

Recapturing the History and Rights of First Nations
Peoples of British Columbia: A Political Analysis of
Past and Present Relationships with the Dominion of
Canada

Indigenous Governance: Community Governance Project

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The creation, insight and motivation for this project came from the Nanoose people's rich history. Initially, the project was intended to be a purely academic paper, but when I met the Nanoose people, with their proud, joyful and open ways, I felt an overwhelming need to direct my argument in a way that would help to advance their land claims. Traveling the historical road has not been an easy task but a few people have made the process easier. First, Chief Wayne Edwards' insightful conversations put into focus the issues First Nations face. Second, Rose Vickers directed me to the Nanoose people. Third, Cheryl Jones took the time to meet with me and set up the community governance project. Without her direction and suggestions it would be unlikely that I would have had the opportunity to work with the Nanoose. Finally, I would like to thank the University of Victoria's Indigenous Governance Department, particularly Stephen Greymorning, Robina Thomas, Susanne Thiessen, and Sheila Watts.

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Executive Summary

The Community Governance Project is an option to the Indigenous Governance Program thesis. It is equivalent in intellectual and research rigor, but allows students a unique opportunity to work with a First Nations organization. The completed project is a compilation of information that the community can utilize. The Nanoose people and the University of Victoria have jointly created this particular project, which makes the scope quite large. The Nanoose wanted the project to incorporate the topic of treaties, but left the questions and direction up to me. This work should be valuable for their present and future treaty negotiations.

This project has two parts. The first part is the full text of the paper. It was designed to answer a question Chief Wayne Edward asked: “what happened in the time between the 1854 Nanaimo Treaty and the 1871 Terms of Union?” He was specifically referring to the First Nations’ loss of aboriginal title. This paper has gone one step farther and explains what happened both before and after European contact. A large part of this section describes the evolving recognition and denial of aboriginal title through various provincial and federal policies. The focus of the paper is on how First Nations were affected by various federal and provincial legislations such as reserve reductions.

The paper was designed to show how the historical recognition and later denial of aboriginal rights and title impacts First Nations contemporary political environments. Since 1994 Nanoose have participated in the British Columbia Treaty Commission. This paper is a tool that helps to determine where their aboriginal title began and where it currently resides. It is beneficial for the Nanoose people to know how colonial history has

affected their aboriginal rights and title, so that they can conduct further research before ratifying their Final Agreement.

The second section of the paper is located in appendices one and two. These two sections are specific to the history of the Nanoose. The “Historical Chronology” is listed in appendix one. It is a compilation of four binders and various articles. The document is a starting point for any future archival work. The “Expanded References” are listed in appendix two. This document contains all the information that I encountered while conducting the research for this paper. It lists the location of the information, what it concerns, and in some cases the political consequences of the article’s arguments. This document is also a starting point for the Nanoose people. It is highly valuable because it greatly reduces the work required when a brief summary is needed of the listed resources available at the Nanoose Treaty Office, the office of Vanden Berg and Associates, Craig Bay Heritage Site, and various websites. It will take more time to complete, but with further work this document will prove rewarding for any future archival or research work.

The content of the paper will read like a historical chronology. It will weave one part of history with the next to create a pattern in relation to First Nations land, and the contribution or lack thereof by the Dominion of Canada to protect it. These patterns will assist the reader to identify similar patterns that currently exist in the relationship between First Nations and the Dominion of Canada. These will be highlighted with various archival documents, books, court cases and legislative acts. With the insights offered and the analysis completed, the paper will offer legal, cultural and political recommendations that First Nations can pursue.

The recommendations are to conduct research on:

- United States Tribal Governments
- Onus of Proof
- Constitutional Amendment
- Justice Hall and the *Calder* court ruling
- Justice Lamer and the *Sioui* court ruling
- Educational Initiatives
- First Nations Language and Traditional Governance

Introduction

The recognition of aboriginal title and rights has continued to evolve in federal and provincial policies. The constant flux of recognition and renunciation has created a unique First Nations and European history.¹ This paper will address the start of colonial policy and will dissect the changes that decreased the supremacy of First Nations peoples. It should be noted the word Indigenous will be used interchangeably with the term First Nations. Indigenous is defined as “originating in and characteristic of a particular region or country.”² This distinction is made in acknowledgment of particular nations who view the term Nations as a European imposed term. Indigenous will be inserted periodically throughout the text to exemplify the political significance of this distinction. The paper will be split into three sections: Pre-Douglas, Douglas and Post-Douglas eras. These three areas are vital when explaining First Nations success in British Columbia’s history, and to categorize the changes in colonial policy that reduced First Nations opportunities to succeed.

The Pre-Douglas era was a relatively triumphant time for Indigenous people. Their societies had unlimited resources and clearly defined territorial boundaries that were supported by holistic systems of governance. They had large populations that followed the Creator’s laws, which kept their people in tune with nature while thriving

¹ Leroy Little Bear used the statement “constant flux” to explain the ever-changing and multiple conditions within knowledge. In this paper I used the term to explain the inconsistent and often erratic recognition of aboriginal title.

² Braham, Carol G. *Random House Webster’s Dictionary*. New York: Ballantine Books. Pp. 337.

economically. Initially, the European trade relationship with Indigenous peoples did little to change their way of life.

James Douglas initiated an era that was the first stage in colonial policy. His career will be used to understand how a relationship began between First Nations and Europeans. Initially, the Dominion of Canada recognized aboriginal title and understood that it had to be ratified through treaties. An interesting part of the Douglas era is the relatively complimentary relationship between First Nations and European interests. In sharp contrast, Joseph Trutch's appointment would mark the first real threat to the recognition of aboriginal rights and title. His first task as Chief Commissioner of Lands and Works was to start reserve reductions that would continue into the early 1900s.

Conversely, though the Pre-Douglas and Douglas era were a relatively triumphant time, the Post-Douglas era produced vast changes for First Nations people. Colonial policy was responsible for these changes. The next stage in colonial policy started with the 1871 Terms of Union. During this period, British Columbia's First Nations lost more land, were denied equality, and witnessed the rejection of aboriginal title and rights. After the 1871 Terms of Union, the Dominion of Canada would engage in jurisdictional disputes with the provincial government. Out of these disputes would come the creation of the 1875 Indian Reserve Commission and later the 1912 McKenna-McBride Commission.

Because the colonial policies limited British Columbia First Nations' rights to land, and economic opportunities and community development initiatives, history has been marked with continued First Nations' resistance. A large part of the Canadian

historical record has reflected the misguided belief that First Nations people allowed their land to be stolen, and that they have been idle non-participants in the development of British Columbia. The sad part of these beliefs is not only that they are accepted as true, but that they can also impede current First Nations self-government initiatives. These discrepancies will be reflected in a historical summation of First Nations participation in the British Columbian economy, labor unions and their continuing struggle for aboriginal title and rights.

Documenting First Nation peoples' persistent struggle for rights and title is an important part of this paper. It provides the historical basis for when and how First Nations began challenging the government, and flows into contemporary challenges. The paper will conclude with recommendations to rectify the impact of these colonial policies.

Pre-Douglas Era

This section will be separated into two parts. The first part introduces how Indigenous people governed themselves and explains the way they viewed land ownership. The second part is the introduction of the Vancouver Island trade relationship. Indigenous people played a large role in the creation and development of the British colony. If the relationship were examined, it would reflect an initial, if limited, mutual respect, and equitable treatment. To gain a clearer understanding of the transition from traditional governance to colonial policies, an introduction to their governance system is needed.

Governance By The People

Currently, government policy shapes how First Nations' land is governed and managed. This was not always the case. Indigenous people had their own systems of governance, tribal affiliations, and relationships with the land. These systems governed each community member's actions, responses and overall interaction with their nation. For example, Coast Salish community governance was based on hereditary chiefs, and clans that resided in their own designated territories.

Every house has at least one chief, sometimes more (Salish), but there is no traditional restriction upon the number of houses in a clan, numayn, or local group. We read of some villages with two chiefs, others with four, five, or six. The number is variable and depends upon economic and social factors. Anyone who is able to build a house, muster adherents, and substantiate his hereditary claims to any manner of social distinction with property can become a chief of greater or lesser degree. It is clear then that political status is nothing more than preeminent social status.³

It should be noted that the quote is correct when it mentions the importance of the distribution of wealth but it is incorrect when it suggests that leaders could buy into chiefdom roles.⁴ Chiefs were born into their community positions. Hereditary chiefs belonged to the clan of the father, and after the current chief died the eldest son took his

³ Vanden Berg & Associates. Unknown Date. "Report on the Nanoose People: Their Social Structure, Social Affiliation and The Harvesting of Claims". Unpubl. Manuscr. Pp.8

⁴ For more information on chiefs' roles and characteristics refer to Homer Barnett's *The Coast Salish of British Columbia*.

father's place as chief. There were specifications that ensured the role was passed through the familial line.

If he had no son, the eldest daughter takes his place until her son is able to fill his grandfather's place. If the chief dies childless, the eldest son of the chief's younger brother or of his younger sister succeeds him. The father's property is equally divided among his children.⁵

The Hereditary Chief was only one part of the overall governance structure. Wayne Suttles's *Coast Salish Essays* describes the three parts of the structure. The largest of the three parts, and the first social category, was identified as "high-class," the second was "low-class," a group with relatively few individuals, and the final category, with the least amount of individuals, was the "slaves."⁶ The low-class received their less privileged position for one or more of three reasons: they had no claim to productive land, they had no inherited privileges, or they had no unique knowledge to contribute to the nation. It follows that high-class people had claim to productive land, acquired inherited privileges and possessed unique knowledge. Even if slaves had these three possessions in their own nations, they did not maintain them in other nations. As a result of war, and in some cases bartering, slaves were either taken or distributed between people. Consequently, a slave's status amounted to no more than working for the high-class families.⁷

⁵ Boas, Franz. 1889. *Notes on the Snanaimuq*. American Anthropologist. Pp. 321.

⁶ Suttles, Wayne. 1987. *Coast Salish Essays*. Vancouver: Talonbooks. Pp. 17.

⁷ The literature did not mention if the slaves could increase their status.

Land ownership was a large part of governance. Ruth Benedict describes two classes of possessions, which were the land and the sea. These assets were owned by a group of relatives in common and passed down to all its members. There were no cultivated fields, but the relationship group owned hunting territories, even wild berrying and wild-root territories, and no one could trespass upon the property of the family. The family owned fishing territories just as strictly.⁸

Firm territorial boundaries and a familial ownership system ensured the natural resources were always plentiful.⁹ For example, in Departure Bay “herring in former times were said to be so thick...that sometimes they would be piled up a foot deep along the beach after whales chased them ashore”.¹⁰

Indigenous peoples’ cultural practices played a large part in the amount of wildlife on Vancouver Island. Indian Law was grounded in a deep respect and understanding of how all life played a role in the survival of their people.¹¹ These beliefs manifested themselves in their everyday activities and were governed, not only by the high-class people in the community, but also by the Elders. Elders linked the younger to the older generation with their values and wisdom. They guided the people in their understanding that there were consequences for disrespecting the resources that provided

⁸ Benedict, Ruth. 1934. *Patterns of Culture*. Boston: Houghton Mifflin Company. Pp. 182.

⁹ The literature did not mention the Coast Salish’s territorial rules.

¹⁰ Bouchard, Randy. 1992. “Notes on Nanaimo Ethnography and Ethnohistory”. Unpubl. Manusc. Pp. A11.

¹¹ The term “Indian Law” was used in the “Aboriginal Self Determination, Indian Family Law

life for the community. These teachings were not limited to the adults in the community. For example, Coast Salish Nations considered a large part of a parent's duty to teach their children what was acceptable and unacceptable behavior towards all living things. All the devotion and respect embodied in the Elders' teachings was passed down from Hals (Creator), and was binding on all the people residing in the community.

The Beginning of Colonial Policy: A Time of Disease and Population Decline

Colonial policy changed with the increasing number of settlers on Vancouver Island and the declining First Nations populations. The depth of colonial involvement grew with the increased immigration of new settlers. Prior to the influx of settlers, fur traders depended on their trade relationship with Vancouver Island First Nations. This relationship was based on profits that could be achieved through equitable relations, but was also based on an understanding of First Nations' determination to protect their territorial boundaries at any cost. It is highly likely that the large size of Indigenous populations was a contributing factor in maintaining amicable business relations.

British Columbia's First Nations population prior to European contact was estimated at 300,000 to 400,000.¹² Numbers vary depending on the source and the specific time frame, but it could be estimated that the population was closer to this number than the meager 70,000 suggested by Wilson Duff (prior to 1835), or the minimal

and Tribal Indian Governments" article.

¹² Coates, Ken. 1992. *Aboriginal Land Claims in Canada: A Regional Perspective*. Toronto: Copp Clark Pitman Ltd. Pp. 11

33,873 (1856) listed by James Douglas.¹³ The time in which these figures were calculated is undoubtedly significant. Duff notes that Indigenous peoples had been interacting with European settlers for six decades, indicating that minimal population numbers can likely be attributed to exposure to European diseases, firearms and alcohol. Even though firearms and alcohol are included as factors in the reduced population of Indigenous peoples, it is probable that disease was the primary cause. The population of all First Nations was drastically reduced from small pox, measles, tuberculosis, venereal diseases, typhus, fever (that mimicked malaria), dysentery, and influenza.

Of all the European diseases, none compared to the devastation of small pox. The first contact with small pox was in the 1780s. An American missionary, Jonathan Green, recorded the Haida's memories of small pox and its overall affects.

Some thirty or forty years since, the small pox made great ravages among them.

This disease they call Tom Dyer, as some suppose from a sailor of this name who introduced it, though it is probable it came across the continent. Many of their old men recollect, and they say, it desolated their country.¹⁴

In 1862, small pox drastically reduced First Nations populations once again. The disease accompanied the arrival of large numbers of gold miners. Specifically, the outbreak was traced to a white man who arrived from San Francisco in April 1862.¹⁵ In

¹³ Muckle, Robert J. 2000. *The First Nations of British Columbia*. Vancouver: UBC Press. Pp. 37.

¹⁴ Duff, Wilson. 1997. *The Indian History of British Columbia: The Impact of the White Man*. Victoria: Royal British Columbia Museum. Pp. 58.

¹⁵ Ibid.

little over two years the disease made its way throughout British Columbia and claimed the lives of one-third of First Nations peoples. First Nations became the main carriers of the disease among their own people. When they became ill they returned home, taking the disease back to their villages. They encountered such diseases at the various forts, but there were also instances when the Europeans intentionally sold infected blankets to them.¹⁶ The ravages of the disease did not affect all First Nations communities equally. For the most part, the incidence of small pox depended on the frequency of contact with the European population, the number of Indigenous people in the community, and their access to preventive measures such as vaccination against the disease.

The Douglas Era: Turbulent Times

James Douglas' background provides interesting insights into how the colonial policy of reserved lands and the Vancouver Island treaties came into being. He was born in 1803 to a "Scottish sugar planter and a free colored West Indian."¹⁷ Douglas entered the fur trade with the North West Company (NWC) on May 7, 1819, at the age of fifteen. This was a turbulent time for the company as it struggled for power with the Nor'westers and the older Hudson's Bay Company (HBC). Management disputes between the Chief Trader McLouglin and his Montreal partner William McGillivray also added to the

¹⁶ For example, in Chilcotin country, a European man took blankets off the bodies of the dead and sold them to the unsuspecting First Nations people. For more information on small pox and the transmissions of the disease refer to Wilson Duff's book *The Indian History of British Columbia: The Impact of the White Man*.

¹⁷ Adams, John. 2001. *Old Square-Toes and His Lady: The Life of James and Amelia Douglas*. Victoria: Horsdal & Schubart Publishers Ltd. Pp. 2.

companies troubles.¹⁸ Economic instability and the Napoleonic Wars, which disrupted their sale of furs to European markets, compounded the problems too. In 1819, the NWC and HBC amalgamated.

After the merger, the fur trade focused attention on the west. George Simpson, the new HBC Governor, set the stage for expanding the scope of fur trading to the west coast. The first initiative was a mission to “take the fur returns from New Caledonia to Fort Vancouver, instead of to York Factory, in the spring of 1826.”¹⁹ Four years later Douglas went to Fort Vancouver to fill the position of accountant. It would be another four years before Douglas would receive any recognition for his hard work and devotion to the HBC. He was promoted to chief trader on May 30, 1834.

Douglas’ numerous appointments would mark the trade relationship that eventually converged on Vancouver Island. For example, when he was appointed chief trader he traveled to establish links with other trading companies, such as the Russian American Company stationed in Sitka, Alaska. His success with these negotiations led to his appointment as chief factor in 1840. It was during this time that coal was discovered on Vancouver Island. The discovery of coal gave rise to more HBC interest. However, it was not until 1841, amidst rising tensions over border boundaries between the British and American territories in Oregon Territory, that HBC pursued the creation of a fort on the Island. The location of the fort was left up to Douglas. His search for the most strategic

¹⁸ Ibid. Pp. 12.

¹⁹ Ibid. Pp. 21.

location to protect HBC interests took him to Victoria, which he described quite favorably.

The place itself appears a perfect “Eden” in the midst of the dreary wilderness of the North west coast, and so different is its general aspect from the wooded, rugged regions around, that one might be pardoned for supposing it had dropped from the clouds into its present position.²⁰

In March 1843 the construction of the fort began. The Lekwammen had ten major village sites located near the fort’s proposed location. Douglas’ first contact with the Lekwammen was to inform them of his intentions to build the fort. The Samose (now Songhees) were happy about the idea and offered to make the fort’s pickets. Their helpful attitude is not surprising considering Indigenous peoples had been trading for centuries. This is demonstrated in the following quotation:

As early as 3, 300 years ago, trade networks linked the societies of the interior plateau to those in the southern British Columbia, the Rocky Mountains, and the northern plains. By 2,500 years ago, mid-Fraser River Groups were directly or indirectly linked through trade to North-Coast groups.²¹

Trade relationships were equally beneficial to First Nations and Europeans. First Nations people welcomed European trade goods, and Europeans scrambled to gain access to First Nations resources and labor.

²⁰ Ibid. Pp. 61.

²¹ Furniss, Elizabeth. 2000. *The Burden of History: Colonialism and The Frontier Myth in a Rural Canadian Community*. Vancouver: UBC Press. Pp. 30.

In June 1843, Douglas returned to Fort Vancouver to witness the turbulent British and American border issue. The tensions subsided on June 15, 1846, and the Treaty of Oregon was signed, establishing the 49th parallel as the border. With these matters concluded, the British colony resumed development of Fort Victoria with the appointment of Douglas as “governor *pro tempore*.”²² Even though the appointment was a promotion, Douglas was not happy about the manner in which he had been chosen for the position.²³

Pray, what does the appointment of “Governor of Vancouver Island *pro tempore*” imply? Does it mean that I am to be thrown aside like a cast off garment when the heat and toil of the day is over? If so, I am not ambitious of such honours, nor do I think them a proper reward for 30 years of incessant toils, borne without a murmur, and with a devotion of body and mind deserving of a better fate.²⁴

In 1849, the insult would be compounded for Douglas with the selection of Richard Blanshard as Governor of Vancouver Island. Despite this rejection, he started the Vancouver Island treaties process. Douglas had to meet strict criteria when he entered into the treaty process. Treaties were created to meet “the constitutional responsibility of the imperial Sovereign in right of the United Kingdom.”²⁵ This responsibility had been

²² Adams, John. 2001. *Old Square-Toes and His Lady: The Life of James and Amelia Douglas*. Victoria: Horsdal & Schubart Publishers Ltd. Pp. 70.

²³ Douglas was chosen because the company did not want to send Mr. Ogden. For more details refer to John Adams’s *Old Square-Toes and His Lady: The Life of James and Amelia Douglas*.

²⁴ *Ibid.* Pp. 71.

²⁵ Henderson, James (Sakej) Youngblood, Marjorie L. Benson, and Isobel M. Findlay. 2000. *Aboriginal Tenure in the Constitution of Canada*. Ontario: Thomson Canada Limited. Pp. 99.

set out in the 1763 Treaty of Paris and the 1763 Royal Proclamation. The treaty making principals “enshrined treaty making with Aboriginal nations and tribes.”²⁶ It was important for Douglas to enter into treaties with First Nations peoples in order to gain access to their resources and to maintain equitable relationships for the stability of the colony. It is important to note that First Nations regarded the treaties as peace and friendship agreements, and in time this allowed Douglas to enter into fourteen Vancouver Island treaties.

On October 30, 1851, Douglas was appointed the Governor, Commander-in-Chief and Vice-Admiral of Vancouver Island. With his credentials upgraded, Douglas continued to sign treaties. The Island treaty process began on April 13, 1850 and ended on December 23, 1854. By the end of 1854, Douglas had successfully signed fourteen treaties for land in and around Victoria, Sooke, Fort Rupert and Nanaimo.²⁷

Douglas’ land policies benefited the colony. The land issues resolved in the fourteen treaties not only helped to create a relationship between “these radically different societies...as political equals,” but also “created a bilateral sovereignty in a shared territory.”²⁸ In addition to the legal recognition of aboriginal rights and title, the First Nations population numbers helped with their treaty negotiations. In the mid-1800s the European population was estimated at “not more than 250 or 300” people, whereas

²⁶ Ibid.

²⁷ It should be noted that even with fourteen Vancouver Island treaties “no Native titles were extinguished” (Suttles; Pp. 471).

²⁸ Henderson, James (Sakej) Youngblood, Marjorie L. Benson, and Isobel M. Findlay. 2000. *Aboriginal Tenure in the Constitution of Canada*. Ontario: Thomson Canada Limited. Pp. 101.

the First Nations populations were estimated at 33,873.²⁹ These drastic population differences between First Nations and European settlers ensured European compliance with First Nations' terms. This compliance did not last.

On April 25, 1858, with the arrival of the *SS Commodore* and its gold-crazed miners, Vancouver Island's political environment changed.

The "vulgar gaze" became a harsh reality for the former inhabitants, especially those of obviously native ancestry, such as Amelia [Douglas' wife]. The indigenous people and mixed-blood families connected to the HBC found themselves visible minorities in their own community. To make matters worse, many of those who flooded into the colony were racists, and a number of the arrivals from England regarded the colonials with disdain.³⁰

The increased numbers of settlers and the plummeting populations of First Nations influenced British political interests. With the influx of European settlers onto Vancouver Island, the establishment of a British colony became a priority.³¹ On November 16, 1858, James Douglas was appointed the Governor of British Columbia's mainland. As he apparently could not serve as Governor to both jurisdictions, Douglas resigned his position as Governor of Vancouver Island.

²⁹ *Paul v. Pacific Salmon Foundation*. 1988. Exhibit D, page 192.

³⁰ Adams, John. 2001. *Old Square-Toes and His Lady: The Life of James and Amelia Douglas*. Victoria: Horsdal & Schubart Publishers Ltd. Pp. 120. [Brackets mine].

³¹ Furniss, Elizabeth. 2000. *The Burden of History: Colonialism and The Frontier Myth in a Rural Canadian Community*. Vancouver: UBC Press. Pp. 33.

In 1858, Douglas' land policies switched from establishing treaties to the creation of reserved lands. Douglas' reserve policy was generous for the time, but he did little to consider First Nations land title ownership. In 1861, Douglas told the Chief Commissioner of Lands and Works to take measures to distinctly mark out Indian Reserves throughout the Colony: "the extent of the Indian Reserves" was to be "pointed out by the natives themselves."³² Douglas' reserve policy was intended to limit the amount of First Nations discontent and he knew that providing extensive reserves would help to achieve this end. It should be noted that Douglas' reserve policy was influenced by European prejudices. This is demonstrated in a comment Chancellor Boyd made in regard to reserved lands.³³ He states, "the object of the system is to segregate the red from the white population, in order that the former may be trained up to a level with the latter."³⁴ He added, "the distinctive feature of the system in Canada was the grouping of the separate tribes for the purposes of exclusive and permanent residence within circumscribed limits."³⁵ These prejudices only influenced Douglas' reserve policy to a small degree; nevertheless, they impacted the creation of reserves throughout British

³² Ware, Reuben. 1974. *The Lands We Lost: A History of Cut-Off Lands and Land Losses From Indian Reserves in British Columbia*. Vancouver: Union of B.C. Indian Chiefs. Pp. 4-5.

³³ It should of interest to note that Chancellor Boyd was a judge in the first *St. Catherine's Milling* (1885) court case. For more information on Chancellor Boyd's racist perceptions and its impact on the court case refer to James Henderson et. al. *Aboriginal Tenure in the Constitution of Canada*.

³⁴ Henderson, James (Sakej) Youngblood, Marjorie L. Benson, and Isobel M. Findlay. 2000. *Aboriginal Tenure in the Constitution of Canada*. Ontario: Thomson Canada Limited. Pp. 216.

³⁵ Ibid.

Columbia.³⁶ By the end of his mandate he set aside reserves on Vancouver Island and along the Fraser River.³⁷

In 1864, with the appointment of Joseph Trutch as Chief Commissioner of Lands and Works, Douglas' reserve policy was set aside.³⁸ Trutch denied the existence of aboriginal title and rights, and started the first reserve reductions.

Post-Douglas Era

Vancouver Island history changed with the increasing number of settlers, and various colonial legislations. This part of the paper will be divided into four sections. The first section will focus on First Nations people's political, social and economic contributions to British Columbia. This will establish the compatible nature of the beliefs of First Nations and Europeans. The second section will explain the provincial and federal governments' jurisdictional disputes and their impact on First Nations people's economic, social and political well-being. The third section will highlight First Nations historical resistance to colonial policies. The fourth section will outline recommendations based on colonial history and its various legislations. To understand

³⁶ For example, Chief Wayne Edwards mentioned that the Nanoose had fishing stations on the Fraser River. The above quotation had vast implications for nations like the Nanoose who have areas outside of reserved lands [Personal correspondence, April 16, 2002].

³⁷ For example, a Douglas reserve was created "in the Okanagan District, at the northern extremity of Lake Okanagan" (Neskonlith Reserve Claim; Pp. 4).

³⁸ Note: "Honoring" is used very loosely in this sentence. Douglas acquired a lot of land for himself and for his friends while he was the Governor of Vancouver Island. For more information please refer to John Adams and Ken Coates's books.

how First Nations people were impacted during these colonial eras, we must start from the beginning.

First Nations People and The British Columbia Economy

Even though Joseph Trutch and James Douglas are the two most prominent figures in colonial records, they were not the only players in the development of the political, social and economic environment on Vancouver Island and across British Columbia. First Nations people played a major role in the establishment of colonial forts, mining the coalfields, and in providing the labor that supplied the colony with many of the necessities it required. A misnomer in Canadian history is the belief that First Nations people were grounded in a way of life and had no desire to evolve, to flourish, or to prosper. This is incorrect. This section of the paper will discuss the ability of First Nations peoples not only to adapt to contemporary circumstances, but also to thrive in the process. Correcting this misconception will further clarify aspects of colonial policy that are rarely recognized by mainstream society. This is another journey that must start from the beginning.

In the early 1700s, the Europeans were impressed with Indigenous peoples and offered favorable comments. In their early journals, the Europeans noted “the beautiful, seaworthy Indian canoes, some of which were almost as long as their own ships.”³⁹ It was mentioned that, “although the Indians did not use sails, they were obviously fine

³⁹ Duff, Wilson. 1997. *The Indian History of British Columbia: The Impact of the White Man*. Victoria: Royal British Columbia Museum. Pp. 77.

seamen, and they quickly adopted the use of sails.”⁴⁰ In addition, the early journals commented on their superb craftsmanship with metal, which was exhibited in “their houses, canoes, totem poles, rattles, [and] boxes.”⁴¹

First Nations peoples demonstrated superior trading skills. With regard to their newly acquired European goods, they were selective in what they wanted and “drove hard bargains” to obtain it.⁴² They would then use these European goods to trade with other First Nations who did not have direct access to European traders. There are other instances in which they would curb the competition by “buying the furs at higher prices than the Hudson’s Bay Company” and would sell them to “Yankee ships.”⁴³ The fur trade era expanded and diversified the inventories of First Nations trade goods, but required few modifications to traditional practices. Europeans were simply inserted into existing trading routines.

As previously discussed, First Nations systems of governance were based on the distribution of wealth. With the new influx of tradable goods and the traditional governance system to support their distribution, a new level of sharing was established.

The new wealth strengthened the existing social and economic systems rather than weakening them. The chiefs, who controlled Sea Otter hunting and trade relations, became richer and more secure. More wealth meant more and bigger

⁴⁰ Ibid.

⁴¹ Ibid. [Brackets mine].

⁴² Ibid.

⁴³ Ibid. Pp. 80.

potlatches and a more active ceremonial life, with more need for artistic products.⁴⁴

It was these affirmed traditional systems that led First Nations people to seek better trade opportunities. As explained earlier, Indigenous people like the Samose (now Songhees) understood the value in forging equitable trade relationships with the European newcomers. The trade relationships would take some First Nations' goods as far away as China where the "soft, luxuriant furs of the Sea Otter" were distributed.⁴⁵ Some First Nations peoples also traveled to Hawaii and Japan to aid in the fur trade industry.

The increased trade in the 1850s and 1860s led to the decline of inter-tribal warfare. Prior to the fur trade, First Nations went to war to humble an enemy or to gain prestige, but with the increased wealth another option emerged. Instead of going to war, the nations conducted more potlatches. A Kwakiutl chief commented, "when I was young I saw streams of blood shed in war. But since that time the white man came and stopped up that stream of blood with wealth. Now we fight with our wealth".⁴⁶

In other instances, the wealth offered increased status. Charles Nowell, a First Nation sealer, instructed his "older brother to take most of his \$600 earnings, which [would] be invested in a proper marriage and the beginnings of a potlatch position."⁴⁷

Whether he was able to increase his potlatch position is unknown, but this personal

⁴⁴ Ibid. Pp. 79

⁴⁵ Ibid. Pp. 75.

⁴⁶ Ibid. Pp. 82.

⁴⁷ Knight, Rolf. 1996. *Indians at Work: An Informal History of Native Labor in British Columbia*. Vancouver: New Star Books. Pp. 108. [Brackets mine].

account shows it is unlikely that the trade relationship interrupted Indigenous people's traditional governance structures. First Nations involvement is also exhibited in the British Columbia sealing industry.

In the early 1890s, First Nations people took their own initiative in sealing operations. Many First Nations worked on European schooners as carpenters, deck hands, cooks, and in some cases, captains. In other cases, they were contracted to build the sealing schooners for European sealers.⁴⁸ Still other First Nations took to purchasing their own schooners to compete with the European schooners.

They began operating their own schooners in 1880 when the Neah Bay Fur Sealing Company chartered the pilot boat *Lottie* at Port Townsend, which had been taking seals for some years on her trips to Cape Flattery, just west of Neah Bay. The *Lottie* was subsequently purchased by Chief James Claplanhoo. In the next few years the Makah purchased three other small schooners before acquiring the old *Discovery* in Victoria. Then, in 1886, Chief Peter Brown bought the schooner *Champion*.⁴⁹

Between 1905 and 1910, the pelagic sealing started to decline. It finally came to an end in 1911 when Canada ratified the International Sealing Convention. The sealing industry was short lived, but as in the fur trade, the First Nations people prospered. This business initiative was also evident in British Columbia's coal industry.

⁴⁸ Ibid. Pp. 229.

⁴⁹ Ibid. Pp. 227.

There is an interesting story about how the Vancouver Island mining operations started. It is said that an older First Nations man named “Nanaimo Coal Tyee” walked into the HBC blacksmith shop and asked “whether the company placed any value on the black rock that burns.”⁵⁰ Rolf Knight notes that the First Nations man understood the significance of coal. He states that the Halkomelem people in the Nanaimo area had “been already mining surface outcroppings and bringing the coal to Victoria for sale by the canoe load.”⁵¹ The discovery of coal and active participation in mining made First Nations an asset to the future Nanaimo coal industry.

First Nations people played a large part in the Nanaimo coal mine. The new economic prospects brought various First Nations workers from all parts of the Island. In September 1852, Joseph MacKay, the senior officer of Fort Nanaimo, wrote, that the “Natives commenced working Coal on the 8th instant and have been busily employed ever since.”⁵² The first recorded extraction of coal was estimated at fourteen hundred barrels. Indigenous workers mined more than half of this. As miners they also found themselves allies with the budding British Columbia unions.

The various organized labor movements did not put off First Nations miners. Quite the contrary, a large number of First Nations people supported the European miners’ protests. In 1890, Thomas Salmon a resident of Nanaimo was chosen as the representative for the Miners and Mine Labourers Protective Association and was sent to

⁵⁰ Ibid. Pp. 225.

⁵¹ Ibid.

⁵² Ibid.

the Trades and Labour Congress in Ottawa.⁵³ In addition, M.J. Elliot was sent to the Trades and Labour Congress in Victoria to represent the union's interests. Indigenous people did not hesitate to assist the unions, but that had its consequences.⁵⁴ For example, during the Nanaimo Coal strike of 1912-1914, "employers attempted to induce Indian workers in the Nanaimo area to act as strike-breakers, and when they refused they were blacklisted from future employment."⁵⁵ These consequences, and increased First Nations employment, would extend into other British Columbian industries.

The main economic occupation for First Nations was in the commercial fishing industry. They were highly valued in the industry for their traditional fishing experience and knowledge of the coastal area. Initially, the industry was a challenge, with its various canning methods, its new commercial trolling gears and its emerging government codes. First Nations peoples were quick to master all of it. Their willingness to learn and to absorb the progressive canning and fishing methods led them to become successful and competitive entrepreneurs. A glowing example was James Sewid.⁵⁶ He was the captain of a "cannery seine boat and went on to become the owner of a small fleet of seiners."⁵⁷

⁵³ Ibid. Pp. 256.

⁵⁴ In 1911, Frank Little, a First Nations union advocate, "was lynched by vigilantes of a local Citizen's Alliance – not because he was a native but because he was a militant union organizer" (Knight; Pp. 254).

⁵⁵ Knight, Rolf. 1996. *Indians at Work: An Informal History of Native Labor in British Columbia*. Vancouver: New Star Books. Pp. 257.

⁵⁶ Sewid was a prominent member of the Native Brotherhood. Like Sewid, other First Nations played a large part in the economy while asserting their First Nations rights. For more information refer to Rolf Knight's *Indians at Work: An Informal History of Native Labor in British Columbia*.

⁵⁷ Knight, Rolf. 1996. *Indians at Work: An Informal History of Native Labor in British Columbia*. Vancouver: New Star Books. Pp. 188.

Not every fisherman became a captain or owned their own fleet of seiners, but most First Nations occupied a large portion of the cannery positions. The prevalence of Indigenous fisherman was estimated at “1,500 to 2,000 Indian fishermen and boat pullers working for the canneries at the turn of the century.”⁵⁸ In 1929, the prevalence of First Nations fishermen rose to 3,632.

As they did in the mining industry, First Nations assisted the unions. In 1893, First Nations participated in the first fishermen’s strike. In 1906, Indian longshoremen of the Burrard Inlet area were central in founding the Lumberhandlers Industrial Union, Local 526 of the Industrial Workers of the World.⁵⁹ The Squamish Nation helped create the International Longshoremen’s Association in 1912, and participated in the 1923 and 1935 Vancouver dock strikes. First Nations fishermen also helped establish “the first Canadian local of the International Longshoremen’s and Warehousemen’s Union.”⁶⁰

First Nations support again had its consequences. Harry Assu, a First Nations fisherman discussed the impact:

Native people and the people who managed the canneries worked pretty well together from the beginning. When the unions involved our people in a big strike at Rivers Inlet around 1916 [1936?](sic), we lost out on our whole summer fishing

⁵⁸ Ibid. Pp. 186.

⁵⁹ Ibid. Pp. 17.

⁶⁰ Ibid.

season. What we lost out on was not just a job. Fishing is our living, our way of life! We own these waters, and we have to be able to fish them.⁶¹

First Nations people made crucial decisions to support the unions, not only for their economic well-being but also for their traditional access to fish. It is unclear how many First Nations participated in the union strikes, but what is clear is that they helped create the unions and advanced the union's petitions to their employers.

A New Era in Colonial Policy

Even though First Nations people had played a large part in the British Columbia economy, new changes in colonial legislation would limit their economic prospects.

Joseph Trutch was the first to begin the reserve reductions and to change the recognition of aboriginal title and rights. His denial of equitable justice for British Columbia's First Nations would become a trend that would endure in colonial policy. This section will address three sets of colonial policies. The first section outlines how the 1871 Terms of Union impacted the recognition of aboriginal rights and title. The second section details how the 1875 Indian Reserve Commission impacted First Nations reserved lands. The final section will show how the 1912 McKenna-McBride Reserve Commission was formed and explain its devastating impact on First Nations' lands. These three sections are important in understanding current First Nations land disputes.

The 1871 Terms of Union represented another change in colonial land policy. From the time the provincial government joined Canada, events would prove unfavorable

⁶¹ Ibid. Pp. 189.

for First Nations people. A large part of the problem was the various jurisdictional disputes between the provincial and federal governments. The most heated debate between the two was over “Indian lands.” For example, between 1871-1875 they argued over the amount of land to be allotted for reserves. The provincial government proposed 25 acres whereas the federal government proposed 160 acres.⁶² The federal government recognized a responsibility to First Nations peoples, but their policies would slowly change.⁶³

Ottawa expressed some discontent with the province’s Indian policy at first. It disallowed the British Columbia Crown Lands Act on the basis that a cessation of aboriginal title had not been obtained, although it later backed away from this position. In fact, Ottawa gradually came to accept British Columbia’s policy and to work with the province in consistent attempts to focus aboriginal people on more limited and manageable issues relating to reserve lands rather than those that centered upon questions about the basic ownership of and control over the land.⁶⁴

⁶² Knight, Rolf. 1996. *Indians at Work: An Informal History of Native Labor in British Columbia*. Vancouver: New Star Books. Pp. 106.

⁶³ The 1870 Lands Act prohibited the First Nations people from preempting land while the settler population could preempt up to 320 acres. Consequently, First Nations people could not protect their best agricultural land, which was taken by the settlers.

⁶⁴ Coates, Ken. 1992. *Aboriginal Land Claims in Canada: A Regional Perspective*. Toronto: Copp Clark Pitman Ltd. Pp. 13.

It was not until 1875 that the intergovernmental disputes over “Indian lands” subsided. The Indian Reserve Commission (Joint Commission) was created to “allot and survey Indian reserves.”⁶⁵ The agreement specified that:

- (1) The Indian Reserve Commission was to fix and determine for each tribe separately, the number, extent, and locality of the Reserve or Reserves to be allotted to it.
- (2) No basis of acreage be fixed – but that each nation of Indians of the same language be dealt with separately.
- (3) Each Reserve shall be held in trust for the use and benefit of the nation of Indians to which it has been allotted.
- (4) In the event of any material increase or decrease hereafter of the numbers of a nation occupying a Reserve, such Reserve shall be enlarged or diminished as the case may be, so that it shall bear a fair proportion to the members of the Band occupying it.
- (5) The extra land required shall be allotted from Crown Lands, and any land taken off a Reserve shall revert to the Province.⁶⁶

The Indian Reserve Commission lasted for thirty-five years, administering its “justice” to First Nations peoples. In 1876, three commissioners were chosen, but later it “fell apart due to the continuing dispute over the amount of land to be allotted to Indians.”⁶⁷ In 1877, Gilbert Malcolm Sproat was chosen as the sole member of the Indian Reserve Commissioner, but in 1880 was forced to resign by the provincial government for

⁶⁵ Ware, Reuben. 1974. *The Lands We Lost: A History of Cut-Off Lands and Land Losses From Indian Reserves in British Columbia*. Vancouver: Union of B.C. Indian Chiefs. Pp. 7.

⁶⁶ Ibid. Pp. 7.

⁶⁷ Ibid. Pp.12.

allotting too much land.⁶⁸ In 1880, Peter O'Reilly replaced Sproat and worked for the Indian Reserve Commission until 1898.⁶⁹ When O'Reilly retired, his predecessor, Commissioner Vowell, worked on the Indian Reserve Commission until the "reserve allotments were halted by provincial protests" in 1908.⁷⁰ A large part of the dispute was because of the provincial government's quest for better terms from the federal government.

In 1911, the dispute was referred to "the Supreme Court of Canada [but] failed because the province refused to participate."⁷¹ It was not until the provincial government passed a law authorizing itself the right to "grant, convey, quit claim, sell or dispose of, on such terms as may be deemed advisable, the interest of the province, reversionary or otherwise, in any Indian Reserve, or portion thereof" that the federal government sought a remedial measure to the land dispute.⁷²

⁶⁸ In 1877, First Nations land issue was becoming more turbulent, with the threat of an Indian War. The Minister of the Interior stated, "Indian rights to soil in British Columbia have never been extinguished. Should any difficulty occur, steps would be taken to maintain the Indian claims to all the country where rights have not been extinguished by treaty" (Knight: pp. 93). Even though the federal government acknowledged "Indian rights" to the land, the matter was dropped with the 1875 Indian Reserve Commission and later with the 1913 McKenna McBride Commission.

⁶⁹ Peter O'Reilley believed First Nations people had no aboriginal title.

⁷⁰ Duff, Wilson. 1997. *The Indian History of British Columbia: The Impact of the White Man*. Victoria: Royal British Columbia Museum. Pp. 94.

⁷¹ Ware, Reuben. 1974. *The Lands We Lost: A History of Cut-Off Lands and Land Losses From Indian Reserves in British Columbia*. Vancouver: Union of B.C. Indian Chiefs. Pp. 14. [Brackets mine].

⁷² Ibid.

On September 24, 1912, the McKenna-McBride Commission was created to solve the continuing disputes between the federal and provincial governments.⁷³ The text of the agreement states:

MEMORANDUM OF AN AGREEMENT ARRIVED AT BETWEEN
MCKENNA, SPECIAL COMMISSIONER APPOINTED BY THE DOMINION
OF INDIAN AFFAIRS IN BRITISH COLUMBIA, AND THE HONORABLE
SIR RICHARD MCBRIDE, AS PREMIER OF THE PROVINCE OF BRITISH
COLUMBIA.

Whereas it is desirable to settle all differences between the Governments of the Dominion and the Province respecting Indian lands and Indian Affairs generally in the Province of British Columbia, therefore the parties above named, have, subject to the approval of the Governments of the Dominion and of the Province, agreed upon the following proposals as a final adjustment of all matters relating to Indian Affairs in the Province of British Columbia.

- (1) A Commission shall be appointed as follows: Two Commissioners shall be named by the Dominion and two by the Province. The four Commissioners so named shall select a fifth Commissioner, who shall be the Chairman of the Board.
- (2) The Commission so appointed shall have the power to adjust the acreage of Indian Reserves in British Columbia in the following manner:
 - (a) At such places as the Commissioners are satisfied that more land is included in any particular Reserve as now defined than is reasonably required for the use of the Indians of that tribe or locality, the Reserve shall, with the consent of the Indians, as required by the Indian Act, be reduced to such acreage as the Commissioners think reasonably sufficient for the purposes of such Indians.

⁷³ The terms of the McKenna-McBride Commission [Dominion Order-in-Council No. 3277] were accepted by the federal government on November 27, 1919, and the provincial government on December 31, 1912. For more information refer to Reuben Ware's *The Lands We Lost: A History of Cut-Off Lands and Land Losses From Indian Reserves in British Columbia*.

- (b) At any place at which the Commissioners shall determine that an insufficient quantity of land has been set aside for the use of the Indians of that locality, the Commissioners shall fix the quantity that ought to be added for the use of the such Indians. And they may set aside land for any Band of Indians whom land has not already been reserved.
- (3) The Province shall take all such steps as necessary to legally reserve the additional lands which the Commissioners shall apportion to any body of Indians in pursuance of the powers above set out.
- (4) The lands which the Commissioners shall determine are not necessary for the use of the Indians shall be subdivided and sold by the Province at public auction.
- (5) The net proceeds of all such sales shall be divided equally between the Province and the Dominion, and all moneys received by the Dominion under this Clause shall be held or used by the Dominion for the benefit of the Indians of British Columbia.
- (6) All expenses in connection with the Commission shall be shared by the Province and the Dominion in equal proportions.
- (7) The land comprised in the Reserves as finally fixed by the Commissioners aforesaid shall be conveyed by the Province to the Dominion with full power to the Dominion to deal with the said lands in such manner as they may deem best suited for the purposes of the Indians, including a right to sell the said lands and fund or use the proceeds for the benefit of the Indians, subject only to a condition that in the event of any Indian tribe or band in British Columbia at some future time becoming extinct, then any lands within the territorial boundaries of the Province which have been conveyed to the Dominion as aforesaid for such tribe or band, and not sold or disposed of as hereinbefore mentioned, or any unexpended funds being the proceeds of any Indian Reserve in the Province of British Columbia, shall be conveyed or repaid to the Province.
- (8) Until the final report of the Commission is made, the Province shall withhold from preemption or sale any lands over which they have a disposing power and which have been theretofore applied for by the Dominion as additional Indian Reserves or which may during the sitting of the Commission, be specified by the Commissioners as lands which should be reserved for Indians. If during the period prior to the Commissioners making their final report it shall be ascertained by either Government that any lands being part of an Indian Reserve are

required for right-of-way or other railway purposes, or for any Dominion or Provincial or Municipal Public Work or purpose, the matter shall thereupon dispose of the question by an Interim Report, and each Government shall thereupon do everything necessary to carry the recommendations of the Commissioners into effect.⁷⁴

Between 1913-1916 the McKenna-McBride Commission met with the British Columbia First Nations people. When the meetings ended the initial report of the commission recommended 54 reserve cut-offs, totaling 47,000 acres. Later these amounts were reduced to 35 reserve cut-offs that totaled 36,000 acres.⁷⁵ The remaining reserve land was 733,891 acres divided into approximately 1,560 parcels of land; in total “the reserve land base was finalized at only some three percent above what it had been in 1897”.⁷⁶ To put into perspective how much land was reduced compared to how much land existed, a closer examination of the 1864 House of Assembly Meeting estimated the area of Vancouver Island at 6,720,000 acres. When this is compared to the amount of land allocated for all the reserves in British Columbia by the 1912 McKenna-McBride Commission (733,891 acres), it becomes clear how small the reserves were, not only on Vancouver Island but across British Columbia.

⁷⁴ Ware, Reuben. 1974. *The Lands We Lost: A History of Cut-Off Lands and Land Losses From Indian Reserves in British Columbia*. Vancouver: Union of B.C. Indian Chiefs. Pp. 16.

⁷⁵ Ibid. Pp. 18 and 67.

⁷⁶ Knight, Rolf. 1996. *Indians at Work: An Informal History of Native Labor in British Columbia*. Vancouver: New Star Books. Pp. 108.

First Nations Resistance

A large part of the current First Nations political unrest lies with the provincial and federal land disputes. If the federal government had honored their responsibility to protect First Nations land, the present land claims issues would not exist. It was after the land loss and the political disputes between the two levels of government that First Nations peoples' resistance heightened toward colonial policy. This section of the paper will detail the resistance and the continued will to maintain political autonomy and cultural integrity that is ever-present in the battles with the provincial and federal governments. First Nations resistance began early in colonial history.

In 1906, the Nishga Land Committee was formed “to raise funds and obtain professional legal advice.”⁷⁷ It was during this year that Squamish, Shuswap and other First Nations sent representatives to London to argue the legitimacy of their land title claims. This trip resulted in a “hearing but no real satisfaction.”⁷⁸ In 1909, an additional twenty First Nations representatives traveled to England as well. This second trip proved to be equally unsatisfactory. Undaunted by the continued lack of resolution to their land claims issues, the Nations rallied within British Columbia.

In 1910, First Nations had the opportunity to confront Prime Minister Wilfred Laurier on the land claims issue. The nations included the Shuswap, Okanagan and

⁷⁷ Duff, Wilson. 1997. *The Indian History of British Columbia: The Impact of the White Man*. Vancouver: New Star Books. Pp. 96.

⁷⁸ Ibid.

Couteau Tribes. The chiefs addressed Laurier and vented their frustration over how land title issues had been dealt with by the governments.

When they first came among us...they found the people of each tribe supreme in their own territory, and having tribal boundaries known and recognized by all...We waited for treaties to be made, and everything settled...Gradually they little by little changed their policy towards us, and commenced to put restrictions on us. Their government or chiefs have taken every advantage of our friendliness...They treat us as subjects without agreement to that effect, and force their laws on us without our consent...They have stolen our lands and everything on them...The queen's law which we believe guaranteed us our rights, the B.C. government has trampled underfoot.⁷⁹

Laurier acknowledged First Nations' frustration and vowed to change the colonial policy to rectify these historical grievances. His wishes and First Nations hopes would go unrealized once again. Laurier was defeated in the next election. The newly elected government denied the existence of aboriginal title and rights and the matter would continue unresolved. First Nations' hopes were doused once again, but their political will for recognition burned on.

By 1913, the Nass First Nations people had created the Nishga Petition, outlining their land claim. They wanted the Judicial Committee of the Privy Council in London to

⁷⁹ Shuswap Nation Tribal Council. 1910. *The Shuswap: "One People With One Mind, One Heart and One Spirit."* Kamloops: SNTC. Pp. 33-34.

rule on their petition. This was unacceptable to British policy and procedure because the Canadian lower courts had to rule on the petition first.

In 1915 and 1916, the Nishga changed their political direction and focused on creating allegiances with other First Nations. The Allied Tribes of British Columbia were a result of the Interior and Coastal First Nations amalgamation.⁸⁰ The newly formed political alliance immediately started outlining funding options and began to endorse the various petitions destined for Ottawa.

In 1923, the Allied Tribes of British Columbia presented the Federal government with a set of terms to resolve “Indian title issue.” The terms included “a cash settlement of about 2.5 million dollars, an increase in the size of reserves to 160 acres per person, certain hunting and fishing rights, and extensive educational and medical benefits.”⁸¹ Even though First Nations sought a reasonable compensation for their aboriginal title and rights, the federal government ignored the terms.⁸² Instead they responded with the Great Settlement of 1927, which ruled that First Nations “have not established any claim to the lands of British Columbia based on aboriginal title or other title,” and offered them

⁸⁰ Furniss, Elizabeth. 2000. *The Burden of History: Colonialism and The Frontier Myth in a Rural Canadian Community*. Vancouver: UBC Press. Pp. 40.

⁸¹ Duff, Wilson. 1997. *The Indian History of British Columbia: The Impact of the White Man*. Victoria: Royal British Columbia Museum. Pp. 97.

⁸² In 1926, the Allied Tribes of British Columbia presented its grievances to the federal parliament. A special joint Senate-House committee held the meetings and made recommendations. The federal government was primarily responsible for the decision because, as in the past, the provincial government absolved themselves from attending the sessions. For more information refer to Ken Coates’s *Aboriginal Land Claims in Canada: A Regional Perspective*.

“annual allotment[s] of \$100,000 in lieu of treaty payments.”⁸³ Following the Joint Commission’s retort to aboriginal title, the federal government stepped in to amend the Indian Act in 1927, in order to “make it a crime for any individual to raise money or accept fees for any land claims activity.”⁸⁴ First Nations would resist the 1927 Indian Act amendment and in 1932 the Native Brotherhood of British Columbia was created. It was formed primarily by the north and central coast First Nations. Over the next twenty-five years the Native Brotherhood would distribute its monthly newspaper, *Native Voice*, to assert its aboriginal title and rights. The Allied Tribes of British Columbia discontinued their attempts for aboriginal title and rights recognition. The law banning First Nations land claims would remain in place until 1951.

The changes to the Indian Act were a direct result of the lobbying of First Nations peoples.⁸⁵ In 1947, the Native Brotherhood sent delegates to the Indian Act amendment hearings. Their contributions aided in the 1951 Indian Act amendments that lifted oppressive cultural and political sanctions. The results were: the ban that prohibited First Nations people to engage in cultural practices was lifted; First Nations children could attend public schools rather than the residential schools; the illegal sanction against First Nations consulting legal council and protesting land entitlement was discarded, and the illegality of alcohol consumption and possession was dropped. These changes, together

⁸³ Coates, Ken. 1992. *Aboriginal Land Claims in Canada: A Regional Perspective*. Toronto: Copp Clark Pitman Ltd. Pp.14.

⁸⁴ For more information refer to Rolf Knight’s *Indians at Work: An Informal History of Native Labor in British Columbia*.

⁸⁵ Haig-Brown, Celia. 1998. *Resistance and Renewal: Surviving the Indian Residential School*. Vancouver: Arsenal Pulp Press. Pp.130.

with the oppression First Nations peoples had suffered since 1927, would give them the opportunity to resist once again.

Since 1951 there have been consistent and persistent efforts by First Nations peoples to assert their land title. In 1977, the Gitksan-Carrier Declaration stated “recognize our Sovereignty, recognize our rights, so that we may fully recognize yours.”⁸⁶ Such First Nations statements have set the tone for all matters in regard to First Nations political movements up to the present day. A statement by Ken Coates, an author and political activist for First Nations recognition of land title rights, summarizes the positive attributes of First Nations political consistency throughout history.

The First Nations of British Columbia have continued to assert independent aboriginal title to their traditional lands. They have seldom strayed from their conviction that they must fully govern themselves while maintaining their language and culture. They seek self-sufficiency and they are ready to share their land and resources with other British Columbians, on the basis of a just accommodation, mutual recognition and full respect. Such consistency and steadfastness are indeed, a challenge for the governments of Canada and British Columbia – and, perhaps, a basis for a new understanding between the native and non-native peoples of that province.⁸⁷

⁸⁶ Coates, Ken. 1992. *Aboriginal Land Claims in Canada: A Regional Perspective*. Toronto: Copp Clark Pitman Ltd. Pp. 23.

⁸⁷ Ibid. Pp. 26.

First Nations' continued resistance to oppressive colonial authority and policy is clearly shown in history. The question First Nations communities need to resolve is: what are our future options?

The Future of First Nations and Aboriginal Self-Government

This paper has outlined the barriers that impeded the aboriginal rights and title of First Nations, but also, this included resistance which might inform the question: what is next? A large segment of First Nations people have begun to return to their cultural teachings and to let those teachings guide their political decisions. This cultural influence also helps to repair the colonial damage caused to their communities. First Nations leadership is turning once again to the Elders to guide their decisions, and to seek solutions by incorporating traditional ideals into contemporary political policy. It is a difficult task, but the challenges they face can be informed and supported by the experience of other First Nations in other parts of the world.

It is important to note how valuable it is for British Columbia First Nations to learn from the experiences of tribal governments in the United States.⁸⁸ Even though United States tribal governments currently face jurisdictional challenges, they do offer directions for British Columbia's First Nations.⁸⁹ It would be instructive for the

⁸⁸ Russell, Dan. 2000. *A People's Dream: Aboriginal Self-Government in Canada*. Vancouver: UBC Press. Pp. 11.

⁸⁹ Over the past ten years the United States tribal governments have lost twenty-three out of twenty-eight court cases. These court rulings have devastated their jurisdictional powers. For more information refer to Dan Russell's *A People's Dream: Aboriginal Self-Government in Canada*.

emerging self-governments who are involved in the British Columbia Treaty Process to conduct more research in this area, and especially to understand how the United States tribal governments lost their jurisdictional powers.

A second option is to shift the burden of proof to the provincial and federal governments. The land claims issue and aboriginal title in particular have been left up to First Nations peoples to prove through litigation or otherwise, with the British Columbia Treaty Commission, the Independent Claims Commission, or more historically the Privy Council, determining the weight of First Nations land title arguments against their own perceived land ownership. Ken Coates's reflection on this process should be of interest to First Nations leadership.

One of the most profound ironies of the land-claims question is that the matter has not yet taken a truly aboriginal perspective. Although indigenous peoples would clearly wish to have the land question based on aboriginal principals, the debate in Canada has not even approached this plane. Rather than focus on native concepts of occupation, ownership, and transference of control, land-claims discussions have remained within the constraints of the British/Canadian legal system. This oddity has attracted surprisingly little attention, partially because of the ability of aboriginal leaders to debate the land issue on Euro-Canadian terms. (One wonders at how well the enormous battery of non-native politicians, administrators, lawyers, and judges would do if the tables were turned and they were forced to operate within aboriginal systems of diplomacy and negotiation. The evidence,

based on such incidents as the Gitskan-Wet'suwet'en court case, is that the cultural chasm might well prove insurmountable for non-native participants.⁹⁰ The challenge with this option is whether the courts can be convinced to shift the burden of proof onto the provincial and federal governments.

A third option is to amend the constitution to include aboriginal self-government. A large part of the challenge to self-government relates to judicial interpretation. Dan Russell argues that when First Nations insert self-government into the constitution, court decisions will have a basis of interpretation which may prove more rewarding than facing a judicial committee with no Canadian self-government precedents or limitations on their power to rule against "the exercise of self-government."⁹¹ Russell argues that the constitutional amendment will establish the self-government First Nations people seek. He notes that it is unwise to leave interpretation to the courts because "even recent case law indicates that Aboriginal positions will not be championed by Canadian courts."⁹²

A fourth option is to push Justice Hall's remarks in the *Calder* court decision. The specifics of the ruling dispelled the provincial government's overarching supremacy and legitimacy to legally dispose First Nations peoples.

The vesting of exclusive jurisdiction with the federal government over Indians and Indian lands under s. 91(24), operates to preclude provincial laws in relation

⁹⁰ Coates, Ken. 1992. *Aboriginal Land Claims in Canada: A Regional Perspective*. Toronto: Copp Clark Pitman Ltd. Pp. 4.

⁹¹ Russell, Dan. 2000. *A People's Dream: Aboriginal Self-Government in Canada*. Vancouver: UBC Press. Pp. 58.

⁹² Ibid. Pp. 86.

to those matters... What must be answered, however, is whether the same principal allows provincial laws of general application to extinguish aboriginal rights. I have come to the conclusion that a provincial law of general application could not have this effect, for two reasons. First, a law of general application cannot, by definition, meet the standard, which has been set by this Court for the extinguishments of aboriginal rights without being *ultra vires* the province. This standard was laid down in *Sparrow*, supra, at p. 1099, as one of “clear and plain” intent...As a result, a provincial law could never, *proprio vigore*, extinguish aboriginal rights, because the intention to do so would take the law outside provincial jurisdiction. Second, as I mentioned earlier, s. 91(24) protects a core of federal jurisdiction even from provincial laws of general application, through the operation of the doctrine of interjurisdictional immunity. That core has been described as matters touching on “Indianness” or the “core of Indianness”.... It follows that aboriginal rights are part of the core of Indianness at the heart of s.91 (24). Prior to 1982, as a result [Aboriginal tenure and rights] could not be extinguished by provincial laws of general application...[Section] 88 does not evince the requisite clear and plain intent to extinguish aboriginal rights.⁹³

The provincial government played a large role in the 1875 Indian Reserve Commission and then later in the 1912 McKenna-McBride Reserve Commission. First Nations can argue that the provincial government infringed on the “core of Indianness” by

⁹³ Henderson, James (Sakej) Youngblood, Marjorie L. Benson, and Isobel M. Findlay. 2000. *Aboriginal Tenure in the Constitution of Canada*. Ontario: Thomson Canada Limited. Pp. 366.

dispossessing them of their land and acting out of their provincial jurisdiction. Whether the argument will stand the legal scrutiny of the federal government's jurisdiction over First Nations issues remains to be seen, but this argument is another direction worthy of closer examination.⁹⁴

A fifth option is to utilize Justice Lamer's comments in *R. v Sioui* to promote favorable treaty interpretations.

The treaty essentially has to be interpreted by determining the intention of the parties on the territorial question at the time it was concluded. It is not sufficient to note that the treaty is silent on this point. We must also undertake the task of interpreting the treaty on the territorial question with the same generous approach toward the Indians that applied in considering earlier questions. Now as then, we must do our utmost to act in the spirit of Simon.⁹⁵

This is an important ruling for First Nations with treaties. Not only does it emphasize a "generous approach" towards them but it also allows an additional avenue to appeal their reserve reductions. In *Simon*, the court ruled "Aboriginal and treaty rights insulates them from past encroachments due to non-use, subsequent colonial acts, and modern statutes."⁹⁶ A large part of the reserve reductions were based on the belief that First

⁹⁴ Historically the provincial and federal government have had quite a volatile relationship in regard to "Indian lands." This relationship can be an asset to First Nations peoples. The federal government initially recognized aboriginal title through the Vancouver Island Treaties and later in their 1871 and 1875 written comments. The federal government may let the conflict idle if the court case makes them solely responsible for their past "sharp dealings" (*Taylor v. Williams*) with the First Nations peoples and their lands.

⁹⁵ Henderson, James (Sakej) Youngblood, Marjorie L. Benson, and Isobel M. Findlay. 2000. *Aboriginal Tenure in the Constitution of Canada*. Ontario: Thomson Canada Limited. Pp. 235.

⁹⁶ Ibid.

Nations people did not use the land, and this was supported by various legislations that enforced this belief. This is a good basis on which to reject a biased ruling against First Nations interpretations, and it provides some hope for discrediting the unlawful 1875 and 1912 reserve reductions.

A sixth option is to educate the mainstream population. Unfortunately, the advancement of First Nations self-government initiatives resides in the average non-First Nations person. This is onerous for First Nations people because it requires continued justification to people residing outside of their community who may not hold the same vision for First Nations independence and their ability to govern themselves. Even though Indigenous peoples understand their inherent rights to the land, the average British Columbian citizen has not had the opportunity to understand the unique history of First Nations people in British Columbia. One way to try to achieve this goal of educating the mainstream is to conduct seminars or workshops. The mainstream population has sometimes supported First Nations against the biased colonial legislation of the past, so it would not be a hard transition for some to make in the present. For example, the 1969 White Paper was not only rejected by First Nations people but by many non-First Nation leaders, interest groups, and religious organizations.⁹⁷ Education is the most important political tool that First Nations leadership can utilize.

A seventh option is for First Nations leadership and communities to re-learn their traditional languages. First Nations identity, cultural, social, political and moral beliefs

⁹⁷ Russell, Dan. 2000. *A People's Dream: Aboriginal Self-Government in Canada*. Vancouver: UBC Press. Pp. 12.

are inextricably tied to their language. James (Sakej) Henderson details how these many factors connect with First Nations knowledge of their language.

Aboriginal knowledge or epistemology is transmitted primarily through Aboriginal languages. Aboriginal languages articulate how to relate respectfully to the lands and form attachments to the land. They provide the best evidence of Aboriginal knowledge, law, and tenure, since they are the repositories of such knowledge. Aboriginal languages provide the deep and lasting cognitive bonds that affect all aspects of Aboriginal life. Through sharing a language, Aboriginal people share the same belief of how the world works and what constitutes proper action. Sharing these common ideals creates a shared cognitive experience for Aboriginal societies that are understood as Aboriginal knowledge.⁹⁸

The above suggestion is not a new one to First Nations leadership or the Elders. In recent years, various communities have started to revive their language through schools run by First Nations and by educational seminars administered by their community Elders. The efforts to revitalize the traditional teachings and the knowledge embedded in the language will play a large part in the future of First Nations collective solidarity and affirmed cultural identity.

⁹⁸ Henderson, James (Sakej) Youngblood, Marjorie L. Benson, and Isobel M. Findlay. 2000. *Aboriginal Tenure in the Constitution of Canada*. Ontario: Thomson Canada Limited. Pp. 405.

Conclusion

Colonial history has been littered with inconsistent and often contradictory approaches to aboriginal title and rights. The purpose of this paper has been to outline the history prior to and after European contact. First Nations people have played a large part in British Columbia's political and social history. This is not common knowledge in the general population, and thus a deficiency that needs to be addressed in current self-government discussions. Currently, Indigenous people are encountering arguments that suggest they are unable to govern themselves. This paper has documented the falsity of such claims. First Nations people have not only participated in British Columbia's history, they have played a significant role in supporting its growth and development.

The recognition of aboriginal rights and title are not well understood in British Columbia. This paper has summarized the various stages of colonial policy development, beginning with James Douglas, who was a key player in the creation of the Vancouver Island colony. His policies, administration, and the trade relations he carried out with First Nations people explain how the Vancouver Colony was established, and how British Columbia's colonial policy initially recognized aboriginal title. The administration of Joseph Trutch was another milestone in the evolution of British Columbia's colonial policy. His reserve reductions entrenched the belief that Indigenous people were a burden on settler advancement and that they did not deserve equality with European settlers. The injustice inherent in these changes of policy persisted, with additional reserve reductions, primarily in the 1875 Indian Reserve Commission and the 1912 McKenna-McBride Reserve Commission.

These colonial patterns are important to identify and understand as we turn to current First Nations people's political actions. Historically, First Nations people adapted and prospered with the changing colonial policies, but were hampered by political and jurisdictional disputes between federal and provincial governments. These colonial factors form the basis for contemporary discussions with both federal and provincial governments. Whether the current solutions reside in continued litigation or through seeking justice within the British Columbia Treaty Process is unknown. The principle caution from the history outlined in this paper is that all First Nations should be aware of the modifications needed in order for their self-government and future treaty settlements to survive the legal scrutiny that may arise in the future. The proposed options in the paper outline the legal rights and directions that First Nations people can use in negotiation or in continued litigation challenges with the two levels of government.

The political and social questions that arise from this paper are clear. How much longer can justice be denied when First Nations people have successfully participated in British Columbia's political, social and economic history? It is time for the historical record to be amended to more accurately reflect the experience and contribution of First Nations people. This is necessary to heal First Nations' grievances and to enable them to regain a level of political self-sufficiency and economic independence. British Columbia's political, social and economic environment has benefited from the involvement and contributions of First Nations people. This fact must be recognized and incorporated in a new vision of government policy. If not, the political, social and economic costs to British Columbia will persist into the future.

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Appendix One: Historical Chronology

- 1579 – Sir Francis Drake’s claim to New Albion.⁹⁹
- 1670 – King Charles II grants the Hudson Bay Charter.¹⁰⁰
- 1761 – Crown Draft Proclamation.¹⁰¹
- 1763 – Pontiac’s Rebellion.¹⁰²
- 1763 – King George III creates the Royal Proclamation.
- 1774 – Quebec Act.
- 1774 – Samuel Dunn claims the west coast as part of the general claim of England. It includes North America and north and west of the Great Lakes¹⁰³
- 1774 – Juan Perez Hernandez lands on the west coast of Vancouver Island.
- 1778 – Captain Cook “followed the coast line north to Alaska calling at Nootka on the Coast of Vancouver Island en route. Bering for the Russians, had established a claim to Alaska half a century before”.¹⁰⁴
- 1780 – The First Nations contract small pox.
- 1787 – Charles Barkley, a fur trader discovers the Strait of Juan de Fuca.¹⁰⁵
- 1790s – The Spanish mapmakers enter Nanoose.¹⁰⁶

⁹⁹ *Regina v. White and Bob*. 1964. Pp. 642.

¹⁰⁰ *Ibid.* Pp. 652.

¹⁰¹ <http://www.kstrom.net/isk/maps/royalproc1761.html>

¹⁰² <http://www.bloorstreet.com/200block/rp1763.htm>

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.* Pp. 643.

¹⁰⁵ Suttles, Wayne. 1990. “Central Coast Salish”. In *Handbook of North American Indians, vol.7, Northwest Coast*. Washington: Smithsonian Institute. Pp. 470

¹⁰⁶ Unknown Author. Unknown Date. “Nanoose Bay History”. Unpubl. Manusc. Pp. 1

1790 – Exploration of Strait of Juan de Fuca shores.

1793 – Alexander McKenzie reaches the Pacific.

1794 – John Jay Treaty (Jay Treaty).

1803 – Imperial Statute¹⁰⁷.

1803 – James Douglas is born.

1814 – Treaty of Ghent.

May 7, 1819 – James Douglas enters the North West Company. A few months later the Northwest Company and the Hudson's Bay Company amalgamate.

1823 – The Nanoose First Nations are attacked at Berry Point (Powder Point) by a Northern tribe.¹⁰⁸

1826 – The Hudson's Bay Company transports their furs from New Caledonia to Fort Vancouver.

1827 – Fort Langley is established¹⁰⁹

May 30, 1834 – James Douglas is appointed HBC's chief trader.

1839 – The Nanoose population is 159.¹¹⁰

1840 – James Douglas is appointed HBC's chief factor.

1841 – United States and Britain's border dispute.

¹⁰⁷ Ibid. Pp. 644.

¹⁰⁸ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay* Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 3

¹⁰⁹ *Paul v. Pacific Salmon Foundation*. 1988. (Douglas Treaty Case Study. Vol. II: Court Cases. Barbara Lane's Affidavit). Pp. 6

¹¹⁰ "A Census of Fraser River Indian population"; Contained in James Douglas' Private Papers PABC Microfilm 737A Frame13.

March 1843 – Construction of Fort Victoria begins.¹¹¹

June 15, 1846 – Treaty of Oregon establishes the 49th parallel border.

January 13, 1849 – The Imperial Crown grants Vancouver Island to HBC.¹¹²

1849 – James Douglas is appointed the “*governor pro tempore*.”

July 16, 1849 – Blanshard is appointed Governor of Vancouver Island.¹¹³

December 1849 – Archibald Barclay writes a letter to Douglas pertaining to the land allocation and the Indians rights within the colonization processes¹¹⁴ He states with “respect to the rights of the natives you will have to confer with the Chiefs of the tribes on that subject, and in your negotiations with them you are to consider the natives as the rightful possessors of such lands only as they occupied by cultivation, or had houses built on at the time when the Island came under the undivided sovereignty of Great Britain in 1846. All other land is to be regarded as waste, and applicable to the purposes of colonization. Where any annual tribute has been paid by the natives to the chiefs, a fair compensation for such payment is to be allowed.”¹¹⁵

1849 – HBC establishes Fort Rupert.¹¹⁶

1850 – Robinson-Superior Treaty¹¹⁷

1850 – Robinson-Huron Treaty

Around 1850 – Franz Boas, an early anthropologist wrote a story told to him by a Nanaimo chief. He stated, “eight tribes, including the Snono-os (Nanoose) went north and defeated the Lekwiltok again at the Qu’sam and took many slaves.”¹¹⁸

¹¹¹ *R. v. Bartleman*. 1984. Pp. 82.

¹¹² *Saanichton Marina Ltd. v. Tsawout Indian Band, Supreme Court of British Columbia*. 1987. Pp. 2.

¹¹³ *Regina v. White and Bob*. 1964. Pp. 660.

¹¹⁴ *R. v. Bartleman*. 1984. Pp. 83.

¹¹⁵ Letter from Archibald Barclay to James Douglas (1849) [BCARS A/C/20 Vi7A, pp. 13-16].

¹¹⁶ Grant, Colquhoun W. 1857. *Grant’s Description of Vancouver Island*. Royal Geographical Society. Pp. 275

¹¹⁷ <http://www.kstrom.net/isk/maps/cantreat.html>

April 13, 1850 – Treaty is signed with the Kosampson Tribe (Esquimalt Band located on the Esquimalt Peninsula and the Colquitz Valley). The tribe received 52 pounds and 10 shillings of sterling¹¹⁹.

April 13, 1850 – Treaty signed with the Swengwhung Tribe (Songhees Band located on the Victoria Peninsula and South of Colquitz). The tribe received 75 pounds sterling.

April 13, 1850 – Treaty is signed with the Chilcowitch Tribe (Songhees Band located on Point Gonzales). The tribe received 30 pounds of sterling.

April 13, 1850 – Treaty is signed with the Whyomilth Tribe (Esquimalt Band located Northwest of the Esquimalt Harbor). The tribe received 45 pounds of sterling.

April 13, 1850 – Treaty signed with the Che-ko-nein Tribe (Songhees Band located between Point Gonzales to Cedar Hill). The tribe received 75 pounds and 10 shillings of sterling. Holemitstin, a member of the tribe received a cap as well¹²⁰.

April 29, 1850 – Treaty signed with the Teechamitsa Tribe (Esquimalt Band located between Esquimalt and Point Albert). The tribe received 27 pounds and 10 shillings.

May 1850 – Joseph Mc Kay discovers coal in Nanaimo.¹²¹

May 1, 1850 – Treaty signed with the Ka-Ky-aakan Tribe (Beecher Bay Band located in Metchosin). The tribe received 43 pounds, 6 shillings and 8 pence.

May 1, 1850 – Treaty is signed with the Chewhaytsum Tribe (Beecher Bay Band located in Sooke). The tribe received 45 pounds and 10 shillings.

May 1, 1850 – Treaty is signed with the Sooke Tribe (Sooke Band located North-west of Sooke Inlet). The tribe received 48 pounds, 6 shillings and 8 pence.

May 16, 1850 – James Douglas wrote a letter to Archibald Barclay about the treaties. In

¹¹⁸ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 3. For more information of the intertribal wars in the 1850's refer to the listed reference.

¹¹⁹ *British Columbia Papers Connected With the Indian Land Question 1850-1875*.

¹²⁰ *R. v. Bartleman*. 1984. Pp. 85

¹²¹ Grant, Colquhoun W. 1857. *Grant's Description of Vancouver Island*. Royal Geographical Society. Pp. 277

the letter he explained why the treaties were blank¹²².

August 16, 1850 – James Douglas received a letter from London. It stated that they approved of how he had handled “the lands claimed by the Natives.”¹²³ With their approval they forward “the form of Contract or Deed of Conveyance” that would be used in future “Native Tribes” land settlements.

February 8, 1851 – Treaty is signed with Queackar Tribe (Kwakiutl Band located in Fort Rupert). The tribe received 64 pounds of sterling.

February 8, 1851 – Treaty is signed with Quakeolth Tribe (Kwakiutl Band located in Fort Rupert). The tribe received 86 pounds of sterling.

October 30, 1851 – Douglas is appointed the Governor, Commander-in-Chief and Vice Admiral of Vancouver Island.

Early 1852 – The Mill Company decides to build a sawmill on the Saanich Peninsula, north of Fort Victoria¹²⁴.

February 6, 1852 – Treaty signed with the Saanich Tribe (Tsawout and Tsartlip Band located in South Saanich). The tribe received 41 pounds, 13 shillings and 4 pence.

February 11, 1852 – Treaty signed with the Saanich Tribe (Pauqhachin and Tseycum Bands are located in North Saanich).

March 16, 1852 – James Douglas wrote a letter to Archibald Barclay in London. It stated that he had signed a treaty with the Saanich people because of the proposed Saw Mill in Saanich territory.¹²⁵

September 8, 1852 – The First Nations are reported to have started working at the Nanaimo Coal Mine.

May 1853 – Two tons of coal had been extracted from the Nanaimo coalmine. Half of

¹²² *R. v. Bartleman*. 1984. Pp. 84-85.

¹²³ *Saanichton Marina Ltd. v. Tsawout Indian Band, Supreme Court of British Columbia*. 1987. Pp. 8.

¹²⁴ *Ibid.* Pp. 86.

¹²⁵ *Ibid.*

- the work was the result of First Nations labor. The coal was exported to San Francisco and sold for eleven dollars per ton.¹²⁶
- 1853 – David Cameron, Douglas’ brother-in-law is appointed Vancouver Island’s Chief Justice.¹²⁷
- 1853 – Captain Richards of the *HMS Plumper* named Nanoose.
- 1853 – The European population of Vancouver Island is 450.¹²⁸ First Nations population is 17,000.¹²⁹
- August 1853 – The Hudson’s Bay Company acquired 2000 tons of salted salmon in the Gulf of Georgia.¹³⁰
- December 23, 1854 – Treaty is signed with the Saalequum Tribe (Nanaimo Band that are located in Nanaimo). The tribe received 636 white blankets, 12 blue blankets, and 20 inferior blankets¹³¹. In this treaty the tribal members did not write the crosses and all the signatories were labeled.¹³²
- January 19, 1856 – Edward Ellice wrote to Secretary of the Colonies. The letter detailed the amount of land transactions, the profit from the sold lands, and clarified the HBC’s responsibilities to the Crown¹³³.
- May 1856 – The Nanoose First Nations were murdered by the Sympsions while they were berry picking on the Nanoose Peninsula.¹³⁴ One of the survivors, Nanoose Bob, later became the chief of Nanoose.¹³⁵

¹²⁶ Grant, Colquhoun W. 1857. *Grant’s Description of Vancouver Island*. Royal Geographical Society. Pp. 279

¹²⁷ *Regina v. White and Bob*. 1964. Pp. 660.

¹²⁸ Grant, Colquhoun W. 1857. *Grant’s Description of Vancouver Island*. Royal Geographical Society. Pp. 273

¹²⁹ *Ibid.* Pp. 293

¹³⁰ *Ibid.* Pp. 310

¹³¹ *Regina v. White and Bob*. 1964. Pp. 626.

¹³² *R. v. Bartleman* (1984). Pp. 88.

¹³³ *Saanichton Marina Ltd. v. Tsawout Indian Band, Supreme Court of British Columbia*. 1987. Pp. 12.

May 29, 1856 – The Chief Clerk of HBC mentioned, “a canoe with nine Skittikat Indians left this morning. They are reported to have been shot by the Nanoos; one of them having escaped through the woods, returned here.”¹³⁶

May 31, 1856 – The Chief Clerk of HBC wrote, “three Sympson canoes arrived from Victoria and landed without opposition, but two of the tribe wandering in the direction of the beach were fired at and wounded by beaver shot in retaliation for the murder committed at Nonova. A Nanaimo Indian seems to have been guilty of the deed.”¹³⁷

August 9, 1856 – The Chief Clerk of HBC wrote, “the Chymayan chief ‘Pool’ (?) returned here being afraid to proceed on; some disturbance having occurred between the Idas and the Nonovas.”¹³⁸

October 20, 1856 – Vancouver Island’s Indian population is estimated at 25, 873. ¹³⁹

May 21, 1857 – Mr. James Cooper testified to the Select Committee. His testimony is important because it established Vancouver Island as a colony and sets out the terms of interest (i.e. resources).¹⁴⁰

April 25, 1858 – Gold miners enter Vancouver Island on the *SS Commodore*.

¹³⁴ Berry Point (Wallis Point) is located on the southern tip of the Nanoose Peninsula. For more information on the massacre (as was told by Nanoose Bob) refer to *A History of Nanoose Bay* written by Nicholls, Sivertz, and Assaf).

¹³⁵ Elliot, David. R. Unknown Date. *Adventures in Arrowsmith Country: A Historical & Recreational Guide to District 69*. Unknown Publisher. Pp. 5

¹³⁶ Captain Charles E. Stuart, Hudson’s Bay Company, Nanaimo Journal. (October 9, 1855-August 9, 1856). [BCARS A/C/20.1/N15.2]. Pp. 69

¹³⁷ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 2

¹³⁸ Captain Charles E. Stuart, Hudson’s Bay Company, Nanaimo Journal. (October 9, 1855-August 9, 1856). [BCARS A/C/20.1/N15.2]. Pp. 83.

¹³⁹ Letter from Douglas to La Bouchere, Secretary of State for the Colonies, with attached “census of the native Tribes of Vancouver’s Island, with remarks on their character and habits.” [PRO, CO.305/7, fo.103-190d]. Douglas mentioned that if the Indians were to combine forces it would be devastating to the Vancouver colony but because of the intertribal wars this was not a factor they needed to consider.

¹⁴⁰ *Paul v. Pacific Salmon Foundation*. 1988. Douglas Treaty Case Study. Vol. II: Court Cases. Barbara Lane’s letter to Malcolm Maclean, October 28, 1988. Pp. 1

1858 – British Columbia becomes a colony. The newly introduced colony and its settler inhabitants, acquired land through occupation or preemption. Consequently, treaties with no specified boundaries became open for purchase.¹⁴¹

November 16, 1858 – James Douglas is appointed Governor of British Columbia. Consequently, he had to resign his Governor of Vancouver Island position.

1858-1864 – Captain G.H. Richards wrote the Nanoose Harbor was “a spacious and well-sheltered anchorage from all winds..there is a convenient nook with a steep shingle beach where a vessel might be laid for repairs.”¹⁴²

August 31, 1859 – Captain Richards objected to how First Nations were treatment in Nanaimo.¹⁴³

March 5, 1861 – Douglas asks Moody to mark the proposed towns and Indian Reserves throughout the Colony with the “extent of the Indian Reserves to be defined by the Indians.”¹⁴⁴

May 1861 – Richard C. Mayne wrote a letter to Captain Richards to outline the road route from Albernie Canal to Nanaimo.¹⁴⁵

1861 – Vancouver Island Land Proclamation.¹⁴⁶

¹⁴¹ http://www.indianclaims.ca/english/new/press/new_esketemc.htm Pp. 2

¹⁴² Nichollas, Margaret, Barbara Sivertz, Betty, and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 29

¹⁴³ Pearson, Norman. 1995. “Notes on Government Reserves”. Unpubl. Manusc. Pp. 16

¹⁴⁴ Ibid. Pp. 9

¹⁴⁵ Mayne, Richard C. 1862. *Route in Exploring a Road from Albernie Canal to Nanaimo, in Vancouver Island, in May 1861, with a Track Chart*. London: Royal Geographical Society Journal.

¹⁴⁶ Douglas, James. 1861. Vancouver Island Proclamation (c.27). Unknown Publisher. Pp. 1. The information outlined in this proclamation is the land and what it will be sold for which is two dollars per acre with the stipulation that “from and after the date hereof, male British subjects, and aliens who shall take the oath of allegiance before the Chief Justice of Vancouver Island, above the age of eighteen years, may preempt unsold Crown Lands in the Districts of Victoria, Esquimalt, Metchosin, the Highlands, Sooke, North and South Saanich, Salt Spring Island, Sallas Island and Chemainus, (not being an Indian Reserve or Settlement) of the area, and under the following conditions: A single man, 150 acres; A married man whose wife is resident in the Colony, 200 acres; For each of his children, under the age of eighteen years in the said Colony, an additional 10 acres” (Pp.1).

- 1862 – First Nations populations plummeted by one-third from small pox.
- 1862 – John Enos, the first settler enters the Nanoose peninsula and stays.
- 1862 – Commander Mayne is one of the first people to write about the Nanoose First Nations.¹⁴⁷ In *Four Years in British Columbia and Vancouver Island* he explains why the Indian lands were not purchased by the Colony.
- 1862 – Manitoulin Island Treaty.
- 1863 – Nanoose Mountain or Notch Hill is named by John Enos.¹⁴⁸
- April 21, 1864 – Pemberton sends the Colonial Secretary copies of Richard’s charts and land maps. He states “Indian Reserves where known are marked, but it is impossible without a survey & treaty with Indians, to say what lands are occupied and partially cultivated by them.”¹⁴⁹ During this time, the land preemptors had to report if there was any Indians residing on the land.
- August 17-18, 1864 – Robert Brown states that “they [Nanoose] nearly all [been] killed off by disease or war and stay with the Nanaimo and only visit here for clamming or fishing.”¹⁵⁰ The Nanoose population is estimated to be 12.
- 1864 – James Douglas retires.
- 1864 – Joseph Trutch is appointed the Chief Commissioner of Lands and Works.
- 1864 – The Colony discusses the land question. In the House of Assembly minutes the Vancouver Island land is estimated at 6,720,000 acres.¹⁵¹
- 1866 – John Enos travels to Victoria and meets Teresa Elisa a young Indian women from the Songhees Nation (who later became his wife).

¹⁴⁷ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 3

¹⁴⁸ Unknown Author. Unknown Date. “Nanoose Bay History”. Unpubl. Manusc. Pp. 2

¹⁴⁹ Pearson, Norman. 1995. “Notes on Government Reserves”. Unpubl. Manusc. Pp. 14

¹⁵⁰ Brown, Robert. 1864. *Robert Brown and the Vancouver Island Exploring Expedition*. London: J. Murray. Pp. 106. [Parenthesis mine].

¹⁵¹ Minutes of Proceedings of A Select Committee of the House of Assembly. 1864. Victoria: Printed by Harris and Company, For Her Majesty’s Government. Pp. 2

1867 – British North American Act.

June 1, 1870 – An Ordinance to Amend and Consolidate the Laws Affecting Crown Land in British Columbia.¹⁵²

1871 – Terms of Union.

1871-1875 – The federal and provincial governments dispute over “Indian Lands.”

1871 – Treaty No. 1 and 2¹⁵³

October 16, 1871 – The schedule of Indian Reserves was prepared. B.W. Pearse, Acting Surveyor General explained that the Indian reserves were surveyed only when whites settled the area.¹⁵⁴ The reason given was that it was too costly to survey the lands all at once. The total area of land “laid out on the ground for the use of the Natives is 28,437 acres.”¹⁵⁵

November 3, 1871 – The schedule of Indian Reserves is sent to Ottawa.¹⁵⁶

January 31, 1872 – The schedule of public buildings begins.

1872 – Qualification and Registration of Voters Act. The First Nations people are denied the ability to vote in provincial elections.¹⁵⁷

January 14, 1873 – The schedule of Government Reserves begins. The Nanoose Reserve is listed under both the Admiralty Chart and the Government Gazette sections (#51 and 155, Appendix 3).¹⁵⁸ The Nanoose reserve is listed at 3,470 acres.¹⁵⁹

¹⁵² This Ordinance is important because preemption land rights were increased to 320 acres and the “Aborigines” lands could become preempted with the Governor’s written permission. For specifics on these changes refer to [An Ordinance to Amend and Consolidate the Laws Affecting Crown Lands in British Columbia](#). S.B.C. 1870, c. 18.

¹⁵³ For specifics on numbered treaties refer to http://www.ainc~inac.gc.ca/pr/pub/fnc/nweem_e.html

¹⁵⁴ Pearson, Norman. 1995. “Notes on Government Reserves”. Unpubl. Manusc. Pp. 21. For more information on the technical difficulties in establishing Indian Reserves and the omitted information refer to the above reference.

¹⁵⁵ Pearse, B.W. 1875. *British Columbia Paper Connected with the Indian Land Question: 1850-1875*. Victoria: Printed by Richard Wolfenden, Government Printer, At the Government Printing Office, James Bay.

¹⁵⁶ Pearson, Norman. 1995. “Notes on Government Reserves”. Unpubl. Manusc. Pp. 20

¹⁵⁷ <http://www.cariboulinks.com/ctc/history.html>

1873 – Treaty No. 3

1874 – John Hirst preempts land on the south side of Englishman’s River.¹⁶⁰

1874 – Treaty No. 4

April 22, 1875 – Esquimalt & Nanaimo Railway Act¹⁶¹

1875 – Treaty No. 5

1875 – The Indian Reserve Commission is created to resolve the federal and provincial governments land dispute.

1875 – Nanaimo’s First Mayor, Mark Bate states Nanoose Bob “was a very determined person and would never accept defeat when in quest of game.”¹⁶²

1876 – Treaty No. 6

January 6, 1876 – B.C. Order-in-Council outlined how the province did not want financial responsibility for Indian Reserves. The province argued the Dominion of Canada had the authority over all the Indian matters since the Terms of Union (outlined in section 7).¹⁶³

August 28, 1876 – A “Memorandum of Instructions to the Dominion Commissioner”

¹⁵⁸ Pearson, Norman. 1995. “Notes on Government Reserves”. Unpubl. Manusc. Pp. 26

¹⁵⁹ It is argued the 3470 acres, listed in the 1873 Return, was for naval rather than First Nations purposes (Neil Vallance’s report on the “Nanoose First Nation Specific Claim Concerning A Pre-Confederation Reserve,” Pp.24). This assumption is held even though there was no information listed under the “purpose” column. To make matters worse, F. L. Christie had included the Nanoose Indian Reserve land within the E & N Railway Grant.

¹⁶⁰ *E & NR v. The Squatters*. 1897. Pp. 13

¹⁶¹ Taylor, W.A. 1975. *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, The Railway Belt and The Peace River Block*. Victoria: Crown Registry Services, Ministry of Environment, Lands and Parks. Pp. 6. The Nanoose First Nations reserve was included in the land allocated to the Railway. For more information refer to the 1999 Specific Claim filed by the Nanoose First Nations.

¹⁶² Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 4

¹⁶³ Letter from Indian Commissioner Powell to the Minister of the Interior [RG10 Vol. 3615 file 4375].

from the Minister of the Interior Laird to Commissioner Anderson. This statement it outlined the Dominion's duty to maintain good relations with the Indians for the betterment of the Colony.¹⁶⁴ This letter explains First Nations "attachments to" the land and emphasized that it should not be alienated.

November 6, 1876 – George Vernon, Chief Commissioner of Works responded to Messrs Mellado's letter stating, "your desire to Preempt Land at Nanoose Bay on the East Coast of Vancouver Island. I have the Honor to inform you that the land in question is not open for Preemption, it being included in the 20 mile belt reserved by the Dominion Government for Railway purposes."¹⁶⁵

December 18, 1876 – The Joint Reserve Commission (Indian Reserve Commission) establishes the Nanoose Reserve¹⁶⁶. Originally, the Nanoose "lived on the north side of Nanoose Bay, up a draw formed by two hills in the area known as Mellstrom's Cove."¹⁶⁷

1876- Indian Act

1876 – Marine Act is applied to British Columbia¹⁶⁸

1877 – Gilbert Malcolm Sproat is elected the sole Indian Reserve Commissioner.

January 4, 1877 – The Nanoose Reserve is listed at 140 acres and is located on the south shore of Nanoose Bay.¹⁶⁹

¹⁶⁴ Memorandum of Instructions to the Dominion Commissioner from Minister of the Interior Laird to Commissioner Anderson [RG10 vol. 3633, file 6425-1.

¹⁶⁵ Letter from F.G. Vernon (Lands and Works Department) to Messrs. Mellado & Bishop [BCARS GR440/B-6077].

¹⁶⁶ The Nanoose would not choose a site by the waters edge because it was vulnerable to attacks from the northern. For further information pertaining to this point refer to *A History of Nanoose Bay*.

¹⁶⁷ Originally the Nanoose Reserve was 209 acres, but had been reduced to 160.92 acres. W. H. Taylor bought 30.30 acres in 1932; and 10.78 acres were taken for the railway right of way; and 7 acres for the original Island Highway right of way. For more information refer to *A History of Nanoose Bay*.

¹⁶⁸ Vanden Berg & Associates. 2000. "Douglas Treaty Tribes: Proposal For A Fast Track Specific Claims". Unpubl. Manuscr. Pp. 9

¹⁶⁹ Minute of Decision dated January 4, 1877 [no source provided]. For more information on the location of the Nanoose Reserve refers to the above reference.

March 22, 1877 – The Nanoose population is estimated at 17 people that resided on 140 acres of land.¹⁷⁰

1877 – Treaty No. 7

November 12, 1878 – W.H. Green surveyed the Nanoose Indian Reserve and laid out a Reserve of “about” 214 acres.¹⁷¹

1878 – First fishing regulation is applied to British Columbia.¹⁷²

1880 – Gilbert Malcolm Sproat is forced to resign as the Indian Reserve Commissioner. The provincial government believed he allotted too much land. Peter O’Reilly is elected to replace him.

1884 – Settlement Act.¹⁷³

1884 – Indian Advancement Act is passed.¹⁷⁴

1884 – Ninety percent of British Columbia’s commercial fishermen were First Nations. Despite their majority, they were denied the commercial access to fish.¹⁷⁵

1884 – An amendment to the Indian Act prohibits the potlatch and sun dance.

1884 – DIA Report estimates the Nanoose population at 16.

1884 – The Legislative document Island Railway, Graving Dock, [Ch. 14] and Railway

¹⁷⁰ Summarized [sic] Report of the Indian Reserve Commission acting for the Government of British Columbia. By Commissioners McKinley and Sproat [BCARS, GR494, pp. 262-293].

¹⁷¹ Field Notes and plan of survey of Nanoose and Qualicum reserves, by W.H. Green, surveyor [no source provided, presumably Surveyor General’s Branch].

¹⁷² Vanden Berg & Associates. 2000. “Douglas Treaty Tribes: Proposal For A Fast Track Specific Claims”. Unpubl. Manusc. Pp. 9

¹⁷³ Taylor, W.A. 1975. *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, The Railway Belt and The Peace River Block.* Victoria: Crown Registry Services, Ministry of Environment, Lands and Parks.

¹⁷⁴ The specific article was posted on Boyce Richardson’s personal website on January 9, 2002 <http://www.magma.ca/~brich>

¹⁷⁵ <http://www.cariboulinks.com/ctc/history.html>

Lands clarifies that contracts prior to this agreement are legally binding. “The said Esquimalt and Nanaimo Railway Company shall be bound by any contract or agreement for the construction of the Railway from Esquimalt to Nanaimo which shall be entered into by and between the persons so to be incorporated as aforesaid, and Her Majesty, represented by the Minister of Railways and Canals, and shall be entitled to the full benefit of such contract or agreement, which shall be construed and operate in like manner as if such company had been a party thereto in lieu of such persons, and the document had been duly executed by such company under their corporate seal.”¹⁷⁶

May 4, 1886 – The provincial and federal government dispute over jurisdiction of reserve lands. Mr. Smithe, the Chief Commissioner of Lands and Works, and Premier of British Columbia rejected the belief that the reserves were under the Dominion’s control because of the 1871 Terms of Union.¹⁷⁷

1886 – The Dominion began issuing patents “to lands in Nelson, Cranberry, Quamichan, Cowichan, Comiaken, Shawnigan, Chemainus, Alberni, Newcastle, Cedar, and Comox Districts.”¹⁷⁸ Prior to these patents, the Dominion of Canada kept records of interested preemptors (between 1871-1874).

1886 – The Englishman’s River and French Creek settlements are well established.¹⁷⁹

1887 – The Nisga’a pursue their land claim.

1888 – Fisheries and Fishing Act clause limits “Indians” from selling, bartering, or trafficking fish and restricts their rights to personal consumption.¹⁸⁰

February 25, 1888 – The forty mile road from Nanaimo extends to the south bank of the river.¹⁸¹

¹⁷⁶ An Act Relating to the Island Railway, Graving Dock, [Ch. 14] and Railway Lands of the Province. S.B.C. 1884, c.14 [47 Victoria. Ch. 14].

¹⁷⁷ Extract from a memorandum enclosed in a letter [from Joseph Trutch, Dominion Government Agent] to the Secretary of the Public Works Department respecting government reserves generally in British Columbia.

¹⁷⁸ Taylor, W.A. 1975. *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, The Railway Belt and The Peace River Block.* Victoria: Crown Registry Services, Ministry of Environment, Lands and Parks. Pp. 1

¹⁷⁹ *E & NR v. The Squatters.* 1897. Pp. 13

¹⁸⁰ Ibid.

¹⁸¹ Ibid. Pp. 13

- 1889 – Parksville receives its name from Mr. Parks’s comment, “with all the folks on hand it looks like Parks Village.”¹⁸²
- 1890 – Thomas Salmon is chosen to represent the Miners and Mine Labourers Protective Association.
- 1890 – John Enos sells his land to E. U. Dickinson. After a few years Dickinson returned to England and died. R.P. Wallis and Richard Knagg, the caretakers of the ranch purchased the land.¹⁸³
- 1892 – The Nanoose population is 11.
- 1893 – First Nations participate in the first fishermen’s strike.
- 1895 – Railway Belt Act.¹⁸⁴
- December 15, 1896- The Nanoose First Nations are allotted 209 acres.¹⁸⁵
- 1896-1899 – The *HMS Imperieuse* was stationed in the northwest corner of Nanoose Bay. The ship carried 14 guns and weighed 8400 tons. For practice, the ship shot their canons at the northern cliffs.¹⁸⁶
- 1898 – Vowell is appointed the new Indian Reserve Commissioner.
- June 20-21, 1899 – Treaty No. 8
- 1902 – The Nanoose population is 13.
- 1904 – The Vancouver Island Settlers’ Rights Act “gave the settlers, who could show bona fide occupation and improvement of lands within the E & N belt, prior to enactment of the Settlement Act (1884), and who applied to the Lt. Gov. in Council in the following year, the right to obtain Crown Grants in fee simple.”¹⁸⁷

¹⁸² Ibid.

¹⁸³ Leffler, Marge. Unknown Date. “Historical Notes”. Unpubl. Manuscr. Pp. 2

¹⁸⁴ Taylor, W.A. 1975. *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, The Railway Belt and The Peace River Block*. Victoria: Crown Registry Services, Ministry of Environment, Lands and Parks.

¹⁸⁵ Royal Commission on Indian Affairs for the Province of British Columbia [BCARS, Add.MSS1056 box 1, f5, p. 229].

¹⁸⁶ Author Unknown. Unknown Date. “Nanoose Harbor Important Naval Base”. D3316

1905 – Treaty No. 9

1906 – Treaty No. 10

1906 – Burrard Inlet’s First Nations aid in the formation of Lumberhandlers Industrial Union.

1906 – John T. Walbran’s report estimated the Nanoose population at 13.¹⁸⁸ He also noted Nanoose Bob’s recollection of the massacre. Nanoose Bob is seventy-five years old.¹⁸⁹

1906 – Nishga Land Committee is formed.

1906 – British Columbia’s First Nations send representatives to London to present their land claims issues.

1908 – Indian Reserve Commission is halted by provincial protests.

1909 – First Nations representatives are sent to London to appeal their land title issues.

January 11, 1909 – Secretary McLean wrote to Vowell, the Indian Superintendent, requesting specifics on British Columbia’s Indian Reserves.¹⁹⁰

February 19, 1909 – The Indian Superintendent replies to McLean’s letter and states there is a lack of information prior to 1877.¹⁹¹

1910 – Prime Minister Laurier meets the Shuswap, Okanagan and Couteau Tribes to discuss land title issues.

1910 – Vancouver Island Settlers’ Rights Agreement Ratification Act.¹⁹²

¹⁸⁷ Taylor, W.A. 1975. *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, The Railway Belt and The Peace River Block*. Victoria: Crown Registry Services, Ministry of Environment, Lands and Parks. Pp. 7

¹⁸⁸ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 9

¹⁸⁹ Vallance, Neil. 2000. *Report on the Nanoose First Nation Specific Claim Concerning A Pre-Confederation Reserve*. Ottawa: Specific Claims Branch. Pp. 13

¹⁹⁰ Letter from Secretary McLean to Indian Superintendent Vowell [NAC, RG10 v.5224, p. 473-474]

¹⁹¹ Letter from Vowell to McLean [NAC, RG10, vol.1283, Reel 13902, p. 303-312.

¹⁹² Taylor, W.A. 1975. *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land*

- 1910 – E & NR extends to McBride’s Junction, west of Parksville.
- 1910 – The Songhees reserve “in the heart of Victoria was ceded for a cash payment, and the group moved to Esquimalt.”¹⁹³
- August 10, 1910 - R. M. Renwick (Deputy Com Lands BC) states in a letter to L.H. Solly (E & N Land Agent), “it is therefore held that these lands were Indian Reserves at the date of the passage of Chapter 14 of the Statutes of 1884, by which the Railway Lands were granted, and that, in consequence, such lands did not pass by the said Grant.” [G1, G7].¹⁹⁴
- 1911 – The provincial and federal government’s dispute is referred to the Supreme Court of Canada. It failed when the provincial government refused to participate.
- 1912-1914 – The Nanaimo Coal Strike. The First Nations refused to act as strike-breakers.
- 1912 – Squamish Nation helped create the International Longshoremen’s Association.
- 1912 – E & NR extends to Port Alberni.
- 1912 – McKenna-McBride Commission is created.
- 1912 – The Giant Powder Company’s discovers 30 or 40 skulls while digging the power house and oil tank foundations. The skulls may be from the 1850s Nanoose massacre.¹⁹⁵
- 1913-1916 – The McKenna-McBride Reserve Commission met with B.C’s First Nations.
- May 13, 1913 – Nanoose population is estimated at 15.
- 1913 – Nishga Petition is created.

Grants, The Railway Belt and The Peace River Block. Victoria: Crown Registry Services, Ministry of Environment, Lands and Parks.

¹⁹³ Suttles, Wayne. 1990. “Central Coast Salish.” In *Handbook of North American Indians, vol. 7, Northwest Coast.* Washington: Smithsonian Institution. Pp. 472

¹⁹⁴ Pearson, Norman. 1995. “Notes on Government Reserves”. Unpubl. Manusc. Pp. 29

¹⁹⁵ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay.* Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 4

1913 – The Giant Powder Company is built in the Nanoose Bay Peninsula.¹⁹⁶

1913 – The Bank of Commerce is established in Parksville (the first Bank to enter the area).¹⁹⁷

July 13, 1913 – The Royal Commission on Indian Affairs (McKenna-McBride Commission) asks Ditchburn if the 209 acres was sufficient for the Nanoose peoples.¹⁹⁸ The specifics on the Nanoose Reserve were: 17.8 acres was taken for the railway and road, which left 191.80 acres. The remaining land was estimated to have 35 or 40 acres of good land as a result of 140 acres being heavily timbered.¹⁹⁹

1915-1916 – Allied Tribes of British Columbia is created.

January 1, 1918 – The “dope house” at the Giant Powder Works blows up.²⁰⁰

June 8, 1918 – An eclipse occurs in Nanoose Bay.²⁰¹

1920 – Ottawa enacts Bill-13. It opens the door for the provincial and federal governments to allocate land without First Nations consent.²⁰²

1920s – The Nanoose First Nations population grows when they adopt the Edward’s family from Washington State.²⁰³

1921 – Treaty No. 11

¹⁹⁶ Leffler, Marge. Unknown Date. “Historical Notes”. Unpubl. Manuscr. Pp. 1

¹⁹⁷ District 69 Historical Society Museum and Archives. 1985. Carolina Westra and Deborah Whitta’s Interview with Tom Tyron. Pp. 3

¹⁹⁸ Royal Commission on Indian Affairs for the Province of British Columbia [BCARS, Add.MSS1056 box 1, f5, p. 229].

¹⁹⁹ Ibid.

²⁰⁰ Leffler, Marge. Unknown Date. “Historical Notes”. Unpubl. Manuscr. Pp. 2

²⁰¹ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 7

²⁰² For information on the McKenna McBride Commission’s reserve reductions refer to the website <http://www.cariboolinks.com/ctc/history.html>

²⁰³ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 9

1923 – Squamish Nation participates in the Vancouver dock strike.

July 26, 1923 – The McKenna-McBride Commission is ratified in the Provincial Order-in-Council No. 911.²⁰⁴

1923 – Allied Tribes of British Columbia send their petition to settle their land claims.

1927 – The Great Settlement.

1927 – Parliament amends the Indian Act, which makes it “illegal for Indians to raise or spend money to advance claims.”²⁰⁵

1928 – Giant Powder Works and Canadian Explosives Ltd. merge and become the Canadian Industries Limited.²⁰⁶

1929 – First Nations fishermen are estimated at 3,632.

1929 – Canadian Industries close the Nanoose company and relocates their operations to James Island.²⁰⁷ The land is purchased to establish an exclusive club. The idea never happened because of the 1929 Crash.

February 20, 1930 – The lands in the Railway Belt and in the Peace River Block are returned to the Province. The provisions (6, 7, 8) are still applied.²⁰⁸

February 15, 1932 – Nanoose Bob dies.²⁰⁹

1935 – Squamish Nation participates in the Vancouver dock strike.

1936 – First Nations support the River’s Inlet fishermen’s strike.

²⁰⁴ Ware, Reuben. 1974. *The Lands We Lost: A History of Cut-Off Lands and Land Losses From Indian Reserves in Canada*. Vancouver: Union of B.C. Indian Chiefs. Pp. 67.

²⁰⁵ Mathias, Joe and Miles Richardson et. al. 1991. “The Report of The British Columbia Claims Task Force”. Unpubl. Manusc. Pp. 11.

²⁰⁶ Unknown Author. Unknown Date. “Nanoose Bay History”. Unpubl. Manusc. Pp. 2

²⁰⁷ Ibid.

²⁰⁸ Report on Ordnance and Admiralty Lands and Reserves for General Public Purposes, Mentioned in the Return to the British Columbia Legislature in 1873, and as marked on the Military and Naval Charts, by F.L. Christie. [PARC 90/30-1-20].

²⁰⁹ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 3

1935-1936 –The information provided in the Specific information on the Nanoose Indian Reserve²¹⁰ report is inconsistent with other historical accounts of the Nanoose Indian Reserve.

February 14, 1938 – W.H. Taylor wrote a letter to J.C. Caldwell, Reserves Division, Indian Affairs Branch stating he made the final payment for the 30.3 acres of the Nanoose Reserve land.²¹¹

May 16, 1938 – Frank S. Cunliffe & Co. wrote a letter to the Department of Indian Affairs informing them W.H. Taylor died.²¹²

June 21, 1938 – Mrs. Taylor wrote a letter to the Secretary of Indian Affairs Branch, Mines and Resources asking when to expect the deed for the land purchased on the Nanoose Reserve. She stated that portions of the land had already been sold and that a deed was needed to complete the land transactions.²¹³

June 27, 1938 – Caldwell wrote a letter to Mrs. Taylor stating that the Department cannot issue a patent to the 30.3 acres because the Province has not resolved the confirmation issue.²¹⁴

August 29, 1938 – Caldwell wrote to Mrs. Taylor stating that he attached the Letters, Patents and Blue Prints of the land purchased at Nanoose.²¹⁵

September 9, 1938 – Mrs. Taylor sent a telegram to Caldwell stating that the application to register the Nanoose land title has been refused by the Province because the Dominion has not registered its title to Indian Reserves.²¹⁶

September 10, 1938 – Caldwell wrote back to Taylor stating the Dominion has to

²¹⁰ Rough sketch in Field Notes of Homer Barnett, U.B.C.L. Special Committee, v.1, p. 125.

²¹¹ Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0). Note: For complete information on the Nanoose land transactions refer to the above reference. For purposes of time and space the information provided is a summarized version of the original transactions and communications.

²¹² Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0).

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ Ibid.

- register some 1500 reserves to the provincial Registrars.
- May 6, 1943 – The Director of Indian Affairs wrote to Mrs. Taylor stating that she can register her deed for the Nanoose Reserve land.²¹⁷
- July 26, 1943 – W. Chandler Thomson, Barrister wrote to the Secretary, Department of the Interior regarding Sarah I. Hardy’s Estate Lot D, part of Lot 91, Nanoose District. The letter stated they wanted information on the lease of Foreshore Rights by Charles Richard Hardy or Nanoose Lumber Co. prior to 1909.²¹⁸
- August 19, 1943 – D.J. Allen, Superintendent of Reserves and Trusts wrote to Chandler Thomson, Barrister to state the Department has no knowledge of the lease.
- 1951 – Indian Act.
- May 29, 1951 – The land lots (7, 11, 78) were expropriated for national defense purposes.²¹⁹
- 1952 – The Royal Canadian Navy bought 580 acres on the north shore of Nanoose Bay.²²⁰ Even though the estimated market value of the land (lots 7, 11 and 78) was \$1,424,400.00 the land was purchased for \$75,000.
- 1958 – Tom Tryon recalls when his brother died, Nanoose Bob came up from Nanoose (on horseback) and said that since his brother died (in his brothers honor) they would never come back to Columbia Beach.²²¹
- 1960 – First Nations able to vote in federal and provincial elections.
- 1964 – *R. v. White and Bob*.²²² This court ruled that the Nanaimo Treaty is a

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Release of Alexander Young Johnstone dated May 2, 1952, filed at Victoria Land Title Office on April 12, 1986 under No. R 107402. [Document 67A in the Nanoose First Nation’s 1999 Specific Claim].

²²⁰ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*. Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 28.

²²¹ District 69 Historical Society Museum and Archives. 1985. Carolina Westra and Deborah Whitta’s Interview with Tom Tyron. Pp. 1

²²² *R. v. White and Bob*. 1964. 50 D.L.R. (2nd) at 613 (B.C.C.A.), confirmed in 52 D.L.R. (2nd) at 481 (S.C.C).

treaty and not just a conveyance of land.

1965 – An Act to Provide for the Disposition of Indian Claims was categorized as proposed legislation but later “died on the order paper.”²²³ Its five categories would have settled the majority of British Columbia’s land claims. It did not contain the barriers to negotiations (i.e. current ICC or BCTC processes).

1965 – The Department of National Defense’s base of operations “dramatically restrict[s] the Nanoose people’s access to traditional resources through real and perceived risk of consequences for interfering with the National Defense security.”²²⁴

April 22, 1966 – W. Allan Ker wrote to Mr. Coplick, Indian Affairs Branch to states the payment was received for their mapping services.²²⁵

August 1, 1968 – The survey instructions are given to I.M.D. Fox. He is instructed to survey the “rectilinear boundaries of Nanoose” (p.6) which is required under Section 43 of C.L.S. Act. R. Thistlethwaite, Surveyor General states that since the Reserve is not within the Railway Belt that Section 4 of Appendix can apply.²²⁶

May 6, 1969 – R. Thistlethwaite wrote to H.T. Vergette, Land Surveys and Titles Section (DIA) stating he enclosed two copies of the Nanoose boundary resurvey.²²⁷

July 17, 1969 – R.H. Sampson, Superintendent of Cowichan Agency wrote to DIA, Land Titles Section stating a copy of the resurvey was forwarded to the Band Council and that it is satisfactory to them.²²⁸

1969 – James Dobler, Anton Kruyt, and Arne Van Horne want to sell the residential lots on the land west of Nanoose Mountain to the slope south of Nanoose Bay.²²⁹

²²³ Ibid. Pp. 5

²²⁴ Vanden Berg & Associates. 2000. “Preliminary Report on the Cultural Use of Nanoose Harbor Area: A Contemporary Ethnographic Study”. Unpubl. Manusc. Pp. 12

²²⁵ Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0).

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0).

²²⁹ Nichollas, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1990. *A History of Nanoose Bay*.

1969 – White Paper.

1971 – James Bay Northern Quebec Agreement.²³⁰

February 5, 1973 – D.R. Slessor, Surveyor General, Legal Surveys Division wrote to G.A. Bill, Administrator of Surveys, Lands Division stating that he attached a list of the survey instructions for Item 9-67 B.C. (Nanoose IR). He stated the surveys should be cancelled.²³¹

February 8, 1973 – Bill wrote a letter back to Slessor and stated that he agreed to the terms outlined in the February 5th letter.²³²

1973 – The federal government announced a formal policy on land claims issues. The claims are separated into two categories: specific and comprehensive claims.

1976 – The federal government negotiates with the Nisga'a First Nations.

January 22, 1979 – Nanoose Band Resolution requests DIA to do a legal survey of the natural boundary of reserve to show accreted fronting reserve.²³³

June 25, 1981 – Nanoose Reserve No. 0 is set apart for Indian use. The Executive Order No. 957 transferred the described lands from the Province to Canada because the land was not needed for public road purposes. These lands and the Reserve N.0, are set apart for Indians use.²³⁴

1982 – Constitution of Canada.

1984 – The Western Arctic (Inuvialuit) Native Claim Settlement Act.

April 1985 – Indian Act Amendments (Bill C-31).

March 3, 1986 – Nanoose Band Council Resolution allows public access to the boat

Parksville: R.R. Desk Top Publishing & Graphics Ltd. Pp. 28

²³⁰ <http://www.aaf.gov.bc.ca/pubs/arasumm.htm>

²³¹ Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0).

²³² Ibid.

²³³ Ibid.

²³⁴ Ibid.

- ramp and the Marina Development area.²³⁵
- June 16, 1986 – George Smythies, BCLS wrote to David Nielson, EMR, and Legal Surveys Division regarding the Nanoose survey (lot 3 and the road). Tsow-Tun Le Lun Society has retained Smythies to do the survey of Lot 3 and the road. The sketch plan he attached contained the location of the road, the Band Subdivision Development Site, and the Rehabilitation Center Site.²³⁶
- June 18, 1986 – G. Raymond, Surveyor General and Director, Legal Survey Division (EMR) forwarded the survey instructions to G. Smythies (BCLS).²³⁷
- July 22, 1986 – Nanoose Band Council accepts Smythies surveys.
- December 4, 1986 – Terry West (C.O. Smythies and Ass.) wrote to M.H. Collins (B.C. Regional Surveyor, EMR) about the MOTH plan (LTO 34890) and requests instructions regarding the survey.²³⁸
- December 5, 1986 – Nanoose First Nations contract Linda Vanden Berg’s services to conduct research.²³⁹
- August 9, 1989 – Nanoose First Nations wrote to C.O. Smythies. They advised him that the Subdivision Development is underway and asked if he could perform a legal survey. Attached to the letter is the tentative layout produced by Chatwin Engineers.²⁴⁰
- 1989 – *Claxton et. al. v. Saanichton Marina Ltd. et. al.* The Claxton case set out five steps for the interpretation of “Indian treaties.”
- May 31, 1990 – *R. v. Sparrow*.²⁴¹ Chief Justice Dickson “set out the test to determine whether aboriginal fishing rights have been interfered with such as to constitute a

²³⁵ Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0).

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ For more information on the specifics of the *Sparrow* test refer to the website <http://www.aaf.gov.bc.ca/consult/consult.stm> Pp. 3

prima facie infringement of s. 35 (1) of the Constitution Act.”²⁴²

August 1990 – The provincial government, federal government, and First Nations agree to negotiate treaties.²⁴³

October 1990 – First Nations leaders met with the Prime Minister of Canada and the Premier and Cabinet Minister of British Columbia to recommend a “tripartite task force” for negotiations.

November 23, 1990 – Leslie Couttes, Head Surveys and Entitlements, LRT, B.C. Region wrote to Jaques Desrochers, Deputy Registrar, Surveys, Lands and Environment. The Survey Item AZ-89 (Lots 9, 10, 11, 25, 26) was for social housing, but it did not meet the Indian Land Registry Inspection Criteria. As a result, it could not be approved as a Section 29 plan.²⁴⁴

December 3, 1990 – British Columbia Claims Task Force is created. They suggested the BCTC Process should be created to assist in the treaty negotiations.²⁴⁵

January 16, 1991 – The task force met for the first time and agreed to “address the terms of reference by a consensual process.”²⁴⁶

March 12, 1991 – Jaques Desrochers, Deputy Registrar, Surveys, Lands and Environment wrote to Gerard Raymond stating that AZ-89-1 BC Plan (Lot 12-18) had been approved on behalf of DIA and forwarded for processing.²⁴⁷

1991 – The federal government establishes the Independent Claims Commission.

June 15, 1992 – Nanoose Band Council contracts C.O. Smythies to survey their social housing project.²⁴⁸

²⁴² *Little v. Regina*. 1993. Pp. 5

²⁴³ Mathias, Joe and Miles Richardson et. al. 1991. “The Report of The British Columbia Claims Task Force”. Unpubl. Manusc. Pp. 15.

²⁴⁴ Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0).

²⁴⁵ For specifics on the BCTC Process refer to Mathias, Richardson, et. al. article.

²⁴⁶ Mathias, Joe and Miles Richardson et. al. 1991. “The Report of The British Columbia Claims Task Force”. Unpubl. Manusc. Pp. 15.

²⁴⁷ Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0).

²⁴⁸ *Ibid.*

August 21, 1992 – Nanoose Band Council agrees to permit W. Hutchinson to enter the reserve to survey for the Waterline permit.²⁴⁹

Late 1992 – Nanoose applied to DFO to fish for herring. They were denied “for reasons of administrative convenience.”²⁵⁰

November 27, 1992 – Smythies & Associates wrote a letter to Legal Services Division. EMR included the survey report for Lots 34-36 Nanoose IR (for social housing purposes).²⁵¹

February 4, 1993 – Smythies survey of Lots 27 and 28 (for Housing Project) is approved by the Nanoose Band Council.²⁵²

March 12, 1993 – Lesley Leroux wrote a letter to Deputy Registrar, Surveys, and DIA regarding the Nanoose Survey (AH-92 BC) and enclosed a copy of the survey for their review and to obtain their authorization to process it further.²⁵³

May 1993 – BC Treaty Commission Act.²⁵⁴

1993 – Council for Yukon Indians Umbrella Final Agreement.

June 18, 1993 – Mr. John Crosbie, Minister of Fisheries and Oceans states, “DFO will not take action or otherwise restrict Aboriginal fisheries where Aboriginal treaty rights do or may exist except to ensure the conservation of the resource.”²⁵⁵

²⁴⁹ Ibid.

²⁵⁰ Vanden Berg & Associates. 1993. “Douglas Treaty Case Study: A Report to the Royal Commission on Aboriginal Affairs”. Unpubl. Manusc. Pp. 24

²⁵¹ Department of Citizenship and Immigration (Indian Affairs Branch). File 974 Vol. 1, 1938-1973 (30-16-0).

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Richardson, Miles. 2001. “Treaty Commission: Annual Report 2001 The Year In Review”. Unpubl. Manusc. Pp.16. It describes the budget information and outlines the Treaty Commission’s success over the past eight years. For further information on the process, rate of rejection and successful claims refer to “Looking Back, Looking Forward: A Review of the British Columbia Treaty Process”.

²⁵⁵ Vanden Berg & Associates. 1993. “Douglas Treaty Case Study: A Report to the Royal Commission on Aboriginal Affairs”. Unpubl. Manusc. Pp. 18

September 1993 – British Columbia Treaty Commission (BCTC) is established.

October 16/17, 1993 – John Dewhirst and Kevin Twohig examine the Craig Bay property.

November 1993 – The Principal and Archaeologist, John Dewhirst states that lots 8, 9, and 10 “may contain human skeletal remains and cultural features.”²⁵⁶

February 7, 1994 – A site investigation permit is issued to Ian R. Wilson to excavate the burials.

February 15, 1994 – The February 7th permit is amended. I.R. Wilson Consultants Ltd. could exhume the human remains²⁵⁷.

February 1994 – Intrawest informs the Nanoose First Nations that no human remains were to be removed from the cemetery site and advised that only archaeological test pits would be dug.

April 1994 – Jim Pike, Provincial Archaeology Branch states, “burial grounds are archaeological sites” which ensures their protection by the Heritage Conservation Act.

June 24, 1994 – The Nanoose First Nations find out the terms of the permit.

June 26, 1994 – The excavations of the human remains begins. Chief Wayne Edwards states, “initial excavation was done entirely with a large excavator. Intrawest funded the dig to the tune of \$200,000 plus. Why was an excavator used to uncover our sacred burials? To save money?”

July 1994 – The Heritage Conservation Statutes Amendment Act.²⁵⁸

June 26 to August 12, 1994 – Over 102 human remains exhumed.²⁵⁹

August 30, 1994 – Nanoose First Nations seek to quash the Order of Petition that permitted I.R. Wilson Consultants Ltd. to exhume the burials.²⁶⁰

²⁵⁶ Dewhirst, John. 1993. “Archaeological Impact Assessment of Site DhSh 30, Orca Estates Subdivision, Nanoose Bay, Vancouver Island, B.C”. Unpubl. Manuscr. Pp.13

²⁵⁷ Morahan & Aujila Petition (March 24, 1995).

²⁵⁸ For more information on the amendments refer to Aboriginal Rights Coalition’s (Summer 1995) article “Intrawest Desecrates Nanoose First Nation Burial Site”.

²⁵⁹ Morahan & Aujila Petition (March 24, 1995).

October 12, 1994 – Nanoose First Nations met with Intrawest Real Estate Ltd.

October 18, 1994 – Permit issued to I. R. Wilson Consultants Ltd.

October 19, 1994 – Intrawest Real Estate Ltd. wrote a letter to the Nanoose First Nations explaining their future efforts to secure the burial’s contents.

October 31, 1994 – The Nanoose Elders are cross-examined by the Supreme Court of British Columbia.²⁶¹

November 14, 1994 – The Supreme Court of British Columbia quashed the previous permits given to I.R. Wilson Consultants Ltd.

December 10, 1994 – Nanoose First Nations met with other First Nations at the Comox Big House.

February 3 to March 3, 1995 – Randy Bouchard and Dorothy Kennedy create the report A Review of the Native Indian History of the Craig Bay Area, Parksville, B.C.

March 20, 1995 – The Provincial Minister issued another permit to I.R. Wilson Consultants Ltd.

May 1, 1995 – Nanaimo Friends of Clayoquot Sound distributes a news release supporting the Qil-xe-ma:t Blockade.

May 24, 1995 – The Grand Chief of Kanesatake wrote a letter to John Cashore stating his support for the Nanoose First Nation.

June 28, 1995 – *Nanoose Indian Band v. British Columbia*.²⁶² Justice Robert Hutchinson upheld the permits issued to Craig Bay Estates Partnerships and allowed the construction at Craig Bay to continue. Later, the provincial government purchased 5.7 hectares for \$7.8 million and turned it into parkland.²⁶³

²⁶⁰ Ibid.

²⁶¹ In the Nanoose First Nations News Release (October 31, 1994) it states “so far one hundred and ten complete burials and thirty-seven incomplete burials (due to shattering from the excavators) have been removed.”

²⁶² *Nanoose Indian Band v. British Columbia*. 1995. B.C.J. No. 3059. Victoria Registry Nos. 94/3420 and 95/1078.

²⁶³ For more information refer to Judy Reimche’s news article “Natives Back In Court” (August 13, 1995).

October 19, 1995 – BCTC accepts the documents from the Te’ mexw Treaty Association, the province, and Canada as complete.²⁶⁴

October 30, 1995 – Meeting with the funeral workers about the Craig Bay burials.²⁶⁵

November 1995 – Te’ mexw Framework Agreement negotiations.²⁶⁶

December 1995 – BC Treaty Commission Act is passed by the federal Parliament.

February 12, 1996 – The *Framework Agreement on First Nation Land Management*.²⁶⁷ is signed by the Minister of Indian Affairs and Northern Development.

March 8, 1996 – The Te’ mexw Treaty Association Negotiations will frame the main table meetings.

April 17, 1996 – The Te’ mexw Treaty Association met at the Songhees Band Office with legal council.²⁶⁸

June 7, 1996 – The Treaty Association meets in Nanoose. The main discussion concerns the Framework Agreement and the areas of interest.

August 21, 1996 – *R. v. Van der Peet*. This court ruling established the test to determine whether an aboriginal practice constitutes an aboriginal right.

September 26, 1996 – The Te’ mexw Framework Agreement is initialed.²⁶⁹

September 27, 1996 – The Nanaimo First Nation sign the Framework Agreement.²⁷⁰

December 5, 1996 – The Te’ mexw Treaty Association agrees to the Framework

²⁶⁴ <http://www.bctreaty.net/nations/temexw.html>

²⁶⁵ Nanoose First Nations. 1995. “Report to the Nanoose People about Meeting with Traditional Funeral Workers Regarding the Craig Bay Burials”. Unpubl. Manuscr. For more information on the schedule, and the ceremonies to be performed refer to the above reference.

²⁶⁶ <http://www.ainc~inac.gc.ca/nr/prs/s-d1996/dec5bk.html> Pp. 2

²⁶⁷ Vanden Berg & Associates. 2000. “Te’ mexw Third Annual General Assembly”. Vol. I. Unpubl. Manuscr. Pp. 1.

²⁶⁸ <http://www.aaf.gov.bc.ca/nations/temexw/rodmr086.stm>

²⁶⁹ <http://www.ainc~inac.gc.ca/nr/prs/s-d1996/dec5bk.html> Pp. 2

²⁷⁰ <http://www.aaf.gc.ca/nations/nanaimo/frmwrk.stm>

- Agreement. The particulars of the meeting include: definitions, scheduling and timing of meetings, issues for negotiation, interim measures available, the process of negotiations, the funding available (government programs), and the approval of the agreement.²⁷¹
- December 14, 1996 – Royal Commission on Aboriginal People Report (RCAP).²⁷²
- December 11, 1997 – *Delgamuukw v. British Columbia*. After this court ruling the federal and provincial governments changed their political perceptions of First Nations treaty negotiations.²⁷³
- August 4, 1998 – The Nisga’a Nation, Canada and British Columbia sign the first modern treaty in British Columbia. It was negotiated outside of B.C.T.C.
- June 1999 – Vanden Berg & Associates conduct interviews at Nanoose.²⁷⁴
- August 1999 – The Nanoose First Nations filed a Specific Claim against the federal and provincial governments.
- September 17, 1999 – The *Marshall* court case orders the Crown “to honor its promise that treaty First Nations had the right to make a livelihood from fisheries.”²⁷⁵
- August 13, 2000 – Nisga’a treaty becomes law.
- May 29, 2001 – The Indian Claims Commission of Canada submits a report to the House of Commons Standing Committee on Aboriginal Affairs. They claim that the “resolution of Specific Claims in Canada is a justice issue and a human rights issue in this country. We are not speaking about social programs, nor are we speaking about economic development programs. Specific Claims are not soft-government programs which can be funded by the Government of Canada when they choose to do so, based upon the political exigencies of the day. These are

²⁷¹ <http://www.aaf.gov.bc.ca/nations/temexw/framework.stm>

²⁷² http://www.ainc~inac.gc.ca/ch/rcap/rpt/rmwl_e.html

²⁷³ For more information on the scope of the decision and what it entails refer to the website <http://www.aaf.gov.bc.ca/consult/consult.stm> Pp. 6

²⁷⁴ Vanden Berg & Associates. 2000. “Preliminary Report on the Cultural Use of Nanoose Harbor Area: A Contemporary Ethnographic Study”. Unpubl. Manusc.

²⁷⁵ Vanden Berg & Associates. 2000. “Te’ mexw Third Annual General Assembly”. Vol. III. Unpubl. Manusc. Pp. 11.

justice issues and human rights issues, and at the end of the day our Canadian society shall be measured and judged by how we have dealt with these claims.²⁷⁶

²⁷⁶ Prentice, James P.E. and Daniel J. Bellegarde. 2001. "Indian Claims Commission of Canada: Human Rights, Justice, and the Need For An Independent Claims Body in Canada". Unpubl. Manusc. Pp. 1

Appendix Two: Expanded References

Nanoose Treaty Office

- Te'mexw Treaty Association General Assembly (October 21, 2000). Vol. 1
 - First Nations Land Management: Framework Agreement.
 - Te'mexw Treaty Association General Assembly (October 21, 2000). Vol. 3. Douglas Treaty Tribes: Proposal For A Fast Track Specific Claims Process.
- Governance (discusses the community roles, dated June 1, 1987).
- Coast Salish Mythology Collected. Diamond Jenness wrote this book, which contains native stories, and one in particular called "Dwarfs" is about the Nanoose people.
- Specific Claim Against Her Majesty the Queen in Right of Canada and Her Majesty the Queen in Right of the Province of British Columbia: Nanoose First Nation Pre-Confederation Reserve. This report contains the legal specifics of the Nanoose claim and the overall Douglas Treaty history.
- Archaeological Impact Assessment of Site DhSb 30, Orca Estates Subdivision, Nanoose Bay, Vancouver Island, B.C. (prepared for Orca Estates Ltd).
- The Minister of the Interior – Ottawa. This is letter from the Joint Commissioner, Gilbert Malcolm Sproat to Ottawa and contains the overall historical information that occurred during that time.
- Hudson's Bay House to James Douglas from A. Barclay (December 1849). It is letter that discusses Douglas' new appointment in office and the moral character of the colonist to become "barbarous" as a result of the "extreme hardships" in the Colony. He discussed the New Zealand people and their "uncivilized inhabitants and their lack of land rights too. The main point of the letter was to clarify the Indians lack of land rights in the Dominion.
- Island Railway, Graving Dock and Railway Lands. It is the legislation surrounding the railway. It outlines the rights and limitations surrounding it. In particular it clarifies the squatters rights and how they can preempt land.

- Memorandum dated January 3, 1876. It discusses the Indian Land question particularly the reserves and the applicability of legislation on the Dominion's courses of action.
- Report on Ordnance and Admiralty Lands and Reserves for General Publics: Mentioned in the run to the British Columbia Legislature in 1873, and as marked on the Military and Naval Charts (Transcription of F.L. Christie's Report).
- British Columbia: Papers Connected with the Indian Land Question 1850-1875.
- Terms of Union, 1871: The Terms of Union. It discusses the responsibilities of the Dominion to the Indians and what Canada is liable for when British Columbia joins Canada.
- Crown Grants Ordinance, 1870. C.S.B.C. 1877, c.98. It discusses Reserves and Crown lands in British Columbia.
- Minutes of Proceedings of a Select Committee of the House of Assembly, Appointed to inquire into the present condition of the Crown lands of the Colony, with reference to the proposal of Her Majesty's Secretary of State for the Colonies (dated 15th June, 1863) to hand over the Crown lands to the Legislature.
- Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, the Railway Belt, the Peace River Block (from the Crown Land Registry Services Ministry of Environment, Lands and Parks, 1975).
- Legal Argument (Nanoose First Nations). It outlines the Nanoose First Nation's legal argument and adds any pertinent historical information on them. It was later submitted to the Crown.
- British Columbia Claims Task Force (June 28, 1991). It discusses James Douglas' authority and the different land transactions.
- Notes on Government Reserves (source: Norman Pearson, dated Nov. 14, 1995). The document contains anything and everything about the construction and the maintenance of reserves, which are broken down chronologically and contains brief summaries of various historical eras.
- Specific Claim against Her Majesty in Right of Canada and Her Majesty the Queen of the Province of British Columbia: Nanoose First Nation's Pre-Confederation Reserve (source: Vanden Berg and Associates, dated June 1999).

The document discusses the overall history of the Nanoose First Nations land claim.

- Preliminary Report on the Cultural Use of Nanoose Harbor Area: A Contemporary Ethnographic Study (source: Vanden Berg and Associates, dated June 1999). The document contains descriptions of geographical locations and the Nanoose First Nations traditional use of those areas.
- Nicholls, Margaret, Barbara Sivertz, Betty and Marilyn Assaf. 1958. A History of Nanoose Bay. The book is an excellent source to begin to understand the settler and the overall First Nations' history.
- Minutes of Proceedings of a Select Committee of the House of Assembly: Appointed to inquire into the present condition of the Crown lands of the Colony, with reference to the proposal of Her Majesty's Secretary of State for the Colonies, dated 15th June, 1863, to hand over the Crown lands to the Legislature (source: printed by Harries and Company, For Her Majesty's Government, dated 1864). There are a lot of presumptions of land ownership and a total disregard of the First Nations people's ownership of land. It is the epitome of the colonial ethic that structured and suppressed the First Nations during the late 1800's.
- The Nanoose First Nation is in Need of Your Assistance (source: Nanoose First Nation's letter requesting assistance for desecration of burial site).
 - Court of Appeal For British Columbia (source: legal transcript of court case). Describes the court decision and displays the relevant legal/legislative information.
 - Nanoose First Nation (source: letter from Hereditary Chief Wilson Bob and Chief Wayne Edwards).
 - Intrawest Desecrates Nanoose First Nation Burials (source: news article).
 - Report to the Nanoose People About Meetings with Traditional Funeral Workers Regarding the Craig Bay Burials – October 30, 1995 (source: letter). It describes the meetings and the ensuing burials of the Nanoose First Nation's ancestors.
 - Course of Actions (source: Vanden Berg & Associates). It outlines the various options available to the Nanoose First Nations and determines the lengths of time to complete them.
 - Nanaimo Friends of Clayoquot Sound (source: letter and petition).

- Heritage Conservation Act Permit 1994-013 (source: letter to Wilson from James Pike, Project Officer).
- Craig Bay – Archaeological Program Security of Artifacts (source: letter to Wayne Edwards from Intrawest Real Estate Ltd).
- British Columbia Court Case Could Unearth Big Trouble (source: Vancouver Sun, dated October 31, 1994). The news article refers to the Craig Bay burials and parallels it with Mr. Sihota's situation (i.e. burial site on his property). The writer states the court case and the situation could open up "aboriginal land claims" because of the potential for "former burial grounds." He also outlines the government's options and how they could curb the potential threat of aboriginal title.
- Respecting Our Ancestors (source: handout produced by the Nanoose First Nations).
- Press Release: Craig Bay Burials Hearing (source: November 14, 1994). The press release describes the court's ruling that favored the Nanoose First Nation. It is a great summary of the events.
- Letter to Mr.Barlee from Chief Wayne Edwards (dated October 18, 1994). It includes information about the meetings so far and the lack of equitable consideration for the Nanoose First Nations and the burials.
- Letter from Intrawest Real Estate Ltd to Chief Wayne Edwards. The letter discusses the archaeological program security of artifacts at Craig Bay (October 19, 1994).
- Suttles, Wayne. Central Coast Salish. Contains the general information on the Central Coast Salish.
- Bernick, Kathryn. 1983. Archaeological Survey of Canada Paper No. 118: A Diamond Jenness Memorial Volume (A Site Catchment Analysis of the Little Qualicum River site DiSc 1: A Wet Site on the East Coast of Vancouver Island, B.C.). Victoria: National Museums of Canada (ISSN 0316-1854 and ISSN 0317-2244). It contains anthropological information that is important when creating an overall picture of the First Nation's relationship to the land (i.e. marriage, migration, fishing techniques...).
- Charlton, Art. 1979. Occasional Papers Number Three: Archaeological Division Heritage Conservation Branch. Victoria: Heritage Conservation Branch. The paper relates primarily to the shellfish gathering of twelve Northwest Coast Indian groups.

- Suttles, Wayne. 1987. Coast Salish Essays. (Chapter 12: Notes on Coast Salish Sea-Mammal Hunting. Seattle: University of Washington Press). In addition, to highlighting the diet of the Coast Salish it is an exceptional source to determine the governance system through the allocation of food.
 - Barnett, Homer G. The Coast Salish of British Columbia, (Chapter VI: Occupations). The chapter includes the tools used to collect and trap food.
 - Map Form (DhSb 30). The map includes the burial boundaries and geographical position.
 - Archaeological Impact Assessment of Site DhSb 30, Orca Estates Subdivision, Nanoose Bay, Vancouver Island, B.C. (conducted under Archaeology Branch Permit No. 1993-129, dated November, 1993).
 - Letter to Chief Wayne Edwards and Nanoose Councilors. The letter introduces a paper written by Randy Bouchard and Dorothy Kennedy. Pp. 1-86.
- Douglas Treaty Case Study: A Report to the Royal Commission on Aboriginal Affairs (July, 1993). Vol. 1: Report and Anecdotal Record.
 - Douglas Treaty Case Study. Vol. II: Court Cases.
 - British Columbia Archives & Records Service: Records Relating to Indian Affairs, 1876-1878 (GR 494).
 - Interview of Leonard Edwards and Wilson Bob (by Vanden Berg and John Wagner, dated April 25, 1994). Unpubl. Manusc.
 - Author Unknown. 1995. Craig Bay: The Historical Source. With Special Reference to the Bouchard and Kennedy Report of the Native Indian History of Craig Bay and Environs. Unpubl. Manusc.
 - Order of Parliament. 1884. Dominion of Canada Annual Report of the Department of Indian Affairs. Ottawa: Printed by MacLean, Roger & Co., Wellington.
 - Nanoose: Roads and Rights of Ways (Binder).
 - Tab 1: Road R/W – Nanoose Band – Ottawa 974/31-4-16-0
 - Tab 2: Road R/W – Nanoose Band – District 974/31-4-16-0

- Tab 3: Road R/W – Nanoose Band – Region 974/31-4-16
 - Tab 4: Sales – Nanoose Band – Region; Region 974/34-16-0
 - Tab 5: EMR File 21596 – Ottawa
- Nanoose: Surveys and Reserves (Binder).
 - One Hundred and Seven sources (1938-1993).

Websites

- Summary Report: Social and Economic Impacts of Aboriginal Land Claims Settlements: A Case Study Analysis (Prepared for the Ministry of Aboriginal Affairs, December 1995). It discusses the New Zealand treaty, the Canadian treaties and the current settlements. It is an overall comparison of the relevant treaties that are both contested and settled.
<http://www.aaf.gov.bc.ca/pubs/arasumm.htm>
- Nanaimo First Nation Framework Agreement (Ministry of Attorney General Treaty Negotiations Office, September 17, 1996). It describes the guidelines for treaty negotiation and the First Nations' rights within the process.
<http://www.aaf.gov.bc.ca/nations/nanaimo/frmwrk.stm>
- Te'mexw Treaty Association Negotiations (Ministry of Aboriginal Affairs-Te'mexw Record Decisions and dated March 8, 1996). It is the minutes of the meeting, and contains the binding contracts between the different parties.
<http://www.aaf.gov.ba.ca/nations/temexw/rodmr086.stm>
- Te'mexw Treaty Association Negotiations (Ministry of Aboriginal Affairs-Te'mexw Record Decisions and dated June 7, 1996). Additional sections and agreed upon courses of actions with regards to the proposed treaty between the First Nations and various levels of government.
<http://www.aaf.gov.ba.ca/nations/temexw/rodjn076.stm>
- Framework Agreement to Negotiate a Treaty (Ministry of Aboriginal Affairs-Te'mexw Framework Agreement and dated December 5, 1996). It outlines the

- negotiation and the provisions issues for the groups to attain the final agreement.
<http://www.aaf.gov.bc.ca/nations/temexw/framework.stm>
- Douglas Treaties: 1850-1854 (Ministry of Aboriginal Affairs – Historical References). It lists the land transactions, the First Nations’ traditional names and the rights derived from the treaties and the laws.
<http://www.aaf.gov.bc.ca/history/douglas.stm>
 - Douglas Treaty Payments (Ministry of Aboriginal Affairs – Historical References). <http://www.aaf.gov.bc.ca/history/payment.stm>
 - Sample Text of Douglas Treaty (Ministry of Aboriginal Affairs – Historical References). The sample was from Swengwhung Tribe – Victoria Peninsula, South Colquitz and ratified by Alfred Benson and Joseph William McKay.
<http://www.indianclaims.ca/english/about/recommend.htm>
 - ICC Recommends Canada Accept Esketemc Claim for Negotiation (Indian Claims Commission – New Press Release dated December 21, 2001). The news release uses the Alkali Lake proposed settlement as an example for ICC success. It targets the Canadian process and points out the contradictions in their land claim rulings. http://www.indianclaims.ca/english/new/press/new_esketemc.htm
 - Response to Last Year’s Recommendations (ICC dated 1994/1995).
<http://www.indianclaims.ca/english/about/response.htm>
 - The Facts: What Are Indian Land Claims? (ICC)
 - The Facts: What Is A Treaty Land Entitlement Claim? (ICC). It breaks down the Douglas Treaties and what they entail for the First Nations’ people.
 - The Facts: What Is A Surrender Claim? (ICC). The specifics of treaty negotiation and the categories offered to the First Nations.
 - Former ICC Co-Chair Steps Down (ICC News Press Release dated December 3, 2001). http://www.indianclaims.ca/english/new/press/new_resign.htm
 - ICC Welcomes Appointment of Chief Commissioner (ICC dated August 29, 2001). http://www.indianclaims.ca/english/new/press/new_comm.htm
 - Message From the Commissioners.
http://www.indianclaims.ca/english/about/message_main.htm

- Terms of Reference (ICC). It sets out the ICC guidelines.
<http://www.indianclaims.ca/english/about/terms.htm>
- Members of the Commission (ICC dated 2001).
<http://www.indianclaims.ca/english/about/members.htm>
- Recommendations for 1998/1999 (ICC).
<http://www.indianclaims.ca/english/about/recommend.htm>
- Response to Last Year's Recommendations (ICC).
<http://www.indianclaims.ca/english/about/response.htm>
- The Royal Commission of October 7, 1763. It contains anything and everything about the Royal Commission and the First Nation people's rights.
<http://www.bloorstreet.com/200block/rp1763.htm>
- Consultation Guidelines (Ministry of Aboriginal Affairs dated September 1998). It takes a closer look at Aboriginal title and rights and legal decisions pertinent to the Negotiation process. <http://www.aaf.gov.bc.ca/consult/consult.stm>
- The Nisga'a Treaty, "Good Economic News for the Pacific Northwest" (Joseph Gosnell's speech to the Prince Rupert Mayor and Council's Business Development Summit, dated January 19, 2000). The financial benefits of the Nisga'a Treaty and its future hopes. <http://www.ntc.bc.ca/speeches/gosnell6.html>
- The Best Bet: Building Tribal Self-Reliance Through Economic Diversification (source: Indian Country Newspaper, dated January 12, 2002). The article targets the economic success of the United States Morongo tribe.
- Taking Tribal Sovereignty to the Market (source: Indian Country Newspaper, dated January 11, 2002). It explains the overall economic power that results from controlling marketing strategies within First Nations' land.
- Brinkmanship and Betrayal – Mackenzie Valley Pipeline (source: article written by Mark Anderson). It discusses the disputes with the pipeline company and neighboring First Nations. The article targets the resiliency of the Elders and their will to maintain control over their traditional territory and their success through resistance.
<http://www.nationalpostbusiness.com/home.asp?include=9§ion=9&articleid=301#>

- Doing Business with the Federal Government (Aboriginal Supplier Inventory). The article outlines the benefits and opportunities in government funding for First Nations organizations. http://asi-rfa.inac.gc.ca/StaticPages/attnbus_e.asp
- Letters to the Editor (source: Edmonton Journal, written by Jeffrey Rath, dated January 14, 2001). The article rips apart the recent critiques on First Nations financing by comparing the present provincial governments lack of *balanced budgets* (40%) to the First Nations balanced budgets (90%). <http://www.Canada.com/edmonton/edmontonjournal/letters/story.asp?id={708946E4-1E9E-461C-9D95-0BCECFE56EEB}>
- A Historical Look at Canada & B.C.'s Relationship with First Nations. The article is a chronological overview of historical events. It is an excellent historical source. <http://www.cariboolinks.com/ctc/history.html>
- First Nations' Treaties. It discusses the treaties and their two divisions (pre-confederation and post-confederation). It also outlines the Royal Proclamation of 1763 and its impact on treaties. <http://www.canadiana.org/citm/treaties/1725-1867.html>
- Bibliography: Treaties (First Nations Treaties). <http://www.canadiana.org/citm/bibliography/treaties.html>
- Canadian Reserve Community Profiles: Indian Life Online. It is an overview of the reserve membership, land location, etc... <http://www.indianlife.org/reserves/bc/probca12.php>
- First Nation Detail: Nanoose First Nation. It contains census data for the Nanoose First Nations (the information can be found on the INAC website).
- Countdown to Conversion at Nanoose Bay? (By Michael Candler, Coordinator, Nanoose Conversion Campaign). The article highlights the environmental impacts of the Canadian Forces Maritime Experimental and Test Range site. <http://www.ncf.carleton.ca/ip/global/coat/21/can/cdnanoos.txt>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (Salish Languages). <http://www.collections.ic.gc.ca/salish/ph2/trad/salish.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (Chinook Jargon). <http://www.collections.ic.gc.ca/salish/ph2/trad/cjargon.htm>

- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (Halq'meylem Territories). <http://www.collections.ic.gc.ca/salish/ph2/map/halq.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (The Siwash Rock). <http://www.collections.ic.gc.ca/salish/ph2/trad/p09.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (Myth of the Ghost Lover). <http://www.collections.ic.gc.ca/salish/ph2/trad/ghost.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (The Effects of Small Pox on Indigenous Westcoast Nations I by Keith T. Carlson). <http://www.collections.ic.gc.ca/salish/trad/esmallpox.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (Clinical Characteristics of Small Pox by Keith T. Carlson). <http://www.collections.ic.gc.ca/salish/trad/clinical.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (The Victoria Small Pox Crisis of 1862 by Grant Keddie). <http://www.collections.ic.gc.ca/salish/trad/spc.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (19th Century Disease Epidemics around Georgia Strait and Puget Sound). <http://www.collections.ic.gc.ca/salish/trad/csepid.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (Dr. J.S. Helmcken writing about Smallpox at Fort Victoria, c. 1863). <http://www.collections.ic.gc.ca/salish/trad/jshelm.htm>
- Coast Salish Collections: Archaeology and Ethnology of the Gulf of Georgia (Coast Salish Traditions and History). <http://www.collections.ic.gc.ca/salish/trad/trad.htm>
- Coast Salish Culture: An Outline Bibliography (by Briam Thom, McGill University, 2000). <http://www.home.istar.ca/~bthom/salish-rev.htm>. It is an excellent collection of literature resources available on the Coast Salish people.
- Norton Proposal Seeing Dramatic Slow Down (source: Indianz.com) It details the Indian Trust Agency and the First Nations' people's hesitation to it.

- Comments (source: Boyce Richardson's website <http://www.magma.ca/~brich>). The article is an outstanding historical overview of the First Nations' politics and their will to challenge the State.
- Treaties with Aboriginal People in Canada (source: Information article located on the INAC website, dated March 2000). It contains the overall history of the treaties and outlines the relationship surrounding their ratification and continued use.
- Treaty Commission: Annual Report 2001: The Year in Review (BCTC). The thirty-four-page document breaks down the BCTC process both chronologically and legally. It is an overall summary of the process and how it relates to the present treaty procedures (the report can be found on the BCTC website).
- Canadian First Nations TREATY MAP INDEX. It explains the break-up of the treaties and how they relate to the U.S. Revolutionary War (i.e. treaties prior to 1785 are with England whereas treaties after are with Canada). All the treaties are listed for further exploration in what territories and what people were involved. <http://www.kstrom.net/isk/maps/cantreat.html>
- Crown Draft Proclamation of 1761 to Colonial Governors. It contains the Indian land specifics and is important to the treaty land question. It also gives the reader insight on what the colonial government intentions prior to the Royal Proclamation of 1763. <http://www.kstrom.net/isk/maps/royalproc1761.html>
- Self-Government Sechelt Style (October 1995). http://www.ainc-inac.gc.ca/pr/info/info20_e.html
- We had Democracy Long Before the Indian Act, Long Before the Constitution or The Arrival of the European, says Coon Come (source: The Hill Times written by Paco Francoli). <http://www.thehilltimes.ca/breifs2002/native.html>
- The Constitution Act, 1867. For more information and for complete details on the March 29, 1867 Act refer to the website http://insight.mcmaster.ca/org/efc/pages/law/cons/Constitutions/Canada/English/ca_1867.html
- Constitution Acts 1867 to 1982. For more information on the Acts between 1867 and 1982 refer to the website <http://laws.justice.gc.ca/en/const/>
- Renewal: A Twenty-Five Year Commitment. The website contains the Royal Commission on Aboriginal People's Report and the recommendations derived from it. http://www.ainc.gc.ca/ch/racp/rpt/rnwl_e.html

- Royal Commission on Aboriginal People Report is a Betrayal and Diversion from the Real Issue of Aboriginal Government Superceding the Colonial Government of Canada. The title says it all. It is a detailed critique of RCAP, which contains some insightful claims against its creation and promotion. <http://www.hartford-hwp.com/archives/44/011.html>
- Legal Concept of the Treaty Relationship. This report is the second volume contained in the RCAP. It details the Canadian treaty relationship and its overall process. <http://www.indigenous.bc.ca/v2/Vol2Ch2s2.asp>
- Minister Allan Rock Announces Investment in Aboriginal Tourism Sector. The news article details an increase of funds to the Aboriginal tourism sector. The ticket price listed is \$499,000. <http://www.portfolio@newswire.ca>
- Dianor and Cree nation of Wemindji Cooperative in Diamond Exploration Effort-Partnership Agreement Signed. The deal signed between the two is the first in Quebec where a First Nation's company and a public junior company has joined together in a business venture. It poses economic opportunities that First Nations can pursue in the current Canadian environment. <http://www.newswire.ca/releases/February2002/14/c1900.html>
- Owens on the Job in Ottawa. This news article highlights the newly appointed, Stephen Owen as the Secretary of State for Indian and Northern Affairs. (source: news article, February 13, 2002). <http://www.north.cbc.ca>
- Bay Street Comes to Main Street as N.S. Reserve: The 'Membertou Vision.' The article is a First Nation's economic success story. The Geneva-based International Organization gave its approval to the Cape Breton's Membertou First Nations (as a thriving epitome of economic success). (Source: news article, February 16, 2002). <http://www.nationalpost.com>
- Ottawa Fears Terrorists Could Use Reserve to Smuggle Chemicals. The news article discusses the possibility of terrorism leaking into Canada through the fourteen First Nations Reserves located on the United States and Canadian border. Paranoid and unfounded accusations are listed in the report along with the First Nations responses to the claims. (Source: news article, February 16, 2002). <http://www.nationalpost.com>
- Compensation For Past Wrongs Should Have Time Limit: MP. A Kamloops Canadian Alliance MP, Betty Hinton wants a time limit on the amount of time individuals can seek compensation from the government. She states that the churches and their need to file for bankruptcy charged her to change the situation.

(Note: an additional bleeding heart that is focused on the wrong issue which in turn denies the legitimacy of the thousands of people who were abused while the Residential School were still active). (Source: article dated for February 15, 2002). <http://www.mybc.com>

- AFN Study Reveals Extraordinary Government Obfuscation, Deceit, and Sleight-of-Hand in Regard to Aboriginal Policy. The title says it all. It details the numerous acts and the court cases that are denied with treaty related issues. It is an interesting critique, which offers insight into the switch in political correctness that is usually exhibited by the government. (It includes comments by Chief Arthur Manuel and how he views the governments' actions). <http://www.brich@magma.ca>
- New Secretary of State for Indian Affairs, Stephen Owen Told that the Federal Comprehensive Claims Policy Illegal. Owen takes a bold stand against the CCP by calling it illegal and inconsistent with the *Delgamuukw* court ruling. The response is hopeful for future treaty related issues but we will need to sit back and watch how much the newly appointed minister meets his remarks (towards equality and the pursuit of justice for the First Nations peoples'). The article can be found the AFN website <http://www.afn.ca>
- Nault Urges Chiefs to Put Rights Fight on Shelf: Native Leaders' Top Priority Should Be Job Creation: Minister. The article is coming at a time when Nault is pushing for the First Nations Governance Act which consequently is becoming wrapped up in the economic funding that is given to tribal councils and political organizations. (Source: The Star Phoenix, written by James Parker on February 15, 2002).
- Conference Announcement: The U.S. Supreme Court and the Erosion of Tribal Sovereignty. The conference is about tribal sovereignty and the impact of court rulings. It is an important conference for First Nations people who are active the BCTC process and those interested in the self-government issues. (Source: email distribution notice, dated February 17, 2002). The conference is scheduled for March 15 & 16, 2002 in San Francisco, California.
- Dan Goodleaf Named Chief Federal Treaty Negotiator in B.C. The news article describes the appointment of Dan Goodleaf and includes his background. (Source: The Eastern Door, written by Dan Rosenberg on February 18, 2002).
- A Computer Shutdown Plays Havoc at Interior. The article is about the class-action suit filed by First Nations people who believe the government has mismanaged their money. (Source: The New York Times, written by Timothy Egan on February 14, 2002).

- Fanning the Flames of Resentment: Government of Canada Acts Unilaterally with Proposed Specific Claims Body. Chief Stewart Philips critiques the Independent Claims Body. He states that it is an attempt to sabotage the AFN's Chiefs Committee on Claims. The article details the history of the claim and it offers insight into the newly proposed ICB. (Source: press release dated on February 18, 2002).
- Passamaquoddy Representative Donald Soctomah Discusses LD 1940, An Act Regarding the Repatriation of Native American Human Remains. The article discusses the history of the Act and the present revisions to protect the First Nations' ancestral remains. (Source: press release dated for February 18, 2002). The article can be linked the Nanoose First Nations Craig Bay site.
- Anti-Indian Sovereignty Movement and Its Politicians. The news article discusses the challenges to tribal sovereignty. (Source: Indian Country, dated for February 22, 2002).
- Indian Act Review Will Clarify Native Legal Status, Governance: Could Spur Development (February 23, 2002). The Joint Ministerial Advisory Committee will report to Robert Nault about the recommendations for the new native governance legislation. <http://www.nationalpost.com>
- Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources (meeting 1). It is a meeting notice and details who attended and what was discussed. <http://www.parl.gc.ca/InfoCom/CommitteeNotice.asp?Language=E&DocumentId=26825>
- Okanagan Indian Settlement Vote in Doubt (February 25, 2005). The Okanagan First Nations accepted a six million dollar settlement for reserve land that was unlawfully excluded when the City of Vernon was created. <http://www.mybc.com>
- AFN ICB Technical Group. It is a fax sent to Matthew Coon Come from Robert Nault. It discusses the ICB and the directions agreed and disagreed upon (date: February 8, 2002).
- Cree, Quebec Make It Official. (Source: CBC Montreal, February 7, 2002). The Grand Council of the Cree and Premier Landry signed a \$3.4 billion deal that allows the hydroelectric development project to begin on the Eastmain and Rupert Rivers. A protestor claims that the "...people against the deal were being muzzled, including the chief of the village of Waskaganish" (p.1).

- Hunting Cabin Charges Could Be Laid (source: The Chronicle Journal, February 7, 2001 written by Carl Clutchey). A native (Pic River First Nations) hunting cabin is erected to protest a proposed dumpsite at Marathon.
- Landry and Quebec All Smiles As They Sign \$3.4 billion Deal (source: Canada News, February 2, 2002 written by Unknown Author). The article contains more details on the Agreement and it clarifies the outstanding issues that ensured the “deal” was signed.
- Don’t Sugar Coat The Issue (source: Vancouver Sun, February 7, 2001 written by Stephen Hume). The article targets Stephen Owen’s remark “*.paralleling the psychology of the Palestinian youth from whom terrorists recruit their suicide bombers and the increasingly disaffected aboriginal youth of Canada.*” (p.1). Even though Nault rejected the parallism, the writer sharply pointed to the increased militancy and anger exhibited by the Aboriginal youth in Canada. *This is the first journalist who has pinpointed the Aboriginal youth situation. He states that the Canadian society believes that if Aboriginal people become assimilated into mainstream society that all these problems would become non-exist. The writer argues that the opposite is true.
- Reference by Chief Justice to ‘Conquered Peoples’ Rankles National Chief (source: Canada News, February 8, 2002 written by Unknown Author). The article is described as a misunderstanding and a back stepping by McLachlin.
- Poorest of the Poor Affected: Aboriginals Fear Feds to Fall in Line with Provincial Cuts (source: Chilliwack Progress, February 8, 2002 written by Robert Freeman). The federal government is proposing equal rates with the provincial income assistance rates (Note: Do they realize we get way less than \$525/mth? --- I say go ahead!).
- Investments in First Nations Yields Dividends (source: Victoria Times Colonist, February 10, 2002 written by Robert Nault). Surprisingly enough, Nault’s article is well written and does not have one hint of his usual over-bearing, and paternalistic attitude that his work usually wreaks of when he discusses First Nations issues/governance. *The statistics and the results displayed are amazing! They highlight the First Nations peoples’ ability to overcome past challenges and to seek a better future.
- Government Planning to Democratize Canada’s Rural Municipalities (source: The Ottawa Press, February 11, 2002 written by Orson Well). The article addresses the issues around a proposed legislative bill that will specify the power/authority of the rural councils. This proposed bill has sparked some unconventional remarks. For example, one council member stated that they are “**..not going to**

treat us like Indians, that's for sure.” *It is a surprising remark but at least someone notices how we are treated (whether they do anything about it is another story).

Craig Bay Heritage Museum

- Nanoose Bay History.
- Nanoose (general information on Nanoose First Nations and the initial settlers).
- Leffler, Marge. Historical Notes. This one page article is a brief history of Nanoose.
- Nanoose Indians. This article refers to Nanoose Bob and the history of the Nanoose First Nation's massacre.
- Elliot, David R. Adventures in Arrowsmith Country: A Historical and Recreational Guide to District 69. It contains a few specifics on the Nanoose First Nation's history.
- Notes on Arbutus Point and Beaver Creek. It describes the Nanoose area and the weather conditions at the time.
- Natives Back in Court (Judy Reimche's News Article on the Craig Bay court case).
- New Claim on Craig Bay (Judy Reinsche's News Article on the Campbell River's thoughts on Craig Bay and course of action).
- Letter from E. Rhodes to John Cass. The letter describes the location of the Wharf at Beaver Creek, which is dated March 28, 1972.
- Letter from T.C. Tryon to M.G. Elston. It is about the proposed development of Madrona Point and the location and ownership of the wharf that is dated March 30, 1972.
- The *E & NR vs. the Squatters* (Feb. 2, 1962).
- Nanoose Harbor Important Navel Base. It outlines the creation, history and current information about the Nanoose Navel Base.

Vanden Berg and Associates

- Craig Bay/ Nanoose Document Chronology (1790's-1912).
- Grant's Description of Vancouver Island (source: page 269 from a book). It does not create a flattering picture of the island, but it does detail the economic lens that explorers envisioned when they sought potential colonial lands.
- Difficulties in Purchasing (source: Aborigines of British Columbia, Chapter XI located on page 241). The chapter reads like a journal and it contains information on the First Nations' and British colonialists. It describes the moral character of the coastal people in comparison to the interior people and it also clarifies the overall "Indian reactions" to others. Based on the title of the book "Aborigines" anyone can understand the author's rhetoric.
- The Nanaimo Gazette (August 21, 1863?). The news article discusses the events surrounding the death of a "Nanoose Indian." Note: the Gazette was the primary source for notifying the sale and purchasing of lands.
- British Columbia Archives & Records Service: British Columbia Provincial Secretary: Records Relating to Indian Affairs, 1876-1878 (source: GR 494, filmed by the British Columbia Archives and Records Service, 1992).
 - **A copy of this article is already listed in this reference guide*
- A History of Nanoose Bay (source: compiled by M.A. Nicolls, Barbara Sivertz, Betty Assaf and Marilyn Assaf for The Nanoose Centennial Committee, 1958). It contains the colonial families, Nanoose Bob and the Nanoose First Nations massacre (along with other historical information).
- First of the Pioneers (source: Book, Part III, page 14).
- Report on the Nanoose People: Their Social Structure, Social Affiliation and the Harvesting of Clams (source: Vanden Berg and Associates).
- Carolina Westra and Deborah Whitta Interviewed Tom Tryon (source: District 69 Historical Society Museum and Archives, June 8, 1985). Historical accounts that included the settler's recollections and also the remembrances of Nanoose Bob.
- Notes on the Snanaimuq (source: The American Anthropologist Volume II, written by Franz Boas on October 1889).

- Notes on Nanaimo Ethnography and Ethnohistory (prepared by Randy Bouchard for I.R. Wilson Consultants Ltd., May 1992). It discusses the migratory pattern, language construction, and the traditional family placements within their society.
- The Coast Salish of British Columbia (written by Homer G. Barnett, chapter II: *Ethnic Divisions*).
- The Coast Salish of British Columbia (written by Homer G. Barnett, chapter XI: *Society: Relationship Terminologies*).
- Coast Salish Essays (written by Wayne Suttles, chapter 2: *Affinal Ties, Subsistence, and Prestige among the Coast Salish*).
- Vallance, Neil. 2000. Report on the Nanoose First Nation Specific Claim Concerning a Pre-Confederation Reserve. Unpubl. Manuscr. The paper is an excellent source for locating chronological as well as historical pieces of information pertaining to the Nanoose First Nations.
 *This paper is the original petition. The information was disputed in the following article.
 - Index to Documents: Nanoose First Nation Specific Claims Submission Regarding Pre-Confederation Reserve. The index is an overview of the information submitted to the specific claims branch. The highlighted sections are the pieces of information left out of the original report. **The index is the outline of the upcoming reports.*
 - ***I photocopied sections:** 3, 8A, 10, 11, 12, 14, 15, 17, 18, 19, 23, 24, 27, 31, 34, 35, 37, 38, 40, 41, 42, 43, 44, 47, 48, 49, 55, 56, 63, 64, 64B, 64C, 65, 66, 67A, 68, 71, 73, 75 (for the full text refer to the original at Vanden Berg and Associates). *For clarification on reference cites refer to Index to Documents: Nanoose First Nation Specific Claim.*

Books

- Adams, John. 2001. *Old Square – Toes and His Family: The Life of James and Amelia Douglas*. Victoria: Horsdal & Schubart Publishers Ltd.
- Arnett, Chris. 1999. *The Terror of the Coast: Land Alienation and Colonial War on Vancouver Island and the Gulf Islands 1849-1863*. Vancouver: Hignell Printing Ltd.
- Berger, Thomas R. 1999. *A Long and Terrible Shadow: White Values, Native Rights in the Americas since 1492*. Vancouver: Douglas & McIntyre Ltd.
- Coates, Ken. 1992. *Aboriginal Land Claims in Canada: A Regional Perspective*. Mississauga: Copp Clark Pitman Ltd.
- Diamond, Jared. 1999. *Guns, Germs, and Steel: The Fates of Human Societies*. New York: W.W. Norton & Company Inc.
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- Furniss, Elizabeth. 1999. *The Burden of History: Colonialism and The Frontier Myth in a Rural Canadian Community*. Vancouver: UBC Press.
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- Kennedy, Dorothy and Randy Bouchard. 1983. *Sliammon Life, Sliammon Lands*. Vancouver: Hignell Printing Ltd.
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- Russell, Dan. 2000. *A People's Dream: Aboriginal Self-Government in Canada*. Vancouver: UBC Press.
- Scott, James C. 1990. *Domination and The Arts of Resistance: Hidden Transcripts*. London: Yale University Press.
- Muckle, Robert J. 1998. *The First Nations of British Columbia: An Anthropological Survey*. Vancouver: UBC Press.
- Williams, Robert A. 1990. *The American Indian in Western Legal Thought: The Discourses of Conquest*. New York: The Oxford University Press.
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