of all meetings.

The membership fees shall be fifty cents (50¢) per annum, for the year 1931-32, until next Convention and this fee be paid to the general fund.<sup>119</sup>

Chief Heber Clifton and Chief Edward Gamble, both of traditional high rank, were especially active in recruiting additional members to the Native Brotherhood. By 1936 the membership included the communities of Massett, Port Simpson, Hartley Bay, Kitkatla, Port Essington, Metlakatla, Klemtu, Bella Bella, Bella Coola, Kitimat, Kispiox, Kitwanga, Skeena Crossing, and Hazelton.

The Tsimshian and their relatives dominated the organization in its early years, and the conventions were held annually at Port Simpson until the late 1930's. Although Alfred Adams was elected president annually until his death in 1944, most of the other officers were Port Simpson men.

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<sup>119</sup>Drucker, 1958, p. 178.

Political unity was not easily achieved, probably because many Indians still thought mainly in terms of their local group. Metlakatla, for example, stopped participating in the Native Brotherhood for a number of reasons.<sup>120</sup> One explanation is that the community was planning to apply for mass enfranchisement and could see no sense in identifying themselves with an Indian organization. Another explanation is that they were annoyed because they failed to have delegates elected to principal offices even though they were a relatively progressive community. A further explanation is that the Native Brotherhood opposed denominational schools and Metlakatla wanted to retain its Anglican Church-supported school. A yet further explanation was that Metlakatla and Port Simpson had long wrangled over the proceeds from a land sale for the townsite of Prince Rupert, and Metlakatla was ashamed to accept the hospitality of Port Simpson during conventions.

For some time, many Nishgas would not join the Native Brotherhood because they believed their Nishga Land Committee would work for them. They, too, had a dispute

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<sup>120</sup>Drucker, 1958, p. 118.

over land claims with the Port Simpson people, and the new organization was regarded as having originated at Port Simpson. Eventually all Nishga communities joined the Native Brotherhood.

Skidegate, the home of Peter Kelly on the Queen Charlotte Islands, did not join the new organization in its formative years and showed only tepid interest once it did. Perhaps the delayed interest was a result of Peter Kelly's apparent lack of interest at first. Also, the Skidegate community enjoyed close cooperation with the white community of nearby Queen Charlotte City where the Indian fishermen had joined the local branch of the fishermen's union. Possibly they were satisfied with their lot.

Among the Gitksan on the upper Skeena River, the Native Brotherhood had little effect. The organizers tried to convince the Gitksan that it took no sides in strictly local issues, but the progressive and conservative factions in the communities tried to involve the organization in their own controversy. As a result of its neutrality in local disputes, the Brotherhood received support from nobody.

Religious factionalism, as much as any other factor, prevented the political unity desired by the Native

Brotherhood organizers. The Protestant affiliation of most of the leaders of the organization aroused Catholic Church opposition, even to the extent of the threat of excommunication for Catholic members.<sup>121</sup> The leaders insisted that the Native Brotherhood was non-sectarian but the Protestant cast of the organization was symbolized by the Protestant form of worship incorporated into procedure, the official theme song "Onward Christian Soldiers," and the Protestant background of most of the leaders. The Native Brotherhood opposition to residential schools was taken as an attack on the Roman Catholic residential school system by both Catholic Indians and missionaries. As a result, there was weak support by Nootka and Coast Salish communities. The interior Indians, who were neither Protestant nor commercial fishermen, considered the Brotherhood nothing but a fishermen's union, and most of them disregarded it.

While the Indians on the north coast were organizing an intertribal association, those on the central coast were forming an Indian fishermen's union. The Indians had been able to observe the actions of unions for several

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<sup>121</sup>H. B. Hawthorn, C. S. Belshaw, and S. M. Jamieson, The Indians of British Columbia, University of California Press, Berkeley, 1958, p. 475.

decades. In 1893 the Fraser River Fishermen's Benevolent Association had persuaded the Indians to join their strike.<sup>122</sup> In 1900 white, Indian, and Japanese fishermen joined in a strike for price increases, until the Japanese began fishing under the protection of the local militia. On the Skeena River the Indians from Port Simpson joined the British Columbia Fishermen's Union in 1899. The first Indian union was started on the Skeena in 1914 by W. H. Pierce, a missionary of Tsimshian-white parentage.<sup>123</sup> The union was organized as much to help the Indians compete with the Japanese as to force concessions from the canners. But when Pierce was transferred to another mission his union collapsed. The Nass River Fishermen's Association, organized by the Nishga, was successful for a number of years.

Finally, in 1936, the Southern Kwakiutl and Nootka joined a strike at Rivers Inlet that lasted all season. When the Kwakiutl learned that white fishermen and some northern Indians had fished at Rivers Inlet during the last week of the 1936 season, they decided to form an Indian

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<sup>122</sup>Gladstone, 1953, p. 28.

<sup>123</sup>Drucker, 1958, p. 126.

fishermen's union to protect their interests in the future. They founded the Pacific Coast Native Fishermen's Association with the help of George Luther, a native teacher at the Alert Bay school.<sup>124</sup> The union was the most effective Indian organization to that time.

In 1938 some of the leaders of the Native Brotherhood visited the southern Kwakiutl villages. The Kwakiutl were satisfied with the ability of their new union to care for their needs and did not wish to join another organization even though they approved of its aims. They joined, however, in 1942 when the Indian commercial fishermen were obliged to pay federal income tax for the first time.

Andrew Paull, who fifteen years earlier had testified before the Special Joint Committee in Ottawa, endeavoured to unite the coast Indians against the income tax law. He attended the Native Brotherhood convention at Skeena Crossing in 1942 where he received strong support for his campaign. When he visited Alert Bay a short time later, he persuaded the Pacific Coast Native Fishermen's Association to become a branch of the Native Brotherhood so that they

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<sup>124</sup>Drucker, 1958, p. 129.

could work together to solve their common problem.

Apparently the Kwakiutl enthusiasm for the alliance was increased by the promise to fight to have the law against potlatching repealed.

With the addition of the southern Kwakiutl and Andrew Paull, the Native Brotherhood became more active. The Pacific Coast Native Fishermen's Association treasury was transferred to the Brotherhood which made it possible to send a delegation to Ottawa to present a petition opposing the new tax law to the federal government. The Brotherhood became not only wealthier but more influential as a bargaining agency for Indian fishermen. Andrew Paull organized branches in some Coast Salish and Nootka communities, and opened a small office for the organization in Vancouver. During the early 1940's the Native Brotherhood developed strong representation over the coast from Campbell River north, plus scattered representation among the Coast Salish, Nootka, and the Indians of the interior.

In 1942, following the Japanese bombing of Pearl Harbour in Hawaii, all persons of Japanese descent were expelled from the coast of British Columbia. In one stroke, the main competitors of Indian fishermen were removed. Influenced by war propaganda, delegates to the Native

Brotherhood convention in 1942 agreed that people of Japanese descent should be sent to Japan after the war. On the other hand, they pronounced their loyalty to the Crown and their willingness to fight for Canada. Indian enlistments were, in fact, quite high in proportion to the Indian population. In British Columbia, 270 Indians enlisted from a population of 25,500.<sup>125</sup> Good fishermen were sometimes persuaded to remain at their job rather than join the armed services.<sup>126</sup>

With his appointment to the position of business agent for the Native Brotherhood in 1942, Andrew Paull established close communications with labour unions. In company with Indians from other parts of Canada, he went to Ottawa to protest the income tax and compulsory military service for Indians. He spoke to groups interested in Indian life and culture. He negotiated contracts with fish canning companies on behalf of the Indian fishermen

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<sup>125</sup>Special Joint Committee of the Senate and House of Commons appointed to examine and consider the Indian Act. Minutes of the proceedings and evidence, No. 5, Vol. I, June 13, 1946, p. 186. (Henceforth referred to as Special Joint Committee Report).

<sup>126</sup>James P. Spradley, Guests Never Leave Hungry, Yale University Press, New Haven, 1969, p. 119.

in the Brotherhood. In 1943 the Native Brotherhood was officially recognized by the British Columbia Department of Labour as the bargaining agent for Indian fishermen. For his services, Andrew Paull paid himself a small salary.

In 1944 the executive of the Native Brotherhood suspended Paull as business agent because he had acted without authorization.<sup>127</sup> He had not been given any executive power but he had acted as though he were the executive of the organization. He was told to repay the money he had paid himself or be expelled. Unable to pay, his career with the Native Brotherhood ended. Since Paull had considerable influence among the Coast Salish, Nootka, and interior Indians, the Native Brotherhood became pretty much a north coast organization once again.

When Peter Kelly joined the Native Brotherhood he was assigned the position of chairman of the Legislative Committee. Between 1936 and 1946 he made ten trips to Ottawa to lobby and petition for the Brotherhood.<sup>128</sup> At the 1944 Brotherhood convention he asked for a Royal Commission to investigate Indian Affairs. Among the demands made at that time were greater education and welfare

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<sup>127</sup>Patterson, 1962, p. 214.

<sup>128</sup>Morley, 1967, p. 146.

services for Indians, open discussion of all proposals affecting Indians, the right of citizenship if taxation and compulsory military service were enforced, and an accounting of the \$100,000 annual grant to British Columbia Indians. Kelly warned the native people not to accept citizenship if it meant the end of their reserves and special rights. At the same Brotherhood convention Andrew Paull echoed the Indian mistrust of the whites: "The white people are not afraid to take disadvantage of you or anyone else on the smallest technicality."<sup>129</sup>

In 1945 the Native Brotherhood revised its constitution to conform to the requirements of the British Columbia Societies Act. As a legally chartered organization, the Brotherhood expected greater recognition by industry and government. At the time of incorporation, the Brotherhood had branches in 58 communities, and each branch had at least 20 members.<sup>130</sup> The executive were elected by delegates at an annual convention. Each branch could send two delegates to the convention. Only native Indians could be voting members of the Brotherhood, although the Legislative

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<sup>129</sup>Patterson, 1962, p. 219, quoted from the Vancouver Sun, November 16, 1944.

<sup>130</sup>Drucker, 1958, p. 183.

Committee could include non-members.

In order to ensure adequate representation on the executive, a vice-president was elected for each of eight geographic districts: North Coast, Northern Interior, Central Coast, Alert Bay District, South Coast, Lower Fraser, Northwest Coast of Vancouver Island, and Southwest Coast of Vancouver Island. The executive included a president, secretary, treasurer, and Legislative Committee chairman in addition to the eight district vice-presidents. The Native Brotherhood, like previous Indian organizations, tended to be somewhat elitist in that the vice-presidents were elected by the delegates present at the annual convention rather than by the rank and file of the branches within the districts. An amendment to the constitution corrected the situation in 1954. The vice-presidents were the liaison officers between the executive and the branches. They were also responsible for organizing new branches.

The Native Brotherhood has employed a business agent in Vancouver ever since Andrew Paull opened an office there. The business agent is paid a salary, participates in price and wage negotiations with the fishing industry, and manages the office where the business of the Brotherhood is done. For about four years a business agent was employed at an

office in Prince Rupert but the Brotherhood could not afford to maintain two offices for long.

The year 1946 was an important one for the Native Brotherhood. The Canadian Parliament appointed a Special Joint Committee of the Senate and House of Commons to investigate Indian affairs, and Brotherhood officials were invited to testify before it. Indian veterans had just returned home from the war with much more sophistication about the ways of the world than when they left. Andrew Paull was busy organizing the North American Indian Brotherhood, which the Native Brotherhood saw as a threat. Most notable, the Native Brotherhood began publishing a newspaper.

In December, 1946, the first edition of the Native Voice was published. The purpose of the newspaper was described on the front page by the president of the Native Brotherhood, Chief William Scow of Alert Bay:

For many years we have discussed the ways and means of having a paper for ourselves but unfortunately never did progress beyond the discussion stage. Now we have started. We have established ourselves and will go forward. Through our Native Voice we will continue to the best of our ability to bind closer together the many tribes whom we represent into that solid Native Voice, a voice that will work for the advancement of our common native welfare.

The Native Voice will bring about a closer relationship between ourselves and our good white friends who we

also appeal to at this time for their support in our struggle for advancement.

We will work together. The Native Voice will be the voice of the Native Brotherhood of B. C. in action which in turn is the voice of ALL natives in B. C.<sup>131</sup>

The front page editorial written by the editor, Jack Beynon, a Tsimshian from Port Simpson, displayed the feelings of the coast Indians toward the ruling white society:

The Native Voice will assert at the beginning the firm objectives at which we aim and hope to achieve in the not too distant future. An objective which will mean an honest guarantee of equality for the original inhabitants and owners of Canada. In Canada where under the Indian Act we suffer as a minority race and as wards, or minors without a voice in regard to our own welfare. We are prisoners of a controlling power in our own country--a country that has stood up under the chaos of two world wars beneath the guise of democracy and freedom, yet keeping enslaved a Native people in their own home land.

. . . The Native Voice will follow through with their aims and objectives with the cooperation of the Government, as they see fit. Those aims are stated clearly by the Native Brotherhood of British Columbia Inc. in their Constitution.

1. To work for the betterment of conditions, socially, spiritually, and economically for its people.
2. To encourage and bring about a communication and cooperation between the white people and Native Canadians.
3. To join with the Government and its officials and with all those who have at heart the welfare of the Natives of British Columbia and for the betterment of all conditions surrounding the lives and homes of the natives.

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<sup>131</sup>The Native Voice, December, 1946.

. . . We do intend to have changed the attitude and governing methods employed at present in respect to the code at present in use. Methods that should have been voluntarily changed by one of the successive governments of the past on their own initiative, instead of waiting for the challenge of protest, that is heard now. . . .

The time is not far distant when we will play an integral part in the affairs of Canada and we will play that important role as free citizens of the Dominion . . . .

That the Native Voice will be the means of uniting into one solid body the Natives of Canada by keeping them in touch with affairs relating to our people.

We have no equality with other Canadians except when the call to Arms or the Tax Collector comes.

It is to change that state of affairs that the Native Voice appears.<sup>132</sup>

The Indians of British Columbia had discovered, perhaps through contacts with Commonwealth servicemen during the war, that the Maoris of New Zealand were treated as full citizens. The first issue of the Native Voice had a front page news item about two Canadian Indian girls who had travelled to New Zealand for a special course in nursing. The Indians began to compare their own situation with that of the New Zealand natives.

The two Canadian girls will be in direct contact with the most progressive Native race in the world. The Maori race of New Zealand has shown the world that they are able to hold their own in this world of progress. Those natives

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<sup>132</sup>The Native Voice, December, 1946.

have their own members of parliament; they also have their own native members in many of the leading professions in that sister Dominion.<sup>133</sup>

The Indian war veterans, after being treated without racial discrimination in the military services, were not pleased to return to it in civilian life. Aged and handicapped Indians received, in 1945, a pension of less than \$5.00 a month. A brief from the Native Brotherhood to Prime Minister Mackenzie King stated:

On behalf of the native Indians in British Columbia, the Native Brotherhood urges upon you at this time to institute at the present sitting of the house a special bill or order in council granting to our aged and infirm Indian people a pension of forty dollars per month.

The matter of urgency is brought sharply and decisively to our notice at this time by our returned Indian servicemen who demand of us to take action at once, as they, the Indian returned soldiers are not in the least satisfied to see the same old conditions of poverty existing among their old people in this day and age, as they return from overseas.<sup>134</sup>

When serious petitions failed, humour was tried. Early in 1947, Chief William Scow, president of the Native Brotherhood issued a proclamation to John Hart, the Premier of British Columbia.

Whereas the present government of the coast has been established by voting white settlers resident in Indian territory; and

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<sup>133</sup>The Native Voice, December, 1946.

<sup>134</sup>The Native Voice, January, 1947.

Whereas legal title of the Indian lands has never passed from our hand; and

Whereas the present white chiefs in the village of Victoria have seen fit to deny residents of thousands of years ancestry the right to take part in governing their lands;

We, in the name of all Pacific Coast bands, do hereby declare white control of our lands at an end and we order the white chieftains to immediately surrender their false authority to an all-Indian government which we will form shortly.

This proclamation will inform you that your government which has not seen fit to permit the owners of Pacific Coast lands a voice in their control, namely by voting, has no longer any legal standing.<sup>135</sup>

The proclamation was a publicity device that brought to public attention the immediate Indian grievance. In January, 1947, Chief William Scow pointed out in a telegram to the Premier that the native Indians should be included in the proposal to grant people of Chinese, Japanese, and East Indian descent the right to vote in provincial elections.

The Native Brotherhood was the first Indian political organization to be initiated by the natives themselves. It was, however, subsequently given assistance by white people, particularly in the publication of the Native Voice. A white woman, Maisie Armitage-Moore, claimed: "It was my idea the Indians should have a voice."<sup>136</sup> She had become an associate

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<sup>135</sup>The Native Voice, February, 1947.

<sup>136</sup>Patrick Nagle, "Maisie Says B.C. Still Belongs to the

member of the Native Brotherhood in 1944, and helped to found the newspaper in 1946. She was usually listed as publisher and director in the newspaper's masthead. After she married Vancouver lawyer Thomas Hurley she was better able to assist Indians.

Even though the leaders of the Native Brotherhood were unable to unite all the Indians of British Columbia in one political association, they were successful in building an association which served a number of Indian interests. They articulated Indian concern about taxation, enfranchisement, voting rights, military service, fishing and trapping rights, and various other matters. Acting as a trade union, the Native Brotherhood provided a service to commercial fishermen.

Agitation about compensation for the land of British Columbia was prohibited by law until 1951. Consequently the grievance that most united the Indians could not be dealt with. And the Brotherhood met barriers in its drive for unity. The divisive forces associated with religion, culture, and regional economic differences prevented political unity of the coastal and interior Indians, and impeded it among coastal groups.

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Indians," Vancouver Sun Magazine Section, April 4, 1964, p.14.

## CHAPTER IX

### THE NORTH AMERICAN INDIAN BROTHERHOOD

Even before he had left the Native Brotherhood, Andrew Paull had laid plans for another organization. In 1943 he was included in a group of nine men representing Indians from across Canada, particularly British Columbia and Quebec, that held a founding meeting for a national Indian association called the Brotherhood of Canadian Indians.<sup>137</sup> At a meeting the following year attended by about 200 Indians in Ottawa, the name was changed to the North American Indian Brotherhood of Canada. In 1945 Andrew Paull was elected president for a five year term.

The organization reflected the personality of Andrew Paull. In fact, it was sometimes said to be Andrew Paull.<sup>138</sup> It was not a group for which he spoke; it was the instrument through which he was heard.

Andrew Paull was an emotional man, too fond of rhetoric to be always precise in his thoughts and statements. It was possible for his organization to claim, on one hand,

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<sup>137</sup>Patterson, 1962, p. 226.

<sup>138</sup>Patterson, 1962, p. 284.

that it was just an association of individuals,<sup>139</sup> and on the other hand, that it represented 128,000 Indians.<sup>140</sup> On the advise of their legal advisor, the members tried to model their organization on the Commonwealth of Nations. With support from individuals rather than bands and tribes, the concept was impossible to carry into practice.

Although the "greatest organization in the world, the British Commonwealth," had no constitution, a constitution for the NAIB was produced in 1947. It was primarily a statement of purpose rather than a description of the organization and its rules. The preamble stated:

The solemn object and aim of the North American Indian Brotherhood is to give leadership to the Indian Nation within the Sovereignty of the British Crown, a nation, by treaty obligation, under a protective government. It aims to salvage material from the ashes of the past, and thereby awaken the Indian race in the dormant nobility which is, by heritage, rightfully theirs, preserved for them and guaranteed to them by the Proclamation of King George III, 1763.<sup>141</sup>

The elected executive was composed of a president, vice-president, secretary, and treasurer. As with earlier Indian associations, local organization was weak. The

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<sup>139</sup>Special Joint Committee Report, 1946, p. 434.

<sup>140</sup>Special Joint Committee Report, 1946, p. 434.

<sup>141</sup>Special Joint Committee Report, 1947, p. 853.

loosely knit association was united by the dissatisfaction with Indian affairs administration felt by Indians across Canada. Funds were raised at times when a specific grievance created widespread interest.

Andrew Paull maintained his position largely because he was outspoken, experienced in negotiation, and recognized by the government as a spokesman of the Indians. As president of the NAIB he was called before the Special Joint Committee of the Senate and House of Commons appointed in 1946 to examine the Indian Act. The record of evidence shows that he was much more aggressive and sophisticated than when he appeared before the Special Joint Committee in 1927. He had learned that without political representation there is no power. Although he was still willing to cooperate with the white men in their administrative planning, he let them know that he understood where political power lay:

And now, the Parliament of Canada in its wisdom, and usurping the authority which it has, decided not to have a Royal Commission but to appoint a committee to investigate itself. Now, put that on the record will you, please. Now, you are sitting here as a committee investigating yourselves. We have another complaint against you which is that you have appointed a committee, an august committee, a committee which we respect, but you have no Indians on your committee.<sup>142</sup>

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<sup>142</sup>Special Joint Committee Report, 1946, p. 420.

Although the NAIB had members from British Columbia, Ontario, and Quebec, and hoped to acquire them from the other provinces, the Indians of Canada were no more inclined to organize nationally than were those of British Columbia to unite provincially. The Indians of Alberta denied any connection with the NAIB. The newly organized Union of Saskatchewan Indians refused to affiliate. The Native Brotherhood of British Columbia at that time regarded Andrew Paull as a traitor to the Indians.<sup>143</sup>

At the Special Joint Committee hearings in 1947, the Indians of British Columbia demonstrated their disunity, just as they had in 1927. The reasons for the disunity were related to religion and conservatism. The Protestant coast Indians in the Native Brotherhood opposed parochial schools and demanded the right to vote. The Catholic Indians of the interior wanted to retain Catholic schools and were afraid they would lose their special rights as Indians once they could vote.

The Special Joint Committee had asked the Native Brotherhood of British Columbia to appoint two representatives for itself and one for the unaffiliated Indians of the province. The representatives chosen were the Reverend

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<sup>143</sup>Patterson, 1962, p. 281.

Peter Kelly, Chief William Scow, and Guy Williams; they were all Protestant coast Indians active in the Native Brotherhood. Andrew Paull had suggested the appointment of Frank Assu, a coast Indian, but a member of the NAIB.

Guy Williams was seated as the representative for the unaffiliated Indians. In an attempt to counter this move, the Confederacy of the Interior Tribes of British Columbia was organized early in July, 1947. It was composed mainly of Shuswap and Chilcotin Indians from the Kamloops and Williams Lake areas with some support from Okanagan and Thompson people. The brief submitted to the Joint Committee by the president, Frank Assu, stated:

The object of the confederacy will be to act in unison for the general welfare of our people and to make known to the governments our requirements so that we may assist each other in the attainment of these requirements.

. . . We have noted with great concern that the Native Brotherhood of B. C. had presented a brief purporting to be the decision of all the Indians in B. C. We wish to say to the Government of Canada through the Joint Committee that the Native Brotherhood of B. C. did not represent our views or opinions and that their delegates did not have our permission to speak for us and that Guy Williams, the alleged delegate for the unaffiliated did not speak for us, and we repudiate everything he said and every action which he may have taken, as it was performed without our knowledge and consent and contrary to our pleasure.

We do not approve or in any way endorse the brief presented by the Native Brotherhood of B. C. to the Joint

Committee of Parliament in Ottawa during the month of May 1947.<sup>144</sup>

The new organization was not invited to send delegates, possibly because Guy Williams had already impressed the Committee with his presentation.

The Catholic Church controlled the political attitudes of many Indians in British Columbia in 1947. An example of its influence was a brief to the Joint Committee signed by Father J. M. Patterson, O.M.I., (a non-Indian) which began: "We who are Native Indians of British Columbia, registered under the Indian Act, beg to submit to you these recommendations on behalf of ourselves and our dependent children."<sup>145</sup> A note following the brief remarked: "This brief is sponsored by the Catholic Indian Institute of B. C., an association composed of Indian Chiefs, Captains, Watchmen and other leading Indians who carry out social works on the Indian reserves under the supervision of the Indian missionaries."<sup>146</sup> It claimed the support of 15,000 Catholic Indians in British Columbia.

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<sup>144</sup>Special Joint Committee Report, 1947, p. 2051.

<sup>145</sup>Special Joint Committee Report, 1947, p. 2050.

<sup>146</sup>Special Joint Committee Report, 1947, p. 2050.

Apparently unassisted at first by the missionaries, the members of the Lower Kootenay Reserve submitted a brief in July, 1946, which included the recommendation:

We want more schooling hours in the Residential school at Cranbrook Indian school, change of teachers, and principals, no sisters, less spiritual teaching, more mechanical and farming or such. Children to come home on Christmas and New Year's holidays if the parents wish them. If the government sees fit they can build a day school on our reserve, give children a chance to go to higher school after going through grade school or send them to training school or trade school.<sup>147</sup>

In October, 1946, after a discussion with the school principal, the Lower Kootenay Band sent another letter to the Joint Committee:

At school our children should learn their Religion so that they may be good citizens and good Christians. We do not want our children sent to non-religious schools. In our letter of July 15th we asked for the removal of the Principal and the Sister--teachers. We now wish to withdraw that statement as it was made without due consideration and examination. We find their management of the school under the financial difficulties which they have to contend with, not only acceptable but highly commendable.<sup>148</sup>

The Special Joint Commission received briefs from a number of Indian bands throughout British Columbia as well as interviewing the members of the Native Brotherhood and Andrew Paull. The submissions indicated that most Indians lacked sophistication and accepted their subordinate

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<sup>147</sup>Special Joint Committee Report, 1946, p. 865.

<sup>148</sup>Special Joint Committee Report, 1947, p. 171.

position in society. The Indians near Victoria, for example, said:

We Indians do not know why they wish the Indian Act revised. We know it took smart learned men to form the Indian Act--not Indians--and it was signed and sanctioned by our white Mother, Queen Victoria, whom we learned as a mother and who had feelings and heart for her Indians in British Columbia . . . . We respectfully rely upon the Government of Canada and the Indian Department as we have always done for protection as we are wards of them.<sup>149</sup>

The brief from the chief at Hammond in the lower Fraser Valley was almost an unintentional poem in blank verse by a conservative Indian:

I want to remain an Indian.  
 I do not want to pay tax.  
 I want to remain on the old Indian Act.  
 I have nothing against any school.  
 I do not want white people on our reserve.<sup>150</sup>

The Indians who did not want the Indian Act revised, also did not want the right to vote. Generally, of the Indians who submitted briefs, those in the Kootenays and the north coast appeared to be the most progressive, eager to demand their historic rights while preparing for the future. Most bands on Vancouver Island, the Fraser Valley, and the interior appeared to be very conservative, harking back to the days of Queen Victoria and wanting to be left

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<sup>149</sup>Special Joint Committee Report, 1947, p. 172.

<sup>150</sup>Special Joint Committee Report, 1947, p. 164.

alone on their reserves.

The Native Brotherhood, with its progressive outlook, could not honestly represent the conservative Indians. Andrew Paull, who opposed the Indian right to vote and supported the continuance of church schools, did represent their ideas. His aggressiveness before white officials, on the other hand, was uncharacteristic of the people he represented.

Probably because they gave their allegiance for personal reasons rather than for community purposes, the unsophisticated Indians moved from one organization to another and usually supported none. After a visit from a vice-president of the Native Brotherhood, some of the interior Indians changed loyalties at the time of the 1947 Joint Committee hearings. Chief Paddy Isaac at Burns Lake wrote:

Mr. Andy Paull has already got \$300 and over from me and has never helped me, instead he wants another \$25 to take the matter up with Victoria. All Mr. Andy Paull wants is money but I am not giving him any more, so I ask the Native Brotherhood of B. C. to be our representative at Ottawa.<sup>151</sup>

At Fraser Lake, two bands claimed to fully support the Native Brotherhood brief to the Joint Committee. All

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<sup>151</sup>Special Joint Committee Report, 1947, p. 825.

but one band among the Stalo in the lower Fraser Valley were reported to support the Native Brotherhood. The vice-president, Oscar Peters, who recruited the support among the Catholic Indians wrote to the delegates at Ottawa:

Any claimed representation for the Fraser Valley by Mr. Andy Paull, is all fictitious, also the same goes for the northern interior as the foregone part of this letter, are not co-operating with Andy Paull in any shape or form, and I hope this clarifies all the confusion.<sup>152</sup>

The president of the Confederacy of the Interior Tribes of British Columbia, Frank Assu, sent three more briefs to the Joint Committee in 1948. He informed the Committee that Henry Castillou, a Williams Lake lawyer, had been appointed as solicitor for the new organization to work for the legal protection of Indian hereditary rights. The Confederacy requested a Claims Commission before which their solicitor could appear with the Indian claims, with the right to appeal to the Judicial Committee of His Majesty's Privy Council. The Confederacy was mainly concerned with the recent income tax law, irrigation water, grazing land, hereditary trap lines, and hunting and fishing rights.

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<sup>152</sup> Special Joint Committee Report, 1947, p. 826.

During its convention in Ottawa in 1948 the North American Indian Brotherhood asked the Joint Committee to recommend that Indians be allowed to sit on the Indian Act Committee during the final stages of the revision of the Indian Act. Frank Assu was suggested as the British Columbia delegate since he had recently replaced Andrew Paull as president of the NAIB.

Even though he had been elected president for a five year term, Andrew Paull was installed as Honorary President at the 1948 convention. The new president informed the Native Voice:

On May 19, 1948, Andrew Paull was removed as President of the North American Indian Brotherhood of Canada, and was installed as an Honorary President only, with no executive duties, due to physical inability to carry on as an executive member of the aforementioned organization.<sup>153</sup>

The Honorary President continued to speak out and to keep himself in the public eye, especially by maintaining interest in the proposed new Indian act. At the NAIB convention in 1950 he was elected president once again. He immediately criticised the proposed legislation for the new Indian Act. Both the Native Brotherhood and the NAIB objected to the limited opportunity to study the bill

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<sup>153</sup>The Native Voice, July, 1949.

leading to the legislation.

The first bill was dropped. The government invited Indian leaders to take part in a meeting at Ottawa to discuss the drafting of a new bill. Among the Indian representatives were Andrew Paull, Peter Kelly, and William Scow. On September 4, 1951, the new Indian Act was passed by Parliament.

After the statement of their grievances before the Joint Committee and the discussion on the new Indian Act, the *raison d'être* of some Indian political organizations disappeared. The Native Brotherhood found a purpose by acting as a bargaining agent for Indian fishermen and producing a newspaper. Occasional meetings of Confederacy members under the leadership of Basil Falardeau of Kamloops still took place in 1954 but interest in the organization had waned.<sup>154</sup> Partly because he was becoming politically out of step with the times and largely because of his ill health, Andrew Paull lost much of his influence among Indians. Consequently, the North American Indian Brotherhood lost any national stature it once had and became an ineffective pressure group concerned mainly with local problems of the Indians of the southern interior and the lower Fraser Valley.

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<sup>154</sup>Hawthorn, et al., 1958, p. 474.

Without at least one strong specific common concern, the Indians could not unite in a national organization. Apparently regional differences were too great and costs for travel and communication were too high to enable them to maintain an extensive association. The energy, imagination, and personality of Andrew Paull drew a few Indian leaders to his vision of a national Indian organization but the idea was premature.

## CHAPTER X

### POLITICAL INTEGRATION

#### The Provincial Vote

In 1949, following agitation by the Native Brotherhood, the Government of British Columbia, a coalition of the Liberal and Conservative parties, granted the Indians of the province the right to vote. On March 14, 1949, the Attorney-General, Gordon Wismer, sent a message to the

#### Native Voice:

I might point out that the amendment to the Elections Act does not grant to the Indians any more than the franchise itself, but this is a priceless possession to free men in a free country and thus for the first time the Indians of British Columbia will have the opportunity of voicing their claim to all of the other privileges which are accorded Canadian citizens. It also preserves any right he had in the past, but it gives him only the additional right to vote in the elections or be a candidate in the election.<sup>155</sup>

The Indians did not have to wait long for the opportunity to vote. The full front page of the Native Voice in May, 1949, held the message about both a federal and a provincial election. The editor reported that Indians could

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<sup>155</sup>The Native Voice, March, 1949.

vote in the federal election as well as the provincial one.

However, Indians who were not war veterans had to waive tax exemption before voting in a federal election.<sup>156</sup> The

Native Voice notice read:

Two Historic Elections. On June 15 next and on June 27, Native Indians will, for the first time in Canadian history, have the opportunity to take part in the democratic process of selecting representatives to the Legislature of British Columbia and the Parliament of the Dominion of Canada. To the newly enfranchised citizens, The Native Voice wishes to impress you with the importance of these historic elections.

Not only did the Indians vote, but one of them became a candidate in the provincial election. Frank Calder, secretary of the Native Brotherhood, adopted son of the first leader of the Nishga Land Committee, and graduate of the Anglican Theological College in Vancouver, was nominated to run for the CCF Party (Cooperative Commonwealth Federation) in the Atlin Constituency. His campaign advertisement in the Native Voice read:

It is my sincere wish that the native Canadians of this Province support the CCF Party in the Provincial Election to be held on June 15th.

May it be known to you all that the first endeavour to amend The Provincial Elections Act was presented by the CCF, who ever after continually pressed the extension of the franchise to the native Indians of this province.

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<sup>156</sup>H. B. Hawthorn (ed.), A Survey of the Contemporary Indians of Canada, Indian Affairs Branch, Ottawa, 1966, p. 258.

May it also be known that the CCF is determined that the native people of this province, through the medium of elections, should always have Parliamentary representation in the Legislature by one of its own members.<sup>157</sup>

Frank Calder was elected in the 1949 provincial election with a majority of six votes. He has been re-elected to represent the Atlin Constituency in all but one succeeding provincial election to the present. His constituency is 60,700 square miles in area in the northwest corner of British Columbia.

Once it had given the Indians the right to vote, the provincial government began to take some interest in Indian problems. In 1950 the government established the British Columbia Indian Advisory Committee. The Committee, composed of three Indian and three white citizens of the province, held discussions with Indian organizations and white groups concerned with Indian affairs and made recommendations to the provincial government. The Committee has been of limited value. In 1955 the Director, Reginald Kelly, son of Peter Kelly, resigned, stating that the government never acted on the Committee's recommendations or otherwise took an interest in Indian problems.<sup>158</sup> In 1956 Frank

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<sup>157</sup>The Native Voice, June, 1949.

<sup>158</sup>The Native Voice, August, 1955.

Calder suggested that the Committee was useless and should be scrapped.<sup>159</sup> The Committee has continued, however, with an increased number of Indian members on it. Members of the Committee travel throughout the province to obtain information by personal observation and discussion, and they actively cooperate with officials of the Department of Indian Affairs.

#### The Indian Non-Partisan Party

Not content to have political parties dominated by white men represent them in the provincial legislature, some coastal Indians tried to establish a new political party. The Indian Non-Partisan Party, led by Guy Williams, announced itself in January, 1951.<sup>160</sup> It intended to run candidates in both provincial and federal elections. The candidates were to be Indians or white individuals with a special interest and knowledge of Indian affairs. Guy Williams said:

We now have votes and we have formed our Indian Non-Partisan Party and with the help of our thousands of sympathizers will fight for our rights . . . . We are doing

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<sup>159</sup>The Native Voice, February, 1956.

<sup>160</sup>The Native Voice, February, 1951.

this to protect our unsundered land and the future of our children.

The immediate strategy of the new party was to get the provincial government to press the federal government to recall the amendment to the Elections Act which required Indians to give up their taxation exemption before they could vote in federal elections.

Natives of high rank in the traditional social order from the Queen Charlotte Islands, Alert Bay, Bella Bella, and Fort Rupert attended the organizational meeting. The leaders promised that women would hold office in equality with men just as they were said to have done before the white men arrived in North America. However, not long afterward, on the advice of Peter Kelly and William Scow, Guy Williams abandoned the idea of an Indian-sponsored political party.<sup>161</sup>

#### The Federal Vote

While Guy Williams was trying to organize a political party, the Native Brotherhood presented a brief to the Minister of Citizenship and Immigration demanding the right to vote in federal elections without any restrictions. The

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<sup>161</sup>Morley, 1967, p. 157.

transfer of control of the welfare of British Columbia Indians from the Indian Affairs Department to the provincial government was suggested as well. E. Davie Fulton, the federal Member of Parliament from Kamloops, defended the Indian demands in the House of Commons. The Indian Non-Partisan Party sent him a telegram:

Thank you for your magnificent defence of B. C. Indians and upholding highest ideals of Canadian Justice and Statesmanship. Demand full citizenship without endangering aboriginal rights and recall of discriminating waiver. God guide and bless you.<sup>162</sup>

Early in April, 1953, Guy Williams approached William Scow with the proposal that the Native Brotherhood should be represented at the Coronation of Queen Elizabeth II in Britain in June.<sup>163</sup> He believed it would be another step in gaining recognition for Indians. At the Native Brotherhood convention in April, the delegates agreed that William Scow should attend the coronation. In June, Chief Scow appeared at the coronation ceremony in Westminster Abbey in the full ceremonial regalia that he owned as a chief of the Kwakiutl. Following native tradition, he presented the new Queen with a Chilkat ceremonial robe.

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<sup>162</sup>The Native Voice, March, 1951.

<sup>163</sup>The Native Voice, July, 1953.

In 1957, following the victory of the Progressive Conservative Party in the federal election, the Native Brotherhood sent a copy of a brief to every cabinet minister. The brief asked for the federal vote for Indians with protection for aboriginal rights, a Royal Commission on Indian rights to investigate the legality of all Indian claims and treaties, an Indian senator from British Columbia, more opportunity for Indians to handle their own affairs, and the right to court trials in all cases rather than trial by officials of the Department of Indian Affairs. The president of the Native Brotherhood, Robert Clifton, and the perennial chairman of the Legislative Committee, Peter Kelly, took the petition to Ottawa.

On January 18, 1960, the Progressive Conservative Government of Canada lead by Prime Minister John Diefenbaker amended the Canada Elections Act so that Canadian Indians could vote without waiving taxation exemption privileges. Peter Kelly was quick to point out that the next step was to train Indians worthy of election to the Parliament of Canada.<sup>164</sup>

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<sup>164</sup>The Native Voice, February, 1960.

## CHAPTER XI

### REGIONAL POLITICAL ORGANIZATIONS

A number of Indian organizations have been established to represent regional interests in recent years. The Nishga Tribal Council was founded in April, 1955, to represent the people of the Nass River Indian communities of Aiyansh, Canyon City, Greenville, and Kincolith, a combined population of about 1,800.<sup>165</sup> The organization was established to protect Nishga land and natural resources, and to promote the health, education, social, and economic interests of the Nishga people. Its primary concern has been to obtain government recognition for Nishga claims to the land in the Nass Valley and surrounding areas.

The Allied Tribes of the West Coast, an association of Nootka Indians was organized early in 1958.<sup>166</sup> Jack Peter, a vice-president of the Native Brotherhood, accompanied by Alex McCarthy, another Nootka Indian, visited

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<sup>165</sup>A brief submitted by the Nishga Tribal Council of Nass River to the Government of British Columbia at the First Session of the 26th Parliament of British Columbia, 1961.

<sup>166</sup>The Native Voice, March, 1958.

fifteen Nootka tribes and persuaded them that they must cooperate to solve mutual problems. The new organization was affiliated with the Native Brotherhood and represented about 2,200 people.

The Allied Tribes of the West Coast was the fourth regional Indian political association in the province. The Nishga Tribal Council spoke for the Nass River Indians. The Native Brotherhood represented the Indians of the north and central coast, particularly the Kwakiutl. The North American Indian Brotherhood represented the Fraser Valley and southern interior. And before long the Southern Vancouver Island Tribal Federation would be organized to represent the southeast coast of Vancouver Island.

In 1959 the Nishga Tribal Council, through its Legislative Committee chairman, Frank Calder, demanded compensation for Indian traplines destroyed by the Columbia Cellulose Company on lands the Nishga still claimed. Calder warned: "This vital issue may mean revival of the famous Nishga land question which created prior to the early '30's, parliamentary debate, numerous federal and provincial inquiries, and eventually was directed to the Privy Council in London."<sup>167</sup>

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<sup>167</sup>The Native Voice, February, 1959.

The Indian Act passed in 1951 did not contain a section to prevent anyone from agitating about the British Columbia land issue. The Indians were free once again to press the government for recognition of their aboriginal title to the land and to demand payment for it. The Native Voice began to review the history of the Indian land title controversy in 1959. Articles were also printed about the struggles the United States Indians faced to prevent the loss of their lands.

Early in 1959, Oscar Peters from the Fraser Valley, and George Manuel, a Shuswap from Chase visited a number of interior tribes to arrange for a large meeting with the Native Brotherhood. On April 26, the interior tribes hosted the Native Brotherhood representatives at a convention in Kamloops.<sup>168</sup> The points for discussion were the constitution of the Native Brotherhood, the federal vote, the Indian land question, and the Liquor Act, but the delegates were most concerned about the land question.

Andrew Paull was very ill and could not attend the conference. He sent a message to describe the efforts made by the Allied Tribes headed by chiefs from the interior and

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<sup>168</sup>The Native Voice, May, 1959.

the coast. Peter Kelly told the conference that the Indians own the lands of British Columbia and the treatment given them by the government had arisen from two sources: The British Government wished to settle with the Indians and the federal government concurred; the Province of British Columbia took possession simply because it was stronger than the Indians. Guy Williams called for Indian unity. He said: "To keep our rights and to get our rights we have to have unity among all the Indians of B.C., otherwise our efforts will be a waste of time."

After the conference with the Native Brotherhood, George Manuel organized the Aboriginal Native Rights Committee of the Interior Tribes of British Columbia.<sup>169</sup> The new organization submitted a 22-page brief to the federal government in 1960 calling for legislation to fit the interior Indian tribes into the economic development of the province. The brief was sent to a federal Joint Committee on Indian Affairs headed by Senator James Gladstone, a Blood Indian from Alberta, the first Indian in the Canadian Parliament. A brief from the Native Brotherhood had already asked for the elimination of the Indian Affairs Branch veto over Indian band council decisions.

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<sup>169</sup>The Native Voice, February, 1960.

In 1960, Guy Williams, then public relations director for the Native Brotherhood, was nominated the Progressive Conservative candidate for the Skeena Constituency in the provincial election. He was defeated. The indifference and passivity of some of the Indians of the region was recorded by a Canadian writer in a poem called Hazelton, B. C.:

Go to the beer parlour  
and it's lousy with Indians -  
so's the street here,  
full of old men  
with bright green socks,  
and "improved Scotchmen" (halfbreeds);  
full of old women  
with faced quenched and lined.

I drink beer with the young men,  
just before an election,  
interviewing a young Chinese  
by mistake:  
Williams, the Indian candidate  
(Kwakiutl from Kitimat),  
won't get their votes:  
he farts with his face, they say.  
Three beers and I'm mad  
because they won't vote  
for Williams, one of their own.  
They just laugh at me.  
Four beers later  
I make a hot speech  
about Indian rights:  
I want to start a revolution,  
at least a rebellion  
(they just look at me),  
but looking at the clock  
I see there isn't time  
and rush out to buy groceries  
instead.<sup>170</sup>

On May 26, 1960, Frank Calder presented a brief to the federal Joint Committee on Indian Affairs to ask for assistance in obtaining a court judgment to force a settlement on Indian land claims in British Columbia. George Manuel, president of the Aboriginal Native Rights Committee, supported the Nishga request. The Nishga claimed aboriginal rights to about 1,000 square miles in the vicinity of the Nass River. The provincial government had already leased a large part of the area to the Columbia Cellulose Company and refused to negotiate the Nishga claim. Nonetheless, the Indians were heartened by the news that the United States Court of Claims had ruled that 7,000 Haida and Tlingit Indians were entitled to compensation for twenty million acres of land in Alaska taken from their ancestors.<sup>171</sup>

Indian determination to protect their land rights was increased when the provincial Department of Highways constructed four miles of road across the Kitwanga reserve near Hazelton without permission in 1960. The Indians threatened to establish a toll gate on the road. The Minister of Highways, Philip Gaglardi, said: "I can't understand why they are acting this way. Someone must be

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Anansi, Toronto, 1968, p. 20.

<sup>171</sup>The Native Voice, November, 1959.

agitating them. Sounds like it's all politically inspired."<sup>172</sup>

Guy Williams was elected president of the Native Brotherhood in 1960 at the annual convention. A few weeks earlier, Frank Calder had become the president of the Nishga Tribal Council. The Kitwanga Band, the Nishga Tribal Council, and the Native Brotherhood jointly asked the Government of British Columbia for \$100,000 for the loss of the land occupied by the unauthorized road.

George Manuel was elected president of the North American Indian Brotherhood in 1960. He joined the other Indian leaders in agitating to have removed the law prohibiting Indians from drinking alcoholic beverages elsewhere than in a beer parlour.

In 1961 Frank Calder asked Guy Williams and George Manuel to support the formation of a national congress of Canadian Indians.<sup>173</sup> The national coordinator of the new organization was an Indian lawyer from Saskatchewan, William Wuttunee, who was assisted by coordinators from the provinces. The organizing convention held in Regina in August was attended by Indian representatives from five

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<sup>172</sup>The Native Voice, November, 1960.

<sup>173</sup>The Native Voice, June, 1961.

provinces. They formed the National Indian Council of Canada at meetings closed to the press and to non-Indians. The National Indian Council immediately rejected the recent final report of the Joint Committee on Indian Affairs, claiming that its findings were based on the recommendations made in camera by senior officials in the Department of Indian Affairs and on briefs presented by white organizations.

In 1962 the Indians of British Columbia reached toward unity both nationally and provincially. George Manuel, president of the North American Indian Brotherhood attended a meeting of the National Indian Council in Toronto with representatives from Indian associations from Alberta, Saskatchewan, Manitoba, Ontario, and Quebec. At its annual convention a few months later, the Native Brotherhood resolved to work closely with the Nishga Tribal Council and the North American Indian Brotherhood. Guy Williams was re-elected president and was appointed briefly as full-time organizer for his organization.

At the North American Indian Brotherhood convention in Chilliwack in March, 1963, delegates contended that a united front was essential to effectively petition for Indian rights. They called for a British Columbia Indian

Federation.<sup>174</sup>

In October, 1963, George Manuel resigned as president of the North American Indian Brotherhood to become a member of the Native Brotherhood. His resignation statement read:

To the executives of the Brotherhood as well as to the many friends I have all over Canada, my desires have always been clear; namely, that provincial unity for the Indian people is the answer to the unsolved problems which we are facing. Without such unity, there is little we can accomplish. Without a strong, powerful organization which serves the interests of all of us, we have a severely limited bargaining ability.

I have repeatedly made this statement at meetings. Unfortunately, however, I am obliged to face the unpleasant fact that there are clear indications that this idea of unity on a provincial level cannot materialize under the given circumstances.

After giving the matter very careful and lengthy consideration, I have decided to join the ranks of those Indians who have the true desire to see provincial unity for all the Indians of British Columbia.

Our most pressing needs are the Indian Land Question and the settlement of Indian Claims. These questions are of equal concern to all Indians of our province, regardless of our cultural background, regardless of whether we live in the Interior, along the Pacific Coast, or in the timberlands of the North.<sup>175</sup>

Late in 1963 a new organization, the Southern Vancouver Island Allied Tribes, was established.<sup>176</sup> Its

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<sup>174</sup>The Native Voice, April, 1963.

<sup>175</sup>The Native Voice, November, 1963.

<sup>176</sup>The Native Voice, November, 1963.

immediate purpose was to acquire funds and support for Clifford White and David Bob who had been sentenced for shooting deer out of season on unoccupied Crown land near Nanaimo, a right they believed they had under a treaty signed by James Douglas. The new Allied Tribes (later named the Southern Vancouver Island Tribal Federation) called a special meeting to discuss the issue with the Native Brotherhood, the West Coast Allied Tribes, and the North American Indian Brotherhood and its legal counsel, Henry Castellou (son of the former solicitor for the Confederacy of the Interior Tribes of British Columbia). At the meeting, Guy Williams called for unity among the Indians of the province. Benjamin Paul, acting president of the North American Indian Brotherhood, invited the new organization to join his. Later, the Indians won an appeal in the deer hunting case in March, 1964, in the British Columbia Court of Appeal, and again in the Supreme Court of Canada in 1965.

The Native Brotherhood held its annual convention in Vancouver in March, 1964. Guy Williams said: "We felt we must hold the convention in Vancouver because we want to bring our story to the people of Canada, and Vancouver is the main TV, radio, and newspaper centre of the province."<sup>177</sup>

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<sup>177</sup>The Native Voice, February, 1964.

Peter Kelly, still chairman of the Legislative Committee, announced plans to collect a fund of \$10,000 to begin a campaign to establish the Indians' aboriginal title to the lands of British Columbia. The predominant theme of the convention was the need for unity among the Indians of British Columbia before they faced the Indian Claims Commission. The proposal for the commission had been introduced in the House of Commons on December 14, 1963. The Native Brotherhood and the Nishga Tribal Council chose Tom Berger, the lawyer who had successfully defended Clifford White and David Bob, to fight the land title case.

In November, the Nishga Tribal Council again proposed the establishment of a national congress of Canadian Indians. The new organization would supersede the National Indian Council which had been split apart by a conflict between William Wuttunee, head of the organization, and Kahn-Tineta Horn, an outspoken Mohawk woman from Caughnawaga. In any case, Wuttunee appeared to have changed his ideas after attending a conference sponsored by the Moral Re-Armament movement. He began to tell whites how to deal with militant Indian leaders: "Tell them to go jump in the river. These leaders are exploiting Indian people worse than anyone ever has. They are like a pack of wolves feeding on the carrion

of a bygone age."<sup>178</sup> The National Indian Council had, by 1964, spent \$23,000 of federal grants without effect. In 1966 it was still receiving federal grants, but its British Columbia vice-president, Willard Sparrow of Musqueam, quit because the organization proposed to allow white government officials to hold office on its executive.<sup>179</sup>

Leonard Marchand, an Okanagan Indian from Vernon, was appointed a special assistant to John Nicholson, Minister of Citizenship and Immigration in Ottawa in March, 1965. He was the first Indian to be appointed to the personal staff of a federal cabinet minister. He had graduated from the University of British Columbia with a degree in agriculture in 1959, and received a master's degree in forestry from the University of Idaho in 1964. He was a member of the North American Indian Brotherhood.

On March 2, 1966, Peter Kelly died at Nanaimo at the age of eighty. He had worked for the Indians of British Columbia for sixty years. He had been the chairman of the Allied Tribes of British Columbia, the first effective Indian political organization in the province. After he joined the

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<sup>178</sup>The Vancouver Sun, September 17, 1970.

<sup>179</sup>The Native Voice, July, 1966.

Native Brotherhood in 1937 he was chairman of its Legislative Committee for 28 years. He made more than 30 trips to Ottawa to present the requests of the British Columbia Indians to the government.

In 1966, the federal government set up a National Indian Advisory Board on Indian Affairs and regional Indian Advisory Councils. Gus Gottfriedson of Kamloops and James Gosnell of Prince Rupert were elected officers of the British Columbia and Yukon Indian Advisory Council.<sup>180</sup> The National Indian Advisory Board was a group of Indians from across Canada who advised the federal government on what it should do in the field of Indian affairs. The meeting together of Indian leaders on the government-sponsored Board was probably a factor leading to an effective independent national Indian organization two years later.

On March 19, 1966, forty Indian representatives met in Vancouver to form the Confederation of Native Indians of British Columbia.<sup>181</sup> The organization was primarily concerned with gaining compensation for British Columbia land that had not been signed away by treaty. After the land claims were settled the organization intended to

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<sup>180</sup>The Native Voice, September, 1966.

<sup>181</sup>The Vancouver Sun, March 20, 1966.

continue to provide a united voice on all matters affecting British Columbia Indians. A five-man steering committee was set up to talk to northern bands about the organization, draw up a constitution, and suggest an executive. The committee consisted of the chief of the Musqueam Band, the chairman of the Squamish Band Council, a past president of the North American Indian Brotherhood, the president of the Southern Vancouver Island Tribal Federation, and a representative of the Okanagan area tribes.

On November, 1966, in Vancouver, the Confederation of Indian Tribes of British Columbia was set up "for the purpose of dealing with matters pertaining to the unsurrendered aboriginal title of the Indians of British Columbia to the lands contained within the province of British Columbia."<sup>182</sup> Those signifying their support for the new organization were Guy Williams, president of the Native Brotherhood, Gus Gottfriedson, president of the North American Indian Brotherhood, Robert Clifton, Chairman of the Kwawkewlth Tribal Council, J. S. Williams, Queen Charlotte District Council, Alfred Scow, Gilford Island Band, Clarence Joe, Coast Salish Tribal Council, Wilson Bob, Vancouver

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<sup>182</sup>The Native Voice, November, 1966.

Island Tribal Federation, Theodore Douglas, Chilliwack 10, Phillip Paul, Vancouver Island Tribal Federation, Edna Douglas, Homemakers' Clubs of British Columbia, and J. S. Gallic, West Coast District Council. A statement read:

The Indian people want to be compensated for the Indian lands of British Columbia. We are the rightful owners and we are determined to press our claim.

Our forbears did their best, their efforts culminating in the 1927 special grant of \$100,000 annually to the British Columbia Indians.

Now, in 1966, a new development has taken place-- the formation of the Confederation of Native Indians of British Columbia. It has taken nearly a year to set up the foundation and structure of this organization.

We have confidence that with the formation of the Confederation, the Indians of British Columbia have attained unity and are now in a position to speak with one voice on the main matters of concern starting with the land question.<sup>183</sup>

The Indians of British Columbia apparently could not, as individuals, give their allegiance to a single provincial political organization. As members of regional associations, however, they seemed to be able to achieve unity within a confederation of organizations. But regional interests continued to be promoted by the local associations, and they had a divisive effect on the confederation. Nonetheless, as more and more Indian leaders gained political and administrative experience in the various organizations,

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<sup>183</sup>The Native Voice, December, 1966.

and the Indian land issue was restored as an important concern, political unity appeared to be possible.

## CHAPTER XII

### POLITICAL DISUNITY

For many years Indian organizations had been controlled by an elite of energetic and relatively well-educated Indians. They enjoyed their position as spokesmen for the native people and they were reluctant to relinquish it to new leaders. Jealousy, more than regional differences, probably led to the almost immediate failure of the Confederation of Native Indians as an effective alliance of Indian organizations.

At the Native Brotherhood annual convention in February, 1967, Frank Calder was elected to succeed Peter Kelly as chairman of the Legislative Committee. On behalf of both the Native Brotherhood and the Nishga Tribal Council, he presented a resolution calling for a meeting of the presidents of all the provincial Indian organizations:

"Therefore be it resolved that the executive head of each existing British Columbia Indian organization meet forthwith to prepare for signature, a constitutional basis for provincial Indian unity."<sup>184</sup>

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<sup>184</sup>The Native Voice, February, 1967.

The Nishgas were apparently impatient to test their land case in court and perhaps they lacked confidence in the Confederation of Indian Tribes. In any case, on September 27, 1967, lawyer Tom Berger, on behalf of the Nishga Indian bands at Greenville, Kincolith, Aiyansh, Canyon City, and Port Edward, filed a suit in the Supreme Court of British Columbia against the Attorney-General of British Columbia.<sup>185</sup> The Indians claimed ownership of about 1,000 square miles and were suing for title to the land and compensation for the land they had lost.

While the Nishgas tested their land claims in court, the Minister of Indian Affairs, Arthur Laing, urged the Indians of British Columbia to cooperate enough to appoint a representative to an Indian Claims Commission. As long as the Indians squabbled, the government withheld action on the formation of the commission. But when Laing stated that he would negotiate only with Indian delegates who represented 75 per cent of the Indians concerned with the land title question, the Indian Senator, James Gladstone said: "Ask Laing if he could muster 75 per cent of his constituents at any meeting."<sup>186</sup>

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<sup>185</sup>The Vancouver Province, September 28, 1967.

<sup>186</sup>The Native Voice, January, 1968.

A large meeting at the Musqueam Reserve in Vancouver on February 3, 1968, attended by about 100 representatives from Indian organizations throughout the province, demonstrated the inability of Indian leaders to cooperate for the common good. Apparently the Confederation of Native Indians had already come to be regarded as just another part of the splintered pattern of Indian politics. Although the Confederation was represented, the object of the meeting was to set up a unified committee to negotiate for compensation for unsurrendered title to British Columbia lands.

Frank Calder read a new constitution for Indian unity which became known as the Calder formula. He had drawn it up with the cooperation of Guy Williams, president of the Native Brotherhood, Gus Gottfriedson, president of the North American Indian Brotherhood, Russell Modeste, president of the Southern Vancouver Island Tribal Federation, and Jack Peter, president of the West Coast Allied Tribes.

Although the representatives at the meeting were not given a chance to study the new constitution, they were asked to accept it immediately. Benjamin Paul of the Confederation of Native Indians derided the move:

All in all, the Big Five who want to settle this land claim are representative of approximately 7,000 Indians. There are 45,000 Indians concerned, some in isolated places,

some with no organization. There are 12 other organizations. Until all these people are represented, it is wrong.

We must have a mandate from the people. Leaders elected to act for the people, by the people, and for the people. I submit before this constitution is ratified, that it be circulated to all the chiefs and councillors in the different areas. To all the people who own part of this settlement.<sup>187</sup>

A motion was then passed requiring that the Calder constitution must be circulated to all chiefs, organizations, bands, and councillors in the province. Another meeting was proposed for the following month after the constitution had been studied.

Nevertheless, the Big Five, represented by Calder, Williams, Gottfriedson, Peter, and Modeste, held a special meeting exactly one week later, February 10, at Nanaimo. They were impatient with the ponderousness of the referendum process. In addition, Indians in other provinces were becoming annoyed at the delay in the establishment of an Indian Claims Commission. The federal government would not act until the British Columbia Indians could cooperate sufficiently to put forward unified claims. The leaders of the five largest Indian organizations were united in their desire for prompt action and in their conviction that they

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<sup>187</sup>The Native Voice, February, 1968.

knew what action must be taken.

At the Nanaimo meeting, Frank Calder was unsympathetic to the use of a referendum. He suggested that the constitution should be signed immediately and details could be settled later. William Mussell, speaking on behalf of the North American Indian Brotherhood, replied that an organization should not be committed to a constitution without first receiving the endorsement of the membership. Calder replied that the situation was above and beyond the principle stage, and that many Indians were not familiar with the issues. He presented a press release which began: "Indian unity was achieved for the first time in B. C. . . ."188

A telegram was sent to the Minister of Indian Affairs:

This is to notify you that provincial unity was achieved in the City of Nanaimo with signing of the Indian Land Claims Constitution by the five provincial presidents: 1. Guy Williams, Native Brotherhood of B. C., 2. Gus Gottfriedson, North American Indian Brotherhood, 3. Jack Peter, West Coast Allied Tribes, 4. Russell Modeste, Southern Vancouver Island Tribal Federation, 5. Frank Calder, Nishga Tribal Council.<sup>189</sup>

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<sup>188</sup>The Native Voice, March, 1968.

<sup>189</sup>The Native Voice, March, 1968.

Calder remarked that the Confederation of Native Indians no longer had any influence. Williams reported that the Native Brotherhood had resigned from the Confederation because the Confederation had accepted government funds. The other organizations were still formally members, but they now owed their allegiance to the new British Columbia Indian Land Claims Committee. Three days after the meeting of the Big Five, seven Indian chiefs and a number of councillors from the lower mainland Indian communities met with members of the Confederation of Native Indians in a protest meeting at the Vancouver Indian Centre. The meeting had been called by Mrs. Victor Guerin and Benjamin Paul. Mrs. Guerin attributed the lack of unity among British Columbia Indians to the obstructionist tactics of Frank Calder. Chief Albert Douglas of Rosedale suggested that all Indians in the province must be represented through their tribes and councils, and not by a few organizations.

A meeting of representatives of the North American Indian Brotherhood was subsequently held at Kamloops to protest the actions of their president who had ratified the Calder constitution without the sanction of the members. They were not opposed to the constitution itself.

To heighten the dispute, the Indians living along the Fraser River who enjoyed special food fishing privileges learned that Frank Calder and Guy Williams had asked the Department of Fisheries to enforce a closure of Indian fishing in order to protect spawning salmon. The leaders were either out of touch with the day to day wishes and needs of the Indian people, or they were representing the feeling of the commercial fishermen of the coast without regard for the wishes of other Indians.

The Confederation of Native Indians held a meeting attended by representatives from more than 70 Indian bands at North Vancouver in April. Phillip Paul, the president, said that the Confederation wished to cooperate with other Indian organizations but it opposed the Big Five leaders who operated without sanction from their organizations. Delegates were unanimous in condemning Frank Calder and Guy Williams for their actions that hindered Indian unity.

Abel Joe, the delegate for the Cowichan Band, said: "Calder and Williams helped to form the Confederation, and if they did not have the intestinal fortitude to stay with it, and work to form a unified body, then they are not the men to lead us in our dispute with the Indian Claims

Commission."<sup>190</sup> The Cowichan Band had already resigned from the Southern Vancouver Island Tribal Federation because of the actions of its president.

Benjamin Paul called the Calder constitution a slap in the face to the Indian people because it disregarded district councils and area representation, and dealt with only a few organizations. Chief Albert Douglas noted that the members of the North American Indian Brotherhood had unanimously approved a motion to continue to support the Confederation but their president had ignored it. Chief Richard Malloway of Sardis said: "Frank Calder is a friend of mine and I speak with Guy Williams. They never discuss or inform me of what is going on in the affairs of the Indian Land Claims questions and I represent a great many bands."<sup>191</sup>

Benjamin Paul noted that Indian attitudes had changed. "Years ago the Indian people believed in the undisputed authority of the chiefs. Today, the majority of Indians are insistent on democratic action, and until we have democracy there will be no unity."<sup>192</sup>

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<sup>190</sup>The Native Voice, April, 1968.

<sup>191</sup>The Native Voice, April, 1968.

<sup>192</sup>The Native Voice, April, 1968.

Nicholas Prince, a delegate from Fort St. James, said he had been brainwashed by the Big Five, but when he studied the proposed Calder constitution he tore it up in contempt. William Scow, chief of seven tribes and president of the Native Brotherhood for many years, sent a statement condemning the undemocratic actions of the Big Five. Chief Phillip Paul said:

Too long have our people been exploited from without, and I cannot stand idly by and see our people suffer a second era of exploitation by these self-appointed leaders. There are 216 bands in the province; every chief and band councillor should be heard, and they should be allowed to elect their leaders who will not manipulate them to serve their own ends.<sup>193</sup>

In 1968, the Indian women, too, became politically active. Since their formation in 1955, the Indian Homemakers' Clubs, sponsored by the Department of Indian Affairs, had been concerned only with the domestic arts. At a convention in April at Chilliwack the women elected a provincial executive to represent the 52 Homemakers' Clubs in British Columbia. They believed that their wide representation throughout the province suited them to the task of negotiating with the governments for services to the Indian reserves. In many areas they were already the

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<sup>193</sup>The Native Voice, April, 1968.

recognized band spokesmen.

The Homemakers' Club sent a brief to Prime Minister Trudeau to inform him that the club wanted to become independent of the Department of Indian Affairs. They asked for a grant of \$107,300 to pay salaries for their executive and to set up educational courses on the reserves. Soon afterward, the Department of Indian Affairs transferred a highly respected adult education director without consulting the Indians. The Homemakers' Club organized a protest march to the office of the Indian Commissioner in Vancouver.

Mrs. Evelyn Paul, wife of Benjamin Paul, was elected as representative of the Indian Homemakers' Club to the regional Indian Advisory Council. The council had representatives from the Native Brotherhood, the North American Indian Brotherhood, the Indian Homemakers' Club, and five zones throughout the province. In April Benjamin Paul was elected vice-president of the North American Indian Brotherhood as well as chairman of the Confederation of Native Indians.

In October, 1969, the Indian Homemakers' Association published the first issue of The Indian Voice. The monthly newspaper was directed to all Indians. The Native Voice had temporarily ceased publication in December, 1968, but

recommenced in November, 1970.

The natives of British Columbia continued to be integrated into the political activities of Canadian society. They had been represented by Frank Calder in the provincial legislature nearly continuously since 1949. In August, 1968, Leonard Marchand, an Okanagan Indian who had been Special Assistant to two Ministers of Indian Affairs, was elected to the House of Commons for the Kamloops-Cariboo Constituency. As an Indian and a member of the North American Indian Brotherhood, he felt a keen responsibility toward his race,<sup>194</sup> but he was determined to represent everyone in his constituency, Indian and white.

The Indians of British Columbia displayed a variety of political leanings in the Canadian political scene: Frank Calder was a New Democratic Party (originally CCF) representative, Guy Williams ran for the Progressive Conservative Party, and Leonard Marchand was a Member of Parliament for the Liberal Party.

Following the 1968 federal election, Chief William Mussell of Chilliwack was appointed as Special Assistant to Jean Chretien, the new Minister of Indian Affairs. Chief

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<sup>194</sup>The Indian News, October, 1968.

Mussell has a degree in social work from the University of British Columbia and worked for the National Parole Board. He was a vice-president of the North American Indian Brotherhood.

Political unity continued to elude the Indians of British Columbia because individual leaders did not wish to risk losing any of their influence. The older leaders had for many years been the spokesmen for a relatively unsophisticated population. They had failed to comprehend that the new generation demanded a part in decision making. One weakness of past Indian organizations had been the apathy of rank and file members. Suddenly the members of regional organizations insisted on true representation. They rejected the control of Indian organizations by an elite. The women, too, were unsatisfied with only supporting roles in associations dominated by men and they became a political influence through their own organization. At the same time, the Indians of British Columbia continued to acquire more influence in Canadian society with an Indian Member of the Legislative Assembly in the Provincial Legislature and an Indian Member of Parliament in the federal House of Commons.

## CHAPTER XIII

### THE MOVE TOWARD NATIONAL INDIAN UNITY

Under the guidance of the Indian-Eskimo Association, the unwieldy and ineffective National Indian Council disbanded in 1968 in order to form two separate organizations, the National Indian Brotherhood and the Metis Society of Canada.<sup>195</sup> The National Indian Brotherhood represented the provincial Indian organizations through their leaders: Harold Sappier, president of the Union of New Brunswick Indians, Omer Peters, president of the Union of Ontario Indians and the Indian Eskimo Association of Canada, Dave Courchene, president of the Manitoba Indian Brotherhood, Walter Dieter, president of the Federation of Saskatchewan Indians, Bob Charlie, representative of the Klondike Indian Association of the Yukon and Northwest Territories, Harold Cardinal, president of the Indian Association of Alberta, Guy Williams, president of the Native Brotherhood of British Columbia, Phillip Paul, president of the Vancouver Island Tribal Federation and Gus Gottfriedson, elected representative for the Indians

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<sup>195</sup>The Vancouver Sun, September 17, 1970.

of British Columbia.

The National Indian Brotherhood established its national office in Ottawa. The staff was responsible for issues of national concern and provided liaison between the provincial Indian organizations and members of Parliament and civil service. The provincial organizations continued to be responsible for provincial Indian concerns.

Beginning in July, 1968, federal government officials held a series of meetings at thirteen centres across Canada to consult Indians on revisions to be made to the Indian Act. Minister without portfolio, Robert Andras, was assigned by Prime Minister Trudeau to represent the government at the meetings. Walter Dieter of the Federation of Saskatchewan Indians and president of the recently formed National Indian Brotherhood attended all the meetings. Following the series of meetings, representatives chosen by the delegates at each meeting gathered at Ottawa to review the reports of the consultations.

As the culmination to the consultation meetings, the federal government invited 45 Indian delegates to a conference at Ottawa in June, 1969, to make final recommendations on the revisions to the Indian Act. George Manuel was elected chairman of the conference. At first there was

dissent among the delegates. Treaty Indians wanted to deal with treaty rights; non-treaty Indians wanted to deal with the Indian land question; the federal government was adamant that treaty rights and land rights were issues irrelevant to the consideration of the Indian Act. Eventually the Indians united against the government. Regional differences were put aside, and the Indian Act was not discussed at all. The Indians, instead, established a committee to negotiate with the government on the basis of Indian rather than government priorities.

Nonetheless, on June 25, 1969, the Minister of Indian Affairs, Jean Chretien, presented in the House of Commons a statement of policy concerning the Indians of Canada. The policy statement read:

True equality presupposes that the Indian people have the right to full and equal participation in the cultural, social, economic and political life of Canada.

The government believes that the framework within which individual Indians and bands could achieve full participation requires:

1. that the legislative and constitutional bases of discrimination be removed;
2. that there be positive recognition by everyone of the unique contribution of Indian culture to Canadian life;
3. that services come through the same channels

and from the same government agencies for all Canadians;

4. that those who are farthest behind be helped most;
5. that lawful obligations be recognized;
6. that control of Indian lands be transferred to the Indian people.

The Government would be prepared to take the following steps to create this framework:

1. Propose to Parliament that the Indian Act be repealed and take such legislative steps as may be necessary to enable Indians to control Indian lands and to acquire title to them.

2. Propose to the governments of the provinces that they take over the same responsibility for Indians that they have for other citizens in their provinces. The take-over would be accompanied by the transfer to the provinces of federal funds normally provided for Indian programs, augmented as may be necessary.

3. Make substantial funds available for Indian economic development as an interim measure.

4. Wind up that part of the Department of Indian Affairs and Northern Development which deals with Indian Affairs. The residual responsibilities of the Federal Government for programs in the field of Indian Affairs would be transferred to other appropriate federal departments.

In addition, the Government will appoint a Commissioner to consult with the Indians and to study and recommend acceptable procedures for the adjudication of claims.

The new policy looks to a better future for all Indian people wherever they may be. The measures for implementation are straightforward. They require discussion, consultation and negotiation with the Indian people-- individuals, bands and associations--and with provincial governments.

Success will depend upon the co-operation and assistance of the Indians and the provinces. The Government seeks this co-operation and will respond when it is offered.<sup>196</sup>

Several aspects of the new policy frightened the Indians. They believed the proposals were premature. Most frightening was the proposal to quickly abandon the special protection of the Indian Act: "The government hopes to have the bulk of the policy in effect within five years . . ." <sup>197</sup> Treaty rights were threatened:

Finally, once Indian lands are securely within Indian control, the anomaly of treaties between groups within society and the government of that society will require these treaties be reviewed to see how they can be equitably ended.<sup>198</sup>

The Indians of British Columbia were annoyed because the policy proposed no equitable settlement to their land claims. The entire policy statement appeared to have been prepared by people unfamiliar with Indian needs, aspirations, and level of acculturation. But the confusion that hampered the Indian people from making their wishes clearly known was also an important factor.

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<sup>196</sup>The Indian News, June, 1959.

<sup>197</sup>The Indian News, June, 1969.

<sup>198</sup>The Indian News, June, 1969.

At a National Indian Brotherhood convention in Winnipeg on July 17, 1969, the representatives rejected the policy proposal and agreed to avoid any further consultation with the government until the provincial Indian organizations had drawn up policy statements of their own. The Minister of Indian Affairs assured the Indians that the policy proposals were meant as a basis of discussion and not as a final solution.

After resigning as president of the North American Indian Brotherhood in 1963, George Manuel had been chairman of the National Indian Advisory Council, a community development officer at the Indian community at Duncan, and a special consultant to the Indian Association of Alberta. At the first Annual General Assembly of the National Indian Brotherhood held in Vancouver in August, 1970, he was elected president. Phillip Paul represented British Columbia on the Executive Council.

A short while later, George Manuel gave his interpretation of the impasse between the Indians and the government:

Indian Affairs completely missed the point. Indian people wanted development; they wanted the opportunity to set down their own priorities within the framework of Indian treaties and within the framework of maintaining the status of Indian reserves. At the same time the non-treaty

Indians of B. C., Quebec, and the Maritimes wanted their claims recognized and probated. I think we were misled at that time by Indian Affairs, the trustees of the Indian people . . . . You have to remember that Indians never had much education--94 per cent of Indian people drop out before they reach grade 12--so you are dealing with a disadvantaged people . . . . The Indian Affairs Department concentrated on the issue that the Indian Act was the problem and that the treaties had outlived their usefulness. This is where the difference lies at this time between the government and the native people.<sup>199</sup>

While older Indians were searching for ways to influence the white men through negotiation, a few Indian youths tried the method of confrontation. They observed the demonstrations carried out at government offices, business establishments, and universities by negro and white civil rights organizations in the United States and Canada. The sound and fury of such engagements made it appear that something was being accomplished quickly, and the Indian youth were no less impatient than the others.

Like most youth movements of the day, the Native Alliance For Red Power, formed in Vancouver in February, 1968, was outspoken and irascible. As a result it did something that the more conservative Indian organizations could not accomplish: it captured the attention of the white public. Most white Canadians knew little more about

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<sup>199</sup>The Indian Voice, September, 1970.

contemporary Indians than that they existed passively somewhere. Puzzled amazement met the small group of five young Indians in Vancouver who picketed a workshop of the National Association of Principals and Administrators of Indian Residences with signs that read "Residential Schools Are Prisons."<sup>200</sup> They accused white men of attempting to wipe out the Indian race by cultural genocide.

The new movement was immediately denounced by most Indian leaders. They abhorred the tactics, the extreme statements, and the name Red Power. The youth group had chosen its name--similar to the aggressive negro Black Power movement in the United States--in order to provoke reaction. Composed primarily of young urban Indians, it never attracted more than 75 members.<sup>201</sup> It was an aspect of the short-lived New Left movement of the late 1960's.

About half the people of Indian descent in British Columbia were not registered with Department of Indian Affairs and were not administered under the Indian Act. Some people called them halfbreeds; they called themselves non-status Indians. On January, 1969, an advertisement

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<sup>200</sup>The Vancouver Province, March 13, 1968.

<sup>201</sup>The Ottawa Journal, July 5, 1969.

appeared in the Vancouver newspapers:

Wanted. Names and addresses of Canadian non-status Indians who wish to see changes that will raise the standard of living for our people in B. C. and the Yukon. The first meeting of the Association of Non-Status Indians of B. C. will be held on Saturday, January 25th at the Vancouver Indian Centre.<sup>202</sup>

The first president, H. A. (Butch) Smitheram, was concerned because non-status Indians were even more socially and economically disadvantaged than Indians registered under the Indian Act. Socially and culturally they were Indian but legally they were white. They experienced discrimination from both whites and Indians but they had no protection or assistance through the Indian Act.

In 1970 the Association of Non-Status Indians prepared to initiate several self-help programs throughout the province. The federal government promised a grant of \$40,000 to meet organizing and operating costs. The provincial government, under whose jurisdiction non-status Indians came, gave \$1000.<sup>203</sup> The Association hired an executive director and six field workers to organize locals among the 30,000 non-status Indians throughout British Columbia.

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<sup>202</sup>The Vancouver Province, January 24, 1969.

<sup>203</sup>The Vancouver Sun, November 9, 1970.

The leaders of the non-status Indians from the four western provinces formed the Native Council of Canada at a meeting in Victoria in November, 1970. A. E. (Tony) Belcourt, vice-president of the Alberta Metis Federation, was elected president. The organization urged Indians, status and non-status, to use their voting power to influence the government.

The national political unity of the Indians of Canada has been influenced indirectly by the activity of white administrators. Andrew Paull had some success in creating a national Indian organization at the time of the Joint Committee hearings on the Indian Act between 1946 and 1948. The National Indian Council was formed in time to dispute the report of another Joint Committee of Indian Affairs in 1962. In 1968, the National Indian Brotherhood acquired its cohesiveness from unanimous Indian opposition to the federal government white paper on Indian policy. As a confederation of provincial Indian associations, the new national organization seems more assured of success than the previous ones. Non-status Indians, too, have finally added their support in the struggle for Indian self-determination.

## CHAPTER XIV

### THE UNION OF BRITISH COLUMBIA INDIAN CHIEFS

Following their rejection of the federal government policy statement on Indian affairs in 1969, the Indians mobilized to prepare statements of their own. In British Columbia, more than 100 delegates from the Native Brotherhood, the Southern Vancouver Island Tribal Federation, the Confederation of Native Indians, and the Indian Homemakers' Association met in Vancouver on July 6, 1969. They opposed the government proposal to repeal the Indian Act within five years. Until there were guarantees of aboriginal rights to hunting, fishing, and land, they were unwilling to agree to changes in the Indian Act.

Early in September, 1969, the North American Indian Brotherhood, the Southern Vancouver Island Tribal Federation, and the Indian Homemakers' Association began to organize a conference of Indian chiefs to discuss the proposed new Indian policy. The conference had been proposed by Chief Dennis Alphonse of the Duncan Band. He became the chairman of the committee that prepared for the conference to be held at Kamloops in November with chiefs invited from

the 188 Indian bands in the province. The committee received \$12,000 from the First Citizens' Fund, a \$25,000,000 fund set up by the provincial government early in 1969 for the benefit of the Indians of British Columbia. The federal government gave \$50,000 to the committee to pay for conference expenses.<sup>204</sup> Chief Alphonse hoped that the conference of chiefs would elect a body to supplant the other Indian organizations.

The Nishga Tribal Council had already passed a resolution approving the government policy in principle, even though their land title claim had been defeated in the Supreme Court of British Columbia. The Supreme Court judge had ruled that Nishga rights to the land were extinguished when the Crown Colony of British Columbia was formed in 1866. The Nishgas immediately took their case to the British Columbia Court of Appeal.

On November 17, 1969, about 150 chiefs and delegates from most of the Indian bands in British Columbia began a six day conference at Kamloops. They sat beneath 70-foot banners that read: "B. C. Chiefs Conference - United We Stand, Divided We Perish." Appeals for Indian unity were

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<sup>204</sup>The Vancouver Sun, November 7, 1969.

repeated many times during the conference.

On the final day of the conference, the chiefs and delegates approved the establishment of the Union of British Columbia Indian Chiefs. The presidents of older Indian organizations pledged their cooperation. A council of chiefs was appointed with a member from each of fourteen districts: North Coast, Kwakgewlth, Northwest Island, Bella Coola, South Island, Fraser, Thompson River, Lillooet, Kootenay-Okanagan, Williams Lake, Terrace, Babine, Lakes District, and Fort St. John. The council of chiefs would meet every three months. An executive committee of three would meet every month to coordinate the activities of an administrator, secretary, and professional services. The three members of the executive committee represented different regions. The Indians feared that the election of a single president would cause distrust and political instability.

The Union was to have annual conventions. About half of the estimated \$100,000 annual operating cost would be absorbed by the convention. Grants from both federal and provincial governments would be needed in addition to a levy of one dollar per Indian throughout the province.

The first administrator of the Union was Don Moses,

the president of the North American Indian Brotherhood.

A few months later, he was succeeded by Bill Wilson who soon left to return to university. William Guerin became executive director in September, 1970, but left to operate a business. Ross Modeste replaced him.

At the Chiefs Council meeting on June 27, 1970, an organization plan prepared by Western Consultants of West Vancouver was presented. It suggested basic Union objectives:

1. Settlement of the B. C. land question.
2. Unite the Indian people and the Indian organizations in common policies and programs.
3. Improve communication and co-ordinate the services of various governments and authorities, the general public and Indians.
4. Encourage Indian bands to achieve an increasing measure of self sufficiency without interfering in their internal structure.
5. Develop a broad Indian consciousness to achieve social, economic, educational and political progress.
6. Create conditions under which Indians will understand and achieve progress.
7. Improve educational achievement, real incomes, social conditions and life expectancy among Indians based upon a comprehensive program considering their needs.
8. Assume a transfer of functions where logical from the federal government.
9. Represent the Indian people of British Columbia as the officially recognized Indian organization in the province.

10. Gain the support, understanding and cooperation of Indians, the general public, industry and governments in the interests of Indians and in these objectives of the Union.<sup>205</sup>

In 1970 the Union undertook a number of projects. It established a newsletter called Unity. It started a communications program to reach all the Indians of the province to learn their needs and aspirations. It engaged in a lengthy debate with the provincial government about the administration of the First Citizens' Fund. It supported illegal fishing near Penticton in an attempt to get recognition of aboriginal fishing rights. It hired former federal Minister of Justice, E. Davie Fulton, to prepare a report on the British Columbia land question. The largest project of the Union was the preparation of the British Columbia Indian Position Paper, a sophisticated 38-page brief setting out proposals for the future administration of Indian affairs.

The second annual conference of the Union of B. C. Indian Chiefs was held in the Vancouver Hotel in November, 1970. Indian and European customs were integrated in the proceedings. The meeting of chiefs in council was, in the minds of the delegates, a direct continuation of native

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<sup>205</sup>The Unity Bulletin, September, 1970.

custom.<sup>206</sup> Kwakgewlth Chief Tlakwagala (James King) welcomed the delegates with a traditional Indian dance. Salish Chief Dan George opened the conference with an Indian prayer. Then all the chiefs arose and stood silently for a minute in honour of great chiefs of the past. The conference chairman, Chief William Scow, likened the chairman's gavel to the traditional Indian speaker's staff. "Our forefathers had a speaker's staff. I hope we abide by the old way that the one with the speaker's staff has his wishes abided. But we use Roberts Rules of Order."<sup>207</sup>

A resolution that the Union should be the only Indian organization to which Indians could belong was strongly objected to by members of older organizations. The proposer, Bill Wilson, the former Union administrator said: "All week there have been glowing terms of unity but there was an undercurrent of back-stabbing and power plays. Now people's affiliations are out in the open."<sup>208</sup> There followed a number of reaffirmations of unity. Chief Lawrence Lewis, whose Cape Mudge reserve was considering municipal status, suggested that the smaller organizations specialize their activities and support the Union in a comprehensive

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<sup>206</sup>The Unity Bulletin, September, 1970.

<sup>207</sup>Personal notes.

<sup>208</sup>Personal notes.

policy for Indian administration.

The Indian leaders heard a number of speeches from politicians and lawyers. George Manuel, recently elected president of the National Indian Brotherhood, explained the operation and problems of the national organization. Alderman Harry Rankin of Vancouver told the Indians to work for the basic needs of food, shelter, clothing, and education, and to organize to obtain them. Lawyer Henry Castillou talked about the Indian Act, lawyer Davie Fulton spoke on the B. C. land question, Liberal MLA Garde Gardom spoke on taxation, and New Democratic Party MP Frank Howard spoke about Indian leadership. When Howard intimated that Indians may resort to violence unless inequities were removed, William Scow, who was a Provincial Court judge, corrected him: "Our people are sensible people. We trust the words of the white man when he says violence does not solve problems."<sup>209</sup>

The chiefs were not passive before the politicians. Dan Campbell, provincial Minister of Municipal Affairs, the Minister responsible for the First Citizens' Fund, was sharply questioned. At one part of the debate Chief James

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<sup>209</sup>Personal Notes.

Stelkia ordered: "Mr. Campbell, I'm talking now. You sit down until I get through."<sup>210</sup> The command received great applause.

The B. C. Indian Position Paper, dubbed the Brown Paper, was presented at the conference. The preamble read:

That Indians have survived the first one hundred years of Canada's history is miraculous indeed. This struggle has been handicapped by an apathetic, intolerant and now intolerable Federal government and by a totally incapable and ruthless Provincial government. Governments generally have been disinterested in our problems and now the Federal Government proposes to absolve themselves of any responsibility for our people by one stroke of the pen: the final stroke to cover all sins of omission and commission.

We Indians in British Columbia reject the Federal government white paper policy on Indians released in June, 1969. We disagree with any unilateral attempt by government to extricate itself from its obligations for our people. The special relationships that have developed between Indians and the Federal government carries immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other Canadian. This historic relationship cannot be abridged without our consent. Instead, we propose a renewed constitutional commitment in light of modern conditions and we expect these and prior commitments to be honoured as any honourable sovereign nation should do for its citizens.

The principles and policies outlined herein are a record upon which our people believe overall legislation affecting Indians should be based without prejudice to our claims generally. These principles are suggested in good faith to avoid the kind of mistakes frequently made in the

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<sup>210</sup>Personal notes.

past by the Federal government for decisions and policies made without our direct involvement. These principles will benefit our people and are intended to improve Canadian unity, to bring the Indian and non-Indian peoples closer together.

In this paper we propose new and expanded programs and services for our people, and more delegation of authority to the local level to enable us to achieve optimum development of our human and our land resources at a pace consistent with our own plans. We need major increases in social and economic programs to help us in our adjustment to a rapidly changing society and increasing provincial services without prejudice to continued federal commitments. It is necessary for the Federal government to provide certain services for Indians but it is not necessary for the government to administer these services. There is no need for us to be deprived of self-determination merely because we receive federal monetary support, nor should we lose federal support because we reject federal control. We now want to make decisions, in the administration of our affairs, to select and control programs in a voluntary manner with the right of retrocession. We need a new and continued Federal government commitment for our people and for our lands.

The opposition by nearly all the Indians of British Columbia to the proposed federal government policy on Indian Affairs had led to a unanimity of sentiment that permitted political unity. The organizers of the Union of British Columbia Indian Chiefs tried to overcome disruptive regional jealousies by giving representation to every Indian band in the province through its chief, and by establishing fourteen districts throughout the province to be represented in a council of chiefs. The leaders of the new organization

demanded continued financial and legal assistance from the Department of Indian Affairs, but they wanted Indians to administer Indian affairs in the province.

## CHAPTER XV

### THE NATURE OF BRITISH COLUMBIA INDIAN POLITICS

#### The Indians and the Government

Politics is an inseparable part of human society. Its origin lies in social diversity and the unlimited extent of human wishes. It is concerned with conflict and disagreement. Social groups vie with each other for wealth and privilege, and acquire them roughly in proportion to their power. Goodwill may mitigate the cruelties in conflict and in the use of power, but it cannot abolish conflict.

Throughout most of the history of British Columbia, the Indians have been unable to prevail against the power of the white men in conflicts of interest. After the Hudson's Bay Company hegemony, the natives were irrelevant to the white men's designs for the province or an obstacle to them. The Europeans who arrived in the nineteenth century surpassed the Indians in military power. As a result, they were able to possess the land without purchasing it. Although they were not actually conquered in military conflict, the Indians were treated as a conquered people.

They were segregated on small reserves of land and governed by laws they had no part in framing. For many decades neither the federal nor provincial government accepted them as citizens.

To administer the activities and needs of the Indians, the Government of Canada established an internal colonial system called, amongst variations in title used from time to time, the Department of Indian Affairs. It had the characteristics described by J. D. B. Miller:

The colonial system is becoming scarcer than it was, but it still persists in various places. A colony is formally a dependency, not a sovereign state: any laws which are made in it are made by courtesy of the metropolitan power, and its government, no matter how local in character, depends upon the consent of that power. The system allows for considerable variation in the actual form of government. It may consist of district commissioners, or their equivalents, keeping a general eye upon primitive tribes, which otherwise continue with their normal practices; it may include some form of parliamentary council, in which the governor receives advice (but not command) from prominent elements in the community; and it may go so far as the responsible self-government in domestic matters which was characteristic of the Australasian colonies of the nineteenth century. The essence of the system, however, is that ultimate policy lies in the hands of aliens, who have their own representatives on the spot, with power to see that the metropolitan will is ultimately obeyed. If the colonial power is aiming at independence for its colonies, the last stages of colonial government may involve only suggestion, not the enforcement of will, by the metropolitan power . . . . But while the colonial system is in full operation, the metropolitan will (i.e. the will of the government of the metropolitan country; the people of such a country are rarely conscious of any sense of will about their colonies) is the significant factor in government.

This system rests upon a basic division between people who command and people who are supposed to obey. In practice, it has usually been further complicated by inequalities of race, colour, religion, economic development and education. Typically, the European colonial powers have come as conquerers and preserved their superior position, asserting it in social, educational and cultural terms as much as in political . . . .

A colonial system is likely to be marked by particularly faithful archetypal figures. There are, to begin with, the governor and his assistants . . . . The governor has the dual task of representing the metropolitan government to the colony, and the colony to the government; in the one capacity he must emphasise authority, in the other, need. If he identifies himself too closely with his colony, he will be regarded by his government as a special pleader who does not adequately reflect imperial interests; if he does not become identified with it, he will be disliked in the colony and find his most sensible measures opposed, simply because he seems to be out of sympathy with local aspirations . . . . If the system which he administers is of a libertarian kind, aiming at eventual self-government, he will have to cultivate local leaders and political movements sufficiently to persuade them to take part in the limited forms of self-government with which the process of independence begins.<sup>211</sup>

In the Canadian colonial system, the metropolitan power has been the Government of Canada itself. For several decades after Confederation in 1867, the Indians, and probably many white Canadians, too, believed that Britain was the metropolitan power in the system. Consequently the Indians occasionally petitioned the British monarch

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<sup>211</sup>J. D. B. Miller, The Nature of Politics, Gerald Duckworth and Co. Ltd., London, 1962, pp. 236-237.

and the Privy Council for redress of their grievances. During the years that British Columbia was a colony of Britain the Indians had been persuaded to regard the British monarch, Queen Victoria, as their ultimate guardian. Following Confederation, however, the British government took no action on Canadian Indian affairs, but the government and its officials still continued to cite the symbol of the protective monarch.

The position of Superintendent General of Indian Affairs (the Minister of Indian Affairs) was akin to the Colonial Governor of other colonial systems. He administered a complex colony that was splintered into hundreds of Indian reserves embedded in small pockets within the body of the Canadian nation itself. People representing dozens of different Indian cultures occupied the reserve lands.

The individuals who administered the local districts, or Indian Agencies, set up by the Department were called Indian Agents or Superintendents. With few exceptions (and none until recent years) they have been white men.

To simplify the administration of the scattered and diverse colony, the Canadian Parliament passed one major piece of legislation, the Indian Act. It affected all

aspects of the lives of Indians throughout Canada, even to the extent of preventing them from "inordinate frequenting of a poolroom."<sup>212</sup>

Until very recently, Indians could not participate in the choice of the individuals who administered their affairs. The Minister of Indian Affairs is a member of the cabinet in the House of Commons. He is elected by the citizens in his electoral constituency and appointed to his cabinet position by the Prime Minister. Although all Indians were given the right to vote in federal elections in 1960, their influence in the choice of the Minister of Indian Affairs is obviously slight. But in British Columbia the Indians were given the opportunity in 1970 to help to choose the regional director in charge of Indian agencies in the province and the Yukon Territory.

Canadian elections have not been fought on issues concerned with Indian affairs. The Canadian public, generally, has expressed little interest in Indians or the circumstances in which they live. The Canadian government, on the other hand, has become somewhat embarrassed by the modified colonial system it is maintaining in an era when

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<sup>212</sup>Statutes of Canada, 1930, 20-21 George V, chap. 25, sec. 16.

colonialism is decried. The system has become so modified, in fact, that the Indians are now unwilling to give up the special privileges it provides them.

The British North America Act, the written constitution of Canada, placed the responsibility for Indian welfare on the Government of Canada, but decisions of the Government of British Columbia have affected the ability of the federal government to deal justly and effectively with the natives. The provincial government has nearly always been less willing to meet Indian demands than the federal government, particularly with regard to land. This is understandable since under the British North America Act the provincial government is responsible for land resources except in special limited instances, such as National Parks, National Harbours, and Indian reserves.

On one hand, the federal government has been faced with Indian demands for enlarged Indian reserves and acknowledgement of Indian title to the other lands of British Columbia. On the other hand, it has met obdurate refusal by the provincial government to negotiate the land question. Because the federal government has been unable to overcome provincial government resistance, little progress has been made in resolving the most important Indian grievance.

## Indian Political Organizations

A people who lose their land and the right to practice their most fundamental social and religious ceremonies are oppressed indeed. The Indians of British Columbia accepted their oppression with relative passivity. But nevertheless many of them strongly resented being forced to relinquish most of their land to white men without compensation. They also objected to curtailment of their access to natural resources. Some Indian tribes never completely abandoned their potlatch custom in defiance of the law that prohibited it for 67 years.

The missionaries were the first to convince some Indians that they could obtain concessions from white authorities through the use of political action. The European political techniques that the missionaries taught to the natives might have been effective for those who had power through threat of violence, economic influence, or the right to vote. For a small population of disenfranchised people, they proved to be useless. The numerous petitions sent to government officials and the many delegations that interviewed those they supposed to be authorities, including the Prime Minister of Canada and the King of Great Britain,

were largely ignored because the Indians lacked political power.

Missionaries and other white friends also persuaded the Indians to form protest organizations based on white models through which to bring pressure on government authorities. The Indians who formed the executives were the most acculturated individuals in the region and held office year after year. The organizations became cliques; interest at the local level was minimal, except perhaps among the Nishga who adapted their traditional political organization to the new situation. The effectiveness of the Allied Tribes of British Columbia in bringing the Indian land issue before a parliamentary committee was a credit to the Indian leaders and their advisors. Without the ability to sustain pressure, however, they had no chance of receiving satisfaction.

The success of the Native Brotherhood of British Columbia, the main spokesman for the Indians of the province for nearly forty years, may be due to the fact that it was truly an Indian organization, initiated by Indians, administered by Indians, and producing results for Indians. It hoped to unite politically all the natives in British Columbia. Its organizers assumed that racial similarity and

a common resentment against the colonial regime was sufficient for political unity. Any large or complex human society, however, is made up of interest groups (people with a common concern) and the concerns of the north coast Indians differed sufficiently from the interior Indians to prevent political unity.

Even though the Native Brotherhood could not unite the Indians provincially, Andrew Paull assumed that all Canadian Indians shared the same concerns. His assumption was so incorrect that he nearly ended up being the entire North American Indian Brotherhood by himself.

Recently the Indians of British Columbia have again demonstrated their diversity by forming a number of regional interest groups such as the West Coast Allied Tribes on Vancouver Island and a revitalized North American Indian Brotherhood in the interior.

The common threat of losing the protection of the Indian Act was the issue required to force the Indians of British Columbia to unite politically in one large organization. Even the common interest in the land and aboriginal rights issue had been insufficient to overcome tribal, regional, and religious jealousies.

Having observed the disruptive effects of regional interests in other organizations, the Indians represented by the Union of Chiefs refrained from electing a single president to whom only a fraction of the native population could give ready allegiance. Instead, they elected representatives from fourteen districts throughout the province to a Chiefs' Council. The large council had the added effect of diluting the influence of an elite that had tended to dominate earlier Indian organizations.

Most intertribal Indian associations have been essentially protest organizations. As a result they directly touched the lives of relatively few individuals. The Union of British Columbia Indian Chiefs is the first Indian organization to try to gain the right to administer the affairs of the natives. With unity within a single fraternal organization, increasing freedom from the restrictive bonds of a colonial style administration, representation in the governing councils of the nation, and the benefits of full citizenship, the Indians of British Columbia may have finally acquired the essential conditions for self-determination and a satisfactory future.

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## APPENDIX A

### THE ROYAL PROCLAMATION OF 1763

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; We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretense whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid;

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.

And, We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands with the Countries above described, or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And Whereas Great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the Great Prejudice of our Interests, and to the Great Dissatisfaction of the said Indians; In order, therefore, to prevent such Irregularities for the future, and to the End that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of our Privy Council strictly enjoin and require, that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement; but that, if at any time any of the said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie; and in case they shall lie within the limits of any Proprietary Government, they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose; And We do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever, provided that every Person who may incline to Trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of our Colonies respectively where such Person shall reside, and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade:

And We do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all our Colonies respectively, as well as those under Our immediate Government as those under the Government and Direction of Proprietaries,

to grant such Licences without Fee or Reward, taking especial care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And We do further expressly enjoin and require all Officers whatever, as well Military as those Employed in the Management and Direction of Indians Affairs, within the Territories reserved as aforesaid for the Use of the said Indians, to seize and apprehend all persons whatever, who standing charged with Treason, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice and take Refuge in the said Territory, and to send them under a proper Guard to the Colony where the Crime was committed of which they stand accused, in order to take their Trial for the same.

Given at our Court at St. James's  
the 7th Day of October 1763, in  
the Third Year of our Reign.

APPENDIX B

CLAUSE THIRTEEN OF THE TERMS OF UNION

13. 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 a 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; 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.