

---

## RETURN

To an Order of the Legislative Assembly for all correspondence relating to the recent Indian troubles on the North-West Coast.

JNO. ROBSON,

*Provincial Secretary's Office,*

*2nd February, 1885.*

*Provincial Secretary.*

---

*The Rev. Mr. Tomlinson to the Chief Commissioner of Lands and Works.*

VICTORIA, February 27th, 1884.

SIR,—I wish respectfully to bring under your notice a few facts which tend to show the critical state of the land question as it affects the Indians in the Skeena River District, and how necessary it seems to be for the Government to take this matter under their immediate consideration, unless they are prepared to risk the outbreak of a trouble, the extent and duration of which it would be hard to foresee. I may add that I have been specially requested by the Chiefs representing the seven inland tribes scattered over a district more than one hundred miles square, to bring this matter before the Government.

The facts are as follows:—From time immemorial the several families among these tribes have claimed the sole right to hunt in particular spots to the exclusion of all others, whether members of their own tribe or not, and any attempt at trespassing was punished by the destruction of the trespasser's property, or more frequently by an attack on his person. Several persons, in years gone by, have lost their lives in this way.

Some years ago an Indian trespassed on the hunting ground of a Christian Indian from Metlakatlah. Instead of resenting this trespass the Indian brought the matter up in a legal way. The case was tried before Mr. Duncan; the trespasser fined, and bound over to be of good behaviour. Under the auspices of some white traders, hostile to Mr. Duncan, the case was appealed, and came before the Supreme Court at Victoria, where Mr. Duncan's decision was upheld and the appeal quashed. A year or so after this, the same Indian trespassed again on another Indian's hunting ground; the case was brought before Mr. J. W. McKay, who was then in charge of the Hudson's Bay Company's post at Fort Simpson. Before deciding it, he consulted the then Attorney-General, and received instructions to uphold the Indian law and punish the offender. After this peace reigned, and there were no more attempts at trespassing until the advent of P. O'Reilly, Esq., Dominion Reserve Commissioner, in the autumn of 1882. The question was brought before him, and he gave it as his opinion that beyond any rights the Indians would have in the reserves he was then marking out, the Government would not acknowledge any right to the exclusive use of any land as a hunting ground by any family or any tribe, and would not punish any trespassers on these grounds.

This opinion was given late in the autumn, and Mr. O'Reilly had no opportunity of visiting the up-country tribes, but as soon as they learned the decision he had given, they felt much surprised and hurt. The matter formed the chief topic of conversation among them, and when the Chiefs of the different tribes met they consulted as to what they had best do under the circumstances. The result of their decision is best expressed in the words of one of the Chiefs who gave utterance to them in a large meeting where they were afterwards fully approved.

He spoke as follows:—"The exclusive right we claim to hunt, fish, or gather fruit in any particular place is an hereditary right enjoyed by us before the white man came among us. "It is a right most rigorously upheld by all our tribes, without exception. Our hunting and "fruit-gathering are the principal sources of our livelihood. Do away with them, and we are



"at the mercy of the white man. We are prepared to maintain them in our own way, or we are willing for the Government to maintain them for us by law, but we will not permit them to be interfered with. Some years ago the white men sent the Missionaries among us; a change came, and though we have not yet adopted Christianity, we ceased our quarrelling and fighting. Look at this knife (produces a double-bladed dagger), it is rusty; you remember the time it was bright, when hardly a season passed without bloodshed. For many years this knife has lain hidden away, and I never thought to see it again. Now the white men, because they think we will not resist, want to rob us. They have disinterred this knife, and hundreds more like it. Do I think we can cope with the white man? No. We are but as a twig compared to a tree. They have the men, the guns, the power to annihilate us, but it is better so than that we should live to be beggars. We will not live and see ourselves and our children robbed. We can and we will die. Let Mr. O'Reilly and the Government know two things. If Mr. O'Reilly, or anyone, comes to mark out reserves here while we are absent at our fishing or hunting, we will know the Government want to wrong us; else why not wait till we are at our village. If he, or anyone, comes while we are here, we will ask him—Will the Government maintain our exclusive hunting, fishing, and fruit-gathering rights? If not, we will not have any reserves marked, nor will we permit any Commissioner or Agent to reside among us."

Such was the speech, which met with general approval. A case of trespass occurred last autumn. The trespasser justifies his action by quoting what Mr. O'Reilly said. The Indians await the action of the Government. If the trespass is repeated this autumn, they will deal with the matter themselves; if retaliations are made, the Government will have to bear the blame, and the lives and property of any white men isolated in the district will be jeopardized. If, on the other hand, the Government are prepared to protect these Indian rights, the sooner they advise those holding the Commission of the Peace in the district of their determination, the better, as none of these Magistrates will act in the matter at present. The ground of their refusal being, that Mr. O'Reilly distinctly stated that these rights would not be recognized by the Government.

From an experience of nearly 17 years' residence among these tribes, I would respectfully urge on the Government the immediate consideration of the matter. If once a crisis comes, the difficulties in the way of a satisfactory settlement will be more than doubled. A wise, liberal, and just settlement of the matter now will prevent trouble, make the Government respected, and remove an obstacle to the advancement of the country. The recognition on the part of the Government of these hereditary rights of the Indians, does not of necessity bar the occupation of the country. There are several ways, already recognized and acted upon by the Government, whereby an injury and injustice may be avoided, and yet no impediment put in the way of advancing civilization. A case where one such mode may be applied will, most likely, come under the notice of the Government this summer. Some free miners have found gold on a creek which empties into the Skeena about 100 miles from its mouth. This creek runs through the hunting grounds of one of two families of Indians who draw from these grounds, in furs, a yearly revenue of say \$250 or \$300. Suppose the gold to be found in paying quantities, is it fair to stop all mining on this creek for such a paltry sum as \$200 or \$300 a year? Certainly not; but it is equally or even more unfair to deprive these Indians of their yearly revenue. If once the just rights of the Indians are recognized by the Government, there ought to be little difficulty in dealing with such cases by arbitration or some similar method: provided always that the Government have not delayed the consideration of this question until feelings of exasperation and bitterness have been engendered. Once such feelings predominate in the mind, arbitration is rendered difficult or impossible.

In conclusion, I would again respectfully press upon the Government the immediate consideration of the whole question as a matter affecting the interests and welfare of the entire Province.

I have, &c.,

(Signed)

ROBERT TOMLINSON.



*The Provincial Secretary to the Rev. Mr. Tomlinson.*

VICTORIA, B. C.,  
29th February, 1884.

SIR,—The Government having had under consideration your communication to the Honourable the Chief Commissioner, referring to certain inter-tribal disputes about alleged territorial rights, I have to request you will inform the complaining Chiefs that whatever hunting or fruit-gathering rights they may claim, the Government will not disturb, at least until such time as the lands are required; but as between themselves these alleged claims cannot be enforced by the Justices of the Peace. Indeed such matters can only be regarded as mere domestic arrangements of which the law cannot even take cognizance.

I have, &c.,  
(Signed) JNO. ROBSON,  
Provincial Secretary.

*Geddum-cal-doe, Head Chief, to the Provincial Secretary.*

KIT-AU-MAX (Forks of Skeena),  
September 7th, 1884.

SIR,—We, the Chiefs and people of Kit-au-max, the place where the late A. C. Youmans was murdered, desire to lay before you, and your colleagues in office, our feelings in regard to that unfortunate affair. We are anxious that this matter shall be so settled that the utmost good feeling shall exist between the whites and the Indians, which, unhappily, does not now obtain.

We wish to lay before you our law in regard to accidents and death that occur in company with others. It is expected that the survivors shall immediately, or as soon as possible, make known to the friends of the injured or deceased, what has taken place. If this is not done, it is taken as evidence that there has been foul play.

In the case of the death of Billy Owen, Mr. A. C. Youmans arrived at this place, and remained in the midst of Billy's friends two nights and three days, without saying a single word to the friends of the deceased, though we asked Mr. Youmans if those with him were all well. His answer was: "Yes; except one had sore feet." At the expiration of the two days and three nights a canoe came up, and the news was conveyed to the friends of the drowned man, and they thought there had been foul play on Mr. Youman's part, as he had not made the matter known.

The general custom among the Indians is that if anyone calls another to hunt with him, to go canoeing, &c., and death occurs, the survivor always makes a present corresponding with his ability, to show his sympathy and good will to the friends of the deceased, and to show that there was no ill-feeling in the matter.

Mr. Youmans failed also in this. He gave no present, thus showing no sympathy or good will.

We did not know that the father of Billy Owen was going to kill Youmans.

When the officers of the Government came to arrest the murderer, we gave no opposition to their work. We believed that Billy's father would be justly dealt with, and that all the circumstances of the case would be taken into consideration. While we do not justify the murder, we believe that it was the strange way in which Mr. Youmans acted that exasperated the man to do the deed. For this reason we ask that clemency be shown the murderer, particularly as he was a quiet, inoffensive man.

We hope, sir, you will take all things into consideration, and that peace be firmly established between the whites and the Indians.

I am, Sir, in behalf of the other Chiefs, and the people,  
(Signed) GEDDUM-CAL-DOE, his  
Head Chief. X  
mark.

D. J



---

*Rev. D. Jennings to the Provincial Secretary.*

PORT ESSINGTON, B. C.,

September 16th, 1884.

DEAR SIR,—A few days ago the Rev. A. E. Green and I were in the Indian village of Kit-au-max, the Forks of the Skeena, where we had an interview with the friends of the murderer of the late A. C. Youmans. They wished us to write a letter that they might set before the Executive of this Province their views in regard to their friend.

We complied with their request, and I herewith forward you their letter, signed by their head Chief.

They desired to mingle threats with their expostulations. Threats we positively refused to write, telling them that such would prejudice their case in the eyes of the Government.

I need not analyse their statement to you, for you will observe that it contains much that will not bear sifting.

The tribes around we found in a greatly disturbed state, owing to the false report which had preceded us, that the old murderer was sentenced to be hanged. If Mr. Green and I had not been able to assure them that the old man was not judged, there might have been another white man's funeral at the Forks.

Mr. Green will lay the whole matter before you, informing you as to the state of feeling among the different tribes we visited in that section of the Province.

The Hudson Bay trader, Mr. Sampare, and Mrs. Youmans, with their families, left the Forks on the day of our arrival, feeling their lives were no longer safe in that village. An Indian, calling himself the brother of the murderer, threatens to kill the first white man he sees, after he hears of his brother's death. This man has undoubtedly worked himself into a frenzy, for in replying to Mr. Green's remarks to him in the native tongue, he perspired in a few minutes to such a degree, that his shirt became literally wet. Sampare, whom we afterwards saw down the river, told us that he feared another Indian, now in the mountains, worse than the brother. Sampare calls this man in the mountains the "Guiteau" of the tribe.

The Forks Indians threaten to close the navigation of the Skeena in case their old friend is hanged. In this purpose, they say, the Kish-pi-ax, the Kish-ga-gas the Kit-wau-cool, the Kit-wau-gah, the Kit-se-gew-clah, the tribes of the upper Naas, are one with them. We had an interview with the head Chief of the Hag-wut-get Indians, who assured us that he and his tribe would co-operate with their friends, the Forks Indians. These Indians seem to be in earnest in this matter. They are certainly very ignorant of the power our Government possesses. They know but little of the majesty of the Canadian law.

They are very angry with themselves for having let the murderer leave their village, led by the officers of the law.

There is much uneasiness felt by the few scattered white men. Some are of opinion that the men who threaten so violently should be arrested immediately to prevent any rash act on their part.

You may remember it was suggested when we were in Victoria last June, that more trouble and annoyance would be felt after the arrest of the murderer, than at the time the arrest was made. This seems to be the case.

I shall leave the rest to be told you by Mr. Green, whose knowledge of this whole affair entitles him to speak with authority.

I am, &c.,  
(Signed) D. JENNINGS.

---

*Rev. Alfred E. Green to the Government of British Columbia.*

GREENVILLE, NAAS RIVER, B. C.,

September 20th, 1884.

GENTLEMEN,—Having just returned from the Forks of the Skeena, I take the liberty of calling your attention to the present state of affairs there. On the morning of the 7th, when within eleven miles of Hazelton, I met Mr. Sampare, the Hon. Hudson Bay trader, who was leaving the Skeena Forks with his wife and children, as was Mrs. Youmans, widow of the late A. C. Youmans, and her children in an accompanying canoe. They informed me there



was much excitement at the Forks, and the Indians had assumed such a threatening attitude that they felt their lives were in danger; hence their abandoning the Forks, and were on their way to the miners at Lorne Creek. Reaching the Forks, we found there were no white people there. The Indians were in an excited and dangerous state. The reason of it all seemed to be a false report, namely, that the murderer of A. C. Youmans had been tried and sentenced to death; so they were armed and declaring they would kill the first white man they could see, and close the Skeena River against all white people. They inquired of me immediately if the man had been hanged? I assured them he was not yet tried, and they at once became more reasonable, saying they would not attempt to hurt the whites until after the trial. But then if the murderer does not return to his home they declare they won't allow any white man to enter that part of the country in which they live. One man, named Qui-um-moo, a relative of the murderer, has worked himself up in a perfect frenzy, and is the leader of the whole disturbance. There are some twenty white men, miners at Omineca. They will likely be coming down in a short time by twos and threes, unaware of the state of affairs, and their lives will be in danger unless some one is there to restrain the Indians and protect the men.

A large quantity of merchandise is lying at the Forks unprotected by any white man, all trading being stopped. The Indians of Kit-wan-gah threaten the miners at Lorne Creek. Should there be an outbreak at the Forks, I fear the miners there will be in great danger.

I have, &c.,  
(Signed) ALFRED E. GREEN.

---

*Rev. Mr. Harold Sheldon to the Honourable the Premier.*

ESSINGTON, September 23rd, 1884.

SIR,—It is no pleasure to me to interfere in matters connected with the Indian troubles here, but I must tell you that if the Government do not at once assert their authority and reduce things to something like order, there will be *serious* trouble here. The patience of the white population has reached its utmost limit, and they are just ready, to use their own expression, “to clean the Indians out.” The lives of the Omineca miners are in great danger. The Indians at Metlakatlah are risen again, and a canoe has arrived which *says* that the Indians, instigated by two white men, have prevented the surveyor measuring the Church Missionary Society's land, and that the Bishop has again been ill-used. I may as well tell you that the Indians are just simply laughing at the Government, which, they say, is frightened of them, and *dare* not punish them for their lawlessness, and that when the Stipendiary arrives they will treat him worse than they did Dr. Powell and Mr. McKay. \* \* \* \*

I can assure you, sir, matters are most serious—far more so than you are aware. My pastoral work is altogether to the white people, and I have nothing whatever to do with the Indian missions, consequently what I say may have its full weight. The Indians are all *thoroughly disaffected*, and it only requires one spark to set the whole Coast in a blaze.

Yours, &c.,  
(Signed) HAROLD SHELDON.

---

*Wm. F. Madden and 38 others, to the Provincial Secretary.*

LORNE CREEK, Skeena, River,  
15th September, 1884.

SIR,—The undersigned miners of Lorne Creek, Skeena River, beg most respectfully and earnestly to call the attention of the Government to the fact that the attitude of the Indians on the Skeena River has become threatening and dangerous to the lives of the men who are trying to develop and open up the country.

The Indians have repeatedly threatened to drive the miners from Lorne Creek, and Nee-quats-sha-an, the brother of the murderer of A. C. Youmans, openly makes it his boast that when he hears of the death of his brother, that he will kill the first white man he sees.

Our own lives, and the lives of the miners coming out from Omineca, are in peril, as the Indians vow they will not allow any white man to go up or down the river.]



We are not alarmists, nor are we, ourselves, here on Lorne Creek, much afraid of the Indians, as we have some good breech-loaders among us, but we do fear for the lives of our fellow miners travelling on the river, and we think we are justified in demanding either protection from the authorities, or leave and licence to protect ourselves, by not only acting on the defensive but aggressively.

We feel sure that if the Government will at once send a party of men, well armed, and have the ringleaders (they are well known) arrested, that thereby serious trouble will be averted, and the lives of innocent men saved. If these precautions are neglected, we will have to protect ourselves in our own way.

Mr. Sampare, at the Forks of the Skeena, is in great danger, and as he is one of the survivors of the Bute Inlet massacre, he well knows the risk he is running, but like a brave man he is loath to leave his post.

We ask with confidence, is it right to desert these men—miners and traders—the pioneers of British Columbia, in their hour of need?

These troubles are mainly the outcome of the teaching of missionaries. Through their wretched and disloyal teachings, the Indians talk glibly of the British defeats at Majuba Hill and Isandula, and they are led to believe that they have only to resist to succeed.

There was some talk of a party of men going up from here to the Forks of the Skeena and punishing a few of the malcontents, but the howl that Lo's lovers would send up deterred us until we communicated with yourself, sir, who, we feel sure, will at once place your power and influence, as you always have done, on the side of civilization in its warfare against barbarism and fanaticism.

We would further suggest that the execution of the murderer of Youmans should take place at the Forks of Skeena, as this would undoubtedly have a salutary effect upon the Indians.

We have, &c.,

(Signed)

WM. F. MADDEN,  
JOHN W. JOHNSTON,  
B. W. WASHBURN, and 36 others.

---

*Mr. E. E. Shearburn to Surveyor-General.*

PORT ESSINGTON, SKEENA RIVER,  
September 27, 1884.

SIR,—I have the honour to inform you that when at Metlakatlah last Monday I was requested by His Lordship the Bishop of Caledonia to survey two acres of land there, called Mission Point. The Indians, however, assembled and informed me that they did not intend the land to be surveyed by anybody. I, therefore, had to desist from my intention. I should be glad to know if you have any instructions for me in this case. I am perfectly willing to survey this piece of land, but I must have authority to insure my being able to complete the survey, in spite of the Indians, should I attempt it again.

I have, etc.,

(Signed)

EGREMONT E. SHEARBURN.

---

*To the Chief and People of Kit-au-max, Forks of Skeena:—*

FRIENDS,—The Missionary has sent us your letter of the 7th September, in which you lay before the Government your feelings in regard to the circumstances connected with the late murder, and I now send you an answer.

You tell us what your law is in regard to accidents and deaths that occur in company with others, and intimate that if Youmans had conformed to that law he would not have been murdered.

It would, perhaps, have been better if Youmans had acted in accordance with the Indian custom; but you must understand that your law was not binding on him. It is by the Queen's law that all the people, Indians and whites alike, are now governed, and those who disobey that law must be punished, no matter what they may have been accustomed to before.



Besides, the Queen's law is better than yours, as you will see: A man might kill an Indian and say it was an accident as soon as he came to the dead man's relations, and make them the accustomed present, thereby satisfying the Indian law. But, under the Queen's law, the man would be taken in charge and a thorough investigation made into all the circumstances, and he would have a fair trial. If proved guilty of murder, he would be hanged. If proved to have contributed to the death of the Indian through culpable negligence or misdoing, he would be suitably punished. But if it were proved that the man was not to blame, he would be set free.

In the case of Youmans, you know now that he was innocent, that Billy Owen's death was purely accidental; and yet you tell us that Youmans was killed in accordance with your law! Do you not now see that the Queen's law is better than yours?

You tell us that when the officers of the Government came to arrest the father of Billy Owen you gave no opposition, believing that he would be justly dealt with, and that all the circumstances of the case would be taken into consideration, and you ask us to make an allowance for the exasperation caused by the strange conduct of Youmans, and show clemency to the old man, particularly in consideration of his quiet and inoffensive character.

You may be well assured that Ha-at will be justly dealt with. He will have a fair trial, and the Government will take care that he shall be provided with able counsel to defend him, and all the circumstances, including those to which you very properly refer, shall be placed before the Judge and Jury before whom he will be tried, and it seems hardly necessary to point out that he shall have the full benefit of his previous good character and the exasperating circumstances referred to, as well as any doubts which may be evolved in the course of the trial.

Let me say, in conclusion, that, under the Queen's law, there is no difference in this respect between an Indian and a white man. It is only a few months since a white man was executed here for killing an Indian; and had Youmans killed an Indian, instead of having been killed by one, he would have been subjected to the same treatment and trial as Ha-at will be subjected to, and if proved guilty of murder would have been hanged.

The Government earnestly hope, with you, that peace may be firmly established between the Indians and the whites; but that can only be accomplished by a proper recognition of and submission to the law of the Queen on the part of the Indians, as well as the whites.

Yours sincerely,

(Signed)

JNO. ROBSON,

*Provincial Secretary.*

13th October, 1884.

*The Rev. Mr. Tomlinson to the Provincial Secretary.*

METLAKATLAH,

October 20th, 1884.

SIR,—I have the honour to inform you that, in accordance with the request contained in yours of the 29th February last, I have made known the contents of that letter to the Indians interested, and I beg respectfully to transmit herewith, for the consideration of the Government, a document containing the petition of all the Chiefs and principal men of the Kitwingach village, situated on the Skeena River, about 120 miles from the mouth. In presenting this petition, I would respectfully ask permission to make a few explanations that may tend to make the matter more clear to the Government, and perhaps indirectly aid them in coming to a decision. In your letter these words occur: "Whatever hunting or fruit-gathering rights they may claim the Government will *not* disturb, at least until such time as the lands are required." Now this paragraph appears to the Indian mind so indefinite as to be unintelligible, especially as some of them are being disturbed, and those disturbing them claim that they are supported by the Government.

The terms of the letter seem to leave it quite uncertain who has the sanction of the Government "to require these lands." Is it optional for any white man to do so? and, if so, how is this consistent with the statement that the Government will *not* disturb? or, are the Indians to hold them against the white man until the Government, through some properly appointed agent, arrange the matter with the Indians? I beg respectfully to submit that a satisfactory explanation of this point will help very materially in bringing about a happy solution of the whole difficulty as now existing between these Indians and the white men.



As regards the accompanying petition of the Kitwingach Chiefs, I am happy to be able to inform you that the meeting was conducted in the most orderly manner; that there was a complete absence of all violent action or utterance, and though, through my effort to keep as near the original as possible, parts of the petition may seem curt, no disrespect was intended. At the same time, you ought to understand that they look upon this question as one of vital moment; that they feel they can rely upon the support of all the surrounding tribes, and that they seem determined to have the question settled and will not be satisfied with any postponement. It is not only the fact of the existence of such a strong feeling in the minds of the Indians which should, I humbly submit, incite the Government to immediate action. A further consideration should not be lost sight of, viz., that in the event of the present low prices of salmon continuing, many, if not all, of the canneries on the Skeena will shut down next season. If so, some hundreds of the up-country Indians will be thrown out of their summer's work, and so be more dependent on their hunting, fishing, and fruit-gathering; and, of course, more determined to protect these rights. The position I occupy in this matter is a most unenviable one. Sincerely desirous that, while the peace and prosperity of the district should be maintained, any just claims of the Indians may be respected, I have to encounter the attacks of a large number of white men now resident in the district, whose only idea of law and justice seems to be to force the Indian back wherever the white man wants a footing; while, on the side of the Indians, I have to seek to restrain them from making their demands in an excited or unreasonable manner. One thing which has militated greatly against my efforts in this direction hitherto is that, while the Indians can point to some among them who are being interfered with, I cannot show that the Government has made any attempt to protect their rights. I would, therefore, respectfully point out to the Government the urgent need there is for taking the matter under consideration. I would remind them that there is still an opportunity to treat with the Indians, who, while determined on having the matter settled, are not yet excited or exasperated. In conclusion, I would wish to assure the Government that if, from my knowledge of the locality, the people, and their language, I can aid them in any effort they may make for a reasonable and just settlement of the question I will gladly do so.

I have, &c.,

(Signed) ROBERT TOMLINSON.

---

KITWINGACH, October 10th, 1884.

We, the Chiefs and principal men of the Kitwingach village, in meeting assembled, beg respectfully to address you on a subject which we feel is one of deep importance to our own welfare and that of our children. First, we would thank you for sending a reply to our former words. Mr. Tomlinson, at your request, has just read this reply to us. While your letter seems to support us in our claims, still in some points it seems too indefinite for us to act upon, and so we wish to lay our case in a more definite manner before you. From time immemorial the limits of the district in which our hunting grounds are have been well defined. This district extends from a rocky point, called "Andemane," some two and a half or three miles above our village on the Skeena River to a creek called "She-quin-khaat," which empties into the Skeena about two miles below Lorne Creek. We claim the ground on both sides of the river, as well as the river within these limits; and as all our hunting, fruit-gathering and fishing operations are carried on in this district, we can truly say we are occupying it.

The district is *not* held unitedly by all the members of the tribe, but is portioned out among the several families, and no family has a right to trespass on another's grounds; so that if any one family is hindered from hunting on their own ground, there is nowhere else for them to go—they lose all the benefits they derived from their hunting, as they cannot follow the animals across the bounds into their neighbour's grounds. We would liken this district to an animal, and our village, which is situated in it, to the heart. Lorne Creek, which is almost at one end of it, may be likened to one of the animal's feet. We feel that the white men, by occupying this creek are, as it were, cutting off a foot. We know that an animal may live without one foot, or even without both feet; but we also know that every such loss renders him more helpless, and we have no wish to remain inactive until we are almost or quite helpless. We have carefully abstained from molesting the white men during the past summer. We felt that though we were being wronged and robbed, as we had not given you the time nor



opportunity to help us, it would not be right for us to take the matter into our own hands. Now we bring the matter before you, and respectfully call upon you to prevent the inroads of any white men upon the lands within the fore-named district. In making this claim, we would appeal to your sense of justice and right. We would remind you that it is the duty of the Government to uphold the just claims of all peaceable and law-abiding persons such as we have proved ourselves to be. We hold these lands by the best of all titles. We have received them as the gift of the God of Heaven to our forefathers, and we believe that we cannot be deprived of them by anything short of direct injustice. In conclusion, we would ask you, would it be right for our Chiefs to give licenses to members of the tribe to go to the district of Victoria to measure out, occupy, and build upon lands in that district now held by white men as grazing or pasture land? Would the white men now in possession permit it, even if we told them that as we were going to make a more profitable use of the land they had no right to interfere? Would the Government permit it? Would they not at once interfere and drive us out? If it would not be right for us so to act, how can it be right for the white man to act so to us? This is what we would bring before you. Respectfully, yet firmly urging our cause, we await your reply. Please tell us distinctly whether or not you are prepared to preserve the district we claim from the inroads of the whites, and will keep all white men off it.

We have arranged to hold another meeting before the opening of spring, before which time we hope to have your answer; if not, we will then be obliged to take such measures on our own account as we may consider to be necessary for maintaining our lawful inheritance intact.

---

[TELEGRAM.]

To Hon. J. A. Chapleau,  
Secretary of State, Ottawa.

VICTORIA, 28th October, 1884.

Referring troubles North-West Coast, Government \* \* \* \* \* protest against past inaction of that (Indian) Department. On further consideration we defer action indicated by previous telegrams, considering this matter primarily a Federal responsibility. Anxiously await reply by telegram, as life and property at stake.

(Signed) M. W. TYRWHITT DRAKE,  
President Executive Council

---

[TELEGRAM.]

Hon. M. T. Drake,  
President of the Council.

OTTAWA, October 29th, 1884.

Message received, duty of maintaining law and order rests with Local Government, your inaction would subject you to great responsibility. We have no legal authority enabling us to take action, however we are disposed to assist to the extent which the law allows us, and will be ready to consider fairly question of contribution to expense. Hope your Government will persevere in line of action laid down in law. \* \* \*

(Signed) J. A. CHAPLEAU,  
Secretary of State.

---

[TELEGRAM.]

To the Secretary of State, Ottawa.

VICTORIA, 31st October, 1884.

Your telegram received, Davie, with ex-County Judge Ball, proceeds ship "Satellite" Sunday morning, and, with Elliott, will hold Lieutenant-Governor's Commission of Enquiry at Metlakatlah, and otherwise act as circumstances and prudence dictate. We still assert we are doing what is properly work Indian Department, and only proceed under protest. Superintendent of Police and Constables also go.

(Signed) M. W. TYRWHITT DRAKE,



*A. C. Elliott, S. M., to the Provincial Secretary.*

METLAKATLAH, 30th October, 1884.

SIR,—On the 22nd instant it became my duty to swear in thirteen Indian and two white constables (special), to protect the people occupying the Mission House of the Church Missionary Society at this place.

On the morning of that day the Indians under the control of Mr. Duncan sent a notice (copy of which I enclose), to the Bishop and Dr. Praeger, the Agent of the Society, warning them to leave the place.

A week before, they sent a similar notice to Captain Shearburn, and they followed it up by entering the Bishop's house at dark and compelling him (Captain Shearburn) to leave it, and in fact, to leave the town at a late hour, by a canoe, in a most tempestuous night. Indeed, anything they have threatened to do, they have hitherto carried out.

Had I not taken the precaution I did, I have no doubt but an outrage would have been attempted which would in all probability have resulted in bloodshed.

Since the Mission House has been guarded day and night by these Constables, the Indians under Mr. Duncan have been less swaggering in their manner.

They have been induced to come into Court on a charge of riotously taking possession of the School House. Should I find it necessary to commit them for trial, it is doubtful if they comply. This I shall not know till to-morrow. I have some cases before me and many more yet to hear, in all of which the bad conduct of Mr. Duncan's Indians is conspicuous.

I cannot conceal from myself, and I shall not attempt to conceal from you, my conviction that a very dangerous state of things exists, not only among the Indians of this place, but among those of the entire coast, and I have no hesitation in saying that such a state of things is almost entirely owing to the teaching of Mr. Duncan and Mr. Tomlinson. I arrive at this conclusion, not only from observation and from reports from trustworthy people, but from what has dropped from Mr. Duncan himself, at several of my interviews with that gentleman.

Last fishing season for instance, he sent most of his own people away to work at other canneries, and employed Hydah Indians, from Queen Charlotte's Islands, to work for himself. The consequence is that those people—hitherto peaceful and contented—have returned to their homes discontented, and somewhat threatening. (A short time since I wrote to them warning them not to heed mischievous counsels).

Mr. Duncan, in a kind of frenzy, told me that his people, sooner than give up their claims, would burn their village and leave, and that the Indians along the Coast would follow their example, as they would take their cue from Metlakatlah.

I may add that I have evidence that an Indian here having threatened to shoot me, among others. I know the man, but I thought it wise to take no notice of it.

Were Mr. Duncan away, the majority of the Indians would soon again become law-abiding. Indeed, if he and the Bishop were both to leave, it would be a great blessing for the country.

I am strongly of opinion that a force of some kind ought to be sent to relieve those special Constables, who will soon get tired of their confinement; and I am equally strongly of opinion that should they cease to guard the building, some serious outrage would be committed.

Both Mr. Duncan and Mr. Tomlinson (who, I believe, is going to Victoria), will strongly deny that they have influenced the Indians for any bad purpose, but for my part I don't believe one word that either of them utter on the question.

I have had the offer of the assistance of about twenty armed white men from Essington, to aid me in case of an emergency, but I have no notion of doing anything which might result in a conflict between the Indians and the whites. So long as they are confronted with a force representing the properly constituted authorities I don't think they would offer any serious resistance. Already I have persuaded them to give up some weapons they had unlawfully taken possession of.

I should go down by this boat to Victoria but for the number of cases I have to attend to, and the fear I have that they might take advantage of my absence to commit acts of violence.

Mr. Tomlinson returned the other day from the neighborhood of Lorne Creek mines, and reports that the Indians are very much disaffected, and intend claiming compensation for the losses they have sustained through the miners having frightened away their game, Mr. Tomlinson himself warmly backing them up in this matter.

I may say that I am prepared to verify all that I state as facts, and to defend the conclusions at which I have arrived in connection with them.



---

This letter may possibly strike you as the production of one unnecessarily influenced by fear, but I assure you such is not the case, I am not one much disposed to give way to panic.

I am writing in great haste to catch the steamer, so I trust you will be good enough to excuse the rambling construction of this communication.

I have, &c.,  
(Signed) A. C. ELLIOTT,  
S. M.

---

#### NOTICE.

*To Agents of Church Missionary Society at Metlakatlah:—*

We, the Council and people of Metlakatlah, having had under consideration the evil effects of a continued opposition on the part of the Church Missionary Society to our declared principle of unity, beg to inform you that we are not willing for this state of things to continue any longer, and we do hereby notify you to leave Metlakatlah.

As regards any interest the Church Missionary Society may claim in any buildings erected on our ground, we will be willing to treat with them.

For the Council and people of Metlakatlah,

(Signed) D. LEASK.

*Metlakatlah, B. C., October 22nd, 1884.*

---

#### NOTICE TO BISHOP RIDLEY.

We, the Council and people of Metlakatlah, having had under consideration your continued presence amongst us and its effect in retarding the progress and peace of our village, have decided to inform you that we are not willing you should remain any longer here, and we do hereby notify you to leave Metlakatlah.

As regards any interest the Church Missionary Society may claim to have in any building erected on our ground, we will be willing to treat with them.

For the Council and people of Metlakatlah,

(Signed) D. LEASK.

*Metlakatlah, B. C., October 22nd, 1884.*

---

*A. C. Elliott, S. M., to the Provincial Secretary.*

FORT SIMPSON, B. C.,  
November 7th, 1884.

SIR,—On the 30th ult. I wrote to inform you that I had under consideration a charge against several Indians for having riotously taken possession of a church here, alleged to be the property of the Church Missionary Society.

On Friday, the 31st ult., I concluded the examination of the witnesses, and I informed five (5) out of the seven (7) Indians charged that it would be my duty to commit them for trial at the next assizes to be holden at Victoria, but that I would take bail for each man, himself in \$50 and one security in \$50.

On Saturday morning, the 1st inst., I held Court at 9 A. M., and formally committed them for trial.



On the previous evening Mr. Duncan said the Indians would not give bail, but would surrender themselves at once and go down to stand their trial. At the same time he offered his small steamer to take them to Essington to meet the "Otter" or the "Boscowitz," remarking that 10 o'clock on the following morning would be time enough to start. On the Saturday morning Mr. Duncan stated to me that he had sent his steamer down the previous night with Mr. Tomlinson to catch one of the boats for Victoria, in order that his letters might be in time, but that his steamer would be back at 10 A. M. and take the prisoners down.

Finding that she did not return, I dispatched a canoe down with the prisoners in charge of Special Constable Cunningham, at noon. I left immediately after for Fort Simpson. Three days later I learned that the canoe met his steamer nearly half-way down, and the Indians in charge of her informed the special constable that both the boats had sailed for Victoria previous to their leaving Essington. In consequence of this information, the constable returned with his prisoners to Metlakatlah, where they were, I believe, welcomed by the village brass band.

I was much annoyed, but not greatly surprised, to subsequently learn that the "Boscowitz" did not leave Essington for some hours after the departure of Mr. Duncan's steamer for Metlakatlah. This was beyond all doubt a ruse on the part of the Indians to obstruct the administration of justice, and one may well be excused for supposing that it was done at the suggestion of Mr. Duncan or his agents. I may add that Mr. Duncan evinced much displeasure at his man, David Leask, and himself being obliged to go down as witnesses.

I have sent instructions to Mr. Cunningham to arrest the men, if he can, and bring them up here, to await the arrival of the "Otter" from Victoria. Should I be able to leave I shall go down on her myself.

Unless some example is made of these offenders, things will go from bad to worse, and there is no really knowing where they will stop. They now say that what I have done at Metlakatlah will be undone at Victoria.

I do not mean that any severe penalty should be inflicted, but sufficient to prove to them the necessity of obedience to the law above all things.

Mr. Duncan complains of the grievous wrongs which are being inflicted on the Indians—I am myself unable to discern what they are—and desires that a commission should be appointed to take evidence in regard to them. It might be well that some such thing were done.

I find that Mr. Duncan claims for the Indians of Metlakatlah the right of hunting for game on special hunting grounds, which have belonged, he states, to certain tribes and families for generations, of course to the exclusion of Indians not considered entitled. I have made inquiries here of Mr. Hall, H. B. C., and of many old Indians of this place, whose recollection takes them back over fifty years, and they all agree that no such things as hunting reserves existed until about fourteen or fifteen years ago, when Mr. Duncan himself established the innovation. In all probability it means that the best hunting-grounds in the country shall be closed, unless to Mr. Duncan's adherents. I have not found any Indian, outside of Metlakatlah, in favour of the adoption of such reserves. It is well understood, however, that the right of certain tribes and certain families to the exclusive right to pick berries on their reserves is an ancient one and universally respected.

In my letter of the 30th ult. I say that "last season, for instance, *he sent* most of his people away." I should have said that I understood most of his people had gone to other canneries, &c.

I have, &c.,

(Signed)

A. C. ELLIOTT.

---

*The Rev. Mr. Tomlinson to the Provincial Secretary.*

VICTORIA, November 12th, 1884.

SIR,—Since writing the enclosed letter which accompanies the Indian Petition, I have learned with great pleasure that the Government has appointed a Commission to enquire into and report upon the matter referred to in the Petition.

I sincerely hope that this step on the part of the Government may have the desired effect of re-establishing peace and harmony throughout the district.



---

It is quite possible that some time must elapse before the recommendations of the Commission can be acted upon, and as it is very hard for the Indian mind, in its semi-cultivated state, to understand the reason for such delay; and, moreover, as it seems likely many white men may wish to visit the Skeena River district early in the summer, I take the liberty to enclose a short outline of a temporary arrangement which might, I think, be accepted by the Indians while the permanent settlement of the question is being discussed by the Government. I do this, not that I would wish in any sense to dictate to the Government, but merely as a suggestion in the interests of peace and order, and to prevent further complications.

I have, &c.

(Signed) ROBERT TOMLINSON.

---

*Outline of a temporary arrangement to be enforced until such time as the question is finally settled between the Government and the Indians.*

No. 1.—No white man, without the special permission of the Government, to be allowed to occupy or settle upon any land within a radius of three miles of any Indian village. The object is to keep white men away from the Indian villages, but it is not intended to interfere with any white man already there. A very great change has come over the Indians on the Skeena within the last two or three years, as regards the residence of white men among them. Some years ago they were anxious for the white men to come among them, but latterly the evils arising from the commingling of white men of the class most likely to frequent Indian villages, has opened the eyes of the Indians to the necessity of taking a step to preserve their homes from the inroads of such men.

No. 2.—No land now being occupied by any Indian as a hunting or fruit-gathering preserve, to be open to pre-emption or purchase. This is intended to prevent the Government being involved in trouble in case any person should pre-empt or purchase a piece of land now occupied as a preserve by an Indian. The present Land Act only requires, I believe, a person applying for a record to make a declaration that the land is not the site of an Indian village, or part of an Indian reserve. There being no reserves at present, any person can make such a declaration, and yet by occupying a piece of ground used by the Indians as a hunting or fruit preserve, may come in collision with them and excite a trouble which may cost the Colony thousands to settle.

No. 3.—In the event of gold or other precious metals being discovered on any land now occupied by Indians as a hunting or fruit preserve, the Government is to appoint some person or persons to ascertain the average value of the fur hunt or fruit for the last five years, and to distribute a yearly sum not exceeding this amount among those who have used the preserve; such yearly grant to cease immediately on the ground being abandoned by the white man. While this would leave opportunity for free miners to prospect, it would prevent loss or injury to the Indians, and remove the feeling that they are being robbed, while at the same time it frees the Government from all expense in case the mine should be abandoned. Had this been in operation last spring, all cause for collision with the Indians of the Kitwingach Village would have been avoided. The out-put of the Lorne Creek is supposed to have reached some \$25,000, while the sum necessary to remunerate the Indians would not have exceeded \$400, if it had reached that amount; and if the ground is worked out next year, and the mine abandoned, as is generally expected, the Government will be freed from all further expense in the matter. To eradicate any feeling of soreness in the minds of the Indians on account of last summer's losses, this might be made retrospective, but only in the case of the Lorne Creek, and that only for last year.

No. 4.—No fishing station now being occupied by any Indian to be molested. This is so manifestly just, since the white men have every facility for fishing in the tidal waters at the mouths of the Naas and Skeena Rivers, that it calls for no special remarks.

---



---

*The Provincial Secretary to the Rev. R. Tomlinson.*

VICTORIA, B.C., 13th Nov., 1884.

SIR,—I have the honour to acknowledge receipt of your letter of the 20th ultimo, covering the answer of the Kitwingach Indians to my letter of the 29th February last. I have also received yours of the 12th instant, accompanied by some suggestions you are kind enough to submit, as to the best means of dealing with the difficulty which has unhappily arisen between these Indians and certain whites. The last mentioned document is, however, incomplete—a sheet probably having been overlooked when enclosing it.

I beg to thank you for the trouble you have taken in this matter, and for the information and suggestions conveyed to the Government, which will doubtless be of material assistance in dealing with the important subject to which they refer.

I have, &c.,  
(Signed) JNO. ROBSON,  
Provincial Secretary.

---

*David Leask to the Provincial Secretary.*

METLAKATLAH, B.C.,  
22nd November, 1884.

SIR,—We, the Council and people of Metlakatlah, desire to acquaint you that we are very much disappointed in Mr. A. C. Elliott, whom you appointed to execute justice and administer law in this part of the Province, in the name of our Great Mother the Queen of England.

We know that the Queen's laws are made for the benefit of all. By these laws we have been benefited for more than twenty years, because they were justly administered amongst us.

We complain—

1st. It was by Mr. Elliott's advice that Bishop Ridley's party took firearms and barricaded the Mission House to defy us, because we had sent a notice on paper to Bishop Ridley asking him to leave Metlakatlah. Barricading by the Tsimpsean laws and customs means a challenge to fighting and bloodshed, and therefore we blame Mr. Elliott for encouraging the Bishop, and the people with him, to try and tempt us to fight.

\* \* \* \* \*

4th. Mr. Elliott in Court told us that it was no harm for anyone to point and snap a pistol or gun in a man's face if it was unloaded. It was only a joke, unless he did it to threaten him.

At the time he said this he was trying the case of a poor man who had been wounded badly in the leg by a white man fooling with a gun. By our own law a man doing such a thing would be punished, and we had always thought the Queen's law did not allow this.

We now lay these complaints before you, and trust that you will use your judgment and power in the matter.

We have no confidence in Mr. Elliott, nor in his work as a Magistrate.

We write you about this because we were told by the Governors who visited us years ago a ways to let the Government know if we had anything to complain about.

Your humble servants, the Indians and Council of Metlakatlah,  
(Signed) DAVID LEASK.

---

*The Provincial Secretary to Mr. David Leask.*

VICTORIA, B. C.,  
28th January, 1885.

SIR,—I have the honor to acknowledge receipt of a petition purporting to emanate from "the Indians and Council of Metlakatlah," making certain representations relative to A. C. Elliott, Esq., recently appointed Stipendiary Magistrate and Indian Agent, at that settlement.

Upon enquiry, the Government are satisfied that, in one instance at least, the charges against Mr. Elliott are untrue, and in another frivolous, and having ascertained that to be the fact, you cannot be surprised if very little weight should be attached to the petition in so far as it is directed against the conduct of that officer



The tenor of the petition is apt to create the impression that "the Indians and Council of Metlakatlah" imagine themselves entitled to reject any officer sent by the Dominion or Provincial Government, who may be so unfortunate as not to meet with their favor. The reception accorded to Mr. McKay was such as to give rise to this impression, and the tone of the document now under reply tends to confirm it.

It seems scarcely necessary to point out to Indians so far advanced in civilization as the Government have been accustomed to believe you to be, that such a right is not enjoyed by any class of the people,—that it is, in fact, utterly inconsistent with the genius of our institutions.

But there is a still more important feature of your petition to which I must advert. It speaks of "Tsimpsean law," and "our own law," in contradistinction to "the Queen's law," in such a way as would lead one to suppose that the petitioners imagined themselves to be still under "Tsimpsean law," and that they are not under or amenable to the Queen's law, whenever it conflicts with their "own law."

Now, it is my duty to tell you that "Tsimpsean law" is not known to nor recognised by either the Dominion or Provincial Government, and that the Indians of Metlakatlah, in common with all the other Indians and whites, are under and bound to obey the Queen's laws.

Your "Council," as you call it, has no legal status, and can have no power or right whatever to make laws, much less enforce them, and I am surprised that you have not been better instructed in this respect. Our duty to the Queen, and obligation to obey her laws, is only second to our duty to the Supreme Sovereign of the universe, and I thought you would have been taught this long ago.

While the Government will be ready at all times to listen to any complaints you may have to make, and to grant redress of any grievance that may be shown to exist, it is my duty to tell you plainly that the sooner you dismiss from your minds all idea of setting up what you are pleased to term your "own law," and submit yourselves fully and loyally to the Queen's law the better it will be for you and all concerned; and, further, I would warn you that those who teach you to set yourselves above and against the Queen's law are not acting the part of good teachers or your true friends.

I have, &c.,  
(Signed) JNO. ROBSON,  
*Provincial Secretary.*