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Innovation, Tradition, Colonialism, and Aboriginal Fishing Conflicts in the Lower Fraser Canyon

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As Arthur Ray's experience and research show, Native rights litigation is a theatre in which identity and affiliation tend to be drawn in stark, often binary, terms: plaintiffs and defendants, Indians and whites, supporters and opponents.¹ The adversarial judicial process itself reinforces and accentuates these distinctions. Experts who testify on behalf of Native communities seldom testify for the Crown, and visa versa. Throughout the litigation process the affiliations and identities of Aboriginal people are generally easy to determine. In most instances, they are the ones sitting across the room from the Crown's council. Likewise, they are also the ones who tend to be identified as opponents of modernity – as agents of praxis against progress, of stasis against innovation. Occasionally, though, colonialism creates a context within which indigenous interests clash with one another, and within which both sides invoke history to justify innovative means to traditional ends.

Although the contemporary fishing conflicts at the Fraser River's mouth capture more headlines – ostensibly because they reflect racial divisions between Native and non-Native interests – an equally heated contest simultaneously emerges each summer 180 kilometres farther upstream in the lower Fraser Canyon, this one featuring competing Aboriginal interests. The tensions involved in this conflict have at least two dimensions: (1) the contest between Aboriginal families regarding rights to fish in particular “back eddies” and (2) the contest between the Yale First Nation and the Stó:lō Nation regarding the latter's right to be involved in Canadian government-sponsored fisheries regulatory regimes – in particular, initiatives under the Aboriginal Fisheries Strategy (AFS) but also the emerging system of salmon allocation associated with the British Columbia Treaty Commission (BCTC) process.²

Inevitably, in such disputes the question of tradition is bound up with the problem of authority as the individuals, families, and First Nations involved all cite history and tradition to support and validate their opposing

positions. Families claim that particular fishing “spots” belong to them by right of inheritance and that other claimants are interlopers. First Nations claim that their right to regulate and manage the canyon fishery in order to secure benefits for their members derives from ancient tribal protocols; that they are the true keepers of tradition while other claimants are variously dismissed as “invaders” or patsies of a colonial system that marginalizes genuine indigenous law and custom.³

Regarded from this perspective, without racial or allodial divisions to serve as markers and guides, traditions become invoked not merely to highlight historical continuities but also, as Mark Salber Phillips astutely notes in *Questions of Tradition*, “to mark the authority that they carry – and even to endorse and sustain it.” And if, as Phillips goes on to assert, scholarship in the wake of Eric Hobsbawm and T. Ranger’s influential 1983 collection, *The Invention of Tradition*, has tended to engage only the narrow idea of tradition within “the deconstructive framework of pseudo-traditionality,”⁴ then few examples will as adequately illustrate the continuing value of “tradition” as a field of intellectual inquiry as colonial-sponsored contests involving competing indigenous versions of history.

Regarding history as the arbitrator of identity and authority is, of course, not an exclusively Aboriginal phenomenon. As Patrick Geary demonstrates in *The Myth of Nations: The Medieval Origins of Europe* (2002), competing assertions over the historical legitimacy of ethnic communities to land and resources lie at the heart of many of the contemporary world’s more violent and contentious conflicts.⁵ But within the context of Coast Salish culture and history such debates assume an added urgency. Among the Coast Salish living along the lower Fraser River, “knowing one’s history” is directly associated with being high status (*smelá:lh*, or “worthy”). Lower-class people (*s’téxem*, or “worthless”) are considered to have “lost or forgotten their history.”⁶ All assertions that a particular claim is “more traditional” than another, therefore, are tantamount to saying that “my historical knowledge is better than yours. I am, therefore, from a higher-status and more worthy family than you.” Moreover, in addition to the issue of status, salmon have long been a lucrative commodity within Aboriginal as well as non-Aboriginal markets.

Challenging someone’s right to fish in the Fraser Canyon is, therefore, a direct affront to a person’s social and economic well-being and, as such, is not easily shrugged off. Over the past fifteen years, indigenous efforts to secure internal and external recognition of Fraser Canyon fishing rights have included resorting to physical intimidation, using the mainstream media, litigation, negotiating interim treaty measures, and working within various Department of Fisheries management regimes. Thus far, none has proven particularly successful in reconciling the competing indigenous claims.

This chapter does not evaluate the specific merits of the contemporary competing claims to the canyon fishery; rather, by examining similar contestations from the late nineteenth and early twentieth centuries, it reveals that, when it comes to preserving Fraser Canyon Aboriginal fishing rights, “traditional” need not be equated with “non-innovative,” nor innovation with assimilation. Indeed, occasionally innovative actions were designed to protect and preserve traditional systems and, as such, within restricted circumstances, a degree of innovation was sometimes regarded as being traditional. At question is the motivation and purpose behind the various invocations of tradition. Were they designed to sustain long-standing indigenous regulatory mechanisms or to undermine them? Were they aimed at reviving core aspects of a tradition that had been thrown into disarray by external non-Native forces or to take advantage of new colonial opportunities? Were there competing traditions prior to the disruption caused by colonial intrusion into Aboriginal space? And, if so, how were they mediated? I argue that, in as much as not all traditions are genuinely traditional, neither are they all invented.

The lower Fraser Canyon salmon fishery has been and continues to be of incomparable significance to the Coast Salish people of southwestern British Columbia and northwestern Washington. It was there, at the site that early Hudson’s Bay Company officers referred to as “the Falls,” just upriver of the present-day town of Yale and between the surging series of rapids that stretch for seven kilometres between “Sailor Bar” and “Lady Franklin Rock,” that thousands of Salish people from as far away as Vancouver Island and northern Puget Sound gathered each summer to catch or exchange salmon. The unique geography of the lower canyon made it an ideal salmon catching and processing region, unparalleled on the entire Northwest Coast.⁷ Here, numerous craggy rock outcroppings jut into the river, creating swirling “back eddies” – places where migrating salmon pause to rest before making a dash through the surging current to the next such resting place a few metres farther upstream. Historically, a person with a dip net standing on the edge of such an outcropping could easily catch hundreds of sockeye salmon in a single afternoon. Even today, with the salmon runs vastly depleted, a particularly skilled Native fisher, using only a traditional dip net, has been known to catch over three hundred sockeye salmon in just one hour.⁸ Farther downstream in the Fraser Valley, where the weaker currents did not force the salmon to hug the river’s edge, catching fish was a much more difficult task.

The ease with which salmon were caught in the canyon only partially explains the region’s unique appeal. It was there, and only there, and even then only in early July, that sockeye salmon could be reliably “wind dried” without fear of mould, wasps, or flies (and, hence, maggots) contaminating

the catch. In the canyon, the summer sun warmed the rocks to such an extent that they continued to provide drying heat throughout the night (thus preventing the formation of dew, which would result in spoilage), and it was at this point, after struggling upriver for 180 kilometres from the sea without eating, that the salmon were guaranteed to have burned sufficient body fat (5 percent to 6 percent) to make wind drying feasible. Even today, a salmon caught at the river's mouth and immediately transported to the Fraser Canyon will not wind dry because its fat content is simply too high.⁹ Accordingly, downriver from the canyon, and along the coast itself, smoking was the only reliable technique for preserving salmon prior to the introduction of canning and freezing technology.¹⁰

As both Wayne Suttles and Leland Donald have independently demonstrated, the seasonal availability of salmon, coupled with the geographic and climatic restrictions on processing, made the resource especially valuable. Putting away sufficient stores of salmon to last through the long, wet winters was essential not only to survival but also to the flourishing of classical west coast culture.¹¹ Thus, the lower Fraser Canyon constituted what was arguably the most valuable Aboriginal real estate on the Northwest Coast. Prior to the migrations of the nineteenth century, the "owners" of canyon fishing sites tended to live in one of the several adjacent settlements. Ownership, expressed through the regulation of extended family members' access, was the prerogative of men, although the right was sometimes inherited though a mother's line.

The system of property transfer was the potlatch naming ceremony. Through it, genealogically based rights (associated with names) were transferred across generations. Disputes over ownership rights or even access privileges were serious matters and extremely disruptive to the brief window of opportunity the summer fishing season provided. If other families did not recognize a particular family's ownership, violent conflicts could emerge. Even within families, tensions needed to be constantly mitigated. If orderly access to sites was not guaranteed to all recognized kin and in-laws, people could go hungry and, thus, internal fights could break out. To clarify ownership, representatives of the highest-status families from geographically dispersed settlements and tribes were "called to witness" the potlatch ceremony and associated intergenerational property transfers. In this way, a family's collective ownership was reasserted, and its chosen system of management (the naming of someone charged with regulating access)¹² was widely publicized and ostensibly recognized by others.

One of the best documented examples of the role of potlatches in the transfer of Fraser Canyon fishing rights is the circa 1890 potlatch at which Súx'yel (also known as Captain Charlie) transferred his name and the associated fishing rights attached to his family's lower Fraser Canyon fishing site at Aselaw to his youngest son, Patrick Charlie.¹³ Súx'yel was the leader

of a prominent and distinguished family living in the Fraser Canyon above Yale. Like his father, who is buried at Aselaw, Súx'yel possessed great wealth: he counted the snake, grizzly bear, and loon among his spirit helpers, and on behalf of his family he acted as steward of valuable hereditary lands and canyon fishing sites. Súx'yel was a confident man who boldly engaged with non-Native society, ultimately securing an administrative position with the colonial government, although in what capacity is no longer remembered. In his middle age, Súx'yel decided to fully avail himself of the opportunities the new colonial order presented by becoming a European-style farmer. Accordingly, he moved to the flats across the river from Fort Yale, but insufficient water stymied his agricultural ambitions. He determined that, in order to be successful, he would have to leave the canyon altogether. After unsuccessfully trying to establish himself at a second site farther downriver near Fort Hope, an elderly relative at Ohamil (downriver from Hope) suggested he try his luck on the fertile meadows surrounding the mouth of Ruby Creek, which had remained vacant since the first great smallpox epidemic. There, near to the remains of the former villages of Spopetes, and just downriver from the settlement of Sxwoxwimelh (where smallpox survivors had simultaneously cremated and interred their less fortunate relatives in their own pithouses), Súx'yel built a farm for himself as well as for some of his children and their spouses. Later, as a result of Súx'yel's actions, this settlement was surveyed as an Indian reserve and was registered to the Yale band.

Before Súx'yel could move, however, the elders of his family insisted that he transfer his hereditary name and Fraser Canyon land holdings to a member of the next generation. Typically, such a transfer was from father to eldest son, but in Súx'yel's case the decision to break with protocol appears to have been influenced by the fact that his youngest son, Patrick, possessed special spiritual potential. Patrick had been born with pierced ears and a bleeding head. What is more, his head bled freshly each spring until he reached the age of twelve. This had "scared the old people," who had unsuccessfully hired a shaman to try to unveil the secrets of Patrick's past life and so explain his strange, stigmata-like symptoms. Ultimately, Patrick learned the identity of his past self and the circumstances of his previous death – knowledge that elevated rather than diminished his status. His special condition appears to have influenced his family elders' decision to select him as the one who would remain in the canyon and carry the ancestral names and property after his father moved away.

Preparation for the name-transferring ceremony occupied Súx'yel's family for a full year. Taking advantage of the annual influx of people visiting the canyon fishery each summer, Súx'yel's family rejected the normal autumn timing for their potlatch and hosted the naming ceremony in June. Guests were invited from as far north as Sliammon, near present-day Powell

River on the Coast, and as far west as Vancouver Island. Hundreds of people were in attendance to witness and validate the transfer. In addition to the dozens of cattle and pigs that were butchered to feed the guests, well over \$1,000 in cash and countless blankets and other items were distributed among the witnesses.

Súx'yel's family's potlatch, which worked so effectively c. 1890, was among the last to be held in the region. Independent federal and provincial regulatory initiatives, the first aimed at nurturing non-Native commercial development and the second aimed at undermining indigenous cultural traditions, were working to undermine both the Native economy and indigenous governance. The Salmon Fishery Regulations for the Province of British Columbia, 1868, identified the salmon resource as a commodity that needed to be regulated in the interest of the growing non-Native immigrant population, while the 1884 "anti-potlatch" amendment to the Indian Act designated the large property-transfer gatherings a crime.

In order to regulate the fishery for the benefit of non-Native immigrants and the growing industrial fishery associated with the emerging cannery industry, the Salmon Fishery Regulations curtailed the Aboriginal fishery by prohibiting the sale of non-tidal caught salmon, by banning Native in-river fishing technologies like weirs and dip nets, and by defining Aboriginal fishing rights to exclude an economic component (beyond simply meeting the need for subsistence, ceremonial, and social consumption).¹⁴

The criminalization of the commercial aspect of the Aboriginal in-river fishery left canyon residents with few viable economic opportunities. Certainly, the region's arid, rocky environs were ill suited to the government's preferred Aboriginal occupation/activity of farming. As such, a canyon out-migration, which began at least two generations earlier with the establishment of new economic opportunities associated with the HBC forts at Yale (1846), Hope (1846), and Langley (1827), was reinforced by the imperative of participating in European-style agricultural activities.

The indigenous inhabitants were thus doubly pressured to relocate onto Indian reserves that were being established for Aboriginal agricultural purposes on the fertile valley lands located many kilometres downstream. So successful were the government's efforts that, in contrast to an 1830 HBC census that indicated as many as 2,574 people residing in permanent settlements in the lower Fraser Canyon (and at least 1,592 in 1839),¹⁵ government records show that, by 1878, there were only 276.¹⁶ By 1881, the number had dropped to 143,¹⁷ and in 1914 there was a mere 27.¹⁸ By way of contrast, the downriver communities experienced a corresponding population increase over this same period. Even Lixwetem, the renowned Yale leader, relocated to the agricultural reserve of Seabird Island in the central Fraser Valley. Observing the results of this movement in 1950, the anthropologist Wilson

Duff noted that “in more recent times ... because of movements of population down-river and further intermarriage, the nominal owners [of canyon fishing spots] have come to be as far afield as Musqueam [at the Fraser River’s mouth].”¹⁹

If postcontact migration set the stage for debates over the nature and legitimacy of hereditary fishing rights, the process of Indian reserve creation established a context within which innovative means came to be regarded by some indigenous people as the most effective and appropriate way to secure or defend customary ownership and tenure.

The process of reserve creation in the Fraser Canyon began in earnest in 1876, after the British Columbia and Canadian governments appointed A.C. Anderson, Gilbert M. Sproat, and Archibald McKinley to form the Joint Indian Reserve Commission (JIRC) to address Aboriginal concerns over their lands. Fishing was a key feature of the JIRC’s mandate. In reviewing the commission’s progress in 1878, L. Vankoughnet, the deputy superintendent general of Indian affairs, observed: “In the instructions given by both Governments to the Commissioners, great stress was laid upon the necessity of not disturbing the Indians in their possessions *inter alia* of fishing stations, and [further] on the impolicy [sic] of attempting to make any violent or sudden change in the habits of the Indians engaged among other pursuits, in fishing.”²⁰

Indeed, in the spirit of avoiding anything that “could interfere with or mitigate against the establishment of friendly relations between the Dominion government and the Indians of British Columbia,” the original instructions provided by the minister of the interior, David Laird, to the commissioners emphasized that, though “it appears theoretically desirable as a matter of general policy to diminish the number of small reserves held by any Indian nation, and when circumstances will permit to concentrate them on three or four large reserves, thus making them more accessible to missionaries and school teachers,” the commission should nonetheless “avoid anything which might be calculated to alarm or disturb the Indian mind.” In particular, the commissioners were directed “not to disturb the Indians in the possession of any villages, fishing stations, fur-trading posts, settlements or clearings, which they may occupy and to which they may be especially attached, and which may be to their interests to retain.” Certainly, despite the imperative of eventually “turn[ing the Indians’] attention to agriculture,” the minister of the interior was clear that it “would not be politic to attempt to make any violent or sudden change in the habits of the Indians ... now engaged in fishing.”²¹ Later, the fisheries department confirmed that the traditional Indian fishery was not to be interfered with and gave Commissioner Anderson permission to suspend the application of the British Columbia fishery regulations with respect to Indian fishing should

they be determined to be in conflict with Aboriginal fishing practices.²² In this regard, the federal government was acting in a manner consistent with earlier BC colonial policies, dating to the governorship of James Douglas (i.e., pre-May 1864).²³

The JIRC, in other words, was guided by the principal that the reserve-creation process should not interfere with, and where possible should facilitate, the broader assimilation process; however, it was not necessarily to be assimilative in and of itself. The only “special objection,” according to Laird, that might justify a concession to the principal of non-interference with existing fishing practices arose “where the Indian settlement [was] in objectionable proximity to any city, town, or to a village of White people.”²⁴ In this way, compromised by concerns to placate non-Native settlers while establishing favourable conditions for future religious, educational, and occupational transformation, the JIRC muddled its way towards protecting land for existing indigenous industries and occupations – or what might be thought of as Aboriginal traditions.

By 1878, politics and government fiscal constraint had taken such a toll on the JIRC that Anderson and McKinley abandoned their positions, leaving Sproat alone to address what had come to be known as the “Indian Land Question.” Though the commission had visited Aboriginal communities throughout the province and, in doing so, had travelled back and forth through the Fraser Canyon corridor, it had yet to officially meet with the lower Fraser chiefs. In anticipation of that meeting, BC superintendent of Indian affairs I.W. Powell reaffirmed the commission’s mandate, adding the following additional justification for respecting Aboriginal fishing rights:

There is not, of course, the same necessity to set aside extensive grants of agricultural land for Coast Indians; but their rights to fishing stations and hunting grounds should not be interfered with, and they should receive every assurance of perfect freedom from future encroachments of every description.²⁵

Thus directed, G.M. Sproat visited “most of the Lower Fraser River Chiefs” to assess their fishing techniques, protocols, and associated reserve land requirements. In other parts of the province, Sproat had found the process of reserve identification and creation relatively straightforward. People living on, or adjacent to, certain lands were considered to have a primary interest in its future, and reserves were created accordingly. In the lower Fraser Canyon, however, Sproat discovered that his assumptions about the direct relationship between proximity of residence and land interest did not necessarily apply. Stopping at the regional hub-town of Yale, he learned that the Aboriginal people who gathered there each summer to fish for

salmon were an amalgam of different tribal communities “composed of Upper Frazer [sic] and Lower Frazer [sic] Indians.”²⁶ Puzzled, Sproat set himself the task of ascertaining the indigenous relationship between identity, residency, and land ownership before attempting to assess and assign reserve lands. He faced thorny questions. To which Natives would the reserve be assigned? Which Natives should be able to use the reserves and under what circumstances? What would the reserves’ purpose be? In a letter to Prime Minister John A. Macdonald (in his capacity as minister of Indian affairs), written in a rain-soaked camp near the town of Hope on 26 November 1878, Sproat explained that,

as the Indians on this Lower portion of the river are one people, and though claim to belong to particular villages, move about constantly from one place to another ... I propose before assigning land to any of the tribes to ascertain who *are* Lower Fraser Indians, and to take a view as to the people as a whole.²⁷

Approaching his task from this broader perspective, Sproat quickly came to appreciate that the seven-kilometre-long canyon fishery was a unique space, central to the social, political, and economic lives of the region’s Aboriginal population. “The settlement [adjacent to Yale] is one of the oldest in the country,” he wrote, not only because of its convenient proximity to the HBC fort and associated growing non-Native urban centre but also because of its “having a peculiar value to the Indians from its nearness to the salmon fisheries in the ‘canyons’ immediately above Yale.”²⁸

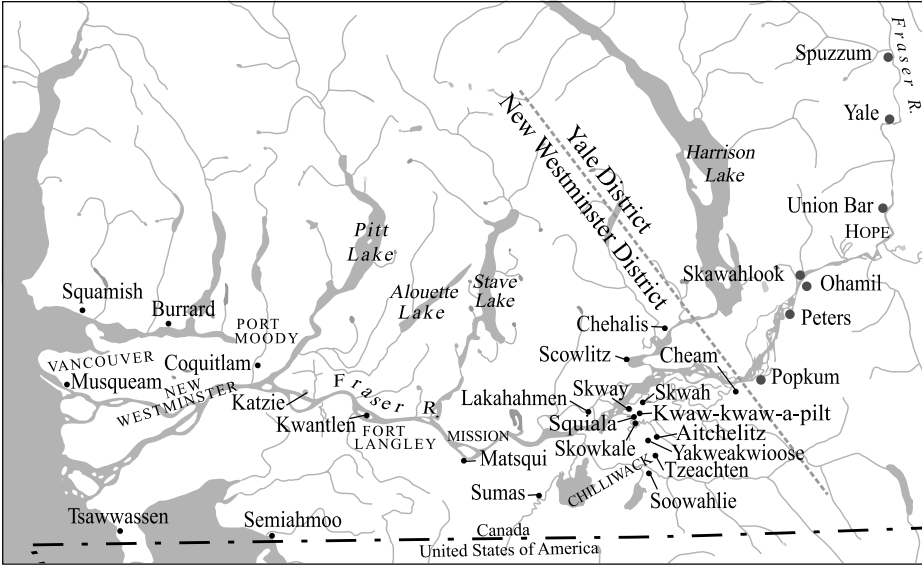
The centrality of the canyon fishery to the broader Aboriginal community meant that the model used to assign reserves in most other parts of the province would not apply on the lower Fraser. Rather than merely taking into account the needs of the local resident population, the canyon fishery reserves needed to accommodate the interests and requirements of Aboriginal people who resided most of the year in settlements many kilometres downstream. Moreover, some of the local Aboriginal people living in the village beside Yale had only recently come to reside there. Their parents or grandparents had lived year round in one of the more than half dozen canyon settlements of the Ts’akua:m tribe, wedged between the rushing Fraser and the steep rock walls of the lower canyon above Yale. In addition to suffering from the economic lure of the HBC forts, these communities had dwindled further in numbers following the disruption caused by the construction of the Cariboo Road in 1862 (a trend further accentuated by the building of the Canadian Pacific Railway in the years leading up to 1885). Thus, although for government administrative purposes Sproat ultimately came to identify specific reserves with particular local settlements,

he explicitly stated that such designations were not to imply that people from farther afield who had seasonal access to the canyon fishery could or would be barred from future use. And yet, as is shown below, despite Sproat's intentions, his actions inadvertently contributed to the idea, in both non-Aboriginal and certain Aboriginal people's minds, that the winter settlement was the privileged collective entity, invested with whatever land management rights the increasingly ubiquitous provisions of the Indian Act bequeathed.

Ironically, as Sproat's appreciation of the often indirect relationship between the proximity of Salish residence and indigenous interest in specific properties deepened, the Dominion government was moving forward with a policy of reifying the winter village community as the legitimate administrative unit. The imposition of exclusive band membership lists, the election or appointment of "chiefs," and the creation of a governing apparatus through which all federal funding and communications were channelled were inconsistent with the informal and dispersed expression of social and political governance traditionally operating in the region – a system one insightful anthropologist described as "a social and biological continuum."²⁹

For the indigenous people of the lower Fraser River region, connections between kith and kin living in various geographically scattered settlements were often stronger and more meaningful than whatever social or political associations might link unrelated families within a single village. Sproat's concern in establishing reserves, consistent with his instructions, was not to compel Fraser River Aboriginal peoples to think and act in terms of Dominion Indian policy and goals but merely to set aside sufficient and appropriate lands to allow them to regulate their own fishery as they had in the past. However, despite this awareness and intent, he never fully escaped the problems associated with identifying Aboriginal people with particular plots of land.

"Yale Indians," for Sproat, were generally those lower Fraser Natives who congregated seasonally in the vicinity of the non-Native town of Yale. Such designation was, in fact, consistent with the administrative system the federal government established at the time British Columbia joined Confederation. In 1871, the province was divided into "Indian districts," with names typically drawn from centrally located non-Native towns. The "Yale District," in this context, included all of the Fraser River settlements from Popkum (a few kilometres east of the municipality of Chilliwack) upriver as far as the lower canyon. Coincidentally, this grouping parallels the rather enigmatic "upper Stó:lō" Tít "tribal" grouping. According to Wilson Duff, the Tít were distinct from other lower Fraser tribes in one important way: "the only resource areas actually owned were the fishing rocks in the upper canyon; hence, the only tribal boundary which they sharply defined was their upper boundary on the river, adjacent to Lower Thompson fishing



Map 7.1 Locations of lower Fraser River Indian bands and Indian Administration Districts, 1878. Names in capital letters refer to non-Native settlements.

Source: Copyright Keith Thor Carlson, cartography by Jan Jerrier.

grounds ... down river the Tít felt no need to define a lower boundary to their territory. There were no fishing rocks in that area.”³⁰ (See Map 7.1.)

“Yale Indians,” therefore, came to be the term of preference for government officials seeking to describe the variously and inconsistently identified “tribes,” “nations,” and “subgroups” of the lower Fraser living in the Yale administrative district. It also, occasionally, was meant to include all those Aboriginal people from somewhat farther afield who gathered seasonally to fish in the Fraser Canyon near Yale. In such a context, one might expect Sproat’s periodic use of the term “Yale Indians Proper” to have referred consistently to a much more narrowly defined collective – likely those Aboriginal people of *Xwoxwela:lhq* (“willow tree place”) immediately adjacent to the non-Native town of Yale. And yet, on the pages of the commissioner’s correspondence and Minutes of Decision, the expression remained problematic. It alternatively referred to the residents of *Xwoxwela:lhq* (by explicitly excluding either the people associated with the “Union Bar Subgroup” located between Yale and Hope or the “Hope Subgroup”), while on still other occasions it included all Native “tribes” downriver as far as, but not including, the settlement of Cheam near Chilliwack. Even “Yale Indians Proper,” in other words, was a vaguely defined term that occasionally included a combination of what Sproat sometimes characterized as “subgroups”

and even “other tribes.”³¹ Whatever its use, the term is best considered an enigmatic English gloss that awkwardly linked a convenient administrative boundary with a complex amalgam of indigenous associations and affiliations. It was, in other words, a designation whose meaning was alternately both traditional and foreign to the local Aboriginal people.

Despite the confusing nomenclature, Sproat clearly appreciated the intricate relationship the region’s indigenous peoples had with the Fraser Canyon. On 5 August 1879, he assigned a series of lower canyon reserves to various configurations of the “Yale Indians Proper,” all the while making clear that he was simultaneously protecting the entire seven-kilometre stretch of the lower canyon fishery for all Aboriginal people who had, since time immemorial, fished there. He was not restricting the traditional ownership and regulatory protocols of Aboriginal people who did not reside in the canyon year round. This decision is what contemporary lower Fraser Aboriginal fishers refer to as the creation of the “Five Mile Fishery”:

The right of these *and other Indians* who have resorted to the Yale fisheries from time immemorial to have access to, and to encamp upon the banks of the Fraser River for the purpose of carrying on their salmon fisheries in their old way on both sides of the Fraser River for five miles up from Yale is confirmed so far as the undersigned has authority in the matter.³²

And indeed, Sproat’s authority in this instance was significant for, as he later reminded Deputy Superintendent General Vankoughnet, a special Order in Council had given him the “power to make final decisions on the spot within the extensive District of Yale.”³³

In a further attempt to protect the traditional system of geographically dispersed property rights of the lower Fraser Aboriginal peoples, especially as relates to the salmon fishery, Sproat explained that, while demarcating reserves for the “Hope Indians” – another “Yale sub-group,” – he considered himself to be protecting “small land areas, referred to as ‘fishing reserves’ where particular families traditionally fished, or where large numbers of people came to catch and cure fish.”³⁴

In recognizing the need to clarify that the canyon reserves were designed to facilitate the “old ways” of fishing, Sproat was being sensitive not only to Aboriginal customs but also to the economic role the canyon fishery played in Aboriginal peoples’ lives. Appended to his Minutes of Decision were two notes clarifying that subsistence and convenience were not the only factors that made the canyon fishery of vital concern to Aboriginal peoples. The first explained that “Yale is a fishing and also a traveling place of resort of many Indians in addition to the Indians proper of Yale.”³⁵ The second clarified that

The greatest anxiety was shown by all the Indians as to their salmon fisheries above Yale. Not only are the salmon caught there used for the sustenance [sic] of the tribes of the neighborhood; they are a commodity in intertribal traffic over a great extent of the country.³⁶

As is so often the case in Canadian history, when one government official actually takes the time to try and understand Aboriginal issues in order to shape policies that are meaningful and intelligible to indigenous peoples, another individual in another branch or level of government representing the interests of a non-Native constituency steps in and disrupts the cart. Despite the Aboriginal fishers' desires, and Sproat's intentions, the fishing sites Sproat identified and reserved near Hope and Yale were not immediately and officially registered. Presumably, Sproat's sudden retirement from the JIRC left the federal and provincial governments scrambling to find a mutually satisfactory replacement. From an administrative point of view, this makes sense, given that Sproat himself acknowledged he was retiring "without having finally adjusted all Yale Indian land matters."³⁷ In the meantime, however, his files sat collecting dust on a desk in Victoria, and with each passing month more non-Natives availed themselves of the opportunities provided through the provincial land title office to purchase tracts of land in the upper Fraser Valley and lower Fraser Canyon.

To the extent that other officials regarded Sproat's work as in any way encumbering the long-awaited construction of the Canadian Pacific Railway through the Fraser Canyon corridor further undermined Aboriginal claims. Indeed, Sproat himself discovered that some of the lands Aboriginal leaders identified as important to their traditional fishery had already been registered to settlers – in at least one case to an Anglican minister. Sproat therefore proposed a reserve system that, ostensibly, could accommodate non-Native fee-simple ownership as well as hereditary Salish ownership, so long as the intended uses of the two tenures did not work at cross-purposes. Each "owner" needed to constrain their use so as not to interfere with the other owner's rights. In describing this system to Superintendent Laird in Ottawa, Sproat explained that the Aboriginal "right of access to these places is confirmed, but in such a manner as to not inconvenience the [non-Native] owners of the lands in the least, and the Indians are not to occupy these places except for capturing and drying the fish in their accustomed way, and only in their fishing seasons."³⁸

This compromise tenure system may have prevailed, at least with regard to small-scale private ownership, had the province not regarded it as a threat to British Columbia's economic and urban development. In 1882, with Sproat's work still unacted upon, the BC government declared that the proposed Indian reserve allotments in the vicinity of Hope could not be recognized

because the land had already been “set apart by Colonel Moody [of the Royal Engineers] in 1860 for public purposes in connection with the town site.”³⁹ The province rigidly adhered to this line of reasoning, despite a counter-argument by the federal Department of Indian Affairs, showing that “correspondence preserved with the archives of the province” actually explained that “the land involved was set apart originally by Col. Moody [in 1859] at the request of His Excellency Governor Douglas for the Indians – and not for town site purposes.”⁴⁰ For the BC chief commissioner of lands and works, such facts were unimportant: “The land referred to is part of the Town of Hope [and] was not open for allotment to the Indians by the Late Reserve Commissioner. I must therefore respectfully decline to confirm it as an Indian reservation.”⁴¹ It was not until a new provincial chief commissioner of lands and works was appointed seven years later, in 1889, that the province finally agreed to the reserves that Sproat had laid out “for the use of the ... Hope Indians.”⁴² Oddly, the other reserves farther upstream in the lower canyon were also never registered, despite the fact that the provincial government raised no specific opposition to them.

In 1880, Peter O’Reilly replaced Sproat as the reserve commissioner. By this date, the anti-Aboriginal agenda of the federal fisheries department had been firmly set in step with the non-Native commercial fishing industry. In terms remarkably reminiscent of the provincial chief commissioner of lands and works, the Dominion fisheries commissioner W.F. Whitcher announced in 1883 that his department did “not recognize any unauthorized appropriations of public fishing rights by the Department of Indian Affairs for the Exclusive use of Indians.”⁴³ Indeed, Whitcher articulated a new interpretation of policy, whereby the reservation of fishing stations depended on Department of Fisheries approval.⁴⁴ The ongoing interdepartmental rivalries continued throughout the 1880s, the result being that the federal government committed to an in-river Aboriginal fishery while simultaneously acquiescing to the interests of the ocean-based industrial fishery. Faced with government incoherence, Aboriginal peoples were compelled to look for new and innovative ways to protect their increasingly undermined traditional canyon fishery. Internal federal conflicts over jurisdiction might never have risen beyond bureaucratic memoranda exchanges were it not for the actions of various and sometimes competing Native fishery interests. To Salish peoples watching their fishing stations being gobbled up by non-Native private citizens and railroad and highway interests, and seeing the economic component of their fishery being eroded by a government that defined their rights in terms of subsistence or sustenance, the situation was becoming critical. It was the government’s 1884 amendment to the Indian Act, which banned the potlatch, however, that most threw the Fraser fishery into a state of crisis. Unlike in most other regions of the

province, where Aboriginal villages were situated a great distance from non-Native populations, the lower Fraser reserves were within the province's most-travelled transportation corridor and adjacent to the quickest-growing urban centres. It is no surprise that the first person arrested under the anti-potlatch law was a lower Fraser River Aboriginal man from Chilliwack named Bill Uslick.⁴⁵ Government officials hoped that Uslick's conviction and two-month prison sentence would "deter others from following his example."⁴⁶ Without large-scale potlatch naming ceremonies families could not effectively communicate (and thereby reassert) their claims to hereditary property, the most important being canyon fishing sites. As a result, old intertribal and intrafamily disputes became accentuated, while other entirely new ones emerged.

In the early summer of 1901, an Aboriginal man known as Peter from "Katz Landing" (just downstream from Hope) contacted Frank Devlin, the regional Indian agent, to ask for assistance in resolving a dispute over a canyon fishing station between his wife and another Indian named Billy Swallsea, who lived in the village of "Ewawass" (just upstream from Hope).⁴⁷ Devlin replied affirmatively to Peter and sent an additional letter to Swallsea, inviting him to help "investigate the question of ownership of the rock."⁴⁸

No records of that meeting appear to exist, but, according to John McDonald, who replaced Devlin as Indian agent after the latter's death, Devlin adjudicated the dispute in favour of Billy Swallsea after learning that the latter had been in possession of the rock "for many years."⁴⁹ Shortly thereafter, however, in time for the following summer's sockeye salmon run, another Native man from Hope, named Paul Skitt (possibly "Peter of Katz's" wife's brother⁵⁰), with the support of Chief George Ohamil and others, took the unprecedented action of bringing charges of trespass against Billy Swallsea in a court presided over by the justice of the peace in Yale. It was there, on 17 June 1903, as subsequently reported by Chief Joseph Stewart, that, "upon the evidence of eight or nine witnesses," the government magistrate "found, proved and declared ... that the fishing station did not belong to Swallsea and he was a trespasser."⁵¹ Billy Swallsea was subsequently fined \$6.25 and ordered to "keep away from the rock."⁵²

The decision to involve first the Indian agent and then the justice of the peace clearly indicates (1) that Native society was not split into clear camps of supporters of tradition versus supporters of innovation and (2) that innovative means were not regarded as irreconcilable with traditional ends. Indeed, the prominent leader at Yale, Chief James, had sent a telegram to McDonald a week before the trial asking the Indian agent to attend the court proceedings.⁵³ Later, Chief James explained that he and other Natives at Yale looked with "great disfavour" upon the decision of the court, his reason being that Billy Swallsea had been in possession of the rock for a

long time, “and with the support of the Indian Agent.”⁵⁴ To this, McDonald’s terse reply was simply to inform the chief that Superintendent Vowell had advised that “no further action can be taken”; that Swallsea “must obey the court’s decision ... and thereby avoid further trouble and expense to himself.” McDonald ended the correspondence instructing the chief to “be good enough to caution Swallsea against any further interference with the said rock.”⁵⁵

Billy Swallsea, however, was not easily dissuaded. Some of his confidence no doubt derived from the fact that he carried one of the highest status hereditary names in the region. As the anthropologist Franz Boas learned, Swallsea was the name of the legendary heroic first ancestor of the Ts’akua:m tribe, which, prior to the late nineteenth-century migrations, occupied the string of villages in the prized seven-kilometre stretch of canyon real-estate just upstream from Yale.⁵⁶ Within weeks of hearing the bad news from Chief James, Swallsea visited McDonald’s New Westminster office and stated that Captain Jemmet, the surveyor who had marked off the Indian reserves following Sproat’s visit, had informed all the Natives that “all the land along the river from Yale to No. 2 reserve four and a half miles above Yale ... was an Indian reserve.” Swallsea asserted, “Since that time” the Natives “had all believed it to be so.”⁵⁷ What Swallsea now wanted to know was whether this was true. Was the “five-mile fishery” promised by Sproat actually protected as Indian land, and, if so, was the disputed rock beyond the jurisdiction of the provincial magistrate? McDonald was at a loss and turned to Vowell for guidance. Three days later, McDonald wrote to Billy Swallsea, referring him to an attached tracing of a map Vowell had provided of all registered Indian reserves in the lower Fraser Canyon. The “five-mile fishery” was not included. It was, therefore, “plainly seen” that the rock “did not come under the jurisdiction of the Indian Department.”

Rather than discouraging Swallsea, McDonald’s letter merely emboldened him. The following month he made an application to purchase fee simple title to one acre of “rocky ground which included the disputed fishing rock.”⁵⁸ The rock where both his father and grandfather had fished was, apparently, beyond the jurisdiction of both the Department of Indian Affairs and the provincial magistrate for, as Crown land within the federal railway belt, it was open to pre-emption. His own claim, therefore, was doubly threatened, first by the competing indigenous assertions of ownership advanced by Paul Skitt and Peter Katz’s wife, as endorsed by the Yale magistrate, and by the looming prospect that the disputed land might be purchased by outside non-Native interests. Indeed, it turns out that the land containing the fishing rock had already passed through the hands of four non-Native owners, and only now, due to a failure on the part of a Mr. Mayes (the most recent title holder) to pay his taxes, was the land available.⁵⁹ Thus, seeking to turn

the threat of fee simple expropriation to his favour, and in a bold move to circumvent the magistrate's decision, and the Department of Indian Affairs' inertia, Swallsea paid twenty-five dollars to the Dominion Land agent and applied to purchase fee simple title to the land himself.⁶⁰

When word of Swallsea's efforts reached the Indian affairs office, all previous advice was quickly forgotten. Indeed, there was general agreement that such initiative deserved to be supported. Indian Agent R.C. McDonald observed that, since Paul Skitt and the other Aboriginal claimants were apparently aware of Swallsea's actions, it was in the department's best interest to approve Swallsea's application for title. Moreover, supporting Swallsea would "put an end to all disputes as to the ownership," thereby disentangling the federal government from future involvement in similar contests.⁶¹ Pleased with what he perceived to be an indication of progress towards the development of Western-style individualism, Indian Superintendent Vowell concurred with McDonald's recommendation, noting, "We are anxious to meet every reasonable request from an Indian or Indians who are really going to make use of lands."⁶² What both officials failed to appreciate was that the fact that Swallsea was availing himself of a different system to acquire title to land did not mean that he was planning to make non-traditional use of the land. The greater irony is that Swallsea's intended traditional use included an economic component, as Sproat had identified. The Western categories of aboriginality, economics, and civilization simply could not be reconciled with indigenous people's reality.

In the end, however, it was not Swallsea's intentions for the site that were to become a problem for Vowell; rather, it was the surprising strength and determination of Paul Skitt and other indigenous people who rejected both Swallsea's claim and his method of achieving it. On 22 December 1903, "Chief Joseph Stewart Indian on behalf of Peter Paul Skitt, Chief George, Ohamil, Chief Tom, Ruby Creek and many others" wrote directly to the minister of Indian affairs expressing their "grievances in regard to [their] fishing station." According to the chiefs, it was the Skitt family, and not Swallsea, whose "ancestors ha[d] inherited the rights of this fishing station unmolested for generations past":

Indian Swallsea of union Bar for a long time past, since the death of several Indians, viz., Wescoux, Quatash, Jackson and several other Indians of the Hope tribe who formerly inherited this station and enjoyed peaceable possession without any interference from any other Indians ... has brought in a claim for the said fishing station under false pretences and who has caused us so much annoyance, – at times provoked – irritation upon the matter, therefore to shun any possible trouble we beg to lay the matter before you in your Department to sustain our just rights and give us justice to our claims.⁶³

What was objectionable, in the eyes of those opposing Swallsea, was not the use of Western newcomer systems of jurisprudence and governance in itself but, rather, the application of such systems to circumvent or challenge traditional protocols and governing mechanisms. The irony, of course, lay in the fact that it was the Canadian government's outlawing of the potlatch governance system, coupled with the threat of further non-Native incursions onto Native lands, that resulted in the need for both Swallsea and his opponents to use Western means to indigenous ends.

Chief Stewart, for his part, argued that the erasure of hereditary systems of ownership and access was threatening on many levels, especially if it was applied piecemeal, without regard for history or the economic well-being of those who depended upon the older indigenous system. Misfortune would befall people, he asserted, if Swallsea's efforts succeeded, for "there are very many Indians concerned in this one fishing and curing station to provide dry salmon for many families with their winter's food."

Those interested in preserving the traditional Aboriginal fishery, regardless of whether they supported Paul Skitt or Billy Swallsea, were willing to use the government's system to supplement indigenous dispute-resolution mechanisms. As Chief Stewart made clear, "There are many other fishing stations for the many other Indians, and they all sing the same[,] that the Government cannot sell nor lease any of those fishing stations which are inherited by the Divine rights of our Indian Fore-fathers, preserved to us as our own inheritance as fishing stations along the canyons of the Fraser River to provide us with dry salmon as food for our maintenance."⁶⁴

Clearly, those regional Native leaders who challenged Swallsea's claim to the fishing spot were not impressed with his innovative attempt to obtain a form of title through non-Native processes. But that did not mean that, when necessary, they were above using non-traditional Western means to protect their own interests. They had come to regard fee simple title as a threat to Aboriginal rights and traditions because it threatened to extinguish hereditary regulations and remove decision-making processes from the hands of indigenous people. Placed in context, the passing of a generation whose ownership rights and access privileges had been broadly understood and accepted had caused chaos in a world where the potlatch naming system of intergenerational property transference was forbidden.

When the secretary of Indian affairs in Ottawa, J.D. McLean, learned of the broad indigenous opposition to Swallsea's land application, he immediately instructed Vowell to re-evaluate his support of the fee simple application. In his first directive on the matter, McLean linked the chiefs' opposition to Swallsea with Sproat's long overlooked "five-mile fishery" reserve allotment, making specific reference to Sproat's 1879 Minutes of Decision.⁶⁵

Either ill informed of the operations of Indian affairs within his jurisdiction or attempting to skirt responsibility for the growing dilemma, the BC superintendent of Indian affairs, A.W. Vowell, responded to McLean by arguing that it had been his understanding that Sproat had only been empowered to reserve lands "informally." The Aboriginal leaders' decision to challenge Swallsea before a justice of the peace, Vowell cynically asserted, demonstrated that they, too, shared this understanding as it was only after this avenue failed that those opposed to Swallsea had claimed that the land had been reserved by Sproat.

Further, in composing his response to McLean, Vowell had in mind the assessment of Dominion land agent, John McKenzie, who had earlier advised him that the "'Rock' question may be more a question of sentimentality than utility."⁶⁶ This would explain Vowell's attempt to dismiss the chiefs' description of the fishing sites as being of broad significance and his counter-suggestion that they were in reality important for only a few families. Despite his strong opinions on the subject, however, Vowell closed his letter by stating that he had directed the local Indian agent to visit the site and consult directly with "other Indians at Yale ... as to its vital importance to the band."⁶⁷

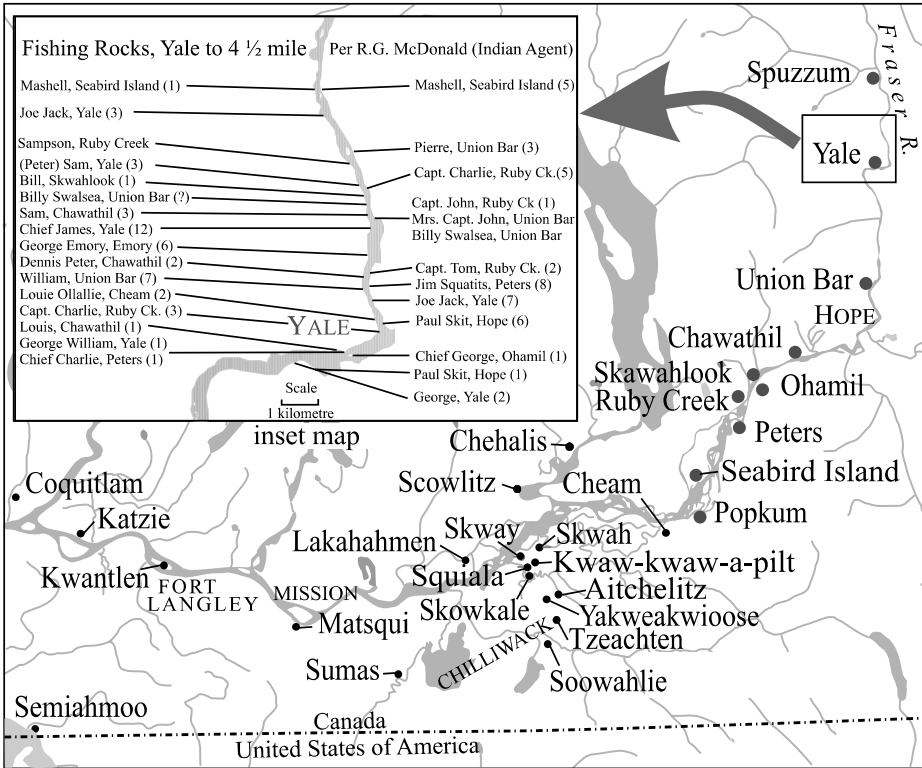
Upon examining the situation at Yale, Indian Agent R.C. McDonald reported to Vowell that "[the site] has been used for many years by the Indians as a fishing station in the same way as many similar rocks, on both sides of the river, for three or four miles above Yale." Not understanding the social significance of hereditary links to specific rocks, McDonald naively asserted that "there are plenty of these rocks for all the Indians who wish to use them." The most interesting knowledge McDonald acquired was confirmation that the dispute over the fishing rock was not a recent phenomenon between clear-cut owners and interlopers but, rather, that "some of the Indians state this rock has been in dispute for the past fifty years."⁶⁸

Given the complicated and protracted nature of the dispute, the Indian agent proposed that the most expeditious means of bringing an end to the affair was to simply assign fee simple title to Swallsea. J.D. McLean, however, cited a petition from Chief Tom of Ruby Creek and others opposed to Swallsea as indicating that such action would jeopardize the Dominion government's reputation in the region. While he believed that the rock in question was "of little value or importance," from a non-Native perspective, clearly such was not the case within lower Fraser River Aboriginal society. Accordingly, he asked Vowell to travel to the canyon personally and determine for himself "whether application should be made to the Department of the Interior for this spot to be set apart as an Indian reserve, or such other action which you may think advisable."⁶⁹

Bowing to pressure from above, Vowell directed McDonald not to give permission for Swallsea to acquire title until he had first visited the site.⁷⁰ Inclement weather, however, forced Vowell to postpone the journey, and so once again McDonald was ordered to Yale in the superintendent's stead. Apparently the matter was not a priority for either man, and indeed one could be forgiven for thinking the Department of Indian Affairs had been modelled upon Charles Dickens' incompetent "Office of Circumlocution" in *Little Dorrit* for, when McDonald finally arrived in Yale, almost a full year and a half had passed and two salmon-fishing seasons had come and gone. What he discovered was that Swallsea had not sat idly waiting for approval from Indian affairs and that, indeed, all the Natives at Yale were now under the assumption that title had in fact already been granted to Swallsea.⁷¹ No doubt the arrival of government surveyors working on behalf of Swallsea in the summer of 1904 reinforced that impression. And, as far as P.G. Keyes, the secretary of the Dominion Lands Office, was concerned, the only outstanding matter left to resolve before Swallsea was granted full title was clarification of whether his proper name was "William or Billy Swallasea or Swallsea."⁷²

In light of these developments, by the time McDonald finally arrived in September 1905, support for Paul Skitt against Swallsea had transformed into general opposition to further fee simple alienations and the resolution that the best means of protecting the traditional system of access and inheritance was to have the government confirm Sproat's work and have the remaining fishing stations designated Indian reserves. Towards this end, "Chief James of Yale, Chief Pierre of Hope, Chief George of Ohamil, Captain Tom of Ruby Creek, and twenty other interested Indians" took McDonald on a tour of the lower canyon and identified for him twenty-five hereditary fishing sites and their current owners/users – twenty of whom (due to recent migrations) were by then living most of the year downriver in the Fraser Valley on Indian reserves that were better suited to agriculture (see Map 7.2). Significantly, McDonald learned that "the relatives of those above mentioned have the privilege of fishing on these rocks." Moreover, the Aboriginal leaders and fishers were still insistent that Vowell himself come to meet with them, and they asked that they be given a week's notice of his arrival so that all could "be on hand."⁷³

Alerted to the social complexity of the canyon fishery and no doubt eager to disengage from any further entanglements associated with trying to determine whose claim was stronger than another's, Vowell decided not to issue title to Swallsea – that is to say, he never provided the secretary of Dominion lands with the proper spelling of Billy Swallsea's name. Instead, six months later, armed with authorization from the secretary of Indian affairs in Ottawa to create reserves throughout "the five-mile fishery," Vowell finally journeyed to Yale himself.⁷⁴ There, on the evening of 23 April 1906,



Map 7.2 Valley owners of canyon fishing sites, 1904.

Source: Copyright Keith Thor Carlson, cartography by Jan Perrier.

and in the company of “Chief James and several of the interested Indians,” he inspected the numerous fishing sites throughout the canyon. Also accompanying Vowell was a surveyor who immediately translated the chiefs’ intentions, as relayed through Vowell, into sketches that would serve as the basis for formal reserve surveys. In the end, Vowell included the majority of the lands Sproat had identified nearly three decades earlier as reserves, including the lands Swalsea had attempted to acquire as fee simple title.⁷⁵ A week later, Vowell confidently reported that his “allotments appeared to give the greatest satisfaction to those interested and the old time rights of the different claimants were not disputed.”⁷⁶ By protecting lands from non-Native outsiders and removing the option of fee simple ownership on the part of Native fishers, Vowell not only disengaged from the internal disputes but also ostensibly re-established the groundwork for indigenous self-governance over the lower canyon salmon fishery – albeit in a political vacuum in which the potlatch was still prohibited.

Even a fully functioning potlatch governance system, however, might have had trouble mitigating, or even anticipating, the confusion and

intertribal conflict that ultimately would derive from inconsistencies in the two versions of the official Minutes of Decision that Vowell composed following his visit to the canyon fishery. In the first, penned 26 April 1906, Vowell simply identified the locations of what were to become known as the “Yale reserves.” No mention was made as to who fished at any given site.⁷⁷ In the second, appended to a letter to Secretary McLean, Vowell attached a short prefatory note explaining that the reserves were “fishing stations” and clarifying with which Indian community each station was associated (i.e., IR 19 “claimed by the Hope Indians,” IR 20 “used principally by the Squawtits Indians,” IR 21 “used by the Skawahlook and Yale Indians,” etc.).⁷⁸ It was the earlier, less specific version that eventually found its way into the Order in Council.

At the time, likely nobody worried about the discrepancies. It was clear to all involved that the canyon fishery was used by, and specific rocks were claimed by, Aboriginal fishers from communities all along the upper Fraser Valley. And yet, as decades passed and the reserve communities became increasingly reified, what might be thought of as the true spirit and original intent behind Vowell’s Minutes of Decision became obscured. Indeed, continuing the process of word economization and the trend towards identifying Native people according to government-created agencies and districts rather than traditional tribal groupings or geographically dispersed extended family clusters, in his preface to the copies of Vowell’s Minutes of Decision (which he sent to the secretary of the interior), Secretary of Indian Affairs J.D. McLean explained that it was his “desire” that “the tracks of lands in the Fraser which have been used from time immemorial by the Indians for fishing purposes ... should be set apart for the use of the Yale Indians.”⁷⁹ Six months later, in his follow-up correspondence, McLean referred to the lands simply as “those which have been used from time immemorial by the Yale Indians for fishing purposes.”⁸⁰

Despite the fact that the vast majority of the land was available, action was not immediately forthcoming. The following summer, in a letter to the secretary of Indian affairs, Vowell explained that, because of the high cost of labour, he had deferred the official surveys of the “Yale fisheries reserves.”⁸¹ After two further years of inaction, Vowell again wrote to the secretary of Indian affairs, this time reminding McLean that eight reserves remained to be surveyed near Yale.⁸² Only then were surveyors dispatched and the “Yale Reserves” number eighteen through twenty-five officially registered.⁸³

Over the following decades, various adjustments were made to the registries, the most significant being the transfer of authority over the largest canyon reserve at Kuth-lath from the Yale band to the downriver community of Ohamil. The reserve had originally been identified by Sproat for the “Yale Indians Proper ... and more particularly to the Indian Sche-a-thela, whose people had a settlement there.”⁸⁴ However, as Chief James of Yale explained

in 1917, Sche-a-thela's people had subsequently relocated downstream to Ohamil, and he wanted "the right to the land [at Kuth-lath] to go to the Ohamil Indians."⁸⁵ Chief James' role in the transfer of Kuth-lath is especially significant given his assertion before the Royal Commission on Indian Affairs three years earlier: "It is sure that the land surrounding here now is my land; the mountains are mine, and the timber is mine, and the fish is mine."⁸⁶ Clearly, Chief James recognized that innovative means were needed to ensure that the broadly dispersed traditional indigenous interests in the Fraser Canyon were protected and properly situated.

In the end, the Indian reserve system of land tenure that was implemented was imperfect. It did not fully meet the expectations of any of the various Aboriginal, federal, or provincial parties. It was, however, workable. That the text associated with the canyon reserves was variously modified so that it did not always specify that the land was intended to protect fishing sites for the broader lower Fraser River Aboriginal community did not immediately become an issue, although clearly it has subsequently. For the Aboriginal leadership, the creation of reserves addressed immediate concerns over further challenges to hereditary rights and customary regulatory systems posed by provincial tenure-granting authorities – be they launched by individual indigenous people or non-Native settlers. While the Canadian Northern Railway ultimately gained rights of way through the reserves on the eastern shore to match those of the Canadian Pacific Railway line on the west, further fee simple alienations ceased.

Billy Swallsea's innovative effort to secure fee simple title to fishing rocks for the purpose of conducting a traditional fishery, and the opposition to this move by Paul Skitt and others, provided a valuable lesson for Aboriginal people up and down the river. In addition to spurring the government to finally create reserves in the canyon, and providing the community with practical courtroom experience, it demonstrated that Canadian jurisprudence was ill equipped to deal with the complexities and nuances of indigenous laws and regulatory mechanisms. Moreover, Swallsea's and Skitt's rejection of one another's efforts to involve non-Native authorities in resolving their dispute reveal that while Stó:lō people were willing to employ innovative means to traditional ends, the conclusions and decisions meted out by these agencies were not necessarily embraced as legitimate by those Stó:lō who held contrary or dissenting views. As a result, in the years following, such disputes were dealt with internally. Indeed, the site contested by Swallsea and Skitt came to be known as a place where community leaders met to discuss pressing concerns and politics.⁸⁷ The hereditary claims of both Swallsea and Skitt were, apparently, heard and adjudicated there for, in the end, both families maintained adjacent fishing sites within the land Billy Swallsea had tried to purchase. And it was there, during one hot fishing season in the 1930s, that a young man named Alan Gutierrez, to whom

Billy Swallsea had transferred the hereditary name “Swallsea,” fell in love with and later married Matilda Jackson, a member of Paul Skit’s extended family. The two families, now merged, continue to share the formerly disputed sites to this day.⁸⁸

In 1938, Denis Peters (son of “Peter’s of Katz’s Landing”) led the lower Fraser Aboriginal population in raising funds and erecting a stately granite marker on the edge of the Cariboo Wagon Road just above the fishing rocks formerly disputed by his cousin, Paul Skitt, and Billy Swallsea. It was a memorial designed principally to honour the memory of the ancestors whose remains had been re-interred there after developments associated with the building of Canada’s two transcontinental railways disrupted their original resting places. It also represented a bold assertion of shared Stó:lō collective identity and a broad communal title to the canyon fishery itself. Cast in bronze are these words: “Erected by The Stallo Indians – In memory of many hundreds of our forefathers buried here. This is one of six ancient cemeteries within our five mile native fishing grounds which we inherited from our ancestors. R.I.P.” Though internal tensions between Stó:lō fishers would continue, the Iyem Memorial signalled a recognition that the principal threat to Aboriginal fishing rights now came from non-Native interests and, implicitly, that internal disputes could and should be handled internally.

Ideally, the federal and provincial authorities of the contemporary era will be quicker than were their predecessors of a century ago to recognize the value of not trying to involve themselves directly in the Aboriginal dispute-resolution process. Should they not, however, it is probably safe to assume that indigenous peoples of the present age will be just as adept at invoking innovative methods to secure traditional rights and customs as were their ancestors.

Acknowledgments

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Notes

- 1 Arthur J. Ray, “Native History on Trial: Confessions of an Expert Witness,” *Canadian Historical Review* 84, 2 (2003): 253-73.
- 2 At least twice in the past thirteen years the Yale First Nation and the Stó:lō Nation have been in court arguing over jurisdiction to the canyon fishery: *Chief Robert Hope et al. v. Lower Fraser Fishing Authority et al.* (1992), Supreme Court of British Columbia, no. C924333; *Yale First Nation v. Her Majesty the Queen in Right of Canada et al.* (2000), Supreme Court of British Columbia, no. 746.

- 3 Within these disputes emotions run high. In 1992, Chief Robert Hope of the Yale band filed an injunction in the Supreme Court of British Columbia against the Lower Fraser Fishing Authority, representing the leaders and communities of the majority of Indian bands along the lower Fraser River and arguing that only the Yale chief had a right to allocate and regulate the canyon Aboriginal fishery. See affidavit of Chief Robert Norman Hope in the Supreme Court of British Columbia, *Chief Robert Hope et al. v. The Lower Fraser Fishing Authority and others*, July 1992, no. C92-4333, Vancouver Registry (67/62519/002). Also, affidavit of Lawrence Hope in the Supreme Court of British Columbia, *Chief Robert Hope et al. v. The Lower Fraser Fishing Authority and others*, defendants, no. C9204333, Vancouver Registry, 67/62519/002, July 1992, paras. 29-32, and 48. Additionally, see Yale First Nation, "An Approach to the Treatment of Land and Resources Management as Part of the Yale First Nation Treaty," tabled by the Yale First Nation, 24 January 1997, and presented to the Fraser Valley Treaty Advisory Committee 25 March 1997. More recently, Chief Hope has been quoted in local Fraser Valley newspapers as viewing the Stó:lō use of the canyon fishery as an "invasion" of the Yale First Nation's traditional territory ("Yale Territory Defended from Sto:lo Invasion," *Chilliwack Progress*, 7 April 1998), and an article of the same title a few days later in *Chilliwack Progress*, 12 April 1998). Spokespersons for the Stó:lō Nation responded by dismissing the Hopes' interpretation of the historical role of the Yale chief in assigning fishing rights in the Fraser Canyon and argued that the right to regulate access to, and transfer control over, canyon fishing spots had always been held by families and transmitted within families. See, in particular, "Family Feud: Sto:lo Say Fight over Fishing Rights with Yale Band Comes Down to Respect for Traditional Fishing Rights," *Chilliwack Progress*, 17 April 1998).
- 4 Mark Salber Phillips and Gordon Schochet, eds., *Questions of Tradition* (Toronto: University of Toronto Press, 2004), ix, x.
- 5 Patrick J. Geary, *The Myth of Nations: The Medieval Origins of Europe* (Princeton and Oxford: Princeton University Press, 2002). See also Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983).
- 6 This idea is developed by Wayne Suttles in his 1958 article, "Private Knowledge, Morality, and Social Classes among the Coast Salish," in *Coast Salish Essays*, ed. W. Suttles, 3-25 (Vancouver: Talonbooks, 1989). My own field experience among the Coast Salish confirms Suttles' findings for the more recent era.
- 7 The one comparable area was the "Dalles" on the lower Columbia River.
- 8 Personal communication with Bill McHalsie. Using a dip net, Bill caught just over three hundred sockeye in one hour in the summer of 1989.
- 9 See Keith Thor Carlson, "Expressions of Collective Identity," in *A Stó:lō-Coast Salish Historical Atlas*, ed. Keith Thor Carlson (Vancouver: Douglas and McIntyre, 2001), 26.
- 10 Perhaps the popularity of smoked salmon among modern consumers has led to the assumption that, traditionally, smoked salmon preserved and stored equally as well as did wind-dried salmon. In fact, according to Aboriginal people, smoked salmon that is not refrigerated runs a significantly higher risk than does wind-dried salmon of spoiling – either due to summer heat or winter dampness. In the past, coastal people prized canyon wind-dried salmon, as is indicated by the thousands of people described in the Fort Langley Journal who travelled to the canyon to acquire it. See Morag McLaughlin, *The Fort Langley Journals* (Vancouver: UBC Press, 1998). In the fall, cooler temperatures rendered wind-drying less reliable, and so the runs of Pink ("Humpies") and Chum ("Dog") salmon were preserved by a combination of wind and smoke as the canyon drying racks were enclosed and smouldering fires lit at their base.
- 11 See Suttles, *Coast Salish Essays*, esp. "Coping with Abundance: Subsistence on the Northwest Coast" (45-66), and "Productivity and Its Constraints: A Coast Salish Case" (100-36). See also Leland Donald, *Aboriginal Slavery on the Northwest Coast of America* (Berkeley: University of California Press, 1997), esp. 15-32, 103-20.
- 12 The extended family member charged with regulating kith and kin's access to a fishing site was known as a Sia:teleg (personal communication with Rosaleen George, 1995).
- 13 The following information about Súx'yel comes from Wilson Duff's Stalo Fieldnotes, book 1, Royal British Columbia Provincial Museum; and from the oral history preserved within

- Sux'yel's family. In particular, I am indebted to Sonny McHalsie, Sux'yel's great-great-grandson, for sharing his knowledge of his ancestor. Elsewhere, I have presented additional information on Sux'yel. This is described in greater detail in Keith Thor Carlson and Sonny McHalsie's *I am Stó:lō: Katherine Explores Her Heritage* (Chilliwack: Stó:lō Trust, 1999), 84-92.
- 14 In 1877, the federal Fisheries Act was applied for the first time to British Columbia. Fisheries Inspector A.C. Anderson was instructed that "where fishing with white men and with modern appliances, the Indians so fishing should be considered as coming in all respects under the general law." See Department of Fisheries, Annual Report, 1877, Canada, *Sessional Papers*, no. 3, 1878, "Report of the Inspector of Fisheries for British Columbia, 1877," cited in Reuben Ware, *Five Issues, Five Battlegrounds: An introduction to the History of Fishing in British Columbia 1850-1930* (Chilliwack, BC: Coqualeetza Education Training Centre, 1983), 18. This regulation first seriously affected Stó:lō fishers in 1881, when Anderson used it to prevent Stó:lō people from catching salmon "above-tide-waters with their own appliances" to sell to industrial canneries in New Westminster. See Department of Fisheries Annual Report, 1881, Canada, *Sessional Papers*, no. 5, 1881, p. 189, cited in Ware, *Five Issues*, 18. In 1894, the Fisheries Act was again amended, this time making it illegal for Aboriginal people to catch fish for anything other than food unless they purchased a commercial fishing permit and licence. See Clause 1, British Columbia Fishing Regulations, Dominion Order-In-Council No. 590, 3 March 1894 (transcribed in Ware, *Five Issues*, app. 5, 125). See also Dianne Newell, *Tangled Webs of History: Indians and the Law in Canada's Pacific Coast Fisheries* (Toronto: University of Toronto Press, 1993), esp. 28-45. See also Douglas Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto: University of Toronto Press, 2001), esp. chaps. 1 and 3.
 - 15 Reported in Keith Thor Carlson, "The Numbers Game," in Carlson, *Stó:lō-Coast Salish Historical Atlas*, 78, 79.
 - 16 G.M. Sproat, Indian Reserve Commissioner, to Sir John A. Macdonald, Superintendent General of Indian Affairs, 3 December 1878, Land Registry, Department of Indian Affairs, Vancouver Regional Office [hereafter DIA, VRO], Letterbook no. 2, p. 349. See also Canada, DIA, "Indian Census of Yale Tribe, 1878," Library and Archives Canada [hereafter LAC], RG 10, vol. 10012A.
 - 17 Peter O'Reilly to the Honourable G.A. Walkem, 23 May 1881, LAC, RG 10, vol. 3716, file 22195, reel C-10125.
 - 18 Meeting with the Yale band, or tribe, of Indians at Yale, British Columbia, on Thursday, 19 November 1914, Royal Commission on Indian Affairs for the Province of British Columbia, Lytton Agency, Meeting Minutes with Bands and Royal Commission, 1913-15, p. 313.
 - 19 Wilson Duff, *The Upper Stalo Indians of the Fraser Valley, British Columbia* (Victoria: British Columbia Provincial Museum, Anthropology in BC, Memoir no. 1, 1952), 78. August Jim, one of Duff's informants, reported that a hereditary fishing spot on/or near Yale IR 21 was owned by his maternal grandfather, who was from Musqueam.
 - 20 L. Vankoughnet, Deputy Superintendent General of Indian Affairs, to Sir John A. Macdonald, Superintendent General of Indian Affairs, 30 June 1878, LAC, Annual Report, 1878, p. 16. All DIA annual reports are now available online through the LAC website: <http://www.collectionscanada.ca/indianaffairs/index-e.html>.
 - 21 David Laird, Minister of Interior, to Alexander Caulfield Anderson, 25 August 1876, LAC, RG 10, vol. 3633, file 6425-1.
 - 22 Canada, *Sessional Papers*, no. 5, 1877, "Report of the Inspector of Fisheries for British Columbia for the year 1876," Department of Fisheries, Annual Report, 1877, Canada, *Sessional Papers*, no. 1, 1878, p. 29.
 - 23 For example, in 1859, G.D.F. MacDonald applied to the colonial government for exclusive fishing privileges on the Chilliwack River – one of the lower Fraser's main tributaries. The government denied this request, stating it was "not in his Excellency's power to grant to him or any other person the exclusive right to fishing in the Chillwayhook river." Such action would have infringed upon the local Aboriginal fishery. See Good to Col. Moody, 11 October 1859, British Columbia, Colonial Secretary, Correspondence Outward, *Letterbook 1859-1861*, BC Archives [hereafter BCA], no. 84.

- 24 David Laird, Minister of Interior, to Alexander Caulfield Anderson, 25 August 1876, LAC, RG 10, vol. 3633, file 6425-1.
- 25 I.W. Powell, Superintendent of Indian Affairs for British Columbia, LAC, *Annual Report*, 1878, p. 3.
- 26 Sproat to Superintendent General, 1 May 1878, LAC, RG 10, vol. 3612, file 3756-18, reel C-10106.
- 27 Sproat to Superintendent General, 26 November 1878, "The Lower Fraser," BCA, GR 1965, file 2 (emphasis in original).
- 28 Sproat to Superintendent General, 6 December 1878. Letterbook, JIRC, DIA, VRO, pp. 349-50.
- 29 Wayne Suttles, "'They Recognize No Superior Chief': The Strait of Juan de Fuca in the 1790s," in *Culturas de la Costa Noroeste de América*, ed. José Luis Peset (Madrid: Turner, 1989), 252.
- 30 Duff, *Upper Stalo Indians*, 19.
- 31 See discussion in Sproat, 5 August 1879, under heading "Yale Indians Proper," JIRC, DIA, VRO, Minutes of Decision and Sketches, vol. entitled "Books of Interrupted Work by Retirement of Commissioner from Office – Lower Fraser Ri [sic] below Spuzzum," pp. 4-23.
- 32 Sproat, 5 August 1879, JIRC, DIA, VRO, Minutes of Decision, volume entitled "Work Interrupted by Retirement of Commissioner from Office – Lower Fraser Ri [sic] below Spuzzum," pp. 10, 24. Also found in LAC, RG 10, vol. 3090, file 107-297-3. Additionally, see Canada, *Sessional Papers*, no. 9, 39, Annual Report of the Department of the Interior for the Year Ended 30 June 1875, pp. ixvii-iv.
- 33 Sproat to L. Vankoughnet, 29 July 1879, Minutes of Decision, Correspondence and Sketches, Letterbook no. 3, JIRC, DIA, VRO, p. 364 (emphasis on original).
- 34 Sproat, 16 August 1879, Minutes of Decision for Hope Indians, LAC, RG 10, vol. 11028, file SRR-2, reel 3967, 611-28.
- 35 Sproat, 5 August 1879, Minutes of Decision, volume entitled: "Work Interrupted by Retirement of Commissioner from Office – Lower Fraser Ri [sic] below Spuzzum," JIRC, DIA, VRO, p. 23.
- 36 *Ibid.*, 24.
- 37 Sproat, 5 August 1879, Minutes of Decision and Sketches, under heading "Yale Indians Proper," volume entitled "Books of Interrupted Work by Retirement of Commissioner from Office – Lower Fraser Ri [sic] below Spuzzum," JIRC, DIA, VRO, p. 4.
- 38 Sproat, 16 August 1879, Minutes of Decision for Hope Indians: "The fishing places of these Indians in this neighborhood are as follows: (1) a rock on the left bank of the Fraser below the sawmill on land which is said to be owned by the Rev. A.D. Pringle. (2) a rock on the bank not far from the house of Pierre, the Chief, in the Hope town reserve (3) a rock on the right bank of the Fraser opposite to but about 1/4 mile below Ay-waw-wis [Iwôwes] (4) a rock about a mile below Hope on right bank of the Fraser. Their right of access to these places is confirmed, but in such a manner as to not inconvenience the owners of the lands in the least, and the Indians are not to occupy these places except for capturing and drying the fish in their accustomed way, and only in their fishing seasons." LAC, RG 10, vol. 11028, file SRR-2, reel 3967, 611-28. See also a detailed report of 17 July 1879 concerning the Neklakapamuk Indians of the Lytton area, 1879-81, LAC, vol. 11028, file SRR-2, reel T-3967.
- 39 W.S. Gore, BC Surveyor General, to I.W. Powell, 16 January 1882, BCA, GR 440, vol. 17, p. 5080.
- 40 I.W. Powell, Ind. Supt., to Chief Commissioner Lands and Works, 11 September 1882, BCA, GR 868, file 40, p. 1201.
- 41 Robert Beaven, Chief Commissioner Lands and Works, to I.W. Powell, 22 December 1882, BCA, GR 440, vol. 18, p. 394.
- 42 F.G. Vernon, Chief Commissioner Lands and Works, to P. O'Reilly, 9 May 1889, LAC, RG 10, vol. 11009, p. 145.
- 43 Fisheries of the Upper Nass Villages, British Columbia, 1881-83, LAC, RG 10, vol. 3766, file 32876, reel C-10135.
- 44 See W.F. Whitcher, Commissioner of Fisheries, to S.L. Vankoughnet, Deputy of the Superintendent General of Indian Affairs, Ottawa, 9 January 1883, 12 January 1883, 15 January

- 1883, 26 January 1883; and Vankoughnet to Rt. Hon. Sir John A. Macdonald, 28 July 1884, LAC, RG 10, vol. 3766, file 32876, reel C-10135.
- 45 Uslicks currently fish at the Iyem site in the lower Fraser Canyon right next to the spot claimed by Paul Skitt's wife and Billy Swallsea (as discussed below). I do not know whether the potlatch at which Uslick was arrested involved the transfer of hereditary fishing rights to a lower Fraser Canyon site, but, in light of subsequent Uslick family use of the site and controversies surrounding this use, it is probable.
- 46 Devlin to Vowell, 1896, cited in Forest LaViolette, *The Struggle for Survival: Indian Cultures and the Protestant Ethic in British Columbia* (Toronto: University of Toronto Press, 1973), 70.
- 47 Swallsea is pronounced Swal-see-ah. Frank Devlin, Indian Agent, to Peter Katz Landing, 11 September 1901, transcript in Stó:lō National Archives(SNA).
- 48 Frank Devlin, Indian Agent, to Billy Swallsea, 11 September 1901, transcript in SNA.
- 49 R.C. McDonald, Indian Agent, to A.W. Vowell, Indian Superintendent, 22 July 1903, LAC, RG 10, vol. 1459, reel C-14269, p. 318. See also R.C. McDonald, Indian Agent, to A.W. Vowell, Indian Superintendent, 29 April 1904, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131.
- 50 In the 1980s, Peter Dennis Peters explained that his father, Denis Peters, and Paul Skitt were cousins. Dennis Peters was also the son of the man described by the Indian agent as "Peter of Katz's landing." Peter's wife's name was Louisa (née Skookum, a relative of Gabriel and Louie Skookum), personal communication, Sonny McHalsie.
- 51 Chief Joseph Stewart, Indian, on behalf of Peter Paul Skitt, Chief George, Ohamil, Chief Tom, Ruby Creek, and many others, to Minister of Indian Affairs, 23 December 1903, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131. Also, John McDonald to A.W. Vowell, 29 April, 1904, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131. According to contemporary oral tradition, Chief Stewart was the secretary of Pierre Ayessick (nephew of "Peter of Katz's Landing") and a leader in the Indian Land Claims movement of the early twentieth century (per Sonny McHalsie).
- 52 R.C. McDonald, Indian Agent, to A.W. Vowell, Indian Superintendent, 21 (?) July 1903, LAC, RG 10, vol. 1459, reel C-14269, p. 308. See also R.C. McDonald, Indian Agent, to Chief James of Yale, 25 July 1903, LAC, RG 10, vol. 1459, reel C-14269, p. 333.
- 53 R.C. McDonald, Indian Agent, to A.W. Vowell, Indian Superintendent, 21 (?) July 1903, LAC, RG 10, vol. 1459, p. 308, reel C-14269.
- 54 R.C. McDonald, Indian Agent, to A.W. Vowell, 20 July 1903, LAC, RG 10, vol. 1459, reel C-14269, p. 332.
- 55 R.C. McDonald, Indian Agent, to Chief James of Yale, 25 July 1903, LAC, RG 10, vol. 1459, reel C-14269, p. 333.
- 56 Franz Boas, "Indian Tribes of the Lower Fraser River," *64th Report of the British Association for the Advancement of Science for 1890* (London, 1894), 454.
- 57 R.C. McDonald, Indian Agent, to A.W. Vowell, Indian Superintendent, 18 August 1903, LAC, RG 10, vol. 1459, reel C-14269, p. 440.
- 58 John MacKenzie, Agent Dominion Lands, to A.W. Vowell, 28 October 1903, British Columbia – Field Office Correspondence Regarding Reserve Lands, 1903-4, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131.
- 59 Sproat, 5 August 1879, under heading "Yale Indians Proper," Minutes of Decision and Sketches, volume entitled "Books of Interrupted Work by Retirement of Commissioner from Office [sic] Lower Fraser Ri [sic] below Spuzzum," JIRC, DIA, VRO, p. 3.
- 60 Also, John McDonald to A.W. Vowell, 29 April 1904, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131.
- 61 John McDonald, Indian Agent, New Westminster, to Superintendent of Indian Affairs A.W. Vowell, 23 December 1903, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131.
- 62 Marginal notes by A.W. Vowell on correspondence of John MacKenzie to A.W. Vowell, 28 October 1903, British Columbia – Field Office Correspondence Regarding Reserve Lands, 1903-4, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131.
- 63 Chief Joseph Stewart, Indian, on behalf of Peter Paul Skitt, Chief George, Ohamil, Chief Tom, Ruby Creek, and many others, to Minister of Indian Affairs, 23 December 1903, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131.

- 64 Ibid.
- 65 J.D. McLean, Secretary, Indian Affairs, to A.W. Vowell, 8 January 1904, British Columbia – Field Office Correspondence Regarding Reserve Lands, 1903-4, LAC, RG 10, file 29858-3, vol. 3748, reel C-10131.
- 66 John McKenzie, Dominion Land Agent, to A.W. Vowell, 16 January 1904, LAC, RG10, vol. 3748, file 29858-3, reel C-10131.
- 67 Vowell to R.C. McDonald, Indian Agent, New Westminster, 22 January 1904, LAC, RG 10, vol. 1281, 413-15.
- 68 Letter from R.C. McDonald, Indian Agent, New Westminster, to A.W. Vowell, 29 April 1904, LAC, RG 10, file 29858-3.
- 69 Letter from McLean, Secretary Indian Affairs, to A.W. Vowell, Indian Superintendent, 18 May 1904, British Columbia – Field Office Correspondence Regarding Reserve Lands, 1903-4, LAC RG 10, vol. 3748, file 29858-3, reel C-10131.
- 70 Letter from Vowell to McDonald, Indian Agent, New Westminster, 27 May 1904, LAC, RG 10, vol. 1281, 512 reel C-13901.
- 71 R.C. McDonald, Indian Agent, New Westminster, to A.W. Vowell, 19 October 1905 (second letter of same date), British Columbia – Field Office Correspondence Regarding Reserve Lands, 1905-6, LAC, RG 10, vol. 3749, file 29858-4, reel C-10131.
- 72 P.G. Keys, Secretary, Dominion lands, to John McKenzie, Dominion Lands Agent, 6 August 1904. See also John McKenzie, Dominion Lands Agent, to A.W. Vowell, 12 August 1904, LAC, RG 10, vol. 3748, file 29858-3, reel C-10131.
- 73 R.C. McDonald, Indian Agent, New Westminster, to A.W. Vowell, 19 October 1905 (second letter of same date), British Columbia – Field Office Correspondence Regarding Reserve Lands, 1905-6, LAC, RG 10, vol. 3749, file 29858-4, reel C-10131.
- 74 Secretary of Indian Affairs to A.W. Vowell, 5 December 1905, LAC, RG 10, vol. 3749, file 29858-4, reel C-10131.
- 75 Vowell to the Secretary, Department of Indian Affairs, 4 May 1906, British Columbia – Field Office Correspondence Regarding Reserve Lands (Plans), 1905-10, LAC, RG 10, vol. 1282, reel C-10132, pp. 339-40.
- 76 Vowell to Secretary of Indian Affairs, 10 May 1906, British Columbia – Field Office Correspondence Regarding Reserve Lands (Plans), 1905-10, LAC, RG 10, vol. 1282, reel C-10132, pp. 345-47.
- 77 A.W. Vowell, Minutes of Decision, 26 April 1906, LAC, RG 10, vol. 3750, file 29858-10, reel C-10132.
- 78 A.W. Vowell, Minutes of Decision (as defined 26 April 1906), 10 May 1906, LAC, RG 10, vol. 3750, file 29858-10, reel C-10132.
- 79 Secretary of Indian Affairs, J.D. Mclean, to Secretary of the Interior, P.G. Keys, 17 July 1906, LAC, RG 10, vol. 3750, file 29858-10, reel C-10132.
- 80 McLean to Secretary of the Interior, P.G. Keyes, 7 December, 1906, British Columbia – Field Office Correspondence Regarding Reserve Lands (Plans), 1905-10, LAC, RG 10, vol. 3750, file 29858-10, reel C-10132.
- 81 Letter from Vowell to the Secretary of the Department of Indian Affairs, 11 June 1907, Indian Reserve Commission – Letterbooks, Series A, 1905-7, LAC, RG 10, vol. 1282, 710, reel C-13902.
- 82 Letter from Vowell to the Secretary, Department of Indian Affairs, 17 January 1910, Indian Reserve Commission – Letterbooks, Series A, 1907-10, LAC, RG 10, vol. 1283, 466-69, reel C-13902.
- 83 The Department of Indian Affairs ultimately balked at the cost of surveying and secured the pro bono services of the Canadian Northern Railroad's "Right of Way" surveyor. To this day, IR 17 has never been surveyed because the CNR surveyor assigned the task refused to scale the site's treacherous rocky slopes.
- 84 Sproat, 5 August 1879, under heading "Yale Indians Proper," Minutes of Decision and Sketches, volume entitled "Books of Interrupted Work by Retirement of Commissioner from Office – Lower Fraser Ri [sic] below Spuzzum," JIRC, DIA, VRO, p. 6.
- 85 "I Chief James of the Yale Band of Indians on the Province of British Columbia, make oath and say that I as Chief of the Yale Indians was present when Kulthlalth Reserve as allotted

by the Indian Commissioner, the right to the land to go to the Ohamil Indians as this has been their burial ground for years but Yale Indians were to retain the right to take timber from this reserve for their private use owing to the scarcity of timber on their own reserve." Memorandum by Department of Indian Affairs Surveyor, 5 April 1934, containing a copy of affidavit of Chief James of Yale, 7 August 1917, LAC, RG 10, vol. 3747, file 29858. Schea-thela's son was Chief George, and his father was Siamya, a prominent man from the settlement of Iyem in the lower Fraser Canyon (personal communication with Sonny McHalsie).

- 86 Evidence given during the Royal Commission on Indian Affairs for the Province of British Columbia, meeting with the Yale band or Tribe of Indians at Yale, BC, on Thursday, 19 November 1914. Royal Commission on Indian Affairs for the Province of British Columbia, Lytton Agency 1914, evidence transcripts, Victoria, Royal Commission on Indian Affairs, 1914. Copy of transcript located in SNA.
- 87 Sonny McHalsie, personal communication.
- 88 As do Chief Stewart's descendents. In 1950, Wilson Duff took a picture of the dry rack at this site. At the time, it was being used by Edmund and Adeline Lorenzetto of Ohamil. Adeline was Pierre's daughter.