



**GITANYOW**

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Library - Federal Treaty  
Negotiation Office  
P.O. Box 11576  
Ste. 2700-650 West Georgia  
Vancouver, BC V6B 4N8

# GITANYOW

July 1992

## I. ORGANIZATIONAL INFORMATION

### 1) CLAIMANT GROUP INAC ID NUMBER, ADDRESS, CONTACT AND DISTRICT

**Name:** Gitanyow Band Council (formerly Kitwancool)

**Address:** Box 340  
KITWANGA, B.C.  
VOJ 2A0

**Phone:** 849-5222

**Fax:** 849-5787

**Contact:** ~~Elmer Derrick~~ <sup>Glen Williams</sup>, Chief

**INAC Band ID Number:** 537

**District:** Northwest

### 2) ELECTED REPRESENTATIVES AND EFFECTIVE DATE

**Chief:** Elmer Derrick <sup>Glen Williams</sup>  
**Councillors:** Alice Good <sup>✓</sup> Andrew Jackson <sup>Lewis Johnson</sup>  
Vernon Smith <sup>✓</sup> Peter Martin <sup>✓</sup>  
**Election System:** Indian Act <sup>Jacqueline Theresa Smith ✓</sup>  
**Effective Date:** May 3/91 - May 2/93 <sup>95</sup>  
**Band Manager:** Richard Douse  
**Affiliations:** Gitksan Wet'suwet'en Government Commission  
**Administers Indian Register Program:** Yes  
**Membership Rules in Place:** No  
**MP:** Jim Fulton, NDP, Skeena  
**MLA:** Helmut Giesbrecht, NDP, Skeena

### 3) CLAIMANT GROUP AND INAC BAND ID NUMBERS

The claimant group consists of Gitanyow Band #537 alone.

### 4) DISTRICT Northwest

## **II. KEY FEATURES OF THE CLAIM AND CLAIMANT GROUP**

### **1) SUBMISSION:**

The Gitanyow Band claim, formerly known as the Kitwancool Band, was submitted November 11, 1974. It was the second comprehensive claim received from a B.C. First Nation.

The Gitanyow claim is one of two Gitksan and Wet'suwet'en comprehensive land claims accepted by DIAND. The other claim is that of the Gitksan and Wet'suwet'en Office of Hereditary Chiefs. This group was originally the Gitksan-Carrier Tribal Council, of which Gitanyow (Kitwancool) was a member. However, in pursuing their land claim the Gitanyow chose to remain separate from the other bands belonging to the Tribal Council, and in 1978 withdrew their membership from the Tribal Council.

In the past, and as recently as 1982, INAC has urged the Gitanyow band to join with the Gitksan and Wet'suwet'en for land claim negotiations, but the Gitanyow have remained separate. While the two land claims are distinct, the Gitanyow Band is represented by the Gitksan-Wet'suwet'en Office of Hereditary Chiefs in self-government negotiations.

### **2) ACCEPTANCE:**

The Gitanyow claim was accepted for negotiation by DIAND December 13, 1977 subject to agreement by B.C. to participate in the negotiations. No negotiations have taken place to date.

### **3) NATURE OF THE CLAIM**

#### **(a) Territory:**

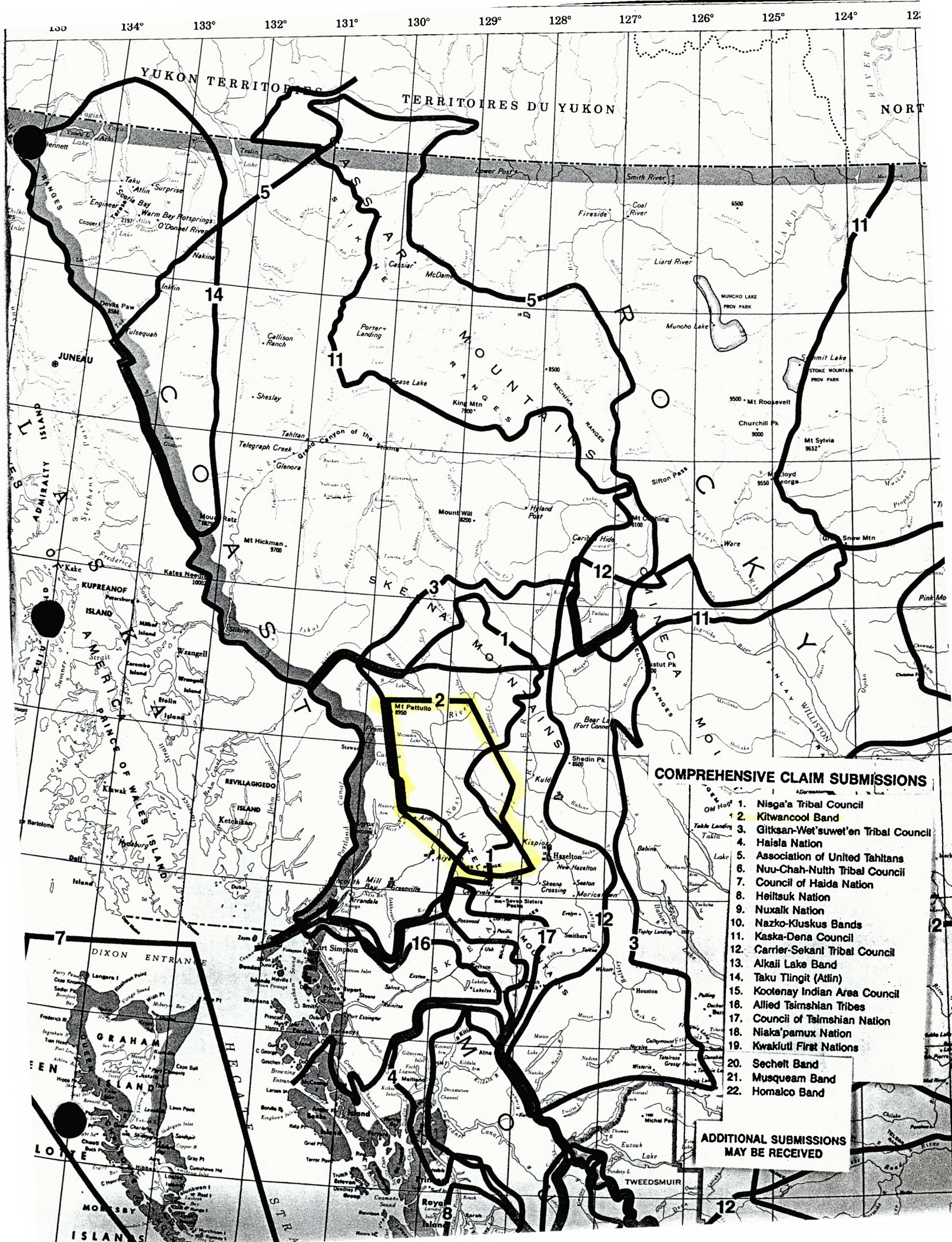
##### **(i) Description of traditional territory**

(accurate map of traditional occupancy area to be sought)

The claim submission does not specify the area of the claim, but it has been estimated to be over 3,000 square miles (approximately 130 miles long and 60 miles wide), and covers an area in the Nass and Kispiox River valleys.

The claim area commences seven miles north of Kitwanga (Gitwangak) to the outlet of the Bowser Lake; west crossing Kiteen tributaries, then following the Kiteen river south along the west shore; across the Nass river at Git-kse-dzozqu (13 miles above the New Aiyansh) and continuing such that the Kin-sk-uch Lake and Kin-sk-uch river are included in the territory to 10 miles east of Bowser Lake; .....





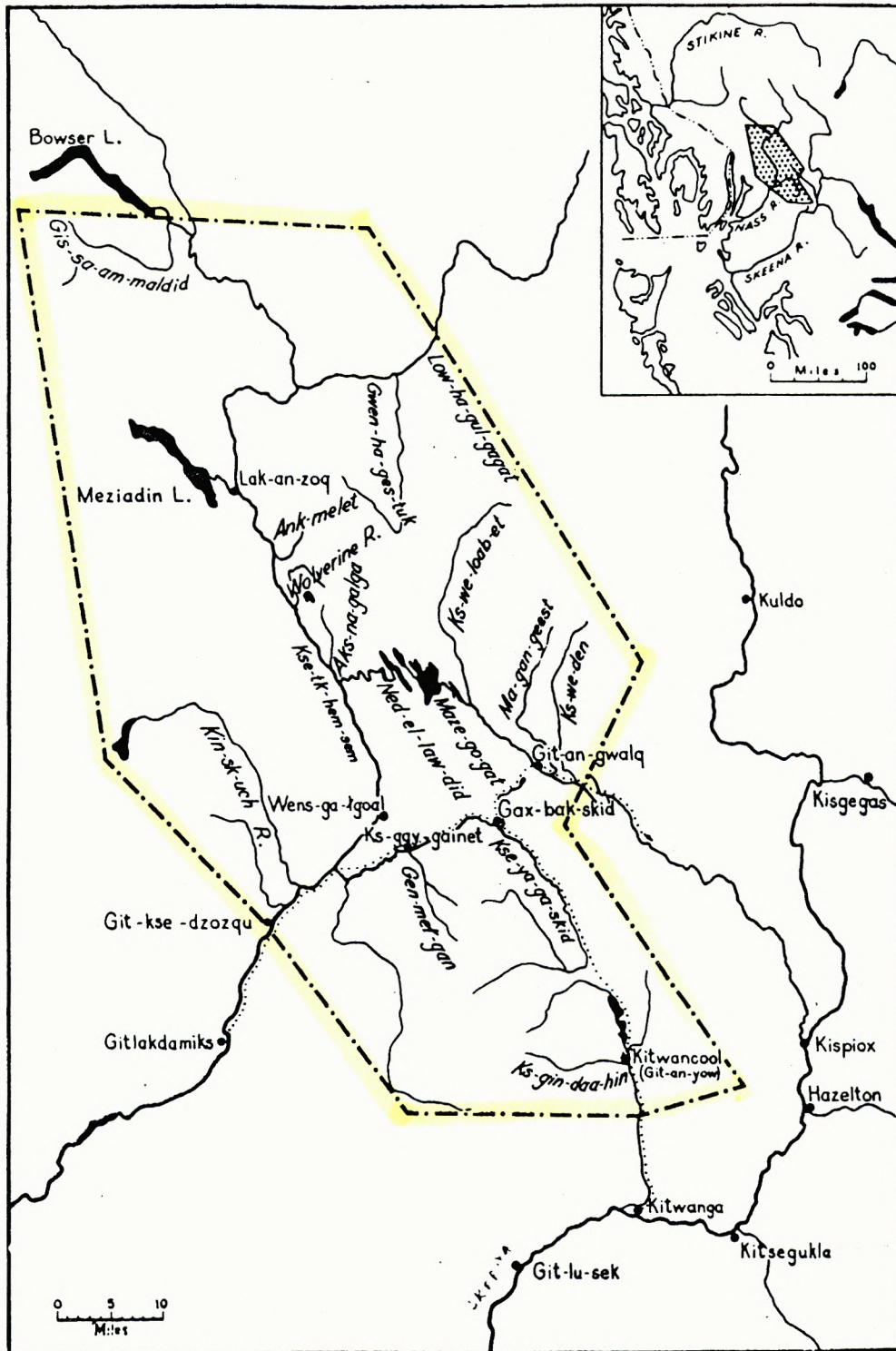
**COMPREHENSIVE CLAIM SUBMISSIONS**

1. Nisga'a Tribal Council
2. Kitwano Band
3. Gitksan-Wet'suwet'en Tribal Council
4. Haisla Nation
5. Association of United Tahitans
6. Nuuch-Nulth Tribal Council
7. Council of Haida Nation
8. Heiltsuk Nation
9. Nuxalk Nation
10. Nazko-Kluskus Bands
11. Kaska-Dena Council
12. Carrier-Sekani Tribal Council
13. Alkali Lake Band
14. Taku Tlingit (Atlin)
15. Kootenay Indian Area Council
16. Allied Tsimshian Tribes
17. Council of Tsimshian Nation
18. Nika'pamux Nation
19. Kwakwaka'wakw First Nations

20. Sechelt Band
21. Musqueam Band
22. Homaico Band

**ADDITIONAL SUBMISSIONS  
MAY BE RECEIVED**





**(ii) Overlaps with other First Nation claims**

1. Nisga'a: Cranberry River, which drains into the Nass including the area at the confluence of the Cranberry and Kiteen rivers; 3 New Aiyansh Band Reserves (#52, #53, #57) fall within Gitanyow traditional territory. Many Gitanyow migrated to the Nass in the late 1800s as fish canneries and Anglican Mission were established in the area, and although some returned to Gitanyow others remained on the Nass. Thus, many of the Nass people in the area were descended from and possess ancestral rights in Gitanyow as well as in the Gitanyow territory on the Nass.

2. Gitksan-Wet'suwet'en: the Gitanyow claim lies almost entirely within the Gitksan and Wet'suwet'en claim area

Resolution Efforts: the Nisga'a claim is the only comprehensive claim being negotiated in B.C.; the Gitanyow have always been concerned that the settlement of the claim could jeopardize their own claim boundaries. Since 1976, they have often informed the federal government of this concern. Efforts to resolve the overlap have continued unsuccessfully, since the Nisga'a claim negotiations began. Relations between the two groups have deteriorated because of the overlap issue. Canada recently provided funds to the Gitanyow for research related to the overlap with Nisga'a.

**(b) Rights/jurisdiction claimed**

The First Nation claims unextinguished aboriginal title to their traditional territory. The Band asserts ownership and jurisdiction over renewable and non-renewable natural resources, education, housing, hunting and trapping provisions, health and social services. The Band is seeking compensation for timber losses and highway compensation.

\* **Hunting, Fishing and Trapping:** They wish to hunt and trap wildlife for food as reasonable necessary, and want trapping rights to be retained.

\* **Education:** They stress the necessity for Gitanyow people to be educated as far as university level, and mention that such education may become compulsory. They want an educational agreement and program to be established by the federal government with the Gitanyow Educational Committee. They state that the Province would have to be part of the agreement.

\* **Housing:** They want housing to be established by agreement between themselves and the federal government.

\* **Compensation:** They claim to have an "interest" in all timber removed from their territory and sold by the B.C. Government since



1920, and to be in a position to collect stumpages and royalties accordingly. They also want compensation for animals' shelter (trees) removal, and for damage done to the natural beauty of hunting and trapping grounds. They also want, in the form of a lease, payment from the B.C. government for building highways through their territory.

**(c) Self-government status**

No negotiations are currently underway.

**4) POPULATION**

TOTAL: 525      ON-RESERVE: 349      OFF-RESERVE: 176

**5) RESERVES**

- \* reserves surveyed 1927
- \* total reserve area: 862.3 ha

- 1) Gitanyow 1 - 475 ha.: located on the Kitwanga River
- 2) Gitanyow 2 - 115.3 ha.
- 3) Gitanyow 3A - 272 ha.

## **6) RESERVE COMMUNITIES**

Original name: Git an yaaw: village of many people/invincible people

Former name: Kit wan cool: village of reduced number

The only community is on the Gitanyow Reserve; located on Highway 37, 24 km north of the Gitwangak Reserve; population = 349; Kitwanga Reserve is located just south of the claim area

### **Reserve Facilities:**

Band office, community hall, health/nursing station, nursery/pre-school, fire hall, long house, Pentecostal Church, Anglican Church, cook house, Revival Centre

### **Services:**

Fire Protection:	Mini pumper and equipment, fire hall
Police Protection:	R.C.M.P. detachment in New Hazelton
Postal Service:	Pick up service in Kitwanga
Health/Nursing Station:	Medical services provided by clinic on reserve, hospital in Hazelton

Education:	Band/Provincial
Enrolment:	130
Band Operated:	87; Provincial: 43

### **Utilities:**

Hydro:	B.C. Hydro
Telephone:	B.C. Tel
Communications:	Radio, down link from Terrace, community cable system
Water Supply:	Reservoir and two community wells
Sewage Disposal:	Septic tanks and drainage fields
Transportation:	Accessible by 4 km paved road, 2 km gravel road
Housing:	65 dwellings



## **Band Government Data:**

Chief: Elmer Derrick  
Councillors: Alice Good                      Andrew Jackson  
                    Vernon Smith                      Peter Martin  
Election System: Indian Act  
Effective Date: May 3/91 - May 2/93  
Band Manager: Richard Douse  
Affiliations: Gitksan Wet'suwet'en Government Commission  
Administers Indian Register Program: Yes  
Membership Rules in Place: No  
Electoral District:  
MP: Jim Fulton, NDP, Skeena  
MLA: Helmut Giesbrecht, NDP, Skeena

## **7) CULTURE**

### **a) Language Tsimshian**

### **b) Organization and Government**

The social structure is a complex organization of clans, sub-clans, houses (wilps) and lineages. The traditions of the 13 houses are told through totem poles. Houses are grouped into clans.

#### **Clans:**

- 1) Wolf Clan  
    - Crests: Grizzly Bear's Den
- 2) Frog (or Frog-Raven) Clan  
    - Crests: Frog, Flying Frog, and Starfish, Raven,  
      People-of-the-Smokehole or People-of-the-Ladder,  
      and Headdress-of-the-Upper-River

Both clans have a number of ranked segments with separate histories and territories (sub-clans). These segments are further divided into the 13 houses.

There is no single chief of the tribe; each house acts under its own chief. However, the chiefs are ranked in their social standing, the highest ranking of all being the Wolf Chief and Frog Chief. At the turn of the century, the position of president was created to allow for a single position of leadership for the group. The president has the right and power to protect their laws.

Laws concerning ownership and use of territory is strictly adhered to. In the past, trespassing was punishable by death. Traplines continue to be registered by house and clan.

The band's claim to aboriginal rights extends to renewable and non-renewable resources, education, housing, hunting and trapping provisions, health and social services and self-government

### **c) Traditional Use of Territory**

The Gitanyow have traditionally lived off the Nass rather than the Skeena river. Their closest relatives were the people of the Upper Skeena, and they are usually classified with them to form the Gitksan division of the Tsimshian-speaking peoples, although they maintain independence from all other bands.

Annual Cycle: (primary activities)

Spring: fishing for Salmon and Oolichan

Summer: hunting, gathering, fishing

Fall: fishing, smoking and storing of fish, hunting

Winter: feasts and ceremonies



## **II. CURRENT LAND USE**

### **1) RESOURCES**

- \* the Gitanyow Band asserts ownership over their traditional territories and its natural resources
- \* Timber: harvesting, removal and sale by the provincial government, Columbia Cellulose and Canadian Cellulose began 1920
- \* Fish: Salmon (most important to the band), Oolichan from the Nass river.
- \* Areas to be reviewed:
  - commercial and industrial potential
  - hydroelectric potential
  - forest, mineral and marine resources
  - recreational uses
  - conservation activity
  - offshore rights

### **2) MAJOR NON-NATIVE COMMUNITIES**

There are no non-native communities within the claim area. The following communities are located near the claim area:

New Hazelton: The population of this District Municipality, approximately 100 km west of the claim area is 796, and it covers 24.69 square km. Services include an ice arena and public library. Transportation available: Greyhound Bus Lines.

Hazelton: located approximately 290 km east of Prince Rupert; 145 km east of Terrace; 75 km west of Smithers. The village of Hazelton, near New Hazelton covers 2.86 Square km. and has a population of 339, plus 555 people living on the Gitanmaax reserve for a total of 894.

Stewart: this District Municipality is located just west of the claim area. The population is 1,151. Transportation available: Trans Provincial Airlines.

Terrace: this city is located south of the claim area approximately 130 km from the community. It has a population of 11,433 and covers an area of 19.21 square km. Services include a marine operation and development and a ski hill. Transportation available: Air B.C., Canadian Airlines, Trans Provincial Airlines, B.C. Bus Transit, Farwest Bus Lines, Greyhound Buslines and Via Rail.

### **3) TRANSPORTATION**

The only highway through the area is highway 37. There is no rail line through the area. The band is seeking highway compensation.

### **4) ECONOMIC ACTIVITY/HOLDINGS**

#### **(a) Native**

Private or Band-owned business enterprises include: Fishing, logging, tourism (carvers)

The Westim Resources Ltd (Premier) gold and silver mine may be located within the claim area (at the north west edge).

#### **(b) Non-Native**

### **5) TOURISM, PARKS AND PROTECTED AREAS**

Highway 37 running through the claim area is a tourism travel route.

Meziadin Lake Provincial Park is located within the claim area. It covers 334 ha. and was established in 1987. Facilities include 42 vehicle campsites, boat launch, fishing and swimming.

A category 2 "large study area" (Bear Glacier/Pass) identified by the Ministry of Parks is located within the claim area. The area is being evaluated for its potential value as a park or wilderness area. The Ministry expects to make a decision on the designation of the area by 1993.

### **6) FEDERAL CROWN LAND**



**IV. THIRD PARTIES**

**1) Interest Groups**

**2) Major Employers**

**V. RELATED ACTIVITIES**

**1) Interim Measures/Joint Stewardship Agreements**

**2) Relevant Court Action**

## VI. CHRONOLOGY OF KEY EVENTS

- \* wars with Stikine people took place until the mid-19th century, when Gitanyow authority over the territory was re-affirmed and the areas around Meziadin Lake and Bowser Lake were gained
- \* 1888: fear of an Indian uprising in the area led to the deployment of the militia and the murder of "Gitanyow Jim" by the RCMP
- \* 1901: the lands to be reserved are sketched; the population has dwindled to 64, with 115 having migrated to the Nass.
- \* 1908: Gitanyow joins with other First Nations in resisting the reserve system; involvement in the B.C. land claims begins; the Indian agent visiting the region is told that the native people do not want a reserve
- \* 1909: strong opposition to the establishment of a reserve voiced
- \* 1910: three Gitanyow citizens charged with intimidation in connection with forcible obstruction of the entry of Whites into the territory
- \* 1911-1914: provincial government surveyors stake out lots in the area but are prevented from surveying the area; Gitanyow citizens found guilty of obstructing a surveyor and receive fines and suspended sentences
- \* 1919: Indian Agent reports Gitanyow band members continue to resist the entrance of White settlers and are alleged to have removed survey posts
- \* 1927: three Gitanyow citizens incarcerated at Okalla for assaulting public officers and obstructing surveyors; the reserve was surveyed and established in their absence
- \* 1974 (November): comprehensive claim submitted to DIAND
- \* 1977 (December): claim accepted by DIAND
- \* the band never accepted or consented to the reserves which they maintain were established under force and duress
- \* the band never accepted any of the \$100,000 B.C Special Funds established in 1927 in lieu of treaty payments
- \* want to collect stumpage and royalties on all natural resources
- \* seek compensation for removal of fur bearing animals, timber resulting in damage to traplines and hunting grounds and destruction of the natural environment



## VII. SUMMMARY OF CLAIM-RELATED ISSUES

The band repeatedly wrote to the federal government protesting the delay in beginning negotiations, until 1981, when the correspondence subsided. However, The Gitanyow began research on their claim financed by INAC loans (\$100,000 in 1975 and \$65000 in 1977). However, they were subsequently refused separate loan funding, based on a 1979 decision to go to joint funding of overlapping claim groups.

Band reservoir. Highway was built over. Shortly after that, the band built the water supply listed above.

**VIII. COMMENTS**

## MEDIA

NEW HAZELTON:  
B.C. Northwest Times  
P.O. Box 159  
New Hazelton, B.C. V0J 2J0

PRINCE RUPERT  
CFPR-AM (CBC)  
222 Third Avenue West  
Prince Rupert, B.C. V8J 1L1

CHTK-AM  
346 Stiles Place  
Prince Rupert, B.C.

Prince Rupert Daily News  
Box 580  
Prince Rupert, B.C. V8J 3R9

Prince Rupert This Week  
413 - 3rd Avenue East  
Prince Rupert, B.C. V8J 1K7

TERRACE:  
CFTK-TV  
4625 Lazelle Avenue  
Terrace, B.C. V8G 1S4

CJFW-FM and CFTK-AM  
4625 Lazelle Avenue  
Terrace, B.C. V8G 1S4

Northern Native Broadcasting  
202 - 4650 Lazelle Avenue  
Terrace, B.C. V8G 1S6

Terrace Review  
4535 Greig Avenue  
Terrace, B.C. V8G 1M7

The Terrace Standard  
4647 Lazelle Avenue  
Terrace, B.C. V8G 1S8

STEWART  
Stewart and Hyder Canal Courier  
Green House Press  
P.O. Box 128  
Stewart, B.C. V0T 1W0



SMITHERS  
CFBV RADIO  
Box 335  
1130 Queen Street  
Smithers, B.C. V0J 2N0

The Interior News  
P.O. Box 2560  
Smithers, B.C.

BY THE N  
BRIEF

TO THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN  
DEVELOPMENT

THE HONOURABLE, JUDD BUCHANAN MINISTER  
OF INDIAN AFFAIRS, OTTAWA.

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Sir:

If the Indians of B.C. are citizens of Canada, the Indians, therefore, are SOVEREIGN PEOPLE; they are constituent members of the SOVEREIGNTY, synonymous with the people; they are members of the civil state entitled to all its privileges.

If Canada is the democratic country running the democratic Government, then surely there is democracy in CANADA and in democracy there are two greatest rights, one is the passive right, and the other great right are the ACTIVE RIGHT; and by virtue of that ACTIVE RIGHT in the Canadian democracy, the Indians, the citizens of Canada have the right to participate in the process of LAW making, therefore, a number of Indians should be in the legislative assembly in OTTAWA, a number of Indians should also be in the house of COMMONS AND SENATE; then there would be a powerful GOOD GOVERNMENT TO KEEP ORDER AND PEACE.

We, the Kitwancool humbly submit this brief for the Federal Government's consideration.

The Kitwancool,

Per Peter Williams, President of Kitwancool,

Peter Williams

Dated at Kitwancool November 11, 1974, A.D.

Chief councillor

Box 134, Kitwaga, B.C.

Edgar Bord

BRIEF

*Return copies  
to Mr. Peter W. W.  
& Mr. Edgar Sord*

TO THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN  
DEVELOPMENT  
THE HONOURABLE, JUDD BUCHANAN MINISTER OF  
INDIAN AFFAIRS, OTTAWA.

Sir:

We, the Kitwancool hereby respectfully intruduce the names of the Kitwancool Territory RULERS; the owners of the Kitwancool Territories; the protectors and defenders of the Kitwancool Territories whose absolute Titles and the Aboriginal are still retained in GOOD FAITH AND JUSTICE.

These rulers are seated on their own respective seats and from each seat, justies and righteousness floweth which we find, in this modern times, not repugnant against GOD'S LAWS.

These rulers were seated on their seats during the Pre-Historic times and before THE GREAT WORLD DELUGE and thereafter; these seats are simillar to that of the GREAT WHITE THRONE!

And now the names of the seats

1. The seat or throne of GWAS-LAM & WEEKA ( SUPREME SEAT OF THE WOLF CLAN)
2. The seat or throne of GAMLAK YELTQU ans SIN DIL( Sppreme seat of the Raven  
er frog clan)
3. The seat of GUNO (Raven or frog clan)
4. The seat of Goo gag (Raven or frog clan)
5. The seat of Gak'l (Raven or frog clan)
6. The seat or throne of Wedek ha yetseq & sedauk (Raven or frog clan)
7. The seat of throne of Maly (Wolf clan)
8. The seat or throne of Haizimsqu (Wolf clan)
9. The seat of throne of Wee litsqu (Wolf clan)
10. The seat or throne of Yak Yak (Frog clan)
11. Lou Kaun seat or throne (Raven of frog clan)
12. The seat or throne of Tka Walkq (Wolf clan)
13. the seat of Yel ( Fire weeds )

We, the Kitwancool and all of these occupants of the authoritative seats or thrones herein mentioned did diligently compare the Kitwancool justice mentioned herein with that of the modern ~~time justice~~ time justice, and fortunately, we find that the Kitwancool justice and the Canadian Justice appear to concur.

Justice are the constant and perpetual disposition to render every man his due.

Justice, is the greatest interest of man on earth. It is the ligament which holds Civilized nations together.

Whereever her temple stands, and as long as it is duly honored, there is a foundation for social security, general happiness, and the improvment and the progress of our race. And whoever labor on this edifice with usefulness and distinction, whoever clears its foundation strengthens its pillars, adorns its entablatures or contributes to raise its august dome still higher in the skies, connects himself in name, and fame, and character, with that which is, and must be, as durable as the frame of human society; justice is the fountain of righteousness !

Commutative justice is that virtue whose object it is to render to every one what belongs to him, as nearly as may be, or that which governs contracts. To render commutative justice, those that are in authority must make an equality between the parties, that no one may <sup>be</sup> a gainer by anothers loss.

That is why the Kitwancool stands firmly and retain its absolute title in the Kitwancool territory and at the same time the Kitwancool fully respects the Government of British Columbia knowing that the Provincial Government of British Columbia have full knowledge of justice herein mentioned.

In view of ~~all~~ the foregoing, the Kitwancool respectfully desire that the Provincial Government of British Columbia take every well considered steps and negotiate with the B.C. Indians for an honourable settlement of all the Indian land claims in B.C. for the benifit of every one.

And now, Sir, we respectfully point out, <sup>that</sup> this reserve was surveyed in 1927, A.D. without the <sup>consent</sup> of all the Kitwancool rulers mentioned herein; it was established by force and duress after the Canadian Government throw the Kitwancool's second president, the late Albert Williams and all of his colleagues into Okalla Prison; that is why we, the Kitwancool, call this reserve "The Okalla Prison Reserve"

Today, we are still in "The Okalla Prison reserve" the Kitwancool never accept this reserve, therefore, the Kitwancool retain its absolute title as well as the aboriginal that are still residing in the Kitwancool territory; this includes all the natural resources whatsoever that are within the Kitwancool territory.

When the Kitwancool President, The Late Albert Williams and his colleagues were thrown into Okalla Prison, as above mentioned, the occupants of the ~~High seats~~ High seats, above mentioned were suffering a very great embarrassment and anguish! but the president advised them to calm down and wait, Justice and righteousness never die, he said.



We, the Kitwancool, did notify the British Columbia Government Forest branch that the Kitwancool have vested and fixed interest in every Timber that are removed from within the Kitwancool territory, this item will be brought up in due time.

Damages on Kitwancool trap lines will also be brought up in due time. In the meantime, in order to keep such account down as low as may <sup>be</sup> reasonably necessary, we respectfully desire that no more timbersale be issued to anyone, not being the Kitwancool, by the B.C. forest Branch until after negotiation is completed.

The chief reason for the Kitwancool pressing the B.C. Government to negotiate with the Kitwancool is 1. that the B.C. Government is doing business within the Kitwancool territory notwithstanding the Kitwancool objection. 2. that the B.C. Government was a party of the McKenna-McBride Agreement; in that agreement, the Honourable J.A.J. McKenna represents the Dominion Government while THE HONOURABLE SIR RICHARD McBRIDE, AS PREMIER OF THE PROVINCE OF BRITISH COLUMBIA represent the Government of British Columbia; that agreement was dealing with the Indian problems and reserves.

We, the Kitwancool, wish to hasten all the proposed northern development, therefore, we desire <sup>to</sup> bring about the necessary settlement of Kitwancool land claim in 1974 Or early in 1975, A.D. (Especially railroad and Highways).

And now, Sir, we respectfully submit this brief.

Dated at Kitwancool, B.C. November 11, 1974, A.D.

The Kitwancool,

Per Peter Williams, President of Kitwancool,

Peter Williams

Chief Councillor

Edgar Good

Gentlemen of the Government of Canada  
and  
the British Columbia Government  
Authorized Negotiators Regarding  
the Kitwancool Territory

Mr. Brian Hartley, Special Claims Representative  
and

The Honourable Minister of Indian and Northern Affairs  
Hugh Faulkner,  
Ottawa, Ontario.

Part A

Gentlemen:

Before the Kitwancool commence negotiation with the Federal Government of Canada and the Government of British Columbia, regarding the Kitwancool Territory, the Kitwancool humbly desire to identify and introduce the names of the Rulers, Owners, Protectors and Defenders of the Kitwancool Territories whose absolute titles and aboriginal titles are still retained in Good Faith and Justice.

These Rulers, Owners, Protectors and Defenders of the Kitwancool Territories are seated on their own seats and from which each seat flows Justice and Righteousness, which the Kitwancool find, in these modern times, not repugnant against GOD'S LAWS.

These Rulers, Owners, Protectors and Defenders were seated on their seats during the pre-Historic times, since the Great World Deluge. (The Deluge is recorded in the histories relating to the poles of Chief Guno, page 18, Histories, Territories and Laws of the Kitwancool.)

These seats are similar to that of the Great White Throne-- that being the seat of our British monarch, Queen Elizabeth II, of the House of Windsor. No one is allowed to occupy any of these seats unless he or she uses the same name of the ancient or the former occupants of the seat. Furthermore, occupants of any of the seats of authority mentioned herein, must be free from any record of guilt. And still furthermore, no one can occupy any of the seats of authority, above mentioned, unless he or she passes through tremendous tests for many years. This requires enormous expense and great responsibility on the part of the man or woman who will assume any of the seats of authority. Some of the duties involved are briefly outlined in Histories, Territories, and Laws of the Kitwancool on page 37, under the heading "Chieftainship, Rank and Power".

The occupants of the seats of authority did carry out their duties as Rulers, Owners, Protectors and Defenders of the Kitwancool Territories in two Wars in which the Kitwancool were nearly wiped out. Therefore the Meziadin Lake became the lake of the Kitwancool.



blood, as well as the Kitwancool Lake and all the lakes that are within the Kitwancool territories. (Further details of the acquisition of territories is given in the research document which is part of this submission.)

The original name of Kitwancool was GIT AN YOW, meaning, "village of many people" or "invincible people", but because the GIT AN YOW were nearly wiped out in the Wars, the name was changed to KIT WAN COOL, meaning, "village of reduced number". They still however, retained the entire territory, the boundary lines of which are roughly estimated on the map inside the cover of B.C. Memoir No. 4, 1959--Histories, Territories and Laws of the Kitwancool.

And now, Gentlemen, just before the Kitwancool humbly identify and introduce the names of the Rulers, Owners, Protectors and Defenders who are the occupants of the HIGH SEATS above mentioned, the Kitwancool beg to explain what the white men call TOTEM POLES. These are not "totem poles"; these are the visible and tangible evidence of Kitwancool rights and authority in the Kitwancool territory. The visual display of crests is of similar origin as the use of "coat of arms"--such as the Great Coat of Arms of Canada, and that of the Highly Honoured Coat of Arms of the Great Province of British Columbia.

The Kitwancool humbly desire that the Government of Canada and the Government of British Columbia render a graceful hand profoundly so that the Kitwancool might be able to get around its own stone wall, because the said Kitwancool Rulers do not allow the Kitwancool to surrender or to sell any part of the Kitwancool territory.

And now, Gentlemen, here are the seats of authority herein mentioned:-

- 1/ The seat or throne of Gwas-lam and Weka, Supreme seats of the Wolf Clan.
- 2/ The seat or throne of Gam-lakyeltq and Sindil, Supreme seats of the Frog-Raven Clan.
- 3/ The seat of Guno (Frog-Raven Clan).
- 4/ The seat of Goo gag (Frog-Raven Clan).
- 5/ The seat of Gakl (Frog-Raven Clan).
- 6/ The seat of We dak ha yetsq and Siauk (Frog-Raven Clan).
- 7/ The seat of Maly (Wolf Clan).
- 8/ The seat of Haizimsq (Wolf Clan).
- 9/ The seat of Wee Litsq (Wolf Clan).
- 10/ The seat of Yak Yak (Frog-Raven).
- 11/ The seat of Lou-Kaun (Frog-Raven).
- 12/ The seat of Tka Walkq (Wolf Clan).
- 13/ The seat of Yel (Fireweed).

The above mentioned Rulers do not proclaim or decide upon any matter without the consent or advise of the Ruler's Council who occupy the smaller seats.

Part B

And now, Gentlemen, the Kitwancool set forth further conclusive evidence covering the present reserve matter:

That the Kitwancool never consented or accepted the present Indian Reserve which was established in 1927, in the year of our Lord, by force and duress, when Kitwancool's second President, with all his colleagues, were forced into Oakalla prison and the Reserves were then established in their absence. While many of the reserves along the Skeena river and Nass River were established with the consent of their chiefs, Kitwancool was not. For this reason the Kitwancool call this reserve OAKALLA PRISON RESERVE.

The Kitwancool have been critized because they have failed to establish any commercial or industrial operations in Kitwancool. That criticism was very good and right; but how can the Government of Canada or the Government of British Columbia possibly expect the Kitwancool to be so industrious when the Kitwancool only manage to breath and roll its eyes around helplessly within the walls of the said "Oakalla Prison Reserve," while the British Columbia Government rapaciously harvests the lucrative Kitwancool forests?

Here now, Gentlemen, in addition to the above matter, the Kitwancool respectfully desire that the following submission be dealt with profoundly and resolutely by both Governments concerned, and the Kitwancool, with intensive care because the Maxim reads-"summum jus summa injuria" meaning "The rigor of the law, untempered by equity is not justice". Again the Maxim read-"Prior possession is a good title of ownership against all who cannot show better."

1. By virtue of all the foregoing rights and absolute title and the aboriginal title that are still retained alive, in good color of rights in the whole Kitwancool territory, the Kitwancool hereby humbly desire to negotiate with the Federal Government and the Provincial Government so that the entire Kitwancool territory, in due care, be reserved as "Kitwancool Reserve" not "Indian Reserve," under a special enactment by the Federal Government



and the Kitwancool authorities mentioned herein for the benefit of Kitwancool forever with a good relation between the Kitwancool and the British Columbia Government.

2. That the Kitwancool have a DE JURE interests in every timber that has been removed and sold by the British Columbia Government, since 1920 in the year of our Lord, and furthermore, the Kitwancool have DE JURE interests in every timber that was removed by the Columbia Cellulose and the Canadian Cellulose from from within the DE JURE Kitwancool territory; in this case, the Kitwancool is in a position to collect stumpages and Royalties.

3. By virtue of all the foregoing rights, the absolute title and the aboriginal title that are still retained, in good color, in the whole Kitwancool territory, the Kitwancool respectfully desire that the British Columbia Government and the Government of Canada to jointly pay compensation for the removal of fur bearing animals shelter (the trees) thus damaging the hunting and trapping grounds and also for damaging the natural beauty of the hunting and trapping grounds.

4. The Kitwancool shall collect, as may be reasonably necessary, royalties and any and all natural resources that may be removed or discovered within the Kitwancool territory.

5. That the Kitwancool may lease out any part of the Kitwancool territory to anyone.

6. That the Kitwancool may examine any justifiable offer that the British Columbia Government might be pleased to offer in writing with a view to establish any agreement that will surely protect the rights and benefits for the Kitwancool to enjoy forever.

7. That the Kitwancool may examine any justifiable offer that the government of Canada may wish to present, in writing, regarding the Kitwancool territory.

8. Bear in mind that the Kitwancool is independent from time immemorial and the fact that the Federal Government only started spending money on Kitwancool affairs in 1938 in the year of our Lord when it first opened the Indian day school in Kitwancool; the British Columbia Government must also bear this in its mind.

9. The Kitwancool held both Governments responsible because both Governments were parties in the McKenna-McBride agreement on September 24, 1912 regarding Indian Reserves; further reason why the Kitwancool held the two Governments responsible is because one of the two Governments is considered "THE GREAT CONSTITUTING GOVERNMENT" and the other Government is considered "THE GREAT CONSTITUTED GOVERNMENT."

10. The extend of the Kitwancool territory commencing at 7 miles north of Kitwanga to the outlet of the Bowser lake up North; the Kitwancool Boundary line out across the Kitwanga road North of Kitwanga at 7 miles as aforesaid, thence west crossing the Kiteen tributaries, then the boundary line follow the downward course of the said Kiteen River on its west side, then the boundary line out across the Nass River at a place called 'Git-kse-dzozgu' which is approximately 13 miles above the New Aiyansh; and continuing so that the Kin-sk-uch lake and Kin-sk-uch River are situated inside the Kitwancool territory: the boundary line continues to about ten miles west of Bowser lake, then turns North east and the boundary line cut across the Bowser lake outlet and then the boundary follow the downward course of the Cis-am-melded River, and then it cut across the Nass River and continue for about forty miles, then it turns about east for about 70 miles and then the boundary line following the ridge of the mountain called leap-ha-haedquid: crossing the Kispiox River at a place called Ksa-wedin and then the line turns southeast including the mountains and the Moon creek and the mountains east of Kitwancool Lake and the mountains North east of Kitwancool and the line continues to the point of commencement at 7 miles north of Kitwanga as aforesaid: The Kitwancool territory is 130 miles long more or less and it is about 60 miles wide, more or less as shown on the map on the inside cover of the Histories, Territories and Laws; of the Kitwancool.

11. Education for Kitwancool should be from A to Z, that is to say, from Kindergarten to University is absolutely neccessary, therefore, it may be compulsory; educational agreement and program



must be established by the federal government with the Kitwancool educational committee; profoundly and resolutely, educational agreement must be DE JURE, therefore, the Federal Government, the Kitwancool educational committee and the British Columbia Government must be all parties of such agreement.

12. Housing must be established by agreement between the Kitwancool and the Federal Government of Canada.

13. It is the well considered consideration of the Kitwancool to pray to the British Columbia Government Highways Department to pay commensurately, in the form of lease for building Highways through the Kitwancool territory.

14. Government is a rudder; Government is natural to man and characteristic. No animals have a government; no authority exists among them; instinct and physical submission alone exist among them; Man alone has Laws which ought to be obeyed. No cluster of man, no individuals banded together even for a temporary purpose can exist without some sort of Government instantly springing up; man alone have Laws; that is how the Kitwancool stand during the past centuries to date.

15. Now the Kitwancool humbly desire to make further progress working with the Federal Government or the British Columbia Government and then resolutely press forward for the economic and cultural progress of Kitwancool continually.

16. Any agreement covering settlement regarding the Kitwancool territory must be signed by the DE JURE Exoficio chief executive the President and the High Chiefs namely, for the Wolf clan;

Chief Gwas-Lam

Chief We-ka

Chief Maly

Chief Nias-laganose

for the Raven clan:

Chief Cam-lakyoltq

Chief Sindil

Chief Guno

Chief We-lami

The first two of the wolf clan are the occupants of the Supreme

seats as shown on page 2 of these documents; the first two of the Raven clan are the occupants of the supreme seats of the Raven clan as shown on page 2 of these documents; please note with honour that the signatures of the Kitwancool Chief Councillor and his councillors must also be conspicuous on any agreement of settlement regarding the Kitwancool territory; without all these signatures, no agreement may be ratified. Any agreement regarding the Kitwancool territory settlement must be subject to change or revision in order to meet the progressive modern times exegency, but the same signatories except the signature of the President may be different, also the signatures of the Councillors may be also different.

17. It is the humble desire of the Kitwancool that the Federal Government <sup>monetary assistance</sup> be favored in order to continue research and all efforts towards reaching a settlement and agreement regarding the Kitwancool territory.

18. By virtue of all the aforementioned rights, the Kitwancool humbly desire that the Kitwancool may hunt or take any wildlife for food as may be reasonably necessary and that the B.C. wildlife Act may be suspended in the Kitwancool Territory during negotiations; trapping rights must also be retained by the Kitwancool within the Kitwancool territory.

In the eyes of Kitwancool, no society, no cluster of men, no individuals banded together even for a temporary purpose, can exist without some sort of Government instantly springing up. Government is natural to men and charisteric. No animals have a Government; no authority exists among them; instinct and physical submission alone exist among them. Man alone has LAWS which ought to be obeyed.

In the eyes of the Kitwancool, and in the eyes of the whole world, as rights precede Governments all over the world, so we find that now rights are acknowledged above Governments and their country around the World, in the case of International Laws; International Laws is founded on rights, that is, well grounded rights similar to that of the Kitwancool rights and claims which civilized countries, as individuals, make upon one another.



As Governments come to be more and more clearly established,  
(rights are more clearly acknowledged and protected by the LAWS,  
all over the WORLD; that is binding all over the WORLD!

Honourable Gentlemen of the Government of Canada and the  
British Columbia Government authorized negotiators, and the  
Honourable Minister of the Indian and Norther Affairs, we the  
Kitwancool beg to assure you all that the Kitwancool raise all the  
above points only to refresh our minds during negotiation in order  
to arrive at a satisfactory settlement regarding Kitwancool  
territory.

And now the Kitwancool humbly submit all the within mentioned rights with all the conclusive evidence.

Signed:

*Peter Williams*

Peter Williams, President of Kitwancool  
Box 134, Kitwanga, B. C.

Wolf clan supreme chiefs:

Chief GWAS-LAM Abel H. Campbell  
Chief WE-KA Walter <sup>ding</sup> Derrick  
Chief MALY Gordon J. Johnson  
Chief NIAS LAGANOSE Fred Good

Raven clan supreme chiefs:

Chief GAM-LAKYELTO Salomon Marsden  
Chief SIN-DIL Robert W. Good  
Chief GUNO Godfrey Good  
Chief WE-LAMIE Glenn W. Derrick

Councillors Signatures:

Chief Councillor Vernon Smith  
Councillor Andrew Johnson  
Councillor William Spag  
Councillor Jacqueline Smith  
Councillor \_\_\_\_\_

Dated at Kitwancool and submitted this Seventeenth day of  
October 1977, A. D.

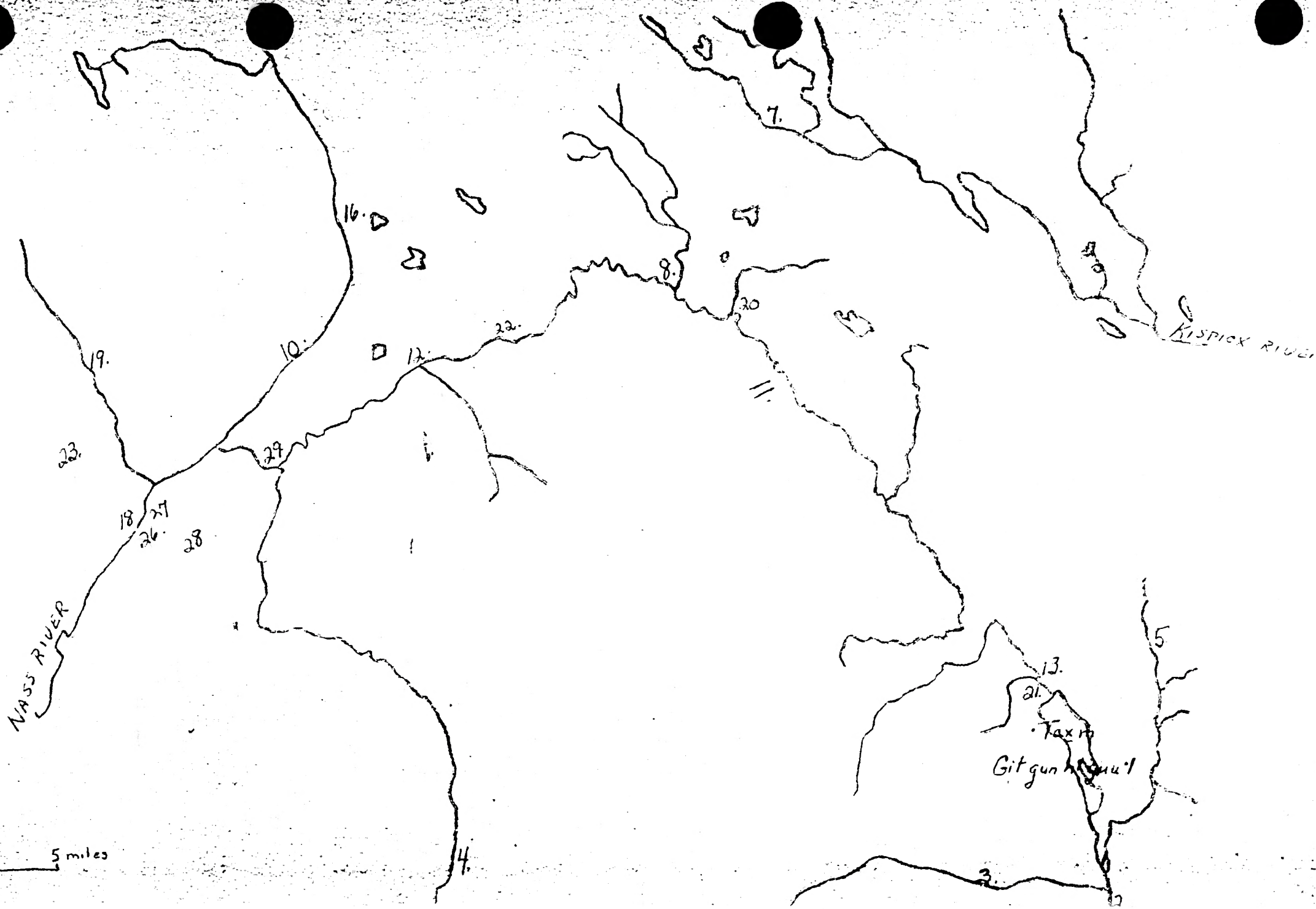
All other occupants of seats shown on page 2 of this documents  
are councillors of the chiefs.

Map: KITWANCOOL TERRITORY

- 1/ Git an yaaw -- village of many people
- 2/ Ksi 'Tax -- river flowing from a lake --Kitwancool River
- 3/ Ksi gin 'Tagyin-- --Kitwancool Creek
- 4/ Gyehl 'Tin -- Kiteen River
- 5/ Ksi ha tak xw't -- muddy water (Moon Creek)
- 6/ Ksi gise am 'meldid-- cottonwood creek-- Surveyor's creek
- 7/ Git an Gwelkw -- you are always thirsty there
- 8/ Gaks Bax skit -- approaching of the hill
- 9/ Guun ha Giisdwx -- -- Gwinageese
- 10/ Ksi 'Tyhimsim -- --Nass River
- 11/ Ksi 'ya ga skid -- river gradually descending-- Cranberry R.
- 12/ Ks gi geenit --Upper Place for fishing
- 13/ Wilp am 'tuuts -- house of charcoal
- 14/ Anx 'Ts'imilx na gits -- place where wolverine eats beaver  
--Wolvering River
- 15/ Aks naa gyelga --river of poor water, waters of Gyelga
- 16/ Win ska hlguu'l-- narrow canyon
- 17/ 'Taxm Meziadin --
- 18/ Git kse 'Tsuutsxw -- spring water found here
- 19/ Gins Guux --Kinskuch River
- 20/ An lo'op bi 'tlo Kots --place where wild rhubarb grows
- 21/ Gin axx -- place where kind of fern grows
- 22/ Ksi mihl etrwit-- green river
- 23/ Lax wijix -- mountain where cariboo are hunted
- 24/ Win naa skan gyemdit -- where saskatoons are found
- 25/ Kse s'yun -- glacier
- 26/ Ksi Tekw -- swirling water
- 27/ K'il hla lo'opbit -- on a rock
- 28/ Lax sak gat -- sharp rock
- 29/ Gib Xasxw --
- 30/ Lak an zoq-- place of the Fishing village
- 31/ Ksi 'wii 'tin --place of fish weir

NOTE: THESE PLACE NAMES ARE SPELLED USING THE GITKSAN ALPHABET WITH THE EXCEPTION OF LAK AN ZOQ, WHICH INCORRECTLY USES THE LETTER "Q".

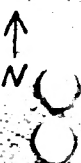
24.



KISPICK RIVER

NASS RIVER

Faxm  
Gitgun



0 5 miles



(6.)

25.



↑  
N.

0 5 miles

KISPIT R



CHAPTER 1:

THE ORAL TRADITION

KITWANCOOL RESEARCH SUBMISSION  
TO THE  
MINISTER OF INDIAN AND NORTHERN AFFAIRS  
HUGH FAULKNER

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B.C. Provincial Museum, 1959.

# NAMES OF CHIEFS AND HEADMEN

Lax gibuu

GWAAS HLAA'M "borrowing a shin bone" --Abel Campbell

'WII YA'A "big slave" --Walter Derrick

'MAALI "like crazy man" --Gordon Johnson

HAI JIMSW "messenger" --David Wesley

NIIS HLA<sup>K</sup> GAN UUS "slaves grandfather" --Fred Good

AY GUN DESXW "no one allowed to touch him" --Bob Bright

'WII 'LITSXW "big blue grouse" --John Robinson

TYAA WOKOYW "half sleeping" --Eddy Russell

Caneda

K'AM LAX YELTYW "walking to and fro" --Solomon Marsden

SINDIHL "frayed clothing of a traveller" --Bob Good

SIN GI WIN "seagull hunter" -- Ivan Good

GU 'NUU "begging" --Godfrey Good

GU GAAK "little raven" --

SI DOOK "deceiver" --Lawrence Williams

'WII HLEMII "banker" --Clarence Derrick

WI TAX HA YETXW "big copper shield" --Barney Good

LUU XHOON

'TSII WA "bailing out water" --

#### HOUSE OF GWAAS HLAAM AND 'WII XA'A

The original name of Kitwancool was Git an yaaw, meaning, "a village of many people". It was founded by Chief Gwaas hlaam of the Lax gibuu or Wolf clan many generations ago. The house of Gwaas hlaam and 'Wii xa'a originally came from a village situated on Kaien Island near Prince Rupert, where they lived over one thousand years ago. They travelled up the Nass River towards the interior and established villages along the way. However, they did not settle down permanently until they reached a land which was plentiful in fish, game and fur. Here was established the village of Git an yaaw, soon to be joined by Chief Txaa wokoxw and 'Wii 'Litsxw and others.

Git an yaaw was a very large village. Its houses lined along the kitwancool River (Ksi 'tax), extending from the 8-mile post to Lake Kitwancool. The hunting territories of these Wolf chiefs are located predominantly in the watershed of Ksi 'tax; Ksi gin 'taayin, extending westward into the watershed of the Gyehl 'tin; and Ksi ha tak xw't, draining land on the east side of Lake Kitwancool. Other parcels of land are owned on the west side of the Nass River, extending beyond Meziadin Lake right up to the northern boundary of Ksi gise am 'meldid.

#### HOUSE OF 'MAALI AND HAI JIMSW--WOLF CLAN

The household originates from the Gitanmaaks village (Hazelton), one of its original members being the great-grandfather of Fred Good. When a division took place among the household, one group headed for Git an gwelkw, a canyon about 60 miles upstream from Kisplox. The name means "you are always thirsty there". Head Chiefs 'Maali, Hai jimsxw and Ax gun desxw established a permanent camp there.

Their territory includes Ksi 'wii 'tin which borders on the Kisplox territories. A song belonging to Fred Good's family immortalizes the location of the boundary. For it was here that Chief 'Maali observed the drowning of one of two bear cubs with which the mother attempted to swim the river. This story is also related in the pole of 'Maali which displays the crest known as "grizzly bear's den."

At some later time in history, Chief 'Maali and his household joined Chief Gwaas hlaam at Gaks bax skit (near 50-mile post), on Ksi 'ya ga skid or Cranberry River, where they became as brothers. They also joined Gwaas hlaam at his permanent village of Git an yaaw and were accepted among the Git an yaaw people.


The territories of 'Maali border that of Gwaas hlaam on the south, extending to the headwaters of the Kisplox River, to Guun ha giisdxw and Lu ha k'uhl gaagat which are drained by rivers flowing north into the Nass River.

#### HOUSE OF GU 'NUU--FROG CLAN

According to legend, Gu 'nuu and his family landed on the coast of Alaska after the Great Deluge. As they travelled back towards their homeland, their route took them up the Nass River Valley

(Ksi 'txhimsim) and Ksi 'ya ga skid. For some time they stayed at Ks gi geenit, (58-mile post), where they erected a pole which relates the story of Neegamks and her mythical frog children.

However, after many years, Gu 'nuu continued on his journey, claiming the territories at the source of Ksi 'ya ga skid as their own, which remain so until this day. At a place three miles above Kitwancool Lake, they built a house of charred logs--Wilp am 'tuuts. Many years later, Gu 'nuu joined the village of Git an yaaw where again the pole was erected in the memory of their sister Nee gamks.

The traditions of the house of Gu 'nuu are told in a total of eight poles, bearing crests of the frog, flying frog, and starfish. 

#### HOUSE OF K'AM LAX YELTXW AND SINDIHL--FROG-RAVEN CLAN

The house of K'am lax yeltxw and Sindihl originally lived at the headwaters of the Skeena River. Over many generations, they moved down along the Nass River, camping at various locations including Anx 'ts 'milx na gits (Wolverine River), Aks naa gyelga, Win ska hlgau'l, Ks gi geenit and Git kse 'tsuutsxw, (place of the seagull hunter). As they travelled, they made their map and established their powers over these lands.

Three poles situated in Kitwancool village relate the history of this house while they were still among the nomadic tribes of the interior--"Raven's Nest", "People of the Smokehole", and "On Sleeps the Raven". The major crests are Raven, People-of-the-Smokehole or Real-People-of-the-Ladder, and Headdress-of-the-Upper-River.

#### THE ACQUISITION OF TERRITORY BEYOND MEZIADIN LAKE

The people from beyond 'Taxm Meziadin were known as the 'Tse 'tsaut. They frequently visited the village of Git kse 'tsuutsxw, and traded there. Sin gi win (Seagull hunter), of the Frog Clan was chief of this village.

One time however, on their arrival, they found that Sin gi win had been killed by his brother Sindihl. Angered by the death of their friend, they followed Sindihl to Git an yaaw, attacking the village at night, taking many lives.

Avenging the deaths of their relatives, the people of Gitlusek, Kitwanga, and Kitsegukla banded together in a war party and attacked a camp at Lax an 'tsak at Meziadin Lake, killing them all.

However, a few years later, the Stickine people were once again trespassing on the hunting territory of the Git an yaaw, and the truce was broken.

The 'Tse 'tsaut attacked Ks gi geenit, killing Chief Luu xhoon and K'am lax yeltxw of the Frog tribe. Again, the Git an yaaw set out to avenge the deaths, with Chief Gu 'nuu as their leader. The battle which took place on a hill at the south end of Meziadin Lake was fierce, but the Git an yaaw were victorious.

Peace was made with the Stickine peoples, and the land around Meziadin Lake was acquired as a result. It was also a result of the wars that the name of the village of Git an yaaw was changed to Git gun hlgau'l, meaning "village of reduced number".



CHAPTER 2:

KITWANCOOL TERRITORIAL  
RIGHTS AND BOUNDARIES

## KITWANCOOL TERRITORIAL RIGHTS: A BRIEF SKETCH

Among the Gitksan, a formalized system of land tenure exists, in which rights to specified hunting, fishing, and collecting grounds are firmly embedded. In a social structure consisting of a complex organization of clans, sub-clans, houses and lineages, laws concerning the ownership and use of these territories is strictly adhered to. In the past, trespassing in the territory of another clan could be punished by death. The protection of the territorial rights has remained strong among the Kitwancool. In his ethnology manuscript, G.T. Emmons wrote, "In 1907 I met an old man of this village, (Kitwancool), visiting Kit-lagh-damokx on the Nass, who told me he considered it his right to trap far in toward the tributaries of the Stickine and that on maintenance of this claim, when a young man, he had killed two Tahltans whom he found there."

As defenders of the Kitwancool territories, many faced jail sentences during the years in which the Indian Reserves were surveyed. And even yet, traplines are registered by house and clan, evidence of this strong feeling which has persisted.

### ANNUAL CYCLE

Salmon serves as the one most important resource base of traditional way of life. From spring to fall, various species were taken in preparation for the long winter months. Oolichan, a fish which is highly prized for its oil, is taken from the Nass River. In the 1891 report of A.L. Poudrier, B.C. Provincial Surveyor, Kitwancool is described as "a kind of market town where the oolichan grease is taken from the Lower Nass and sold to the tribes of the interior who have to pay dearly for this highly prized luxury. It would be hard to estimate the quantity of that article imported to this spot, but the hundreds of boxes seen by us show well the great extent of the trade. These boxes are scattered all through the interior, to the foot of the Rockies, and I am told, a long way beyond that. The name of this trail is the Grease Trail.

The collection of fruit and vegetables was also a major task in the summer months; again, use of the gathering areas was strictly controlled under the laws of Kitwancool.

In late fall, after the salmon had been smoked and stored some hunting was carried out, and the preparations for the winter were made. The winter months were a time for feasts and ceremonies at the village of Git-anyaaw.

### NASS RIVER VALLEY

For some years now the Nishga Tribal Council has claimed that their people lay ownership to the land which drains into the Nass River, from the watershed which divides the Skeena and the Nass drainage. The Kitwancool, cautious to prevent any injury to the

Nishga case which went before the Supreme Court of this country, did not speak out. The ownership of this territory must now clearly be defined to both the Federal and Provincial Governments.

The Cranberry River (Ksi-'ya-ga-skid), which drains into the Nass (Ksi-'txhimsim), has long been utilized and occupied by the Kitwancool. Much of the history was documented by the late Professor Wilson Duff in "The Histories, Territories, and Laws of the Kitwancool".

In 1975, in a feasibility study for the proposed route for a C.N. rail line, the Provincial Archaeologist identified 25 sites which could be directly affected by construction, if it should take place. Informants from both Aiyansh and Kitwancool were consulted. And as a result, the knowledge of several Kitwancool band members led the archaeological survey to the discovery of several sites near the confluence of the Cranberry and Kiteen Rivers, and along the Nass River.

Site 5 was identified by Aiyansh informants as being a fishing camp named Gitsheoaksit, belonging to Chief Skat'iin of the Wolf Clan. The location of this site is the south bank of the Nass River. 200 yards upstream, opposite the mouth of Tchitin River. This is outside the Kitwancool boundary and has never been included in their maps.

Site 2 is located at the junction of the Kiteen and Cranberry Rivers on the north side of the Cranberry, well within the Kitwancool boundary. A cabin which belonged to Chief Wi-tax-ha-yetsxw of the Frog Clan once occupied this spot. The area is now covered by dense bracken and nettle undergrowth and no trace of the cabin could be found.

Other sites which were surveyed include a fishing camp at Nass Canyon Head and a fishing camp at a point across from the mouth of the Kinskuch (Gins-Guux) River, now Indian Reserve #53, Gwingog, New Aiyansh Band. Three New Aiyansh Band Indian Reserves fall within Kitwancool territory--#52, #53, and #57.

To explain why the New Aiyansh Reserves fall within Kitwancool territory, it is necessary to look at the Royal Commission Reports of the meeting held October 8, 1915 at Aiyansh. For at this meeting five out of the fifteen who gave evidence were from Kitwancool. They were part of the migration which took place in the late 1800's, as salmon canneries and Anglican Missions were established on the Nass River. Kitwancool's population declined from 180 in 1889 to about 65 in 1905, when Indian Agent Loring estimated that 115 of the Kitwancool lived at Aiyansh and other villages along the Nass. Some of the people eventually returned to the village of their birth, but others remained on the Nass. Therefore, to this day many of the Nass people who are descended from Kitwancool possess ancestral rights in Kitwancool. However, the land remains in Kitwancool territory; it cannot be moved elsewhere; and its ownership remains in the name of those who hold the seats of authority in Kitwancool, the chiefs of the Frog and Wolf clans.

#### ROYAL COMMISSION REPORTS

Speaking to the Commission at Aiyansh, William Gogak spoke: "There is a piece of ground at the end of the lake which I want for myself--I am going up to this place and I am taking my cattle up with me as this was left to me by my grandfathers. There is another

place marked on the sketch known as An-laubiglozatz, (An lo'op bi 'tlo Kots). This will belong to my nephew. Another one of our camps called Gin~~hag~~, (Gin axx), and on here I want another of my nephews to camp."

William Gogak or Gu-Gaak was a leading member in the house of Gu-'nuu of the Frog Clan of Kitwancool. He lived in Aiyansh for a while, but later returned to Kitwancool where he is buried. Two of his children live in Kitwancool today--Miles Gogag and Mrs. Lottie Douse. The land which Gogak describes, refers to the land at the end of Kitwancool Lake, called Wilp-am-'tuuts, "house of charred logs", owned by Chief Gu-'nuu. Gu-Gaak and his nephews have rights to this land, and other land described, as they are members of the house of Gu-'nuu. Current Chief Gu-'nuu is Godfrey Good of Kitwancool.

In his speech before the Commission, Walter Dasque said that he was boss of a piece of land known as Gaks-bax-skit. From this point there are three trails, one to Kispiox, one to Meziadin Lake and one to Kitwancool. Dasque had a house and garden there. It had been used by his grandfathers for hunting purposes, and what they used to call garden used to be beaver lakes.

Walter Dasque or Ax-gun desxw was a leading member of the house of 'Maali, of the Wolf clan of Kitwancool. His name is presently held by Bob Bright. Today, Fred Good (Chief Niis-hlak-Gan-us) of Kitwancool, the nephew of Walter Dasque is an important elder of the Wolf clan. The houses of 'Maali and Hai-Jimsxw of Kitwancool own the eastern portion of the Kitwancool territory, much of which drains into the Kispiox River system.

Richard Derrick relates to the Commissioners that his family is living at a place called Ks-gi-geenit. His brother lives at Ksi-mihl-etxwit (Derrick Creek), where he gets his berries and fish. On the map he marked from Win-ska-hlguu'l, on the upper Nass down to and including the Gins-Guux River.

Arthur Derrick also spoke on behalf of their family. He said that in the thirty years since they lived in the village of Aiyansh, they continued to return to Gins-Guux Creek to obtain their food. He also spoke of their other relatives who used this land, and further upstream on the Nass for hunting, berries, and fishing.

Arthur Derrick eventually occupied the seat of K'am-lax-yeltxw, leading chief of the Frog-Raven clan in Kitwancool. (Solomon Marsden now holds this authority.) The older Richard Derrick was also a high-ranking member of the same house. Another brother, Thomas Derrick, ('Wii-hlemii), lived his entire life at Kitwancool. He is the father of Walter Derrick of Kitwancool. Other close relations include the late Ambrose Derrick (Chief Luu-xhoon), and George Derrick ('Tsii-wa), of the house of Luu-xhoon both of whom always lived at Kitwancool, and never moved to the Nass. However, Timothy L. Derrick of Aiyansh, who spoke before the Commission is not related to the Derricks of Kitwancool.

Another Kitwancool who spoke at the Aiyansh meeting was Robert



Pearl, Chief 'Wii-xa'a of the Wolf clan. He is the grandfather of Walter Derrick, current Chief 'Wii-xa'a. Pearl was for a short time Chief Councillor at New Aiyansh, but late returned to his former village.

#### NASS RIVER BOUNDARY

The boundary which lies between the Kitwancool and Git-lak-damax is at the ancient village of Git-kse-'tsuutsw, the history of which is recorded in the Hisories, Territories and Laws of the Kitwancool. This is the village where Fred Good's grandfather stayed, and his mother was raised there until she was grown up. Today the site is a grassy plain, high above the Nass Canyon's west bank. It is owned by Chiefs K'am-lax-yeltsw, Sindihl, and Sin-Gi-win of the Frog -Raven clan of Kitwancool.

Running back over the mountain ridge of Lax-wijix, thus including the entire valley of the Gins-Guux owned by Luu-xhoon and 'Tsii-wa, the boundary line extends back to Win-naa-skan-gymdit, bordering the territory ruled by Gwaas-hlaa'm and 'Wii-xa'a. The line then runs in a north-westerly direction to the glaciated country called Kse-s'yun.

On the east side of the Nass opposite Git-kse-'tsuutsw, a small creek called Ksi-tekw spills over the canyon wall. The Git-lak-damax people own the land on the other side of the creek. Two smokehouses once stood on the other side, belonging to K'yee-xaxw (Wolf clan), and Ksem-xsaan (Frog clan) of Git-lak-damax. Fred Good recalls that as a young boy, a fifteen foot pole once marked the boundary line. A large rock was placed on the top of the pole, which was called xhlgimeda-sook, or "robin's egg".

On the Kitwancool side of Ksi Tekw is the place named K'il-hla-lo'op-bit. Here once stood a Frog tribe smoke house, of which no sign remained on exploration in April 1977.

From K'il-hla-lo'op-bit, the boundary line runs south along Ksi-tekw and then crosses over Lax-sak-gat, or Jackpine Mountain, towards the Gyehl-'tin or Kiteen River. Wi tax-ha-yetsw and Sidook rule over the Kiteen Valley. Gib-xasw is the name of the village where they stay.

MAP: KITWANCOOL TERRITORY

GIT AN YAAW -- village of many people	1.
KSI 'TAX -- river flowing from a lake --Kitwancool River	2.
KSI GIN 'TAAYIN -- --Kitwancool Creek	3.
GYEHL 'TIN -- --Kiteen River	4.
KSI HA TAK XW'T -- muddy water --Moon Creek	5.
KSI GISE AM 'MELDID -- cottonwood creek --Surveyor's Creek	6.
GIT AN GWELKW -- you are always thirsty there	7.
KSI 'WII 'TIN -- place of the fish weir --Sweetin River	8.
GAKS BAX SKIT -- approaching of the hill	9.
KSI 'YA GA SKID -- river gradually descending--Cranberry River	10.
GUUN HA GIISDXW -- --Gwinageese River	11.
LU HA K'UHL GAAGAT --"butcher blade" grass found there	12.
KSI 'TXHIMSIM -- river of 'Txhimsim --Nass River	13.
KS GI GEENIT -- upper fishing place	14.
WILP AM 'TUUTS -- house of charcoal	15.
ANX 'TS 'IMILX NA GITS --place where wolverine--Wolverine River eats beaver	16.
AKS NAA GYELGA -- waters of Gy elga --Axnegrelga Creek	17.
WIN SKA HL GUU'L -- narrow cany on	18.
GIT KSE 'TSUUTSXW -- place of the seagull hunter	19.
TAXM MEZIADIN -- (an Athapaskan dialect) --Meziadin Lake	20.
LAX AN 'TSAK -- place of the fishing village	21.
GINs GUUX --	22.
AN LO'OP BI 'TLO KOTS -- place where wild rhubarb grows	23.
GIN AXX -- place where kind of fern grows	24.
KSI MIHL ETXWIT -- green river --Derrick Creek	25.
LAX WIJIX -- mountain where cariboo are hunted	26.
WIN NAA SKAN GYEMDIT -- where saskatoons are found	27.
KSE S'YUN -- glacier --Bear River Glacier	28.
KSI TEKW -- swirling water --	29.
K'IL HLA LO'OP BIT -- place on a rock	30.
LAX SAK GAT -- sharp point --Jackpine Mountain	31.
GIB XASXW --	32.
KSI 'WII LO'OP BIT -- big stony creek --Kisplox River	
KSI MAAXSW'T -- white river -- White River	

KSI TX HIM SIM.

12.

11.

20.

21.

13.

14.

17.

KSI MAAXWSW'T

KSI MII LO'OP BIT

(6) ↑

28.

N ↑

0 5 miles.

KETCHIKAN TERRITORY (part.)









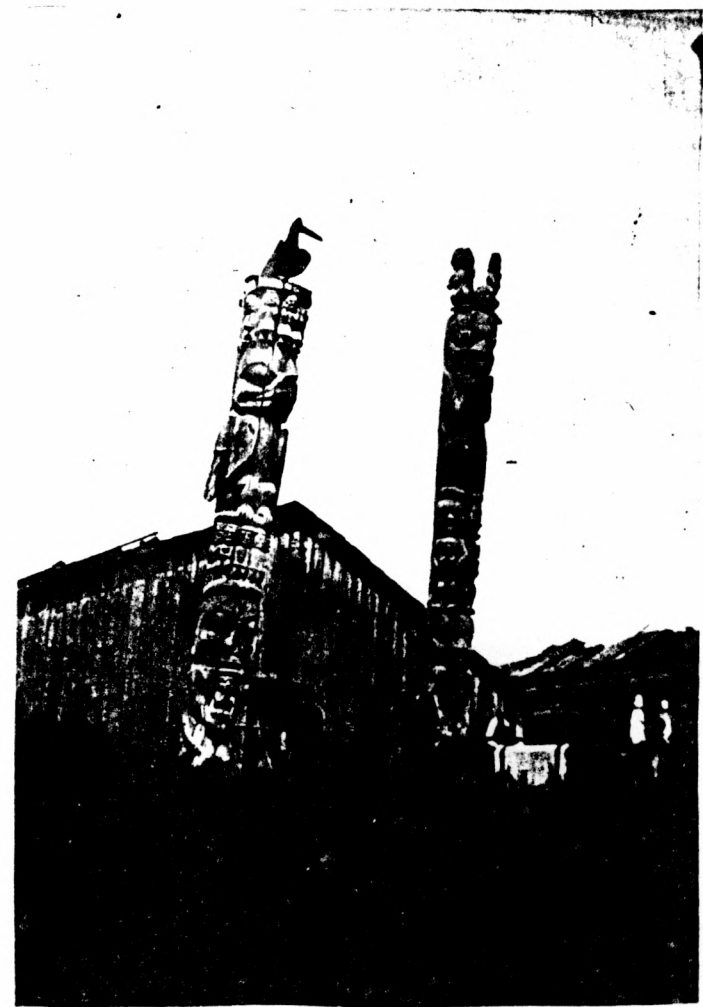
BEAR FIGURE:

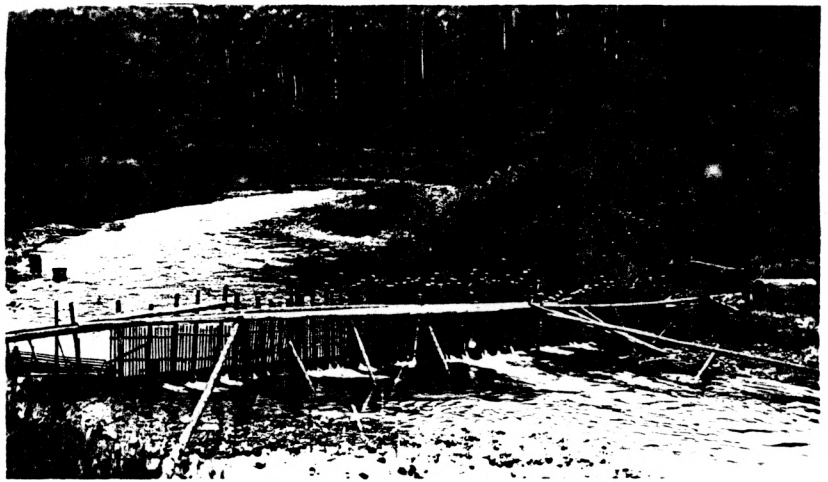
House of 'Maali,  
Lax-Gibuu (Wolf Clan)

Wilson Duff Photo,  
B.C. Provincial Museum

WOLF CLAN POLES:  
House of 'Wii-xa'a  
and Gwaas-hlaa'm  
1910.

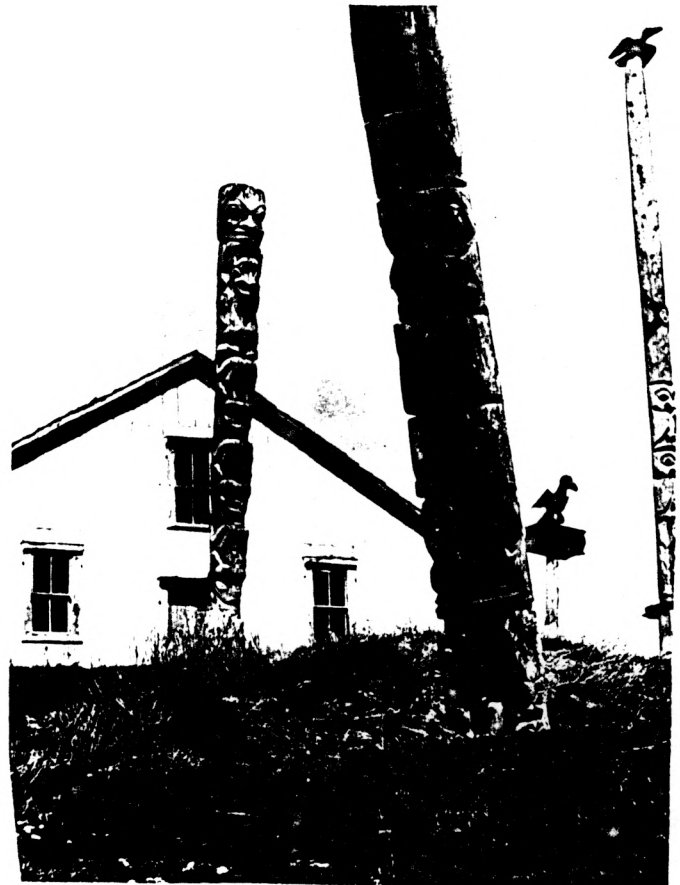
B.C. Provincial Museum  
Photograph





SALMON BARRICADE AT KITWANCOOL, 1918;

Shotridge Photo  
University Museum, University of Pennsylvania.



Frog Clan Poles: 1910

House of Gu 'nuu

G.T. Emmons Photo,  
B.C. Provincial  
Museum



FROG CLAN POLES:

Those belonging to the House of K'um-lax-yeltxw and Sirdihl in foreground.

National Museums of Canada Photograph.





MAP OF THE KITWANCOOL TERRITORY, 1918:

Drawn by Samuel Douse of Kitwancool, photographed by Louis Shotridge. Courtesy of the University Museum, University of Pennsylvania.

The boundary line is indicated on the left side of the map, crossing the Nass River at Git-ksa-'tsuutsxw in a south-easterly direction, to the bottom of the map. It then progresses north-easterly, crossing Ksi-tax, then due north, then north-westerly, as it crosses the Kispiox River.

The northern portion of the Kitwancool territory has been cut off in this particular photograph.



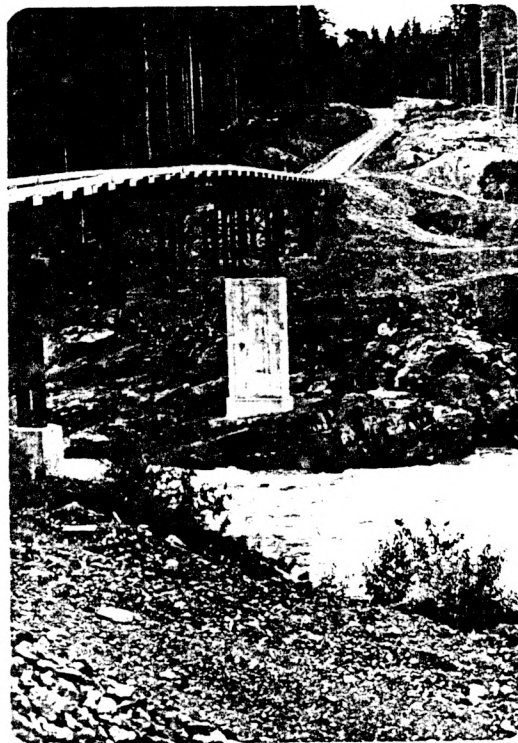
BOUNDARY WITH THE NISHGA MARKED AT GYEHL 'TIN (KITEEN RIVER), 1976.

from left to right:

Chief Gu-kuhl-gyoo (Peter Williams) -- Gis-Kahaast (Fireweed Clan)  
 Chief K'am-lax-yeltxw (Solomon Marsden) -- Ganeda (Frog-Raven Clan)  
 Chief Gwaas hlaa'm (Abel Campbell) -- Lax-Gibuu (Wolf Clan)  
 Chief 'Wii-xa'a (Walter Derrick) -- Lax-Gibuu (Wolf Clan)



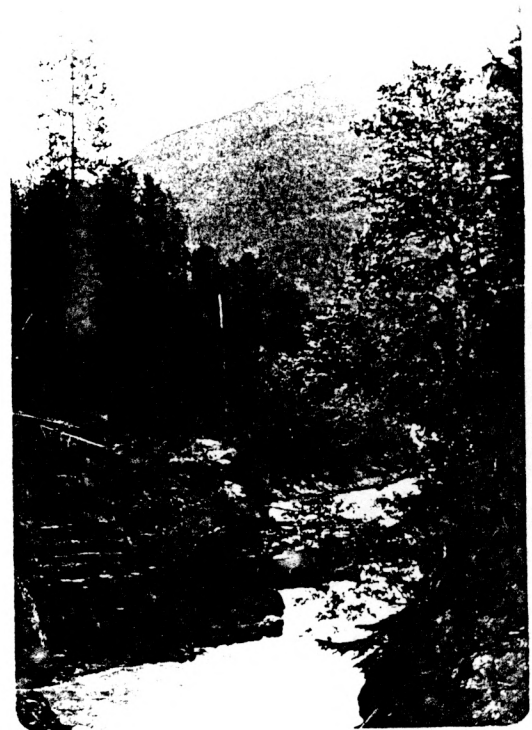
Logging area below Lax sak  
Boundary line crosses over  
this mountain (Jackpine Mt.)



New Nass Canyon Bridge:

Approximately 2 miles above  
boundary line with the  
Titlaksamax.

Valley of the Gyeht 'tin:  
Boundary line follows this  
river.





Confluence of Sins guux and Ksi 'txhimsin, valley belonging to Luu xheon and 'Tsii wa. Mountain ridge called Lox wijix in background.



Sun hlekx - "rough and swift water" - An old villare site opposite the mouth of the Sins guux.





K'il hla lo'op bit: Looking across the Nass River.  
A tiny creek called Ksi Sekw spills into the Nass.  
This is the boundary between Mitwancool and Litlakdamax.

K'il hla lo'op bit :  
Looking upstream.  
On the cliff on the opposite  
bank of the Nass Canyon, is  
the ancient village site of  
Lit kse 'tsuutsxw.





CHAPTER 3:

THE ESTABLISHMENT OF  
KITWANCOOL INDIAN RESERVES

## INTRODUCTION:

The Kitwancool have been owners of their land since "time immemorial" as there is no record of any other groups having continual occupation of the territories, other than those who belong to Kitwancool. The ancestors of the Kitwancool, once known as the Git-an-yow fought to retain their rights to the land and were victorious. These wars with the Stickine peoples continued on into the mid 19th century, and many lives were lost, due to the introduction of guns, by the white traders.

Acquired in these wars was land in the vicinity of Meziadin Lake and Bowser Lake, thus extending the Kitwancool territory to approximately 125 miles long and 60 miles wide. A land ownership pattern is firmly embedded into the laws and social structure of the Kitwancool. And each member is taught from childhood to hold onto the land and its rights, for they belong to the future generation as well as the present.

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By 1898, the British Columbia Reserves Commission was well on its way to placing B.C.'s original inhabitants and owners on small parcels of land, commonly known as "Reserves". Without treaty, without bill of sale, the provincial government was grabbing up land for the land-hungry white settlers who were quickly pouring in from other parts of the country, and from abroad.

On August 20, 1898 Commissioner A.W. Vowell visited the Kitwancool village and put these words before We-gha and his council: - "This is the only place in the Babine Agency that has not been reserved. All the other Indians realize that white men are coming into the country and are anxious to have their lands reserved.... If We-gha is agreeable to have his reserves made, he had better tell me where he wants them. I do not include hunting grounds which remain as they always were....

D. Moon spoke on behalf of the Kitwancool chiefs, relating the story of the murder of the man known as "Kitwancool Jim", by the mounted police in 1888. (The police, fearing an Indian uprising alerted the militia which ordered the "C" battery permanently stationed in Victoria, as far as the mouth of the Skeena River.) "When the man of war came to the mouth of the river, we heard that if we would not give Jim up, they would go to Kitwancool and burn the country. Jim heard of it, and to ensure the safety of the village, he gave his life. Jim gave his body; he imagined his village in ashes and the bones laying round and white men staking this land out for themselves."

Clochs, the brother of We-gha then refused Commissioner Vowell's request, saying--"When Jim's body is brought back to us we will have the reserve laid out."

However, three years later the two leading Chiefs We-gha, and Gem-lagha-yalque have kinder words for the Commissioner.

In a letter translated from Nas-Gitksan into English by Agent Loring, the Commissioner is invited back to the village to discuss reservation of land at Ksak - wandi; (one and a half miles from Kitwancool), and Wil - ya - al-dal, at the head of the lake.

On September 21, 1901 Agent Loring travelled to Kitwancool to make sketches of the land to be reserved. He also included Wun-sish-nee-lidque on the high level trail to Kitwanga. At this location was a basin - like hole in the ground, where the trail leads down to a spring. On the flat land below at the river, was an old village site. Timber lands adjacent to the Kitwancool village were also spoken for. Four miles above Kitwancool was the village Wun-ghlan-goats, then another two miles to the lake. Numerous fishing villages were sketched around the lake on Loring's map. Loring also mentions that the population has now dwindled to 64, and states that about 115 are now living on the Nass.

1905 - 1909 : THE LAND RIGHTS ISSUE.

In 1905 a British Columbia Supreme Court decision rules that the B.C. Game Act was not applicable to Indians. However, a later ruling stated that this decision applied only to Indians hunting and fishing on reserve land only, and that offences committed against the Game Law off reserve land would be liable to prosecution. This serious restriction on hunting and fishing rights, and the encroachment on land by the white settlers led to the rise of the native land claims movement.

In the south Skeelano, and other groups were organizing to air their grievances. By 1908 many of the Skeena River people were involved in land claims as well. On October 7, 1908, Agent Loring went to Kitwanga to attend a meeting and found out that the people there did not want any reserves. They told him that they were awaiting the result of the Skeelano delegation to Ottawa, in which some of Indians of the Skeena participated. Weedaldaal of Port Essington, an emissary of Skeelano came up the Skeena the previous spring speaking out on the matter that the Indians had not been consulted regarding the loss of land taken by the settlers, and that they should stand up for their rights in getting a settlement from the Grand Trunk Pacific Railway for the right-of-way through the Skeena Valley.

Meanwhile, growing hostility was being felt by the local white settlers and some feared for their own safety.



7 In a letter to Commissioner Vowell on November 8, 1908, Loring tells that the prisoners of the Hazelton Jail had just completed digging rifle pits and trenches on the banks of the Skeena, under the supervision of the Provincial Constable. (The rifle pits were later ordered to be filled). In another letter, Loring asks for a detachment of 60 mounted police to be sent in case of an outbreak. By 1909, the Kitwancool once again voiced extreme objections to the provincial allotment of reserve parcels. In fact they proposed to remove all the survey stakes on the already established reserves on the Skeena, reports Loring. And on June 21, 1909 Richard Douse, Samuel Douse and Lazarus, all of Kitwancool were convicted at Hazelton court for the intimidation of two white men. Arthur Skelhorne and his companion stated that they were stopped on the trail by the three who were said to be carrying rifles. When asked about his destination he replied that he was going prospecting. When asked where was his pick and shovel, he answered that he was prospecting for land. He was then told to turn back or "we make lots of trouble for you, as we will let no white men go in Kitwancool." Richard Douse then gave his testimony stating that the Kitwancool and Kitwanga chiefs put them there to prevent any white men going through. He stopped them on the Chiefs' instructions.

Samuel Douse, in his statement declared that the Chiefs put him there because only the old people were at Kitwancool village, and they were to keep the white people from going in because they had set a fire the previous year. Three years before, they had talked amongst themselves that no white men shall take land. They had stopped Skelhorne because he intended to stake out land.

When all the evidence was submitted, the constable stated that the charge was proved and asked that an extreme penalty be inflicted as a warning. The verdict was guilty and a fine of \$20.00 each and costs of \$4.00 each or one month in jail was imposed.

Five days later, the following letter was handed by a young boy to the American anthropologist, Lt. G.T. Emmons, at Kitwanga.

Dear Sir,

I got the lad to tell some think to you because I know you come from boston. I tell you a short massage my forefathers told to me... the boston first come up on this river, after that they hear that King Goge keep them; this is the King Goge law at our forefathers, every Indian free under the flag of King Goge, and also for there land; this is the law of our forefathers; do not let your land go, if you do not want to go to him that will take it; this is what we remember now; and we hold our land until this day, and if any one, that peacemaker, he will make it for us. I send you my best love to you. Your obedient servents.

Hend Chiefs Simmideck Mark Weget Gamlaghayalque  
Kitwancool and Kitsegukla.

#### 1910 - 1914 : THE SURVEYORS

On July 6, 1910 the following telegram was sent by Albert Douse to Prime Minister Laurier:

Our land Kitwankool Valley surveyed for white men. No land left for us. We remember your advice regarding the law. Did not try provent surveyors. We asked Mr. Loring. Indian Agent , help us. He would not. Please advise us.

Responding by telegram the following day Lauriers message to Douse read:

Your telegram received. Surveyor A. Green will be instructed first to interview the Chief Commissioner of Lands and Works and then to proceed to Kitwancool and ascertain your requirements and to report. Give him your own view of the matter and all information necessary from your own point of view."

After his meeting with the B.C. Commissioner of Lands, Surveyor Green informs the Secretary of the Department of Indian Affairs in Ottawa, that, as the Indians claim the whole country it would be impossible to withhold an indefinite area from settlement." The Provincial government was at this time unwilling to grant any more Indian reserves due to the dispute with the federal government over the reversionary interest of title, and Green proposes the survey of a temporary reserve.

Surveyor Green set out on the trail for Kitwancool in August 18, 1910. He was met by a party who warned him that no government party had been in their country and that they did not want any Government men. The next day as they approached the village, a messenger reports that Kitwancool Jim's family is very strong and he fears that they may seek revenge. On August 20th, at 4:00 p.m., and enters the house of Chief We-gha. We-gha is the uncle of Kitwancool Jim, who was his only nephew. It is strongly stated that no reserve be laid off at this time.

Additional information concerning Ashdown Green's mission is given in a letter to the Secretary, Indian Affairs. Ottawa, dated September 6, 1910. Apparently he encountered much resistance in his work. At Kitwanga he had difficulty in obtaining horses, then his two Gitksan packers carried the load only half way leaving the packs on the trail. He fired the two, replacing them with two white men.

"They informed me at first that they did not want us, that the whole country belonged to them, and that they had been advised by a Toronto lawyer named Clarke, not to accept reserves, until their petition had been answered. This answer, they expect before the snow came. When their claims were settled, the white men could come in. "I told them that if they did not want reserves the Government would not survey any for them. I also showed them how within the last two years white settlement had increased, and how land that was really necessary for them had been surveyed, and in some instances sold, and that if action was delayed, Crown Grants would be issued and only poor lands would be left from which to define reserves. Should this occur they would only have themselves to blame"...

"I found that four reservations are necessary for the Indians and these were sketched. Anticipating that the survey posts in the neighbourhood would probably be removed, I intended to place glass under them to facilitate further work. This the Indians strenuously objected to, fearing that any marks I might make would be considered boundaries of Indian Reserves."

Green concludes: "Although two or three of the leading men of the village threatened to prevent me from surveying the Reserve. I believe that the majority, both at Kitwancool and at Andemaul would gladly have their reserves defined were it not for an agreement made by all the tribes on the Nass and Skeena to accept of no reservations until a decision had been arrived at as to their claim to the whole country, they are afraid that the acceptance of a reserve would invalidate their claim.

"They are not adverse to the white men coming, in fact, they realize the benefit it will be to them, and they assured me that personally they were very glad to see me, but as a Government surveyor they were not."

Later in September John McDougall writes to the Secretary, Indian Affairs, describing a meeting at Kitwanga at which Albert Douse was spokesman for the Gitksan nation.-----

"They claim as their territory the land shown on these maps which I borrowed. This includes all the Indians from below Hazelton to the head of Canyon. Because of this claim the Indians of Andemaul and Kitwancool refused to allow of the survey of reserves this season. I told Albert Douse and those with him, I would bring these maps showing the claims to the attention of your Department.

"The Grand Trunk Pacific Railway is now building right up through these reserves and lands, and it is very necessary that this land question be settled as soon as possible, as settlement will follow the railway, and there is sure to be trouble if this serious matter is left open and indefinite as it now is."

Stiff fines and jail sentences failed to deter the Kitwancool in their effort to keep the white men out of their valley. The Provincial Police records of 1910 reveal that Chief Constable Maitland Dougal of Hazelton has laid information against Richard Douse, Willizqu, and Arthur Wilson, all of Kitwancool for intimidation in connection with forcible obstruction.

From 1911 to 1914, the B.C. Government surveyors staked out hundreds of lots in the Kitwancool Cranberry, Nass Valleys, and the Meziadin Lake area, although not without resistance.



As the provincial government opened this land to pre-emption by white settlers, hundreds of applications were received from Vancouver, Victoria, Seattle, Boston and London, England. The land settlement scheme for the Kitwancool Valley by the Rattenbury Land Company of England met most severe opposition of the Kitwancool, and was a total failure in its effort. Of the numerous "Application to Purchase records which are contained in the B.C. Gazette, and other Department of Lands records, few of the pre-emptors left even a mark on the land, as can be seen today. The Kitwancool remain the only permanent occupants of the area.

September 1911 saw the defeat of the Laurier government in Ottawa, which supported B.C. Indians in their attempt to get a court settlement of the question of Indian title. The attitude of the new Borden administration was less favourable, leading to the appointment of the McKenna - McBride Commission in May 1912, which refused to deal with Indian title to the land, due to the fact that the province adamantly refused to recognize the existence of any Indian title to the lands within B.C. The Order-in-Council of May 17, 1911, which ordered the Exchequer Court of Canada to institute proceedings on behalf of the Indians, was never passed.

By 1913, still no Indian Reserves are established at Kitwancool. Inspector of Indian Agencies Tyson writes to the Secretary in Ottawa: " I wish particularly, to draw attention of the Department to the fact that the Indians of Kitwancool, according to the Provincial Maps have no reservation, although there has been an Indian Village there for years. Not only an Indian Village, but other parts of the land have been occupied by the Indians for many years, as meadow land and other purposes.

"During my visit to Mr. Loring, I took this matter up with him and he produced a Blue Print from the Department, showing three plots selected by Mr. Ashdown H. Green as Indian Reserves. Furthermore a Departmental letter, signed D.C. Scott, dated October 21st, 1910, and numbered 367525, stating that an Application had been made to the Provincial Government to have said

plots confirmed as Indian Reserves. According to the Provincial Maps these Reservations have never been made. I beg now to inform the Department that the Provincial Government has issued Crown Grant Lots as follows: Blue Print No. 478, Provincial Government Official No. 1203; Blue Print No. 985, Provincial Government No. 1210; and Blue Print No. 486, Provincial Government Official No. 1211.

At the present time the Indians are not aware that Crown Grants have been issued to outside parties, and when they realize this, trouble will ensue.

I am satisfied that the men who staked this land made false Declarations to the Provincial Government, otherwise, Crown Grants would never have been issued. No doubt the Department have the correspondence with the Provincial Government, as per statement in the Departmental letter to Mr. Loring.

I would respectfully request the Department to take steps if possible to cancel these Crown Grants.

And in the Hazelton Court again on November 29, 1913. Ebert Palmer, Arthur Wilson and Albert Williams were charged for unlawfully molesting land surveyors:

Harold Price, B.C. Land Surveyor testified that on November 2nd his party approached the neighbourhood of Kitwancool to survey lands staked three years previously by Arthur Skelthorne, described in B.C. Gazette of December 1910. Their camp, located one mile south of the Kitwancool village, was visited by Ebert Palmer, who told him that he would not be allowed to make any surveys in that vicinity. On the 24th, Price passed through the village, and was informed that the Chief wished to see him. Price attended a Council meeting of the head men at which Chief Alexander Smith was present. Price stated that the running of the lines would in no way interfere in the interest of Indians, and if they interfered they would be committing an offence against the law. Price was told that he could not continue survey operations. Later Ebert Palmer and Arthur Wilson set out for the survey site. Tore up lines and pickets and threw them into the bush, and took possession of the axes and transit. They refused to turn over the axes, saying that they would do so when the surveyors moved out the next morning. Price left that

On night for Hazelton, where he contacted the authorities.

Earnes Woods, B.C. Land Surveyor testified next:

Ebert Palmer, when they had taken the axes, said to me, "We make you stop now; you steal Indian land, you can't survey any more". Arthur Wilson also said, "We make you stop now". Ebert Palmer, when I protested to him about misusing the chain said, "Government got plenty of chains". He also said, "I'm a big man now, I make you go back". I warned them they were liable to go to gaol, to which Palmer replied by requesting to be sent to Ottawa, instead of Hazelton. The Indians kept our axes but returned our transit at my request"...

Next morning at 10:30 a.m. our camp was visited by six Indians headed by Ebert Palmer and Arthur Wilson. They called to find when we were going to move and also wanted to know where Mr. Price was. Arthur Wilson then made an attack on me and attempted to pull a stick out of my mouth. At first they threatened to make us move down right away but we talked the matter over and they agreed not to move us that day. Woods proceeded towards the village, and at a point three-quarters of a mile south of it, he met a party led by Albert Williams: I was stopped on the trail by Albert Williams and told that I must go back. Williams appeared to be extremely angry and excited and threatened to make trouble. He held me up there for three-quarters of an hour, and refused to let me pass. Finally the Indians let us pass on the condition that we did not go through the village and went up and saw the Chief...We proceeded to a point 20 chains s. of the village where we were met by Ebert Palmer and others. They refused to let us go any further so we unpacked while I went on to the Council. Ebert Palmer led the way to the Chiefs's house and some of the chief members of the village came to the meeting. At the meeting the Indians claimed all the ground from the 9 mile post from Kitwanga to the Naas River, and 68 miles wide. Ebert Palmer conducted the meeting and acted as interpreter. The meeting lasted for an hour; finally they jumped up and left the room. Ebert Palmer saying, "No more talk, we make you go back". They followed us to our camp and we packed up and moved back to three miles north of Kitwangar.

Mr. Loring refused to cross-examine.

DEFENCE: EBERT PALMER ON HIS OATH SAYS AS FOLLOWS:

The villagers of Kitwancool have chosen me for a spokesman.

When Mr. Wood came to Kitwancool, the head men of the village called a meeting, sent me to get Wood. Wood came. We all asked him to turn back, there were no threats made. Mr. Wood had a lot to say to Chiefs. He asked what we would do if he did not turn back, wanted to know if we would kill him. Chiefs said "no". One of Chiefs said we were sons of the King. The Chiefs told Wood they would not do him any harm, all we ask for was for him to go back.

THE ACCUSED ARE ALL FOUND GUILTY AND ARE ALLOWED OUT ON SUSPENDED SENTENCE.

By 1915 the McKenna - McBride Commission is actively gathering its "evidence", meeting with Indian bands all over the province. On April 8, in Kitwanga Albert Williams addresses the Commission, the minutes of which are enclosed in Section 5 of this presentation. On October 15, in Victoria, B.C. land surveyor, A.W. Harvey gives this statement before the Royal Commission: "Lands surveyed for the Kitwancool tribe or band, that only one parcel of such lands so indicated, remains available for Indian purposes, this being marked "I.R.", in the Department of Lands, and lying between Lot 3365 on the west and Lot 3370 on the East. The other land indicated in green as above mentioned have been alienated either by Crown Grant or pre-emption. The land contained in that marked "I.R." from reliable information received by him, Mr. Harvey would rate a very good piece of land, containing approximately 857 acres and having upon it a large Indian village, with a view to finding alternative land for lands described as alienated and unavailable and marked on the Agency map in green, Mr. Harvey stated that the only land which he had knowledge and now available is found in the west portion of Lot 1450 and 1418A, the NE $\frac{1}{4}$  of Lot 1450 being alienated; the cleared land of that lot is described as lying west of the river, 480 acres being clear. This land is described by Mr. Harvey as rough and rocky, with small portion cultivable, possibly 15 or 20 acres in both fractions spoken of. The NE  $\frac{1}{4}$  of the lot would include



above all the good land in that lot. The locality described as available would, however, be suitable for a fishing station; no Indian improvements are upon it. Lot 3371 would adjoin Kitwancool Reserve to the south and is vacant and available. This lot consists largely of rolling side hills, the soil being a clay loam with gravel subsoil and would give a good wood supply for firewood purposes. Lots 3372, 3573, 3574, all vacant and available, are of much the same character. Lot 3371 contains 640 acres, less 20 to 40 acres alienated.

30 MAY, 1916: MINUTES OF DECISION--BABINE AGENCY--KITWANCOOL TRIBE  
Application No. 8, for Village Site and General Reserves purposes, 848.52 acres, more or less, subject to survey.

Application No. 8A, containing 124 acres more or less, on the Kitwanga River, for fishing station and general Reserve purposes.  
Application No. 8E, a parcel of land adjoining Kitwancool Indian Reserve on the South, 586 acres, more or less, for gardens and timber supply.

#### 1919 - 1924 KITWANCOOL INDIAN RIGHTS ASSOCIATION

The Royal Commission had failed to deal with the land issue, meanwhile the surveyors and white settlers continued to enter Kitwancool territory. On September 30, 1919, Loring writes to the Secretary in Ottawa: "As usual at every season recurring feature again presented itself during this month, namely, in that the Indians of Kitwancool tried to resist the entrance of white settlers to the Kitwancool Valley. In that procedure, though having no power of concerted resistance, they seemingly possess qualities of a peculiar opposing type that is almost as effective at times as active resistance. Regarding thereto, for quite some time the local Provincial Police force sought intercession and successively trouble on the Indians part became periodically allayed. And, incidental to the subject, I beg to add that already in parts of the valley, settlers are not being molested where formerly objected to; and by deductions on this trend I am inclined to believe that by degrees this matter will yet adjust itself by easy stages on its forward movement toward the Nass."

And in October, E.H. Burden, B.C. Surveyor, reports to the Surveyor

General that an Indian named Lakneiz was responsible for the removal of survey posts in the Kitwancool Valley. This complaint was also made to Ditchburn, Chief Inspector of Indian Agencies, who in turn wrote to Agent Loring in Hazelton warning that under Section 532 of the Criminal Code of Canada, it is a penalty of five years imprisonment for the removal of Survey posts. On 30 April, 1920, Ditchburn wrote to A.M. Jennes, Deputy Attorney-General, Victoria: No reserves allotted to Kitwancool Indians by Provincial Government when applied for by Indian Department in 1910. Of the three which were outlined by surveyor Green, lands formerly used as a fishing station and hay meadow have been sold.--"The Department of Indian Affairs has given the Indians to understand that they cannot hold up the settlement of a country and that if they persisted in turning back settlers they would not be protected, should they be taken in hand by the authorities. This information, I conveyed to them myself in January last. The Kitwancool Indians have as far committed no violation of the provisions of the Indian Act and consequently you as Deputy Law Officer of the Government must know that this Department is not in a position to institute any proceedings against the Indians. If we were we would not be remiss in taking action against any offenders. If it is true that the Indian Derrick threatened to take the life of Mr. D.C. McWhinney should he return to the Kitwancool Valley, as reported by Chief Constable Minty, Mounted Police of Prince Rupert. When the Kitwancool matter was discussed and he informed me that his force would be reluctant to deal with these Indians unless requested by the Provincial authorities to do so."

On 1 May, 1920, Ditchburn to Albert Williams, President, Kitwancool Indian Rights association: I regret to say that I have received reports from the Police Department to the effect that since the meeting I held with the Kitwancool Indians on the 26th of January, at which yourself, Peter Williams, Allan Wallace, Richard Douse and his wife, Samuel Turner, Fred Good, Walter Derrick, and Lucy Luknitz, were present, the Kitwancool Indians here again interfered with people travelling through the Kitwancool Valley. A Mr. McWhinney, and two companions of Prince Rupert were turned back on the 13th of April and that

On the way out the Indian Tim Derrick, informed them that if they returned they would be killed. I am very sorry to hear these reports as they are affecting any settlement that I was endeavouring to effect in the interest of the Kitwancool Indians. You will remember that when I met you at Kitwángar I stated that if the Indians continued to take the law into their own hands, the Department of Indian Affairs would not protect them.

I have been endeavouring to get for the Kitwancool tribe, the piece of land which were formerly occupied by your villages, fishing stations and hay meadow, set aside as reserves. These you must know have been sold to white people and I have every hope that I would be able to have the Government of British Columbia get them back from them. The fact that the Indians have again molested people going through the Kitwancool Valley certainly makes it hard for me to do anything for you.

I fully explained to you and the rest of the Indians that no group of Indians could hold up the settlement of any section of the Country and that if the Kitwancool Indians did not take the advice I had given them, it would be their own fault and certainly to their great disadvantage.

You have been expecting to get the question of the Indian title settled by the Privy Council. I may again tell you that the Indian Title question cannot be settled until all the Indians in British Columbia have had reserves set aside for them and the attitude of the Kitwancool Indians have always taken against having any reserves stand in the way, to a great extent, of any settlement on the bigger question of the extinguishment of what is known as the Indian title. Therefore, I trust you will understand from what I explained to you at the meeting at Kitwángar and also by what I have already written how important it is for the Kitwancool Indians to accept a reasonable amount of land as permanent reserves which will, in no way, affect the larger question of Indian Title to the Lands of the Province outside of Indian Reserves.

I am still doing my best for you and the Government of the Province of British Columbia have now agreed to come up to meet the Kitwancool Indians...I will have Mr. Collinson, the new Indian Agent at Prince Rupert, go with the representative of the Province. You, as President of the Kitwancool Indians, I hope will now see the necessity for having reserves set aside for this

Band, and use your influence among the other Indians to see that this is done. When a representative of the Province and Mr. Collinson go to Kitwancool, you should point to these men the portions of land which have been formerly occupied. I am speaking to you as a friend and I hope that you will take what I am saying for your good.

The Kitwancool still however refuse to accept any reservation, stating so in Albert Williams' reply dated May 7, 1920. Ditchburn responds a few days later and emphasizes- "As the Aboriginal Title question cannot be taken up until the Reserve question is settled, I again wish to impress upon you the fact that by having reserves set aside, it will in no way affect the Indians' claim with regard to the Aboriginal title."

On September 13, 1924, "The Province" newspaper headlines: WHITE MEN CAPTURED AND TRIED BY INDIANS IN KITWANCOOL VALLEY. A.P. Horne, Forestry Engineer from Hazelton was refused entrance into the Kitwancool Valley on his mission which involved the reconnaissance for cedar in the watershed of the Skeena:

"We were escorted by several Indians, including the sentry who had stopped us, to a hut somewhat larger than the others, where the council of chiefs had assembled. Twelve old Indians including one squaw, were seated on a raised platform, while at a table also on the platform were seated another old chief, and a young man who noted as secretary of the court and also filled the role of interpreter.

"We were motioned to a hard board seat in front of the dais, and had an opportunity to see that the table was piled high with books, letter files and documents, while a fountain pen also had a conspicuous place on the desk...

FOLLOWING AN OPENING PRAYER, THE YOUNG MAN INTERPRETED:

"The meeting is now open before God and man. He who wants to speak let him speak or hold his peace forever.

GAMLAGHAYALQUE made an impassioned address, his eyes flashing and his words, hot and angry, flowing from his mouth in a torrent...

"He was followed by another chief, the chairman, and then the young interpreter, civilly enough, asked for our names, ages, occupations, places of residence, nationality and other similar information usually required by a taker of census. Probably this form of interrogation was based on such a questionnaire, for it



7 was Kitwancool that refused to permit the officials of the government to take the census in 1921.

"Having jotted down all our replies, he addressed us: We beg to state that it was the wish of our ancestors, as it is our wish, that all the products on that area north of the nine-mile post in this valley, and for a distance, in this valley, and for a distance in that direction of 115 miles by 60 miles east and west, remain ours.

"When we effect a settlement with the government we will dispose of the said products on a royalty basis, but until that time no white man shall enter there and you are requested to return at once.

Horne Then took the stand and explained his mission.

"A consultation followed, after which the big chief again rose and declared: God made land for everybody, Indian as well as white man, and while we believe you are good white men, our decision is final...

"Descending from their platform the chiefs all shook hands with us, and bade us good-bye...

#### 1927: B.C. SPECIAL VOTE

The fund was set up following recommendations from a joint parliamentary committee that heard the "Land Claims" of the allied indian tribes of B.C. The committee ruled that the allied tribes had not established any claims to the land based on aboriginal or any other title. An annual fund of one hundred thousand dollars to be paid to B.C. Indians in lieu of treaty payment was established. The Kitwancool Band has to this day refused to take B.C. Special funds so that it will not in any way prejudice their stand on the land issue.

#### 3 SEPTEMBER, 1927: THE PROVINCE, REPORT: INDIANS SENT TO JAIL FOR OBSTRUCTING SURVEY

"Five Kitwancool Indians were convicted at Smithers by Magistrate Hoskins of assaulting public officers and obstructing Dominion Government surveyors. With the exception of Richard Douse, who was let off on suspended sentence, jail terms of from one to three months were imposed on Bert Williams, Peter Williams,

Samuel Douse and Walter Derrick.

"It was proved that the accused had entered the camp of a party of surveyors, made away with some of their instruments and warned them to proceed no further with their work. L.W. Patmore prosecuted and Milton Gonzales defended.

"The story of the case, as reported by the Royal Canadian Mounted Police, is that the survey party entered the Valley, under instructions of the Department of Indian Affairs, to survey the reserves of the valley. The Indians, under certain leaders, had always objected to whites entering the valley. A constable of the R.C.M.P. accompanied the survey party, but was not in uniform. A sergeant followed, also in mufti.

"The Indians demanded meetings, and conferences with the surveyor, but he refused, as he was dealing with the Department of Indian Affairs directly. He did not start surveying. Upon his second refusal to attend a meeting, five Indians came to his camp and attempted obstruction. One picked up a transit and walked away with it. It was taken from him, and he tried it again, but it was removed. The Indians declared they would load the white men in a wagon, with the outfit, and take them out of the valley. One Indian picked up an axe, broke it on a rock, and threw it in the creek. In the opinion of the R.C.M.P. sergeant, they were trying to aggravate the white men to assault. He thought they were acting under advice.

"The Indians left, still threatening. The sergeant went back to his post, took two constables, and in uniform returned to the camp in the valley. While proceeding in, they met Peter Williams, secretary of the Kitwancool council, carrying a six-shooter in his belt. It was loaded. The sergeant asked him for it, he refused to give it up, and the Indian was arrested, and disarmed. Albert Williams, president of the council, was also arrested, as were three others. The five men who were taken were alleged to be the ring-leaders in all the trouble. The chief, David Smith, was not active, nor was the Chieftainess, mother of the two Douses.

"According to the opinion of the authorities, the younger Indians of the tribe are not active in opposition to the survey of the valley."

1

(i) Albert Williams, Peter Williams, Samuel Douse and Walter Derrick all served jail sentences at Oakalla Prison at New Westminster, in 1927. This is also the date of Original Survey Plans No. 567, 568, and 594 of Kitwancool Indian Reserve, otherwise known as "Oakalla Prison Reserve". "This Reserve" which was established under duress, has never been recognized and its boundaries have never been staked.

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## APPENDIX:

KITWANCOOL INDIAN RESERVE ADJUSTMENTS

<u>RESERVE NO.</u>	<u>LOCATION</u>	<u>AREA</u>	<u>REMARKS</u>
# 1	CASSIAR DISTRICT LOT 4856 ON KITWANGA RIVER 13 MILES FROM SKEENA RIVER	1161.50 ACRES	-1272 ACRES APPLIED FOR BY A. GREEN IN 1910  -ALLOTTED BY ROYAL COMMISSION MAY 30, 1916  -ORIGINAL SURVEY 1927. PLAN NO. 568 1174 ACRES.  -TITLE PROVINCIAL o/c #1036, JULY 29, 1938.  -RIGHT OF WAY ROAD 12.50 ACRES.
# 2	LOT 1418 A. ON KITWANGA R. APPROX. 6 MILES FROM CONFLUENCE OF SKEENA	285 ACRES	-380 ACRES APPLIED FOR BY A. GREEN IN 1910. -ALLOTTED BY ROYAL COMMISSION MAY 30, 1916.  -ORIGINAL SURVEY 1927, PLAN 567. 285 ACRES.  -TITLE PROVINCIAL o/c 1036. JULY 29, 1938 285 ACRES.
# 3 A.	LOT 1211 AND W. HALF OF LOT 1210 BELOW OUTLET OF KITWANCOOL L.	658 ACRES	-640 ACRES APPLIED FOR BY A. GREEN 1910 -ALLOTTED BY ROYAL COMMISSION MAY 30, 1916  -ORIGINAL SURVEY 1927 PLAN NO. 594; 672 ACRES  -TITLE PROVINCIAL o/c # 1036 JULY 29, 1938  -RIGHT OF WAY ROAD 14 ACRES.
NOT GRANTED	LOT 3371 ADJOINING I.R. # 1 TO THE SOUTH	586 ACRES	MINUTES OF DECISION BABINE AGENCY ROYAL COMMISSION MAY 30, 1916.



APPENDIX A:

ARCHAEOLOGICAL RESOURCES AND CULTURE HISTORY  
OF THE KITWANGA - MEZIADIN HIGHWAY CORRIDOR

Archaeological Sites Advisory  
Board, 1975.  
-a summarization

#### ARCHAEOLOGICAL SITES

Lak-an-Zoq ( "Place of the fishing village" ) - This village along with territories bordering the Mexiadin Lake was ceded to the Kitwancool tribes after prolonged wars with the Tse-Tsaut, a people who came from beyond Meziadin Lake in the Stickine River region. While the construction of an airstrip and skid camp has destroyed much of the site, a low lying area about 1000' x 500' still remains. It is probable that most of the daily fishing activities would have been carried out here while houses would have been situated on the plateau above where the airstrip and skid camp are now located.

Seasonal Activity Area (Mile 80-90) -A summer fishing camp is located in the vicinity of Moore Creek on the Stewart Pack Trail. The meadow forming the site is approximately 2,000 square feet in area. Although the location of surface features was hampered somewhat by thick bracken and nettle ground cover, cache pits were discovered.

Burial - (Mile 60-70) - A grave was discovered on the Stewart Pack Trail near Van Dyke Island. Consisting of a small mound about 5' long, 4' wide, and 1' in height, the grave is marked by two medium sized poplars on which names and dates have been inscribed. The child of Chief Weelezqu of Kitwancool was buried here in 1891. Other names inscribed are those of the Wolf phatry members.

Aks-na-galga ("River of Poor Water") - This site is located near the first large stream above Brown Bear creek. The village of Aks-na-galga holds a prominent position in the oral history of the totem pole Ha-he-lal-gag. The histories recounted by the Kitwancool indicate that the village was occupied through many generations during the spring and summer fishing season.

Seasonal Activity Area (Mile 60-70) - A badly deteriorated wooden cache was located near the Stewart Pack Trail in the vicinity of Brown Bear Creek. While an intensive search of the area was made, no further evidence of historic or pre-historic occupation was found.

Seasonal Activity Area - Several notable cultural features including two log cabins, five cache pits, and a traditional smoking device were observed at this location. According to informants, the cabin belonged to James Weegett of Kitwancool, serving as a base camp for his trapping operations. The area is apparently still in use judging from the fact that a small aluminum trailer is located a short distance west of the cabins.

Wens-ga-lgoal (" Narrow Place") - This ancient fishing village is frequently cited in the oral traditions of the Kitancool, most often in the history of the totem pole Ha-ne-lal-gag, and in the history of the wars with the Tse-tsaut. Cultural features which define the boundaries of the site are strewn liberally over an area approximately 4500' in length and 1500' in width. The most common of these features are circular cache pits averaging about 3' in diameter. These are

concentrated primarily on the perimeter of the terrace which forms the site. At the southern extremity of the site are two areas which show definite signs of semi-permanent to permanent habitation. The first area is a small meadow (50 x 50 yards), situated about 50 yards inland from the river. While the location of surface features was hampered by dense bracken growth, soil profiles indicate the presence of a shallow but definite cultural deposit. About 25' south of the meadow under the protective covering of several large hemlocks, an historic cache was discovered. The dimensions of the enclosure were approximately 4' x 4' x 5'. It appeared to have been raised on 4 poles about 4' high and 9" thick. The wood used in the structure had been adzed in the traditional fashion. A hand hewn log ladder was found nearby and presumably facilitated access to the raised cache.

Approximately 140 yards east of the meadow, a second clustering of historical and archaeological features was discovered in an open treed area. Amongst the debris were found several artifacts of traditional design and manufacture, all in a remarkable state of preservation. These included two large steam bent cedar boxes, a wooden cradle, a carved wooden adze handle, numerous hand split timbers. The total area covered by surface debris of this nature was about 1000 square feet. Twenty feet north of this area four large rectangular depressions (6' x 9'), and two circular cache pits were located.

According to informants the site was last occupied in 1928. In that year a fire destroyed the smokehouses along with the winter's supply of salmon. In desperation the people here moved upriver to the site of Aks-na-galga where they lived on the charity of their tribal brothers.

Ks-gay-gainet ( Upper Fishing Station ) - Although at one time this traditional village supported a large population, many people, including Chiefs Low-khone and Gam-lak-yeltqu, were killed during wars with the Tse-tsaut Indians. Because of the recurrent hostilities the village was eventually abandoned as a permanent settlement. Nevertheless the site continued to be occupied on a seasonal basis by members of the Frog phatry. While today, the only visible surficial features are four large clearings and a deserted cabin at the western extremity of the site, pictographs and a burial ground were reported by informants in Kitwancool.

Gax-bak-skid - The historical significance of the small village of Gax-bak-skid is recorded in the history of the lands belonging to Chief Neas-la-ga-naws and in the history of Mah-ley and Ak-Gwen-Dasqu of the Wolf Clan. According to these histories, the various houses that now form the village of Kitwancool were once separate entities, the chief of each claiming titles to individual territories. It was at Gax-bak-skid that two of these chiefs, Mah-ley and Gwass-lam joined together and became as brothers, eventually moving to the large permanent village of Git-an-yow ( now Kitwancool ).

The area is still in use today as a base camp for trapping activities.

Four cabins are located in the series of adjoining meadows which form the site. A rich black cultural deposit ranging from 4" - 8" in thickness testifies to considerable antiquity.

Git-an-gwalq - Founded by the high chief Mah-ley, the old village of Git-an-gwalq is situated on the Kispiox River about one mile west of the Ma-gan-geest River, (Nangeese). This was a fishing village for many years until Mah-ley and his people abandoned it to live with Gwass-lam, first at Gax-bak-skid and then Git-an-yow. An important aboriginal trail between the Kispiox and Cranberry River valleys joins the two latter villages.

Ksin-ser-atis - (Place where they make adze handles) - Was an important base for Wolf phratry fishing, and hunting activities. At the same time it served as a temporary campsite for travellers on the Grease Trail, and was an important source of the wild crabapple wood used in the manufacture of adze handles. A cabin and tree cache were the only remains observed at the site. (mile 30 - 40).

Seasonal Activity Area (Mile 30 - 40) - The location was at once time an important base for the hunting and fishing activities of the Wolf phratry in Kitwancool. According to informants, the site was often visited by oolichan packers on the Grease Trail. An intensive investigation of the area failed to disclose any evidence of prehistoric occupation. However, a spur road running directly through the site may have removed any previously existing cultural deposits.

Seasonal Activity Area (Mile 20 - 30) - The Grease Trail lies a short distance east of this cabin which in former times served as base for the hunting and fishing activities of Chief Wee-kha of the Wolf phratry in Kitwancool. More recently the location was utilized as a cedar pole camp.

Git-an-yow - An old and at one time large village is located on Kitwancool I.R. #3A at the south end of Kitwancool Lake. This was the location of the original village of the people who now live in Kitwancool. During the frequent wars with the Tse-tsaut Indians many of the villagers were slain. After the final battle in which the Git-an-yow were victorious they changed the name Git-an-yow to Git-win-lquol which refers to the smaller number of people living there. Because white people have difficulty pronouncing this name it is now pronounced and written Kitwancool.

Six historic cabins and a smokehouse now mark the spot where the village was once located. Any culture bearing deposits which may have existed have been obliterated by farming and other associated activities.

Interpretation - The homogeneity apparent in the location and patterning of sites, leads us to speculate that the Gitksan are relatively recent arrivals to the region and that they were already successfully adapted to the river environment. In this sense, the findings of the survey

tend to complement currently held theories suggesting that the Gitksan are descended from groups who originally occupied the Skeena estuary and adjacent areas of the coast.

It is suggested that the surveyed areas of the Cranberry and Nass were not extensively utilized by Athapaskan groups in the early prehistoric period. In later years, the influx of Tsimshian groups may have facilitated Athapaskan adoption of an increasingly more riverine oriented subsistence leading to more extensive exploitation of resources in the study area. As in the case of the Hagwilgait Carrier, many cultural features would have become indistinguishable from Tsimshian counterparts.

In conclusion, it should be noted that predictions made about the prehistory of the study area are tentative. Traditional methods of collecting survey data were frustrated by a number of factors which may have affected an objective interpretation:

1. For the most part the identification of sites and surface features was complicated by the unusually dense forest and undergrowth in certain areas of the study corridor.
2. The observation of artifacts and cultural debris from sites, usually an important data source, is prohibited by relatively acid soil.
3. Whereas estimations of relative chronology can often be made by comparing the depth of cultural deposits at various sites, the slow rate of soil accumulation in the study corridor prohibits use of this method.
4. The frequent flooding of the Nass and the meandering of the Cranberry have contributed to the erosion or complete destruction of some ethnographically known settlements and inferentially, countless unknown areas of prehistoric activity.





Lak-an-zog: Confluence of Meziadin and Nass Rivers.



Grave site of child of Chief Weelozeou, 1891.



Cache at Aks-na-gal'a.

Wens-ka-l'ool:

Traditional style notched  
ladder.



Wens-ka-l'ool:

Steam bent cedar box  
and hand adzed planks.



Cabin at Max-bak-skid.

Ks-ray-gainet:  
Old area of occupation.



PHOTOS: Courtesy of the Office of the Provincial Archaeologist,  
Victoria, B.C.

APPENDIX B:

EVIDENCE

COMMISSION ON INDIAN AFFAIRS 1913-1916

Public Archives of British Columbia  
Microfilm Roll #820A  
Pages 16-24



COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA

MEETING WITH THE KITWANCOOL BAND OR TRIBE OF INDIANS AT KITWANGAR

I.R. ON SUNDAY, APRIL 18th, 1915.

George Moore acts as interpreter.

Chairman addresses the assembled Indians as to the powers and scope of the Commission, and

ALEXANDER (SMITH) addresses the Commission as follows:

I am the Chief of the Kitwancool Indians, and we have appointed Albert Williams to say all that we wish to have said.

Chairman: Do you want Albert Williams to speak for you?

ALEXANDER: Yes.

ALBERT WILLIAMS, speaker, addresses the Commission as follows:

I feel happy because I see two Governments to-day--the Dominion Government and the Provincial Government. I am standing right in front of you gentlemen and I am not going to tell anything crooked--I am going to tell everthing straight. We are right in front before God--God is on top of us all the time and he is looking at us. God can see us here, and he can also see you two Governments. Our Grandfathers, who have gone already, have asked for something, and I am going to ask you for it. Of course these people who have died, we represent these people here to-day who have gone. I am not going to say much to-day--only the one thing I am going to talk about in front of you gentlemen to-day. That is the reason I talk that way because we were born right here in this country, and that is why I am telling you about it to-day, so we wish kindly to ask the Government to help us and give us what we want. We know our King, George V, he is a great power in the world, and he knows that we belong to this country. It is not long ago that the Governor-General came to Prince Rupert, and when we saw him we put our words right before him, and he put his hand on top of us, meaning all the Skeena River, and he promised everything to the Skeena people and he told us that he would get it from the two Governments; that is the reason I am standing here to ask for our own land. It is seven years that we have been crying out about this land from the Government, so we are kindly asking you two Governments to help us about this.



ALBERT WILLIAMS is hereupon called and sworn.

Commissioner Macdowall: Your name is Albert Williams?

Witness: Yes.

Q.: And you are the spokesman for th Kitwancool Tribe?

A.: Yes.

Q.: It appears that your Band has no Reserves, but the Victoria Government has reserved some land for you, about which we are going to ask you, so that we can recommend lands to be given to you that will be sufficient for your Tribe. Now can you tell me about how many people there are in the Kitwancool Band?

A.: What is the reason you want to know that?

Q.: Because we want to give you enough land, and we want to know how many people we will have to provide land for.

A.: There is not very many people up there, but about the land that we have there and about which I was speaking to-day--we don't want the whole Province, but I want to show you the land that we used to have before.

Q.: Can you tell me about how many people there are in your Band?

A.: If you will ask me or ask Mr. Loring how many people there are up there it will be all right, but the land that belong to us for a long time, we are asking you for that.

Q.: Well then you will be satisfied with the number of people that Mr. Loring gives me, will you?

A.: Yes.

Q.: Do you recognize this place called Kitwancool on the map, where the village is (producing map)?

A.: Yes.

Q.: Is that good land for farming?

A.: Yes, it is all good land.

Q.: Is there much timber on it?

A.: Some places there is some timber and some burned timber.

Q.: Is there much cultivation on that reserve?

A.: There is not much done there--only a very small garden.

Q.: If you had the means to cultivate that land would you like to cultivate it and grow crops there?

A.: We are trying to be civilized people and we are trying to do our best and get a little more civilized all the time.

Q.: Would you like to have someone to teach you how to farm and cultivate that reserve?

A.: We don't like to see your Government giving us too many tools for

our Band.

Q.: Would you like to have a farming instructor under Mr. Loring to teach you how to cultivate your land?

A.: We don't like to hear about "Reservation"--we want to get our own land back.

Q.: You heard the address yesterday in which it was stated that the Government was taking steps to have that matter settled before the courts?

A.: We was waiting all the time to get our land question settled in Ottawa, and I don't want to be talking and talking this over while that matter is not settled.

Q.: Well, you will have to keep on waiting, and in the meantime we will have to do our work. Now would you like to have someone under Mr. Loring to teach you how to cultivate your land, so that you could make money and live like white men?

A.: You may ask me quite a lot and give me questions all day when I was telling you before that we want to get our land back.

Commissioner Carmichael: We cannot settle that question.

Commissioner Macdowall: Would you like to have someone to teach you how to cultivate your land?

A.: I don't want any man to come here and teach me before I get the answer about the petition.

Q.: After you get an answer to your petition would you like to have someone come then and teach you and show you how to cultivate your land?

A.: After we get an answer about our land question we will make up our minds what we are going to do about our cultivation. The other Government (Commissioner), he was standing right there yesterday, and he said all our troubles is going to be settled right in Ottawa.

Q.: He did not say that - he said the land title question would be settled in Ottawa; but the question of these reserves will have to be settled right here now?

A.: We don't ask for any reservations at all-- we have done with reserves already.

Q.: What is this piece of land next to Lot 1455 on the Kitwanga River --do you know this piece of land (indicating the land on the blueprint)?

A.: That is our own land.

Q.: Is that good Land?

A.: It is good land-- that is the reason we are asking the Government

for it.

Q.: Is there much timber on it?

A.: Not very much timber on it.

Q.: Do you know this other piece of land, Half of Lot 1210, at the junction of Moon Creek and Kitwanger River?

A.: Yes. Do you know the name of the man that owns that land?

Commissioner Macdowall: No--I am asking you?

A.: There is no use in asking questions, because I know my own land.

Q.: It is because you know everything that I am asking these questions... If I knew everything there would be no need to ask any questions, and that is the reason why I am asking you. Now can you tell me whether that is a good piece of land?

A.: Yes, it is all good land all the way up to the lake and also on the west side of the lake. (Producing a map of his own). All different families live where these little red spots are, and that is the reason we signed the petition to get this land back for our own people.

Q.: Who was it that made this map?

A.: A man by the name of Sam Douse.

Q.: Was he a surveyor?

A.: He is supposed to be a man that belongs to Kitwancool. He is an Indian and knows all about the land there.

Q.: Can we take this map to Victoria with us and return it to you after we get through with it?

A.: The reason I am going to give it to you--I am not going to let anyone have this, but the reason I am going to give it to you is because we signed the petition to get this land back. I put my words before you Government people, and I said "God was Above us".

(EXHIBIT MAP HANDED IN WITH A LINE AROUND IT SHOWING WHERE ADDITIONAL LAND IS WANTED)

Commissioner Macdowall: I am very glad you brought this map because it is going to help us a great deal.

Witness: We want the whole country within that black line.

Q.: Is this a good country for grazing cattle?

A.: Yes, it is pretty good farming land for cattle.

Chairman: Any mountains on it?

A.: Yes, in some places there are mountains--one trail from the Indian village runs along the east side right to the Naas River and it is all good grazing land.

Commissioner Macdowall: Has your band any cattle in this part of the country, (indicating on map)?

A.: We have a few at the Indian village.

Q.: You would like to have cattle, would you not?

A.: We would like to have the cattle right in this part of the country after you people have settled this over.

Q.: Is this a good country for horses?

A.: All around the north side of the Lake right to the Naas River is good for grazing and we keep it for grazing, and where the wax spots are (on the map), we have our cultivated land there.

Q.: Have you any horses running through this part of the country, (indicating on map), or do you keep them in the Indian village?

A.: Yes, our horses run up and down over the whole country.

Q.: Have you many horses here?

A.: Yes, they go wandering all around.

Q.: Have you many horses yourself?

A.: I have only two horses.

Q.: Is there good hay land where these places are marked, (indicating on map)?

A.: All these places that are marked, it's pretty good for hay.

Q.: Are people living at all those places where they are marked with red wax on your map?

A.: Yes.

Q.: How many people live at the lowest point marked on the Naas River on this map, close to the boundary marked "A"?

A.: There is a big family lives there.

Q.: Do they belong to this Band?

A.: Yes.

Q.: How many people live at the place marked "an Indian Village"--marked "B" on map?

A.: There is a lot of people live there.

Q.: About how many live there?

A.: The family of Chief Alexander lives there.

Q.: With regard to the place marked "A"--how long have they been living there?

A.: No one knows it, but since the world was made.

Q.: Are there any white men living there or have any white men interfered with you at the place marked "A"?

A.: The reason because we signed the petition is because it is grabbed

already--the Government has sold it all--that is why we want to get it back again.

Q.: Has any white man or white men taken up any land in village "A"?

A.: Yes, white men are always trying to grab it. The place we are now occupying is already surveyed.

Q.: Now about the place marked "B"--has anyone surveyed that?

A.: Yes, that is surveyed already.

Q.: Has anyone gone to live there?

A.: I have trapped up there and I have often seen white men there, but they have never interfered with us.

Angus St. Pierre is sworn in to act as interpreter.

Albert Williams: I want to know why you ask me so many questions individually when the land question covers the whole thing--If it is in your power to grant the title I will explain everything.

Commissioner McKenna: You want all or nothing, is that what you wish?

A.: We are asking now for the boundaries.

Chairman: We want to know all about it before we can recommend it--if you will give us some information then we will be in position to recommend more land for you.

Albert Williams: My suspicion was this, that you might recommend little reserves, and I don't want little reserves.

Chairman: Your suspicions were well founded, but it is for another reason we want this information. You have just stated that surveyors had come in on your land and we want to find out whether these surveyors had come in and turned the Indians out, and if we find that surveyors or anyone else has interfered with you on your land we will have our surveyors make a copy of the map and find out who these people are; therefore I am asking, or, we are asking these questions for the protection of yourself and your Band.

Albert Williams: From Kitwancool Lake down to the Naas River is all surveyed except the very tops of the high hills, also all the land lying along the Naas River to Dameziadin (lake).

Commissioner Macdowall: When it has all been Surveyed in that way, it is most important for us to know whether white people are now living on the land that is now occupied by the Indians.

Albert Williams: The white men who have surveyed it they are not living there yet, but it is surveyed and it has been taken up.

Q.: But on one has interfered with you so far?

A.: No.



Q.: We will take this map down with us to Victoria, and we will get our surveyor to take it over to the Land Office and see what the Government has done with this land. Has Mr. Green, the surveyor been up here?

A.: Yes, about four years ago, but he did not do any surveying.

Q.: Did he see any of the places where the wax marks are?

A.: No, he only went as far as the village.

Q.: Did the Indians refuse to show him these places?

A.: The Indians refused to have it surveyed or reserved for them.

Q.: Very well then we will take this map down to Victoria with us and we will return it to you after we have done with it. Now you say where each and every one of these wax marks show, you swear that there are Indian families living at each on of these places?

A.: Yes. I will take my oath to that.

Q.: And they have been living there for some time?

A.: Yes.

Q.: Why was it that the Indians would not show Mr. Green where they were living?

A.: Our only object in sending Mr. Green back was because we did not want the land reserved for us.

Q.: How do you Indians make your living generally?

A.: Some trapping and fishing.

Q.: Have you any schools?

A.: No.

Q.: Would you like to have a school?

A.: Before, I could say that I would like to be enlightened on some points--who will support the school?

Q.: The Dominion Government will support the school.

A.: I won't ask for a school just now--I am not in favour of having a school just at the present time. That is a thing I have got to ask the rest of my people about.

Q.: Do any of the Children from your Band go to school anywhere?

A.: They attend school when they are in a place where there is a school.

Q.: I suppose you would like to have a school after you consult your people, would you not?

A.: No answer.

Chairman: Do you raise any vegetables?

A.: Yes.

Q.: What do you raise?

A.: Potatoes.

Q.: Have you some cultivation in all these places that are marked in red

wax?

A.: These places are chiefly our hunting places, and what we have cultivated is chiefly around Kitwancool village.

Commissioner Macdowall: Do you think Kitwanger would be a good place for a school?

A.: I could not talk upon the school question just now.

Q.: What church do you belong?

A.: The Church of England.

Q.: Have you a church on your reserve?

A.: No. Anytime we go to church we attend this church here at Kitwanger..

Q.: Does the Minister ever call around to see you?

A.: We haven't seen a preacher up here for a long time. Mr. Price, who used to be the Minister, used to come around to see us once in a while.

Q.: Do you have a doctor?

A.: No.

Q.: Would you like to have a doctor to attend to the Indians when they are sick?

A.: That is another thing I cannot say anything about. If any of us get sick we generally go to Dr. Wrinch in Hazelton.

Q.: Has the hunting been good lately, or has the railway affected it in any way?

A.: It has fallen off quite a bit since the white men came into this country.

Q.: How long is it since it begin to fall off?

A.: I think we can notice it more within the last ten years.

Q.: Mr. Tyson, your Inspector, tells me that you possibly don't want help in the way of doctors, school and a farming instructor because you think it might affect the land question--Is that correct?

A.: Yes, that is right.

Q.: Well nothing will affect the land question because the Governor-General of Canada of Canada has promised to take that matter before the courts, so nothing of that kind will affect the case.

Albert Williams: Where does the Dominion Government get the money to pay these doctors and preachers who come amongst us?

Commissioner Macdowall: From the White People all over the Country.

Albert Williams: Is it not the taxes that they get from our lands that they have taken from us?

Commissioner Macdowall: No--it is from the customs duties that they get from bringing thing across the ocean. The Dominion Government does these things, and it has no land in this Province except what it buys. The Provincial Government administers the land, so the money the Dominion Government spends on the Indians comes from the white men and not from the land at all.

At this point the meeting closed.

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APPENDIX C:

EVIDENCE

COMMISSION ON INDIAN AFFAIRS 1913-1916

Public Archives of British Columbia  
Microfilm Roll #822A  
Pages 133-162

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA  
MEETING WITH THE AIYANSH BAND OR TRIBE OF INDIANS AT AIYANSH ON FRIDAY  
OCTOBER 8th, 1915.

Mr. Max Collinson is sworn to act as Interpreter.

Chief Counsellor Robert Pearl addresses the Commission as follows:

We have set apart this day as a holiday so that the people of this village can show their appreciation of your visit to our city. It is a long time since we have heard about the Royal Commission coming here to visit us and now today the Royal Commission have arrived and whatever we ask them to wait until what we decide on what we request. I call upon Paul Sgadwen to say a few words to you.

Head Chief Paul Sgadwen addresses the Commission as follows:

We greet you gentlemen and thank you very much for coming to our village to look into our grievances and we expect and hope to receive happiness from the hands of the Royal Commission. We are here as it were, a naked child--as though someone had come along and taken away our clothing, but now we are glad to greet the Royal Commission because by greeting them we expect to get back our clothing. My people--the people of Aiyansh--already feel that the Royal Commission will be able to do as we ask and that is to clothe us and again make us warm.

Commissioner Macdowall here explains to the assebled Indians the powers and scope of the Commission, and

Chief Counsellor Robert Pearl Addresses the Commission: You know that we have here in our town two or three hotels but we have heard that the Royal Commission have brought along your camping outfit with you so we don't ask you to come to our hotels but we ask you to return to your camp and get your sleep good and warm and we wish you to give us all the time we ask. Either have a meeting tonight and after we have got through you can take the other people.

Commissioner Macdowall: The Royal Commission as you know, have come a long way and they have much further yet to go, and therefore you know their time is short. As a Royal Commission, the manner in which we conduct our meetings is as follows: The powers of the Royal Commission are explained to the meeting and after that the Chiefs or those whom he choses come forward and address the Commission stating their grievances or what they require, and after that we examine either the Chief or whomever he may appoint on the matters connected with the addresses they have made and the land known as reserves. The examination is carried on under oath; The Commissioners themselves having been put under oath and sworn before a Judge of the Supreme Court, and they have been given the power to Judges of the Supreme Court and instructed to examine the witnesses under oath, and therefore when we call upon you and examine you upon oath, we are just placing you in the same position as regards the oath as we were ourselves. As I have already told you, we are pressed for time and therefore we think it will be better to



Hold a meeting at 4 p.m. this afternoon--that would give you two hours in which to arrange your programme and we hope that this will meet your convenience and that you will meet us here at 4 o'clock. Before I take my seat, I wish to compliment you on your excellent band music as it is always cheering to everyone and we take it as showing a good heart on your part, which we thoroughly reciprocate.

Chief Counsellor Robert Pearl: That will be Satisfactory and we shall be glad to meet you at 4 o'clock.

4 p.m. meeting resumed.

Andrew Mercer addresses the Commission: The people and Chiefs have met the people of the village and have greeted those that have the power-- I mean the Royal Commission. This is the Land Committee that has been appointed to look into to see what is right and see what is not right, and we have been appointed today to speak to the Royal Commission. We know and have heard that there is a law against evil; we also know there is a law for good and therefore we were appointed to speak and work in the interests of the Indians of the Naas River and it may take a long time to explain everything; this Land Committee has been formed for the last five years and before it was formed we heard of this Royal Commission which was going to come up amongst the Indians so it is not right that we should settle it all in a half an hour--it will take probably two or three days to settle it all. I have taken what you have told us, but it has been given into our hands to speak and I shall call upon the Chiefs of the Village to state our case, but they won't be allowed to speak personally about this, but they will speak about their troubles, where they live, and other things in general. The Royal Commission say they haven't the power. We have heard it spread abroad that they carry power and they have a lot of power. Although at times it might seem very hard to you gentlemen, at the same time we want to tell you exactly what we wish. I now call upon Mr. Amos Gosnell to address the Commission.

Amos Gosnell addresses the Commission: There is one question that I want to ask--I want to ask in whose interests do the Royal Commission come-- in the interests of the white people or of the Indians?

Commissioner Macdowall: The Royal Commission has been appointed by H.R.H. the Governor-General to come in the interests of good Government and of course that means both Indians and white people alike.

Amos Gosnell: This is why I ask: We have been expecting this Commission for a long time. We have for the last five years that the Commission was coming, and that they would settle all our troubles, so we have been waiting, and people have been coming in and taking up our land and we have not said a word to them because we heard this Commission was coming and they would settle all differences between us and the white people; we heard that the Royal Commission was our last chance and so the thing which is very detestable to us is our reserves. We heard that the Commission was coming and we hope they will be able to take away from us the term "reserves". It has been very hard on us because we have been informed that our reserve is only eight inches deep, and that is why we have gone to all this trouble--we have even sent men as far

as Ottawa to have this thing settled.

Gideon Minesque addresses the Commission: I bring before you gentlemen something that grieves me very much which is our lands, the lands upon which we stand and work; this has been troubling us all--troubling us because we see that our hunting-grounds have been taken away from us and also the grounds upon which our food grows and so we turn around and ask ourselves what will our children do after we have gone. What will we do? Look at our stove; after a while we won't have enough wood to keep it warm because the white people have come in and taken up all our trees, and what we want is that the government should satisfy our hearts and satisfy our hearts with money. We haven't got any ill-feelings in our hearts but we are just waiting for this thing to be settled and we have been waiting for the last five years. It is not only a short time that we have lived here; we have been living here from time immemorial--it has been handed down in legends from the old people and that is what hurts us very much because the white people have come along and taken this land away from us. I myself am an old man and as long as I have lived my people have been telling me stories about the flood and they did not tell me that I was only to live here on this land for a short time. We have heard that some white men, it must have been in Ottawa; this white man said that they must be dreaming when they say they own the land upon which they live. It is not a dream. We are certain that this land belongs to us. Right up to this day the Government never made any treaty, not even to our grandfathers or our great grandfathers.

Peter Nishyok addresses the Commission: I want to tell you a story about our grandfathers and our great grandfathers and all these men that you see here. There are three rivers by the name of SHIAKS and SGASKINIST and GUINSMAK--from that it went on right up to the canyon to Kilaseep, Anguilgolgan, Au-ukswauk, Kitsgast, Pidilute, Winatqu, then crossing the river and coming down on the left bank Gitksizozquit, Dagigin, Kitsaksgan, Minluk, Kitgalt, Kitsidalsit, Gwindiporu, Aksgan, Wiluksdas, Sgarvin, Gwindibilk, Kitkzegaltqu, Gatzagaugasn and Gingilqu. These are all names of salmon fishing camps that I have brought before the Royal Commission. From these two villages called Gitginyuga and Lakginilauk they moved down to a place called Gitginyug--they were all camped down at this village called Gitginyug. This was a village of two rows of houses--one row above the other, and while they were camped down at this village, this village was near to a lake--it was then that the eruption of lava started and when that happened we moved across the river and up to the mouth of this creek that flows down here and we started a big village called Lakgwinmigunt--from this last named village we moved up to the present, of Gitladamiks and when the missionaries came to us with the word of God, the Chiefs divided and part of them came and started a village here at Aiyansh and the rest remained behind at Gitladamiks. We know from the number of these villages that we did not only stay there for a week or even for a month. I am now almost seventy years of age and in those days we never heard of the Government and we have heard stated by the white people

that all the land belongs to the white people; but that is not so. In the early days we never heard about the Government. None of these camps that I named to you gentlemen were just camps--they were all connected up by trails and also from these camps we had trails running up to the tops of the mountains where we used to get the mountain goat and whistler. We did not always know how to garden--the only way we had of gardening was to set a fire to the timber and on this burned over ground all kinds of fruits would grow up which we used for our food. The reason I will tell you the story of how we used to farm and garden is to show you that for five years we had to set a fire to these pieces and every five years we would have a fresh crop of fruit trees. All these places have now been taken up by the whites, and whenever the original owners would go to his camp, the white men always meets the man going there and says "You get off here or I will bring you before the Government and you will be put in gaol for six month". The reason I tell you this is that we want this land from the points I have mentioned for our own use for food and also to sell if a rich white men came along and wanted to buy a good piece of land--we want it so that if he wanted to buy he would have to make application to us. In my case it is the same thing--my hunting ground is up the Sheax Valley and I had a hunting trail up to this valley and the Government used this hunting trail of mine for its telegraph line. They built houses all along the trail at different places so that now my hunting is spoilt and I don't go there anymore to hunt.

William Gogak addresses the Commission: I also come from one of these places and I want to speak to you about the hunting grounds at Kitangaoqu and Kitsizozquiot. From these two places up belong to my family and from the last two mentioned places there was no space whatever; not even the space of one inch right up to the lake of Meziadin. Now of this there is not a single inch that the white men have not taken up. They got all this for nothing--they didn't even give us a cent for all the land that they have taken. That is all I have to say, but I just want to mention about these people--I mean the Indians. They were the very worst kind of men. For instance, if two men had a piece of hunting land and one men tries to go on the other man's section, they would take this man who comes on the other section, strip him, whip him and send him away. When I was a little boy myself, William Duncan arrived in Metlakatla and he brought with him laws of the King, which spread up to us here and on this river and we are the same today, and we still have the same law and that's why we have not spoken to all these white men who have come in and taken all our lands. The reason I am telling you this is because at first we heard the Government would sign a document making an agreement with the Indians and then the Indians would sign the same document and after that then the Government could handle this land which originally belonged to the Indians. No one has up to this day signed any agreement with the Government. Now to finish my speech, we are not asking to get this back, but we want the Government to satisfy us with money as there are many places on this land just ready for the plow. All you would have to do would be to put the plow right on to it. That is all.

George Eli Addresses the Commission: I am very glad to be able to



Addresses a few words to the Royal Commission. I would like to get an extension to the east of what the other speaker said. I would like to know what will happen to these white men who have already taken up these lands. They have taken up as Peter Nishyok mentions in his speech, they have taken up Peter's hunting ground, and the white men are hunting now on Peter's place. They have also taken up hunting grounds belonging to Chief Leag's and the white men are also hunting on his place. They are also hunting on Timothy Derrick's place so that now he is unable to do any hunting. It is the same with the back of the village here and all up the river--they have taken all the land up and our people are not able to do any more hunting. The reason I ask you what is going to happen to the white men that have taken up this land, it is because the Gitladamiks people were given these lands so that they could enjoy their rights and yet they have all been taken up so again I ask what is going to happen to these white men? Now gentlemen, we ask you to help us all you can because all the land we have mentioned to you was handed down to us and left to us by our grandfathers and we are, as it were, living in the village with nothing around us at all. We would like to get this land back because from this land we get our food and without food we are not able to do anything. The reason we speak is because we would like to be able to take up this land and use it ourselves in the same way as the white men are using it. When the Government gave these lands to the white people the Government did not know that we were already in possession of this land--they were ignorant that we owned this land so we rightly ask for these lands back.

Commissioner Macdowall: In reply to your question I may say that if the white men took up the land or acquired that land in conformity with the law of the Province, the laws of the Province will protect him, but if he has entered upon it contrary to the law, then Mr. Perry can look after the matter, but if he has taken up the land under the law then the laws must protect him and we have no power to deal with him. Perhaps I should not have said that Mr. Perry will look after the matter, because when we return to Victoria, we shall consult with the Government, or at least with the lands Department and we shall find out what the position of the lands are for which the Indians make application. If they are within our power to deal with we shall make up our minds as to deal with them, then we have no power to deal with them and Mr. Perry's jurisdiction is confined to the reserves.

Witness: That is why I stood up to say that Mr. Perry's power only dealt with matters on the reserve.

Charles Morton (taking the place of Rev. Mr. McCulloch) addresses the Commission; I am very pleased to be able to say a few words on the grievances of our village. The old people--the chiefs--did not in the first place accept these reserves, but notwithstanding this, the Dominion Government made these reserves for the Indians. The Dominion Government also made a law to be used in these reserves which is known as the Indian Advancement Act. They also gave counsellors to the village and to these counsellors the Government gave by-laws and abided by them and it is the same today. We also learned that if we followed these

Laws that in time our lands would be divided amongst us, 160 acres to each man. We did this and made application to Mr. Todd to have these lands subdivided for the people of the village. He said, "Go--you have power yourselves to do this". The Counsellors replied, "No, we won't do this. Give us a written statement and your signature, then we will think it is in our power to subdivide". This he did, giving us a paper signed by himself. This being done, the Council started out with the aid of the Rev. J. D. McCulloch; we started at the main line of the reserve and when we had subdivided we discovered we could only get 20, 30, 10 and 5 acre lots to be divided amongst the people--the rest was either swamps or rocks. We also had the promise that after a man had taken his piece he was to fence it and work it and after five years' time, that land would be considered his own and he should receive a title for the land and it would no more be called a reserve.

Commissioner Shaw: Who gave them that promise?

Witness: It was after Mr. Todd's death--it was Mr. Morrow that gave them that promise.

Commissioner: In writing, or verbally?

Witness: Verbally, in this building--we were talking about the Title at the time, and he made this statement verbally. Some of our people even went as far as ordering the wire and they fenced these pieces of land and at the end of five years we made application for the title as told to us by Mr. Morrow, but on his next visit, when he arrived here, he told us that it would be impossible as the provincial Government would not give the title of these lands to the Dominion Government, because it was only a reserve. That is the reason the hearts of our people went smash, because they realized then, their lots were only called reserves and it was as though they had only borrowed them. That was practically the day when the land question was first born, because it was made plain to us that the land did not belong to us and that is why today it is you see the land lying idle. It is not impossible to work this land in the same way as the white people work it--it is because the law that we thought was right, as this law was given to us by our Agent Morrow as our own, and afterwards we found we did not own it. That is the reason, gentlemen, it is impossible to improve anything belonging to another man when he knows it is not his own and that is why, gentlemen, it seems to the Indians that they cannot see their way clear to work these lands because we see we are under the Government--it is as though we were in a fence and could not get out, and instead of being free like men, we are slaves. That is why we wish this demand of ours, so that we can walk freely like men.

Timothy Derrick addresses the Commission: I want to speak about the present generation. I am very glad to see Mr. Tyson and Mr. Perry with us today. It is in the power of these men and it is their duty to look after the powers of the Indian Act, and that is why they are called Indian Agent, and they also hold the power of the reserves. This is what I want to say to you. If there were three men standing here and two of these men wanted to follow the laws and rules of the Indians of the early days as told by the Chiefs here today, and one man wanted



follow the new laws--which of these three men would the laws of the King acknowledge--would it be the two that would be trying to follow the olden ways or the one that was trying to follow the new ways? Would the laws of the King fall on the man that was trying to follow the new way because of the ignorance of the other two that was still wanting to follow the old way? As far as I am concerned I am inclined to acknowledge and state that the man that was trying to follow the new law, it would be alright. The Indian Act of the reserves would be alright for these two men that was following the old way but it would not be right for the man trying to follow the new way. We here are people that are trying to follow and want to follow the new way and we haven't seen any aid coming from the Indian Agent in the shape of a sack of flour or a blanket coming to the people of Aiyansh. The Indian Act would be alright in the reserves for these people that are still following the old way and to whom blankets are given, but not for people who are trying to follow the new way. You have heard that all our lands have been taken up by the whites and yet none of the people up here have told them to get away from here because we want peace with the Government. Before these white men came along and the surveying of the lands started, we did try to stop them but even then, they came along and took the land up. We have papers here to show you what we had and what we have been trying to do to keep these white men off before they came here. (He here hands in four copies of documents entitled "Indian Protest"). We made these papers asking quietly that this would cease; instead, we received word from Premier McBride saying that he would send up 100 soldiers to wipe us out. We don't want any trouble in the settlement of our case--we want it to be done in peace and to be one in the new way. You have heard one of the speakers talking about the Rev. Mr. Duncan. It was while the people of this river were as it were blind that this thing happened. They didn't know anything about the law or heavenly things when he came by the hands of the King and also by the missionaries that came to visit us and so we began to see daylight and some of our children also know that have been to school, who have returned and are able to read. We have powers to think and our eyes are opened, gentlemen, the same way as yours are. You who are representatives of the Government--it was the Government who opened our eyes--and what man will come and close our eyes--it is impossible to close them and we want to follow the new way. As our brethren down in the lower Naas has explained to you, even our fishing has been taken from us by the Japs and also by the Whites, our hunting grounds and the grounds from which we get our food has also been taken away from us, and will only be a few years before we die ourselves and also our children. That is why we want to save as much land as possible for our own use--we don't want the whole of British Columbia--we just ask for what is ours and what part of this land we don't use we want to get the money in place of the land as you have already got the area from previous speakers. Grease Harbor is another place that we want--we don't want it given to the white people--we want it for our own use. Andrew Mercer addresses the Commission: I want to state that we are

Very happy, gentlemen, but I think we may be saying very hard things, but you are willing to accept our statements. As I mentioned before this is a big case and it will take some time to be explained. We thought we were very well off in the village, but we find that our lamps have gone out and we have no money to buy more oil and also want to make a list of the other things we want to put before you, so we ask you to adjourn this meeting so as to give us a chance to eat and fix up these statements and as some of the members of the tribe are weak and old who would like to be at these meetings, we should like that this meetings be adjourned until 10 a.m. tomorrow morning.

Commissioner Macdowall: We quite understand that you wish to be prepared to meet us with your statements, and we are anxious to meet you in every way that we can, but our time is short because we have a great deal of work before this Report goes in and we want to finish it quickly. We are obliged to the Nishga Indians for having met us in such a kind and businesslike way--it will help us to understand the situation, the businesslike way they are explaining matters. We hope that it would not be inconvenient for you if you were to meet us here at 8 a.m. tomorrow morning. We are pretty old men ourselves, but we can get up at 6 a.m.

Witness: We will decide it this way--we will take something off our hour and take something off yours and make it 9 a.m.

Saturday, October 9th, 1915 (continued)

Chief Counsellor Robert Pearl addresses the Commission: We have been expecting you for a long time to give us and help us in what we require, and there is one thing we would ask you for now. We want to get a place where we can get timber and logs--you will see by your maps, the river called Anuksgwiysqu running back to the foot of the mountains. This piece we ask you for so that we can get logs for our sawmill and also for firewood for ourselves--this place is included in the area mentioned to you by Chief Peter, yesterday.

Peter Nishyok addresses the Commission: I want to make known to you about by grievance about the land of which I am the boss, known as Sheax Valley. I am not the only one that knows the place. All my brethren numbering over thirty and also the children of my sisters are also many and that is why I am lawying before you something that grieves my heart very much. It is four years now since the Government took away my hunting ground from which I got my living. Starting at a point at Lava Lake, from that, my hunting trail went up into the mountains and right along this hunting trail of mine, this telegraph line runs and I haven't hunted up there for the last four years. I am not as well off now as K used to be and right behind my fish-house down at the mouth of the creek there is a small lake--this area has been taken up by a white man and he has built a house there and this land that belongs to the white man extends right up to the middle of my hunting trail--this gentlemen I want if possible to be returned to me through your aid. The creek of which I speak--from this creek we get salmon and I don't stop any man from coming there--all the men and Chiefs of this village go there to get their supply of salmon. When we do this we are all

Happy together because we are able to get salmon from this creek; the same from time immemorial. I have a fish-house at the mouth of this creek and just on this side of where the white man is camped, I have another fish house and three miles further on from the fish-house, I have a hunting lodge, and two miles further on, I have another hunting lodge and two miles further on again I still have another one--that is up to the end of the lake I mentioned, that is Lava Lake. Then right up from Lava Lake following my trail, I have the last hunting trail. One of my brothers who is not here today went up a short time ago to get meat. On his way up he met some white men and it is by this we know that the white men have taken away the places from which we got our living--we don't only get the hunting and fishing at this place, but we also get different kinds of berries. I am afraid myself to travel on this land anymore ever since the white men have come in there and for the last three years, I have not been there at all because I am afraid of the white people--that is why, gentlemen, I would like to get this land back through your aid from the white people. I have mentioned to you the number of my brethren; I told you I had over thirty and I also mentioned the number of different camps along the river; these were passed down to me from my great grandfather and as it is, I don't think this area would be sufficient for my family, as part of this land is all rock.

George Eli: I want to say a few words to you about our grievances of which I touched upon yesterday. I want now to speak to you about a school for the children of this village. It is a long time now since we have been trying to get a school and we have been unsuccessful so far. We have been looking forward to your visit because we knew that whatever we said to you, you would aid us to secure this for us; that is why the people of this village ask you that there be a school come to the people of this village which is called by the white people, an industrial school. As nearly all of the people of the village have decided to send their children to schools of this sort, but word has been sent to us that all these schools are full up; we see in you gentlemen, a shield to us as for many years past we have been speaking to the two gentlemen (Tyson and Perry)-- but it is no fault of theirs. The Land Question has always been in our way so we are very glad to be able to see you and address you today as it is the first time the people of this village has had the opportunity to speak to men in your position. As we have here in a school which one of our young men is carrying on over fifty children--we had a school going here for three years but the Government as far as we know did not aid us at all in this--for the last three years we have appointed our own teachers and we have paid them ourselves and if possible we would like the Government to refund the money we have paid to our teacher; we don't think or expect that they will refuse us this because we lay it before the Government to select a place and wherever they think this school should be built it will be alright to us; the reason we ask for an industrial school is because nearly all our young men want to do the same kind of work the white men do, but they have not had the chance to learn. One of the things you saw for yourselves yesterday in our gasoline boats; sometimes one of the engines break down and we have to pay out money and have to send the engine away to get repaired but if the young men were able to fix these engines them-

Thelves they could do it and save a lot of money and we ask that from this autumn, a day school be started in our village and also that a good teacher be appointed to carry on the day school as it is very hard to see our children running all over the place without having a good teacher.

Smith addresses the Commission: I am very glad to be able to have the opportunity this morning of putting before the Royal Commission a grievance not only with ourselves here but also with all the other villages of the Naas River; you know as it is in the winter we have no connection or help as it were from the mouth of the river right to our village here, and we have no means of communicating with our people at the mouth of the river if anything very serious happens and also it is the same with them. They have no means of communicating with us up here, so we ask you to do all you can to help us to secure for the people of the lower Naas and for the people of these villages up here to have a telephone line put in for us; as it is, it is we already have a Government telegraph line coming into our village, and often in the winter, we have had important news here and often we would want to communicate with our people in the lower Naas and we were unable to do so owing to the dangers of the river. We ask that this be granted to us out of the good hearts of the Government; we also ask for a wagon road from the village of Kincolith to the village of Gitladamiks. As you have seen for yourselves the dangers on our river and yet you haven't seen it at its worst--when the river is in flood it is impossible to get through the canyon and in that case it would be much better if we had a road because anyone wanting to come up could come up by waggon or on horseback, and we are approaching the time when it will be absolutely impossible to go backwards and forwards on the river owing to the uncertainty of the ice. There is another thing I want to speak about--another vast grievance that we have here in this village and the other villages around is that we have no doctor. There are times when we are up against it when people get sick so we would like to have a good doctor in our midst--that is why we ask the Government to supply us with a good doctor and also to give the doctor a hospital.

Gideon Minesque addresses the Commission: The part that I ask you is starting from the river Sheak down as far as the river and back on top of the mountain as far as Grease Harbor; not for myself only, but for the use of all the people in the village. We are the boss of this parcel of land and we, if possible, want this piece of land because we want to start gardening and raising cattle as there is some very good land on the other side. We also have fruits and berries growing on the other side, which we use in the wintertime. We will also be able to get our firewood over there as it will be impossible for us to get firewood elsewhere. We would be very happy if the Government gave us this piece of land although we think it belongs to us and all we ask is that the Government should endorse this for us.

Amos Gosnell addresses the Commission: You see gentlemen, all the land around here looks very nice and all green in the summer--that is our work in times past; this land was burnt over by the Indians and the other side is a place from which we get our food in the way of berries and



Then at the back of the mountain it is also burned and we go behind there for berries and the back of the village we use for getting our firewood. As you see gentlemen, right back at the foot of this mountain behind the village and running up to a place called Gwinhatal. Amongst these trees and all around this land we have worked all our lives getting our food. We were practically born amongst these trees around here. We are not asking for anything we don't know about--as we were born here and this we consider is ours down to a creek known by the name of Ks-gamal--all this land we consider belongs to us and we use this for a working ground both to support our children and also our old men so we ask you gentlemen, as we look on you to represent our Governments and also our King, we ask you to have mercy on us and do all in your power to help us as this is the place where we know God placed us.

Richard Derrick addresses the Commission: You have come into our midst as it were; as a great Doctor; you also heard as it were, that there is a great sickness amongst the people of the river and these are all the list of names given to you by Chief Peter yesterday, the names of which are Gunsguk and Aukdaus. These creeks run for twenty miles back of the hill, which are now occupied by white people. There are over fifty people to which these creeks belong. Crossing over the river we also have two more creeks called Gitankam, Gwinsak and Gwilgol, which flow from the Kitwancool side--our families are living up there now at a place called Ksgigienit--there is another place known as Ksimilatqut. I also have a brother there in camp there now. He has gardens there and he gets berries from there, also fish. A little way up these creeks which is a great place for salmon, I marked up to a place which is known as Winsgalgol and from that point down on the river.

Dasque addresses the Commission: I am very glad to have the opportunity of addressing the Royal Commission. You have heard the bosses of these different pieces of land and their grievances, and I am the boss of a piece of land known as Caksbaksit--I am just asking for these pieces that will be large enough for me and my family of which there are over twenty. I have a house and also a garden there, and as it is a very good piece of land I would like very much to be able to raise cattle. I have here already some cattle, but I cannot attend to them here as I would like to. We have in our family a lot of children growing up and that is why I speak--I don't want them to be without anything when they grow up so I am asking for this piece of land for their use. I am glad to have the opportunity of addressing you this morning. This parcel of land was used by my grandfathers for hunting purposes and what they used to call garden used to be the beaver dams and beaver lakes, and from this point there are three trails; one running to Kispiox on the Skeena, one to Mezizdin Lake and the third one runs to Kitwancool. The white people have used up the timer at this place. I speak because if by any chance I went up there to camp and the white people drove me away they would be driving me away from something which I considered was my own--at this place there are altogether three houses--there are other pieces of land which belongs to my grandfathers much bigger than the piece I am asking for, yet I don't want the whole thing--there are other places where I used to get the beaver and by so doing I used to make a lot of money. I tell you this gentlemen, because I want to start a farm up there on a piece of ground which was left to me by my grandfat,her.



Good addresses the Commission: I want to speak to you on a great grievance which we have in the village; we would like the Government to give us a dynamo to run an electric light system in the village and also suitable power to run the dynamo; another thing gentlemen is we had a fire here the other day in one of our houses--we all worked as hard as we could but we were unable to do anything to stop the fire and for this reason we would like to have water brought into our village because it would be very easy to get in here from the river.

Arthur Derrick addresses the Commission: I am very glad to have had the opportunity of addressing the Royal Commission. As you see for yourselves, Richard Derrick is getting to be an old man and he is just speaking as a spokesman for our family and I, as it were, stand behind him and as it were, second everything that he says, because at any time he might die because he is an old man and I am here to stand in his place. Ginsgok Creek is the one we want as that is the nearest to us here. It is over thirty years since we started living here in this village and all this time we have been going to this creek to get food for ourselves. That is the reason why I say I am able to stand behind him and I shall continue to use it until the final settlement. As my brother told you, he has brethren and relations and also uses the land further on for hunting, berries, fishing, etc., and I am very glad to have been able to tell you this.

William Gogak addresses the Commission: I want to speak a few words about a piece I have already given to Mr. Perry. I have given him a sketch of it and I would like to get it. Mr. Perry himself has seen on this sketch the names of the different camps and these are the places I want. There is a piece of ground at the end of the lake which I want for myself--I am going up to this place and I am taking my cattle up with me as this was left to me by my grandfathers. There is another place marked on the sketch known as Anlaubi-glozatz. This will belong to my nephew. Another one of our camps called Gin-hag and on here I want another of my nephews to camp. I want to know if it would be agreeable if I were to live on the land which formerly belonged to my grandfathers.

Commissioner Macdowall: We are taking down everything that you said and when we arrive at Victoria and meet the whole Commission we will go over the whole of this evidence and come to our decisions.

Charles Barton (of the Land Committee) addresses the Commission: On the request of the people of Aiyansh, I have been asked to address you and confirm a few words that has been laid before you by the different speakers. Commencing on the names of the different places yesterday which were laid before you and which was stated there were salmon fishing camps, I may tell you that it is more than that they are wanted--the people of Gitladamiks used to move up to places as soon as they would come back from their ooligan fishing and they would live there all summer until later than what it is now, before they would move back to the village of Gitladamiks. These are more than camps; they are regular homes of these people and these are laid before you to show you that we possessed these lands for many years back up until the present;

Therefore we are not putting in claims before you that is not true to be known as the Gitladamiks and Aiyansh people in this meeting. With references to the reserves and all belonging to the reserves, Mr. Charles Morgan yesterday put before you what the late Mr. Todd, told us--they could not find the very document last but I know the statements that is made, to be a fact, because the late Mr. Todd, who was the Indian Agent up here and wherever he would go, I was his Interpreter because in these years there were not very many who could speak English and I was the best one. He said that as soon as the Village is divided--that is the way he made us to understand and also lands for garden lots to be allotted and to each person and after these two are complete then a man has a right to go outside of that whether it is on a reserve or not and pick up a foreign lot; there he can take up his 160 acres if he likes and as soon as those are completed we were to get our title to these three different divisions but since then this agreement somehow or another was broken up or thrown out--it was in 1887 that this proposal was made to us and up to the present we have not had any guide to go by on our reserve--therefore we ask you to help us in this matter. We would like the Department to get out a plan in the way of dividing up these present reserves or for the reserves also for the applications for additional lands that has been laid before you, and how we were to get a title for these reserves and divisions, and also we want in case there is a sale, we want a regular regulation to guide us in the way of sale, how to surrender and how to divide up the proceeds of the sale and if, as you have told us, that these will be our reserves forever after you have put them through; if that is so, when it comes the time, the laws on the reserves should be changed--At present, the law is to only have the right to get half of the proceeds and the other half will be kept by the Dominion Government in trust. Therefore you have seen for yourself from the mouth of the river up to the head, and all the information that has been given to you and we are very thankful for your taking down all the information that had been laid before you. We will then after remaining as your loyal children and will await your favorable answer and also we would like you to send us a copy of your Report when you have them printed.

Commissioner Macdowal: Now that the addresses are concluded, I wish to thank you who have arranged for all these addresses, and those who spoke; I also wish to thank Mr. Barton, who has expressed himself so clearly to us. Every word that has been spoken by any of the Aiyansh people has been taken down by our Secretary and these notes will be extended on a typewriter and sent to both governments and no doubt they will be kept by them in the Archives where they keep such documents and will be accessible long after you and I have gone--perhaps one hundred years later your children's children will be able to see what we have all said. As to our Report, there are to be a number of copies of it printed and these will be sent most of them to the Dominion Government and a few to the provincial Government but we shall not have the distribution of the copies of the reports ourselves, but the Dominion Government and Provincial Government both will be able to distribute

them and it is quite possible that the Indian Department would consider any application you may make although of course I have no power to say anything to you beyond that. I shall now be obliged if you would appoint some gentlemen from the Aiyansh Band to answer some questions. Andrew Mercer addresses the Commission: We have heard the words of the Chairman of the Royal Commission and we ask the Chairman if we find out if we have omitted anything will it be alright to hand it to you on your way down the river or to forward it to you in Victoria.

Commissioner Macdowall: That will be quite satisfactory or if you can hand them to Mr. Perry because Mr. Perry is coming up to go over these applications with you so that he can point them out on the map and then he is coming down to Victoria to be examined.

Charles Barton is sworn to act as interpreter, and T. L. Derrick is hereupon called and sworn.

Commissioner Shaw: What is the name of this tribe or band of Indians that we have heard yesterday and today?

A.: Gitamwilks is the name of the people from Gitwalushtqu to Gitlakdamiks.

Q.: How many reserves belong to your people?

A.: One reserve is set aside for Gitlakdamiks No. 1A, and also there are small reserves outside of this.

Q.: Do you know how many small reserves there are?

A.: No.

Q.: I will give you the number of reserves--Aiyansh No. 1--is that right?

A.: Yes.

Q.: No. 1A, Gitlakdamiks--is that right?

A.: It was not made into two reserves in the first place--only one reserve--but on account of the heathens staying back of Gitlakdamiks that is how the line came between.

Q.: The next is No. 2, Seax No.3 and No. 4--now are there any others?

A.: Yes, by the name of Stiskinisk.

Q.: You understand when I say reserves I mean land that has been surveyed by the Government and allotted to the Indians. Do you understand that?

A.: Yes.

Q.: Is there any other name for that reserve you have just named?

A.: No, that is the only name.

Q.: Could you point it out to us on the map?

NOTE: Mr. Mercer says that the reserve as mentioned is on the other side of the river but is really a part of Aiyansh.

A.: I know that place, it is on a little island--it is up the river.

Q.: Does this island lie in front of Aiyansh Reserve?

A.: Yes, it is part of this reserve.

Q.: What is the population of these people included on all these reserves?

A.: I don't know exactly but there must be about four hundred all told.

Q.: Mr. Perry takes a census every year or every two years, does he not?

A.: Mr. Perry don't come here often.

Q.: When he does come does he take a census?

A.: He may have taken a census but I don't know.

Q.: Are there more or less people on this reserve now than there were when you were a small boy?

A.: I will tell you the truth--I am from Gitlakdamiks--but I was born at Gitwalnshtqu (No. 7). There was lots of People there--they had great big houses and some of these big houses would have at least forty people and Gitlakdamiks was a very big village and these houses were close to one another. There were over a thousand at Gitlakdamiks Village alone.

Q.: And they have gradually decreased year by year until they now number about 400, is that correct?

A.: I will explain to you why these villages are decreasing. Some years ago Victoria was visited by the Port Simpsons, which they reached by canoe and during the time they were there they got a very bad sickness. Some of the Naas people also found their way to get there by canoes and it was from them there was some disease spread among the people and furthermore they got smallpox from that.

Q.: So that would account for the great reduction in the population?

A.: Yes, when I got big, there was a gold excitement at Stikine and I went there too and there was quite a lot of our people went there and it was the same; a lot of diseases started among the people here.

Q.: Would you say that the population now is still decreasing or has it increased, say within the last two, three or five years?

A.: When the people could see their way and know the laws and know what is good and what is wrong, why they went to where it was good, and they stopped all these wicked ways and when they did, why of course dying off was cut off as well, and now there is an increase.

Q.: Did you not have a resident doctor here until a short time ago?

A.: We never saw a doctor yet among us in this place but I will tell you about a man, who helped us for a short time. When Mr. McCulloch came among us he cured a great many people in giving them medicine; last year we had a man here from Seattle--he was a German by the name Schmidel he helped us a good deal and there were a great many people he cured when they got sick and Mr. Perry did not like this man for a doctor among us on account of him not having a doctor's license.

Q.: This man has gone and there is no doctor nearer than Kincolith, is that correct? Is there any other doctor nearer to you than the doctor at Kincolith?

A.: That is right--we have an awful hard time. If there was an accident happened today we would have to take him to the doctor at Kincolith and that is why the people ask for a doctor.

Q.: In your opinion, if you had a doctor here or at some place within easy reach it would often be the means of saving life?

A.: Dr. Macdowall has made some great cures of some of our people during the summer when we have a good way of getting to him--there were times when we cannot get to him at all especially during the winter. If there was a man within easy reach it would save many life.

Q.: What is the principal occupation of your people here?

A.: It has been laid before you by several of our people what we do live on, and that is what we work at. I will explain to you now the way we make our living at the present date. We get work as good workers.



7. I am a man who has been working in these canneries a good many years. I mend nets, and during the last few years I am not able to get a job. It has been explained to you how we used to live a few years ago at the different camps mentioned on the river here above us, but in these late years we have been working around the canneries, and now there are only a few of our people getting work in the canneries, as there is a law against our people working in the canneries.

Q.: Who made the law against you working in the canneries?

A.: You know it is the Indian Act--that is why we can't get work in the canneries.

Q.: We don't know of anything in the Indian Act that prevents Indians working in the canneries or anywhere else. We don't know of any such thing in the Act.

A.: I know it by this way myself--the law doesn't want us to get out independent licenses. I would like to show you why I mentioned about the Indian Act. We have quite a number of young men here and a few years ago there were surveyors came here and they all got work because they were good workers and did their work better than a good many similar white men. The white men around us made a petition against us working in that way on account of us being a "native" and not being "citizens" of Canada. It was on that account they had the excuse of us being a native and being under the Indian Act. That is why I know that it is through the Indian Act we can't get work.

Q.: We will do what we can for you in regard to this matter on our arrival back to Victoria. The Indians in the early part of the year in the month of March, they all go to the ooligan, fisheries, do they not?

A.: Yes, that was the way years ago. Even the Skeena River people all go down.

Q.: They still take the ooligan, do they not--I mean these people here?

A.: We have quite a few that make a good living in making ooligan oil, but there are some that don't go fishing and who stay back here.

Q.: You derive your food from the waters in the way of fish and from the land in the way of berries?

A.: Yes, that is our chief way of living, salmon, ooligans, and berries, and the places that have been pointed out to you as our hunting places, where we get mountain goat.

Q.: Some of your people do work in the canneries for white people and so obtain money to purchase the necessities of life, such as clothing?

A.: Yes, there are a few who go the canneries, not all of the Aiyansh people. There are quite a number who stay here who are interested in working these little gardens they have.

Q.: Would you people like to have, presuming your title to the land is settled, would you like to have a farming instructor sent you here at the expense of the Government to teach you modern methods of farming?

A.: We know how to garden fairly well and how to grow different small vegetables and one thing or another, but we know that the land don't belong to us. Therefore we can't go into it until we are sure it is ours. It would be almost sufficient work for our people if we could do that and we would not have to be begging at the canneries for work.

Q.: Do you think you understand farming operations well enough to carry on the work without any instructions?



Q.: We know this much; so far there is no one has taught us in the way of farming except what little we learned from the missionaries and what we picked up by going to other places and we imitate the same.

Q.: How many gasoline boats are owned by your people here?  
And a number of smaller boats such as canoes?

A.: I could not tell you the number of the canoes.

Q.: Do your people build these gasoline boats yourselves or do you purchase them on the outside?

A.: We built them ourselves, they are not built by the white people.

Q.: And you also build all your own houses?

A.: We built our own houses and also our own church.

Q.: So that your people here are good carpenters and good boat builders?

A.: We are all very good carpenters. I myself am a pretty fair carpenter but of late years I can't get work. Since the Japs came in I have had no show.

Q.: You heard what George Eli said about the schools here?

A.: Yes.

Q.: You have a day school here in the village have you not?

A.: No, not from the Government.

Q.: You have a day school but you pay yourselves all the expenses of that school?

A.: For three years now we have been paying.

Q.: Did you ever make application to the Government for a school?

A.: Perhaps you have heard the reports from our Indian agent regarding that we refused to have a school here. I will explain to you how that was. We had a Missionary here and the Mission House was on the edge of the bank and the school was put right alongside the Mission House. Many times Rev. McCulloch would act as a School Master himself, as he had no help. When his daughter got back she taught the children. They learned the children very well. The men who you saw playing in the band—that is where they received their education. Unfortunately the Mission House was burned down to ashes. Rev. Mr. McCulloch came to me in my house about this time of the year and he asked me to be good enough to let him use my dwelling house as a school house for that winter and I agreed to it. They used my house for six months. Priestly was a pretty fair teacher and McCulloch wrote to the Indian Agent for payment for the use of my house at the rate of \$10.00 a month and when he received an answer from the Indian Agent, he called me up to the house and read the letter to me. The Indian Agent refused to pay me for the use of my house as McCulloch had to bear this himself. From that time McCulloch threw up taking charge of the school and managing the school at Gitlakdamiks; we want a school to be erected between here and Gitlakdamiks, and we are willing to give a piece of ground for the use of the school. This is the application we made some years ago.

Q.: How long ago?

A.: About four years ago. Now I put it before you now honourable gentlemen; we want the school as has been explained before, an industrial school but we will not accept a place for the said school. I just merely assure you that the application and the location we have for a school; but no

Application has been made in Kincolith, also Lakalsap, and we are in favor of that kind of a school but we will leave it to your judgement for a location.

Q.: That is for an industrial school?

A.: Yes.

Q.: In addition to the industrial School would you desire to have a day school established here at Aiyansh?

A.: Mr. George Eli has laid before you regarding the school and that is just what we want. We want it to begin tomorrow or thereafter.

Q.: You would be willing to have the Government erect a school and supply a teacher?

A.: Yes.

Q.: And Mr. Eli I think said you wished to have refunded to you what you have paid out for the teacher for the last three years?

A.: Yes, it will be a shame on your side if you don't do that to let the parents of these children pay for their own school as we are now doing.

Q.: About three years ago the Government sent material to put up a school but your people here refused to allow that material to be landed on that reserve. Now why did you refuse to allow the Government to land that material and build you a school at that time?

A.: This is the reason. We know that is part of the treaty that school was built and that is why we don't want that school to be built then until the question is settled.

Q.: The question is not really settled yet but we hope it soon will be but should we recommend the Government to build you a school and the Government would consider our recommendation and build a school you would not object to that school being erected, would you?

A.: No--we are now asking for a school.

Q.: I think we can assure you that we shall recommend that this shall be done as early as possible. Now I think it was Mr. Derrick himself that stated that you wanted the place called Grease Harbor; are there any Indian improvements at Grease Harbor?

A.: Years ago from Gitanzalqu to Grease Harbor there is a road, for at that time the Indians did not go any further than that place. They used to pack everything from Grease Harbor up and when coming back they would pack down to this place Gitzalqu.

Q.: My question was are there any Indian improvements on this land now--any houses or gardens or anything like that?

A.: There is lots of gardens at Gwinsinak. They join right together. John Davis' relations have these places.

Q.: Is he an Indian?

A.: Yes--my grandfather by the name of Keoch--he got converted by Robert Thompson, a missionary at Kincolith, and he went and lived in this place.

Q.: Are there any Indian houses there today at Grease Harbor?

A.: For nine years now there have been two of our men from here--Daniel Guno and Michael Inspring have been living at this place and have their houses and got their gardens there.

Q: Is Michael Inspring an Aiyansh man or a Kispiox man?

A: He is an Aiyansh man and also Daniel is an Aiyansh man. They have been here in this village over thirty years and they are citizens of this place.

Q: Before they went to Grease Harbour nine years ago, were there any Indians living there?

A: That is a station--the people go up there--they land there and camp there and people coming down the river, they camp there.

Q: Were there any houses there before Guno and Inspring built their houses there?

A: No.

Q: Did anyone have gardens there before these two men went there?

A: I told you before John Davis' relatives had gardens right next to it.

Q: Is the land that John Davis lives on a reserve marked No. 2 in the Schedule? (Witness here marks location of John Davis' land on the map belonging to Agent Perry.)

Q: (Examining the map). Where is the land that Guno and Inspring live on?

Witness here marks location on Agent Perry's map.

Q: What land lies between the Indian Reserve and what is pointed out at the northern point of the river--is there a road there?

A: Yes.

Q: Any houses there?

A: Michael Inspring's house is there.

Q: Between Inspring's house and Davis' house, what is the land like?

A: They are as near together as from here to the edge of the bank.

Commissioner Carmichael: Who built that road?

A: There was always a road there--it was built when the old Grease Trail was used. The Government has improved the road there this summer.

Commissioner Shaw: Why did the Government improve the road? Are there white people settled around there?

A: They have a little ferry boat running at that place.

Q: Commissioner Macdowall: Where does this road lead to?

A: It follows the old Grease Trail.

Q: Where does the trail come out?

A: It goes up the river.

Q: It goes to the Skeena River, does it?

A: Yes.

Commissioner Shaw: Is the land around there taken up by white people?

A: There is not a place left--it is all taken up and they have been driving these two men, Guno and Inspring away all the time.

Q: Do you know that land that Michael and Daniel is on? Has any white man got hold of that in any way?

A: Yes, they are pushing these men very hard. I see myself the other day a man break down his fence and pitch his tent inside Daniel's garden while crops was in.

Q: Who was that man?

A: Studdy, a fire warden.

Q: Has anyone interfered with Davis' place?

A: Yes--there is a man there squatting on his place also.

Q: Who is that man?

A: A man by the name of Clay.

Q: Is Davis' garden all on the Indian Reserve--all on one side of the line?

A: I could not tell you exactly how big the place is, but I know this before there was anyone there, Davis put up a sign that that place was his.

A. Mercer: I have been teaching and was appointed to do so by Mr. Perry and I have received no salary. I wrote asking Mr. Perry for a salary, but he wrote back saying, "there were no funds available".

## KITWANCOOL BAND

### A. Claim submission and validation circumstances

The Kitwancool Band claim was submitted on October 17, 1977 on behalf of approximately 400 status and non-status Indians. It was accepted for negotiation on December 13, 1977, subject to an agreement by the Province of B.C. to participate in negotiations. In accepting the claim, Hon. Hugh Faulkner urged them to join with the Gitksan-Carrier Tribal Council (of which the Kitwancool was a band member) for the purpose of negotiating their claim, adding that the special and unique requirements of the Kitwancool would be considered in a settlement. The following month, on January 24, 1978, the Kitwancool adopted a Band Council Resolution affirming their complete withdrawal from the Gitksan-Carrier Tribal Council. On July 31, 1978, Hon. Hugh Faulkner informed them that the Province was not then prepared to extend its participation to comprehensive claims other than with the Nishga Tribal Council. The Province had informed the Kitwancool of its position on July 25, 1978.

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On April 19, 1979, J.B. Hartley, then Special Claims Representative, met in Kitwanga with Peter Williams, President of the Kitwancool Band, several councillors and elders. They reaffirmed their position on remaining independent from the Gitksan-Carrier. On May 10, 1979, the Claims Policy Committee decided that no loan funding would be extended to individual bands in B.C., unless a band was the sole potential claimant in its area. The Kitwancool were subsequently advised accordingly on March 5, 1980.



Subsequent to the acceptance of their claim, the Kitwancool have repeatedly written to the federal government to protest the delays in beginning negotiations, the refusal to allow them additional research funding, and to complain about ever-growing exploitation of their traditional land. They have also constantly stressed that they were ready to begin negotiations, and on one instance, on July 14, 1979, have even stated that "The Kitwancool is prepared to examine any offer from both Governments concerned.". Most federal replies justified the delays by mentioning that discussions with the Province were "continuing", and were urging that the Kitwancool join the Gitksan-Carrier Tribal Council. Several Kitwancool requests have simply been left unanswered. No correspondence whatsoever has been received since 1981.

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The Kitwancool basically claim to have occupied and owned their traditional lands since prehistoric times, and want the entire area to be reserved as "Kitwancool Reserve" rather than "Indian Reserve." In their "Statement of Rights" (to which they have attached a lengthy "Research Document"), they state that their ancestors' aboriginal titles are still retained and add further that any agreement regarding the Kitwancool settlement would have to be subject to change or revision in order to adapt to progress. Such a requirement could be interpreted as implying an unwillingness to extinguish their aboriginal title.

##### i) Hunting, fishing and trapping

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They stress the necessity for Kitwancool people to be educated as far as university level, and mention that such education may become compulsory. They want an educational agreement and program to be established by the federal government with the Kitwancool Educational Committee. They state that the Province would have to be part of the agreement.

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The Kitwancool want housing to be established by agreement between themselves and the federal government.

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They claim to have an "interest" in every timber removed from their territory and sold by the B.C. government since 1920, and to be in a position to collect stumpages and royalties accordingly. They also want compensation for animals' shelter (trees) removal, and for damage done to the natural beauty of hunting and trapping grounds. The Kitwancool also want, in the form of a lease, payment from the B.C. government for building highways through their territory.

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Although the Kitwancool did not submit any map as part of their claim submission, a written description of their traditional territory in their Statement of Rights, as well as a reference to the map on the inside cover of Wilson Duff's Histories, Territories and Laws of the Kitwancool, define their claim boundaries as including approximately 3,500 square miles.

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Although their traditional territory is almost completely within the Gitksan-Carrier Tribal Council claim boundaries, both groups probably do not consider such an overlap as disputed land.

The Nishga Tribal Council have had three different maps depicting their claim boundaries, two of them involving a substantial overlap with those of the Kitwancool. Their 1978 map, whereby they claim the most land, involves an overlap of approximately 2,800 square miles. As the Nishga claim is the only comprehensive claim being negotiated in B.C., the Kitwancool have always been most concerned, as they feel that a settlement of the Nishga claim could jeopardize their own claim boundaries. They have, since 1976, often informed the federal government of their concern, and have repeatedly written to the Nishga requesting meetings to discuss overlapping boundaries. There seems to have been no response whatsoever from the Nishga Tribal Council to these requests, other than isolated replies through their lawyer, Don Rosenbloom, whereby the Nishga reaffirm their position on their claim boundaries.

Then, on January 11, 1983, a first meeting on overlaps was held between the Nishga Tribal Council, the Gitksan-Carrier Tribal Council and the Kitwancool Band, but no agreement was reached, and another meeting was scheduled for the end of February 1983 but it was not held. Hereditary Chief Solomon Marsden of the Kitwancool came to ONC Vancouver on January 24, 1983 to enquire about the possibility of obtaining loan funds to research their overlap with the Nishga (for minute of the meeting, see Appendix "A"). His request was transmitted to Research Branch but no favourable commitments followed.

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At the present time, no major resource development project is proposed within their claim boundaries.

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The Kitwancool have up to date received a total of \$165,000 in loan funds for their comprehensive claim research. The last payment was made in fiscal year 1977-78, and there have been no federal commitments for the future in accordance with the Claims Policy Committee decision of May 10, 1979, as previously explained in section "B" of this document.

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The major current concerns of the Kitwancool are their total lack of funding assistance, and their overlap with the Nishga which they cannot properly resolve without these funds. As recently as April 15, 1983 at the Nishga Annual Convention, Eylmer Derrick of the Kitwancool reaffirmed publicly that although their independence was their most serious impediment in the federal government's view that the Kitwancool would not be joining a tribal council for comprehensive claim purposes. On May 10, 1983, however, Gary Patsey (previously claims researcher for the G.C.T.C.) informed ONC Vancouver personnel that Peter Williams, President of the Kitwancool, had recently approached the Gitksan-Carrier Tribal Council for the purpose of discussing the possibility of the Kitwancool Band joining the Gitksan-Carrier Tribal Council.

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### I Ethnographic Background 1

The Kitwancool tribe is divided into two clans: the Wolf clan and the Frog clan.<sup>2</sup> Both clans had a number of ranked segments having separate histories and territories. These segments were subdivided further into "houses". There is no single chief of the tribe; each house acts under its own chief. However, the chiefs are ranked in their social standing, the highest ranking of all being the Wolf chief and Frog chief.

The Kitwancool, as Katie mentions, have traditionally lived off the Nass River rather than the Skeena River. Their closest relatives were the people of the Upper Skeena, and the Kitwancool are usually classified with them to form the Gitksan (git - "people of", ksan - "Skeena River") ethnic division of the Tsimshian. The Gitksan of the Skeena River consists of seven tribes sharing a single dialect of the Tsimshian language which the Kitwancool also currently use. It is said, however, that the Kitwancool formerly spoke the Niska dialect. "No matter how others may choose to classify them, the Kitwancool think of themselves as an independant and completely autonomous tribe. In matters that affect the tribe as a whole, they insist that nobody else has the right to speak for them."<sup>3</sup> Such feeling of tribal unity is characteristic of the social structure of all the Tsimshian, but the Kitwancool have cemented it still further at the turn of the century by taking steps to unite the clans by appointing a president who was given the right and power to protect their laws. The third president is still Mr. Peter Williams. It was on October 14, 1938 that all the chiefs of the village created a pact or law of agreement which formed a union between the Wolf and Frog clans whereby they have sworn to protect all the lands and resources belonging to the people of Kitwancool.

As for the Kitwancool wars, as far as Wilson Duff's writings reveal, they were engaged exclusively against the Tse-tsauts who were basically nomadic and warrior type people coming from beyond Meziadin Lake. The Kitwancool and some of the Gitksan tribes (or villages) were often allies in these wars.

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Department  
of Justice

Ministère  
de la Justice

SFS/ed

OTTAWA, Ontario,  
K1A 0H8,

P.A.  
8245-107

November 14th, 1977.

J.B. Hartley, Esq.,  
Special Claims Representative,  
Office of Native Claims,  
Department of Indian Affairs &  
Northern Development,  
20th Floor, Journal Building North,  
365 Laurier Avenue West,  
OTTAWA, Ontario,  
K1A 0H4.

Dear Mr. Hartley:

Re: Kitwancool Claim

This will acknowledge your letter of November 9th, together with documents dealing with this claim in which you ask whether it is one that could be accepted for negotiation under current policy. I have also discussed the matter with Mr. Sullivan.

As I understand it, the Kitwancool Band is a member of the Gitksan-Carrier Tribal Council and the geographical area which is the subject of their claim is within the area of the Gitksan-Carrier Claim. While the Kitwancool Band at present sees their claim as one that is separate from that advanced by the Gitksan-Carrier Tribal Council, it is based upon traditional use and occupancy and is fundamentally of the same nature as the Gitksan-Carrier claim. I also understand that whether it continues as a separate claim or whether it eventually becomes a part of the Gitksan-Carrier claim will make no difference to any settlement procedures that may be developed.

If both the nature of the claim and the area involved is the same as that covered by the Gitksan-Carrier claim the opinion expressed in connection with that claim in my letter to you of October 18th, would apply equally to the Kitwancool claim.

Yours very truly,

Ottawa, Canada  
K1A 0H8

S.H. Sommerfeld, Q.C.,  
Special Counsel,  
Indian Claims Policy.

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January 25, 1982

Office of Native Claims  
Vancouver, B.C.  
V6E 3Z3

Peter D. Fisher  
Senior Negotiator, B.C.  
ONC, Ottawa

Your file    Votre référence

Our file    Notre référence    B8245-107  
B8245-12  
B8245-114-12

Dear Peter,

Re: Kitwancool Band Overlaps with Nishga Claim Boundaries  
and Funding

Hereditary Chief Solomon Marsden (frog clan) of the Kitwancool Band came to ONC Vancouver on January 24, 1983 to enquire about the possibility of obtaining urgent research funding. Such financial assistance would permit the Kitwancool to identify all original names of creeks and mountains and traditional owners on a family basis of all the Kitwancool traditional land to be depicted on a map.

A first meeting on claim boundaries overlaps was held on January 11, 1983 (just before the last Nishga negotiations) between the Kitwancool Band, Gitksan-Carrier Tribal Council and Nishga Tribal Council. Maps were exchanged and Chief Marsden said that the Nishga map depicting their claim boundaries involved much more territory than their 1978 (Nishga) map. Apparently these new Nishga boundaries extend as far east as Kisgegas mountain and farther north, higher than the Bowser Lake area. This creates a major overlap with the Gitksan-Carrier claim boundaries, now a complete overlap with the Kitwancool claim boundaries and a bigger overlap with those of the United Tahltans. Subsequent to that meeting, the Gitksan-Carrier Tribal Council and Kitwancool Band agreed to become "allies" which did not involve the Kitwancool Band becoming part of the Gitksan-Carrier Tribal Council claim.

. . . 2

reiterated to Chief Marsden the May 10, 1979 Claims Policy Committee decision whereby no loan funding would be extended to individual Bands in B.C. unless a Band is the sole potential claimant in its area. The Kitwancool Band had been advised accordingly on March 5, 1980. I told him that it was in our interest as much as for the Kitwancool to settle overlaps of claim boundaries in that area, but that as the splinter groups situation was becoming an ever-growing problem which we are currently trying to deal with, no loan funds would most likely be attributed to the Kitwancool but that I would be transmitting his request to Lizzie Fraiken anyways. I gave him a few practical reasons for not wanting to fund individual bands thus probably not wanting to even negotiate with them on a single band basis, such as the cost of having so many federal negotiation teams, overlaps resulting from such submissions, parallel research and the timing involved before we would be settling all B.C. claims which could never end if we had to deal with them on such an individual basis. He agreed that they were obviously good reasons but insisted on the individuality of the Kitwancool people compared to the Gitksan-Carrier and that at least they were now formally "allies". I told him that by studying the Kitwancool file, I had noticed how much they wanted to negotiate and settle as soon as possible but that by remaining by themselves they could be waiting for a long time. After discussing the Kitwancool Band's relationship with the Gitksan-Carrier Tribal Council which appears to be very positive, and considering the Gitksan-Carrier's respect for the Kitwancool's different aspirations and need for autonomy, I reminded him of Hon. Hugh Faulkner's letter of acceptance whereby he urged the Kitwancool to join the Gitksan-Carrier Tribal Council for the purpose of negotiating their claim, specifying that the special and unique requirements of the Kitwancool would be considered in a settlement. I told him that such a consideration could also apply at the negotiation level.

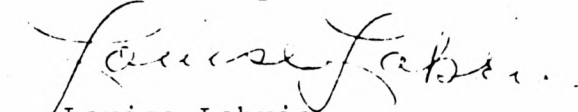
Finally I told him that what he should do is to have the Kitwancool Band join the Gitksan-Carrier Tribal Council for comprehensive claim purposes and perhaps to stipulate in such an agreement the conditions of the Kitwancool for doing so. Loan funds for comprehensive claim research to the Gitksan-Carrier would most likely be increased accordingly and an arrangement on how the supplementary funds would be used could again be discussed with the Gitksan-Carrier Tribal Council. He seemed to like the idea.

The next meeting on overlaps between the Nishga, Kitwancool and Gitksan-Carrier is scheduled for February 23, 1983 (or approximately).



He was called by the Gitksan-Carrier Tribal Council. He said he would try to send me a photocopy of the new Nishga map. He seemed somewhat reassured, however, when I showed him the traditional territory map of the Nishga researched by John Hall of this office, which eliminates at least half of their overlap with the Kitwancool, the reason for the rest of the overlap still remaining unclear, at least prior to the fur trade of 1831.

Yours truly,



Louise Labrie  
Claims Analyst

cc: Lizzie Fraiken  
Director, Research Branch

John Bene  
Chief Federal Negotiator, Nishga

Doreen Mullins  
Assistant Negotiator

John Hall  
Claims Analyst

## KITWANCOOL BAND

### I Ethnographic Background 1

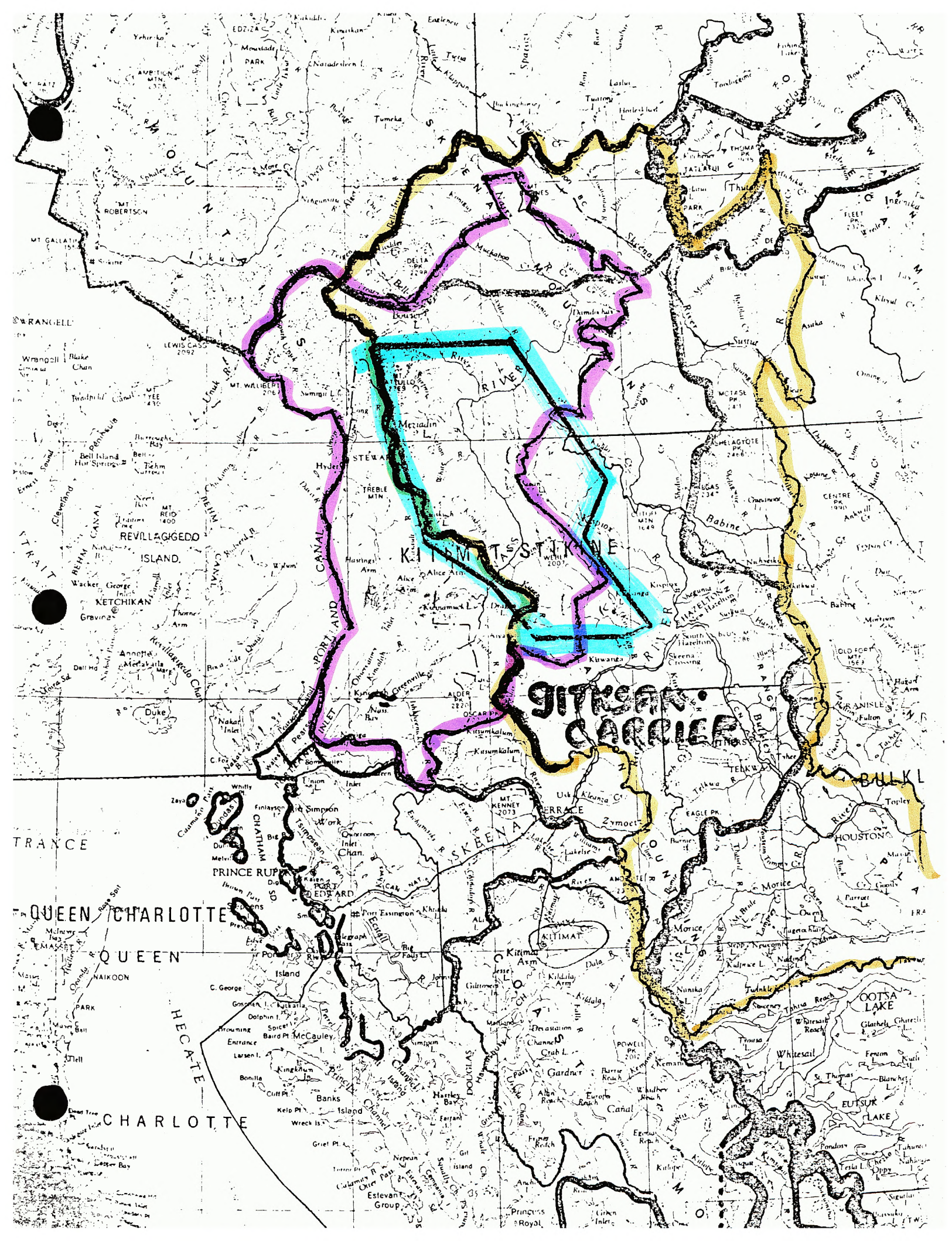
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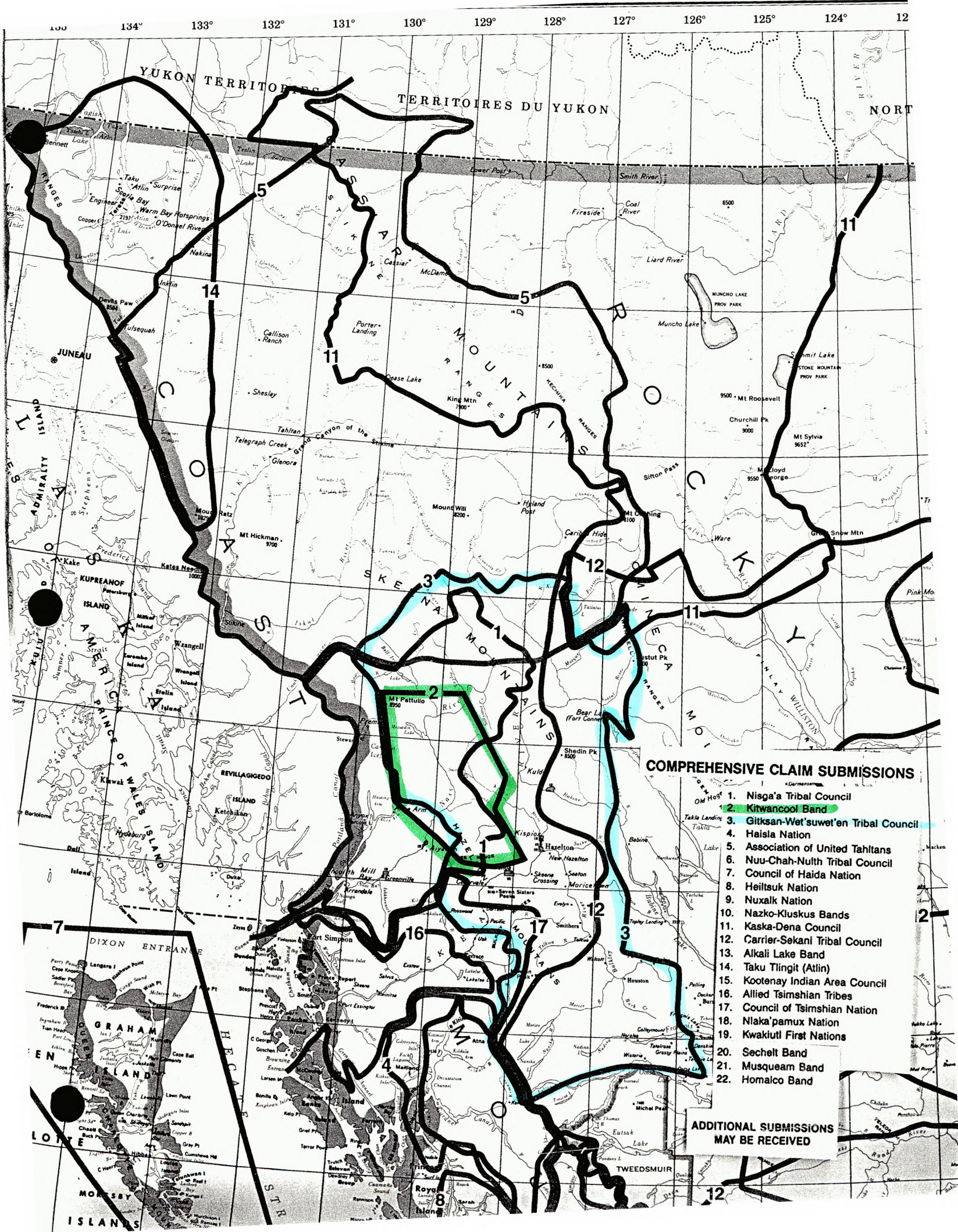
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  3. Wilson Duff, loc.cit., n.1, p.11.



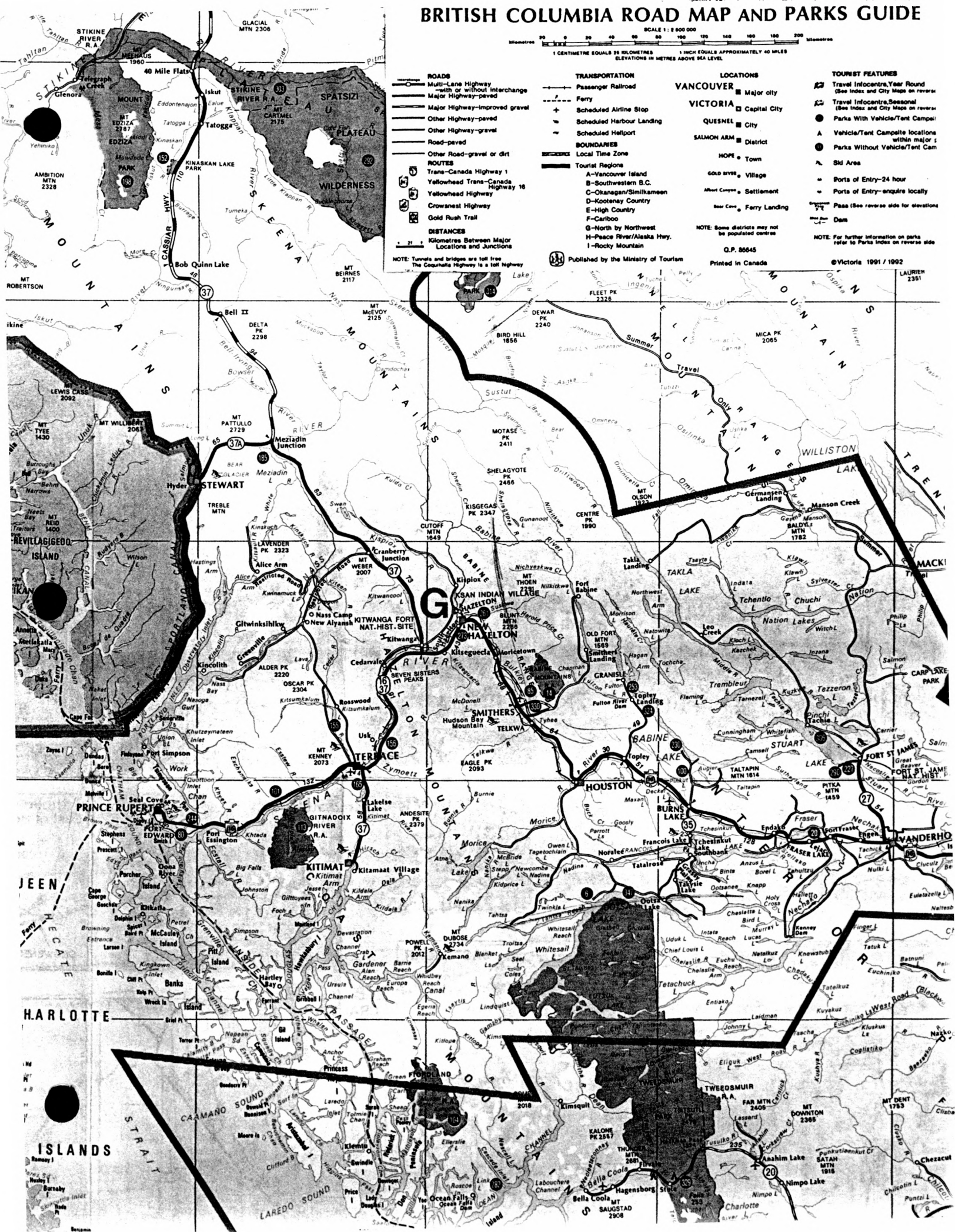




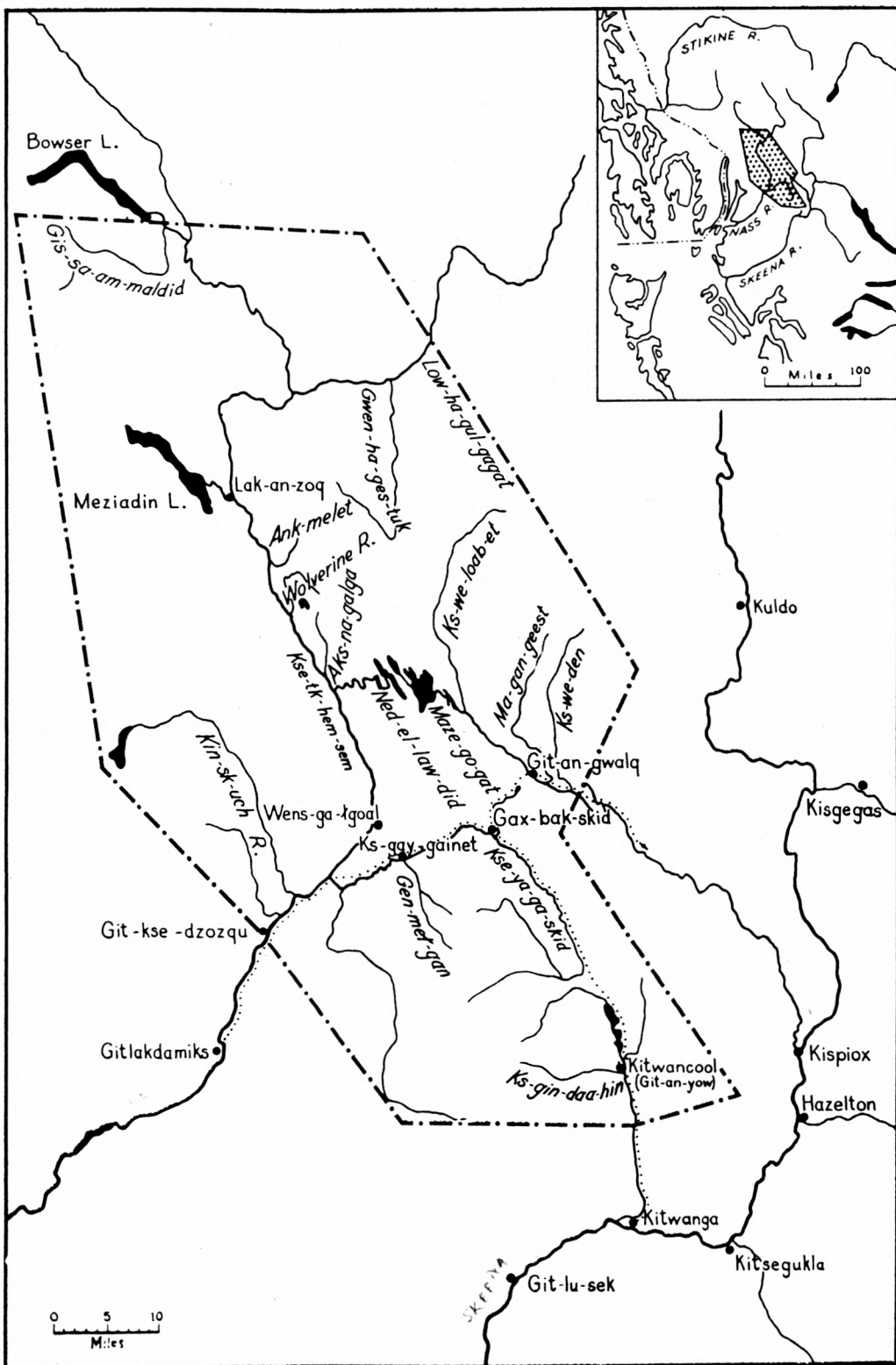




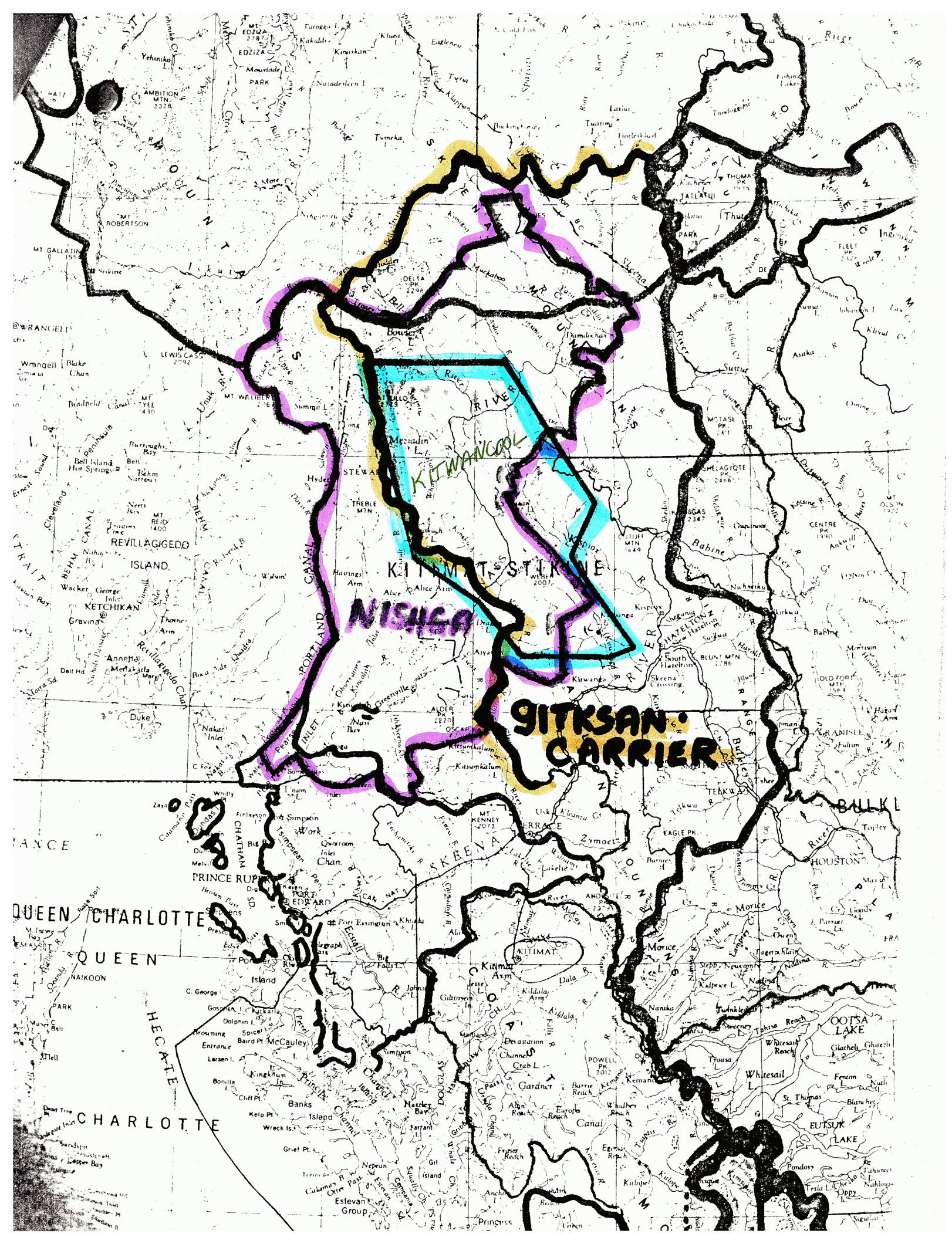
# BRITISH COLUMBIA ROAD MAP AND PARKS GUIDE





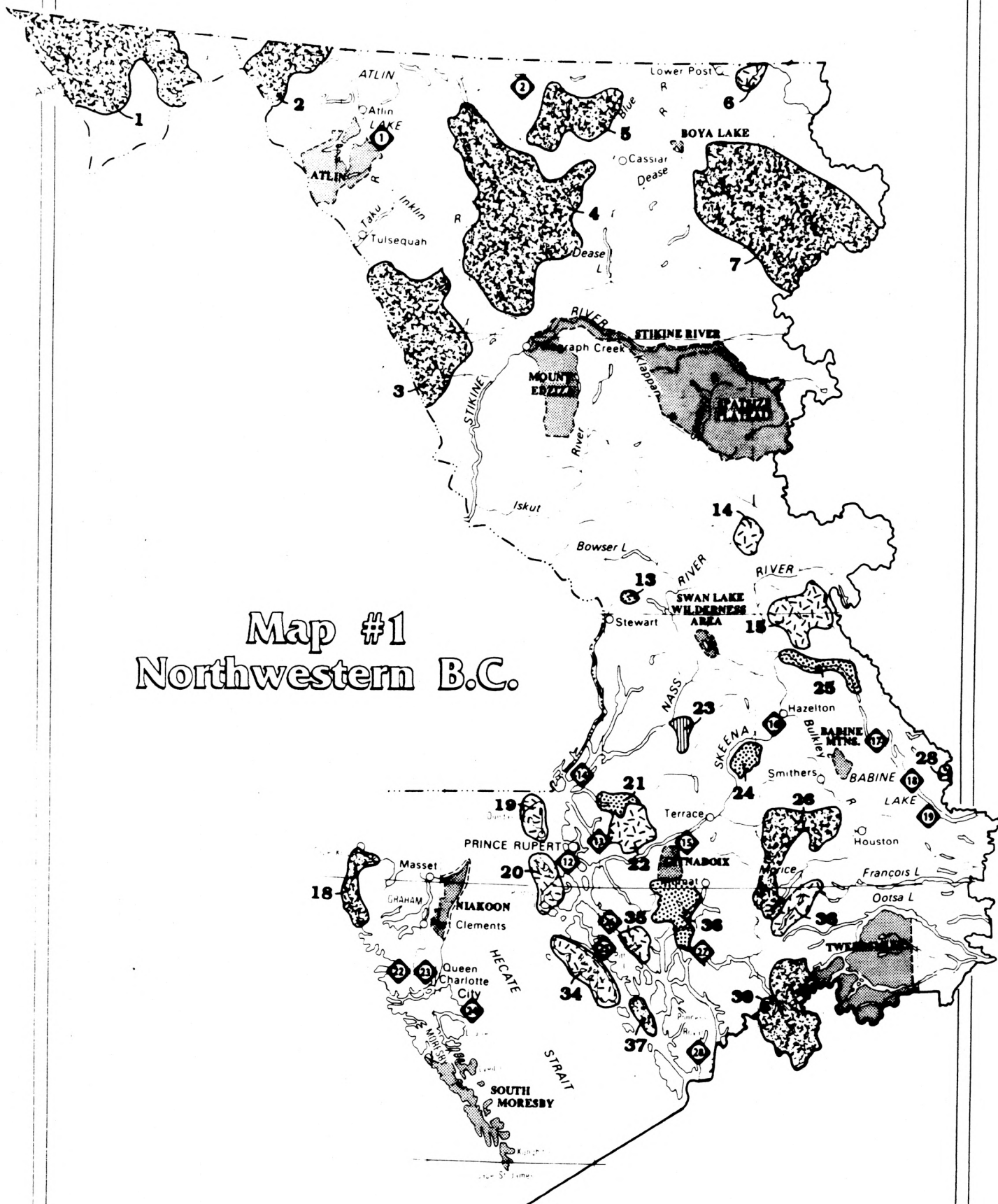




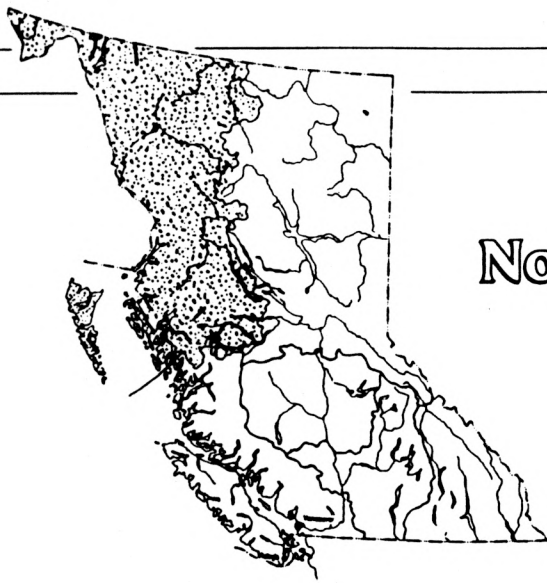




# Map #1 Northwestern B.C.



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## SMALL STUDY AREAS

### Category One (Designate as soon as possible)

- 2 Swan Lake (Alaska Hwy)
- 12 Kitson Island
- 17 Smithers Landing
- 19 Pendleton
- 26 Grenville / Finlayson Channel Sites

### Category Two (Decide by 1993)

- 1 Warm Spring (Atlin Lake)
- 27 Douglas Channel / Gardner Canal Sites

### Category Three (Decide by 1995)

- 14 Portland / Observatory Sites
- 15 Lower Skeena River / Estuary Sites
- 22 Rennell Sound Sites
- 23 Yakoun Lake
- 24 Gray Bay / Cumshewa Head
- 28 Princess Royal Island Sites

### Category Four (Decide by 2000)

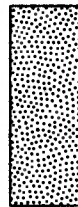
- 13 Work Channel Sites
- 16 Bulkley Junction
- 18 Babine Lake Boating System Sites
- 25 Pitt / Anger Island Sites

## LARGE STUDY AREAS



### Category One (Designate as soon as possible)

- 23 Nisga'a (Aiyansh)



### Category Two (Decide by 1993)

- 13 Bear Glacier / Pass
- 21 Khutzeymateen
- 24 Seven Sisters
- 25 Babine River
- 36 Foch / Miskatla / Kitsaway



### Category Three (Decide by 1995)

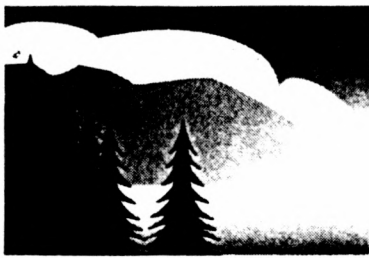
- 1 Tatshenshini / Haines Highway
- 2 Tutshi / Skagway
- 3 Chutine Lake / Whiting River
- 4 Kawdy Plateau / Level Mountain
- 5 Jennings Lake
- 7 Kechika
- 18 Northwest Graham Island
- 26 Howson
- 28 Fleming Lake
- 37 Campania Island
- 39 Kitlope



### Category Four (Decide by 2000)

- 6 Liard Eskers
- 14 Damdochax Creek
- 15 Shelagyote Peak / Atna Pass
- 19 Dundas Island
- 20 Stephens / Porcher Islands
- 22 Khyex / Exchamsiks Rivers
- 34 Banks Island
- 35 Simpson / Gamble Lakes
- 38 Nanika / Kidprice Lakes





# **TOWARDS A PROTECTED AREAS STRATEGY FOR B.C.** Parks & Wilderness for the 90s

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## **Small Study Areas — Northwestern B.C. (Category One)**

### **Grenville/Finlayson Channel Sites Small Study Area #26**

**Summary:** This proposed marine park consists of four anchorages along the Inside Passage and adjacent areas: Green Inlet, Union Pass and Klewnuggit Inlet. The total area is approximately 3,000 hectares, with 1,800 hectares consisting of land.

**Conservation:** These sites contain many special features, including estuaries and anchorages: Green Lagoon, Khutze Inlet, Klekane Inlet (hotspring), Klewnuggit, and Kumealon. Green Inlet is a scenic fiord with a tidal lagoon and reversing rapids.

**Recreation:** Green Inlet and Green Lagoon offer good fishing opportunities. Union Pass offers a protected route to the outer coast. The bare hills on the east side provide opportunities for hiking and views of the Inside Passage. In the area of Lowe Inlet, a popular anchorage at the south end of Grenville Narrows, there are large lakes noted for sandy beaches, good fishing, and the remains of an old cannery. Other important areas include: Horsefly Cove, Klewnuggit/East Inlet (already approved in the Draft Inside Passage Corridor Plan), Carter Bay ("Ohio" shipwreck and associated with Captain Vancouver), Goat Cove, Green Inlet, and Klekane Inlet (hotsprings).

**Other Considerations:** A Strategic Plan for the Inside Passage was developed after consultation with the public, the forest industry, the Outdoor Recreation Council and other agencies and interested groups. The Plan was approved by the Environment and Land Use Committee. The Plan called for a series of provincial marine parks along the Inside Passage approximately one day's travel apart. Undisturbed scenic anchorages with minimal facilities and development would serve existing boaters and encourage marine tourism. These proposed park sites were selected because they provide shelter, anchorage and natural features. As well, they do not conflict with commercial marine traffic. The B.C. Forest Service conducted a visual landscape assessment of the area and BC Parks inventoried recreation features. The Heritage for Tomorrow Committee identified Grenville Narrows as a proposed park in 1985.

### **Swan Lake (Alaska Highway) Small Study Area #2**

**Summary:** This area, of approximately 300 hectares, will offer camping opportunities along the Alaska Highway.

**Recreation:** This site is a scenic location to provide camping along the Alaska Highway. There are opportunities as well for boating and fishing.

**Other Considerations:** Swan Lake is a joint project of BC Parks and Yukon Parks.

(more)

## **Kitson Island**

### **Small Study Area #12**

**Summary:** This small island near Port Edward features the only sandy beach in the Prince Rupert area. This proposed park will protect 20 hectares of land and 24 hectares of foreshore.

**Recreation:** This small island, featuring a sheltered bay, sandy beaches, and deer is a boating destination for small boats from Port Edward. A beach and camping area are accessible via a short boat crossing. There are no other beaches or ocean front parkland in the area. Kitson Island is along the popular Inside Passage.

**Other Considerations:** The proposal for this park originated with a request from the Village of Port Edward.

## **Smithers Landing**

### **Small Study Area #17**

**Summary:** Smithers Landing is a camping area of approximately 121 hectares, providing access to Babine Lake.

**Recreation:** Smithers Landing is a major public access point for the western end of Babine Lake. This proposed park will provide camping, picnicking, swimming and boat launching opportunities for Smithers area residents. It is also a tributary area to Highway 16.

**Other Considerations:** This park was initially proposed by the Town of Smithers. The long-range plan is to establish a series of marine parks along the lakeshore and islands in Babine Lake.

## **Pendleton Bay**

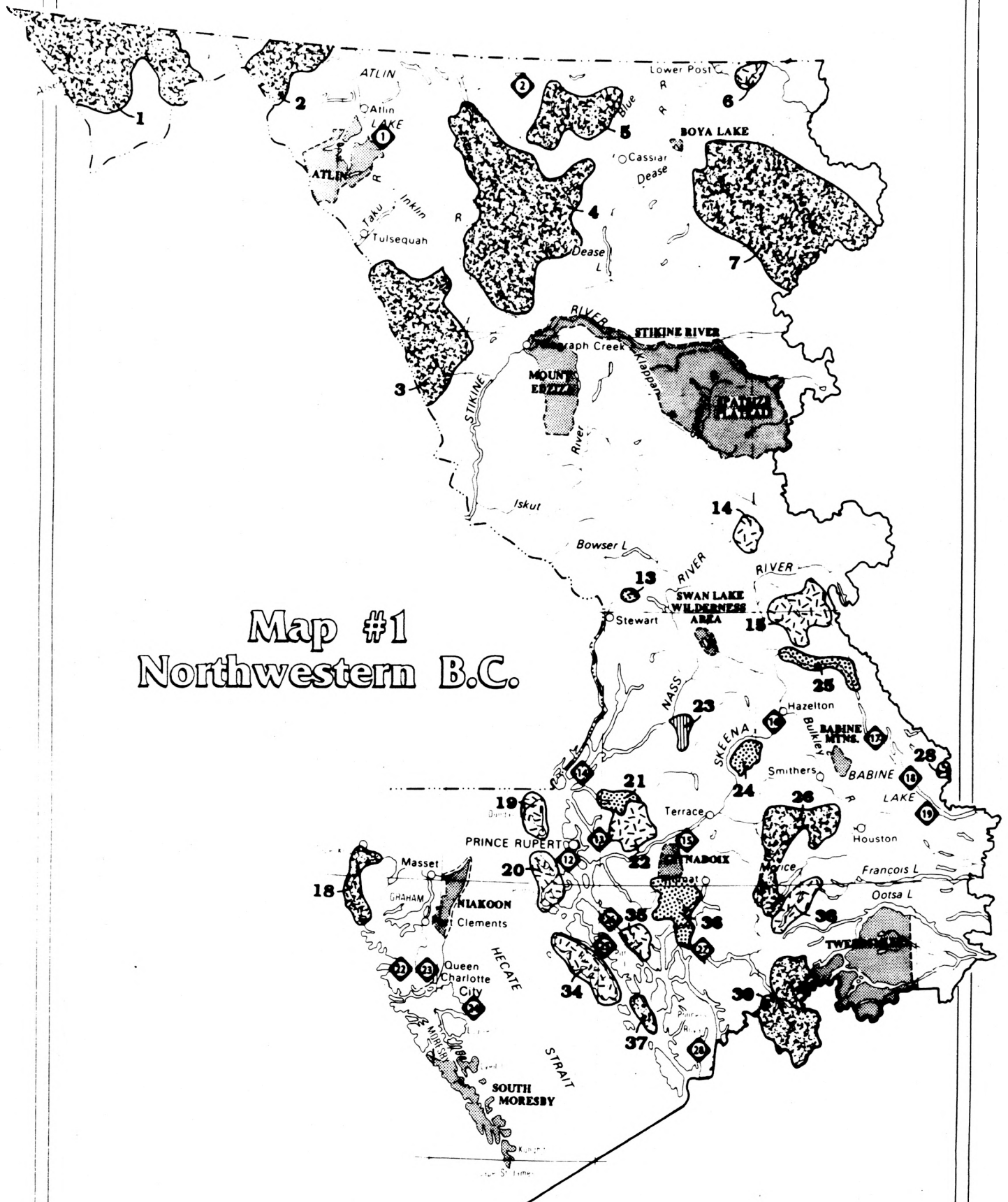
### **Small Study Area #19**

**Summary:** This 10 hectare site will offer access to many recreational opportunities at Babine Lake.

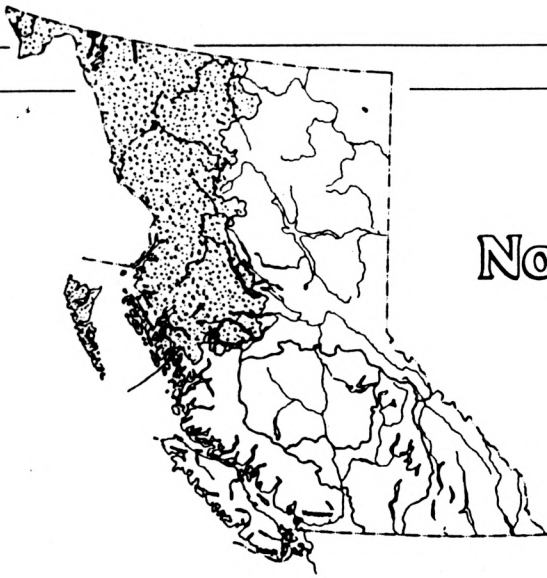
**Recreation:** Pendleton Bay Park will protect 1,200 metres of shoreline, and offer beach access, boating and camping. This park will provide access to the south end of the lake, noted for boating and fishing. Babine Lake will be used by residents of the Houston/Burns Lake area. This area, a tributary of Highway 16, is also an important destination area.

**Other Considerations:** Since the 1970's, BC Parks has operated a small informal camping area, and a larger park, including Sawmill Bay, is planned.

Map #1  
Northwestern B.C.



# Map #1 Northwestern B.C.



## SMALL STUDY AREAS

### Category One (Designate as soon as possible)

- 2 Swan Lake (Alaska Hwy)
- 12 Kitson Island
- 17 Smithers Landing
- 19 Pendleton
- 26 Grenville / Finlayson Channel Sites

### Category Two (Decide by 1993)

- 1 Warm Spring (Atlin Lake)
- 27 Douglas Channel / Gardner Canal Sites

### Category Three (Decide by 1995)

- 14 Portland / Observatory Sites
- 15 Lower Skeena River / Estuary Sites
- 22 Rennell Sound Sites
- 23 Yakoun Lake
- 24 Gray Bay / Cumshewa Head
- 28 Princess Royal Island Sites

### Category Four (Decide by 2000)

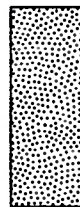
- 13 Work Channel Sites
- 16 Bulkley Junction
- 18 Babine Lake Boating System Sites
- 25 Pitt / Anger Island Sites

## LARGE STUDY AREAS



### Category One (Designate as soon as possible)

- 23 Nisga'a (Aiyansh)



### Category Two (Decide by 1993)

- 13 Bear Glacier / Pass
- 21 Khutzeymateen
- 24 Seven Sisters
- 25 Babine River
- 36 Foch / Miskatla / Kitsaway



### Category Three (Decide by 1995)

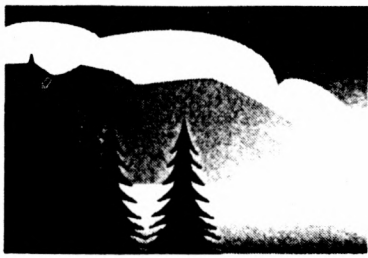
- 1 Tatshenshini / Haines Highway
- 2 Tutshi / Skagway
- 3 Chutine Lake / Whiting River
- 4 Kawdy Plateau / Level Mountain
- 5 Jennings Lake
- 7 Kechika
- 18 Northwest Graham Island
- 26 Howson
- 28 Fleming Lake
- 37 Campania Island
- 39 Kitlope



### Category Four (Decide by 2000)

- 6 Liard Eskers
- 14 Damdochax Creek
- 15 Shelagyote Peak / Atna Pass
- 19 Dundas Island
- 20 Stephens / Porcher Islands
- 22 Khyex / Exchamsiks Rivers
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ANTHROPOLOGY IN BRITISH COLUMBIA  
MEMOIR No. 4 . . . 1959

# Histories, Territories, and Laws of the Kitwancool

WILSON DUFF, *Editor*

BRITISH COLUMBIA PROVINCIAL MUSEUM  
DEPARTMENT OF EDUCATION . . VICTORIA, B.C.

Province of BC, 1964  
(we have this in our  
resource centre)

## KITWANCOOL BAND

### I Ethnographic Background 1

The Kitwancool tribe is divided into two clans: the Wolf clan and the Frog clan.<sup>2</sup> Both clans had a number of ranked segments having separate histories and territories. These segments were subdivided further into "houses". There is no single chief of the tribe; each house acts under its own chief. However, the chiefs are ranked in their social standing, the highest ranking of all being the Wolf chief and Frog chief.

The Kitwancool, as Katie mentions, have traditionally lived off the Nass River rather than the Skeena River. Their closest relatives were the people of the Upper Skeena, and the Kitwancool are usually classified with them to form the Gitksan (git - "people of", ksan - "Skeena River") ethnic division of the Tsimshian. The Gitksan of the Skeena River consists of seven tribes sharing a single dialect of the Tsimshian language which the Kitwancool also currently use. It is said, however, that the Kitwancool formerly spoke the Niska dialect. "No matter how others may choose to classify them, the Kitwancool think of themselves as an independant and completely autonomous tribe. In matters that affect the tribe as a whole, they insist that nobody else has the right to speak for them."<sup>3</sup> Such feeling of tribal unity is characteristic of the social structure of all the Tsimshian, but the Kitwancool have cemented it still further at the turn of the century by taking steps to unite the clans by appointing a president who was given the right and power to protect their laws. The third president is still Mr. Peter Williams. It was on October 14, 1938 that all the chiefs of the village created a pact or law of agreement which formed a union between the Wolf and Frog clans whereby they have sworn to protect all the lands and resources belonging to the people of Kitwancool.

As for the Kitwancool wars, as far as Wilson Duff's writings reveal, they were engaged exclusively against the Tse-tsauts who were basically nomadic and warrior type people coming from beyond Meziadin Lake. The Kitwancool and some of the Gitksan tribes (or villages) were often allies in these wars.

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1. The following information is based on Wilson Duff's Histories, Territories and Laws of the Kitwancool, Anthropology in B.C., Memoir No.4, Victoria: B.C. Provincial Museum, 1959.
  2. In reality the tribe was originally formed of a third clan, that of the Raven which had in the past, it seems, less prominence in the tribe. Most of its "houses" are now amalgamated with those of the Frog clan. The Frog clan is therefore often referred to as the Frog-Raven clan.
  3. Wilson Duff, loc.cit., n.l, p.11.