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THE STÓ:LO AND THE TREATY PROCESS: A Historical Perspective

- The first significant threat to Stó:lō ownership of their land came in 1858 with the Fraser River gold rush. Unlike the Hudson's Bay men at Fort Langley who depended on positive relationships with the Stó:lō, the gold miners saw the Stó:lō as an obstacle, as their villages, resource gathering sites, and fishing sites were often near the most promising gold bars.
- BC's Colonial Governor James Douglas was aware of the miner's insensitivity to Stó:lō property rights. In 1858 he met with Stó:lō leaders at Hope and reserved land for their use. Writing to his superiors he recalled,

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

- Governor Douglas realized that the Stó:lō and other Aboriginal people required specific compensation for the loss of their land and resources. According to Stó:lō oral history, Governor Douglas repeatedly explained that he intended to compensate them for their land through treaties.
- Governor Douglas saw treaties as a way to neutralize conflict between settlers and the Aboriginal peoples. As he wrote, "their [the aboriginal people's] enmity may become more disastrous than any other calamity to which the Colony is exposed." Governor Douglas had a well-documented respect for Aboriginal peoples, and he recognized, as a former fur trader, that the Indians as the primary suppliers of furs were the foundation on which the company's profits were based.
- Governor Douglas and the Stó:lō people never negotiated treaties because settlement occurred very rapidly in Stó:lō traditional territory. The American settlers who populated the colony were not loyal to the British crown, and so were unwilling to pay taxes to a British government to negotiate Indian treaties.
- Europeans and Americans settled peacefully in Stó:lō territory in part because Governor James Douglas guaranteed that Stó:lō people would be compensated for the loss of their land and would receive sufficiently large reserves in order to remain self-supporting.

- Stó:lō witnesses at the Royal Commission of 1913 described Governor Douglas' treaty promises to them. Chief James of Yale told the commissioners

He (Douglas) said that white men would not take land away from the Indians, unless white men will buy it before they take it away - that's what he said. I remember it in my heart!

- According to Chief William Sepass of Skowkale,

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

- Chief Charlie of Matsqui testified,

We are the real owners of the land from time immemorial as God created us Indians in this territory, so God created the white people and other nations in their own territories in Europe; therefore we claim a permanent compensation for the enormous body of land known as the province of British Columbia, which was taken by the British Columbia government and sold to our white brothers and occupied by them. In the time of the late Sir James Douglas, he made a lasting promise to us Indians, as all the Indians deserve a lasting support and benefit by the name of Queen Victoria. Also Governor Seymour, the second governor, he made a lasting promise to us Indians in New Westminster that we will receive, or are deserving one fourth from all taxes this money for our support and to improve our land. These promises were never kept. If those promises was kept up by the British Columbia government the Indians would all be rich, and they would all be living comfortably; be as happy as our white brothers today...

- Further Chief Harry Stewart of Chilliwack explained

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

- In 1864, the assembled Indian chiefs of the districts of New Westminster, Fort Yale, Fort Douglas and Lillooet wrote the following petition:

We know the good heart of the Queen for the Indians. You bring that good heart with you; so we are happy to welcome you...Please protect our land, that it will not be too small for us...

- In 1866, Stó:lō chiefs again petitioned Governor Seymour,

The white men tell many things about taking our lands: our hearts become very sick. We wish to say to Governor Seymour: please protect our lands.

- Stó:lō chiefs again wrote to the government:

We, the chiefs of various villages situated on the Douglas, Lillooet road, and along the Fraser river, and also along the coast to Bute Inlet...the white men have taken our land and no compensation has been given us, though we have been told many times that the great Queen was so good she would help her distant children, the Indians.

- In 1874, Chiefs Ayessick and Alexis sent a petition to Ottawa that stated,

Our hearts have been wounded by the arbitrary way the Government of B.C. has dealt with us in allocating and dividing our reserves...For many years we have been complaining of the land left us being too small...We have felt like men trampled on, and are commencing to believe that the aim of the white men is to exterminate us as soon as they can, although we have always been quiet, obedient kind and friendly to the whites. Discouragement and depression have come upon our people. Many of them have given up cultivation of the land because our gardens have not been protected against the encroachment of the whites...we are not lazy and roaming people...we have worked hard and for a long time to spare money to buy agricultural implements, Cattle, Horses, etc. as nobody has given us any assistance.

- Federal and provincial disputes over "The Indian land question" subsequently ensued. The federal government felt that

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

- According to the federal Minister of the Interior, "Indian rights to the soil in British Columbia have never been extinguished. Should any difficulty occur, steps will be

taken to maintain the Indian claims to the country where rights have not been extinguished by treaty."

- A jointly appointed commission was established to resolve the "Indian land question." Between 1878 and 1880, commissioner Gilbert Sproat was left to single-handedly try to resolve British Columbia's "Indian land question." Sproat realized that as long as the federal government failed to fulfill its fiduciary obligation towards B.C.'s aboriginal people, the Indian land question would forever haunt British Columbia.

- Sproat wrote to the Department of the Interior,

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

- In 1913, the Stó:lō, Nlak'pamux, Shuswap, Lillooet, Okanagan, Chilcotin and Tahltan tribes sent a statement to Prime Minister Borden. The following is an extract from their statement:

You sent out Dr. McKenna. We were glad you sent him. He came, and we met him at our meeting at Spences Bridge last summer. A number of our Chiefs talked to him. We spoke as we have always spoken. We brought before him the question of our titles to, and our rights in, this country. We know we were the sole owners of the lands in this country, and we believe our rights in these possessions were guaranteed by King George III.

We also spoke to Dr. McKenna of the claim made by the B.C. government that we have no rights. Also of our reserves, and of the game and fish. Dr. McKenna listened to us and then spoke. We did not like his speech in so far as it dealt with the question of our title...For this reason we said no more to him on this matter, but the next day spoke to him only of the reserves, and matters pertaining to them.

...We think Dr. McKenna has misunderstood us when he states that he considers the chief sources of our dissatisfaction is the inadequacy of our reserves...we admit these are very important questions which must be treated, and settled before we can stand on our feet, but we claim that from the very beginning our chief grievance has been what we state here in plain language to be the stealing of our lands by the B.C. government.

...We desire not what belongs to the whites nor anyone else. We simply want what belongs to us.

We claim we have tribal ownership in all unsurrendered lands of this country. We also claim tribal ownership of all the game, and fisheries,

and water, and in fact all natural resources in these tribal territories of ours...no man cares to have his belongings, especially that part of him from which he draws his life, taken away from him without treaty or payment of any kind.

...When we heard of the appointment of a reserve commission, we regretted you had dealt with the Reserve question first instead of the one of title, which we call the "head" of our complaints.

- For this reason we respectfully but strongly protest as follows:

Firstly, Against the settlement of the question of our title by this Reserve Commission.

Secondly, Against the settlement of the Reserve question before that of title.

- Since the late 1860s, Stó:lō people have been without a sufficient land base to pursue their traditional social, spiritual and economic activities. Throughout the 19th century, Stó:lō leaders have consistently pressed for a treaty.
- After many presentations were made to the Royal Commission of 1913, laws were passed in 1927 which made it illegal to potlatch and to raise funds and hire a lawyer to fight for land claims.
- These laws were finally repealed in 1951. So there was a time when no land claims presentations were made to the government of Canada.
- In 1969, the Federal Government under Prime Minister Pierre Elliot Trudeau and Jean Chretien as Minister of Indian Affairs presented its white paper outlining a policy which intended to dismantle Indian Affairs and the Indian Act.
- After that, the Nisga'a Tribal Council decided to go to court against the province of British Columbia to settle the Land Question. After many years, the Supreme Court of Canada, in its 1973 decision, decided that aboriginal title did exist and was a burden on the Crown. Three of the Judges stated that it was extinguished; 3 stated that it still existed and the seventh Judge decided that the Nisga'a Tribal Council did not have the permission from British Columbia to commence the case.

After this decision, the federal government had to change its position regarding its white paper policy. They agreed that there was a land question to be resolved so they established their comprehensive claims policy which was to lead to extinguishment of title in exchange for treaty rights. The policy would only allow for negotiation with six groups at a time. The Nisga'a began negotiations in 1976 and finally concluded an Agreement-in-Principle in 1996.