THE EFFECTS OF CULTURE CONTACT ON THE TSIMSHIAN SYSTEM  
OF LAND TENURE DURING THE NINETEENTH CENTURY 

by 

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ABSTRACT

To understand the system under which land rights are held in any pre-literate society, one must refer to the cultural background since primitive tenure is usually tied in with other aspects of culture. Thus, because a person may hold rights in land according to his social, political and economic status, it is necessary to obtain a clear picture of the social, political, and economic structure. Because a person may obtain or lose his rights according to a change in status, one must be familiar with the rules of succession and inheritance, marriage customs and lineage ties. Public ceremony and tribal mythology are often instruments for the validation of claims, while the means of guaranteeing rights in land are related to the system of social control. Moreover, the reasons for desiring land can only be fully explained by referring to cultural values.

It follows that because of this relationship between land tenure and the rest of culture, a system of tenure will be affected by change occurring in cultural aspects with which it is linked. For instance, when a person holds rights in land by virtue of his membership in tribe and family, a breakdown of these groups will tend to invalidate his claims. Again, when a shift in the political structure leads to new concentrations of authority, different means of controlling land may arise. A changing economy may free people from dependence upon the old social group and thus lead to the individualization of title. When ceremonialsism plays an important part in the validation of land rights, its submergence tends to cause confusion of claims.

In studying the effects of culture contact upon the Tsimshian system of land tenure during the nineteenth century, the writer began by examining the traditional system of tenure and its relationship to other aspects of culture. The place of the social, political and economic structure in the land tenure scheme was determined, as was the part played by ceremonialsism, mythology and the system of social control. The nature of culture contact and its influence upon these aspects of culture was then reviewed. Finally, the writer attempted to determine to what extent the system of tenure was itself affected.
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INTRODUCTION

This essay is a description of the effects of culture contact on the Tsimshian system of land tenure during the nineteenth century. Its principal aim is to help provide historical perspective to contemporary Tsimshian attitudes and expectations regarding land. At the same time it is hoped that the study will be of anthropological interest because of its ethnological data and its treatment of a culture contact situation.

A general account of Tsimshian society will first be given to provide sufficient background for an understanding of the traditional system of tenure. Here the writer will describe the social and political structure, the inheritance pattern, the territorial arrangement and the economy of the people. The following chapter is concerned with the traditional system of land tenure itself. Individual and group rights to land are described, as is the method of transferring land rights. The ways in which these rights were validated and maintained and the reasons why land was desired are also noted. The writer then deals with the nature of culture contact during the nineteenth century and its influence on Tsimshian usages and customs related to land. The activities of traders, missionaries, entrepreneurs and government agents
are shown and an assessment is made of the consequences of depopulation. The study closes with a summary of the effects of culture contact on the Tsimshian system of tenure.

Throughout the paper it will be noted that the writer avoids the use of the term "land ownership". This is so because, generally speaking, individuals in pre-literate societies do not own land in the sense that they have exclusive control over it. Illustrations of this principle may be cited from many areas. Raymond Firth shows how in Polynesia peoples' control over land is tempered by the rights of others. For instance in Tikopia people who claim garden plots cannot prevent others from using them if such plots are not already being cultivated. Again, with the Maori of New Zealand, the rights of the individual in land did not amount to full ownership.

The influence of the tribe as a whole was paramount over any portion of the land held by members of it, and no action of any moment affecting it was valid unless ratified by the tribal opinion. Thus no matter what rights to a specific area a man might have he could not dispose of them to others unless this was in accord with tribal policy.


2 Firth, Raymond Primitive Economics of the New Zealand Maori, London, George Routledge & Sons, Ltd, 1929, p. 367
Meek in speaking about the indigenous tenures of Africa states that everywhere there are individual rights to particular plots of ground, but that these rights are limited by the claims of kin or village fellows. Thus while a man may work a piece of land, he cannot alienate it without the consent of his family or tribesmen. Moreover, his usufructuary right is limited to the period of occupation. Richards shows how even the rights of tribal leaders are restricted by the claims of their fellows. A Bemba chief of Northern Rhodesia, although speaking of tribal land as his "own", does not have the right to cultivate a piece of ground that is already being worked by another, nor does he have the right to alienate tribal land.

While not possessing absolute title, people do hold definite rights in land in primitive societies. The most common of these include the right to use land in various ways and the right to share in its produce. There may be nominal rights of possession which have a prestige value but do not


amount to full ownership. Other types of right would include the right to direct the activities of work groups in exploiting land, the right to allot plots of land according to established custom, and the right to conduct rituals aimed at increasing the yield from land.

The student who is studying the system under which such land rights as these are held in a primitive society must refer to the cultural setting as a whole for an understanding of the situation. As V. Liversage points out, land in primitive societies is often held by the kin or local group and an individual's rights in land may depend upon his status in the group. Where this is the case, a description of the social and political structure of the society is data necessary to an understanding of the system of tenure. Meek states that people desire land for more than its subsistence value. Land may have a sacred meaning or it may symbolize a man's status. It is therefore necessary to check on these and any other factors which make land important to people. In Coral Gardens and Their Magic, Malinowski stresses the point that "...any attempt to study land tenure merely from the legal point of view must lead

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5 Liversage, V., Land Tenure in the Colonies, Cambridge, University Press, 1945, pp. 2-10.
6 Meek, C. K., Land Law and Custom in the Colonies, p. 6.
to unsatisfactory results." This was brought home to Malinowski in his study of Melanesian tenure when he had completed a table or list of land rights held by various groups and individuals but did not have "an adequate theoretical grip" on the system of tenure. That is, while he knew what rights existed and who held them, he did not know under what circumstances they were obtained nor on what conditions they were maintained. It was only when he viewed his data in relation to other factors that the system of tenure became understandable as part of a wider system.

The principles which Malinowski found to underlie the land tenure system of the Trobriand Islands may be summarized briefly here:

A. "The Doctrine of First Emergence as the Main Charter of Land Tenure"

In the Trobriand Islands of Melanesia each person belongs to a matrilineal sub-clan whose founding ancestress is said to have emerged from a definite spot in the ground. All the territory around the spot is supposed to have been held by the lineage ancestress who left it to all her descendants. Thus every member of the sub-clan has the right of

8 Ibid., p. 330.
"citizenship" in the territory surrounding the spot of her emergence and, with certain exceptions which will be mentioned later, the members of the sub-clan form the local group or village. The right of citizenship carries with it the right of residence and the right to work a portion of land claimed by the sub-clan as a group.

B. "The Law of Marriage and Its Two-fold Effect"

Malinowski points out that his "Doctrine A" does not stand alone in determining land rights but is supplemented by "the law of marriage" that exists in Trobriand society. This law of marriage has an effect on the composition of the local group or village whose core is the sub-clan since it brings in people who are not sub-clan members. This is because marriage is exogamous and patrilocal in a matrilineal society. Thus wives and children find themselves members of the local group although not members of the sub-clan to which their husbands and fathers belong. As members of the local group wives and children have the right of citizenship in the territory of their husbands' and fathers' sub-clan. A married woman loses the right of citizenship in her husband's community

* This is an approximate term used by Malinowski to designate membership in the community and the enjoyment of accompanying rights.
when she returns to her own sub-clan group upon her spouse's death. Children lose the right of citizenship in their father's community when upon coming of age they go to the village of their own sub-clan (i.e., their mothers' sub-clan).

Within the village each married male is head of a household which consists of himself, his wife, and his children. As a member of the sub-clan he has the right to work a plot of the ground it claims and, because they are members of his household, his wife and children share this right. As members of their own sub-clan, wives have the right to a portion of the food produced on the lands of these groups and also have the right to share the food with their husbands and children. The two-fold effect of marriage consists then on the one hand of adding to the local group with a consequent increased sharing of its land rights and on the other hand of bringing food into the community as a result of the rights of married women in their sub-clan lands.

C. "Rank as a Principle of Territorial Occupation"

In Trobriand society the eldest male of each sub-clan is recognized by the other members as its leader. He organizes the household groups within the sub-clan into a working party to clear land for gardening and to cooperate in gathering the produce. He also has the right of conducting magical rites which are aimed at assuring a good harvest. As sometimes happens two or more sub-clans claim contiguous areas and reside in the same village. When these sub-clans
work together to clear land or do gardening, the head of the largest and wealthiest sub-clan acts as leader and conducts the magical rites. He also receives tribute in the form of gifts of food and other supplies from all the villages and these gifts he stores away and uses later in connection with tribal warfare and public ceremonies.

With these principles or doctrines at hand, Malinowski goes on to show how rights in land depend upon them. Thus because of the principle of rank the head of the village has the right to claim tribute from the harvest and to use this tribute in public ceremonies and for supplies in wartime. The principle of rank also gives the village head the right of wielding magic over village plots and the right of acting as leader of the village garden team. Again, he has the right of allotting plots of ground to individual members of the sub-clan of which he is the leader. However, not only does the principle of rank enter here, but also the principle of first emergence. That is to say, the village head has rights in land not only because of his rank but also because he is a member of a sub-clan which holds territory that is said to be handed on by its founder. This double validation of rights also applies to the heads of a sub-clan who are not village leaders. They control the gardening activities of their own group within the overall authority of the village head and allot plots of ground to their sub-clan fellows.
Other members of Trobriand society also hold rights in land according to one or more of the principles which control tenure. Household heads are allotted garden plots by virtue of their membership in the sub-clan and according to the doctrine of first emergence. Through the law of marriage women and children have the right to help in the cultivation of their husbands' and fathers' garden plots and to share in their produce. All members of the village claim the right of citizenship on the basis of the principles of first emergence or the law of marriage and can thus use its public approaches and water holes.

It is seen then that Malinowski began to understand the Trobriand Islanders' system of holding rights in land only after he had examined their mythology, their marriage customs, their economy and their social and political structure. The cultural background also gave him the clue as to why people desired rights in land beyond the need for subsistence. Thus he found that a man desires land in order to supply his married sister with gifts of food during the harvest season. The effect of these gifts is to reinforce sub-clan ties with women who have left the community to live with their husbands. By maintaining these ties a man helps to assure the return of sub-clan children to the fold when they come of age. A further factor in the desire for land lies in the matter of gaining prestige. A gardener with a rich crop is admired by all, and
in order to get such a crop he needs a good plot of ground. Land is also needed to enable people to contribute to periodical tribal ceremonies by making gifts of food to the village head.

The writer followed Malinowski's procedure in turning to the total cultural setting for an understanding of the system of tenure with which he was dealing. Thus because in Tsimshian society a person held rights in land according to his social, political and economic status, it was necessary for the writer to obtain a clear picture of the social, political and economic structure. Again because a person gained and lost rights according to a change in status, one had to be familiar with the rules of succession and inheritance, marriage customs and lineage ties. Public ceremony and tribal mythology were also found to be essential elements in the system of tenure and the means of guaranteeing rights in land depended upon the system of social control. Finally, the reasons for desiring rights in land could only be explained by reference to cultural values.

While the relationship between land tenure and culture became evident to the writer, it was also apparent that because of this relationship, a system of tenure would be affected by change occurring in cultural aspects with which it was linked. An example of where a change in social structure had a far-reaching effect on land tenure can be
found in Firth's book on the Maori. In the aboriginal culture the system of tenure was bound up in the social structure. A person held rights in land by virtue of his membership in tribe and family. Under the influence of the white man the old social groups began to break up in certain areas of New Zealand, with the young people going off to farms and cities and ceasing to take an interest in tribal and family affairs. In time traditional land rights lost their meaning since the old social groups had all but disintegrated. When the government began to encourage the natives to take out individual title to abandoned family lands, the change in the aboriginal system of tenure became even more apparent.

A further example of how the system of land tenure is affected by change in related aspects of culture is given by T. O. Elias. He shows how in pre-white Nigerian society political status entered to only a limited extent into the system of tenure. While a chief was the nominal owner of tribal land, he was limited to collecting tribute from his tribesmen for its use and could not alienate it nor prevent others from enjoying their traditional rights therein. When the British arrived they recognized the chiefs as having absolute power over tribal land. This had the effect of bringing

9 Firth, Raymond, *Primitive Economics of the New Zealand Maori*, pp. 468-471.

in a new concept of political status and a new concomitant
correct concept of tenure with the chiefs now having the right
to dispose of land. Under these circumstances the British
made payment to the chiefs and took over control of the
territory.

Keesing shows how the Samoan system of land tenure
has also been affected by a change in political structure.
In traditional times the population was divided into village
groups of closely related families and each village had a
council of elders or "matai". Among other things it was
the duty of the council to settle disputes over land between
village members and to call upon the community as a whole
to protect its territory against invasion. When the white
man took over the administration of the Islands the matai
lost their authority and the traditional means of maintaining
rights in land was no longer effective.

Under modern conditions the practical authority of
the "matai", especially of the higher titles, has
tended to wane. Also now that there is a central
government to ensure peace, the main function of the
overlord—the defence and protection of the area—
has passed.

Liversage points to the influence of a change in economy
upon land tenure in primitive society. He argues that the

11 Keesing, Felix M., Modern Samoa, London, George Allen and
Unwin Ltd., 1934, p. 274.

12 Keesing, Felix M., Modern Samoa, p. 274.
introduction of new markets has had a far-reaching effect. Where formerly a person was obliged to share in group enterprise in order to gain a livelihood from the land, he can now work as an individual by specializing in cash crops and with the money obtained from their sale be free from dependence upon the old social order. According to Liversage this dependence upon self rather than the group tends to cause individualization of title, since people become reluctant to share the proceeds of their labour and wish to have legal claim on all profits they obtain.

Those who desire to engage in production desire possession of land in order to obtain scope for their individual enterprise. They also desire to protect investments of labour and capital from the claims of others.\(^\text{13}\)

These examples of co-variation with regard to modifications in land tenure and other aspects of culture serve to point out the necessity of keeping in mind the complex nature of change in a culture contact situation. In assessing the influence of culture contact on Tsimshian land tenure during the nineteenth century, the writer will note changes which occurred in related aspects of culture and will attempt to determine to what extent these changes affected the system of tenure.

The data for this essay were obtained through an examination of materials available in the library of the University of British Columbia. A list of these materials is given in

\(^{13}\) Liversage, V., *Land Tenure in the Colonies*, p. 45.
the annotated bibliography. The picture of the aboriginal culture was largely drawn from the description given by Franz Boas in his *Tsimshian Mythology* and his *Fifth Report on the Northwest Tribes of Canada*. Other works used in this connection included Edward Sapir's *A Sketch of the Social Organization of the Nass River Indians*, and Marius Barbeau's *The Downfall of Temlaham*. The description of the traditional system of land tenure is based on the works of Garfield, Niblack, Dawson, Emmons and Barbeau as cited in the bibliography. Government documents and the reports of missionaries were used to determine the nature of the impact of western culture. A list of the authorities referred to for an understanding of the principles of land tenure in primitive society will be found in the bibliography.

The writer wishes to take this opportunity to thank his instructors on the University staff for their patient guidance.
Chapter I

BACKGROUND

1. Social and Political Structure

When the early explorers reached the northwest coast of North America, they found groups of people inhabiting the many bays and inlets from California to Alaska. One stretch of coastline was occupied by the Tsimshian Indians who built their cedar plank houses in a number of the protected channels and bays from Dundas Island to Milbanke Sound. Closely related to them in culture, but speaking different dialects of the same language, were the Niska and Gitksan who lived along the upper waters of the Nass and Skeena Rivers.

While the Tsimshian, Niska, and Gitksan shared a common culture, they did not constitute an overall political unit, nor were the three dialectal subdivisions themselves political units. Rather these subdivisions could only be distinguished as groups on the basis of identity of speech and geographical location. The actual political unit was the village group or tribe made up of a number of households, and throughout the area as a whole there existed a score of such
units. Nine of the tribes speaking the Tsimshian dialect had their winter villages at Metlakatla Channel not far from the present city of Prince Rupert, and it is with these people that the study is primarily concerned.

The tribe was a political unit in that its members acted together in defense of their territory and supported a central head. Moreover, they possessed specific sets of relationships peculiar to them as members of the group, and engaged in common institutional activities which included cooperation in economic pursuits and participation in intra-tribal ceremony. Relations between the political units centred about the competition for prestige. Each tribe attempted to gain prestige by assisting its head to accumulate property which he then distributed to other tribal heads in such proportions as to demonstrate the wealth and power of his group. This distribution took the form of ceremonial feasting wherein the group heads strove to outdo each other "in display and lavishness".

The head of the tribe had no absolute political power. It was necessary for him to have the support of the heads of the various households before he could exercise any authority. However, with the support of these persons he

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had direction over the ceremonial and economic activities of the community and acted as trustee of tribal property. "On the whole, the chief is represented as taking care of the welfare of the people of his village".

Each of the household groups consisted of lineage members and women who had married into the household, plus their young children. The lineage consisted of those people who traced their descent from a common known ancestress. The head of the lineage was also head of his own household and inherited his rights from his elder brother. If the head of the lineage had no younger brother he was succeeded by his eldest sister's eldest son.

The heads of the various households directed the economic activities of their respective groups. They arbitrated in intra-household disputes and were trustees of household property. The tribal chief was himself a household leader and head of the wealthiest lineage within the tribe.

In Tsimshian society there were four exogamous clans and each lineage belonged to one of these clans, all four clans usually being represented in each tribe. Clan

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membership therefore crossed tribal boundaries. It is probable that at one time each village group or tribe was composed of lineages belonging to only one clan plus women who had married into the group and their children. However, as time went by people from one village settled in the next, thereby giving each tribe a multi-clan membership.

The concept of common clan membership had little to do with the political structure of the tribe. All lineage heads within the tribe supported the chief regardless of clan affiliations. Again, all members of the household group supported their leader regardless of clan differences. While people might avoid unpleasantness with their clan fellows and be expected to shelter them as temporary guests when visits were made, they put household and tribal interests first.

There were status differences in Tsimshian society. Heads of lineages were accorded the greatest prestige and their positions were graded according to their ability to accumulate and distribute wealth. Others shared in the prestige gained by their household leader since they were largely responsible for his position. Captives taken in raids on distant tribes held the lowest positions in the social scale. The social position of lineage heads was reflected in such tokens of respect as precedence in receiving gifts at wealth-distributing ceremonies. In the ordinary course of events,

however, they would be found to be engaged in much the same sort of daily pursuits as their fellow tribesmen. In directing the economic operations of their respective household groups, they did so as part of the labouring force concerned and listened to the opinions of their helpers. Membership in one of two equally important secret societies was open to all except captives and members of the poorest lineages. As a demonstration of wealth, captives might be given away or killed by their masters, although the latter course was fairly rare and harsh treatment was not usual.

2. Inheritance Pattern

In Tsimshian society household property was held in trust by the head of the household group and could not be alienated by him without the consent of the household members. Thus a man inherited the right of leadership of the household group rather than household property. Right of headship passed from a man to his younger brother or, in the absence of a brother, to his eldest sister's eldest son. Third in order of precedence was a man's next younger parallel cousin; that is, a male who had the same maternal grandmother as the holder. Fourth in line was the eldest son of a woman other than sister or mother's sister of the same lineage and generation as the leader. In the absence of a male heir, a man's sister might succeed him but would be expected to pass

19 Garfield, Tsimshian Clan and Society, pp. 178-181.
the right of headship on to the nearest eligible male when he became available. This would be her own son on his coming of age, or that of her sister. At times a lineage head might adopt a man as his younger brother if he should find himself without an heir. However, in this as in all cases the successor would need the support of the household members, for without it he could not maintain his position.

An exception to the usual routine of succession might occur when a man aspired to leadership of the household even though he was not due to inherit the right. Thus a man's eldest sister's eldest son might intercept the succession of his mother's brother's brother by holding a feast upon his uncle's death and distributing a greater amount of wealth than his uncle's brother could command. However, this would again have to be done with the sanction of the household members.

A further exception to the general rule of succession might occur when the heir apparent was considered unworthy by his household fellows because of some physical or mental defect. In this case he would be by-passed and the position taken up by the next in line.

3. Territorial Arrangement

During the winter season which lasted from October to March, each household group occupied a rectangular cedar plank house "about thirty feet square". The number of people in

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the average sized house was around sixteen. Arctander says that when the missionary Duncan first encountered the Tsimshian in 1857 he found there were "nine tribes with a population of 2,300, living in 140 houses."

Each elementary family belonging to the household group had its own section of the raised platform which ran around the inside walls of the house. The rear of the house was taken up by the head, his wife and children, and unmarried grown sons of lineage women. Captives had their quarters on either side of the single door situated at the front end of the house.

In each village group there might be from half a dozen to a dozen and a half households. Village houses were strung out in a line facing a common beach and lay back a few yards above the high water mark with the house of the tribal head in the middle of the line. At times the beach, which fronted protected bays or channels, was not extensive enough to accommodate all the houses even though they generally had only a few feet between them. In such a case a second row of houses might be built behind the first row or, if there was not sufficient level ground there, another beach in close proximity would be taken up. Behind these villages the forested ground ran sharply up hill to eventually reach the summit of

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rugged snow-capped peaks.

The winter season was the ceremonial season of the year. During much of this time the people were engaged in inter-tribal feasting, initiating novices into the secret societies, and carrying on such other ceremonial activities as shamanistic performances and the elevating of people to leading household or tribal positions. Between such events the Tsimshian turned their attention to economic pursuits. Women set about their household tasks, gathered shellfish on the beach, or collected edible roots in the nearby forest. Men busied themselves with such tasks as the erection of new houses or the repairing and constructing of dug-out canoes. They also went fishing for halibut and cod or occasionally shot a seal. Some went off into the forest after deer, mountain goats, and bears. However, such food as was obtained at this time only supplemented what had been stored away at other seasons.

Around the first of March, each of the Metlakatla village groups migrated to the lower banks of the Nass River where they fished for eulachon, a small oily fish which swarmed up the river by the millions in early spring. The journey from Metlakatla was a matter of seventy-five miles and took two or three days to complete. Each village group had its own camping sites along the way and at each site the various households had their traditional section of beach as at Metlakatla Channel. Upon arriving at the Nass, the village groups
arranged themselves in much the same pattern as they had at their winter quarters, with the river bank taking the place of beaches. Houses, while less elaborate, had the same general style as those at Metlakatla.

Fishing on the Nass continued into late April when the eulachon ceased running. At this time the people returned to Metlakatla where they stayed for several weeks before moving on to salmon fishing sites along the lower reaches of the Skeena River. In the early part of the summer they occupied villages in the same manner as they had at the Nass. Towards autumn each tribe broke up into household units which set off to their own particular fishing sites and hunting grounds, located along the tributaries of the main river or on the streams flowing into the various bays and channels between the Nass and Skeena. While some men of the household group were engaged in fishing, others went off hunting for deer, goats, bears, and smaller fur-bearing animals. Some women gathered berries and wild crab apples while others dried and smoked the salmon which they stored away in wooden boxes. Towards the end of September the people, having obtained their supplies of food, returned to their winter villages to commence a new seasonal round.
Chapter II

TRADITIONAL SYSTEM OF LAND TENURE

1. Individual and Group Rights in Land

In Tsimshian society each household group had the right to use and exploit certain sites and areas. Types of land in which this right was held included the winter village house site. As has been seen, these house sites were arranged in line facing the beach. Their size was determined by the dimension of the four walls of the house built upon them. The camping sites on the spring migration route and the house sites on the Nass and Skeena corresponded to the winter village house sites. House and camping sites used in the late summer were part of larger household areas such as fishing, hunting, and berry picking grounds. The household group also claimed that part of the beach or river bank which lay directly in front of the house site and used it as a place to keep canoes or as a convenient spot to dry fish and work at other chores. When two houses lay one behind the other, this stretch of beach or river bank was shared between them. Stands of cedar and patches of edible roots were found in the woods near the winter village or further along the coast and each household claimed one or more of these. Also claimed by the household were sections of off-shore cod and halibut banks, seal and sea-lion
rocks, kelp beds and sea-bird rookeries.

Stranded marine animals, or other debris washed by the tide, belong to the family owning that portion of the shore line, the boundaries of possessions being definitely marked and respected accordingly. Nor is the boundary confined to the strip of coast, but extends well out to sea, carrying with it the right to shoot seals and gather birds' eggs on outlying rocks, hunt sea otter, and to fish on well known halibut or cod banks.22

River gorges, valleys, and mountain sides were identified as household hunting preserves. Water routes by sea and river which were open to all, gave access to food gathering areas and thus obviated problems of easement.

Persons who did not belong to the household group were normally excluded from sharing in the latter's right to sites and areas with which it was associated. Exceptions were sometimes made in the case of friends and relatives who might be invited by the household to obtain what food and materials they needed. Thus a man's grown son while belonging to another household could expect an occasional invitation to hunt on the land of his father's group. Members of friendly households whose resources were depleted might also expect such an invitation, but in both cases guests were expected to share part of the produce obtained. The household group might also share its rights to land in return for assistance in accumulating goods to be used in wealth distributing ceremonies. When

occasion demanded, rights to land other than the house site could be given up by the household in favour of other such groups as payment for debts or as a settlement for claims arising out of the injury or death of outsiders.

Household rights to land were validated during ceremonial events such as the elevation of lineage members to leadership and the periodical wealth distributing feasts engaged in by the household for the purpose of maintaining prestige in the community. Accompanying such events was the displaying of crests associated with household rights to specific sites and areas. At the same time, a hired spokesman, acting on behalf of the households, recited myths which told of the original occupation of the land by the group concerned or, when rights to land had been obtained within remembered times, he gave an account of such happenings. Each food course served during the ceremonies represented one or more household sites or areas and the spokesman explained their association. Houses bearing painted household crests and lying on household land gave further support to the claims of the group. Crest-bearing totem poles which had been erected upon the succession of a man to leadership of the household also had this effect.

A particular object of these monuments was to publish the owner's claims to established patrimonies and rights that had descended to them mostly from the immemorial past. The assistance of other families and neighbouring villages in their erection served as a pledge of universal recognition.

Certain elements of social control existed in Tsimshian society which gave assurance to the continuance of household rights in land. Trespassers were ridiculed as people who were unable to depend upon their own resources. This was in itself enough to discourage most offenders since the Tsimshian were extremely sensitive to such condemnation. Moreover the head of the offender's group could be expected to discourage any repetition of the act since ridicule of any of its members affected the group as a whole. Members of the offending household could retaliate by threatening reciprocal action or by killing the trespassers. The latter course was, however, only taken as a last step since it often led to a chain of revenge killings. A further element of control over infringement of land rights lay in the fact that the prestige of the tribe as a whole depended upon the cooperation of all its members in promoting the prestige of its figure-head. Thus any infringement of land rights by one of its households against another met with resistance from the whole tribe in the form of ridicule or physical violence.

The tribe as a group held rights to land. Public grounds to which all members of the tribe had access included clam beds, a common road lying between the houses and the beach, and unspecified areas lying about the village. The winter house site of the village head was also open to members of the tribe during ceremonial occasions. People who did not belong to the group gained access to tribal land through the
protection of clan kinsmen. Thus the first thing a visitor did upon arriving at a village was to go directly to the house of his clan fellows. In this way trade and other friendly relations could be maintained between tribal groups. Visitors might also be received in the house of the village head if he were to hold an inter-tribal wealth distributing feast. When outsiders were not on friendly terms with the tribe, they would be excluded by force if necessary. The tribe also acted to prevent outsiders from trespassing on the land of any of its household groups. Differences between village groups over rights to land were common, and fighting often broke out as a result. Tribal rights to land were validated during ceremonial occasions as in the case of household rights to land. Thus when a man was elevated to tribal leadership, other tribes were invited to participate in receiving gifts and feasting. At the same time tribal crests associated with tribal land were displayed and an account of tribal lands was given.

Individuals held the right to use household and tribal land by virtue of their membership in these groups. House and camp sites were open to the use of individuals according to the pattern of residence already described. Since the household acted as an economic unit in hunting, gathering, and fishing, each of its members had the right to use its various resource areas according to his role in these activities. While men speared fish, women set about drying and
smoking them. While women picked berries, men made the boxes in which they were stored. When hunters returned with deer and goats their wives and daughters prepared the skins. Children helped or hindered their parents and old people did what they could to make themselves useful. Captives participated in the economic activities of the group in much the same way as other men and women.

Although the head of the household had direction over the economic activities of the group he did not own the land which it used. In the first place he was restricted from ownership by the traditional privileges which other members of the household enjoyed. Moreover, his interests were so interwoven with the interests of his people that ideas of individual ownership of land were foreign to him. He could not alienate land by giving it or selling it to outsiders since rights to land could only be given up with the consent of the group as a whole. Rather than being an owner of land, he acted as a supervisor of household sites and areas and in this capacity he directed the use to be made of land and called upon the members of his group to defend their rights.

No areas were set aside for the special benefit of the tribal head nor did he receive tribute from others for their use of land. He acted in the same capacity as other household leaders with regard to the land held by his own household group. With regard to tribal land his position was also that of a supervisor. He directed the gathering of food and
materials to be used in tribal feasts and led the group in
defense of its land. He could not alienate tribal land
without the consent of all the householders, nor could he
prevent other members of the tribe from using it.

2. Transference of Land Rights

As has been seen, the household might give up rights
to some of its land in favour of other such groups for the
settlement of debts. Indebtedness might arise as a result of
the household borrowing food and other materials in order to
hold wealth distributing feasts or simply as a result of need-
ing these goods in order to survive. If unable to return the
borrowed goods in kind, the household could repay the loan by
giving up its rights to one or more sites and areas. Quite
often debts were not settled voluntarily. That is to say, a
group which found itself in debt might have its rights to land
usurped by the household which had made the loans. Such a
step would be validated by the latter through the usual proced-
ure of distributing wealth and announcing the state of affairs.
The action would be sanctioned by the tribe as a whole if the
debtor household was unable to settle its obligations otherwise.

The household might give up its rights to certain
sites and areas as a settlement of claims arising out of the
injury or death of members of another household. Such injury
or death might be caused by other than a deliberate attack. Thus,
if members of another group accidentally shot a hunter, his
household fellows would demand compensation. Even if a man accidentally hurt himself while using the land of others, the latter were held responsible. If compensation was made by the transfer of rights or land, such action would be publicly announced and the receiving group would validate its new claims by the distribution of wealth.

Discontinuance of occupation did not constitute abandonment of land rights in Tsimshian society unless no effort were made to retain these rights. Thus the household might continue to announce its rights to sites and areas even though it no longer occupied them. Reference to these places during wealth distributing feasts was usually sufficient to insure their retention. The group concerned might also have buildings bearing household insignia on land no longer occupied by it and thus give physical evidence of its intention to retain the site. Usually the household allowed others to use land it no longer occupied in return for a share of any produce that might be obtained. If the household gave no indication of its intention to retain rights in land it no longer occupied, it was considered to have "thrown away" the land and some other household was then free to take up the claim which was validated in the usual way.

When the household group became too large for the house, it was customary for the head to appoint one of his

potential heirs as leader of a new group composed of the surplus members. The new head's eldest sister would be the point of reference for a new lineage and her eldest son would eventually succeed her brother. When segmentation took place, the head of the parent household, with the consent of the group as a whole, might assign a part of its land to the new household being formed. If sufficient land was not available to do this, the new group was expected to strike out on its own and lay claims to land which was not held by others. By occupying this land and validating their claims through the distribution of wealth, the new group gained full control. This same procedure might be undertaken by any other household which found itself short of land.

Members of one tribe sometimes attempted to seize the land of household groups belonging to another tribe. Since such action usually led to the outbreak of general hostilities, it would only be undertaken with the approval of all the members of the aggressor tribe. If there was a reasonable chance of getting the better of the enemy, this approval was readily obtained, since success meant a rise in prestige for the victors. Fighting was sporadic rather than continuous. If members of opposing sides happened to meet while away from their villages a fight would ensue. Each side might raid the other's village and take captives. During the winter season a truce was usually arranged to allow both sides to engage in common ceremonial activities. The resolution of the conflict
was achieved when one side acknowledged the right of the other
to the disputed land. This was done during a ceremonial feast
held by the victor and attended by the vanquished and various
other tribes.

Individual rights to land were gained or lost as a result of a change in social status. When a man became head
of the household, he succeeded to the position of trustee of
its land. Similarly the new tribal head succeeded to trustee-
ship over tribal land. When women married into the household
they gained the right to use its land according to their econ-
ocmic role. Their right to use the sites and areas of their
former group was suspended as long as they remained members of
another household, but could be regained should they return as
widows or dissatisfied wives. Young men when they went to
live with their mother's brother gained rights in the land of
their uncle's household. While they lost the formal rights
to use the land of their father's household, they were often
invited by the latter to do so.

3. The Interrelationship between Tsimshian Land
Tenure and the Cultural Background

The preceding pages have given an indication of the
way in which the traditional system of tenure was related to
other aspects of Tsimshian culture. Thus the social, political
and economic aspects of culture were involved, since a person
held rights in land according to his status in household and

25 Garfield, V. E., *Tsimshian Clan and Society*, pp. 259-271; see also
Garfield, V. E., *The Tsimshian, their Arts and Music*, J. J. Augustin,
tribe and his role in exploiting resource areas. The head of the household had direction over the economic activities of his group, male members held the right to hunt and fish on household grounds, women and children gathered food and other materials and all had the right of residence in the winter house and summer camp. The head of the tribe called upon his fellows to defend their territory, directed the accumulation of wealth to be used in ceremonial feasts, and shared the right of using public grounds with his tribesmen. Men were expected to assist in guarding household and tribal lands while all the people helped in building prestige for family and tribe by providing materials for public display.

Because a person's rights in land depended upon his status, he would gain and lose these rights as his social position changed. The system of tenure was therefore linked with the rules of marriage, lineage ties, succession, and inheritance. When children reached maturity they went to live with their mother's brother. They thereby gained rights in the land of their uncle's household and lost them in their father's. When a woman married she had the right to use the land of her husband's household as long as she lived with him. Men gained new rights in land when they succeeded to the position of household or tribal head.

The writer has described the part played by ceremonialism in the Tsimshian system of tenure. Accompanying
ceremonial feasts was the displaying of crests associated with household rights to specific sites and areas. This served to draw attention to claims made by the various groups and gave support to them. Moreover, myths were recited which told of the original occupation of land by supernatural ancestors who had passed on title to their successors. Public ceremony and tribal mythology were thus essential elements in the system of tenure.

Since land rights were guaranteed by cultural sanctions, the link between Tsimshian tenure and the cultural background also involved the system of social control. Trespassing was discouraged by the threat of physical violence or reciprocal action. The fear of ridicule also served to maintain order. A man's attention was focused on gaining prestige and any adverse criticism was felt deeply as a slight to his character. He would thus hesitate to use the land of others without invitation for fear of public condemnation.

As with the system of tenure, the desire for land was also related to the cultural background. While some of the foods and materials that were collected on household tribal grounds were needed to satisfy the demands of subsistence, another principle reason for desiring land also existed. On ceremonial occasions the Tsimshian displayed accumulated wealth as a mark of their prosperity and thereby gained the prestige for which they constantly strove. They therefore needed resource areas to satisfy the demands of their ceremonial feasts.
Chapter III

THE EFFECTS OF CULTURE CONTACT

1. Introductory Statement

The impact of western civilization on Tsimshian society became increasingly pronounced throughout the nineteenth century. Traders, missionaries, white immigrants and government agents each in turn exposed the Indians to new ideas and values. This chapter will endeavour to examine the influence of the new culture on Tsimshian customs and institutions related to land. As will be seen in the final chapter, the conclusion of the writer is that the Tsimshian held tenaciously to their old way of life and their traditional practices concerning land remained largely unaffected.

2. Establishment of British Sovereignty

Tsimshian lands fell within the bounds of what was known in the first half of the last century as the Oregon Territory. The Territory comprised the country lying between the parallels of forty-two degrees north and fifty-four degrees forty minutes north, bounded on one side by the Rockies and on the other by the Pacific Ocean. Sovereignty over this vast land was only finally determined in 1846 with the signing of
the Oregon Treaty between the United States and Great Britain.

In the years previous to the signing of the treaty, Spain and Russia had also laid claim to the Oregon Territory or at least to the coast thereof. However, in 1819 Spain withdrew from the scene entirely and in 1824 and 1825 Russia agreed with the United States and Great Britain to confine her interests to Alaska. This left the field to the latter two Powers which shared an equal claim in the territory until the agreement of 1846. At this time the British took over control of all the area lying north of the forty-ninth parallel as well as the whole of Vancouver Island, while the remainder went to the Americans.

The establishment of British sovereignty over the northern part of the Oregon Territory had little immediate effect on the Tsimshian Indians' relation to land. Until 1858 the Crown granted exclusive trading privileges in the area to the Hudson Bay Company, and it was the policy of the Company not to interfere with the natives' rights.

According to the canons of that age the Indians were well and fairly treated. Their lands were not seized, because the fur trader was concerned only in the gathering of peltries and not in the promoting of settlements; their customs were respected, because it was less provocative of hostility to humour them than to attempt to change ideas born of immemorial usage.26

In 1858 the Tsimshian area became part of the newly created Colony of British Columbia. Where settlement was likely to take place it was the policy of the Colonial Administration to place the Indians on reserves of land. Where white population was small or non-existent the Indians were to be left to themselves. This latter stipulation applied to the Tsimshian who were in a corner of the Colony that remained practically untouched by white settlement throughout the Colonial period. When British Columbia was united with the remainder of Canada in 1871 the control of land passed to the Provincial Government. The consequences of this change will be taken up in a later section of the chapter.

3. Early Traders

In 1834 the Hudson's Bay Company built the Fort Simpson trading post seventeen miles north of Metlakatla Channel. At this point each Tsimshian tribe had traditionally occupied a stretch of beach on their annual trip to the Nass River. With the erection of the post, the Indians, who were interested in trading with the Company, abandoned Metlakatla Channel as their winter quarters and began to use the Fort Simpson site for this purpose. However, the pattern of land holding was not affected by this move since each tribe had already established rights to land in the area.

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The Company's agents depended upon the Indians for much of their food as well as for furs and were willing to trade coveted articles for both these commodities. Thus hunting grounds, berry patches, and fishing sites became even more important as sources of wealth but, while the value of land increased, it did so in accordance with its traditional meaning to the Tsimshian. That is to say, it was considered, as before, as a reservoir of wealth to be used for purposes of gaining prestige for household and tribe and not for individual gain. Thus articles obtained in trade simply supplemented traditional materials used in wealth distributing feasts.* Since a person's interests were still bound up with those of his household and tribe, tendencies toward individualization of land rights were not apparent. Household and tribal heads gained no further control over land for their positions continued to be dependent upon the support of others. Nor were they given special recognition of control over land by any extra-tribal authority.

As a result of the increased importance of land, rights were even more jealously guarded by household and tribe, and fighting broke out at the least sign of a challenge to these rights. However, this was a change in intensity and not a change in kind. The Gitksan on the upper Skeena were prevented by the Tsimshian tribes from coming down river to trade with the Hudson's Bay Company but this was probably

*Large accumulations of articles obtained by trade with the white man were used not for personal consumption but rather for distribution in traditional ceremonial feasts.---see R. C. Hayne, Four Years in British Columbia and Vancouver Island, London, J. Murray, 1862.
only a continuance of measures that had been taken before contact to keep inland tribes from encroaching on their territory.

Some of the white men in the fort took Tsimshian women as wives but this did not disturb the land tenure system since the children of these unions belonged to the lineages of their mother and thus retained their rights to land by virtue of lineage membership. Most of the unions were only temporary affairs, and the children grew up in their mother's native home. Children born of women who lived in the fort usually joined the household of their mother's brother upon reaching adolescence. A few of them moved away with their fathers when the latter retired from service at Fort Simpson. Even then they had the right to return and take up their full rights as lineage members. One old man did this after living in Victoria for many years.

During the early years of contact a new use was made of land. Potatoes began to be cultivated in small patches by the household groups. However, the natives were not so much interested in the potato as a food as they were in its alcoholic properties. While visiting in Victoria some of the Tsimshian had learned how to make a strong brew from the plant, and few ceremonial feasts were held without a

29 Garfield, Tsimshian Clan and Society, p. 185.
considerable amount of drinking. Although agricultural land was scarce around the fort, the various households made use of productive soil at sites previously used only for gathering edible roots. Since these sites were already claimed, the new practice of cultivation did not disturb traditional rights in land.

4. William Duncan's Experiment at Metlakatla

In 1857 William Duncan of the Church Missionary Society of England arrived at Fort Simpson with the intention of proselytizing the Indians. He was convinced from the beginning that the native way of life was incompatible with the principles of Christianity and would therefore have to be changed to conform to that of the typical English village community. For thirty years he remained in British Columbia intent upon his objective but while he brought about some superficial modification of the social organization and succeeded in changing certain material aspects of Tsimshian culture, it is the conclusion of the writer that the native system of land tenure remained largely unaffected. Moreover, his activities directly concerned less than half of the people. Eventually he moved to Alaska taking his followers with him. There the old way of life underwent an almost complete transformation but it would seem that the effects of his work in Canada made far less of an impression on those who chose to remain behind.

Within a few months of his arrival at Fort Simpson,
Duncan could make himself understood in the Tsimshian language. He was the only white man who could converse with the Indians in their own tongue and this in itself made a favourable impression upon them. Duncan also gained recognition as an exceptional man by defying the tabus set by the tribal heads during the ceremonial season. This nearly cost him his life at the hands of a vengeful tribal leader, but he was saved at the last moment by the native who had been his language instructor. The latter drove off Duncan's potential assassin at the point of a gun. Neither he nor any other Indian made the attempt again.

While Duncan gained in prestige through his ability to converse in the native language and by standing up to the tribal heads, he was also known by the Indians to have defied the Hudson's Bay Company by refusing to hold services in the fort if the employees worked on Sundays. When Duncan won his point, his followers were even more convinced of his abilities.

Within five years Duncan had an enthusiastic following of some four hundred Indians out of the total of twenty-five hundred then living at Fort Simpson in the winter season. In 1862 he decided to move his mission away from what he

considered to be the degrading influences of the Company traders and in that year, accompanied by his four hundred converts, he moved to Metlakatla Channel. The Indians who followed Duncan did so in household groups rather than in tribal groups. Of the nine tribal leaders only one joined him, and this was the man who had tried to kill him. The latter now proclaimed Duncan to be the greatest of all headmen, and became his ardent supporter. Duncan's other followers who had deserted their own tribal heads, sought to gain prestige for themselves by supporting the missionary whom they regarded as their new leader. With this enthusiasm behind him, Duncan had every reason to believe that he would succeed in building "The Christian Community of Metlakatla".

After the initial exodus, nineteen hundred Indians remained at Fort Simpson. The duties of the tribal leader who had left with Duncan were taken over by the next in line of succession, but the former was still regarded as head of the tribe until his death several years later. Again, the household groups which had gone to Metlakatla were still regarded by their tribes as members of the larger groups and their deserted houses were left unmolested. The Indians who had chosen to stay at Fort Simpson were probably those with the least to gain by joining Duncan. On the other hand, those who had gone with him would probably have belonged to the poorer households and sought to use the missionary as a means for gaining new wealth and prestige. The story of
the Indians who remained at Fort Simpson will be taken up later.

Duncan believed that in order to make the new community into an image of the English village, he would have to take three major steps. One of these was to eliminate the aboriginal pattern of residence which he considered as contributing to immorality and a hindrance to his plans. Thus the traditional household grouping which appeared to the missionary as a breeding ground for incestuous relationships would have to be eventually done away with and the elementary family confined to separate dwellings. At the same time as he was attempting to change the pattern of residence, Duncan sought to eliminate native ceremonialism. Crest-pole raising, ceremonial feasting, and ritual dancing were forbidden. The missionary's third task was to bring an end to the annual round of migration which seriously interrupted his attempts to teach the Indians the arts of Western civilization. He planned to do this by introducing industries from which the Indians could earn their livelihood without having to leave the community for extended periods. While Duncan succeeded in modifying all of these aspects of the native culture, he did not eliminate them and the traditional system of land tenure in which they were bound up remained largely unaffected.

When Duncan arrived at Metlakatla with his followers,
he assigned each household group a site for its new residence. The missionary felt that in order to have the people quickly housed, he would have to allow them to build the type of structure with which they were familiar. While he frowned upon the aboriginal pattern of residence, he had to be content with what modifications he could make until such time as he could move each simple family into single dwellings. He therefore satisfied himself by walling off compartments within the communal house.

As at Fort Simpson, the houses stood facing a common beach side by side. No special regard was had for arrangement on the basis of previous tribal membership and each household group took up their places in order of arrival. The household worked as a unit in constructing its dwelling, with each member of the group expecting the right of occupation.

With the formation of the new community at Metlakatla, Duncan assumed the role of a political chief. Any person who did not obey him was banished from the community. He was appointed a magistrate by the Colonial Government in Victoria and thereby had the authority to impose fines and jail sentences on those who broke the white men's laws. He also had ultimate control over village land but the household group continued to hold rights in the house site on the condition that its members obeyed the rules set forth by the missionary. Duncan recognized the household head as custodian
of household title but, as in the aboriginal system, the latter could not alienate the site nor prevent any of the members of his group from using it.

During the following years Duncan set about replacing the old style of dwelling with conventional English houses. While his original intention had been to confine the elementary families to separate residences, he did not fully succeed in doing so. Rather he only modified the old arrangement by building double houses, each with two floors. In a letter to the Indian Affairs Department of the Canadian Government, written in 1881, he states that "two such houses are built in each lot of 120 feet by 66 feet, and so arranged that a middle room can be built to connect them and be used in common by both families (The families, of course, related)."31 [Duncan's brackets.] While the letter does not give adequate information on the social structure of the double-house residence group, it does suggest that the Indians were still in sympathy with the aboriginal pattern of kin-grouping. It is known that each of the new houses had five rooms and with the common room included, the double-house would contain a total of eleven rooms. Since the old household was composed of around five elementary families, this would give ample space for the segregation of each of them into separate rooms within the double-house. Even if the related families occupied separate house sites, each person could still be identified as a member

31 Canada, Department of Indian Affairs, Annual Report 1881, Ottawa, MacLean, Rodger and Co., 1882, p. 145.
of the old household by virtue of his lineage membership or marriage ties. As a matter of fact, this is what happened. The traditional household group still continued to function as an economic unit on its annual round of migration. As members of the household group, people still claimed rights to sites and areas from which they obtained food and materials. Thus while Duncan succeeded in modifying the social grouping at the winter village site, most of the basic principles of land tenure remained undisturbed.

In line with his policy of doing away with aboriginal ceremonialism, Duncan forbade wealth distributing feasts, the erecting of crest- poles, and the formation of secret societies. However, he made use of the competitive spirit that lay behind these ceremonies. He was obviously aware of the drive for prestige that was a dominant element in Tsimshian culture. The Indians were required to supply the materials that Duncan needed in maintaining the community. This provided the opportunity for the household groups to gain prestige by attempting to outdo each other in supporting him. With regard to ceremonialism itself, the households continued to give wealth distributing feasts albeit disguised as Christmas or Thanksgiving celebrations. Since the competitive support given to Duncan and the disguised but continued ceremonialism required ample supplies of food and materials, rights to land were as valued as ever and the basis for desiring rights in land remained the same as it had in the aboriginal picture.
That is to say, land was still needed for supplying materials to be used in the competition for gaining prestige.

Duncan's attempt to eliminate the annual round of migration met with failure in spite of great effort on his part. His plan was to create industries at Metlakatla which would provide the Indians with a livelihood and thus substitute sedentary pursuits for the hunting, gathering and fishing economy which they followed. In his first eight years at Metlakatla, Duncan had the Indians smoke and salt salmon which he traded in Victoria for food and equipment. He also engaged in the fur trade and when the Hudson's Bay Company refused to deal with him, he purchased a small schooner and shipped his wares to the city in this way. However, the income from these activities, while bringing new wealth, was not sufficient in itself to maintain the Indians who were still forced to forage for food and materials away from the community for prolonged periods.

In 1870 Duncan went to England for a six months visit for the purpose of gaining proficiency in half a dozen trades which he hoped to teach to his followers and thus provide them with the ability to engage in new industries which he planned on creating. When he returned from England, he began to put his plans into effect by setting up a saw mill, brick kiln, weaving house, soap factory, blacksmith's shop, sash factory, and carpentry shop. All of these plants
belonged to the community in general and anyone showing interest and ability had the right to make use of them. In 1875 he built an industrial school to help further his plans in instructing the Indians in the industrial arts, but in spite of a good output Duncan could not create sufficient income to allow the Indians to forego their traditional means of obtaining a livelihood.

In 1883 Duncan set up a salmon cannery and in the following year exported hundreds of cases of salmon to the United States and England. So great was the income from this enterprise that it appeared that he was at last to succeed in obviating the need for the annual round of migration. However, just at this time he quarrelled with his superiors over a point of religious dogma and was forced to resign from the Church Missionary Society. Most of the Indians continued to support Duncan, who decided to stay on in spite of his removal from the society, but approximately one tenth of them took sides with the parent body which sent in a new man to take over. Those who fell away from Duncan belonged to a clique of household groups which had been slighted by the missionary. (While Duncan had been in England on a second visit in 1882, a messianic movement swept through Metlakatla, led by several of the household heads. When Duncan returned he publicly denounced them and they never recovered from their initial resentment.)
With the split in the community each side threw its full energies behind its respective leader, and Metlakatla entered into a state of chaos. Duncan's whole industrial scheme broke down and the Indians were thrown back on their own resources.

In spite of these setbacks, Duncan was still determined to carry his original plans to fruition. However, he had displeased the Canadian authorities because of his opposition to their plans at setting up reserves of land for the Indians. Without their support he was unable to retain any authority in Canada and thus felt his only alternative was to migrate to Alaska with as many Indians as he could take with him. In 1886 he received permission from the United States Government to occupy Annette Island off the southern coast of the Alaskan Panhandle. By this time the population of Metlakatla had increased to nine hundred and fifty, both through periodic additions from Fort Simpson and a high birth rate. Of these, Duncan managed to convince eight hundred and twenty to follow him out of British Columbia. The extent to which they gave up the native culture upon arrival in Alaska has been the subject of a recent study by William Beynon.

... all people were on an equal footing and chiefly rank was not recognized. Clan obligations and tribal divisions were done away with. The only thing which the people respected was their tabu on marriage within the clan. The laws of matrilineal inheritance were dropped. Everything was owned by the community except for houses in which they lived and the land on which these were built.
As the country was new, there were no hereditary hunting or fishing rights. Native names had been given up, as well as the social and economic privileges that went with them, and became almost unknown to the younger generation.32

Beynon also claims that Duncan, while still in British Columbia, had succeeded in changing the traditional culture to a greater extent than has been suggested by this paper. Certain points should, however, be recognized. In the first place, while the Metlakatlans disregarded their old tribal affiliations, they did, in effect, form into a new village group that had many of the characteristics of the aboriginal tribe. Each household group supported Duncan in much the same spirit as they had supported their original tribal leaders and although his authority far exceeded that of the latter, it was confined to the winter village site. With regard to the system of holding rights in land it is seen that the household group continued to function as an economic unit in exploiting their traditional sites and areas away from Metlakatla. Moreover, the traditional pattern of winter village residence, while modified, was not radically changed. Although Duncan's authority superseded native techniques of controlling and validating rights to land within the winter village, the Indians were still left to their old methods in so far as the resource areas were concerned. Finally, as Beynon himself points out, what changes Duncan

had brought about, directly concerned less than half of the
total of the Tsimshian population since around one thousand
Indians were still living at Fort Simpson. Thus while Duncan
succeeded in reducing the number of Tsimshian Indians living
in British Columbia, he did not succeed in wiping out the
native way of life.

5. Crosby at Fort Simpson

In 1874 the Methodist Church of Canada sent Thomas
Crosby to Fort Simpson, twelve years after Duncan had left for
Metlakatla to begin his experiment. Crosby was well received
by the natives who had remained at the post. While reluctant
to leave their homes, they nevertheless were impressed by the
prosperity of the Metlakatlans and looked to the new missionary
to bring them the same material gains.

Crosby's policy was akin to Duncan's. He wished to
put an end to the communal residence grouping and native cere-
monialism. So also would the annual round of migration have
to cease, at least for children who were of school age.
However, as with Duncan, Crosby succeeded only in modifying
these aspects of the aboriginal culture.

In line with his policy of bringing an end to the
traditional residence grouping, Crosby sought to replace the
old plank dwelling with conventional occidental houses. He
felt that this was an absolute necessity for creating an at-
mosphere in which Christianity could be taught to the native.
There is no better teaching than the object lesson of a good and well-ordered Christian home. If he is walking 'in His steps', the leader ... should be able and willing to show how to build a nice little home, from the foundation to the last shingle on the roof ... he should make an effort to get them out of the wretched squalor and dirt of their old lodges ... 33.

In so far as effecting change in this type of house was concerned, Crosby had almost immediate success. When the members of one household group built the new style of dwelling, they gained so tremendously in prestige that every other household group set about trying to outdo them. However, although Crosby succeeded in bringing about a change in the style of house, he did not make much headway in breaking up the traditional residence grouping. Most of the houses were quite large since each group had attempted to outdo the other with regard to the size of its new dwelling. Thus, there was ample space to accommodate all members of the household group under one roof. Moreover, the majority of households had been reduced in number by an epidemic of smallpox which wiped out five hundred people at Fort Simpson in 1862, shortly after Duncan's departure, and this factor further reduced the problem of accommodating all the members of a household group in its new house. Those households which did split up maintained their group identity on the basis of lineage membership and affinal ties and continued to use their resource areas as economic units.

33 Crosby, Thomas, _Up and Down the North Pacific Coast_, Toronto, Methodist Mission Rooms, 1914, p. 74.
Most of the new houses were built on the sites of the old. Where the households used two different houses, they were built one behind the other. Thus the spatial arrangements were preserved with each household and tribe claiming rights to traditional sites and areas around the fort.

Under Crosby's influence many of the features of the aboriginal ceremonialism were eliminated (e.g. killing a captive as a mark of prosperity). Nevertheless, in a modified form it still remained as a medium for gaining prestige by competitive display. House warming parties featured feasts and drinking bouts and the assumption of household or tribal leadership called for the distribution of money "gifts". This theme of competition for prestige extended into other fields. When Crosby started a bible class from which he hoped to draw native preachers, the class split into nine groups on the basis of tribal membership. Each group or "Band of Christian Workers" strove to outdo the others in evangelistic zeal. When the missionary started a fire brigade a rival group, the "Volunteers", sprang into existence. The Volunteers were a semi-military organization featuring bright uniforms and its members paraded around the community exhibiting their colours at suitable opportunities. Not to be outdone, the "Firemen" also procured military dress which they displayed on proper occasions. Athletic organizations were formed with each team competing for honours in track and field events. In the spirit of competition many Indians turned to rival sects
which began to challenge the missionaries' religious leadership. Especially attractive to them was the Salvation Army with its brass band and impressive uniforms.

To finance all these activities each household depended upon its resource areas. Fish and furs were sold for cash and with the money the Indians bought uniforms, musical instruments and other goods which they displayed as evidence of wealth. Hunting grounds and fishing sites thus continued to have their traditional value.

While Crosby had control over the church, firehall, and other community buildings, his authority was not as extensive as that held by Duncan, and he was unable to influence household rights in the winter village house sites. As an example of this, he was unable to persuade the Indians to tear down the houses which had been left by the Metlakatlans. The latter continued to use their old houses as camping places on their way to the Nass River in the spring, and the Fort Simpson Indians continued to respect their rights.

By erecting a residential school soon after his arrival, Crosby hoped to keep the younger children from making the annual round of migration with their parents. He felt that if he could keep the children away from their parents he would be able to assimilate them more rapidly. However, the complaints he made about absenteeism would indicate that he had little success, and the household groups continued to
function as economic units making use of their various sites and areas as they had before. It is thus seen that the total effect of Crosby's activities on the basic principles of the native system of land tenure remained negligible.

6. Effects of Depopulation

The depopulation which occurred as a result of the ravages of the smallpox epidemic in 1862 had no appreciable effect on the aboriginal system of holding rights in land, although it affected the holdings within that system. In the first place the demand for fish and furs had increased as a result of the trading activities engaged in by the Indians. Thus when households were wiped out or their numbers reduced to a state of dependency upon other households, the abandoned land was quickly taken up by the traditional procedure and the households gaining possession held wealth distributing ceremonies to validate their claims. Households which had lost part of their complement made the practice of adopting people who had been reduced to a state of dependency upon them. In this way they fortified their strength and consequential ability to retain and expand their rights in land. Under the influence of the missionaries, and the necessity of replenishing the group, captives were given equal status with their fellow household members and became enthusiastic supporters of its head. Some of them returned to their original villages, but since the stigma of captivity was held against them by their former tribesmen, few bothered to do so.
The Metlakatlans who had gone to Alaska were forced to give up their rights in land by the Canadian authorities who would not allow them to return. The ones who had stayed behind took up some of these rights and continued to hold their own resource areas. The remaining land was taken over by the Fort Simpson Indians and some Gitksan household groups which had migrated downstream to the river mouth. A salmon cannery had been started there in 1875 by a white immigrant and the Gitksan, attracted by the wages paid for labour, set up their winter village near the cannery buildings. While the Tsimshian objected to their presence they were discouraged from fighting by missionaries and government agents. Moreover the Gitksan were using land that had been abandoned by the migrants to Alaska and no fundamental disruption of land rights of the remaining Tsimshian occurred because of this.

7. Activities of Early White Immigrants

Among the first white people to use Tsimshian territory were a number of miners who entered the area after gold was discovered in the Caribou in 1862. They prospected on the Skeena and Nass Rivers and the streams flowing into them. Quite often they set up their base camps on Tsimshian fishing sites and thus came into conflict with the Indians over the question of land rights. On one occasion some Indians, in accordance with traditional means of protecting their rights, ambushed a party of miners, killing three and wounding one. The ambushers were arrested, tried and hanged, and the miners
were no longer troubled. As for the Indians, their protests ceased when the miners left the area after a few years without finding an appreciable amount of gold.

A few white settlers began small scale farming operations in the Skeena Valley during the 'seventies and 'eighties, but since the soil was poor and markets scarce, their activities were confined to a small area. When the settlers' claims came into conflict with the Indians' traditional rights, the government made it a policy to buy out the settlers and set aside the land for the use of the Indians.

The salmon cannery built near the mouth of the Skeena in 1875 prospered so well that in a few years a number of similar establishments were scattered along the lower reaches of the Nass and Skeena Rivers. Some of the cannery sites coincided with the location of the summer fishing villages of the Tsimshian. At first the Indians objected to this apparent interference with their land rights, but when they found it possible to earn considerable amounts of money by working at the canneries, their objections died down. Moreover, the cannery buildings were set to one side of the village and traditional house sites were not interfered with.

With the opening up of the canneries the traditional round of yearly migrations were modified, but did not cease. Wages were good but not sufficient to allow the Indians to
abandon their aboriginal economy even if they had so wished. During the summer months the Indians caught salmon and sold them to the canneries, while the women earned money be cleaning and canning fish. Towards the end of the season they caught sufficient salmon for their own use which they dried and smoked in the usual fashion. At this time the Indians also engaged in hunting and berry picking. With the approach of winter they returned to their winter villages. In the spring they fished for eulachon on the Nass as they had always done and by summer were ready to begin the annual round once more.

8. Administration

The British North America Act of 1867 and the Terms of Union of the Province of British Columbia with the Dominion of Canada in 1871 provided that the administration of Indian affairs should be in the hands of the Dominion Government, and that Indian rights in land should be respected wherever possible. The policy of the Federal Administration was to institute measures aimed at assimilating the Indians to Canadian life as quickly as possible. In agreement with the Provincial Government which had control over Crown lands, it set aside reserves in which the Indians were encouraged to take out title to individual plots. Agriculture was assumed to be a necessary introduction to Canadian culture and its practice was advocated as a measure educational in itself. Patrilineal inheritance was encouraged in sympathy with British law and family structure. "Band Councils" were to be formed with their members elected

34 Garfield, Tsimshian Clan and Society, p. 280.
to office by male members of the community. Native ceremonies were considered immoral and legislation was passed to eliminate them. The Administration also set up schools in order to teach farming and the industrial arts. In spite of these measures the Tsimshian Indians continued to hold to their old way of life. Moreover, it will be seen that while the native system of tenure was not recognized by the Crown, the Indians largely retained their customary practices and expectations regarding land.

In 1886 the areas around the Hudson's Bay Post at Fort Simpson and the village of Metlakatla were set aside as two separate reserves. These reserves were divided into lots and the lots corresponded to the house sites plus the unoccupied ground contiguous to them. Each household head was given title to a lot and the right to alienate it by sale or gift to other reserve members. The household head also had the right to will the site and house to "such relatives as seem to him proper", provided they were not "farther removed than a second cousin". However, the will had to be approved by the Indian agent and it was the practice of the Administration to favour a man's wife and children. If the Indian died intestate his rights to land were to "devolve one-third upon his widow, and the remainder upon her children equally; and such children shall have a like estate in such land as their

35 Canada, "The Indian Act", The Revised Statutes of Canada, 1886, Ottawa, Queen's Printer 1887, Sec. 20, pp. 652-653.

36 Loc. cit.
father; but should an Indian die without issue but leaving
a widow, such lot or parcel of land and his goods and chattels
shall be vested in her, and if he leaves no widow, then in the
Indian nearest akin to the deceased, but if he has no kin
nearer than a cousin, then the same shall be vested in the
Crown for the benefit of the band...

The Indians did not react to these measures as the
* government had hoped. While the household head had the
right to sell his land within the provisions of the Indian
** Act to other band members, he was discouraged from doing so
by the native principles of social control which still remained
strong enough to prevent such a step. Any man who attempted
to alienate the house site would be socially ostracized by his
household fellows. Moreover, he would lose the support of the
household group which he needed to maintain prestige and assist
him in economic pursuits.

The old pattern of inheritance also continued to
function in spite of the Indian Act. Within the limits of the
Act a man could still pass his rights to his brother or eldest
sister's eldest son. On the other hand, if the Indian agent
found in favour of the man's wife or children, or both, diffi-
culties arose since they were not lineage members. However,
this problem was solved when the heir or heirs "sold" their

37 Canada, "The Indian Act", loc. cit.
* see Garfield, Tsimshian Clan and Society, pp. 280-292.
** "Band" is a collective term used by the Administration to
refer to all the Indians living on the same reserve.
rights for a nominal fee to the qualified lineage members who would have expected to receive them under the aboriginal system. Another problem not so easily solved was that which arose from the fact that under the provisions of the Indian Act a person could not will his right in land to an Indian who was not of the same band. Thus, if a man's sister's son was living in another reserve, he would not be a legal heir. However, opposition to the clause was so great, not only in Tsimshian society but throughout the country as a whole, that the Act was later amended to allow land rights to pass to a man's sister even though she was not of the same band. As a result, her children were also eligible for band membership and her land rights could pass to them upon her death. In this way the house site remained in the hands of the household group. While it would be distorting the picture to suggest that none of the Indians switched to the patrilineal pattern of inheritance, it would appear to the author that most of them did not do so during the years preceding the close of the nineteenth century. The seeds for such a change had been planted by the Administration but they found infertile soil for many years to follow.

Although the general policy of the Administration was to keep the various groups of Indians on reserves for the purpose of introducing farming as an occupation, special allowances were made for Indians whose location was not suitable for agriculture and who had still to depend on their aboriginal

38 Canada, "The Indian Act", The Revised Statutes of Canada, 1906, Ottawa, Queen's Printer, 1907, Vol. II, Part I, chap. 81, clause 25. Note the phrase "unless to the daughter, sister or grandchildren of the testator".

+ For an outline of the methods employed by the Indians to resist change in the pattern of inheritance see Garfield, Tsimshian Clan and Society, pp. 286-292. By the time Garfield began her studies in 1932, patrilineal inheritance had become common but she indicates that resistance to change in inheritance was still evident.
economy. The Tsimshian were therefore provided with reserves of land to be used for hunting, gathering, and fishing. It was hoped, however, that what suitable soil there was would be made use of for growing root crops to supplement their diet. As a consequence all patches of soil that had been used by the Indians for growing potatoes were also set aside.

A government agent was assigned the task of laying out reserves of land for the Tsimshian Indians to be used as resource areas. He had been instructed to set aside what land he thought necessary for this purpose. Upon arriving at Fort Simpson, he hired a canoe and, accompanied by as many Indians as he could find here and at Metlakatla, he proceeded along the coast and up the Skeena River asking the Indians to point out the places they had been in the habit of using.

Although a large part of the Tsimshian Peninsula was set aside for the use of the Indians, reserves along the Skeena were confined to fishing stations, base camps and potato patches. The government "... declared it impossible to lock up great tracts of country as Indian hunting grounds. ..." The Fort Simpson and Metlakatla Indians were to share the sites which they had both asked for. These included the old camping grounds and summer villages traditionally shared by all the Tsimshian. Claims specified by members of only

39 Canada, Department of Indian Affairs, Annual Report 1887, p. cv.
one of the two groups were assigned to all the Indians who were members of the same village reserve. No recognition was made of specific household claims to traditional sites and areas.

The government recognized the Tsimshian claims to their eulachon fishing grounds on the Nass but limited the Indians to a commonage of land one chain in width which ran along the river bank at the site of their old tribal villages. Behind the commonage the remaining level ground was given over to some Niska Indians who had moved downstream in 1867 when an Anglican mission was set up at Kincolith on the river mouth. The Niska were to have access to the river bank through the commonage, but on the other hand, the Tsimshian were to keep off the land set aside for the Kincolith Indians. The Administration had found the latter amenable to agriculture, and in line with its policy of encouraging farming wished to assure that no interference by the Tsimshian would hamper the Niska attempts at cultivation.

The Indians did not welcome the methods taken by the Administration to set aside resource areas for their use. In the hearings conducted by a Royal Commission in 1887 the tribal heads made statements to the effect that the government had no right to interfere with their lands in any way. While if must be recognized that the Indians were under the influence of some missionaries who saw government interference as a
threat to their position, their protests were nevertheless in accordance with traditional ideas of land holding.

Set it apart, how did the Queen get the land from our forefathers to set it apart for us? It is ours to give to the Queen, and we don't understand how she could have it to give to us ... I am the oldest man here and can't sit still any longer and hear that it is not our father's land. Who is the chief that gave the land to the Queen? Give us his name, we have never heard it.... What we don't like about the Government is their saying this: 'We will give you this much of land.' How can they give it when it is our own? 40.

Again the Indians stated that even if they were to accept the government's right to make reserves, they would have to have more land than was already assigned. Moreover such land should be held by the individual household groups whose traditional claims continued to be recognized by the Indians themselves.

Especially annoying to the Tsimshian were the limitations imposed upon them on the Nass River. In the first place they considered the Kincolith Indians as intruders and were only restrained from driving them out by the influence of the missionaries and the threat of government gun-boats. As a rationalization they assumed that the Niska were guests and had no permanent rights. When, however, the latter were given exclusive rights to land behind the commonage, it became apparent that the Niska were there to stay. The Niska took

40 British Columbia, Commission on Conditions of Indians of the North-west Coast, pp. 432-436.
full advantage of their position and tore down the Tsimshian houses
which lay further back from the river than the limits of the commonage.
The Tsimshian strongly protested but were unable to do much about it
beyond reviling the Niska and making periodical raids on their vegetable
gardens.

It became apparent to the authorities that it was unwise to interfere
too extensively with the Indians' use of their various resource areas. Although
they wished to introduce agriculture and other new industries which would keep
the Indians on the reserves, they began to realize that this would take consi-
derable time and in the interval the Indians would have to depend mostly upon
their traditional economy. The reports of the Indian Affairs Branch show that
as early as 1876 the government was aware of the necessity of allowing the Indiar
to continue to use their hunting grounds until such time as they had new means
of gaining a livelihood.

Although the Federal Administration considered it expedient to
allow the Indians to preserve their traditional economy, the latter were subject
to conservation measures brought in by the Provincial Government which
had control over lands not set aside as Indian reserves. However, in line
with the Terms of Union, the provincial authorities agreed to make special
regulations providing for the continuance of the native economy. The
Indians were therefore allowed to hunt for game to be used for "... food
only, and not for purpose of sale or traffic..." and no objection was raised
to their use of Crown lands for picking berries and gathering what
materials they needed for their own use. Since the trapping of fur-

41 British Columbia, "Game Protection Act", Revised Statutes of British
Columbia, 1897, Victoria, Queen's Printer 1897, Sec. 17, p. 910.
+ See Canada, Department of Indian Affairs, Annual Report, 1876, Ottawa,
  Queen's Printer, p. xvi.
bearing animals in season was allowed for, the Indians were able to continue this practice. The Dominion Government had control over fisheries in the Province and instructed the Minister of Fisheries "...to appropriate and license or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in the manner and the time specified in the license or lease..."  

In accordance with the Administration's policy of eliminating native ceremonialism, ... Parliament inserted a clause in the Indian Act forbidding the wealth distributing feasts practiced by the Tsimshian and other peoples on the Pacific Coast. In 1883 the Superintendent General of Indian Affairs for Canada, misunderstanding the nature of the feasts, described them as affairs "at which an immense amount of personal property is squandered in gifts by one Band to another, and at which much valuable time is lost." Since, among other things, the Indians depended upon the wealth distributing feasts as a means of validating their traditional rights in land, its elimination could have had a far-reaching effect on the aboriginal system of land tenure. Moreover, as has been seen, the Indians used the feasts as a means of gaining prestige and land was valued for the materials it provided in making the feasts a success. However, as in the case of the missionaries, the government succeeded only in modifying the form taken by the feasts.


43 Canada, Department of Indian Affairs, Annual Report 1883, p. Lx
Wealth distributing ceremonies were disguised as New Year and Christmas Day celebrations, birthday parties, and other similar occasions.

The Administration made an effort to carry out its policy of providing instruction in agriculture and the industrial arts. Schools which had been built by the mission societies continued to be run by them with government subsidization. Trades such as carpentry, weaving, and blacksmithing were taught and instruction was given in farming. However, since the soil was poor for farming and industries in which the trades could be put to use were lacking, the Indians still depended upon their old economy and their yearly round of migrations continued. Moreover, the migratory life had more appeal to the Tsimshian than the sedentary occupations proposed by the Administration.

An agent was appointed to see that the regulations of the Indian Act were carried out and the policies of the Administration were put into effect. In 1887 he took up residence at Metlakatla and by making regular trips to Fort Simpson he kept an eye on conditions there. His duties included the formation of village councils and two such bodies were set up, one on each reserve. At Fort Simpson the council was composed of tribal leaders "elected" by the members of the reserve, while at Metlakatla, village "elders" also took office upon election. Although any man could stand for election,
tribal and household leaders were invariably chosen. The inter-
ests of the various tribal and household groups were thus repre-
sented and the government agent, who assumed the role of a poli-
tical overseer, was kept informed about the wishes of the Indians.

The Administration's political reforms made little
difference in the native system of land tenure. In the first
place the position of the council members depended upon the
support of their tribal and household groups. They were thus
restricted from taking any high-handed action with regard to
land rights. While the agent ostensibly had ultimate control
over land, he was unable to enforce his wishes as a result of
the stand taken by the Indians which has already been described.
Chapter IV

SUMMARY

It would appear that throughout the nineteenth century the Tsimshian Indians largely maintained their traditional practices and expectations regarding land despite contact with agents of western civilization. The activities of traders, missionaries and white immigrants failed to seriously disturb the Indians' relation to land. Again, although native custom was not recognized by the Administration, it continued to govern Tsimshian land practice. In this chapter the writer will review the traditional system of land tenure, showing how each of its elements withstood the effects of culture contact. The writer will also note how the Indians were able to continue to make use of land according to established patterns notwithstanding the introduction of the reserve system.

The interrelationship between the Tsimshian system of tenure and the cultural background was described in the final section of Chapter II. There it was shown that the social, political and economic aspects of culture were involved, since a person held rights in land according to his status in household and tribe and his role in exploiting resource areas. Again, since the individual gained and lost his rights according
to a change in status, the system of tenure was linked to the rules of marriage, lineage ties, succession, and inheritance. Ceremonialism entered into the validation of rights, while cultural sanctions guaranteed them. Finally it was pointed out that people desired land not only as a means of satisfying the needs of subsistence but also as a source of wealth to be used in gaining the prestige that was so highly valued in Tsimshian culture.

Despite the impact of western civilization, each of these aspects of culture continued to function as elements in the native system of tenure. With regard to the social structure it was found that in traditional times the household group had control over certain sites and areas and its individual members claimed use of these sites and areas according to their status within the group. Should the household have disintegrated under the impact of culture contact it would no longer have been effective as a land holding unit, and the rights of its individual members would have lost their meaning. However, in spite of the actions of missionaries and government agents this failed to happen. Duncan and Crosby believed that it was immoral for the group to share a common room and succeeded in placing the conjugal families in separate compartments, but this had little effect on the relationship of the members to each other. They continued to be bound together by lineage and affinal ties and to act as a social unit in building prestige and maintaining group interests. The government
attempted to split up the household by encouraging the Indians to take out individual title to residence sites on the reserve and to pass on title to their wives and children who were not lineage members. This was resisted by the Indians, who held to their concepts of group rights and their customs of inheritance.

Interrmarriage and depopulation also failed to seriously affect the household group. When a Tsimshian woman married a white man her children kept their lineage ties and went to live in her brother's house as they would have had she married an Indian. Since intermarriage between Tsimshian men and white women was negligible, this did not enter in as a factor of change. Household membership was also maintained in spite of a high death rate which followed upon the introduction of diseases like smallpox and measles. This was done through the Tsimshian practice of adopting captives and others as lineage members.

The economy of Tsimshian society was tied in with land tenure in that the household groups acted as an economic unit in exploiting its resource areas. Individuals within the group claimed rights in land according to the part they played in gathering food and materials. Should culture contact have brought about a situation wherein the household group no longer acted as an economic unit, these rights would have disappeared. Thus if members of the group went off to work as labourers in factories or on farms, their hunting,
gathering and fishing rights would become invalid through disuse. Moreover, if the absence of members from the household led to the neglect of kin ties and obligations, the social unity of the group would break down and its control over land would be lost. It has been shown, however, that the Tsimshian adhered to their traditional economy. The efforts of missionaries and government agents to stop the annual round of migration and to foster individualization of enterprise failed. The presence of canning factories also had little effect on the work habits of the Indians who looked upon the brief periods of wage earning as but an interlude in their regular economic occupations of hunting, gathering, and fishing. Moreover, the money that was earned was used to buy goods that were distributed and consumed according to native practice.

As has been shown, Tsimshian tenure was in part linked to political status. The head of the tribe called upon his fellows to defend their territory and organized the gathering of food and materials to be used in ceremonial feasts. With the arrival of the white men little change took place with regard to his position. Although the Canadian authorities forbade inter-tribal fighting and to this extent interfered with the Indians' means of guaranteeing their traditional rights in land, the headman still bore the responsibility of looking after tribal territory. In the hearings conducted by the Royal Commission of 1887, the tribal heads acted as spokesmen for their groups and outlined tribal claims. In so far
as their positions as organizers of ceremonial feasts were concerned, they continued to maintain their roles after contact with the white men for despite interference by the latter, native ceremonialism still flourished.

The fact that the people kept up their ceremonialism was one of the main reasons why the system of tenure continued to exist in its traditional form. In contributing to the wealth distributing feasts of his household and tribal head, the individual reaffirmed his social ties. This in turn helped to maintain the social and political structure which as previously noted, were vital elements in Tsimshian tenure. Again, the Indians used the wealth distributing feasts as occasions for reminding one another of their respective claims to land, and without this means of public notification there would be a tendency for a confusion of claims to arise. Finally, since the desire for land lay to a large extent in the necessity of having a surplus of goods to be used in ritual feasts, the continuance of native ceremonialism gave reason for the maintenance of traditional claims.

Some of the old cultural sanctions that were invoked to prevent transgression in household and tribal lands were no longer effective under the influence of the white man's authority, since the resort to force of arms was prevented by the Canadian Government. However, the fear of public ridicule remained strong enough to discourage people from using the
land of others and to this extent the system of social control continued to guarantee native claims.

The writer has attempted to show that the Tsimshian Indians adhered to their traditions concerning land in the face of culture contact. From the legal point of view these traditions could not be properly called a system of tenure after the establishment of British Sovereignty, since ultimate title in land was held by the Crown. What is more, the Canadian Government imposed a system of land reserves which was quite out of keeping with native views of tenure. However, native custom did continue to govern actual Tsimshian land practice, and to this extent it constituted a system of tenure. That is to say, the Indians still recognized their own mode of holding rights in land and made use of land according to established patterns. Moreover, they were able to do so even with the introduction of the reserve system.

For many years after the establishment of British Sovereignty little or no attention was paid by the authorities as to what constituted native rights, and during this period the Indians were left to their own resources.* However, with the application of the Indian Act in 1886 the Administration took a direct hand in dealing with Tsimshian lands. Reserves were set aside which included the village sites, camping spots, fishing sites, berry picking grounds and a large part of the

* pp. 22 - 25 of this essay.
Tsimshian Peninsula. This meant that much of the land used by the Indians as dwelling places and for the gathering of food and materials remained in their possession. Not included in the reserves were the large tracts of land on either side of the Skeena River, which were used as hunting grounds. Nevertheless the Indians were free to use these areas for obtaining game and furs.*

According to the Indian Act the reserves of land were to be open to all the Indians who were members of the same winter village group. This meant that individual household rights to traditional hunting, fishing and gathering sites were not recognized by the Administration. Moreover land not included in the reserves was open to all the Indians, irrespective of individual claims. However, the Indians themselves continued to respect each other's traditional rights both on and off the reserves. That is to say, people from one household would not fish, pick berries, or gather materials from the land traditionally held by another group. Thus, even with the introduction of the reserve system, the Tsimshian continued to make use of land according to established patterns.

It would appear to the writer that in spite of the various forces impinging on Tsimshian society during the nineteenth century, the underlying principles of the native system of land tenure remained largely unaffected. In so far as the

* pp. 52-53 of this essay.
Tsimshian were concerned, individual rights to land continued to rest on membership in the basic land-holding unit, the household group. Attempts by missionaries and the Administration to break down the household as an institution and introduce the individualization of land rights only resulted in a very superficial modification of the aboriginal system with the Indians paying nothing more than lip service to the schemes of the reformers. The rights of the household group itself continued to be recognized by the Indians and the traditional methods of validating their rights remained largely unchanged. While the use of force by the Indians as a means of assuring the continuance of household rights in land was prohibited by the Canadian Government, elements of social control hinging on traditional cultural values were still effective in this respect. Household groups which had migrated to Metlakatla no longer continued to recognize their tribal affiliations and thus tribal rights in land, as such, no longer existed in that place, but at Fort Simpson the tribal groupings and their respective claims to land still remained intact. Other aspects of the native system of land tenure were also largely unaffected. The aboriginal pattern of inheritance was maintained in spite of steps taken by the Administration to change it. The Tsimshian still valued land as a source of wealth to be used for gaining prestige, and the native method of exploiting land was largely unaltered.

During the last fifty years the impact of Western
civilization upon Tsimshian culture has been increasingly intensified. With the rise of the city of Prince Rupert not far from the village of Port Simpson and Metlakatla, there has been ample opportunity for the Indians to sample the white man's ways. Missionaries and government agents have continued their attempts to have the Tsimshian give up their old customs, while entrepreneurs have encouraged them to depend more and more upon the white man's economy. The extent to which these factors have affected native practices and expectations regarding land today is a question which is beyond the scope of this paper. However, it is hoped that the information contained within these pages may be of use to those carrying out research on contemporary conditions by giving historical perspective to the problem. There is little doubt in the mind of the writer that such research is necessary. The "Indian land question" is still an issue not only with the Tsimshian but with all the native people of British Columbia, and it is evident that this question cannot be settled without a thorough understanding of what land means to the Indians.
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British Columbia, Papers Connected With the Indian Land Question, 1850-1875, Victoria, Government Printer, 1875

Colonial Government's stand on Indian reserves - also Duncan's policy on land rights shown.


Map showing Tsimshian reserves.

British Columbia, "Game Protection Act," Revised Statutes of British Columbia, 1897, Victoria, Queen's Printer, 1897, Sec. 17, p. 910.

Special section on Indian rights to hunt game.

Canada, Department of Indian Affairs, Annual Reports, 1874-1887, Ottawa, Queen's Printer.

Policy of Administration with regard to assimilation of Indians - steps taken to carry out these policies - reports of agents in connection with native system of land tenure - population statistics.

Canada, "The Indian Act," The Revised Statutes of Canada, 1886, Ottawa, Queen's Printer, 1887.

Legislation with regard to Indians of Canada.

Special section on Indians rights to fish.


Description of eulachon fisheries on the Nass and an account of the establishment of salmon canneries on the Skeena.


A full account of Crosby's work at Fort Simpson.


Description of the land tenure system of the Haida Indians who were in many respects similar to the Tsimshians.


Discussion of the principles of primitive land tenure.


Shows Tsimshian attitude toward use by the Gitksan Indians of lower Skeena River.


Discussion of the principles of primitive land tenure.


Discussion of the principles of primitive land tenure.

Five chapters describing social structure, economic and political organization, material culture, social control and specific information on system of land tenure.


Social structure of Tsimshian outlined - methods used by Indians to resist reforms of missionaries and government agents.


Policy of Colonial Office regarding Indian reserves in British Columbia.


Descriptive information on spatial distribution of Tsimshian tribes - also some information on social structure.


Policy of traders with regard to Indian rights in land.


Incidentally mentions population of Tsimshian for 1870.


Discusses changes in primitive land tenure.

Discusses principles of primitive land tenure.


Discusses principles of primitive land tenure.

Mayne, R. C., *Four Years in British Columbia and Vancouver Island*, London, J. Murray, 1862.

Has a chapter describing Tsimshian culture. Gives population figures for Fort Simpson in 1862.


Discusses principles of primitive land tenure.


A thorough study of Tsimshian and other Pacific Coast Indians - material culture, social structure, land tenure etc.


General description of life at Metlakatla during Duncan's experiment - Tsimshian population figures for 1869.


Chapter on primitive land tenure.


Description of primitive land tenure.

Social organization of Niska Indians.


Some description of William Duncan's activities shows Indians' hostility toward encroachment of land rights.


An account of Duncan's activities - description of residence grouping at Metlakatla in 1866 and information on social structure at Fort Simpson in 1857.