Chapter 12 PLACED ON A LITTLE SPOT

[O]ur families are well, our people have plenty of food, but how long this will last we know not. We see your ships, and hear things that make our hearts grow faint. They say that more King-George-men [settlers] will soon be here, and will take our land, our firewood, our fishing grounds; that we shall be placed on a little spot, and shall have to do everything according to the fancies of the King-George-men.… We do not wish to sell our land nor our water; let your friends stay in their own country. —An anonymous Sechelt chief speaking to Gilbert Sproat, Port Alberni, August 1860.

Beyond the Rocky Mountains, the years between 1821 and the early 1870s were ones of accelerating change and dangerous disputes. First the sea otters all but disappeared, forcing the fur trade to move inland. The race between Americans and the Hudson's Bay Company to settle the Pacific Northwest began in 1821 and lasted until 1846. The Americans won easily. As a result, Great Britain and the United States concluded the Oregon Boundary Treaty in 1846, which gave the Americans control of the Native territory south of the 49th parallel. To establish a stronger British presence in the remainder of the area and to ward off any further Yankee expansion, the Colonial Office gave the HBC the go-ahead to establish an agricultural colony on southern Vancouver Island and to develop resources elsewhere on the island. The colony had barely established itself when a sequence of gold rushes began in the coastal region. These various developments signalled the beginning of a new economic order in the West that would present new opportunities to Native people; it would also threaten their future and security as the newcomers began to expropriate Native lands and resources.

HEREDITARY LEADERS AND THE HBC

When Governor Simpson curtailed beaver exploitation in Rupert's Land during the 1820s and 1830s for conservation purposes, he tried to compensate by expanding operations in other districts, including New Caledonia, the former North West Company fur-trading area to the west of the Rocky Mountains. This proved to be a very difficult and costly effort. The declining stocks of sea otter had encouraged coastal nations, particularly the Tsimshian of the lower Skeena River, to make a major effort to expand their inland trading networks. The HBC officers found themselves battling head to head with these experienced traders. HBC trader William Brown's account of his time in New Caledonia gives us a clear picture of this conflict in the territories of the Babine, Gitxsan, and Wet'suwet'en during the 1820s. The company dispatched Brown to Babine Lake, where he established Fort Kilmaurs (also known as Old Fort Babine) in 1822. He intended to use this post as a base to extend the company's sphere of operations northwestward. Brown found himself in a very unfamiliar world. Because he had spent his earlier career in various districts to the east of the Rocky Mountains, he was unaccustomed to dealing with hereditary leaders who exerted considerable control over the use of resources on their lands and who dominated inter-nation trading relations.

A succession of coast Tsimshian chiefs bearing the hereditary name Legiac led the Native opposition to the HBC. When Brown arrived on the scene, these people were in the process of strengthening their ties with the Gitxsan and Wet'suwet'en. The Tsimshian already held regular trading fairs at the forks of the Skeena and Bulkley rivers, and some Gitxsan and Wet'suwet'en undertook frequent expeditions to the coast. Brown learned that he would have great difficulty breaking into this exchange network because the Tsimshian, who had access to trading ships

plying the coast, were able to provide goods at much cheaper rates than he could. To address this problem, Brown resorted to an old Nor' Wester strategy. He instructed the company to import moose hides from districts lying to the east of the Rocky Mountains. The Babine, Gitxsan, and Wet'suwet'en were willing to pay premium prices for the scarce commodity, which they presented as gifts to guests at funeral feasts. The trade in moose skins remained a feature of the company's business in Skeena country until the turn of this century, when provincial conservation legislation unfortunately banned the traffic in game-animal hides. The Babine tossed other obstacles in Brown's way. Like most of the nations living on the Pacific slope, the Babine were experienced fish sellers. They knew Brown would have to depend on them for fresh and dried salmon because game was not abundant in their country—or in most areas of New Caledonia, for that matter. Soon after his arrival, the Babine informed him that they would determine the price he would have to pay for salmon and for any fishing nets that he required. Brown had no choice but to pay their high prices.

In light of the company's conservation policies elsewhere at this time, it is ironic that the resource-management methods of the Babine, Gitxsan, and Wet'suwet'en proved to be the biggest barrier to increasing the trade in beavers from the upper Skeena country. Brown quickly discovered that each chief permitted an annual harvest of only about twenty-five beavers from his house territory. These leaders, whom Brown referred to as "men of property," or "nobles," limited the harvest partly by denying most of their followers the right to hunt beavers. As well, they jealously guarded their domain against the incursions of outsiders. When Governor Simpson visited the district, he reported that the chiefs regarded any trespass on their houses' lands as being tantamount to a declaration of war. In 1826 Brown tried to get the Babine to agree to abandon their limits on the hunt at a meeting of the men of property he called at Fort Kilmaurs. After having learned that the various Carrier nations, which included the Babine and Wet'suwet'en, husbanded the beaver because they prized the animal's flesh as a ceremonial food, Brown proposed that the chiefs permit all their male followers to trap beavers, provided that these men gave the meat to the first leader who sponsored a funeral feast in any given year. The house leaders who had accepted Brown's invitation listened politely to his proposal but rejected it.

The elders also refused to give commercial trapping activities any priority, in spite of Brown's repeated call for them to do so. Instead, the Babine and Wet'suwet'en spent most of the long winter months doing what they liked best— feasting, gambling, and socializing. Furthermore, the chiefs, who handled most of the trade of their followers, refused to break their well-established trading connections with other nations. The best that Brown could do was persuade them to divide their loyalties. In this way he obtained a small share of the regional fur trade while the coastal Tsimshian held on to the largest part. Unable to outwit its coast Tsimshian opponents, the HBC decided to try a new tactic. In 1831 it established the first Fort Simpson on the coast between the Nass and Skeena rivers (later relocating it to the Skeena River) so the company could become the Tsimshian's primary supplier. This was part of an overall strategy to establish a strong presence on the coast, which began in 1827 with the construction of Fort Langley on the lower Fraser River. In 1833 it built Fort McLaughlin on Milbanke Sound, near Bella Bella. Operating posts at these strategic locations enabled the HBC to outfit most of the key mainland coastal groups. To enhance its position even further, the company eliminated Russian competition from the north by negotiating an arrangement with the Russian American Fur

Company in 1839. In it the HBC obtained exclusive trading rights in the Alaska Panhandle for an annual payment of river-otter skins; in the 1840s the payment for this concession amounted to an impressive fifty thousand pelts. As it had hoped, the company profited indirectly from the traffic into and out of the Gitxsan and Wet'suwet'en territories through Tsimshian middlemen at Fort Simpson.

NEW ZEALAND-STYLE LAND SURRENDERS ON VANCOUVER ISLAND

At the same time that the British Colonial Office was searching for someone to develop a settlement on the West Coast to act as a buffer against American encroachment, the HBC was interested in Vancouver Island for its agricultural and mineral potential—particularly coal. The Native people had shown company officers deposits at various locations on the island. In 1849 the Colonial Office accepted the HBC's proposal to establish a colony on Vancouver Island. The settlement at Fort Victoria got off to a very shaky start because the Colonial Office chose Richard Blanshard as its first governor. He was an English lawyer who knew nothing about the region or its people. The manner in which Blanshard dealt with one group in 1850 was reminiscent of the practices of the early maritime fur traders. That year three HBC men had deserted ship in the territory of the Newitty (a Kwakwaka'wakw group) and had been murdered by some unknown assailants. The Newitty claimed that the killers belonged to a northern group, perhaps the Kitkatla or Haida, but a neighbouring and hostile Kwakwaka'wakw group living next to Fort Rupert blamed the Newitty. The magistrate at the fort was baffled. The new governor, however, resolved to take decisive action, fearing that Fort Rupert would be attacked by the surrounding well-armed Kwakwaka'wakw.

The purported wrongdoers would pay for their crimes to safeguard against any "sudden outburst of fury to which all savages are liable." At Fort Rupert, Blanshard authorized the local magistrate to offer the Newitty a reward for the arrest of the murderers. According to the governor, the Newitty responded by taking up arms, by acknowledging their kinsmen had committed the crime, and by refusing to turn them over to the magistrate. Instead, as was their tradition, they offered to pay compensation. Blanshard flatly rejected their proposal and dispatched three Royal Navy boats to the culprits' village to seize them. By the time this party arrived, the Newitty had fled north. The marines and sailors set fire to the deserted settlement, but neither Blanshard nor the naval commander thought that this was sufficient punishment. They sent the H. M. S. Daphne northward with Blanshard on board to force the Newitty to turn over the murderers. After a brief armed clash, the villagers retreated into the forest and Blanshard's force burned this settlement too, as well as all their canoes. In the end, the Newitty yielded up three mutilated bodies, which they claimed were those of the murderers. This seminal episode resulted in some important interim policy changes. The Colonial Office disapproved of Blanshard's heavy-handed measures. The colonial secretary, the 3rd Earl Grey, in typical understated fashion, told the governor, "I should state for your guidance on future occasions that Her Majesty's Government cannot undertake to protect, or attempt to punish injuries committed upon British subjects, who voluntarily expose themselves to the violence or treachery of the Native Tribes at a distance from the settlements." Legal advisers of the Crown warned the Royal Navy to move cautiously and with a great deal more tolerance in the future if British subjects were murdered by Native people and commanders did not witness the act.

Blanshard's year in office also made it clear to the Colonial Office that the HBC's Vancouver Island colony needed a governor who understood Native people, had good leadership skills, and would use force judiciously. These considerations led to the appointment of HBC Chief Factor James Douglas in 1851. Douglas was an intriguing character of mixed Scottish and "free coloured" West Indian ancestry. He was married, à la façon du pays, to Amelia Connolly, the mixed-blood daughter of Chief Factor William Connolly, Douglas's former superior officer, and Susanne Pas-du-nom, a Cree.

Early in his career, Douglas's brashness nearly cost him his life. His wife and a Carrier chief named Kwah saved him. This important story began in 1823 when two Carrier men at Fort George killed two HBC employees in a dispute over two Carrier women. The company retaliated by closing the post, which was located at the confluence of the Nechako and Fraser rivers. Local officers wanted to take more drastic measures to avenge the murder of their comrades. For several years they encouraged the Carrier to kill the murderers, but the influential Kwah repeatedly blocked his people from doing so. The chief was an elderly man who had gained fame for his prowess as a warrior. Kwah held a noble title, which he had inherited from his mother's brother, and lived in a village near Fort St James, on Stuart Lake. One of the suspects came to the village in 1828 and took refuge in Kwah's house while he was away; Carrier tradition held that those who had committed crimes could use a chief's house as a sanctuary. When he learned that the alleged offender was nearby, the young and reckless Douglas gathered up a few of his men, marched to Kwah's house, and killed the man.

Several days later, Kwah and his followers arrived at Fort St James and an ugly confrontation ensued. Douglas grabbed for a gun when he saw the angry mob, but Kwah restrained him. Amelia Douglas then seized a dagger from the father of the murdered man, but was disarmed. In the commotion, Kwah's nephew reached Douglas and, holding a sword to the trader's chest, told the chief to give the word and he would kill him. In desperation, Amelia and the wife of the HBC interpreter promised restitution and hurled gifts at Kwah's followers. The chief had already made his point, and the women's actions gave him an out. He asked his followers to take pity on Douglas and accept the presents as adequate compensation for his misdeeds. Today the event is commemorated locally by the inscription on Kwah's tombstone: "HERE LIE THE REMAINS OF GREAT CHIEF KWAH BORN ABOUT 1755 DIED SPRING OF 1840. He once had in his hand the life of James Douglas but was great enough to refrain from taking it." The "Indian policy" that Douglas implemented as governor reflected his thirty-two years of experience in the fur trade, the long-standing practices of the HBC, and the thinking of the Colonial Office. He thought it was foolish to hold entire villages responsible for the actions of individuals, and announced that any Native people who committed crimes against settlers would be punished according to British law. He would apply "gunboat diplomacy" as necessary to that end. On the other hand, when the newcomers offended Native people, the relatives of the victims would receive compensation in keeping with ancient local traditions. Disputes among Native people were their own affair.

Today Douglas is probably best remembered in British Columbia for the way he dealt with Aboriginal title to the land. Even before assuming the governorship, he wrote to the HBC directors in London and argued that they needed to adopt a policy to facilitate the purchase of Native land. In reply the directors noted that a recent parliamentary inquiry into the land claims of the New Zealand Land Company had ruled that the Maori had a "right of occupancy," but not

title to the land. Only those who had a “settled form of government” and cultivated the land could hold title. In light of this ruling, the company secretary, Archibald Barclay, instructed Douglas: “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 are occupied by cultivation, or had houses built on, at the time when the Island came under the undivided sovereignty of Great Britain in 1846. All other land is to be regarded as waste, and applicable to the purposes of colonization.… The right of fishing and hunting will be continued to [the Native people], and when their lands are registered as waste, and they conform to the same conditions with which other settlers are required to comply, they will enjoy the same rights and privileges.” Typically the newcomers defined Aboriginal rights in terms that were compatible with the primary development interests of the day—agricultural colonization. The land policy made no sense in terms of Native economic realities. Douglas received Barclay’s instructions in December 1849. Early the following summer, he called together the Songhee and Esquimalt, who lived at the southern tip of Vancouver Island, and negotiated the first land surrender with them. For a payment of 371 blankets valued at seventeen shillings each, he persuaded the chiefs to show their approval by making their signs on the bottom of a blank piece of paper. Douglas then wrote to Barclay and asked him to provide a text. The one the secretary supplied was a copy of the legal document that the New Zealand Land Company used to buy tracts from the Maori. Douglas copied Barclay’s wording and added the details he needed to address local circumstances. It seems odd that a New Zealand document served as the pragmatic model for the first colonial land surrenders on the Pacific Coast of Canada, but apparently no one paid any attention to the well-established treaty-making traditions of Upper Canada.

One peculiarity of thisfirst treaty isthe clause stating that “our [Songhees] under standing of this Sale, is this, that our Village Sites and Enclosed Fields are to be kept for our own use, for the use of our Children, and for those who may follow after us; and the land, shall be properly surveyed hereafter; it is understood however, that the land itself, with these small exceptions becomesthe Entire property of the White people for ever.” In other words, Douglas bought only the “waste lands,” even though the HBC did not believe the coastal people had a valid claim to them. In spite of this apparent anomaly, the remaining thirteen surrender agreements of the so-called Douglastreaties all contain the same clauses. From 1850 to 1854, the company obtained a total of 358 square miles (3 per cent) of prime land on Vancouver Island. The eleven treaties in the Fort Victoria and Saanich Peninsula and the one at Nanaimo (where local people led the HBC to coal deposits in 1851) involved various Coast Salish groups. The two signed at Fort Rupert were with the local Kwakwaka’wakw groups. Like the early treaties of Atlantic Canada and Upper Canada, the Douglas treaties provided Native groups with a one-time payment for the lands they surrendered, but no annuities. Douglas offered annuity payments, but the local groups preferred a lump-sum payment. The cost to the company was nominal because, following the precedent of Douglas’s first treaty, it paid them in goods, mostly woollen blankets. By this time the venerable HBC striped “point blanket” rivalled the traditional Chilkat blanket as a symbol of wealth. Because the company was interested in land strictly for agricultural settlement and coal mining, it readily agreed that the nations who signed the surrenders “are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as

formerly." This concession would have seemed innocuous to Douglas and his superiors in London, but in time it would become very significant to aboriginal fishers.
Colonization advanced at a snail's pace, so the agreement that Douglas and the various Coast Salish and Kwakwaka'wakw groups had reached worked reasonably well—for a while. Nonetheless, the handful of settlers near Fort Victoria generally thought that the governor was not forceful enough with the Songhees, and they provided him with frequent reports about Native attacks. He knew that the surrounding Native people held the balance of power. Accommodation was preferable to confrontation. Some of the friction that arose between the newcomers and the local people took place in the Fort Victoria area and involved conflicting views of property. Native people regarded roaming cattle as wildlife available for the taking. Even more upsetting to the colonists, however, were the large numbers of Haida and coast Tsimshian who began to visit Victoria annually, beginning in 1854. These northern visitors did not have hostile intentions; they simply came to take advantage of markets in the new settlement and to find work. Nevertheless, the colonists mistrusted all Native people. Their feelings were so strong that once Douglas became the governor of Vancouver Island, Amelia Douglas was subjected to insults from prominent white women. Eventually the governor sent his daughter Martha to England to help her disguise her Native heritage. These were minor squabbles, however, compared with the serious clashes that loomed just over the horizon.

THE GOLD RUSHES

"Gold fever" hit the West in 1849, following the discovery of gold in California. Prospectors fanned out across the region, hoping to make other strikes in the western mountains. Like everyone else, Native people were caught up in the excitement. The Haida of the Queen Charlotte Islands, for instance, were hopeful that they could find enough gold in their territory to develop new trading opportunities. In 1850 Chief Albert Edward Edenshaw led HBC officers to gold deposits at Gold Harbour (Mitchell Inlet). However, the Haida refused to let the company mine these deposits; they wanted to mine them themselves. They were also resentful that Americans, having heard about the gold, came in search of it without asking their permission. Before 1853 the Haida had already driven off one group of these intruders from the Gold Harbour area. A legendary early skirmish involved the American ship Susan Sturgis. In 1853 this vessel was sailing in the Queen Charlotte Islands area for trading purposes and had let a small party of miners off to search for gold near Gold Harbour. The Royal Navy had warned the skipper and crew that all speculators operating in the area did so at great risk, but the Americans ignored the warning and headed north in search of Chief Edenshaw. Descriptions of the chief portray him as young, extremely wealthy, and very powerful, always on the lookout for new opportunities. He lived in the heavily fortified village of Kung, located northwest of Masset. Like many others before them, the Americans wanted Edenshaw, who was a well-known sailor, to pilot their ship. They located him at Skidegate, and he came aboard on the condition that he would be given passage to his village. The Skidegate villagers apparently passed word overland to the Masset people that the Susan Sturgis could be taken easily. When the ship rounded Rose Spit (the easternmost point of Graham Island), a Masset canoe approached and Edenshaw apparently confirmed the Skidegate villagers' report. The following day Chief Weah, leader of the Masset villagers, brought twenty-five canoes alongside, under the pretence of being a trading party. They seized the crew, pillaged the ship, and burned it. Edenshaw, who received a

share of the spoils, persuaded his accomplices to spare the lives of the Americans and take them to Fort Simpson, where they would likely receive a ransom in blankets from the HBC. His accomplices agreed and ransomed their captives at the fort. The possibility of further conflict died away when the gold deposits on the Queen Charlotte Islands proved to be very small. Attention quickly shifted to the mainland. Again local Native people made the initial strikes. Rumours of impressive gold deposits in the Fraser River watershed had been circulating throughout the 1850s. By 1857 some groups living near the confluence of the Thompson and Fraser rivers had begun trading placer gold to the HBC. Douglas encouraged them, anticipating that the trade in placer gold would become another aspect of the company's commercial relationship with the residents. With that goal in mind, he ordered the construction of a post at the confluence of the Fraser and Thompson in the spring of 1858. Unfortunately, word of the gold trade leaked out, and rumours circulated Harbour (Mitchell Inlet). However, the Haida refused to let the company mine these deposits; they wanted to mine them themselves. They were also resentful that Americans, having heard about the gold, came in search of it without asking their permission. Before 1853 the Haida had already driven off one group of these intruders from the Gold Harbour area.

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thousand California miners, prospectors, and “Indian” fighters quickly descended on the region. Douglas estimated that by August 1858, more than ten thousand of them were already combing the Fraser River corridor. Two years later, the rush spread into the Cariboo Mountains, and by the 1870s prospectors were combing the Skeena, Omineca, and Peace River areas.

Miners complained that Native people rustled their livestock and ruined their crops. They objected to the attempts some groups made to tax them for working diggings located on traditional Native territory. Aggravating the situation, many Native people took up residence near boom towns like Yale, where they could find work, and they often panned gold side by side with the intruders. During the summer of 1858, for instance, sixty to seventy white miners and four to five hundred Native miners worked Hills Bar on the Fraser River. This close proximity increased the likelihood of friction between the two groups. Armed miners organized into “armies of conquest” had already effectively triggered the Indian wars of Washington and Oregon. In British territory, besides trying, often successfully, to push the local people off the gold bars, the invading rabble plundered their food supplies and destroyed their fishing, fishdrying, and camping sites. Some miners from California bragged that they would “clean out all the Indians in the land.” Indiscriminate killings of Native people did take place, but the violence was not entirely one-sided. In the lower Fraser River canyon, the local people engaged the invaders in a bloody conflict known as the Fraser Canyon War during the summer of 1858. Although Douglas is usually credited with being the one who prevented the violence from spiralling out of control, Native people’s recollections of the event indicate that their leaders played an important role. Mary Brent, granddaughter of the Okanagan chief N’kwala, recalled that “during the Fraseer River trouble between the Thompsons and the whites in 1858 and 1859, [N’kwala] advocated peace, although preparing for war had the affair not been settled. The Thompsons were against the miners and settlers. Although he was begged by the Spokanes and Thompsons to join them in war against the whites, he refused to allow his people to join them.”

The possibility of further conflict, and the threat that Americans would take over the territory, forced Douglas and the British government to move quickly to establish order and defend the sovereignty of the Crown in the region. Even before this crisis, a British parliamentary committee had begun considering the future of the territory in anticipation of the expiry of the HBC’s trading licence on the main land in 1858. The committee recommended against renewal wherever settlement was advanced. Parliament agreed, ended the HBC’s rule of the Vancouver Island colony, and established the new colony of British Columbia on the mainland. Douglas was appointed governor of both colonies. He gave up his position with the HBC. For the people of the Pacific slope, the influx of miners and settlers that started in the summer of 1858 represented an important turning point in their history. The newcomers and the growing number of deaths due to foreign diseases, especially smallpox, set in motion a major demographic shift in favour of the immigrant society. The smallpox epidemic of 1862, which began in Victoria and swept rapidly up the coast and into the interior, was the worst calamity to strike the coastal people since the epidemics of early contact. When it ended three years later, as many as twenty thousand Native people had died, reducing their total population to about forty thousand. The populations of some groups, such as the Haida, declined more than 80 per cent.

The staggering death rate meant that the Native population represented much less of a threat to the newcomers than it had a decade earlier. Worse, Douglas and others concluded that these people were dying out. This assumption, and an increase in racial tensions and expressions of prejudice, led the governor to change some of his basic attitudes and policies towards Native people and their economic rights. Believing that their only chance of survival lay in learning European ways— particularly farming—he granted reserves only for those tracts that included village sites, cultivated fields, and burial grounds. He no longer regarded “waste lands” as belonging to Aboriginal nations. Furthermore, the governor took the position that the Crown, not the Native people, held the title to the reserves, which was in marked contrast to his stand when he had negotiated the earlier treaties. Douglas changed his mind partly because he believed that reserve lands could not be protected from white encroachment unless the government kept them in trust. Regrettably, this would not be the case here any more than it was anywhere else in British North America. Even Douglas, who wanted to protect the lands set aside for Native people, never envisaged that the reserves would become permanent features of the landscape. He thought of them as cultural waystations where missionaries and others could teach the residents Christianity and the practical skills they would need to survive in the new economic order. Believing that most Native people would eventually choose to make it on their own away from these refuges, Douglas gave them the same rights to settle off-reserve lands as white settlers.

One result of this assimilationist agenda was that Douglas did not conclude any treaties after 1854, even though the Colonial Assembly of Vancouver Island and the British government continued to recognize Aboriginal title and encouraged him to buy the lands needed for settlement. In the early 1860s, the assembly even approved expenditures for that purpose. The legislators were particularly eager that he buy Cowichan land, which was in demand. Instead, Douglas set about establishing reserves without treaties, allocating approximately ten acres, “a little spot,” to each family, which was a meagre amount. Simultaneously, he opened extensive areas to white settlement. Through these actions, Douglas set the colonial governments of Vancouver Island and the British Columbia mainland on a path that was at variance with the expressed wishes of many of the First Nations, politicians, and settlers. He also set the stage for a struggle for land and resources between Native groups and successive British Columbia governments that continues to this day.