

A Legacy of Broken Promises:

*The Xwelitem Exploration and
Settlement of Solh Temexw (Our Land)*



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I N T R O D U C T I O N

In the *Halq'eméylem* language the word for people of European decent is *Xwelítem*. *Stó:lō* Elders explain that *Xwelítem* translates as “hungry people” or “starving people.” No one remembers exactly when the *Stó:lō* adopted this term to describe the immigrants who came to their land, but Elder Dan Milo was of the opinion that it dates back at least as far as the 1858 gold rush when thousands of poorly provisioned miners arrived in *Stó:lō* territory. The term continues to be used today and when asked most *Stó:lō* say it refers to the *Xwelítem*'s insatiable appetite for land and resources. Elder Tilly Guiterrez says that the *Xwelítem* hunger has even motivated them to explore space and visit the moon: “They want the moon!” Such metaphorical definitions ultimately provide this chapter with its focus. As the *Xwelítem* arrived in *Stó:lō* territory they began taking possession of *Stó:lō* land and resources, squeezing the *Stó:lō* onto ever smaller plots of reserve land. Conflicting *Stó:lō* and *Xwelítem* land use patterns, and the political marginalization of the *Stó:lō* in the nineteenth century have left a haunting legacy as yet unresolved. The history behind these processes provide an introduction to the issues of contemporary land claims, Aboriginal rights and title, and the current treaty process.



A Coast Salish leader addressing the 1913 Royal Commission. *Stó:lō* leaders were insistent that their title to the land be recognized, as promised by Governor Douglas.

1 STÓ:LŌ CONCEPTS OF LAND OWNERSHIP ■

There are at least two ways of appreciating the moral dilemmas arising out of the non-Aboriginal settlement process – an Aboriginal perspective and a *Xwelítem*, or mainstream Canadian society perspective. Contrary to what one might think, these perspectives are not contradictory. However, they often appear so when people allow prejudice and suspicion to cloud their thinking or refuse to accept that other people have different ways of relating to the environment. In the 1960's, *Stó:lō* Elder Joe Louis explained this difference in these terms.

The white people stop to pray; we stop to respect – the same thing you know. We respect the woods, the living trees in the woods. We drink the water, it's alive. We breathe the air, it's alive too – Respect it! And it seems like everything you respect helps you along in life, what your gonna try and accomplish see. That's the teaching of our old peoples here.¹ 🙏

The *Stó:lō* have a very clear understanding of their Aboriginal title and rights. It is based upon countless generations of occupation, use and management of their territories' resources, and self-government. *Yewal Sí:yá:m*

(respected community leader²) Albert “Sonny” McHalsie of *Shxw’ōwhámél*, explains how he understands *Stó:lō* Aboriginal title and rights:

Archaeologists tell us that we have been here for at least 9,000 years. Our Elders tell us we have been here since time immemorial. They also tell us through *sxwōxwiyámx* (stories and legends) that many of our resources were at one time our ancestors. Many of our people have stories about a particular resource which at one time may have been their own people. For instance, people at a village near Hope claim the sturgeon as their ancestor; others from a village near Chilliwack and Agassiz claim the mountain goat as their ancestor. One legend common to all *Stó:lō* tells the story of the origin of the cedar tree. It goes like this: At one time there was a very good man who was always helping others. He was always sharing whatever he had. When *XeXà:ls* (the transformers) saw this they transformed him into a cedar tree so he would always continue helping the people. And so to this day he continues to give and share many things with the people – cedar roots for baskets,



Over 100 years ago the artist Paul Kane travelled across the Canadian west capturing scenes of Aboriginal life on canvas. He thought he was witnessing the last expressions of a soon to be extinct culture. In this painting he illustrates aspects of Coast Salish family life.

bark for clothing, and wood for shelter.

So our resources are more than just resources, they are our extended family. They are our ancestors, our *shxweli* (spirit or life force). Our *shxweli* includes our parents, grandparents, great grandparents, cedar tree, salmon, sturgeon and transformer rocks... Our Elders tell us that everything has a spirit. So when we use a resource, like a sturgeon or cedar tree, we have to thank our ancestors who were transformed into these things. We don't like to think that our ancestors came over the Bering Land Bridge. We have always been here.³ 🙏



Family is very important to the *Stó:lō*. Their family relations extend beyond people to include the natural environment. Here members of the McHalsie family enjoy spending time together.

The *Stó:lō* have a complex personal relationship with the environment which includes family ties. They believe that in the distant past the world was very different than it is today. "There were many evil spirits, people with power, animal people, deformed men and other creatures."⁴ To "arrange the earth as it is today," *XeXà:ls*, the transformers, arrived and made order out of chaos – transforming things into their permanent forms.⁵ As Elder Tilly Gutierrez explains, *XeXà:ls* transformed some people into animals and stones."⁶ Others he turned into plants. The salmon which return to the Fraser River to spawn

The cedar tree is believed to have once been a very kind and generous man. He was transformed into a cedar tree in order for him to continue giving to his people.

each year are believed to be the descendants of early *Stó:lō* who were transformed into fish. Certain rocks, such as *Xá:ytem* situated in Mission, are believed to have once been living people, and the "*shxweli*" of these people are still considered to be active within the rock. The mountains themselves have personalities and specific stories attached to them. Mt. Cheam (or "*Lhílheqey*" in *Halq'eméylem*) is Mt. Baker's spouse, and the mother of "*Séyowòt*," "*Óyewòt*," and "*Xomó:th'íya*" (smaller mountains below her). She and her husband moved to the Fraser Valley from the south. *XeXà:ls* changed her into a mountain and gave her the responsibility to look after *Stó:lō* people, the river, and the salmon.⁷

The *Stó:lō* have an intimate relationship with the environment. Anthropologists often describe it as a "kin" relationship.



The Mountain goat is considered to be a member of the extended family. People from a village near Hope claim the mountain goat as their ancestor.



2 BRITISH/CANADIAN CONCEPTS OF ABORIGINAL LAND OWNERSHIP ■

Current Canadian concepts and legal definitions of land title and ownership are derived from earlier British laws – laws which both reflect and shape public opinion. While not necessarily contradictory, these mainstream, Canadian concepts differ from those of *Stó:lō* people.

By the 1700's, Britain and other European nations were engaged in a fierce competition over North American land. For most Europeans, the fact that North America was densely populated with Aboriginal people did not stop them from viewing the continent as a vacant "New World."

In order for a European government to be recognized by its European neighbours as the legitimate claimant to a new territory, its representatives were required to perform a "claiming ceremony." Upon their arrival, they were required to raise their nation's flag and official-



Rocks are also believed to have a *shxweli* or life force. Elder Jimmy Charlie of Chehalis tells the story of how *XeXà:ls* transformed a man into a stone figure of *chítmexw* the great horned owl.



THE FIRST SUCCESSFUL LAND CLAIM

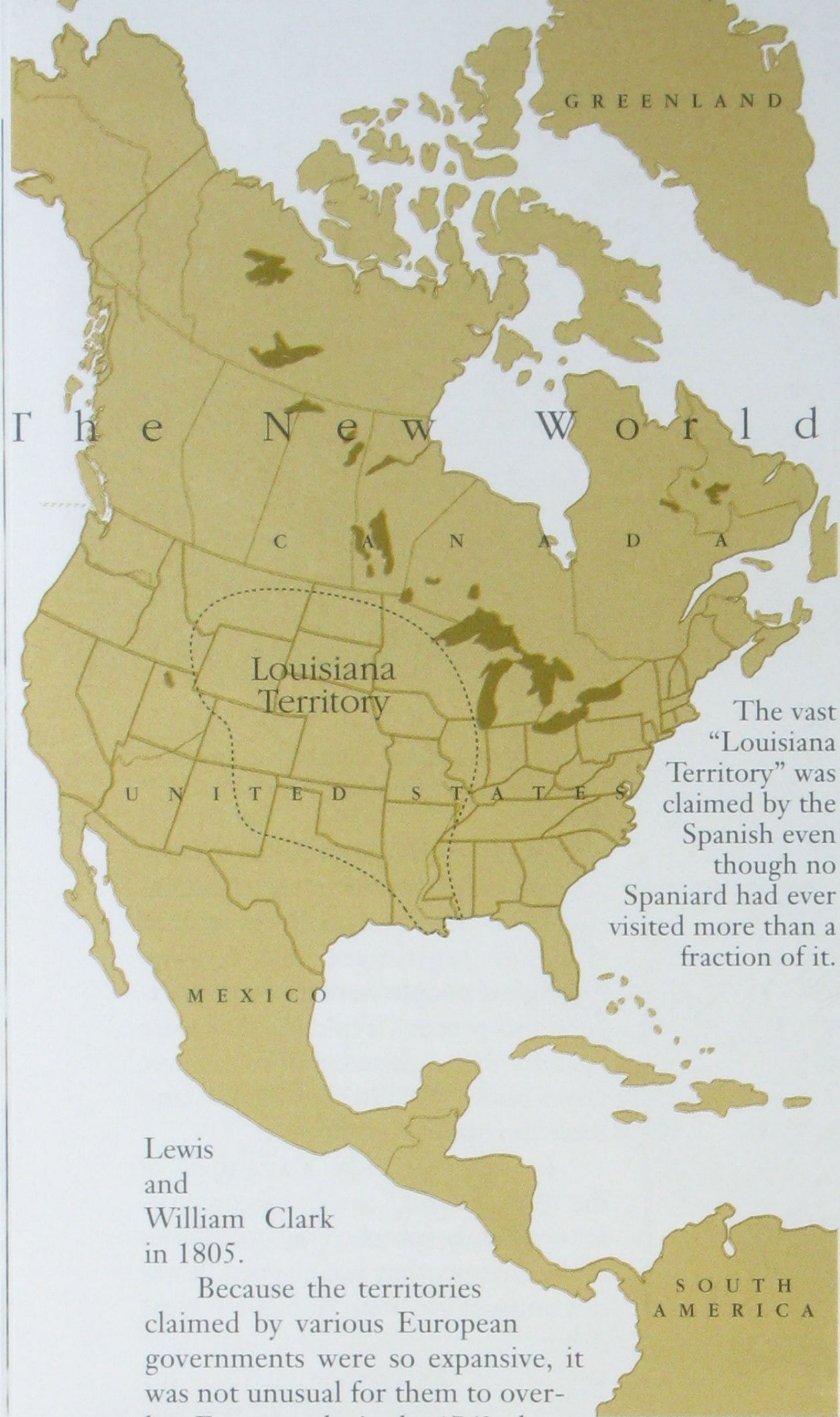
A contemporary newspaper cartoon spoof of a British "claiming ceremony".

ly claim the land in the name of their sovereign King or Queen. For the British, (as will be explained in detail later), this ceremony was not intended to extinguish Aboriginal title to the land and resources. Rather, it implicitly recognized Aboriginal title as existing along-

side British sovereignty. When the ceremony was performed properly, other European nations usually recognized them as legitimate. Of course, Aboriginal people were never consulted in this process. Typically, they were unaware that such ceremonies had ever taken place; nor did they understand their European significance.

In their race to lay claim to all of the "New World," the European powers constantly stretched the boundaries of the territory they had claimed. It was not unusual for them to include areas that were hundreds, if not thousands of kilometres from the location where the actual "claiming" ceremony had occurred, in regions they never even visited. For example, in the late 1700's Spain claimed all land that drained into the Mississippi River (the "Louisiana Territory"), despite the fact that no Spaniard had ever travelled to the headwaters of the river. When Spain ceded the Louisiana Territory to France, the French government accepted the Spanish boundary, even though the French had never undertaken any serious explorations of the area. In 1804 when France "sold" the Louisiana Territory to the United States, the

Americans also initially accepted the old Spanish territorial boundaries. However, U.S. President Thomas Jefferson was quick to stretch the Louisiana Territory's boundary all the way to the Pacific Ocean after the successful exploration of the Columbia River by Meriwether



The vast "Louisiana Territory" was claimed by the Spanish even though no Spaniard had ever visited more than a fraction of it.

Lewis and William Clark in 1805.

Because the territories claimed by various European governments were so expansive, it was not unusual for them to overlap. For example, in the 1763, the British King issued a "Royal Proclamation" declaring that their North American territory extended from Hudson's Bay in what is now central Canada, all the way to the Pacific Ocean. This claim was made to ensure the expansion of the extensive and profitable fur trading activities of large corporate resource extraction companies like the Hudson's Bay Company. The English wanted to restrict other European powers from making use of British claimed lands and resources. The amount of land included in the claim was huge, especially considering that the British were unaware of the distance from Hudson's Bay to the coast of what is now called British Columbia. From their position in Mexico the Spanish also claimed the Pacific Northwest Coast, as did the Russians in Alaska. Later, based upon the explorations and "discoveries" of Lewis and Clark, the Americans also claimed this vast area as part of the Louisiana Territory. Such claims were made without the knowledge, consent, or understanding of the



Family controlled fishing sites are one expression of the intimate relationship the *Stó:lō* have with the land and its resources. It also demonstrates *Stó:lō* concepts of ownership to the land.

Aboriginal population. Indeed, at this time no relationship of any kind had been established between the Europeans and the vast majority of Aboriginal people living within the claimed territories.

Eventually the competing European powers came to recognize and acknowledge British sovereignty to the Northwest Coast. This recognition did not stem from the original British "Royal Proclamation of 1763" which claimed all the land stretching from the shores of Hudson's Bay to the Northwest Coast. Rather, the British emphasized a subsequent ceremony performed in 1778 by Captain James Cook on the shore of Vancouver Island. Initially Spain disputed the British position, citing the 1774 voyage of Captain Juan Perez to the Northwest Coast as their claim. In reality, all such claims of discovery were weak arguments in international law, and were typically disregarded in favour of actual acts of conquest or effective occupation. Ultimately, it was the British government's ability to convince Spanish diplomats that they would back up their claim with military might that compelled others to accept the British claim as legitimate.

3 BRITISH SOVEREIGNTY AND ABORIGINAL RIGHTS ■

By the late 1700's the British government claimed undisputed sovereignty over most of northern North America. At the same time, British common law still recognized that Aboriginal peoples, as the original occupiers of the territory, had special rights to the land and its resources. The British recognized that to ensure peaceful and profitable relations between Aboriginal people and the new settlers, these rights had to be protected. As mentioned earlier, to clarify the extent of these rights, and to affirm their continued existence, the British monarch



Map showing the "Indian Treaties in Canada".

issued a special proclamation known as the "Royal Proclamation of 1763." In this document the British crown proclaimed that it was

Reserving... under British Sovereignty, Protection and Dominion for the use of the said Indians, all Lands and Territories not included within... (existing Crown colonies or those lands set aside for the Hudson's Bay Company in central Canada).⁸

It also clarified that the

Several Nations or Tribes of Indians with whom we are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and territories as, not having been ceded to or purchased by Us, are reserved to them... as their Hunting Grounds...⁹

In short, the "Royal Proclamation" clarified that Aboriginal people had pre-existing rights to the land and its resources. It gave expression to the fact that Aboriginal land could not be purchased from Aboriginal peoples, unless they voluntarily surrendered their rights in the form of treaties, and then only to the British crown.¹⁰ Therefore, before a British settler or company could move into Aboriginal territory, formal "nation to nation" treaties had to be concluded between Aboriginal communities and the British government. Until such time, the government was obliged to "protect" Aboriginal land rights by preventing European settlers and companies from moving

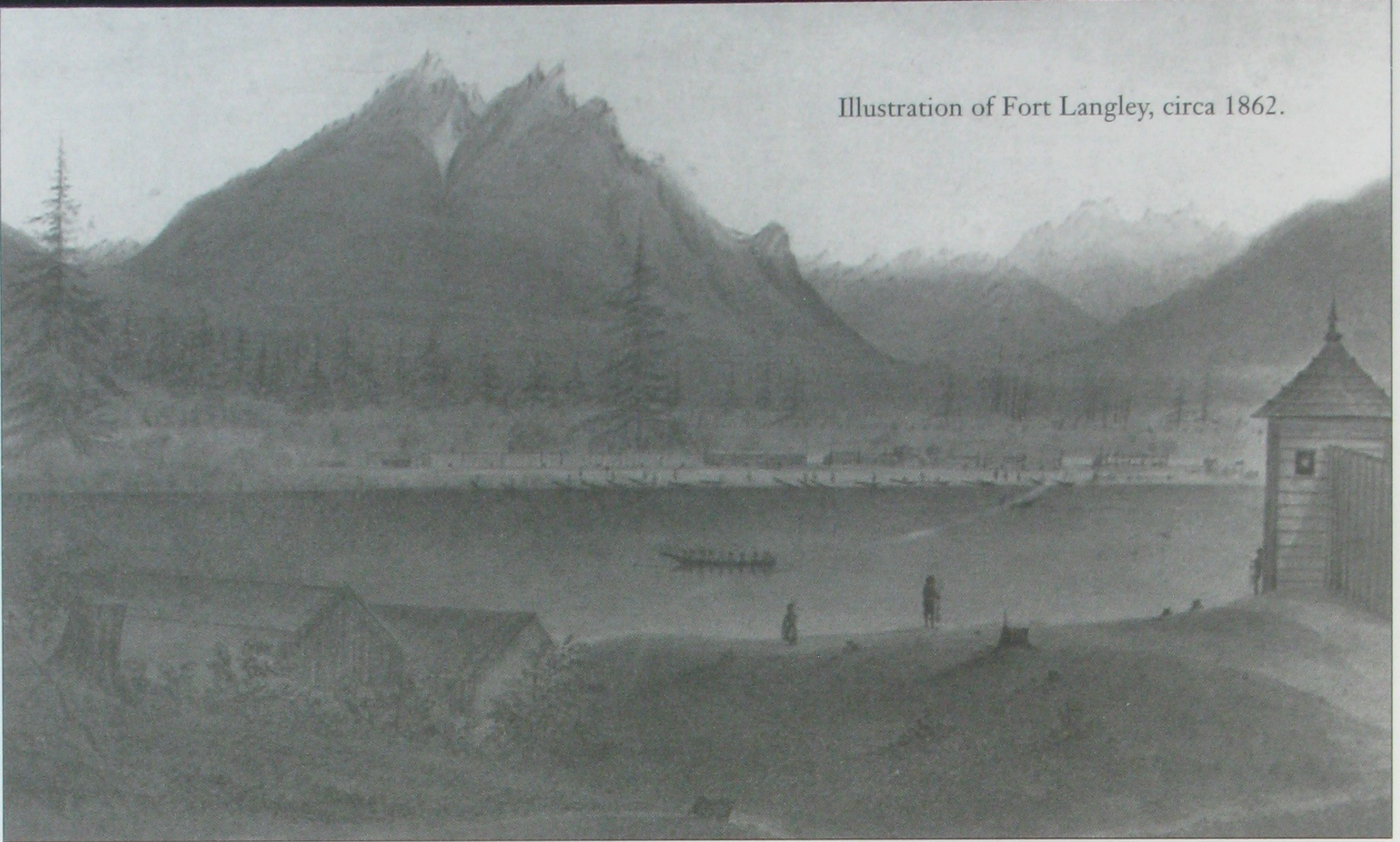
into Aboriginal territory. As legal historian Brian Slattery has observed, the "aboriginal interest constitutes a legal burden on the (British) crown's ultimate title until (voluntarily) surrendered."¹¹

The British common law encoded in the "Royal Proclamation" was applied in most regions of Canada east of the Rocky Mountains with the notable exceptions of Quebec, Newfoundland and the Maritimes. In Ontario and the Prairies, Aboriginal people signed treaties surrendering their land in exchange for specific compensation packages. However, as shall be demonstrated, the principals articulated in the Royal Proclamation were never applied in the province of British Columbia (except for a few minor treaties negotiated on Vancouver Island). Until 1990, the British Columbia government refused to consider the possibility that Aboriginal rights needed to be extinguished by treaty. Only now are the federal and provincial governments beginning to negotiate with the Aboriginal people of British Columbia by participating in the B.C. Treaty Commission.

4 THE ABORIGINAL LAND QUESTION IN BRITISH COLUMBIA ■

In the 80 years between Captain James Cook's arrival at Vancouver Island in 1778, and the establishment of a British colony on the mainland of British Columbia in 1858, *Xwelitem* (Europeans) did very little which can be considered a threat or challenge to Aboriginal title. In the Fraser Valley, the arrival of Simon Fraser in 1808, and the

Illustration of Fort Langley, circa 1862.



subsequent establishment of Fort Langley by the Hudson's Bay Company in 1827, did not usher in an era of *Xwelítem* domination of *Stó:lō* people. Instead, *Xwelítem* explorers and fur traders were far more dependent upon the *Stó:lō*. This was evident in the way fur traders adapted to *Stó:lō* social and economic patterns.¹²

In the Spring of 1858 word reached San Francisco that gold was in the sandbars of the Fraser River. This news sparked off a massive migration and set in motion a series of events which profoundly affected the *Stó:lō* people's ability to interact with their natural environment. When word reached Puget Sound in March 1858 it caused American "mills to shut down, soldiers to desert their posts and sailors to abandon ship."¹³ By April, news had spread to California, precipitating a mass convoy of ships northward to the Fraser River. Between May 19 and July 1, 1858, nineteen steam ships, nine sailing vessels and fourteen decked vessels transported 6,133 men from San Francisco to Victoria, while thousands more trekked northward along the coast on foot or in small private vessels. On a single day in July over 2,800 miners arrived on two steamers in Victoria harbour looking for smaller vessels to take them to the Fraser.¹⁴ According to the estimates of the American consular agent, in the months of May, June and July at least 23,000 men had travelled from San Francisco to Victoria by sea and another eight thousand reached the Fraser River through Puget Sound or overland.¹⁵ Thus, in the space of a few short months over 30,000 *Xwelítem* gold miners (and the usual compliment of opportunists who follow miners) arrived in the lower Fraser canyon looking for instant wealth. The legacy of the gold rush has provided a consistent focus for *Stó:lō* political activism on the "land question" up to the present era.

Unlike the men at Fort Langley who realized that they needed to develop positive relationships with the *Stó:lō* in order to prosper, the gold miners sought to pursue their dreams of fortune *despite* the *Stó:lō*. Except as guides, packers and occasionally labourers, the miners had no use for the *Stó:lō*. To them the *Stó:lō* were essentially impediments. *Stó:lō* villages, berry patches, and fishing sites often sat upon the most promising gold bars. Self-serving stereotypes of "Indian savages" were transported from California – where extermination of the Aboriginal population had been a semi-official objective – and made it easy for the miners to treat the *Stó:lō* as people without rights.¹⁶

The *Stó:lō*, like their up-river Aboriginal neighbours the N'lakapamux, considered the river, land and resources as their property, and resented the miners' arrogance and assumption that the resources were open for exploitation. Governor James Douglas understood the Aboriginal perspective and relayed it to his superiors in London in early April 1858:

*The search for gold and prospecting of the country had, up to the last dates from the interior been carried on by the Native Indian population, who are extremely jealous of the whites and strongly opposed to their digging the soil for gold. It is, however, worthy of remark and a circumstance highly honourable to the character of those savages that have on all occasions scrupulously respected the persons and property of the white visitors, at the same time that they have expressed a determination to reserve the gold for their own benefit...*¹⁷

By July 1858, Governor Douglas was reporting to the London Colonial Office that the Aboriginal people near

the present day town of Lytton

*Have lately taken the high-handed, though probably not unwise course, of expelling all the parties of gold diggers, composed chiefly of persons from the American territories, who had forced an entrance into their country. They have also openly expressed a determination to resist all attempts at working gold in any of the streams flowing into the Thompson's River, both from a desire to monopolize the precious metal for their own benefit, and from a well-founded impression that the shoals of salmon which annually ascend those rivers and furnish the principal food of the inhabitants, will be driven off, and prevented from making their annual migrations from the sea.*¹⁸

In June 1858, *Stó:lō* resentment over *Xwelítem* insensitivity to what they considered their property rights threatened to turn violent. A small city had sprung up at Hill's Bar (between Hope and Yale) and 4000 miners were squeezing the *Stó:lō* from the river bed and digging up the gravel and soil.¹⁹ Describing the situation, James Douglas reported that:

On the arrival of our party at 'Hill's Bar', the white miners were in a state of great alarm on account of a serious affray which had just occurred with the native Indians, whom mustered under arms in a tumultuous manner, and threatened to make a clean sweep of the whole body of miners assembled there.

The quarrel arose out of a series of provocations on both sides, and from the jealousy of the savages, who naturally felt annoyed at the large quantities of gold taken from their country by the white miners.

I lectured them soundly about their conduct on that occasion, and took the leader in the affray, an Indian highly connected in their way, and of great influence, resolution, and energy of character, into the Government service, and found him exceedingly useful in settling other Indian difficulties.

Douglas did not reserve his lectures for just the *Stó:lō*. He also spoke sternly to the *Xwelítem*, clarifying that "no abuses would be tolerated; and that the laws would protect the rights of the Indian no less than those of the white man."²⁰

As Douglas explained, the miner's occupation of the river bank around Hill's Bar resulted in a "series of provocations" which offended the *Stó:lō*. While not found among papers in *Xwelítem*'s archives, accounts of these provocations have been passed down through *Stó:lō* oral narratives. One of these narratives explains that the region around Hill's Bar was known to the *Stó:lō* as *Hembemetheqw*, which means "good place to make sockeye salmon oil." Countless seasons of oil processing had

resulted in many of the large boulders in the vicinity having been turned into "pecked pots" for the collection of salmon oil. After a relatively short time out under the sun and laying in a pecked pot, the oil escaped the freshly caught sockeye and was easily collected from the rock bowl. It was essential that the oil be collected during the brief window of opportunity which occurred in late summer. Conditions had to be perfect: sockeye running in numbers, hot sun to melt the oil, and a strong wind to keep off the flies. With the miners occupying the shoreline and overturning rocks in their haste to find gold, *Stó:lō* people were understandably anxious over their inability to secure access to their pots.²¹

Douglas further addressed *Stó:lō* concerns over the miner's disregard for their well defined property rights when he met delegations of *Stó:lō* leaders at Hope. Recalling this meeting in a letter to his superiors in London, Douglas wrote:

*The Indians were assembled, and made no secret of their dislike of the white visitors. They had many complaints of maltreatment, and in all cases where redress was possible it was granted without delay. One small party of those natives laid claim to a particular part of the river, which they wished to be reserved for their own purposes, a request which was immediately granted, the space staked off, and the miners who had made the claims were immediately removed, and public notice given that the place was reserved for the Indians, and that no one would be allowed to occupy it without their consent.*²²

Accounts of a particular promise made by Governor Douglas to the *Stó:lō* regarding specific tracts of land along the river near Hope are also recalled by contemporary *Stó:lō* people. Sonny McHalsie shared the following story which he explained had been passed on to him by Chawathil Elder Gilbert Ewen who in turn sited an Elder from the previous generation, Oscar Dennis Peters, as his source. Mr. Ewen explained that

In the past Governor Douglas had come and stood on that point, right there on the corner of Park St. and the Highway in downtown Hope, and he faced over to Qemqemó – or Mt. Ogalvie – and said... "all the land on the north side of that line, right up to where its bounded by the Fraser River and the Coquihalla and that straight line, would be made into Indian Reserve. And all the land south of that line would become the town of Hope."

Now I had heard that before. Peter Dennis Peters talked about that, and also I read it in that report that was made by James Teit, I think it was 1922, where he was interviewing



The "City of Yale" was created in a few short months to accommodate the thousands of miners entering *Stó:lō* territory in 1858 during the Fraser River gold rush.

my great grandfather Dennis Peters,
and Dennis Peters told him basically the
same story...²³ 🙄

Many disputes stemmed from the *Xwelítem* desire for land. When the miners arrived they were issued 25 square foot claims upon application to the Colonial government. While this may seem like an insignificant amount of land, it becomes less so when one considers the thousands of people involved, and that all the land considered valuable was along the banks of the river and streams and therefore was among the most heavily used lands by the *Stó:lō*. Furthermore, beyond the individual mining claims, entire towns sprang up overnight, complete with court houses, post offices, hotels and supply stores. Trees were cleared and *Stó:lō* settlements and land use patterns marginalized.

The loss of land was more complex than a discussion about the issuance of mining permits would lead one to believe. Land was also physically removed. Elder Harold Wells of Union Bar (near Hope) remembers his grandmother telling him that Chinese gold miners arrived and started panning the gravel on the river bank near their family home just as the family prepared to leave to visit relatives farther down river. When his family returned they found that the miners had relocated from the actual river bank "back 200 feet onto a flat field" where his family home had been. Over the month that Harold's family had been away the miners had removed a large section of the land leaving a permanent scar: a twelve foot deep quarry.²⁴

Halq'eméylem place names from the area of the most

intense mining activities between Hope and Yale also reflect aspects of the relationship between the *Stó:lō* and the *Xwelítem* miners. Elders Susan Peters and Amelia Douglas explained that the *Halq'eméylem* name for one of the gold rush Bar's translates into English as "cleared away." This term describes the rocks that had been stripped of moss through the mining process.²⁵

Stó:lō-Xwelítem relations steadily deteriorated as more miners arrived in the valley and lower canyon. By mid-summer, 1858, a British journalist with the *London Times* reported from the gold fields near Yale that the "Indians complain that the whites abuse them sadly, take their squaws away, shoot their children, and take their salmon by force." In the opinion of the reporter, "some of the 'whites' are sad dogs."²⁶ Six years later, a Quamichan leader (a relative of the *Stó:lō* from Vancouver Island who spoke the same language and could access Fraser Canyon fishing sites through his *Stó:lō* family connections) outlined his feelings about the newcomers to the explorer Robert Brown. The Quamichan speaker said: "You came to our country. We did not resist you - you got our women with children & then left them upon us - or put them away when they could have no children to keep up our race (a fact, or nearly amounting to as much). You brought diseases amongst us which are killing us. You took our lands and did not pay us for them. You drove away our deer & salmon & all this you did & now if we wish to buy a glass of firewater to keep our hearts up you will not allow us. What do you white men wish?"²⁷

Taking the issues raised by the Quamichan leader in the order presented we learn that the *Xwelítem* gold min-

ers were desirous of female companionship, but not typically within a consensual relationship. Historical documents indicate that miners became involved in short term sexual relations with some *Stó:lō* women.²⁸ Thus, the relationship the miners wished to form was, for the most part, fundamentally different from that forged between the Hudson's Bay fur traders at Fort Langley and the *Stó:lō* women of an earlier generation. Whereas the HBC employees were trying to establish long term, family ties between themselves and the *Stó:lō*, most *Xwelítem* miners had no intention of spending any longer in *Stó:lō* territory than it took to extract the gold from the sand bars.

In the mid-summer of 1858, *Xwelítem* miner's disrespect for *Stó:lō* women frequently resulted in violence. The most well documented conflict broke out in the lower canyon just upriver from Yale. The *London Times* journalist reported that large scale violence erupted after two French miners "stole away and deforced (raped) an Indian girl." In retaliation, men from the girl's family executed and decapitated the miners responsible, throwing their headless bodies into the river.

When other miners discovered their comrade's bodies floating in an eddy – which to this day is referred to as "deadman's eddy" – they organized themselves into formal military regiments and prepared to fight a war of extermination. Some accounts of the ensuing conflict paint a

rather pitiful picture of the Aboriginal people, and argue that the Frenchmen were actually killed in a last ditch desperate attempt to frighten the miners who were "make(ing) inroads into the Indian country."²⁹ According to the reminiscences of some of the American miners involved in the incident, in the battles that followed the miners quickly "bettered the Indians" by burning their villages and forcibly preventing them from accessing their fishing rocks during the summer salmon runs. These self-serving accounts maintain that the Aboriginal people quickly accepted defeat at the hands of the miners and sued for peace, "offering young women as brides to the miners."³⁰

The British journalist provides a second perspective on this conflict. He recorded that the Aboriginal people had not been "bettered," in battle. Rather, after suffering atrocities at the miner's hands during the initial days of the campaign, the Aboriginal forces were regrouping and preparing to launch a counter attack. Many of the casualties suffered by the American expedition resulted not from ambush, (as the miners maintained) but from their own gun fire after they began "shooting at shadows" during the night. According to the British correspondent, the frightened and humiliated miners retreated to Yale in the hopes of reorganizing. However, before any further bloodshed could occur Governor Douglas and a contingent of British Marines arrived to enforce a peace.³¹

Early *Xwelítem* settlements began springing up throughout the Fraser Valley after the 1858 Fraser River gold rush had concluded.



Stó:lō Reserves Past & Present

-  Present Day Reserves
-  Douglas Reserves
-  Sproat Reserves
(recommended)



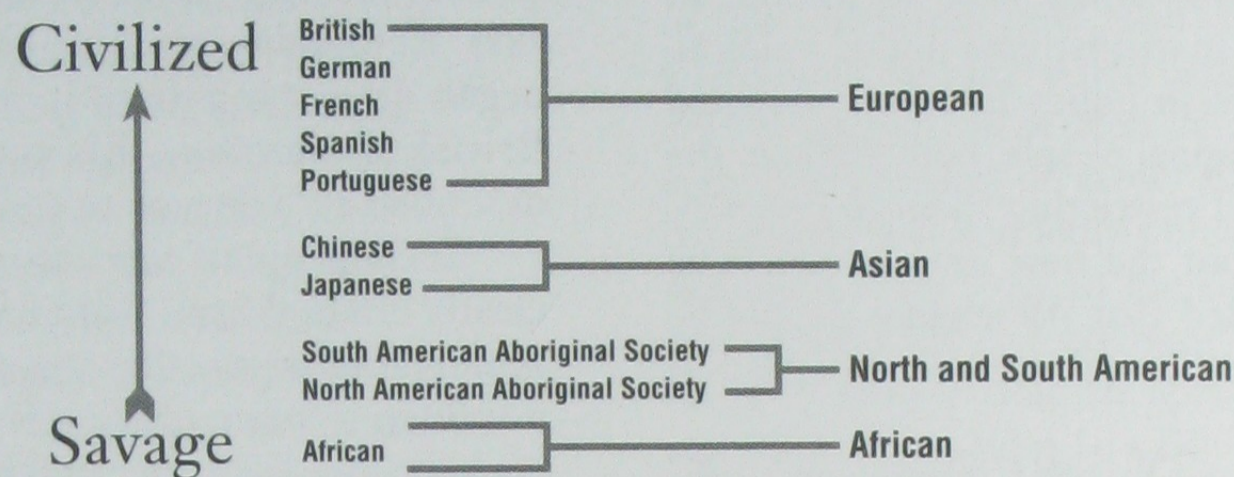
Despite the tension which existed between the *Stó:lō* and the *Xwelítem*, instances of friendly interaction did occur. Most miners were obsessed with finding the “mother load” and becoming rich overnight. Little time, apparently, had been spent planning and provisioning. From the diary of Otis Parsons, a miner who arrived in *Stó:lō* territory in the summer of 1858, we learn that the *Stó:lō* supplied many miners with fresh and dried salmon.³² The British journalist recorded on December 17, 1858, that “winter has set in and some miners would have starved had the Indians not provided provisions.”³³ The *Stó:lō* have never forgotten the pathetic state of the miners in the Autumn of 1858. Elder Dan Milo, at age 99 in 1963 related the following piece of oral history to a CBC reporter:

... *Xwelítem*, that's what the Indians call the white man, because in them days those white people travelling on the way to the gold rush, they were starving. *Xwelítem*, that means “starving.” Well, the Indians began to feed them, feed them till they get alright. They say the Indians here in this valley, the Chilliwack, are about the kindest Indians that's living – that's what the white people said.³⁴ 🍷

Over thirty years later, Elder Tilly Guiterrez echoes Dan Milo, stating that the gold miners were so hungry they began to “suffer from scurvy.” She tells us that her “granny explained that the miner's scurvy became so bad that their skin broke out in open sores.” In her words, “we had to feed them; they were starving.”³⁵

Following in the miners' wake were an assortment of enterprising social parasites who planned to grow rich selling cheap whiskey to the local Aboriginal populations. Many *Stó:lō* had accumulated a fair amount of gold during the years 1858-1860. Aside from providing miners with provisions many mined the gold bars themselves. Others acted as labourers for American miners, and a good number acted as ferrymen, canoeing miners across the river at Hope and Yale, or piloting paddle wheelers. This Aboriginal wealth was a tempting bonanza for enterprising *Xwelítem* whiskey peddlars. As Robert Brown's quote of the Quamichan speaker illustrates, “fire water” quickly became a serious problem. Commenting on the matter at Hope as he announced a new law outlawing the sale of

Racist Interpretation of Hierarchies of Civilization



A common European assumption of the mid-to-late nineteenth century, which has now been dismissed, was that all “civilizations” were hierarchically arranged, and European society occupied the uppermost position.

during the gold rush has taken a tragic and heavy toll on *Stó:lō* families.

By 1860, most of the more than 30,000 original miners had given up and returned home. However, the arrival of the gold miners had opened a door to migration which could not be closed. While the miners were primarily single American men, the first permanent immigrants to the Fraser Valley tended to be British farming families. Colonial authorities had encouraged these people to come to British Columbia, in part to help offset the influence of the American mining population. It was anticipated that the settlers would provide a stable agrarian economy and loyal British tax base. Yet, as previously noted, Aboriginal rights were still protected by British common law as articulated in the Royal Proclamation. Therefore, as no treaties had been negotiated, the occupation of the Fraser Valley by immigrant settlers was technically illegal.

In the decade prior to the gold rush, the process of negotiating and signing treaties extinguishing Aboriginal title had begun in limited form in what was then the independent British colony of Vancouver Island. Governor James Douglas had signed treaties with Aboriginal people living around the *Xwelítem* communities of Fort Victoria, Nanaimo, and Fort Rupert. However, this process was never completed on the rest of Vancouver Island, or even initiated on the mainland. Understanding why treaties were never signed on the mainland provides an opportunity for better understanding the current legacy of unsettled land claims and related issues in British Columbia. To accomplish this, it is essential to investigate British archival documents as well as corresponding *Stó:lō* oral traditions, both of which describe the government's intentions towards the *Stó:lō*. Such an investigation provides multiple perspectives of how things happened, and allows us to form a richer more balanced view of the past. The degree to which these two diverse forms of historical evidence correspond and complement one another is particularly reassuring.

alcohol to Aboriginal people, Governor James Douglas explained, “Spirituous and other intoxicating Liquors have been sold to the Native Indians of the Fraser River and elsewhere, to the great injury and demoralization of the said Indians; and also thereby endangering the Public Peace and the lives and property of Her Majesty's subjects and others in the said Districts.”³⁶ Sadly, the alcohol introduced

5 TREATIES OR JUST RESERVES? ■

In the mid-nineteenth century, official British policy towards Aboriginal people underwent a significant change, reflected by shifts in mainstream public opinion. Earlier in the century, British policy had been directed towards “protecting” Aboriginal people, both through the negotiation of treaties, and restricting them to reserves, thus segregating them from the new immigrants. The government policy intended that Aboriginal people be allowed to pursue their traditional lifestyles in isolation from settler communities.

By the time the colony of British Columbia was officially proclaimed in 1858, the idea of signing potentially expensive treaties and then placing Aboriginal people on large isolated reserves appears to have been losing favour among both the British government and the public. Most *Xwelítem* observers shared the opinion that time was drawing to a close for Aboriginal people. Traditional lifestyles based upon fishing and hunting were seen as incompatible with the agricultural/industrial immigrant society. This belief appeared to be supported by the rapid decline in Aboriginal populations resulting from exposure to European diseases. Likewise, many *Xwelítem* of this era viewed Aboriginal people as capable only of absorbing *Xwelítem* vices, not virtues.

Europeans and Americans felt that agricultural and industrial development signified the culmination of human social evolution. Mid-nineteenth century American concepts of their country’s “Manifest Destiny” held that the United States represented the culmination of human social-political evolution. Americans regarded themselves as a chosen race, predestined to dominate and conquer not only the resources of the continent, but also its indigenous people. Likewise, the British were fond of viewing their massive expanding Empire as evidence of their superiority over the peoples and cultures they colonized. Such views held that all races or civilizations were hierarchically arranged. North American Aboriginal societies were seen as being near the bottom of this hierarchy, along with the African peoples.

These interpretations of the world held that “civilized” people exploited natural resources and manipulated the environment to serve their purposes, by cutting down trees, planting crops, mining the earth, and constructing factories. In contrast, “primitive” or “savage” people, situated at the bottom of the hierarchy, were seen as being dominated by nature. They appeared to modify their lives in order to accommodate nature. Only those who made agricultural use of the soil were considered to have real rights to the land. Nineteenth century interpretations of the Biblical “Book of Genesis” supported this view of the world. The Bible stated that God had given humankind dominion over the plants and animals of the earth. In the nineteenth century, the planet’s natural resources were seen as limitless, and “dominion” was

understood to mean that God gave people not only the right, but an obligation to transform and harness nature. Viewed from this perspective, Aboriginal people had not only demonstrated to the settlers the inferiority of their civilization; they had also turned their back on God’s mission. Responding to these changes in attitudes, officials began developing new “Indian policies.” In the case of British Columbia, this improvisation was initially described as “benevolent assimilation.”

Stó:lō people’s concept of land and land ownership clearly differed from that of nineteenth century *Xwelítem* immigrants. The settlers regarded the environment from a utilitarian perspective – it contained resources which could be exploited. The land and resources were inanimate objects which needed to be consumed or marketed before they became “valuable.” In contrast, the *Stó:lō* did not see nature as a force to overcome. Rather, they saw themselves as an integral part of the natural environment. They viewed the environment as part of their family. Everything in it had a spirit, and was therefore alive, and had a right to exist in its natural state for its own sake.

6 GOVERNOR DOUGLAS: “BENEVOLENT ASSIMILATION” AND TREATY PROMISES ■

British Columbia Colonial Governor, James Douglas, shared the commonly held opinion that traditional Aboriginal culture was incompatible with the modern European immigrant society. He felt that traditional *Stó:lō* culture could not co-exist along side European culture. However, unlike most of the prominent government officials who succeeded him, Douglas did not appear to believe that certain racial groups were innately superior to others. Rather, from his writings, it would seem that he thought that one’s environment and upbringing were more important than genetic racial factors in determining a person’s potential and ability. This belief was relatively progressive for the time, and probably stemmed from his personal background and experience. He was part African-American (his mother was from the British West Indies), and his wife was half Aboriginal. If “proper” education and European cultural cultivation could transform his own wife from a “humble half-breed” into “Lady Douglas,” the respected matriarch of colonial British Columbian society, it is not difficult to imagine that Douglas thought other Aboriginal people held the same “potential.”³⁷ For Douglas, all that was needed was a standardized process to facilitate their transformation from “savage” to “civilized.”

The racial tensions produced by the sudden influx of gold miners in 1858 provided Douglas with the necessary motivation to formally establish a “civilization and assimilation” process. He decided that the Aboriginal people inhabiting British Columbia needed to be encouraged and coaxed into rejecting their traditional culture, and replacing it with *Xwelítem* social, political, economic, and religious beliefs and activities. They would, as a result,

become assimilated. Writing to his superiors in London England, Governor Douglas explained how his proposed policy of benevolent assimilation would,

Result in the moral elevation of the native Indian races, in rescuing them from degradation, and protecting them from oppression and rapid decay... Provided we succeed in devising means of rendering the Indian as comfortable and independent in regard to physical wants in improving his condition, as he was when a wandering denizen of the forests, there can be little doubt of the ultimate success of our experiment... Anticipatory reserves of land for the benefit and support of the Indian races will be made for that purpose in all districts of British Columbia inhabited by native tribes. Those reserves should in all cases include their cultivated fields and village sites, for which from habit and association they invariably conceive a strong attachment, and prize more, for that reason, than for the extent or value of the land.³⁸

Douglas expounded the theory that the only way *Stó:lō* people could escape physical extinction was to embrace the notion of their own cultural extinction. He anticipated that, with the assistance of Christian missionaries and by being treated as equals under the law with people of European decent, *Stó:lō* people would become farmers and adopt the *Xwelítem* culture. He wanted to “rescue” *Stó:lō* people from the “degrading” influence of the *Xwelítem* gold miners and whiskey pedlars by creating “Indian reserves,” which would be set aside for their exclusive use. The remaining land would be made available to *Stó:lō* farmers and immigrant settlers alike for agricultural purposes and urban development. Encouraging the *Stó:lō* to pre-empt land off reserve as freely as the *Xwelítem* settlers was central to the success of Douglas’ vision. Douglas hoped this would entice *Stó:lō* people to give up their traditional lifestyles of fishing, hunting, and gathering to become settled Christian farmers.

Douglas also hoped that as the *Stó:lō* became assimilated they would gradually “be trained to habits of self-government and self-reliance.”³⁹ Of course, *Stó:lō* people had been self-governing and self-reliant for thousands of years before the colony of British Columbia was proclaimed. What Douglas meant was a self-governing and self-reliant “European style” community integrated into the expanding new Euroamerican society. He anticipated that one way for the *Stó:lō* to become self-supporting would be to lease parts of their “Indian reserves” to non-Aboriginal farmers.

However, Douglas also seemed to realize that the *Stó:lō* and other Aboriginal people required specific financial compensation for the loss of their land and resources. This money would be essential if long term European style economic development and sustainability were to become a reality for future generations of *Stó:lō* people. According to *Stó:lō* oral history records, Douglas repeatedly explained that he intended to compensate them for

their land. However, for a variety of reasons, Douglas and *Stó:lō* people never negotiated treaties. It appears that the major impediment was the fact that settlement had occurred too rapidly as a result of the 1858 gold rush in the Fraser River. Most of the gold miners were veterans of the California gold rush of 1849. The treatment of California’s Aboriginal population at the hands of the miners shows that these men cared little about Aboriginal rights, or treaties, on either side of the border. As such, the colony was suddenly populated by people who were not necessarily loyal to the British crown. While these Americans were begrudgingly open to the idea of paying taxes to open a road to upriver gold fields, they were unwilling to pay taxes to a British government in order to finance the creation of Indian treaties. In light of this, it would seem that Governor Douglas may have decided to wait until British Columbia had a larger more loyal tax base before negotiating treaties. In the meantime, he determined to create generous Indian reserves of at least 40 hectares (100 acres) per family, to help facilitate the assimilation process. Douglas appears to have reasoned that if his “benevolent assimilation” policy worked, treaties might even become unnecessary.⁴⁰

7 WHAT WERE GOVERNOR DOUGLAS’ INTENTIONS? ■

Historians have expended a great deal of time reviewing and re-reviewing Douglas’ papers attempting to determine if he ever truly intended to sign treaties and legally extinguish aboriginal rights to the land, as required by British common law and the “Royal Proclamation of 1763.” While the archival documentation on this specific question may be fragmentary and somewhat inconclusive, *Stó:lō* oral history is clear. Unfortunately, there are few instances from the Colonial period where *Stó:lō* oral history was recorded on paper. For that reason it is necessary to depart from our chronological treatment of this subject and jump ahead briefly to the year 1913. In that year, after over half a century of Aboriginal complaints about the inadequate size of reserves and the fact that Aboriginal people had never given up their title to the land, the federal and provincial governments established a Royal Commission with the hopes of putting forever to rest the Aboriginal land question. Commissioners travelled throughout the province listening to the grievances of Aboriginal people. While the commission ultimately did little to address Aboriginal concerns, it did create an opportunity for *Stó:lō* oral histories to be recorded and documented.

One of the most prominent *Stó:lō* leaders of the early twentieth century was Chief James of Yale. By 1913 Chief James was an old man, but he remembered clearly the promises Governor Douglas had made to him over fifty years earlier. The legacy of successive governments’ unwillingness to make good on Douglas’ promises weighed heavily upon Chief James. He said very few

words to the Commissioners, and the frustration of half a century of waiting was impossible to hide: "He (Douglas) said that white men would not take land away from the Indians, unless White men will buy it before they take it away – that's what he said. I remember it in my heart!"⁴¹

Chief James was not the only one to testify to the promises Douglas had made. Another eloquent spokesman for his people was Chief William Sepass of Skowkale. Chief Sepass was one of the most respected leaders in *Stó:lō* society, and he spoke with the authority bestowed upon him through his ancestors. For Chief Sepass there was no room for doubt as to Governor Douglas' intentions:

Sir James Douglas was the one that surveyed this property for us. The grievances which I am laying before you is what I have already said. After this reserve was surveyed for me by Sir James Douglas, from then I came to learn that there would be compensation made to us Indians for all the land in the province.⁴² 🗨️

Chief Charlie of Matsqui began his testimony discussing the difficult time his people were having accessing their traditional resources off of their reserves:

I have been waiting a long time to see you. I want to see you because I am a poor man. We have no facilities for doing anything... Often I start away from my home with my gun on my shoulder and I try to get a deer, and some of the white people will see me and they want to have me arrested right away. This is all that we have been living on before and it is the same thing today. We live on wild fowl and deer... 🗨️

Chief Charlie made it clear that he was speaking on behalf of the 50 people living on the Matsqui reserve who were living under very trying conditions – "A lot of our people here are dying." For Chief Charlie the answer to



Chief William Sepass and his wife Rose of Skowkale, about 20 years before he testified at the 1913 Royal Commission.

the problem lay in great part in securing a greater land and resource base.

...We are the real owners of the land from time immemorial as God created us Indians in this territory, so God created the white people and other nations in their own territories in Europe; therefore we claim a permanent compensation for the



Stó:lō people gathered with their leaders in Sardis to discuss the “land question” before appearing before the 1913-15 Royal Commission.

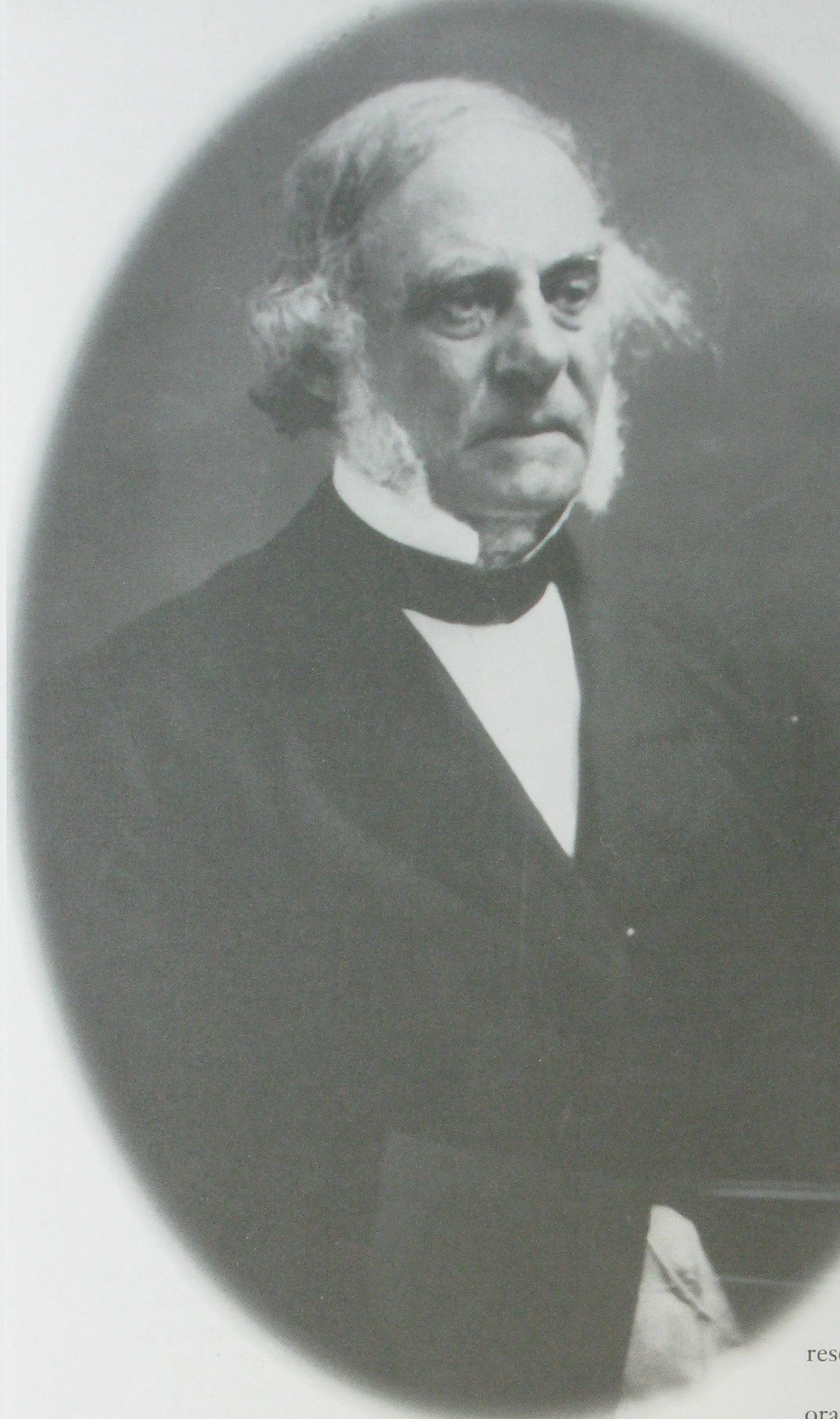
enormous body of land known as the province of British Columbia, which was taken by the British Columbia Government and sold to our white brothers and occupied by them. In the time of the late Sir James Douglas, he made a lasting promise to us Indians, as all the Indians deserve a lasting support and benefit by the name of Queen Victoria. Also Governor Seymour, the second Governor, he made a lasting promise to us Indians in New Westminster that we will receive, or are deserving, one fourth from all taxes this money for our support and to improve our land. These promises were never kept. If those promises was kept up by the British Columbia government the Indians would be all rich, and they would be all living comfortably; be as happy as our white brothers today...⁴³ 🙄

Chief Harry Stewart was another highly respected and influential *Stó:lō* leader from Chilliwack. When the commissioners asked him what the chief occupation of the Chilliwack Indians was, Chief Stewart answered, “improving the land” – farming. As a farmer Chief Stewart and his people were regarded by their *Xwelítem* neighbours as “good Indians,” well on the road to being assimilated. The Chief himself had cleared a great deal of land, planted crops and orchards, and was raising fifteen horses. Yet, Chief Stewart’s adoption of aspects of the *Xwelítem* society did not mean that he had abandoned his traditional

culture, or given up on pursuing what he regarded as his people’s justified and legitimate land claims. The commissioners seemed surprised when Chief Stewart emphasised that:

In the early days we use to hold more land than we are holding today. Yes, this bargain which has been made by the first Chief, and the first Governor, Sir James Douglas, and this land in Chilliwack which has been surveyed by Sir James Douglas and surveyed a second time, and now it has been surveyed over for the third time and it has left us with very little land which now shows on the map. That is why we say today that the B.C. government has taken our land away from us – that is why our land is too small for us today, and furthermore the Provincial government says that is has an interest on the present reserves today... That is why we say that the two Governments (federal and provincial) today should give us compensation for all the land that they have taken away.⁴⁴ 🙄

The sentiments and recollections of the *Stó:lō* leaders recorded during their testimony before the 1913 Royal Commission continue to be echoed by contemporary *Stó:lō*, and passed on to succeeding generations. The late Chief P.D. Peters of Chawathil, near Hope, was one of the most visible *Stó:lō* political leaders in recent memory. An articulate advocate of *Stó:lō* rights, Chief



Governor Douglas deferred the treaty making process indefinitely.

Peters was respected within both *Stó:lō* and mainstream Canadian society. In recognition of his life long dedication to preserving *Stó:lō* cultural knowledge and serving his community, he was given the honorary title of Grand Chief in 1989 – a prestigious honour bestowed on very few *Stó:lō* leaders. In 1985, Grand Chief P.D. Peters of Chawathil explained how his grandfather Dennis S. Peters had passed on to him the oral history behind Governor Douglas' promises:

Douglas... he had good intentions, the way I hear... [my grandfather] interpret this Douglas. He tried to buy land, you see, started in Victoria, somewhere around there, that's the way he used to tell (the story), you know. This Governor (Douglas) tried to buy land until he ran out of money, so he wrote to... England, to the Queen. "The only way," the Queen told him, "is to charge taxes," something like that. Split every dollar four ways, I forgot which, the other three, but there's \$0.25 went to the Indians, supposed to be... That's what he was supposed to have done. Then they put... the Indians onto reservations, you see, then they lost their land. A different government [came to power], you see. So that's the way I heard him talk about it.⁴⁵ 🙄

Stó:lō oral histories describing Governor Douglas' intentions have remained clear and consistent for over 150 years. They leave little doubt that Douglas did indeed intend to recognize the legitimate *Stó:lō* claims to their traditional land. The *Stó:lō* permitted *Xwelítem* to settle peacefully in their territory in part because because Governor James Douglas guaranteed that *Stó:lō* people would receive sufficient reserve lands in order to remain a self-supporting community. They were led to believe that they would receive fair compensation for lands and resources outside of their reserves which were occupied and used by settlers.

Thus, by combining the archival records with *Stó:lō* oral history we gain a much richer sense of British Columbia's history. We learn that although Governor Douglas recognized Aboriginal title, he was apparently unable or unwilling to raise the necessary funds to negotiate treaties. Instead, he pushed ahead with his policy of "benevolent assimilation." One of his most significant aspects of this policy was his decision to allow *Stó:lō* leaders to establish the size of their Indian reserves. Once these reserves were established, Douglas intended to open the areas outside the reserves to development by *Xwelítem* immigrants. Compensation was apparently to be provided to *Stó:lō* people at a later date, when the colony could better afford treaties.

8 SETBACKS AND BROKEN PROMISES ■

Douglas' reserve policy specified that Aboriginal leaders would determine the size of their reserves. Col. Moody of the Royal Engineers (the military corps responsible for conducting most of the surveys) understood this: "the rule is that the Indians in all cases state the bounds they claim and their statement defines the boundary provided it is within reason – say 300 acres to a village on average – ... The justice of the claim is to be recognized."⁴⁶ Moody's second in command, Captain Parsons, in turn, communicated the following orders to the actual surveyors: "Stake all Indian villages, Burial Places, reserves etc... as they may be pointed out to you by the Indians themselves."⁴⁷ This policy remained consistent throughout Douglas' tenure as governor. In April of 1864, surveyors were instructed to mark out as reserve "whatsoever land the Indians claim as theirs."⁴⁸

Significantly, government officials also recognized that the reserves needed to include *Stó:lō* people's "isolated provisioning-grounds." The colonial government acknowledged that such sites were important to the *Stó:lō*. They were "often" located "in hidden spots, and the Indians (possibly distrusting our statements) are loath to show them."⁴⁹ This illustrates that land well beyond the restrictive boundaries of villages, potato patches, and cemeteries was vitally important to the *Stó:lō*. Yet, because the *Stó:lō* were "loath to show them" few such places were included in the original Douglas reserves. The *Stó:lō* knew that most *Xwelítem* did not understand or respect their indigenous spiritual beliefs. As explained earlier, the *Stó:lō* regarded the natural environment differently than nineteenth century Europeans did. Special locations were also associated with powerful spirits. These places were sacred and had to be treated with respect otherwise harm could come to people or the spirits of their ancestors. Contemporary Elder Evangeline Pete recently explained that these beliefs continue to be adhered to: "these places are special. They were put here for a reason. *XeXà:ls* meant for these places to last for all time. They were not meant to be destroyed. But white men don't understand this."⁵⁰

Contemporary *Stó:lō* Elder Jimmie Peters echoes Mrs. Pete's sentiments, explaining that

Some places are sacred. Your not supposed to go there and touch anything. Even the lakes way up the mountain... and parts of the river... You can't just go there and do as you like... Certain things (were) done to it by the old timers... People used to carve on these big rocks, and that's sacred too. Your not supposed to touch them or do anything wrong with them... It was so sacred... Well, that's the native ways, you know.⁵¹ 🙏

Sacred spirit quest sites and transformer rocks like "*Xá:ytem*" near Mission needed to be protected from people who might destroy or desecrate them. The most expedient means of protecting such sites was to keep their locations secret, and hope that the *Xwelítem* settlers would leave them alone. Albert Phillips recently explained that secrecy is still regarded as the most effective means of preserving the spiritual integrity of sacred sites. In explaining his feelings to an archaeologist who was working for the *Stó:lō* Nation, Albert Phillips explained:

I'm reluctant to tell you of these spots because the last time a logging company tried to take the "head of the dog" (a transformer site made by *XeXà:ls*) and destroyed the whole thing... You know, I'm a proud man, and these places are sacred to me. I was taught all of this by four Elder Chiefs. If I tell you about these places and they are recorded, then people will go there and destroy what is there. So I'm reluctant to tell you. Enough damage has been done.⁵² 🙏

Not disclosing the location of sacred sites ultimately proved a more effective means of preserving a site's spiritual integrity than naively identifying a site for government officials and hoping that a reserve might one day be established. Douglas' policy sought to ensure the *Stó:lō* had sufficient territory to continue their traditional spiritual and subsistence activities as well as enough agricultural land to facilitate the gradual process of assimilation. *Stó:lō* cultural practises concerning protection through secrecy conflicted, therefore, with Governor Douglas' intentions. However, as will be demonstrated, *Stó:lō* suspicion and fears over *Xwelítem* land use plans and disregard for their spirituality ultimately proved well founded.

Just before he retired in the spring of 1864, Governor Douglas directed Sergeant William McColl to create reserves for the *Stó:lō* communities of the central Fraser Valley (present-day Abbotsford, Mission, and Chilliwack). The surveys were completed on May 16. McColl then returned to Victoria with a map outlining 14 Indian reserves covering 15,760 hectares (39,400 acres). The largest *Stó:lō* reserve surveyed was at Matsqui, 3,840 hectares (9,600 acres), and the smallest was Skway in Chilliwack, 120 hectares (300 acres). Even though these initial reserve were considered "generous" by the standards of the day, they were still small in relation to the land available to *Xwelítem* settlers. For example, McColl's survey listed 885 *Stó:lō* inhabitants living within the area he surveyed – 18 hectares (45 acres) per person. By comparison, an immigrant settler family arriving in the Fraser Valley could pre-empt 64 hectare (160 acre) farms, and were eligible to purchase an additional 180 hectares (450 acres).

After completing the preliminary surveys, McColl

began the process of officially registering the *Stó:lō* reserves – an essentially bureaucratic procedure. Once registered, carefully detailed surveys were to be completed, accurately marking the exact boundary of each reserve. However, McColl died before completing this task, and no one was assigned to replace him to finish the work. The decision not to complete McColl's project was made by the man who assumed responsibility for "Indian Matters" after Governor Douglas retired. He was the Chief Commissioner of Lands and Works, and held very different ideas about Aboriginal rights and title than his predecessor. His name was Joseph Trutch.

9 JOSEPH TRUTCH AND THE EMERGING SETTLER MENTALITY ■

Trutch did not recognize Aboriginal rights and title, moreover, he viewed Aboriginal culture with contempt. He saw society as evolutionary; on an unstoppable and irreversible progression towards an agrarian, and ultimately industrial state. A farmer and surveyor by trade, Trutch was a British citizen who had lived in the United States before moving to British Columbia in 1859. Arriving in the wake of the Fraser River gold rush, Trutch anticipated that he could make his fortune building bridges and roads and developing new townships. Historian Robin Fisher writes that, to Trutch, "the colony was an area of land requiring development and

Xwelitem immigrant settlers moved into the Fraser Valley and established farms before reserves were secured for the *Stó:lō*.



consequently anything, or more importantly anyone, who stood in the way of that development had to be moved.”⁵³ In Trutch’s view, Aboriginal people were the single largest impediment to the development of the colony. Whereas Douglas typically referred to Aboriginal people as “Native Indians,” Trutch preferred to use the expression “savages.”⁵⁴

Trutch did share some of Douglas’ views about Aboriginal people. His attitudes were simply less accommodating and more extreme. Like Douglas, Trutch believed that traditional Aboriginal society was incompatible with European agricultural and industrial life. The 1782 smallpox epidemic killed an estimated 64% of the *Stó:lō* population. Subsequent outbreaks of other introduced diseases like mumps, measles, influenza, and chickenpox further reduced *Stó:lō* numbers.⁵⁵ Trutch and other government officials were on the scene to witness the smallpox epidemic of 1862 in which roughly one third of all Aboriginal people in British Columbia died. To Trutch, and other like minded individuals, this was further evidence that Aboriginal people were destined for extinction. Whereas Douglas had paternalistically thought that Aboriginal people could be “saved” through assimilation, Trutch was convinced they were incapable of integrating into the introduced European culture.

When Sgt. William McColl consulted with *Stó:lō* leaders in the Spring of 1864 to determine the size of their reserves, fewer than one dozen *Xwelítem* settler families were living in the central Fraser Valley. These immigrants had built small houses and started planting crops on opened pasture land. They had not purchased the land from the *Stó:lō* or the Colonial government, nor had they officially registered pre-emptions with the Colonial authorities. Rather, they had simply moved into the area on their own accord. Upon discovering the extent of the *Stó:lō* reserves mapped by McColl, these farmers became upset. They petitioned Trutch, demanding that their farms be excluded from the *Stó:lō* reserves. Failing this, the settlers demanded compensation for the loss of their “developed land.” They felt their rights superseded the *Stó:lō* people’s claim because they had built their homes before the reserves were registered. The issue of pre-existing *Stó:lō* ownership of the land was never considered by the settlers.

Trutch sympathized with the settlers. He stated that because the *Stó:lō* were neither clearing land nor farming, they actually had “no right to the lands they claim, nor are... (the lands) of any actual value or utility to them.”

He expressed that “the extent of some of the reserves staked out by McColl is out of all proportion to the numbers or requirements of the tribes to which they were assigned.”⁵⁶ If the *Stó:lō* did not cultivate the soil, as far as Trutch was concerned they had “really no right to or use for the land.”⁵⁷

If the local newspaper can be regarded as reflective of public opinion, Trutch’s attitudes would appear to have been widely shared. In December 1865, the *New Westminster British Columbian* sensationally reported on the reserves laid out by McColl, stating that: “several millions of acres of the choicest prairie land... in Matsqui and Chilliwack... were laid off as the greed and caprice of the wandering Indians suggested.”⁵⁸ The paper claimed that it was ludicrous “under the color of an imaginary right, to see large districts of our most valuable lands locked up, and good settlers discouraged and driven from the country in disgust. Let the Indians have all the land they can make good use of and nothing more.”⁵⁹ The idea of Aboriginal title to the soil was “nonsensical and ludicrous” because

*Colonization necessarily involves the contact, and practically the collision, of two races of men – one superior, and one inferior – the latter being in possession of the soil, the former gradually supplanting it. The history of every civilized country illustrates the truth of this proposition... The Indian who was once the lord of the soil – monarch of all he surveyed, is to be found retreating back into the jungle, as though seeking to conceal himself from the bright rays of civilization. There is no denying that the Indians have disappeared, and are disappearing, and will continue to disappear, until finally the race will become utterly extinct... The rights of the Indian we have always defended, and we always will defend them. But these rights we do not conceive to be to hold large tracts of valuable agricultural and pastoral land which they do not use, and cannot use.*⁶⁰

The newspaper article shows that the settlers’ concepts of land ownership and the value they place on land use were vastly different from those of the *Stó:lō*. Apparently, they could not appreciate that *Stó:lō* land use activities could be different from their own and still be valuable. Obviously the *Stó:lō* utilized the land and it was of value to them. The use they made, and the values they placed on it were simply different. Instead of cutting down trees and farming, the *Stó:lō* utilized the forests in their natural state, for hunting, gathering and spiritual purposes.

In redefining British Columbia’s Aboriginal land policy in 1865, Trutch sent the Chief of the Colonial Police force, Chartres Brew, and a second surveyor, to meet separately with the *Stó:lō* leaders and immigrant settlers. Brew reported back to Trutch that he was “decidedly of the opinion that these settlers are entitled to have their land surveyed. They pre-empted their lands long before the Indian Reserves were staked out...” Demonstrating his utter lack of appreciation for how the

Stó:lō occupied and utilized the land, Brew assumed that because the reserves were “mostly timbered... they were absolutely worthless to the Indians.” He concluded that it was “a pity that so much fine land... should be shut out from settlement by being reserved for Indians to whom it is useless.”⁶¹

In light of prevailing anti-aboriginal public sentiments and Brew’s report, Trutch had no difficulty justifying the reduction of the *Stó:lō* reserves established under *Stó:lō* direction by Douglas and McColl. However, he was faced with one additional problem. According to the government’s own regulations, pre-emptions had to be “rectangular, with the shortest side of the rectangle about two thirds of the long side – except where the land is bounded in whole or in part by natural boundaries.” Trutch acknowledged that the longer side of the settler’s pre-emptions in the central Fraser Valley were often “four times longer than the length of the shorter sides.” He recognized that the Fraser Valley pre-emptions represented a “departure from the strict requirements” and threatened to establish a dangerous “precedent... which must rule in all other surveys.”⁶² Yet, despite this additional point in favour of the *Stó:lō*, Trutch boldly chose to recognize the settlers illegal and irregular pre-emptions.

Under Joseph Trutch’s direction, all central Fraser Valley *Stó:lō* reserves were officially resurveyed and “reduced” in 1867. With the stroke of a pen, 91% of the *Stó:lō* reserve land base (which was only a fraction of their traditional territory) was alienated from their control. Over the following decades further “alterations” periodically occurred (some increasing the reserve’s acreage) as the government and industry continued to act in accordance with the policy of “agricultural or industrial land use is good land use.” The following table graphically illustrates the extent of the reductions.

In stripping the *Stó:lō* of the land and resources they required for their traditional life style, Trutch also erased most of the legacy of Douglas’ policy of “benevolent assimilation.” Under Douglas, Aboriginal people had been:

- 1) appointed government magistrates;
- 2) able to acquire private farm lands;
- 3) and encouraged to engage in the *Xwelítem* economy.

Under Trutch, the *Stó:lō* were effectively denied the rights of a British colonist. Not only were the reduced *Stó:lō* reserves too small to support agricultural activities and to allow them to continue with their traditional lifestyles, but in 1866 the pre-emption law was amended in order to deny Aboriginal people the right to pre-empt off-reserve land (an essential aspect of Douglas’ policy).⁶³

11 THE 1870’S: STÓ:LŌ PETITIONS, GOVERNMENT INTIMIDATION AND INACTION ■

In the decades following the “Trutch reductions,” *Stó:lō* leaders continually expressed their dissatisfaction with the Colonial government’s Indian land policies. When the colony of British Columbia joined Canada in 1871, jurisdiction over “Indian matters” transferred to the federal government. *Stó:lō* leaders seized the opportunity to try and reverse the policies of Douglas’ successors. In 1874, two *Stó:lō* leaders, Chief Peter (Pierre) Ayessick of Hope, and Chief Alexis of Cheam (near Chilliwack), organized a meeting with 23 other *Stó:lō* leaders and 31 other Aboriginal leaders from neighbouring communities at St. Mary’s Mission. There, with the assistance of the Catholic Oblate priests, they drafted a petition to Ottawa asking that their land base be increased (See Appendix 1).

Alexis and Ayessick both came from high status *Stó:lō* families – they were *Sí:yám* – and as such they took their leadership responsibilities seriously. They recognized that

Reserve	Size in 1864		Trutch’s 1868 Reductions		Current size in 1996	
	(ACRES)	(HECTARES)	(ACRES)	(HECTARES)	(ACRES)	(HECTARES)
Aitchelitz	400	162	45	18	52	21
Kawakwawapilt	400	162	175	71	155	63
Lakahamen	6,400	2,591	109	44	1,210	490
Matsqui	9,600	3,887	148	60	1,038	420
Skowkale/Yakwekwioose/Tzeachten	2,500	1,012	200	81	914	370
Skwah	3,200	1,296	720	291	844	341
Skway	300	121	490	198	538	218
Soowahlie	4,000	1,619	690	279	1,140	461
Squiala	1,000	405	160	65	315	127
Sumas	7,600	3,077	515	209	579	234
Tlalt whaas	2,000	810	86	35	0	0
Whonnock	2,000	810	92	25	1,358	550
Saamoqua	500	202	0	0	0	0
TOTAL	39,900	16,154	3,430	1,376	8,143	3,295



The *Stó:lō* protested their inadequate land base in front of the government buildings in New Westminster in 1874.

the world was changing, and that the *Xwelítem* were in the Fraser Valley to stay. Their people's future was uncertain and potentially perilous. Given the choice between Douglas' vision for the *Stó:lō*, and that advocated by Trutch, the choice was obvious. *Stó:lō* leaders like Alexis and Ayessick determined to accept those things from the *Xwelítem* culture which were useful, while rejecting those which ran contrary to their traditional values and beliefs. Both men were instrumental in working with the Catholic missionaries to fight the persistent whiskey traders by establishing "Temperance Societies." They encouraged their people to become vaccinated by the Oblate and Methodist missionaries, and as a result the *Stó:lō* escaped much of the devastation of B.C.'s last province wide smallpox epidemic in 1862. Chief Alexis enrolled his children in St. Mary's school where his daughter became one of the first *Stó:lō* to learn to read and write. These new skills enabled residential school graduates like Alexis' daughter to advise their Elders about *Xwelítem* ways and effectively enter into written communications with the government.

In the 1874 petition to Ottawa, Chiefs Ayessick and Alexis stated that they were aware that Aboriginal people in other parts of Canada had been treated more fairly and liberally with regard to reserve land – a fact they probably learned from the Oblates. They expressed that they were taking steps to adopt aspects of the new *Xwelítem* society, but that the B.C. government was thwarting them:

Our hearts have been wounded by the arbitrary way the Government of B.C. has dealt with us in allocating and dividing our reserves... For many years we have been

complaining of the land left us being too small... We have felt like men trampled on, and are commencing to believe that the aim of the Whitemen is to exterminate us as soon as they can, although we have always been quiet, obedient, kind and friendly to the Whites. Discouragement and Depression have come upon our people. Many of them have given up cultivation of the land because our gardens have not been protected against the encroachment of the Whites... We are not lazy and roaming people... We have worked hard and for a long time to spare money to buy agricultural implements, Cattle, Horses etc., as nobody has given us any assistance.⁶⁴ 🙄

Ayessick and Alexis looked to the federal government to assist them in their transition to an agricultural economy, and to defend their Aboriginal rights. But the *Stó:lō* leaders did not speak from a position of helplessness. In a thinly veiled threat they warned the federal officials that if their request for an increased land base was not met there would be "ill feelings (and) irritation amongst our people, and we cannot say what will be the consequence."⁶⁵

According to official correspondence, Canadian officials appear to have been surprised to learn that treaties had never been signed in British Columbia, and that groups like the *Stó:lō* were so exasperated at their dealings with B.C. officials. Yet they did little to address the issue. While most federal officials might have been shocked to learn that the *Stó:lō* believed the White men aimed to quickly exterminate the Aboriginal people, no doubt many Canadian officials did share the view that Aboriginal peo-

Stó:lō leaders, with the assistance of Catholic missionaries (seen in the centre back row), gather in New Westminster to petition the governor and express their dissatisfaction over their inadequate land base.







Reserve Commissioner

G.M. Sproat was

thwarted by the provincial

government when he

tried to have *Stó:lō*

title to the land

officially recognized.

ple were destined for extinction. Whatever their reasoning, the federal government chose not to respond to the 1874 *Stó:lō* petition until a related crisis in the B.C. interior threatened to escalate into a full scale race war.

By the mid-1870's, violent conflicts between Aboriginal people and the American government in what is now Washington and Idaho States had become a major concern for officials on the Canadian side of the border. In pre-colonial times, Aboriginal communities had not been divided along the 49th parallel, and therefore many of people fighting the Americans considered the Canadian side of the Okanagan Valley just as much their home as the American side. Federal and provincial authorities became concerned that local Aboriginal grievances over land rights and reserve size appeared to be becoming inflamed by the American situation. To avert this possibility, a special federal/provincial commission was established in 1876 to listen to Aboriginal concerns. The commissioners were given jurisdiction to resolve issues

relating to reserve size "on the spot." While the original motivation for forming the commission stemmed from events in the Okanagan, the 1874 *Stó:lō* petition and similar complaints by other Aboriginal groups highlighting their unhappiness with their current land base convinced the governments to expand the commission's mandate to include all of British Columbia.

Clarifying his opinion on the matter the federal Minister of the Interior, David Laird, wrote to the B.C. Superintendent of Indian Affairs, Dr. Israel Wood Powell, noting that,

The present state of the Indian Land question in... [British Columbia] is most unsatisfactory, and... is the occasion, not only of great discontent among the Aboriginal Tribes, but also of serious alarm to the white settlers.

To the Indian, the land question far transcends the importance of all others, and its satisfactory adjustment in British Columbia will be the first step towards allaying the wide-spread and growing discontent now existing among the native tribes of that province.

The camps of the "Indian Commissioners" c.1878.



...The policy heretofore pursued by the Local Government of British Columbia toward the red men in that Province, and the recently expressed views of that Government in the correspondence herewith submitted, fall far short of the estimate entertained by the Dominion Government of the reasonable claims of the Indians.⁶⁶

In a letter, the Minister acknowledged to Powell that, the "Indian rights to the soil



One of the conditions when British Columbia joined confederation was the promise of a transcontinental railroad. The construction of the CPR resulted in the creation of a “federal railway belt” which Commissioner Sproat believed should have protected *Stó:lō* lands from provincial and private development projects.

in British Columbia have never been extinguished. Should any difficulty occur, steps will be taken to maintain the Indian claims to the country where rights have not been extinguished by treaty.”⁶⁷ The Minister’s choice of words indicates that officials in Ottawa wanted to ensure that the commissioners dealt fairly and adequately with Aboriginal demands. They also indicate while the federal government did not necessarily want to enter into full scale treaty negotiations, they were willing to consider the issue of Aboriginal title in the event that the reserve allocation process broke down.

12 STRONG PROVINCIAL OPPOSITION, WEAK FEDERAL SUPPORT: THE *STÓ:LŌ* FIND A SYMPATHETIC ADVOCATE IN COMMISSIONER GILBERT MALCOLM SPROAT ■

When British Columbia joined Confederation in 1871, Joseph Trutch was promoted from Chief Commissioner of Lands and Works to the powerful position of Lt. Governor. There he was able to continue shaping “Indian Policy” for the province. His impact on the activities of the Joint Reserve Commission resulted in the Commissioners focusing the first two years of their activities on the crisis in the Okanagan. Throughout that period *Stó:lō* leaders continually requested that the Commissioners visit them to address their longstanding grievances. However, as soon as the threat of an “Indian

war” in the interior subsided, the provincial government lost all interest and suggested that the commission be reduced from three members to one, to which the federal government agreed. This indicates that neither government was as serious about dealing with peacefully presented Aboriginal grievances as they were in placating Aboriginal leaders who resorted to more drastic actions. From 1878 until 1880 the jointly appointed commissioner, Gilbert Malcolm Sproat, was left to single handedly try and resolve British Columbia’s “Indian land question.” He did this with minimal support from the Ottawa, and in the face of blatant

resentment and animosity from Victoria.

Sproat arrived in British Columbia from Scotland in 1860 and established a saw mill on the west coast of Vancouver Island at Alberni. Surrounded, as he was, by Aboriginal people he quickly came to develop a respect for Aboriginal society that was not shared by most subsequent *Xwelítem* immigrants. Before being appointed to the Reserve Commission Sproat had already established a reputation as a respected amateur ethnographer. He was considered by the government as a man capable of establishing relationships with Aboriginal leaders.

Like the missionaries and James Douglas, Sproat’s actions also appear to have been inspired to a great extent by humanitarian impulses. However, also like Douglas and the missionaries, Sproat shared their aversion to the idea that Aboriginal people might try and retain their traditional lifestyle unaltered in the face of the new immigrant society. He wanted Aboriginal people to make a transition to European culture, but he recognized that this could not be accomplished overnight, and that the Aboriginal population required both time and a land base to make the assimilation process less jarring.

One of the conditions agreed to by the federal government when British Columbia joined Confederation was the construction of a rail link to the new province. This agreement involved the transfer to the federal government of a 520 kilometres (200 mile) wide swath of land along the railroad route. The rest of the crown land

This is the dredge "Col. Tobin" about 1/2 way up the Vedder Canal, March Construction Co was the contractor Sumas Prairie & W Carlson 1921



The Sumas Dyking Project of 1878 was merely a prelude for the more extensive activities associated with the Sumas Lake Reclamation Project of 1924. In this photo the dredge "The Col. Tobin" works to dig the Vedder Canal.

remained under provincial control. The federal railway belt was intended to provide the federal government with sufficient saleable land to enable them to fund the construction of the Canadian Pacific Railway. Once the Terms of Union were finalized, land within the railway belt became, in theory, frozen to provincial development. The railway belt included all of the public land within the entire Fraser Canyon and Valley. In Sproat's opinion, these lands were therefore available to the federal government to allocate as Indian reserves. After meeting with "most of the Lower Fraser Chiefs" (some of whom travelled fifty miles in canoes to speak with the Commissioner in New Westminster) and learning first hand how disappointed they were with the size of their reserves, Sproat advised the provincial government "to reserve from pre-emption all lands near (Stó:lō) Reserves until I have examined them."⁶⁸ He believed that for the "Yale, Hope and Cheam (near Chilliwack) Indians" the reserved land should include:

The land on the left bank of the Fraser from the point or bluff opposite Marianville Island (three miles below Hope) down to Scowlitz Reservation with a width of two miles back from the river.

The land on the right bank of the Fraser River from Gordon Ranch (1 1/2 miles below Yale) to American Bar with a width of 2 miles back from the river.

The land on both sides of [the] Fraser River from the first little canyon about 1 mile beyond the toll house above Yale, up to the 4 mile post with a width of 100 yards on the left bank and the whole space between the wagon road and the River on the right.⁶⁹

Sproat also wanted a strip of land "two miles long" and "a mile wide" excluded from pre-emption for the Stó:lō along the Fraser River below Mission.⁷⁰

As mentioned, the initial three member Reserve Commission had been originally granted the authority to resolve Indian reserve issues "on the spot" as they worked in the sparsely settled interior and arid upper Fraser Canyon near Lytton. However, when the Commission's membership was reduced to just one member, and when Sproat's work brought him to the fertile farm lands of the Fraser Valley, the provincial government refused to acknowledge that Sproat was entitled to these same powers. The provincial motivation in this regard may never be fully understood, but it appears likely that officials in Victoria were afraid that Sproat's sympathetic Aboriginal attitudes would conflict with their long established development plans for that region.⁷¹

Rather than accepting Sproat's decision to set aside tracts of the railway belt as Stó:lō reserves, the province took action completely contrary to Sproat's intentions and passed the "Sumas Dyking Act of 1878." In this legislation they illegally granted land to a San Francisco business man named Ellis Luther Derby. Derby immediately commenced building dykes, and in the process took "possession of a considerable portion of the Matsqui Indian Reserve." He proposed extending his dyking activities "across the Sumas Indian Reserve" and then "diverting streams," thereby affecting the Chilliwack reserves. In Sproat's opinion, Derby unilaterally "used to the extent he wanted, two Indian reserves without asking permission of the Indians" or the federal government.⁷² Derby's dyke cut across Stó:lō reserves without regard for Stó:lō people's rights or land use activities. The leader of the Stó:lō in Matsqui explained to Sproat that

The crown long ago gave us land and by and by a white chief came and cut it down. We heard some years ago that our wishes would be listened to, and that a chief had been appointed who would come to look after the Indians, but ever since that time white men have continued to take land until now it is nearly all taken up. Mr. Derby, who may be a chief, has used our land up.⁷³

Sproat clarified to both Derby and the provincial government that such dykes could only be made on such lands if the Stó:lō consented. In this instance, Stó:lō leaders were unanimously opposed to the project. With their endorsement, Sproat threatened legal action against the province, demanding that the Sumas Dyking Act be repealed and the lands returned to the Stó:lō. He even suggested that if the province failed to comply, he would recommend that the federal government invoke a little used clause in the

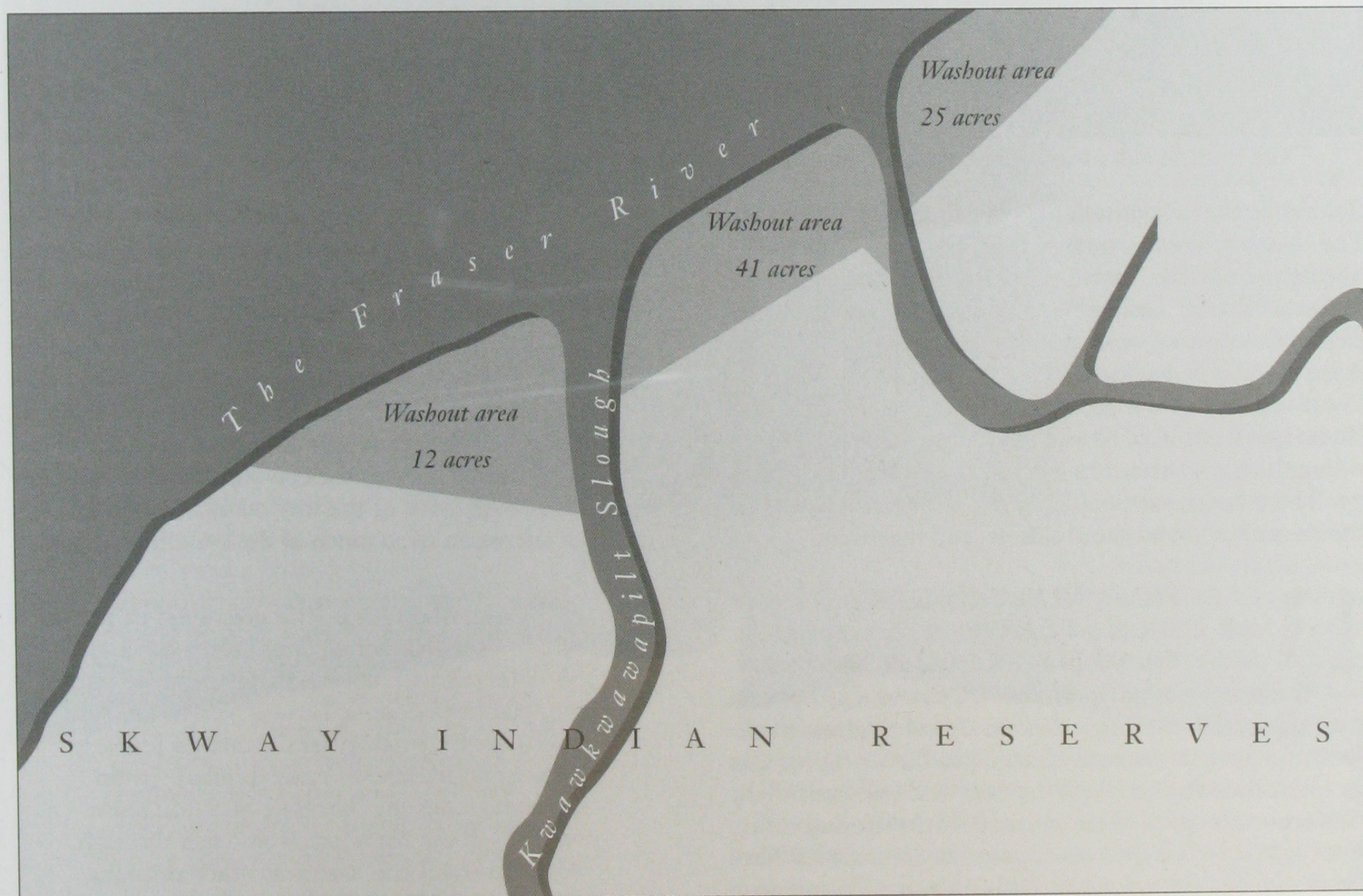
constitution which gave the Dominion government to the right to “disallow” provincial legislation.⁷⁴

Through Sproat’s endeavours some *Stó:lō* reserves were ultimately enlarged, but overall the provincial government succeeded in out-manoeuvring Sproat and further entrenching a small and marginal *Stó:lō* land base. Sproat recognized that dealing with Aboriginal land requirements on an ad hoc basis – reserve by reserve, pre-emption by pre-emption – doomed the process to failure. He realized that as long as the federal government failed to fulfill its fiduciary obligation toward B.C.’s Aboriginal people the Indian land question would forever haunt British Columbia. Short of negotiating treaties, Sproat maintained that it was incumbent upon the federal and provincial governments to ensure that the basic requirements of the Aboriginal population be met. Long before his resignation Sproat wrote to the Deputy Minister of the Interior expressing the opinion that

*In all matters affecting Indians in this province there is one special consideration which I respectfully think extends in all directions. They have no treaties made with them, and we are trying to compromise all matters without treaty making... It is, with absence of treaties, all the more necessary to recognize the actual requirements of the people.*⁷⁵

Despite strong and repeated protests from *Stó:lō* leaders, and the establishment of yet another special Indian Commission in 1913, the Aboriginal land question has remained unresolved to the present day. Since the late 1860’s *Stó:lō* people have been without a sufficient land base to pursue their traditional social, spiritual and economic activities. Simultaneously they have been denied the opportunity to meaningfully participate in the new European society. As the years went by and the *Stó:lō* population became even-smaller in relation to the *Xwelítem* community the dilemmas facing the *Stó:lō* communities likewise faded from mainstream public consciousness.

It is important to realize that Aboriginal demands for recognition of their title to the land did not disappear. To keep their claims alive and on the National political agenda Aboriginal leaders throughout B.C. began working together in more unified efforts in the early decades of the twentieth century. Ironically, this process of inter-tribal cooperation was in part facilitated by the residential school experience. Aboriginal children from different parts of the province were brought together at residential schools and compelled to speak only English. People who might otherwise never have met or who might not have spoken the same language forged lasting friendships which formed the foundations of subsequent political organizations. The Indian Rights Association of British



Erosion of *Stó:lō* reserves by the Fraser River has long been a problem. This map (created by Commissioner Sproat in 1879) shows where a 4.8 and a 16.4 hectare (12 and 41 acre) swath of land were washed away from the Skway Reserve over a few years.



The cultural and physical geography of the lower Fraser Valley has changed significantly in the past 200 years.

Columbia, the Allied Indian Tribes of British Columbia, The Native Brotherhood of British Columbia, the Aboriginal Native Rights Committee of the Interior Tribes of British Columbia, and the Aboriginal Native Rights Committee, were among the most well know of these broad based organizations. *Stó:lō* leaders like Chief Oscar Peters of Hope, and later *Stó:lō* leaders like Genevieve Mussell of Skwah, played pivotal roles in providing these organizations with focus and sustained energy. The Aboriginal people of the province refused to accept earlier government actions and inactions.

13 CONTEMPORARY LEGACY OF THE *XWELÍTEM* SETTLEMENT PROCESS ■

Today, the legacy of the *Xwelítem* settlement process is still strongly felt in *Stó:lō* communities. Reserves have never been restored to their original size as identified out by *Stó:lō* leaders and recognized by Governor Douglas. With railroad, highway, and utility line right-of-ways and easements, *Stó:lō* reserves have been reduced even further. Often, the development of such communication or utility routes cut communities in half, or destroyed delicate fish habitat and ecosystems along the edge of the Fraser River and its tributaries.

In the mid-1980's, the Canadian National Railway (CNR) planned to add a second track parallel to the existing railway through the Fraser Canyon. This threatened not only the environment, but also numerous *Stó:lō* sacred sites. In 1988, when discussing the potential impact on fisheries habitat and *Stó:lō* sacred sites, of the CNR's proposed "Twin Tracking" scheme, *Stó:lō* Elder Tilly Gutierrez of Chawathil commented on the seemingly insatiable appetite of the *Xwelítem* (hungry people) society. The frustration in her voice is representative of the way many *Stó:lō* people feel over the alienation of so much of their traditional land:

Okay, when *Xá:ls* [the youngest of the transformer siblings] went through [*Stó:lō* territory] making things right we had accepted him because he was nice to us. And pretty soon Christopher Columbus [came]; pretty soon Simon Fraser [came]; [then Governor James] Douglas, and you name them all – them big shots that came through. After [awhile] the *Xwelítem* started taking things away from us. Pretty soon the railroad and highways [took more *Stó:lō* land].
We got nothing.

Here is where we lived on the edge of the road [Tilly points out the window towards Highway 7]. By the river there, that's where the railway and highway is going through. We still have our

landmarks there; there is a few grave yards left here and there along the edge of the [proposed CN rail] route. Now why do...

[the Canadian government and CNR] have to say "we can move this, and we're going to build another track?" No, not through our [reserve].

If we [accept] that, we're lost! I guess that's our survival right there. Sometimes people just have to say "no." Yeah! Well that [Stó:lō] guy who was brave laid in front of the [CN Rail Road] tracks [and said]:

"Run me over if you want! If you want that land so bad, just go ahead and run over me." He laid there, [but] they couldn't do it. They just had to stop that... bulldozer.

But he was willing to die for his piece of land there. That is "Indian" – God's man.

[If you ever] wonder who's telling the truth, he is [the Indian] you know. And... [the

Canadian government and the Courts] should be able to believe that. When you think of it – all the wars – why do they have to war anyway? Is that what "He"⁷⁶ wanted us to do? I don't think so. I think he wanted us to get along and be happy together – to get acquainted, like you and I. But here now the... *Xwelitem* are flying to the moon.

They want the moon!⁷⁷ 🙄

Beyond the alienation of *Stó:lō* land by government and corporations described by Tilly Gutierrez, *Stó:lō* land has been further reduced by the Canadian government's

unwillingness to respond equitably to natural changes in the landscape. For example, only the upriver section of McMillian Island in Langley has been reserved for *Stó:lō* people, while the lower portion is private property owned

by *Xwelitem* people. Each year the river erodes land from the Island's upper portion, depositing it on the down river section. This eroded land is lost to the *Stó:lō* forever. Interestingly, in areas where the erosion and deposits occur entirely on reserve land (such as Seabird Island near Agassiz, *Shxw'ow'hamel* near Hope, *Scowlitz* on the Harrison River, and *Skway* near Chilliwack), the land which washes away is officially lost; but deposits (called accretions) that occur on the down river side of the reserves become government crown land, and are not included within the official reserve boundaries.

Those reserves surrounded by dense urban development face different problems. For example, *Xwelitem* living on private property near reserves sometimes complain that drumming and singing asso-

ciated with the *smilha*, or "Winter Dance," ceremonies disturb their sleep and infringe upon their right to peace and quiet. This places *Stó:lō* communities in an awkward position. They want to establish positive relationships with their neighbours, but do not want to compromise their right to practise their spiritual activities in accordance with tradition. Winter Dancing is integral to the spiritual lives of many *Stó:lō* people. It is estimated that there are nearly 900 *Stó:lō* winter dancers, and at least double that number attend Winter Dance ceremonies in other capacities.⁷⁸ Throughout the winter months, *smilha* ceremonies occur each night at various longhouses and community halls. The people gather during the afternoon and



Stó:lō Sí:yám.

begin "the work" just as it gets dark. The ceremonies often continue until dawn the following day.

Logging activity, urban sprawl, and recreational activities (hiking, fishing, camping, kayaking, etc.) have curtailed the ability of the *Stó:lō* to practise traditional spiritual and food gathering activities in regions outside the official reserve boundaries. Areas like the Pitt and Alouette lakes, Sumas and Chilliwack mountains, and the Chilliwack and *Chehalis* River Valleys to name but a few, have been heavily utilized by *Stó:lō* hunters and spirit dancers. *Stó:lō* people who continue such activities in these and other areas are increasingly disturbed by outsiders. In the most extreme cases, the destruction and transformation of the environment prevents the *Stó:lō* from practising their culturally important traditional activities.

14 CONSIDERING SOLUTIONS AND RESOLUTION ■

The Canadian Constitution guarantees Aboriginal people certain rights, based upon their occupation of the land prior to European contact. Among these are the right to self-government. Currently, this right remains legally undefined. Many *Stó:lō* leaders have, however, expressed what self-government means to them. *Stó:lō* Nation Chief's Representative Steven Point has defined *Stó:lō* self-government as a process whereby the *Stó:lō* regain control of their lives – become self-supporting, and self-determining. This implies breaking free of the demoralizing cycle of dependency on government grants and subsidies. To accomplish this, the *Stó:lō* require a sufficient land base to meet their cultural, residential, and economic needs. They maintain that they require at least the land base originally surveyed under the direction of Governor Douglas. Of course, with the extent of private land now alienated in the Fraser Valley, it would be difficult to re-establish the original reserves. But, the *Stó:lō* are willing to consider options.

Along with increased reserve size, the *Stó:lō* require an economic base. In 1990, federal, provincial and Aboriginal government's committed themselves to negotiating treaties through the newly established B.C. Treaty Commission. In 1995 the *Stó:lō* Nation filed a statement of intent to participate in these negotiations. The *Stó:lō* are acutely aware that the rivers, lakes, forests, and minerals within traditional *Stó:lō* territory all provide regular revenue to the federal and provincial governments. These resources still belong to the *Stó:lō*. Fair and equitable treaty agreements will provide the *Stó:lō* with the financial and economic resource base to once again become self-supporting and self-sufficient. However, until the legacy of the B.C. government's past unwillingness to recognize Aboriginal title and legitimate land and resource requirements is addressed in a meaningful manner, the physical, social and political dilemmas confronting Aboriginal communities will continue to haunt both mainstream and *Stó:lō* society.

Recommended Further Readings

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Footnotes

- 1 Joe Louis, in conversation with Imbert Orchard, in *Forest and Floodland: Memories of the Chilliwack Valley* Sound Heritage Series Number 37 (Victoria: Sound and Moving Image Division, Province of British Columbia), p.5.
- 2 *Yewal Sí:yà:m* is a *Halq'eméylem* expression which translates roughly as community leader. A *Yewal Sí:yà:m* is a highly respected member of a *Stó:lō* community or extended family. The term is experiencing a revival of formal use among *Stó:lō* people as the *Stó:lō* Nation seeks to reinvest Chiefs and other contemporary leaders with more traditional roles and responsibilities.
- 3 Albert "Sonny" McHalsie in conversation with Keith Thor Carlson, April 1995. Tape on file at *Stó:lō* Nation Archives (SNA).
- 4 Gordon Mohs, "*Stó:lō* Sacred Grounds," *Sacred Sites, Sacred Places*, edited by David L. Carmichael, Jane Hubert, et al. (New York, New York: Routledge, 1994) p.189 and 190.
- 5 Old Pierre, as quoted in Diamond Jenness, *The Faith of a Coast Salish Indian*, edited by Wilson Duff (Victoria: British Columbia Provincial Museum, 1955), p.35. In this manuscript Old Pierre provides a fascinating discussion of *XeXà:ls* (the transformers) and the role they played in arranging the world into its present state.
- 6 Tilly Gutierrez in conversation with Keith Thor Carlson, July 10, 1996. Tape on file at SNA
- 7 To read more *Stó:lō swoxwiyà:m* (legends) consult Norman Lerman, *Legends of the River People*; Oliver Wells, *The Chilliwack and their Neighbours*; Ralph Maud, *A Guide To B.C. Indian Myth and Legend*. To better appreciate *Stó:lō swoxwiyà:m*, consult Chapter 11 this volume.
- 8 Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver, B.C.: University of British Columbia Press, 1990), p.10.
- 9 Ibid., p.10.
- 10 Ibid., p.11.
- 11 Brain Slattery "The Hidden Constitution," in

- Menno Boldt and J. Anthony Longs, ed., *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights* (Toronto: University of Toronto Press, 1985), p.121.
- 12 For a more detailed explanation of the relationship between the *Stó:lō* and the furtraders, refer to Chapter 2 this volume.
- 13 Margaret Ormsby. *British Columbia: a History*, (Vancouver: The MacMillan Company, 1958.) p.138.
- 14 G.P.V. Akrigg. "The Fraser River Gold Rush," in *The Fraser's History from Glaciers to Early Settlements*. Papers from a seminar presented at the Annual Meeting of the British Columbia Historical Association on May 27, 1977. (Burnaby, BC.), p. 32
- 15 Evans, Elwood "The Fraser River Excitement, 1858." (Unpublished manuscript,) BCARS.
- 16 Ormsby, Pp. 138-140.
- 17 James Douglas, to Home Government, April 6, 1858, Colonial Correspondence. BCARS.
- 18 James Douglas, "Correspondence relative to the Discovery of Gold in the Fraser's River District," London, 1858, p.5. in T.A. Rickard, "Indian Participation in the Gold Discoveries." *British Columbia Historical Quarterly* (BCHQ). January 1938.
- 19 Angus MacLeod Gunn, "Gold and the Early Settlement of British Columbia," 1858-1885. Unpublished M.A. Thesis, UBC Department of Geography. 1965. Table II, p.28.
- 20 Rickard, "Papers relative to the Affairs of British Columbia", Part I., London, 1859, p.16.
- 21 Sonny McHalsie in conversation with Keith Thor Carlson, March 1995.
- 22 Douglas, "Papers Relative to the Affairs of British Columbia", Part, II., London, 1959, p.5. BCARS.
- 23 Sonny McHalsie in conversation with Keith Thor Carlson, March 9, 1995. Transcript on file SNA.
- 24 Harold Wells in conversation with Keith Thor Carlson and Brian Thom at Mr. Wells' home, near Hope, Feb 21, 1995. Transcript on file at SNA.
- 25 Ware, p. 83.
- 26 "Articles of British Columbia" printed in the *London Times*. Aug. 4 - 15, 1858; September 12, 1858, (E,B,F86, BCARS).
- 27 John Hayman (editor). *Robert Brown and the Vancouver Island Exploration Expedition*. (Vancouver: UBC Press, 1989). p. 44.
- 28 "Articles on British Columbia" printed in the *London Times*, Various issues, Summer and Autumn 1858. BCARS. Also, Edward McGowan, "Reminiscences of Edward McGowan", *Argonaut*, 1878, copy at BCARS.
- 29 McGowan, BCARS.

- 30 McGowan; see also op. cit. Howay; Akrigg.
- 31 "Articles of British Columbia" printed in the *London Times*, Aug. 4, 1858 - Aug 15, 1862. E,B,F86, BCARS. September 12, 1858. Moreover, Aboriginal oral traditions surrounding the confrontation explain that the company of American militia/miners stopped at the Nlakapamexw village of Spuzzum on their way up the Canyon to make war and burned the local grave houses in an attempt to affront and provoke the Aboriginal community. (Personal communication with Sonny McHalsie who recalls Annie York telling him this story in 1988).
- 32 Otis Parsons, *Unpublished Diary*, June 29-September 19, 1858, BCARS



- 33 "Articles on British Columbia" printed in the *London Times*. Thursday Feb 17, 1859. BCARS.
- 34 Interview with Dan Milo and Imbert Orchard. "Imbert Orchard Collection," 1963, BCARS.
- 35 Tilly Guterrez in conversation with Keith Thor Carlson, March 1995. Transcript on file SNA
- 36 F.W. Howay, "The Introduction of Intoxicating Liquors Amongst the Indians of the Northwest Coast", BCHQ, VI, 3, 1942.
- 37 It is interesting to note that as more women of European descent settled in the new colony of British Columbia, the respected position held by women of mixed Aboriginal and European ancestry, like Lady Douglas, declined. The early colonial elite were primarily people from the fur trade era. These people generally accepted and respected Lady Douglas. This was increasingly less the case as time went on and as prominent figures from the fur trade became a minority.
- 38 Dispatch from Governor Douglas to the Right Hon.

- Sir E.B. Lytton, March 14, 1859, *British Columbia, Papers Connected with the Indian Land Question*, 1850-1875, (Victoria: Government Printer, 1875), p.16-17. (Cited hereafter as BC, *Papers*.)
- 39 Ibid.
- 40 The question of whether B.C. colonial officials were aware of their obligations under British Common law remains unanswered. For the most recent discussion on this topic, and a very balanced perspective, see Hamar Foster, "Letting Go the Bone: The Idea of Indian Title in British Columbia, 1849-1927," in Hamar Foster and John McLaren, eds., *Essays in the History of Canadian Law*, Vol. VI, B.C. and the Yukon, (Toronto: Osgoode Society, 1995). Pp. 28-86.
- 41 Chief James of Yale, testifying before the Royal Commission. Copy on file at SNA.
- 42 Chief William Sepass, Testimony before the Royal Commission, January 14, 1915, p.196 SNA.
- 43 Chief Charlie of Matsqui, testifying before the Royal Commission, January 11, 1915., p, 196 SNA.
- 44 Chief Harry Edwards, Testimony before the Royal Commission, January 13, 1915, p.171 SNA.
- 45 Conversation between P.D. Peters and Larry Commodore, July 21, 1985. Tape on file at SNC.
- 46 Moody to E.H. Saunders, Land and Works Correspondence Outward, BCARS C/AB/30.7j3.
- 47 Parsons to Sapper Turnbull June 1, 1861, BCARS C/AB/30.7j2.
- 48 Instructions to McColl From Chartres Brew, April 6, 1864, *Papers Connected with the Indian Land Question.*, p.43.
- 49 Moody to W. McColl, June 2, 1862, Land and Works Correspondence Outward, BCARS C/AB/30.7j1.
- 50 Evangeline Pete in a conversation with Gordon Mohs, 1985, quoted in Gordon Mohs, "Stó:lō Sacred Ground," in David L. Carmichael et al, *Sacred Sites, Sacred Places*, (New York, New York: Routledge Press, 1994), p.185.
- 51 Jimmie Peters in a conversation with Gordon Mohs, 1985, quoted in Gordon Mohs, "Stó:lō Sacred Ground," in David L. Carmichael et al, *Sacred Sites, Sacred Places*, (New York, New York: Routledge Press, 1994), p.200.
- 52 Albert Phillips in a conversation with Gordon Mohs, 1984.
- 53 Robin Fisher, *Contact and Conflict*, (Vancouver, University of British Columbia Press, 1992) p.159.
- 54 Fisher, p.160 - 161.
- 55 For further discussion on this subject see Chapter 2 this volume.
- 56 Trutch to Acting Colonial Secretary, August 28, 1867, in *Indian Land Question*, p.42.
- 57 Ibid.
- 58 *The British Columbian*, December 2, 1865.
- 59 Ibid., August 4, 1866.
- 60 Ibid., December 2, 1865.
- 61 Letter from C. Brew to J. Trutch, November 21, 1865. Copy on file at SNA.
- 62 Chief of Police, Chartres Brew, to Chief Commissioner of Lands and Works, Joseph Trutch – See margin notes by Trutch – December 1, 1865. Copy on file at SNA.
- 63 The amended law made it impossible for Aboriginal people to pre-empt land without the written permission of the colonial governor. Prior to this amendment Col. Moody of the Royal Engineers had written Gov. Douglas to report that Stó:lō "Indians are pre-empting land as freely as the white man." There is no evidence that any Stó:lō person pre-empted land after the amendment was passed.
- 64 Chief Peter Ayessick of Hope and Chief Alexis of Cheam, 14 July 1874, "Petition of Chiefs of Lower Fraser... to I.W. Powell." BCARS.
- 65 Ibid.
- 66 Memorandum from David Laird, Minister of the Interior to I.W. Powell, Superintendent of Indian Affairs, November 2, 1874. in *Indian Land Question*, p.151.
- 67 Minister of the Interior (Mills) to I.W. Powell.
- 68 Sproat to Chief Commissioner of Lands and Works, May 18, 1878.
- 69 Ibid.
- 70 Sproat to E. Dickson, Government Agent at New Westminster, May 21, 1878.
- 71 Sproat to Chief Commissioner of Lands and Works, June 3, 1878; Sproat to Superintendent General, July 1, 1878.
- 72 G.M. Sproat to Superintendent General, November 25, 1878. Copy on file in SNA.
- 73 Ibid. (Aboriginal voice presented in first person by author).
- 74 Sproat, January 25, 1879; Sproat to Superintendent General, March 17, 1879. Copy on file at Stó:lō Nation Archives.
- 75 Sproat to the Deputy Minister of the Interior November 6, 1878. Copy on file at Stó:lō Nation Archives.
- 76 By "He" Tilly is referring to God or Xá:ls. She frequently refers to Xá:ls as "the little Christ" who came to visit the Stó:lō "after he had been in the Middle East as recorded in the Bible." This blending of Christian and traditional Stó:lō belief systems is common among many Stó:lō Elders.
- 77 Conversation between Tilly Gutierrez, Sonny McHalsie, Randall Paul and Richard Dally, September 20th, 1988. Tape at SNA.
- 78 Personal communication with Tracey Joe, July, 1996.