

APPENDIX E

Time Line: Occupation Of *Gitxsan* Lands

www.Gitxsan.com (2003) have provided a timeline for the occupation of *Gitxsan* lands. Our footprints have traveled across this land and established a circle of footprints that represents an organized society. We have traveled through time like other Nations and our journey will continue together.

10,000 BC:

Archaeologists have dated village and cache pit sites at ages more than six thousand years. Occupation by the *Gitxsan* is estimated to be thousands of years older. The land is maintained according to traditional laws and overseen by House Chiefs who ensure that their House territories and people are treated with respect and balance. BC's Aboriginal populations are estimated to be several hundred thousand strong.

1830

BC's Aboriginal population drops to 70,000 due to epidemic disease brought by contact with Europeans.

1859

Gold seekers pour into the territories, using the *'Xsan* as a transport and access system.

1865:

Collins Overland Telegraph to Russia is built up the Bulkley Valley from Quesnel to Kispiox before the project is cancelled.

1868

Hudson's' Bay Company builds trading post at Gitanmaax.

1870

Gold is found in the Omineca area. For two years, hundreds of prospectors travel up the Skeena and along the Babine Trail to reach mines.

1871

BC enters Canadian Confederation, yet refuses to cede control of Crown land to the Canadian government. Ottawa discovers that only a few treaties with aboriginal groups exist in BC. Most of BC's Crown land is thus not properly acquired. According to the Royal Proclamation of 1763, Ottawa has a responsibility to ensure that Crown land be legally acquired through treaties with aboriginal groups.

1872

European prospectors burn Longhouses and totem poles in Gitsegukla. Miners refuse to discuss compensation as required by Gitxsan law. The chiefs blockade all traffic on the 'Xsan. Two gunboats are dispatched to the mouth of 'Xsan. Gitsegukla Chiefs meet on board with Lieutenant Governor Joseph Trutch. Compensation of \$600 is granted. Blockade is lifted.

1874

Gold Rush in Cassiar Mountains. Again, Skeena route through chiefs' territories is used.

1876

Canada's Governor General, Lord Dufferin, protests BC's refusal to acknowledge aboriginal title problem.

1876

A joint federal and provincial commission is appointed to look into the allocation of reserves. The Gitxsan give a cool reception to the commissioners and refuse to cooperate in the naming of village sites or burial grounds for reserves until the question of aboriginal title is addressed. The reserves are set up anyway. BC allocates 10 acres per head of household for native. Non-natives are allowed to claim up to 320 acres per person. Natives are prohibited from taking white land without permission of the Lieutenant Governor.

1883

Gold found at Lorne Creek. Gitwangak chiefs, fearing that the prospectors are disturbing wildlife, post notices on trees around camps announcing that the miners are on Indian land. They are ignored and Indians are told to leave the area.

1884

Royal Commission into Indian land question fails to settle land issues in part due to BC's refusal to discuss the fact that aboriginal title continues to exist.

1884

A.C. Youmans, a freighter for local miners, fails to notify and compensate, as is required by Gitxsan law, a Gitsegukla family for the drowning of their son, Billy Owen. Three years earlier, Billy's brother had also drowned while in Youmans employ and Youmans refused compensation then also. Billy's father, Haatq, kills Youmans. He is charged and sentenced to ten years imprisonment.

1884

Feasts, the central political and social institution of the Gitxsan culture, are banned and punishable with jail sentences for all participants, including whites that have knowledge of one and fail to report it.

1887

Second Royal Commission into BC Land Question fails to settle issue of aboriginal title. Again Province refuses to sit down to negotiate.

1887

Haatq, arrested in 1884 for the murder of Youmans, dies in New Westminster jail. Gitksan are denied the demanded compensation.

1887

Kamalmuk, suspecting that one of his family members is killed by witchcraft, kills the man suspected of witchcraft against his family. Police, who had come to arrest him, shoots Kamalmuk in the back. Demands for compensation by his Kitwancool family are ignored. Anger at Kamalmuk and Haatq's deaths threatens to lead to a general uprising against white presence. Additional police are called in.

1888

An Indian Agent and a Constable go to Gitwangak to attempt to enforce the ban on feasts. Their attempt is unsuccessful.

1889

Babine Agency of the Federal Department of Indian Affairs is formed. R.E. Loring becomes the first official Indian Agent in Gitksan territory.

1889

Federal Fisheries Act is passed. Aboriginals are no longer allowed to sell fish or own fishing licenses. Natives who work for fish companies are paid 5 cents a fish while white fishermen are paid 10 cents a fish.

1891

Reserve Commissioner P. O'Reilly and his surveyor, A.H. Green, begin reserve allocations. Clear opposition emerges to allocation of reserves at Kispiox and Gitwangak. O'Reilly promises that all Indians can continue to "hunt, fish, or gather berries where you will".

1893

Rocks are blasted out of the 'Xsan to improve steamer boat traffic. At Gitsegukla, the fishing sites and smokehouses of five families are destroyed.

1897

New Reserve Commissioner A.W. Vowell receives letter from Kitwancool Chiefs saying, "they do not want him there". He goes the following year anyway, but instead of receiving land measurements, the Kitwancool chiefs give a demand for compensation and a tombstone for Kamalmuk, killed in 1888.

1906

Squamish Chief Joe Capilano and his delegation of chiefs spread the word of their audience with King Edward VII in London. The King had told them that aboriginal proprietary rights in the land are to be restored, but only through Ottawa's intervention.

Federal Fisheries Department workers forcibly remove Fish weirs on the Babine River, a traditional fishing method. Nine men who owned and used the weirs are arrested and charged with theft, illegal fishing and resisting arrest. This confrontation forces a meeting between Native representatives and the Federal cabinet to discuss fishing grievances. Nothing is resolved.

1907

Provincial Game Act is enacted to stop beaver hunting for a period of six years. Gitxsan lobby and win a temporary exemption.

1908

Gitxsan contribute money to send Joe Capilano and 25 chiefs to visit Prime Minister Laurier in Ottawa with a land rights petition. Whites around Hazelton dig rifle-pits and trenches in expectations of an Indian "uprising". Indian Agent promises another land grievances commission and tension is diffused temporarily.

June 1909

Gitwangak villagers stop a group of surveyors at gunpoint and demand meetings over land grievances. At the meetings they use quotes from the Royal Proclamation of 1763 as one of the basis for their claim. Kispiox chiefs post notices forbidding whites from crossing the Skeena.

July 1909

Laurier government sends out a commission to discuss land grievances. Gitxsan present their claim of aboriginal title, which cannot be settled by the commissioners. Discontent is aggravated as the commissioners leave. Province agrees to white requests for more police to protect their newly settled property.

November 1909

Kispiox chiefs blockade a road construction crew at gunpoint. Crew foreman responds by throwing two Gitxsan into the river. The Gitxsan seize the crew's equipment. Seven Gitxsan men are arrested after rumors of "secret uprising meetings" prompt a dawn raid of over 40 policemen on Kispiox.

1909

Local DIA Inspector notes that in the Skeena area the "land trouble was more acute...than in any other part of BC".

1910

Kitwancool & Gitwangak Chiefs post notices of their aboriginal claim along trails in Hazelton district and invoke the Royal Proclamation of 1763 to challenge white presence.

Prime Minister Laurier comes to Prince Rupert to hear chiefs' complaints.

1910

A Gitksan is chosen to join the delegation of BC Chiefs petitioning King George V on land grievances.

1911

Laurier demands that BC acknowledge the problem of aboriginal title in the land question. BC refuses. Laurier *must* settle for a second joint land commission.

1912–1916

The second joint federal-provincial land commission, headed by BC Premier McBride and Federal representative McKenna, visit local communities to hear land complaints. Aboriginal title is raised frequently. The commissioners refuse to deal with it, as it is not within their jurisdiction. Chiefs express anger at being let down again.

1920

Indian Act is amended to require compulsory attendance of aboriginal children in residential schools, "so there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question" – Duncan Campbell Scott, Deputy Superintendent of Federal Indian Department.

1924:

Gitksan and Nisga'a chiefs meet PM McKenzie King in Ottawa to discuss land claims.

April 14, 1927

Ottawa, frustrated by constant aboriginal petitioning regarding the BC land question, decides to allocate \$100,000 to BC for Indian technological training, hospitals and promotion of agriculture and stock raising. This is in lieu of usual treaty payments it would have to pay if BC had recognized aboriginal title. It remains on the federal account books to this day as the "BC Special".

1927

The federal government amends the Indian Act, making it illegal to organize around the land question, or to advance any land claims. They also make it illegal for any lawyer to work on such a case.

Kitwancool chiefs are sent to Oakhalla prison after resisting government attempts to create boundaries for a Kitwancool reserve without discussing aboriginal title.

Indian Agent orders RCMP to suppress feasts at Gitwangak and Kitwancool. Attempts fail.

1929

BC's Aboriginal population is estimated at 22,000 people, after epidemics of smallpox, measles and influenza.

1958

Hagwilget Canyon rock is blasted out by the Fisheries Department. Thousands of years of fishing sites are destroyed.

1975

Gitxsan begin research to launch another formal request to negotiate their claim for land with the Federal government.

1977

Federal government officially accepts the Gitxsan declaration of claim to their territories. However, negotiations cannot proceed so long as BC refuses to acknowledge their responsibilities.

October 23, 1984

The Gitxsan & Wet'suwit'en launch the historic legal action, *Delgamuukw v. Queen* to deal with land claims. They challenge BC's jurisdiction over their 22,000 sq. miles of territory.

November 1985

Chief Gwis Gyen, Stanley Williams, stands in front of a train on the CN railway to force CNR to compensate Gitwangak for 100 acres taken from the reserve in 1910. The Grand Trunk Railway was built right through the village cemetery. The village had been given \$100 to bury the 14 bodies the railway had disturbed, but nothing was given for the land itself. Blockade lasts more than two weeks.

1986

Federal Fisheries officers are sent in to reserves to uphold Ottawa's ban on inland fisheries. BC government adopts the position that reserve grounds are under federal jurisdiction, but ground underneath the rivers are provincial land, so they too have the right to control Native fisheries. The Gitxsan go fishing without permits and, in Gitwangak, the fishery officers are pelted with marshmallows when they try to interfere with Native food fishing.

May 11, 1987

Opening arguments are made in the *Delgamuukw v. Queen* case in Smithers. Chief Justice Allan McEachern presides.

1987

BC Supreme Court refuses Gitxsan's plea for an injunction against new logging or Crown land pre-emptions while *Delgamuukw* is in court.

1988

Chief Luulak, Sandra Williams, issues notice to Skeena Cellulose that logging on her territory is not permitted. She asks Eagle Clan Chief Giila'wa, Peter Turley, to move a loader off her territory. He is charged with possession of stolen property. Eventually charges are dropped.

February 29, 1988

Kispiox residents place a huge cedar log across Kispiox Road in the center of their village to halt logging trucks and protest clear-cut logging of their territories.

April 12, 1988

Gitwangak Chief, Glen Williams, is the first aboriginal in BC charged with holding a bingo on reserve without a permit.

September 1988

Westar begins to build a bridge over the Babine River at Sam Green Creek. A blockade is set up to stop the bridge building. Gitxsan go to court and win an injunction against Westar, who is told to halt the bridge building while *Delgamuukw* is in court.

1989

Gitxsan chiefs continuously protest unauthorized logging in their territories.

1990 Gitwangak chiefs blockade the bridge over the Skeena and the highway into the Gitwangak Valley. The CPR train is stopped at Gitwangak to bring attention to continued failure of CPR to discuss the 1911 land expropriation. Road to Kitwancool is blocked to protest continued logging.

BC Premier Bill Vander Zalm visits Kitwancool to speak about land issues, and continues to deny participation in land claims.

Gitwangak mill is taken over for three days to protest logging while court case is unsettled.

Bill Vander Zalm announces the establishment of a Ministry of Native Affairs and an Office for Land Claims. BC, for the first time in history, agrees to begin negotiations over land claims, but again without any recognition of aboriginal title.

March 8, 1991

Delgamuukw v. Queen is decided in favor of the BC government by Chief Justice Allan McEachern. He describes aboriginal life as "nasty, brutish and short" and announces that aboriginal title, if it ever existed, was extinguished in 1858. Academics and media commentary express shock at the Reasons for Judgment.

April 1991

Gitxsan Chiefs appeal McEachern's decision.

1992

Gitxsan go to BC Court of Appeal.

June 25, 1993

BC Court of Appeal rules against McEachern and declare that aboriginal rights were not extinguished in BC. The Gitxsan will appeal the case further in the Supreme Court of Canada.

The BC Treaty Commission was established to mediate treaty talks.

1994

The Gitksan set aside their appeal to the Supreme Court of Canada in favour of Treaty negotiations with BC and Canada. They enter into the BC Treaty Commission process.

1996

BC walks away from the Gitksan treaty table, declaring “irreconcilable differences”. The Gitksan resume their *Delgamuukw* case in the Supreme Court of Canada.

December 11, 1997

The landmark decision was handed down in the Supreme Court of Canada in favor of *Delgamuukw*. Supreme Court of Canada orders a retrial to deal with Gitksan Title.

PLACING GITXSAN STORIES IN TEXT:
RETURNING THE FEATHERS. GUUXS MAK'AM MIK'AAX

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