

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B.C.

NAAS AGENCY

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Royal Commission On Indian Affairs For The Province Of British Columbia

Meeting at Port Essington with the Port Essington Band or Tribe
of Indians, Saturday, September 25th, 1915.

Mr. Pearse is sworn to act as Interpreter.

Mr. Chairman: addresses the assembled Indians as to the scope
and powers of the Commission, and

Chief Sam Kennedy of Kitsumkalum, addresses the Commission as
follows: I thank God that we are permitted to see you Commissioners,
and one question I have to ask is who will speak first - one is
Kitselas and one is Kitsumkalum.

The Chairman: That is a matter you can settle between yourselves

Chief Kennedy: (continuing) We have chosen three of the Kitsum-
kalums Tribe to speak - Charles Nelson is to speak now and he
belongs to Kitsumkalum.

CHARLES NELSON ADDRESSES THE COMMISSION AS FOLLOWS: We thank God
that we see you Commissioners and you have come to hear from the
Kitsumkalum Tribe and now we will tell you what we know. I was
22 years old when Judge O'Reilly first came up here to make re-
serves for the Indian tribes on the Coast - he came up to Kit-
sumkalum to lay out an Indian Reserve for the Kitsumkalum In-
dians. Our great grandfathers and our fathers met together at
once and they asked O'Reilly "what is this about - you are coming
up here to set apart lands for us; what is this about?" and he
said "we are going to give you power - we are going to make your
land stronger". That was his answer to our grandfathers's ques-
tions. Then our grandfathers all agreed and said "All right, put
your stakes down, and then they pointed out to Judge O'Reilly the
distance where the first stake will be established - where we
will get our food, berries and salmon". The size of the place;
it is not a new place - it is a place that was handed down from
one generation to another and we told Judge O'Reilly to stake it
out from one point to another. Judge O'Reilly directed his men
to hue down on a certain side of a tree so that it will be the
posts of our grandfathers and fathers believed that our land
was being made stronger. Later on after this Mr. Skinner and Mr.
Green, who were surveyors, were sent out and these two men put
the stakes down much smaller than the place given to us by Judge

O'Reilly. The place that we pointed out to Judge O'Reilly that was our established ground where we got our fish and where we used to hunt and that is the place we want. Now the place where we used to hunt and get our berries and where we used to get our money the Government has sold it to the white people and now it is gone notwithstanding the promises that were given to us by Judge O'Reilly. He said "If the white men come they will not touch of land and it will be always yours" but now it is entirely gone. Now that we have troubles - we are pressed - we are put down, and if we step outside of this square place to gather berries as my fathers used to do, white men will come along and tell us "You get out of there - this is my place". These things hurts our hearts and makes us sorry. Early this Spring white men have been cutting logs on our reserve - We were told in the first instance that the Indian Reserve was ours and that no white men will come in and touch anything, but this white men came in without us knowing it and cut logs on our reserve this spring - we went to this white man and we asked him "Why don't you ask us permission - why do you come on here without permission to cut logs on our land" and we said "You are breaking the law". This white man said "Now I will settle with you right here - how much money do you want; I will pay you right here". Benjamin Bennett and Peter Nelson went to this whiteman, and this white man said "I will pay you money now and don't take me to the Court", so these two men said "You pay so much money and you will be free" and the white man paid over the money to these two men. After the white man paid over the money, the Government, through the Indian Agent, arrested one of the men and put him in (gaol), and I was summoned because the money was in my house - Now that is not free life - that is slavery. The Grand Trunk Pacific Railway came and went through our village at Kitsumkalum with their road, used up the timber and everything else and so far we haven't received a dollar, yet the Government in Ottawa has received all the money and we have not received a dollar yet from the Grand Trunk Pacific Railway Company - This is not free life, and another grievance we have is that we are not allowed to enter into a contract to do business with the white men like any other people; we are not able

to do it - we are put down as slaves and animals on this reservation business - On this account the reserve is no good to us - why not take the name away - take the reserve name away and let us be a people - let us be free; that is what we want because God gave us this land to live on.

Chief Sam Kennedy:

Q. I want to know if the Commission has anything to say in reply to Charles Nelson's talk?

The Chairman:

A. That will come up in the evidence.

MR. NELSON ADDRESSES THE COMMISSION AS FOLLOWS: I am very glad to meet you gentlemen who have come up to see us. I have been praying in my own heart for a long time that someone should come from headquarters to investigate our troubles. The land - there is no question that it belongs to the Indians entirely - it has been taken away from us and they have been telling us a lot of things and one time I want to see the Government but they would not give us any satisfaction - I want to go again but I have no money. The Indian Agents throughout the country they have been planted all over the country; but they are no good - they don't give us any help - This is the proof of what I say - How many years is it since the Grand Trunk Pacific went through our village, and today we haven't received one nickel from the Grand Trunk Pacific Railway. We told the Indian Agent about it and we have told him many things we want, and what do we get? - We get nothing, and today it is the same. I am talking about the things I know - I am not talking about things just because the others have told you about them - I know what I am talking about. All our fishing places up the river are gone, and our Chief so far hasn't received one cent. The Kitselas tribe was amongst the other tribes that sent a petition down to Ottawa asking that this land should be returned to us because we did not get any pay, but so far we haven't received a word from them. Now you come to look into these troubles of ours, and you will see that we have bore them long enough and now you have come to look into these matters and that is why I am glad to see you here today. We are glad to see you here today and we put these claims of ours before you in the hope that you will fix them up - we want the Government

to give us back our land and we want to handle our land just like anyone else. The Kitsumkalums are just like any of the other tribes - they have been bleeding day and night just on account of the way we have been treated and handled - Why can't we handle our land ourselves while men on the other side of the world they are handling our land for us. Another thing the Government employ people to go about the reserves and pay them high salaries - constables and Indian Agents - all the money that they are paid with comes out of our land money and they get fat on it, but we who own the land get slim, and do slim sometimes that we cannot work while these people they get "swelled up". Another thing when the Government opens up a road there will be lots of Indians there willing to work and know how to handle tools, but these white men will say "You belong to Indian Reserves and you can't get a job here" while the white men they get \$3.00 a day while we, who belong to the country, can't get a job, and this is what makes our hearts sore. If we fail to dry salmon at any time we are going to have starvation; but we are able to dry a few fish and that is what we have to live on. The Indian Agent visits us and walks through our villages but he never offers to help us to get a living - he just walks through and then goes back again. I am glad gentlemen to be able to stand before you and tell you all our troubles, and if I died with starvation tomorrow I have done my part - I have told the story.

MR. STEPHENS ADDRESSES THE COMMISSION AS FOLLOWS: I thank you gentlemen that you are here with us today and to hear our troubles. My words will be very few. I was chosen one time to be one of the spokesman in regard to the land question and that is the reason I am speaking to you today - the other two men that spoke before me my words will be almost the same as theirs. We believe that this land is ours - God planted us here thousands and thousands of years ago. Later on men came and told us about establishing reserves amongst us and this man was blinding our eyes. We were children at that time and our fathers were ignorant people, but now as time has passed, we are beginning to see - we are put in a small bit of a reserve and that is supposed to be our place. Inside the reserve if we do anything, if we get a little money, we are followed by the Constable, arrested and put in gaol for

breaking the law.

The Chairman:

Q. What do you mean by that - if you do anything inside the reserve?

A. If I get anything out of the reserve and sell it to the white men we are not allowed to do that.

The Chairman: That must be a mistake - we are encouraging the Indians everywhere to plant crops and vegetables of all kinds - It is a pity that you should have that idea, because that is not so.

JAMIN BENNET ADDRESSES THE COMMISSION AS FOLLOWS: I am well acquainted with all the troubles of the Kitsumkalums - the beginning of this trouble is the work of the Indian Agent. We are placed on the smallest piece of ground at Kitsumkalum - if we were to divide the piece of land on which we are now living, it would not make ten acres to one person. This is the troubles we have on account of the reserve, and that is why we don't want it. Your Chairman told us to extend the reserve where it needs to be, and we saw it in your "notice" that any plans that are brought up would be attended to. These are the nature of reserves in our mind and we don't want reserves anymore. I don't know the meaning of that word "Reserve" - I don't know that meaning.

The Chairman: That means that land is kept for the Indians.

I thank you very much for that explanation. This reserve for the Indians to live on, the end is always at the gaol. When the Indians found out that the cannery men would not give the Indians a chance to fish, we sent a petition down to Ottawa and we told Ottawa "We are in a bad fix; the cannery men won't let us fish for them, and what are we going to do about it - we want independent licenses, we want to be able to catch fish and sell the fish for the highest price, just like the white people".

And the answer came back, "You are living on a Reserve - you cannot get an independent license - you are not a voter. Only white men can get independent licenses - you are living on a reserve, and you cannot get an independent license - you are under the Indian Act, and that Act will attend to your wants". This reserve is no good to us, and because we are living on a reserve we cannot make any money - we are under the Indian Act.

CHIEF SAMUEL WISE Of The KITSELAS TRIBE And Also Of The PORT ESSINGTON GROUP ADDRESSES THE COMMISSION AS FOLLOWS: I am very happy today and it is very kind of you to come up here to see us and to find out how we are today. I was at Newtown when you gentlemen came up but I did not do any speaking because I did not want to speak. It is very kind of you gentlemen to give us a chance to talk to you today. The Kitsumkalums have not broken the law and my Tribe have not broken the law and other tribes have not broken the law and why should we be treated like slaves - It is right for you and it is very kind for the Government to select you gentlemen to investigate how we are getting along on this Coast. We have been having a very hard time. The strong white men he gets all what he wants and us Indian people are left out. The reserve might work some other place but it doesn't agree with us some way or other - we can't improve ourselves somehow - there is no help for us and our mouths won't say a thing as it were. When a man first finds a child the child is very small and is very weak and is not able to think, but as that child grows up it begins to get big and it is just like us - we are not going to be babies all the time - we want to grow and these reserves are a hindrance to our growth. The land on which we used to get our living it is gone, where we used to go hunting it is gone, where we used to pick berries it is gone, and why - because the government just simply took it away without saying a word. If the white men would fight us like they are doing' in Germany today, it would be all right; but they don't - the Government stepped in and without paying us a cent took all our land away and we now see that we have been badly treated. The Indian people we believe what the Government said when the Government men says "this is your reserve, and no one elses", but when we start to make a little money, perhaps selling timber or fish, why at once the same Government come upon us and put us in gaol and we have to sit down and cry because we cannot dispose of anything on these reserves without being put in gaol.

COMMISSIONER CARMICHAEL:

Q. Are you referring to selling fish at any time of the year?

INTERPRETER PEARSE: When the fish are running in the summer the Indians are not able to sell them - don't you know that?

MR. COMMISSIONER CARMICHAEL: Can't you get enough for your own use?

INTERPRETER PEARSE: Yes, for their own use but they are not allowed to any of them.

WITNESS: (continuing) The man that does wrong should be punished - if there is any law in the country, the man that breaks that law should be punished, and the man that doesn't do any wrong, he should not be punished - Now the Government has done wrong, and he (the Government) is the one who should be punished whereas we have done nothing and we are punished. There is great trouble in regard to the piece of our reserve that was sold by the Government to the Grand Trunk Pacific Railway - The railway bought it from the Government at Ottawa without saying a word about it to us for \$2.50 an acre and this is what makes our hearts sore because a man is a G.T.P. man he comes along and buys a piece without saying anything to us about it. They sold 29 acres at \$2.50 an acre and this is what hurts our hearts - After we have been told that these reserves are ours and no one is going to do any crooked work on them, and then the same Government that told us that will come along and sell a part of that reserve at \$2.50 an acre without saying a word to us about it and this brings trouble to our mind - that is why we condemn the reserve - the name of the thing is no good and don't help us a bit. The young people are rising up now - they will have bigger troubles than what we have gone through, and it is up to the Government to put a stop to our troubles - they see what way we have been treated and they will follow us. I wish you gentlemen when you go home and lay down your Report to the Government that this thing should be put right - that these things should be put to an end on account of the reserve. Its not only us - its all over the country just the same.

THE CHAIRMAN: In the first place we will take up this question of the railway - the Indians are just exactly in the same position as every white man. Suppose you or I had a piece of land here and a railway came along and wanted to go through that piece of land they

(the railway company) would come along and put that railroad through without our consent. White men often complain of this very thing but their rights have to be given away for the benefit of the public but of course the white man gets the price agreed upon by the court of arbitration, and so when a railway passes through Indian lands, the Indians get a large proportion of the money that is paid for that land, and I understand that negotiations are still going on to obtain money for the Indians out of the proceeds of that road - I think there was some difficulty about the appraisement, and I think the Indian Agent has been able to get a larger sum of money than was at first agreed upon for the land that was taken away from the Indians, and a large proportion of this money will be paid over to the Indians.

BENJAMIN BENNETT:

Q. How many years will it be before the Indian Agent or the Government will have the money?

THE CHAIRMAN:

A. That is impossible for me to say - Everything that has been said here today has been taken down in writing and will be sent to both Governments so that the Governments will see what the Indians have said and what we have said.

MR. COMMISSIONER MACDOWALL: One of these railways, the CNR has taken some right of way from me - about three years ago, and the have not paid me yet, and I don't expect to be paid until after the war.

THE CHAIRMAN: Now we have listened to all the Indians about their claim to all the land - this is what is generally known as the Aboriginal Title and we have heard that claim from other Indians: in other portions of the Province. The two Governments, however, have not given us power to deal with that question or claim of yours to all the land in the Province. But notwithstanding this your statements that you have made here today have been taken down in writing and will be sent to both Governments - the Government at Ottawa and the Government at Victoria; but I think you must know that two or three delegations have gone to Ottawa on this very subject, and the Government at Ottawa has listened very carefully indeed to these delegations, and they have passed

an Order in Council stating that they will leave that claim of yours to the Exchequer Court to be decided - and not only that they have agreed in case that Exchequer Court might decide in a way that would not be pleasing to you, that you shall have the right of appeal before the King's Privy Council and before his judges - And they have even gone further that that - In order to fully protect you they have agreed to employ counsel for you and pay those lawyers both in Ottawa and in England to look after your case and that Order in Council has been sent to us in order that we might explain it and tell it to you. Now I am sorry to hear that you don't like reserves. Now I think the reserves are of very great benefit to you in that it gives you that land free from the white men, and the only regret is that a Commission such as this was not appointed eight or ten years ago before all the land had been gobbled up by the white man, and I hope that you will be able to point out to us where there are some additional lands still vacant and if you can do this we shall be pleased to give them to you. As I told you before the great majority of the Indians have been glad to get these additional reserves and have taken a great deal of pains to tell us where they are - Now at one of these places where we went we were speaking to them about the Aboriginal Title and asked them about some additional reserves and some of the Indians in that place told us we don't like to ask for any more land. If we ask you for more land it looks as if we are giving up claim - if we ask for more land it looks as though we are admitting that our claim is no good. On hearing argument we reported that to the Dominion Government and they told us to assure the Indians that that would have no effect on the claim that you are making and which will go before the Exchequer Court Now we have also listened carefully to what you said in regard to the difficulties you are having in regard to selling fish. We have heard that matter also from other Indians, and we have take pains to have an interview with the Fishery Department in regard to that matter, and we are still to have another one, and we hope that some arrangement will be arrived at that will be better for you.

CHIEF CHARLES NELSON IS HEREUPON CALLED AND SWORN.

MR. COMMISSIONER MACDOWALL:

Q. Can you tell me how many people there are in the Kitsumkalum Band?

A. No, I am not able to answer that question.

Q. Could you give us roughly an idea as to how many there are?

A. I could not give you any idea.

Q. Come and look at this map?

A. I will look at it but I cannot understand it.

Q. (Examining map) Do you know the place marked on the map "Old Village" on Kitsumkalum I.R. No.1?

A. Yes, I understand that (examining map)

Q. On a little to the one side (examining map) is the graveyard on the banks of the Skeena river near the mouth of the Kitsumkalum river?

A. Yes.

Q. (Examining map) Now from the graveyard and up a little way there seems to be a little level land there?

A. Yes.

Q. What do they grow upon this land?

A. We grow all kinds of vegetables on this place.

Q. Do you grow much there?

A. Yes, vegetables grow well on that soil.

Q. Do they grow well?

A. Yes.

Q. (examining map) What do they do on the hilly ground just above that up from the river?

A. We haven't done anything on the hill.

Q. Do they run cattle and horses on the hill?

A. No not a thing on account of this - when a white man gets his land he knows it is his own and he will spend money buying implements and ploughs to cultivate the land and when he gets a chance to sell it he sells it and gets money - with us we cannot do that because we have no money to get

implements to improve the land, and that is why we haven't done anything with that land.

Q. I am very pleased to hear that - would you like to have the land divided so that each Indian family would have a piece which would be their own?

A. I could not answer that question because there are others besides me that can think. I told you in my speech that we are not able to dispose of it to anyone.

Q. It is because you mentioned that in your speech that I am asking you about it now. Now would you yourself like to have a piece of land for yourself and family so that you would be able to sell the produce off your farm?

A. If I attempted to make a business to sell some things off my land why someone would arrest me.

Q. But suppose you would not be arrested and you could sell your produce would you like that - would you sooner have it that way than have it in a reserve?

A. If we are told - if it is proved that that piece of land will be my own why there is nothing left but to go in to it and spend my money and improve it - if we were told that it would be all right.

Q. Would you like to be told that and the Government send you a man to instruct you how to farm your land and give you implements to improve your land?

A. I am not talking about thinking - I want to have a paper, I want to get a paper saying that this land is yours and here is your title, and when you want to dispose of this land you can sell it to anyone who wants to buy it. I want my land just like a white man.

Q. What you want is to have a title to your land just like a white man?

A. Yes.

Q. Do you want the title to the whole reserve of the Band or would each family like to have a title of its own?

A. If the reserve is removed and the land is going to be divided each man will have a title of his own - there won't be

any more reserve - then the way is opened for us to imrove and spend our time on it, but as long as we are on a reserve we have no hearts to improve it because that land don't belong to us.

Q. Now do you know the Fishery Indian Reserve containing 182 acres?

A. Yes, I know that.

Q. If you had your plot of land here, there and there and each would have their own reserve, now would you like that - Do you think all the others would like that?

A. I cannot think for the others - myself I have told you but I cannot think for the others. Let them speak for themselves.

Q. Now this Fishery Reserve - is not the piece near the Kitsumkalum river good land?

A. I am not going to answer any more questions.

Q. Why not?

A. We have told you gentlemen why we don't improve our land - we have told you all that. There are other men stopping there and you can call them.

Q. Now where do you live?

A. On No.1 Reserve.

Q. If you had cattle and horses would that part on the mountains be good for grazing?

A. I am telling you that all the places are good - the reason I cannot tell you everything is because I am not well posted.

Q. Now you made a statement to the effect that a white man came and cut logs off the reserve?

A. Yes.

Q. What was the name of the man who came and cut the logs?

A. William Watson.

Q. What did he pay for these logs?

A. Seventy dollars in cash.

Q. How many logs did he cut?

A. I cannot remember but he cut quite a few.

Q. What did he do with the logs - Did he take them off the reserve?

A. He cut the logs and sold them in Prince Rupert.

Q. We are going to examine the Indian Agent later on and we will ask him about these matters.

PETER NELSON IS CALLED AND SWORN.

MR. COMMISSIONER MACDOWALL:

Q. You know Kitsumkalum No.1?

A. Yes.

Q. What sort of timber is on that reserve?

A. Spruce, hemlock, balsalm and red cedar, and it is all good timber.

Q. And you think if times were good and you were allowed to cut and sell them that you would be able to make some money our of them?

A. I think if the Indians built a sawmill it would be very handy.

Q. Is there enough timber to pay for the building of a sawmill?

A. Inside ten years if there was a mill there it would be all gone.

Q. Would you be able to sell the timber?

A. No, we would not be able to sell it.

Q. Well there would not be much use in cutting it then would it?

A. White men came on the reserve and cut timber and the man who received the money was put in gaol.

Q. But this Commission is going to make recommendations to Ottawa, and if they made recommendations to the effect that Indians be allowed to cut and sell timber off the reserves no one would be put in gaol, so I want to ask you if the Government allowed you to cut timber off the reserves would you be able to sell it?

A. If the Government would take away the reserve and say to the Indians now you can sell the timber you can sell it to anyone who will give you a high price that would be all right. That is what we want.

Q. But I want to know if you did cut the timber could you sell it?

A. No.

MR. COMMISSIONER SHAW:

Q. Is there any demand for saw-logs?

A. There is a big sawmill at Terrace, and Geo. Little is the manager of the place, and I went to the Manager and I said "I want to enter into a contract to supply you with logs" and he said "your friend was put in gaol because a white man paid him for some logs he cut so I can't do any business with you". He said you people come to me to enter into a contract to supply me with logs cut off your land. He said "you have no business to come to me with that proposition." He said the Indian Agent is the man who should come to me.

Q. Does Mr. Little buy sawlogs all the time from white people for his mill?

A. Yes, all the time.

Q. And if the Indians had logs that they could sell, Mr. Little would buy from you would he not?

A. When I tell Mr. Little "I have logs to sell to you" - Mr. Little says "I am not going to do any business with your logs at all".

MR. COMMISSIONER MACDOWALL:

Q. The reason why we are asking these questions is because Indians in other parts of the Province have asked us to make recommendations to the effect that the Indians might cut logs and sell them - that is the reason these questions are being asked you. Is there any timber on the Fishery Reserve?

A. No timber.

Q. Is it good land?

A. Yes, all good land.

Q. Good land to cultivate?

A. Yes.

Q. Is there a village on the reserve?

A. In the ancient times there used to be a village there.

Q. Is the principal village on the Fishery reserve or on No.1?

A. The village is on No.1.

Q. You have no cattle or horses?

A. No.

- Q. Do you cultivate any land on the Fishery reserve No.2?
- A. There is no cultivation.
- Q. (Examining map) Now on No.3 I see there is large cedar, hemlock and spruce?
- A. Yes that is where the trouble was with the white man who cut the logs.
- Q. Is there much timber there?
- A. Yes.
- Q. Is there any land cultivated on this reserve?
- A. There is a Band there has a garden there.
- Q. Do you know how many people live there?
- A. There is no special people living there - it belongs to the Kitsumkalums.
- Q. How much land have you on No.1 under cultivation?
- A. The whole of No.1 is good soil but as long as it is a reserve we are not going to do anything with it.
- Q. Does G.T.P. run through No.1?
- A. Yes.
- Q. You said you haven't been paid for the right of way?
- A. No.
- Q. Have you been paid for the improvements?
- A. Yes, we have been paid for the improvements - others have been paid and others have not.
- Q. Have they ever asked to be paid?
- A. Some of the Kisumkalums have received payment from the Co. and others have not. I myself asked for payment and the Indian Agent threatened to put me in gaol.
- Q. For what was he going to put you in jail?
- A. Peter Nelson asked Mr. Perry in the presence of Mr. Phillipson the Constable and Johnnie Herring, three of them standing in front of Cunningham's hotel, and peter Nelson said to this man "If the G.T.P. don't pay me for going through my place, I am going back there and do the work I was doing before they started to come through my place". Mr. Phillipson said "If you do you will be arrested" and Perry said the same thing.

- Q. (To Indian Agent Perry) Have they been paid for the right of way?
- A. Not for the general right of way because they could not agree on a financial basis.
- Q. We are going to make further enquiries about this. How long ago was it since the G.T.P. went through your property?
- A. 1908 that is the time they commenced - that is the time the surveyors went through in the winter and in the summer the ground was cut up.
- Q. When were you paid for your improvements?
- A. No answer.
- Q. We are going to ask Mr. Perry all about these questions later on. Now will you be satisfied if we ask Mr. Perry these questions?
- A. That will be all right.
- Q. Have you any school for your children?
- A. No.
- Q. Where is the nearest school?
- A. There is not one near us.
- Q. What church do you belong to?
- A. There is no church at the place.
- Q. What church do you belong to?
- A. The Christian Band of Workers.
- Q. Is there any white man's school near the reserves?
- A. Yes, at Terrace.
- Q. Could you not send your children to that school?
- A. No.
- Q. Could you, like to be able to send your children to that school ?
- A. Mr. Benjamin Bennett asked once and the people said "No".
- Q. We are going to make a special note about this - you would like to send your children to school would you not?
- A. Yes.
- Q. Would you like to have a day school or a boarding school?
- A. This year we made a move amongst ourselves that we would like to set apart money from this G.T.P. money that we are going to get and put it towards our school so that we could

have a teacher because we have been refused by the white school, and that is why we have made a move this year.

Q. And you would like the Government to help you in regard to getting a school?

A. Yes.

Q. Do any of the children from the reserves go to the Port Simpson or any other school?

A. I sent two of my children to the Home at Port Simpson and when they came out they would not obey their father and mother - only the ones who attended the school at the village they turned out all right, and those who attend the big schools they turn out bad and get swelled heads.

Q. Have you a doctor to attend to you when you are ill?

A. No - this is the first year that the doctor who resides at Terrace visited us Kitsumkalum and Kitselas, and the doctor told us that the Government had instructed him to attend to the Indians.

Q. Is he a good doctor?

A. He is a great whisky drinker - he is a Whisky head. The worst kind of a man is sent to us just because we are Indian people. We have a doctor and he is a regular whisky head.

Q. The Department does not approve of a man of that kind - What is the name of the doctor?

A. Dr. Seymour Traynor.

Q. Supposing you got your farms, would you like to get a white farming instructor to teach you how to farm your land?

A. What we want is for the Government to return the land first and the Government after that can do what they like - they can build men of war or anything they like after that.

Q. The Chairman has already told you that that question is going before the King's own counsel and it would be better for it to go before the King than before us - the King is a big man whereas we are small men.

A. You are sent to look into our troubles that is what you are here for - you are hired by the two Governments to try and help us out. Now these are our troubles - the land has been taken away from us and the Government has to do what is right by us.

- Q. Do you know of any piece of land outside of these reserves of yours that you would like to have for farming?
- A. There is lots of land better than the land on our reserves but it has all been taken up and sold.
- Q. Do you know of any that has not been sold?
- A. Every piece of it is sold - the very piece that Judge O'Reilly gave us and told us no one should take it away ,from us it is all sold.
- Q. Peter Nelson said if they did not dry salmon they would starve, and Benjamin Bennett said they wanted independent fishing licenses?
- A. That is right.
- Q. If the Government were to give you independent licenses could you buy your own boats and nets?
- A. Yes we could.
- Q. To keep a cannery running they must have the man away fishing and bringing them fish in regularly, otherwise it would stop. How many of them would work regularly and bring in the fish as they caught them to the cannery?
- A. In former years when Mr. Cunningham started the cannery here the whole tribes that belong around here did all the fishing and no one else.
- Q. Then if you were allowed to have independent fishing licenses you would all go in for fishing again - is that correct?
- A. Yes.
- Q. Now we will come to this reserve here - Mr. Cunningham gave you the land for this reserve?
- A. Yes.
- Q. And there are some of the Kitsumkalum Indians who live here?
- A. Yes.
- Q. Do any of the other Indians live here?
- A. Just two - Kitsumkalums and Kitselas. The two tribes have obtained this place by paying so much money to the High Court In the first place Mr.Cunningham gave the land and afterwards backed out of his terms, and they collected enough money and

got a lawyer and went before the High Court in Victoria and Cunningham lost the case.

Q. Do you know how many acres there are in the reserve?

A. We haven't got a map and that is the reason we have been asking.

Q. You say only two tribes have a right to this reserve?

A. Yes.

Q. Now do the whole of the Kitsumkalums and the whole of the Kitselas Indians have a right to this reserve, or only a part of these two Bands?

A. The whole of the Kisumkalum tribe live here in the fishing season and part of the Kitselas live here.

Q. Do the others who don't live here have they an interest here?

A. In the fishing season they come here and after the fishing season is over and those who want to stay here can stay here, and those who don't want to stay well they go up to Kitselas.

Q. Is there any school here at Pt. Essington?

A. Yes, there is a school here.

Q. Is it a good school?

A. I don't know whether it is good or bad. Mrs. Tranton taught here for 20 years and since she left I don't know whether it is good or bad.

Q. Who teaches here now?

A. Miss Noble.

Q. Who is it that pays the teacher?

A. I don't know - I think the Methodist Mission.

Q. Do the Kitsumkalum children who live on this reserve attend this school?

A. Yes.

Q. Could not the children who live up at Kitsumkalum No.1 come down and attend this school?

A. Those who live up at No.1 has children and those children have no way of attending school and they cannot come down here and those who live on the Fishery cannot come down either.

WITNESS:

Q. Do you know that the Indian people have never received a nickel for the land that the Government sold - do you know that?

MR. COMMISSIONER MACDOWALL:

A. Yes, I know it. The Government is going to refer that very question to the King's Privy Council.

CHIEF SAMUEL OF THE KITSELAS BAND IS HEREUPON CALLED AND SWORN

MR. COMMISSIONER MACDOWALL:

Q. You have heard the questions that I have asked Peter?

A. Yes.

Q. He said that the Indians would like to have independent fishing licenses for fishing?

A. Yes.

Q. Do you think they would be able to buy their own boats and nets if they were given those licenses?

A. Yes, there are quite a number of the Indians who are good boat builders, and nearly all the women are experts in making nets.

Q. Is there anything further you would like to say on the question of independent fishing licenses?

A. The only thing that we can earn our living is by fishing. We live on fish and we depend upon fishing and now we depend upon fishing in order to get money to buy clothes.

Q. So that if you had independent licenses you could be able to buy clothes and get money?

A. Yes.

We have a note about the G.T.P. Railway running through your reserve and taking 29 acres, and we will remember that when the time comes.

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.

Meeting with the Metlakatla Band or tribe of Indians at

Metlakatla, B. C. on Monday, September 27th. 1915.

MRS. C. M. MORRISON is sworn to act as Interpreter,

THE CHAIRMAN addresses the assembled Indians as to the scope and powers of the Commission, and

CHIEF COUNSELLOR PETER RYAN addresses the Commission as follows:

(Before addressing the Commission, Chief Counsellor

Peter Ryan hands to Indian Agent Perry an address, which he reads to the Commission. Ex. Q. 1.)

CHIEF COUNSELLOR PETER RYAN (continuing) I wish to thank you and express my pleasure at being present at this meeting because this is important business that has brought you here. I will try and speak as briefly as I can about the Metlakatla Indian Reserve. Mr. McKenna will remember when he was here before we wrote out a petition and handed it to him - I don't know the contents of the petition but its almost the same as we are in the majority think that way about the petition and we still think the same. We have many reasons for asking about this petition as it affects our Indian reserve - It is not because we find fault with the Government on the way they have been carrying on the work - we have great confidence in them and ever since they have been putting Agents amongst us we have got on so well and we have confidence in them - Whenever we want anything we receive it through Mr. Perry and the Government always gives us an answer. Mr. McKenna I daresay will remember what our petition was when he was here before. We ask that the reserve might be cut up for each person and we be given the title to it, I don't think we are foolish in asking this we have good reasons because we have seen that any person who owns their own property they are all right and can make a living out of it. We have seen - we are living right near to Prince

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Rupert and we can see that it is right and profitable for us to own the land ourselves and the Government has taught us so long that we are beginning to see things and that is what we ask for. Before when Dr. McKenna was here; but there are others who wish to say something else as to what their views are. There is another trouble we wish to lay before you and that is about the fishing licenses on the Skeena River. Some years ago the Indians almost nearly all the Indians had to do the fishing on the Skeena River but latterly fewer people are allowed to fish to what it was years ago and that is the great trouble to us because that is the only way we have to get our living. We are afraid that before very long that no Indians will be allowed to fish at all and that is what is troubling us. I myself am one of the men who made this petition and I ask that the Government will help us in regard to this fishing business, and others will speak on the same subject. I thank you for listening to me.

CHARLES VENN addresses the Commission as follows: We have heard for a long time past that you were coming to visit us and now that you have come we are all pleased to see you. We have heard that you have come to listen about what we think about our reserves and also about other troubles that we might have. Mr. McKenna will know that there is a division in the village about the reserves - some wants it cut up and others again wants it to remain just as it is now. We have put this before you gentlemen and we hope that you will be able to settle them as you have always helped us before and showed us the right way. That is all about the reserves; and now about the money that was paid for the land that the Government are holding - we want it divided amongst us as the Government did at one time before as we have not done so well this season in our work. This has been our great trouble of late - we want some money and we know that money was paid for our land and we want to use it like we did one time before.

We have been talking about this for a very long time but we did not have a chance before and now we think it is a good time to ask for. Now about the salmon streams (Schwat-lan lake) It is now being used by the City of Prince Rupert for a water supply. Before they used it the City met the Council here about it and asked them if they could use it and the Counsellors said "You will have to wait - we want to talk about it first" - they didn't wait; they went straight on and worked on the place and blasted stones and they did all kinds of work and we did not know anything about it until. it was finished. We went over last year - I was one of the Counsellors and the Mayor of Prince Rupert went to this lake and he wanted to know what was wrong and I showed them and I showed them where they were blasting and the water was not running where it did before. The people here had asked for some money to pay for the use of it but they would not listen to it. We also wanted payment for the use of our reserve because they carry the water through it - we wanted \$500. a year but they would not listen to it. This is a trouble that we want you to help us with. There are three other salmon streams belonging to the Indians which had never been reserved and we want them reserved - one name is KSCHEAN, KSHALS, AND KZAPK. There is another request we wish to make - The canneries will not give licenses to the older men - they are afraid that they are not strong enough to fish - and therefore we want a certain place on the Skeena to be reserved for the use of these old men who will not be interfered with by the Fishery Commissioners - that is the way it was in the old days when the first canneries were built - Just for the Tsimpsheans.

PETER VENN addresses the Commission as follows: We are all glad to see you gentlemen - I am an old man, while these men who played in the band they are young men, and I hope you will excuse us for appearing before you with our working clothes on. I remember some of the things I said when Dr. McKenna

was here before. We have been very loyal to the King - we belong to him and we have always been loyal to him ever since this place was started. And that was in 62 - to this day we are like that. You know what has been going on with all the other Indians and we are the only people who have not joined them - that is about the land trouble. To show you a little bit how loyal the Metlakatla Indians are, there were some of our people got drowned executing work for the Queen in Chatham Sound - they were going to arrest some whisky sellers and they were thrown overboard and drowned; and now there is another instance - three more - two are gone and another one is joining to go to the front to show their loyalty to the King. We want the Metlakatla Indian reserve to be made secure and strong. Of course we don't agree with our young people in wanting this reserve cut up, but we don't now say anything against it - it is left with you to decide which is the best thing for us - that is what we really want is that this reserve be made strong for us Indians. There is another thing; we are a little bit troubled about the industrial school which is so far away from this Indian Reserve - our children are there and when they are going backwards and forwards we are a little uneasy as to their welfare and we would like to have it a little nearer than it is now - we want it to be a Government school and to have it nonsectarian. Who has the right to the Skeena and the Naas Rivers for fishing - the Japs or the Tsimsheans?

THE CHAIRMAN: That is a question which is now before the Dominion and the Provincial Governments.

WITNESS: The reason I asked you that question was because you see all those people we get our living mostly from fishing in the Skeena and the Naas.

THE CHAIRMAN: You mean you catch the fish in those rivers?

A. Yes.

THE CHAIRMAN: Well it depends upon those who get the license and what you want is an independent license. In regard to that we have heard complaints from a good many of the Indians who want independent licenses and it is a very important matter - we have had interviews with the Fishery officers on that subject and we are still to have other interviews before we close up our work with a view to assisting the Indians in their claim.

WITNESS: If you can see your way to ask the Government to allow the Indians; especially the older people on that river to go there and fish there in the summer and not be interfered there by the fishery officers that would be a very important thing to us - it is like a diamond to us because we get our food there I support what Charles Venn said about these three salmon stream the names of which are Silver Creek, Dennis Arm and McNichol - these are the names the white people at Prince Rupert have just given these three places. Two streams - one on the Skeena and one between Simpson and the Naas which originally belonged to the Tsimsheans and this one on the Skeena was given to the Kitsumkalum. When they laid out the reserve this stream was on our reserve (Kitsumkalum No. 3) and now we want to get it back again. There are two streams which belonged to our Tribe, called Quiet-a-mass and the other is Talahant - those were given to the Nass people but they belong to us and we want to get them back again.

MATTHEW AUCKLAND addresses the Commission as follows:

We welcome you gentlemen for coming to this poor little village of ours. I was a young man in 1862 when this village was started and it was then called Christian Village. I am an old man - I am grey haired and living here under the Government and they have never done us any harm and I have often stood like this before Government officials - talking like I am now and now I am glad to see you again. We were not always so few like this - at one time we were numerous but most of our people have gone to Alaska to live and I have seen all along that our land is secure under the Government and we wish it to continue so. We have never seen any harm done us by the Government and we want our land made secure. We wish and hope that our grandchildren after we are dead and gone will be all right and that they will have no troubles and that is why I am thankful to be able to be present at this meeting standing before you because now I am an old man. Another thing I wish to speak about there are some reserves on the

Skeena River that the railway has passed through and we have never heard that they have given us anything for the use of the Reserves. These reserves were laid out during Dr. Powell's time who was the Indian Agent. In my childhood before the whites came we always thought this was our own land up the Naas and along the Skeena and all along the islands - no one interfered with us in our rights. Looking back now we were perfectly free then to get our living as we liked; we could fish and get everything free when I was young. God gave us all these things to live on. After that a teacher came out from England bringing the Queen's flag with him and saying that we would be perfectly free under the Queen's flag and now we are under King George's flag and we wish to have perfect freedom about our land. I repeat what I said before and that is that we have perfect confidence in the Government; they have always treated us well and we are grateful to them for that. About the two reserves on the Naas river which had always belonged to the Tsimpshans we want them secured to us. The names of these places are Git-Gum-Gun and the other is Klaula. These were our places where we used to fish for ooligans and they were given to us by Judge O'Reilly.

INDIAN AGENT PERRY: (To the Commission) They have no places or reserves on the Naas for catching ooligans - those two places that the witness has just spoken of were allotted to the Naas and Kincolith Indians - One is called Black Point (No. 11) and the other one is Fishery Bay (#10) (as shown on official Agency map).

WITNESS: I want the reserves secured, and I end it all by saying God Save the King.

CHIEF SOLOMON AURIOL addresses the Commission as follows:

I wish to express my pleasure at being able to be present before you gentlemen. The people have all spoken about our reserves and about the land being secured. My chief trouble is about my claim about the salmon stream which has been taken away. The white people have taken it and built a sawmill on it - the name of the place is Kyex (No. 8) and the railway has gone right through it and I have never received any compensation for it and we want our rights

recognized. I am helpless now and I want to get something out of it. I got all my food from there - my fish, berries and all my hunting grounds are there, and ever since the white people have come there I have never received anything and I want my rights recognized. While I am alive I would like to get a little benefit from it because I am poor and sick.

AGENT PERRY (to the Commission) The mill is off the reserve but the right of way goes through it all right.

THE CHAIRMAN: We will look into the matter.

WILLIAM LEIGHTON addresses the Commission as follows: I wish to speak about the petition that we sent to Dr. McKenna. It is true what the older people say that this reserve has been laid out for us for over fifty years - it was always intended for a reserve but it was only 25 years ago that it was laid out proper. as a reserve. We wish you to lay our petition before the Government at Ottawa - I mean the former petition that was given to Dr. McKenna when he was last out here. We know that although we are living on our Indian Reserve we have no real right to it - it is not our own. We have been thinking over it and we see for ourselves that it is not good for us this reserve. It is what the white people call obsolete now.

THE CHAIRMAN: Do you want it divided up so that each man can have his own share?

A. That is what we want - It is most important to us about our schools and about the Government. We are called British subjects and we are not allowed to vote. Foreigners such as Swedes and Norwegians come here and after two years they are called British subjects and are allowed to vote.

THE CHAIRMAN: Would you like to pay taxes like those people have to do?

A. Will it be too heavy - They might be so heavy that we couldn't afford to do it. Norwegians, Swedes, Japs and Germans they all come here and after a while they own their own lands. Why is that - while we who have been born under the British flag, we haven't got the rights they have.

THE CHAIRMAN: We wish to know whether the Indians would be willing to pay taxes - Of course if you don't pay taxes

you can't expect to vote?

WITNESS: Why we are not even termed "Persons" under the Indian Act.

CHAIRMAN: There are some privileges that the Indians don't have and then again there are privileges that are given to the Indians but which are not given to the white men.

WITNESS: We cannot get a license because we are living on the Reserve and although we are British subjects - talk about privileges, why we cannot get a license like the Japs.

CHAIRMAN: We have conferred with the Fishery Officials, but I can assure you these privileges are not withheld from you simply because you are living on a reserve.

WITNESS: The petition that we gave Dr. McKenna is just the same now as when we gave it to him; that is the young people. Now about the schools - we haven't got the right to say anything about the school - we are not dissatisfied about what the Government has done for us - we have a good teacher now at the school. In some things it is not fair in the Indian Act in the case of liquor it is very strong there, but the white people can come on our Indian Reserve and hunt all round and do as they like on it.

CHAIRMAN: The white man has no right to go on an Indian Reserve and hunt.

WITNESS: We know it is in the Indian Act, but that law has never been enforced.

CHAIRMAN: Did you ever complain about any white men coming on to the Indian Reserve?

WITNESS: Its no business of mine to complain.

CHAIRMAN: That is just where you are wrong.

WITNESS: Now about Schwatlan Lake - that is supposed to be a reserve for us and the white people came along and made use of it without our permission - they trespass on our reserves.

CHAIRMAN: If you know of any white men trespassing on your Reserves you ought to complain to the Indian Agent.

WITNESS: We complained to Mr. Perry about it but the people in Rupert say that they get authority from Ottawa to use it.

CHAIRMAN: They have no authority to use it, and I am sure if you will complain to Mr. Perry about it he will only be too glad to do all he can to help you.

MR. COMMISSIONER CARMICHAEL: Do you mean to say that individual people, ordinary citizens are coming on to your Reserve and using it or is it being used for some big work - are you complaining of an individual or are you complaining of some municipal work?

WITNESS: I mean the City of Prince Rupert.

COMMISSIONER CARMICHAEL: That is a different thing altogether I thought you were speaking of individuals.

WITNESS: Well there are individuals coming on to the Reserve and shooting ducks.

CHAIRMAN: As I told you before you should complain to the Indian Agent about that.

WITNESS: Is the Reserve mine? If I owned the Reserve it would be a different thing, but the Reserve is not mine, and why should I worry about reporting it. There are lots of others on this place besides me, and why shouldn't they report it to the Agent.

COMMISSIONER MCKENNA: You were a Constable here at one time, were you not?

A. Yes.

Q. And you were paid \$400.00 a year?

A. Yes.

Q. And your services were dispensed with?

A. Yes.

Q. And you think that another Indian constable under pay should be established here?

A. That is why we don't want a reserve, and that is why the petition was sent in to you.

COMMISSIONER MACDOWALL: You each want your own piece of land?

A. Yes, and we want to be enfranchised and live like a white man.

THE CHAIRMAN: With regard to the voting - the Provincial

Government you know regulates that and not the Dominion Government - The Provincial Government regulates that matter and this question does not come under our jurisdiction at all - It comes under the Provincial Government.

CHARLES PETER RYAN is called and sworn to give evidence.

MR. COMMISSIONER MCKENNA: I understand that the Indians here are principally interested in the question of the sub-division of the reserve and the holding of the land as white people - is that correct?

A. Yes, I am one of the young men that wish that - Looking into the future I want that.

Q. Are the majority of the Band in favour of that?

A. In 1912 when we sent in that petition we were in the majority then, but there was some opposition on the part of some of the older men of the Band - Some of them did not want it

Q. Are the majority of the Indians now in favour of it?

A. I could not say now, but you could soon find out by voting on it

Q. That is not a matter for this Commission to decide. All the Commission can do is to make such recommendations in their Final Report as they may think will be for the benefit of the Indians, and then it will be up to the Government of Canada to take the necessary action. Now you heard some of the speakers claim certain reserves that were allotted to the Naas River and Kitsumkalum Indians - You heard that?

A. Yes.

Q. What is your view in respect to the claim of the Reserve called ZIMAGORE and allotted to the Kitsumkalum Indians?

A. I could not give you a correct answer not knowing it as the older people know it - there are some here who know more about it than I do.

Q. What they know is the old dispute between the Kitsumkalum Indians and the Indians here about the division of the territory. Do the Indians here make any use of that I.R.

- A. *They used to go there but I have not seen it myself in my time.*
- Q. *What about Stoney Point No. 10 and Black Point or Fishery Bay No. 11?*
- A. *I am not in the habit of going there myself but I know some of my people go there to fish.*
- Q. *Do the Naas people try to stop them when they go there?*
- A. *Yes, they quarrel over it.*
- Q. *When we go to the Naas River we will very likely hear the other side of the case. Now you spoke of fishery licenses. Have any of the Indians of this Band got what is called Independent licenses?*
- A. *No - I know some of these people who have tried to get them and have failed.*
- Q. *To whom did they make the application?*
- A. *To either Mr. Norie or Mr. Williams at Prince Rupert.*
- Q. *And those Indians who applied for Independent licenses have they boats and gear of their own?*
- A. *They used to have them but they haven't got them now because they can't get the licenses. I know all about what the cannery people think about these licenses.*
- Q. *What do they think?*
- A. *I have been acting for the last two years as foreman among the Indians who are working in the canneries. Sometimes when an Indian fisherman doesn't go out for one tide they are discharged - I know the manager of the cannery where I have been working says that next year he was not going to give any licenses to the Indians.*
- Q. *You mean the salmon licenses that the canneries get?*
- A. *Yes.*
- Q. *One of the speakers referred to an industrial school, and I understood him to say that it was too far away. Don't all your children attend the day school?*
- A. *They find no fault with the day school here because we have a good teacher, but at other places where there are industrial schools and our children have been attending them they*

have come out good scholars, and that is what we ask for here - an industrial school and we would like to have it as near as possible.

Q. Does the Doctor attend you here?

A. Yes, We have a doctor who comes over here, but it is difficult sometimes. He can't get away when he is wanted.

Q. Where does he live?

A. At Prince Rupert.

Q. What is his name?

A. Dr. Cade.

Q. Is there a missionary resident here?

A. Not a clergyman, but there is one in charge of the mission here.

Q. And you have regular services in your church?

A. Yes.

Q. Are any of the Indians of this Band living outside of this village on any other Reserve?

A. I know of one who is in Alaska just now.

Q. But all the people of the Band live here. None of them live on these other reserves?

A. No.

Q. And whatever cultivation they do is done here?

A. Yes.

Q. And the cultivation is confined to gardens?

A. Yes.

Q. You grow potatoes and other vegetables I suppose?

A. Yes.

Q. You just grow them for your own use?

A. Yes.

Q. You have no cows?

A. No.

Q. There would not be pasture for them I suppose, would there?

A. Yes, there is lots of pasture but it is almost impossible to have these things because the Indians are always away fishing in the summer.

Q. So you have no livestock at all?

A. No.

Q. Have you any fowl?

A. Yes.

Q. These Indians make their living chiefly by fishing do they?

A. Yes a majority of them do, but some have trades.

Q. What trades have they - those who don't depend upon fishing?

A. Some work on boats and some are carpenters. They work at Prince Rupert.

Q. You are a carpenter yourself?

A. Yes.

Q. How many carpenters are there in the Band?

A. Almost everyone of them can handle tools.

Q. When they can get work at Prince Rupert or anywhere else they are glad to get it I suppose?

A. Yes.

Q. How many boats have they here - I mean gasoline boats?

A. Ten or eleven.

Q. Do they do halibut as well as salmon fishing here?

A. Yes, both - any fish that will bite.

Q. And you have good market for your halibut, have you not?

A. We haven't been doing very well lately with the halibut fishing

Q. Do they go out in their own boats to the halibut banks?

A. Yes, but we haven't been doing well this season.

Q. Is the timber of any value on any of your reserves?

A. No nothing worth selling.

Q. Did they construct their own boats?

A. Several of them did.

Q. Most of the boats are built by yourselves?

A. Yes.

Q. What is the population of the Band?

AGENT PERRY: 188.

Q. I understand there are about 45 pupils at the day school?

A. Yes.

Q. And all the children of school age attend that school?

A. Yes.

- Q. Well I must say that is a very good attendance for the population.
- A. The reason we want an industrial school is because we now have to send them all the way to Lytton to get a better education.
- Q. Have you done that since this school was built?
- A. Yes, this year we sent 9 and 2 went last year.
- Q. So that there are 11 attending that school now; are they all boys?
- A. Yes.
- Q. They attend St. Georges School?
- A. Yes.
- Q. And the Principal came up here and asked you to send your children there?
- A. Yes, he has been up here twice. We would like to have a telephone put up between here and Prince Rupert as we find it hard to get communication between the two places in the winter. It will also come in very handy for us in case we needed a doctor or anything of that nature in a hurry.
- Q. You have asked the Agent to try and get that for you?
- A. Yes.
- Q. We can quite understand what a convenience it would be for you but we must say it is not a matter that comes under our jurisdiction. I understand that this matter has been brought to the attention-of the department by your Agent, Mr. Perry, and he has asked that a sum of money sufficient for the purpose be voted. And I think I may say that the Commission hopes the grant will be made.
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ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF
BRITISH COLUMBIA.

MEETING WITH THE PORT SIMPSON BAND OR TRIBE OF INDIANS

AT PORT SIMPSON, on Wednesday September 29th 1915.

THE CHAIRMAN addresses the assembled Indians as to the scope and powers of the Commission.

MR. BEYNON is sworn to act as interpreter.

CHIEF HENRY NELSON presents an address which is read by the interpreter. (Exhibit Q.4).

CHIEF GEORGE KELLY addresses the Commission as follows;

I wish to know if that is all the business you will transact what you have stated.

THE CHAIRMAN: That is all - just to hear the statements and examine the witnesses. You can speak freely on any matter you wish and all that is said is taken down in writing by our Secretary, and when we get back to Victoria we read it over and after taking it into consideration we come to the decision we make. As I said before all that is said here today will be taken down in writing and copies of that are sent both to the Dominion Government and the Government at Victoria so that both of them will know what you have said here today and what we have said to you.

MATTHEW JOHNSON addresses the Commission as follows: We are very glad to meet you: not only ourselves but every one in the village. We have from time to time informed the Dominion Government as to our grievances concerning our land which no doubt you gentlemen are aware of. Petitions have gone forward and these things that you have brought up now we cannot discuss immediately. For the past forty years we have been petitioning the Government through peaceable channels not wishing to enter into any lawsuit concerning the land of all these tribes both here and on the Skeena - these have been taken away from us without our consent and we would now like to discuss this as it is entirely new subject - we would like to discuss' it among ourselves as we have never had the opportunity of bringing before proper representatives of the Government our troubles. We thought we would in this case, but the question put forward by Mr. White the Chairman as an entirely different aspect altogether and we have not the liberty to discuss it.

openly between ourselves and we don't want to get into any clashes with the Government over these land questions. From time immemorial our forefathers had undisturbed possession of these lands before they were discovered by the white men, and we have sent word to that effect in our various conferences at Ottawa. We had sometime before had a conference with Premier McBride at Victoria and after taking our petitions and having a conference with us he said our troubles would be settled in three weeks and he would let us know. That three weeks has gone into five years and as yet we have had no reply from him and we would now move for an adjournment of the meeting so that we can discuss this question among ourselves.

THE CHAIRMAN: We are all aware of the claim that you have spoken of what is called the aboriginal title but it is not within our power or within our jurisdiction to settle that or really do anything about that but we are quite aware as to what the Indians have been doing and the petitions they have sent and also the delegations they have sent to Ottawa to try and settle this question. We have been informed by the Government at Ottawa that an arrangement has been suggested and agreed upon by them to settle this matter. An Order-in-Council was passed assigning this question to the Exchequer Court - in other words agreeing that this claim of yours should be heard by the Exchequer Court at Ottawa, and that the Dominion Government would pay solicitors to represent you and to argue that case of yours before the Exchequer Court so that you should not be put to any legal costs or expenses in looking after your interests here, and further than this provided that the decision of the Exchequer Court was not as favorable to you as you would like that you should then have the right to appeal to the Privy Council in England before His Majesty. That agreement either has been or will be submitted to you for your approval, and this Commission sincerely hopes that that may be finally settled and agreed upon as we think it will be of great benefit to the Indians to have it settled. Of course you know that the assertion of your claim if allowed at once would affect a large body of white people who have come into the country and who are affording you employment of various

kinds - it would affect them very much in their various lines of business and that is why the Dominion Government have thought in order that justice might be done to everyone that the matter should go before the highest Court in the land. Having made that explanation and after hearing what the last speaker has said, if the Indians wish to talk this matter over among themselves we can adjourn until three p.m. this afternoon and that will give you an opportunity of discussing this matter, and then you can come before us and say what you wish.

CHIEF HENRY NELSON addresses the Commission as follows: I take this opportunity of thanking the Royal Commissioners of being able to lay before them our different troubles which we will do so openly. Three men have been appointed by the various chiefs of all the tribes to discuss the different topics with the Commissioners. (A letter is read, signed by the Rev. Dr. Moore, which was sent to Sir Wilfred Laurier in 1908. Exhibit Q5).

THE CHAIRMAN: In reply to the petition just handed in we have received his address and you can understand what we told you at the out-set of the meeting that we had nothing whatever to do with those lands, and we also told you what the Dominion Government proposed to do, and you of course have decided to let the matter remain so therefore it is not necessary for you at all to discuss the question about the claim you make to all the lands now; if you have any other grievances respecting anything else or you desire to say anything to us which we can control or report to to the Government, we will be very glad to hear you and do anything we can to assist you.

CHIEF JOSEPH addresses the Commission as follows: We thank you for this opportunity of coming to you; the chiefs and people of the village thank you for this opportunity and for your kindness for coming as subjects of the King, knowing that we are protected by the Sovereign. And I have been delegated to speak on this one question namely on the Reserves. We had expected all the time that you would deal with the land question, and now that you are here we find that you deal with another question altogether. This reserve question was put on us by the Government without our

consent or the consent of our forefathers and it has been forced upon us without our consent. The Government has told us that these reserves as set aside by the Government will be our undisputed property but we have from time to time lost pieces of it, and as the people became further enlightened they expected justice to be done them by the Government, and even though posts which were known to them were staked on their reserves, these have from time to time been cut off and slices taken off them for other individuals. We have very little faith in the reserves set aside as they may be broken, and the only way we can see of any settlements being arrived at which we will consider final will be to deal direct with the land question, and even though we are supposed to enjoy full liberties on the reserve, we are more or less hampered in every way. We are sorry that we expected to go more fully into the land question with the Commission thinking that they have the power to deal with a larger land question but seeing that they are not empowered to do so it would be useless for us to say any more on the subject.

MR. COMMISSIONER CARMICHAEL: I would like to ask one question, and I would like to ask it on my own responsibility as a Commissioner. You people thoroughly realize do you that this will probably be the last opportunity of an Commission coming through to deal with you Indians in the way that we have been trying to deal with you; as long as that is so, I have nothing more to say but I think for the younger men and the future of the Indians it is an awful pity to see you throw away the opportunities that we are honestly trying to place before you.

THE CHAIRMAN: We want to get some information about your band and various things that I mentioned to you in my address, and therefore we would like to call someone who is familiar with the tribe and various bands on the reserves and ask them some questions - we will ask the chiefs to select someone.

MATTHEW JOHNSON addresses the Commission as follows: The reason that we are coming forward is that the Government have never in

first forming the reserves have never come forward and got the consent of the Indians. Forty years ago, in company with Chief Wallace, this was taken up at Ottawa - that is the people had lost a lot of land without their consent or any negotiations with the Indians. They asked for a clear title at Ottawa and we then had further conferences with Premier McBride at Victoria and he took our documents and grievances and said that he would send one copy to the Imperial Government, one to the Dominion Government and in three weeks time everything would be settled. At that time hearing that the Royal Commission was appointed by the Provincial and Dominion Governments we were lead to believe that they were dealing with this land question.

THE CHAIRMAN: There must be some mistake as to that, because you could not send a letter from here to England and get an answer in three weeks.

WITNESS: Premier McBride made that statement in front of a big delegation of Indians from all over the Province and we now ask for compensation on the different lands that have been taken away from us without our consent which is only right according to law. So when we come to discuss about reserves it is really too small a question when compared with our real land question, but seeing that the Royal Commissioners are appointed by the Dominion and Provincial Governments we take this opportunity that they may lay it before the various Governments and we wish for a settlement which will be the only way for a settlement on the land question.

THE CHAIRMAN: You may remember that I told you before that this land question of yours it is proposed to take it before the Exchequer Court, which is one of the highest Courts in Canada, and if you are not satisfied with the decision of that Court you will have the right to appeal to the Privy Council in England. I don't think you can have anything fairer than that and that is the proposal at the present time. We of course have nothing to do with that land question, yet at the same time we have taken down what you have told us and we have your petitions and these will be sent by us to both Governments. You see we are dealing

honestly with you and fairly; we are not pretending to have powers that we do not possess. We are telling you frankly what we can do and what we cannot do, and we have given you the documents so that you can see the powers that we have; that being the case I quite agree with what the last speaker said that it is quite unnecessary to discuss this land question, and therefore we would like to proceed with the other work.

WILLIAM MOODY addresses the Commission as follows: I was one of the men appointed by the chiefs to speak for the village and I thank the Commissioners from the Dominion Government and Provincial Government for this opportunity. We have heard from Mr. White, the Chairman, as to the powers he has to deal with, and Mr. Ryan has also explained the attitude of the people on the reserve, as has also Mr. Johnson, in which he refers to the petition at Ottawa. I am going to bring up another subject altogether, and everything I say will be true. We have been, gentlemen of the Royal Commission, thrown out of employment from our various rivers, namely the Skeena and the Naas. We are denied the privilege of an independent license with which to fish on these various rivers and on that account the Indians cannot all fish on these rivers as they cannot all procure licenses. All the licenses that are issued by both the Dominion and Provincial Governments for fishing privileges on these two rivers, over ninety per cent are held by Japanese, and we now take this opportunity of asking you and placing before you the request that we be given the privileges of the independent license and in that way replace the Japs which are now fishing on the various rivers, and in this way we can again resume our work and make our living on the Skeena and various waters of our forefathers and by using these licenses we may be able to take our fish to the best markets and in that way the money made ⁹ram these fish will remain in the country instead of going to Japan and other Oriental countries as it does at the present time, and another point about the fishing, right along the shores of our Indian Reserves here, men were

granted privileges to use their seines and take the herring on the spawning grounds right on the shore here, and even though we protested about this and the Custom House tried to do their best for us by helping us to try and stop it, they could not do it. That is the Custom Official here did his best to send them away, but they just went further down here to a place called Whisky Bay, a little inlet about half a mile south of here, and there proceeded fishing for herring. They not only got more than they really wanted but they wasted a great deal of the herring. We are denied these privileges ourselves and we now ask for equal rights - if they have the privilege of seineing on our land, we ask for the same so that we can compete with them for a fair living wage. This is the one point that I bring up as regards one of the grievances of the people, which I think is most important.

THE CHAIRMAN: We think the fishery question is a very important matter, not only for the Indians but for everyone on the Coast, and we have heard this very same complaint from other Indians in other places where we have visited, and after hearing what the Indians have told us in other places we have had several interviews with the Fishery Officers, and we have made arrangements to have another interview with them in regard to this very same matter which you now bring up, and my brother Commissioner Shaw has suggested that I should tell you that we are all of one mind and are very anxious indeed to help the Indians in regard to the fishery question.

MATTHEW SHEPHERD addresses the Commission as follows: Referring to the lands of Chief Legaie, this was here before the formation of the Reserve, and Doctor Kennedy received the consent of Legaie in taking some of his tribal property. Then Dr. Vowell came up and asked the consent of the Indians for the boundary of the Hudson Bay to run parallel with the Hudson's Bay high fence and the Indians consented. The remnants of these posts are still in the ground right to this day; the posts may be seen very near the residence of Mr. Boyd Young.

, and another under the residence of Mr. Bacon. The boundary then was parallel to these two lines and we ask the Commission to keep it as such. This was never the property of the Hudson Bay Company, being out of their boundary with their agreement with Legaie.

MOSES JOHNSON was hereupon called and sworn.

MR. COMMISSIONER SHAW:

Q. Are you a member of the Tsimpsean band of Indians?

A. Yes.

Q. Are you a chief or a private member?

A. I am not a chief.

Q. How many people belong to the Tsimpsean band of Indians?

A. In former years the population of this village was in the neighborhood of 4,000, but it has now dwindled down to approximately 700.

Q. Say in the last five years were there more or less people belonging to this band than there are now?

A. There are less people now.

Q. Are they getting less every year?

A. I clearly answered that in the last question; I said that the former population has dwindled, which shows that it is on the decrease every year,

Q. Was this the reserve that a lot of people went from over to Alaska or was it from Metlakatla?

A. It was from Metlakatla.

Q. Do you know how many full-grown men belong to the tribe, say over 18 years of age married and single?

A. I wish to know why you are asking these questions?

MR. COMMISSIONER SHAW: Well there are a good many reasons - in the first place we want to find out how many people you have; how many families in order that we may be able to see whether the lands you have now are enough for your own use - to find out how many children you have of school age and if you have schools adequate for their use and a great many

other questions?

- A. I fail to see what connection these questions have in regard to the Indian Reserve question.
- Q. Do you object to answer that question?
- A. I wish to know what respect this question has on the Indian Reserve question.
- Q. I explained that to you - do you object to answer my question, if so I will go to something else.
- A. I cannot answer that question.
- Q. Do all your people live here on this reserve?
- A. They lived here from time immemorial before such a thing as a reserve was thought of - all the different tribes lived here.
- Q. What I want to know is this, this is what is known as Port Simpson No.1 is it not?
- A. We don't know of any number at all being attached to it. We have a name for it which was known in the old days and before any reserves were laid out; these reserves were made and forced upon us unknowingly; we never asked for them but we were forced to take them.
- Q. How do the people of the Tsimpeans make their living - what is their chief occupation?
- A. Right in the neighborhood we make our living by sea-otter hunting which you know has very valuable furs,
- Q. And do they engage in that occupation still?
- A. Also other hunting privileges which we enjoyed in former days and which have now been taken away from us.
- Q. Do they still engage in sea-otter hunting?
- A. It has been clearly stated in the various petitions that all the hunting has been done away with on account of us not having any place to hunt.
- Q. So that is not one of the present means of livelihood?
- A. Our means of living is by fishing, hunting and trapping.

- Q. When the matter was referred to about the white men taking a net and fishing for herring near the reserve, when did that happen?
- A. Two years ago they were taken right down near the shore here; before that it was before the herring had spawned.
- Q. It was two years ago that the man came and took the herring away right near the reserve with a net?
- A. Yes.
- Q. Do you know whether he was an American or a British subject or a Jap?
- A. He was a British subject.
- Q. Do you know whether he had a license for using that net?
- A. The first party that was here two years ago had no license to gather fish off the edge of the reserve.
- Q. And has it happened since that time?
- A. We appealed to the Customs Officer, Mr. Flewin, and it was through his efforts that the man stopped fishing.
- Q. And has anyone fished there since?
- A. Last winter they carried on the same practise right inside Whisky Bay.
- Q. Do you know whether the men who were there had licenses or not?
- A. I telephoned personally to the Fisheries Inspector to find out whether they had licenses, and they had. I then asked him over the phone if he was aware that they were fishing on spawning grounds, and he got sore and hung up the receiver - not only him but one, two or three large corporations were fishing there.
- Q. Did they all have licenses to fish?
- A. According to the Fishery Inspector they all had, which had been granted from Ottawa.
- Q. In regard to this herring matter, you can say to the Indians that when we meet the Fisheries authorities we will call their attention to that, and produce the evidence and the statement that you have made regarding it.

INTERPRETER: The importance of the herring as regards spawning grounds here - the spring salmon follow the herring and if the herring are driven from here there are no spring salmon. They have got to have the herring for bait, but let them go over to Finlayson Island. I can remember when the herring were so thick you could walk on them, but now it is hard to catch any. They ought to have the same arrangements that they have now in Esquimalt; there they cannot go on a spawning ground.

- Q. (To the witness) You told us I think the fishery officer, Mr. Norie, told you they were not fishing on the spawning grounds.
- A. Yes, and he was at Prince Rupert and could not see, whereas I was on the ground and could see them.
- Q. Have you schools enough on this reserve to accommodate all the children you have of school age?
- A. No.
- Q. How many schools have you?
- A. We have one day school.
- Q. Is that the only school on the reserve of any kind?
- A. There is one outside of the reserve, the Girls Home, which is for girls only.
- Q. That is for the girls of this village?
- A. Yes.
- Q. How many children attend the day school here?
- A. I would refer you to the teacher of the school himself - the people only have the winter left to them to attend school when they all get together; previous to that it is a case of coming and going all the time. There was at one time here a boarding-school for boys; a home school but since that has been done away with they have moved to another place, I think Chilliwack and that makes it awkward for the parents to leave them behind when they go fishing and so their education is more or less neglected.
- Q. Are the people here desirous of having more school accommodation here so that all the children may attend the school when they are here?

- A. There was an agreement here at one time between the chiefs and the Methodist Church about establishing a school here or a larger home but after the agreement was drawn up we were all surprised to see them move the Home away from here altogether.
- Q. Do the people here desire to have school accommodation established here so that all the children can attend the school?
- A. I feel very glad, gentlemen of the Commission, brought up the matter of this school as we are very anxious to have one.
- Q. Which would you prefer, a day school such as you have now, or a boarding-school?
- A. I just wish to ask this, will any of these questions or any of the answers that I may give to them prejudice in any way the matter of the aboriginal title which is now going to go before the Courts?

MR. COMMISSIONER SHAW:

- Q. That objection was made at one of the meetings where we were at the second year the Commission was formed and his objection was forwarded to Ottawa. In reply we received from Ottawa a communication which informed us that that would have no effect on their right to the land title and we were authorized by the Order-in-Council to call the Indians attention to it. Now which do you prefer, a day school or a boarding-school?
- A. The school that we wish to have established here is one on the industrial scale.
- Q. Is the school that is already in. operation here for girls large enough to accommodate all the girls of school age?
- A. They have at various times been unable to accommodate all that have wanted to go there. The capacity is about forty.
- Q. What is the capacity of the day school?
- A. Mr. Perry, the Indian Agent, might be able to tell you that.
- Q. Do you know how many boys from this band are attending the school at Chilliwack?
- A. About ten.
- Q. Do any girls go from here to there?

- A. Yes, but I don't know how many.
- Q. Have you a resident doctor here?
- A. We have not got ourselves a resident doctor, but we have one who was appointed through the Mission Board.
- Q. Does he attend to all the sick people here when called upon?
- A. Yes.
- Q. Does he make a charge to the Indians for visiting them or attending to them when sick?
- A. Yes he makes a charge.
- Q. Do you know whether he receives a grant from the Government at all or is he paid wholly by the Methodist Church?
- A. I heard from Indian Agent Todd when the Council asked him whether the Government in any way supported the Doctor and he said they did at that time, but whether they do now or not I don't know.
- Q. I suppose the Medical attendance is satisfactory here, is it?
- A. I could not say personally for myself because I have never required one.
- Q. How many churches have you here?
- A. A Methodist Church, Slavation Army, Christian Band of Workers and there is another church established, but it is more for the white people than anything else and it is the Church of England.
- Q. Have you resident missionaries here?
- A. We have a Methodist missionary here and the others have their local ministers.
- Q. Do any of your people cultivate any land?
- A. Yes.
- Q. Whereabouts is the cultivated land?
- A. All over in the neighborhood and on the islands in the immediate vicinity, and on each reserve set aside for our use.
- Q. Have they individual pieces of land or do they cultivate them jointly?
- A. They are all individual pieces.

- Q. Do they produce anything for sale from the cultivation of the land?
- A. We may grow enough to sell but we don't because we can't find any market.
- Q. What do they grow on these cultivated pieces of land?
- A. Namely potatoes and grain and vegetables of various kinds and berries such as black currants and these we use personally for our own use.
- Q. Do they grow any apples or plums?
- A. There are a few cases where we have a plum tree here and there but not as a general rule.
- Q. Do they produce enough vegetables for the use of the band the whole year round or do they have to buy outside and bring them in?
- A. We have to go outside to get them, we don't grow enough.
- Q. The land that they cultivate, was it formerly covered with timber or was it open land?
- A. All the land was wild formerly and covered with timber.
- Q. On any of these lands that the Government has set aside for you as reserves, is there any open land that could be cultivated?
- A. I won't answer the question to the point.
- Q. Do you know of anyone who is cultivating any land outside of the lands that have been surveyed by the Government for you as reserves. I will tell you why I am asking you that question - if any of the Indians are cultivating any lands outside of the reserves and have made improvements on them and they have not been sold to white men and if the Indians want those pieces of land, we want them to ask for them and we will consider them whether we will give the Indians these lands or not; they must understand this however if they are cultivating lands that are held by white men we can't give them to you but if they have not been sold to white men then we will consider giving them to you. Now again we can tell you that by asking for any of these lands, it will not affect your case before the Court in

anyway, shape or manner. Now I will ask you again, do you know of any Indians who are cultivating any land outside of the lands set aside by the Government for you as reserves?

A. I won't answer the question.

Q. Do any of the Indians of this Band own any horses?

A. There are no horses or cattle of any kind - no live stock.

Q. Any chickens?

A. There are a few chickens.

Q. Do you know how many reserves the Government has set aside for your Band of Indians?

A. I won't answer that question.

(A long discussion here arose among the Indians present, the witness explaining that some opposed his replying to the questions of the Commissioners and stating that he did not desire to testify in opposition to the Indians of the Band or their wishes, because he being a storekeeper he might suffer in his business if he did. Some of the Indians were also dissatisfied with the Intrepeter.)

MR. COMMISSIONER SHAW: Enquired of Chief Counsellor Robinson as to whether the Council was satisfied with the Intrepeter?

CHIEF COUNSELLOR ROBINSON: Yes, he is doing all right.

MR. COMMISSIONER SHAW (to witness): How many motor boats are owned by the Band?

A. 33.

Q. Have you any sailing boats?

A. We have an unlimited number of sailing boats, and also rowboats and canoes.

At this stage of the proceedings another long debate arose among the Indians, certain members of the Tribe showing themselves to be suspicious that the examination might be injurious to their Land Title Claim, and the witness again expressed fear that he might injure his business by giving testimony in opposition to the wishes of some members of the Tribe.

MR. COMMISSIONER SHAW: Well we do not wish to have you do yourselves any injury. Is there anyone else here present who will come forward as a witness and answer such few questions as we may have yet to ask in place of this witness?

The question was several times repeated and no one coming forward.

THE CHAIRMAN closed the proceedings with a reference to the apparent suspicion of the Indians.

"If" he said, "the members of this Tribe later on discover that some of the other Tribes have faired better than they themselves at the hands the Commission, they will have only themselves to blame for not having answered our questions more clearly. Notwithstanding the attitude you have taken, however, the Commission will be glad to do all in its power in your interests and to provide for your reasonable and necessary requirements".

continued from 15.

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ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B.C.
MEETING WITH THE KINCOLITH BAND OR TRIBE OF INDIANS HELD AT KINCOLITH
ON SATURDAY, OCTOBER 2nd, 1915.

J. MAXWELL COLLINSON is sworn to act as Interpreter.

INDIAN COUNCILLOR JAMES G. ROBINSON addresses the Commission, preliminarily, as follows:

We are very pleased to be able to meet you Royal Commissioners here today. The Chiefs and Councillors of the village of Kincolith are all very pleased to meet you today in this village and in this hall. You all will see what we have done to the best of our abilities to honour our King and you Commissioners. The decorations on the street and building, the presence of our band, and the reception committee, all these preparations we hope will convince you Commissioners of the friendly feeling towards you in the hearts of the Nishga people. You Royal Commissioners come to us wearing, as it were, the power of our King, so we, the people of Kincolith, are doing all in our power and all in our hearts to greet you here today in our village, and we ask you out of your good hearts not to give us anything that will cause ill feeling, and we also promise not to give you Royal Commissioners anything that will cause ill feeling, and we hope that nothing will occur that will discontent or ill feeling in our village. We will be very glad indeed gentlemen, if we are able to get what we ask for and what we have decided to ask for before you leave us here. You also know what has been troubling the hearts of the Indians of this river for a long time past, and we want all this to be rectified and put right. We want all the trouble made an end of, but we don't ask for an immediate answer now - we don't ask that as we know it would be unreasonable. You also notice the flag that we are flying today from our flagstaff; we know that it is under that flag that the Royal Commissioners are living and working, and we want you to know that it is under that flag too that we are living and working for the same thing. For some time past we have heard and known that the Royal Commission would visit us here, and for this day we have been preparing for a long time past. We are very glad to see you today; even the women are glad to meet you. You also see our band here today. It was that same band that met H.R.H. the Duke of Connaught when he visited Prince Rupert. And that same Chief, Paul Kalakak, who met you and who is sitting here today, it is that same Chief also who went to Prince Rupert to welcome H.R.H. The Duke of Connaught in behalf of the people of Kincolith. That is all I have to say, gentlemen, in greeting the Royal Commission today in behalf of the people of Kincolith.

THE CHAIRMAN expressed the pleasure that he and the other members of the Commission felt at the warmth of the reception accorded them, and after complimenting the Band and Chief Councillor Robinson upon their music and address respectively, called upon Mr. Commissioner Carmichael to explain the origin, objects, scope and work of the Commission.

MR. COMMISSIONER CARMICHAEL, after also expressing the Commission's appreciation of the reception accorded, duly explained the reasons of the Commission's formation, the limitations of its powers, and the scope of the work in hand.

THE CHAIRMAN then invited addresses by the Chief Councillor, Councillors, Chiefs or others who might be selected to represent the Lower Naas people on this occasion.

VENERABLE ARCHDEACON COLLINSON; having heard the objects and powers of the Commission explained by the Chairman and by Mr. Commissioner Carmichael, the Indians are desirous of securing an adjournment in order that they may discuss the situation and formulate their own plan of procedure. The adjournment is asked for until Monday.

THE CHAIRMAN briefly explained the importance of no time being wasted, the Commission being obliged to keep up-river engagements long since made. He intimated that it might, however, be possible for the Commission to give the Kincolith people at least a portion of the Monday.

W. J. LINCOLN, of the Nishga Land Committee: This is a big day for us here, and we have heard with interest all that has been said about your powers, representing as you do both the Dominion and Provincial Governments, and it has been made plain to us here today what you have come here to do and how far your powers go. We know by the statements that you have made to us that the duties you have are not light duties. They are very heavy duties and responsible, and we realize therefore that time should not be wasted. At the same time it would be very startling to us and it would not be fair to us if you did not give us time to go into this business carefully before submitting anything to you, and we therefore ask that this meeting be put off until Monday morning. After considering everything that has been said, we regret very much that we were not able before to know your duties and powers. Had we had such knowledge we might have been able to send our wants to you in writing and you might then have been ready to announce your decisions when you reached our place. When a man gets up and starts to walk or to do anything of any importance, he does not go at it in too quick a way. When a man deals with anything important he should not act hastily, but should weigh and measure everything. We ask therefore that out of your good hearts you give us time to think and talk things over, as we don't want friction of any kind, and so that we may be able to lay all our grievances properly before you in connection with our village and our lands. We humbly ask you, gentlemen, to fall in with our request and give us until 10 a.m. Monday morning so that our case may be properly presented and no ill-feeling be caused anywhere.

THE CHAIRMAN: There is much good sense in the words of Mr. Lincoln, and we shall be glad to comply with your request. We therefore shall adjourn this meeting until Monday morning at 10 O'clock.

Monday, October 4th, 1915.

Upon resumption of proceedings at 10 a.m.

THE CHAIRMAN: requested that the people of Kincolith first present such matters as they might desire to speak of, and any others would then have opportunity to speak. He understood that there were Indians present from the Upper Naas, and if, after the Kincoliths had spoken, they desired to be heard, the Commission would be pleased to listen to them. He would first call upon the Chief Councillor, or anyone whom he might name, to address the Commission.

CHIEF COUNCILLOR JAMES G. ROBINSON: This is the day that we have appointed to meet you to discuss our troubles and our wants, and we wish to thank you for falling in with our plans and meeting us here today. There is a separate thing known as the Land Question, and I have already appointed men to address you to make known what it is we require. And it was given me by the people of this village to appoint these speakers here today. I now call upon Councillor George Whitfield to make the first speech.

Coun. GEORGE WHITFIELD addresses the Commission as follows: As to one of our grievances, it has been given to me to get an explanation about and that is why I am standing before you now - about a piece of land given to us by the name of Kalahn or Portland Inlet; this piece of land was set apart for us by the surveyor.

MR. COMMISSIONER MCKENNA: That was a piece of land cut off when the survey between Canada and Alaska was determined.

REV. ARCHDEACON COLLINSON: Yes.

WITNESS, continuing: That land was given to us and it was a piece of land for which we have great use. We ask for the land in the first case because it was a good piece of land and the Kincolith people made great use of it because we got our food from there. We got from that place salmon - we also had good timber on that piece of land -- there is a good run of salmon in that stream all year by which the people used to live - we also had a salmon-house there where we used to dry our fish and when the boundary line was decided the thing slipped out of our hands, that is one of our grievances. Now I want to speak about our piece of land at Stewart - we have another reserve there which is altogether different to what it was when it was first laid out for us, that was another place which was of great use to us - one of our working places, it was also a hunting place, and we also derived food from that piece of land and we also had two houses up that creek at which this reserve was at the mouth and today we don't work upon that reserve at all, all our interests have been taken by the white people - Scamakounst No. 19 is the name of that reserve, We now want to have an exchange for that Reserve the Salmon River; we want a place by the name of Dog-Fish Bay (Gkmateen) because at this place that we want this exchange there is a creek and there is also hunting there, and as far as the Stewart Reserve goes we want that Reserve to be rectified and put back on the same standing as it was at first, We were led to understand from the Government that when these reserves were laid out at the mouths of these rivers they held the principal part of the rivers as far as hunting was concerned, and that is why we bring these before you today because we know that this is

wrong - because these reserves don't hold the principal parts of the rivers - that is really why the land question was started so that we would get a full explanation. This is all I have to say, and I thank you for listening to me so attentively, and I also hope that you will do all in your power to satisfy us on these questions.

CHIEF PAUL KLADAK addresses the Commission regarding No. 24 and No. 26 Indian Reserves.

You have come to this village to look into and find out the grievances of the Indians of this village and that is why I am putting before you this morning the grievances of my land and the land belonging to my village. It is a great grievance and trouble to us. I am not at all happy about that land because there are too many white people trying to take the land away from me; that reserve (No.24) was laid out by Mr. O'Reilly; they did not even take any note of me as I was boss of that river but they came and built their house right on the reserve, that is why I put it before you kind gentlemen so that you will out of your kind hearts look in-to this grievance which also causes grievance to all my people, and the creeks around that Indian Reserve or flowing on to that reserve belongs to me - that is where I used to get all my hunting up these creeks - also the food I used to get. We have some crab-apples up there and I have gardens where I planted potatoes and turnips and all kinds of vegetables and all these have been taken from me since the arrival of the white men; the prospectors they have gone up these creeks and spoiled the hunting - they have built houses where my house is and they have practically run all over the Indian Reserve notwithstanding the word of the Government that no white man shall come and build a house near to where there is an Indian settlement the place where the white men should come in is where there are no Indian houses and they are perfectly free to come and build houses there. From now on I want this to cease this is why you have come here to help all the Indian villages and I put it before you so that you can help me out in this. I want this reserve to cover the whole front, not only for myself but also for the village. I am boss of the place and I want this reserve for my village so that they can work and do what they want

to do - that is all I have to say in asking you to help me as far as that reserve is concerned. Inasfar as the other reserve is concerned (No.26) what I want to do is to extend the reserve; I myself worked on the survey party that laid this reserve off.

MR. COMMISSIONER MCKENNA:

Q. How far should the reserve extend down to?

A. Down as far as a small creek known as Ksizimai - that is all I have to say gentlemen as far as these reserves are concerned. This last-mentioned reserve should reach down to this creek which is known as Ksizimai. We also have houses on this reserve.

W. J. LINCOLN addresses the Commission with regard to Reserve No.15 and a piece of land at Scult or otherwise known as Iceberg Bay.

I have been appointed to speak at this meeting about some land belonging to the Nishga people that they work on known as Kinimax No. 15. From time which we cannot remember here today this Land was used by this tribe for different purposes working for the the Nishga tribe and there was one man appointed to be the head man of this river and ground. From this place they derived different kinds of food; starting from the river we caught our salmon, then further up the valley we got the Marten, mink, and other fur-bearing animals, also the bear, and leaving the valley and going up the mountains we used to get the mountain goat which we used to use for food. After explaining to you what we derived from the creek and surrounding land we also used the trees from the very smallest tree which the white people would use as a fishing pole, we used it as a gaff to the largest trees which we used for canoes. As to the reserve which was set apart for us at this place our eyes have been opened to this and we see the reserve does not cover and never did cover all these different places that I have explained to you about our hunting our timber white people have come in and taken timber limits, in other cases the canneries have come in with seines and taken up our fish from these creeks from which we expected to get money, but instead of us getting money these people have come in and taken the money which we expected to have, the thing that

troubles us the most is that this place is supposed to be ours from time immemorial but now we see that instead of us making money at this place and using the money for ourselves for food and also for buying clothing for ourselves it is slipping away from us altogether. Although this land was supposed to belong to us and does belong to us from time immemorial. Now to go to the other place which is known as Scult, we know that this place has been taken up from us. There used to be land there and hunting places and also fishing ground but now this has all been taken up and our hunting and fishing places have been spoilt there. Now this is a great grievance which we lay before you today. We see this gradually slipping out of our hands which have belonged to us from time immemorial and this is a great grievance to us. Now chiefs I lay it before you today to weigh it and judge it for yourselves. These lands are gradually slipping out of our hands. Where shall we get our living from? I now put it before you for you to weigh it in your own minds and help us.

S.L. ALLAN addresses the Commission as follows: You have come to visit us here to help us as we know we are your children and we expect that you will help us and give us what we are asking for today. You see prepresented here men from all parts of the Naas River which is also in British Columbia. Our great grandfathers and our fathers and ourselves did not know about the land which is commonly known as Boston, which is the United States, and also we know that God put us here in the first place the same as he placed the white people on their land; just a few years past I for one myself know that the boundary line was laid off and our hunting grounds and places where we used to derive food from went across to the American territory; that being our old hunting ground on the other of Portland Canal, although it belongs to us since the boundary was set apart we have been afraid to hunt on our own land because if we do go there the people say they will put the United States authorities on to us, starting from the Hidden Inlet cannery on the American side going right up to the head of Portland Canal all that part was our hunting grounds belonging to the Nishga people. I

could tell you the Nishga names of all these places, but I don't know what the white people call them because we had our names there before the white people gave their names there. We put this before you because it would not look very good for us to follow these hunting grounds and live on the other side and we put this before you so that you will deal with this question in the best possible way. I also want to speak about a place up the river here, probably about six miles up the mouth of the Naas known as Cratsville, which is not a reserve. We used to cultivate this piece of ground up there and you will see if you go up yourself from one end of this place to the other it is thick with crab-apples but now it has been taken up by the Government and given to the white people. Of course we don't blame the government because they did not know that we owned this place for an orchard, and the people that used to go there and gather these apples they are still alive and right at the back of this flat there is a valley opening up to the mountain from which we used to get marten, mink and goat, and if the white man come and live on this place they won't give us a passage there to go to our hunting-grounds; that also belongs to the Nishga people and I will thank you very much if you will try and settle this thing for us.

J.J. HARVEY addresses the Commission on fire-wood for the village.

Under the power of God and under the flag of our King we know that no man should be poor or badly off, so I thank you gentlemen for giving me your kind attention for a few minutes. From time immemorial as long as the Nishga people have been living they were never really hard up for food or anything that was necessary to keep them alive, and even today they are pretty well off although they are not as well off to our way of thinking as they were then. The grievance that I put before you today is that we are not allowed to cut a tree down on the outside of this bit of ground for wood. And so I ask it to be free from now on for us to cut wood on our land. Mr. O'Reilly and also Mr. Todd, our first Indian Agent, told us on all your reserves everything will be free for you to use as

long as you live, and also on the outside of the reserve the same as it was to your grandfathers and great grandfathers - it was free to them and it will be the same to you so you can make any use you like of it. From a point known as Gwingait running right across to the opposite shore and right down to the mouth of the said inlet. We are not asking for this land to be set apart as a reserve, but we just want to have the trees free whenever we want to cut a tree down - we want to be able to cut them down freely without being interfered with by anyone. We want this still to be free to us as it was in the first place as we are still known as natives and we want these trees to be free to us, and we want to be able to take them whenever we want them for our own use. We want to out of your good hearts to see that these trees are free to us whenever we want to use them. The timber inspector visited our village and put a notice that no one was allowed to cut any trees for wood purposes; he told us if we wanted wood we could pick up driftwood. Would it not be a nice thing for us to go and pick up driftwood from all over the Coast which we haven't been used to. Mr. Perry knows how much we are troubled over this same question so we ask you gentlemen to see that it is free to us to take the wood whenever we want it.

CORNELIUS NELSON addresses the Commission on a piece of land he holds for the village.

Gentlemen I greet you before I make my statement to you this morning in a few words. I myself am also a native known as the Nishga; I call myself a Nishga because I was born among the Nishgas; the same as my grandfathers and great grandfathers were born amongst the Nishga people. When all these men passes away it came to me to be the head man over this certain piece of land called Haligaulth. I am the one now in charge of the place, all the others having passed away, and I am the one in charge of this piece of ground. I ask you gentlemen to secure this to us and my people because from this place we derive cranberries, crab-apples, fish, and also timber; all these things are suitable to our own way of living. The reason we ask for this piece is because

it is not near to any of the other villages on the Naas River, and there is only one house there which I built myself, and another reason is because for the last two or three years I have been pressed out from working at the canneries - I cannot secure work from any of the canneries. I put this before you gentlemen so that you will be able to help me.

HENRY SMART addresses the Commission on the Commonage and also the ten-acre lot at Fishery Bay, No.10.

Before speaking about this business that was given to me I greet you gentlemen and thank those who sent you. At the very beginning of the summer we heard that you were coming to visit us here and from that time until the present day we have been preparing and we are prepared today and we don't want to cause any trouble or ill-feeling of any kind. We thank you gentlemen that addressed us at the last meeting for explaining and making clear what we are all working for and what was in your power and we know that you will have the power to satisfy us so we are glad to be here today to meet you with a glad heart and to use what we usually use petitions. We are glad to meet you face to face. Now I touch upon the reserve question - there is a piece of land owned by white people right in the middle of our reserve at Fishery Bay it is a ten-acre lot which formerly belonged to a company that erected a cannery there. This ten-acre lot is a hindrance to us on our working ground as it is and we want it to be returned to us the same as the company told us in the first place when they put their cannery up there - they told us that after they were through with their cannery the land would revert back to us again and when they left the ten-acre lot there the people of Kincolith lent them the piece of ground on which the cannery at Mill Bay now stands. In the first place before this company arrived at Fishery Bay, this land was covered with Indian houses and when the Company came these houses were removed from this piece of land to accommodate the Company. It is over twenty years now since this cannery was taken away from this piece of land; since that time the Kincolith people have put

a road through the ten-acre lot. I now want to speak on the Commonage. We want the Commonage taken away from all Indian lands; that there be no Commonage on Indian lands. We want to have as far as low water mark to be given us a working ground. We therefore ask as our lands are already very small, we ask that we get down as far as I have mentioned as the Indian Agent knows we haven't got very much land at Fishery Bay, and every year we used it and carry on a great work there - we want these reserves to be free to any of the Indians of the Naas River.

JOHN WESLEY addresses the Commission on the timber question.

When you gentlemen first arrived in this hall, Mr. Carmichael stood up and told us that the work that you were carrying on now would in no way be a hindrance or prejudice the so-called land question so gentlemen we believe your word and we put absolute trust in you, and that is why we are putting before you today all our needs and grievances. That is the biggest grievance we have is about the land, because it is too small for us to work on . That is why we have been crying to our King and also to our Government to give us sufficient land from a line which we drew following across from Kitimax, so that it would be sufficient for us and for our children after us to work on. That is why the land question first started and that is why we have been crying to our Father to help us and see that we get our rights, so we call upon the Royal Commission to do all in their power to help us in connection with the land question. There was a timber reserve set apart for us but we were not altogether willing to part with it to those who bought it, but they insisted that we should let it go to them (No.25). We want you to give us another piece in place of this as a timber reserve so that we can work a mill which we have started to erect known as Larkum Island -- we want to get the whole of this island and we ask you gentlemen to do all in your power to help us in this thing to get this island for a timber reserve. We don't use this timber absolutely for ourselves

There is a time in the year when Indians visits us from all over and from Alaska; they come here to fish ooligans - they come here to make grease boxes so we don't ask it for our own use.

CHIEF SIMON SEYMOUR addresses the Commission: I desire to greet you at the commencement of my speech under the flag of our King. I trust you will be able to put right all these things that we have been distressed with because we trust in your powers and ability to do this. I wish to address you with reference to places outside the reserve - about my grandfather's hunting grounds on the opposite side of Fishery Bay by the name of Ightkeany. We get salmon in the river there starting in the month of May, also all sorts of animals, bear, marten, beaver and the mountain-goat - we also have our fruit, the cranberry, the blueberry, the wineberry, and also the crab-apple. We also have eight houses there built by myself and brother before he died. We also have a trail there running from the mouth of the river right up to the very head - this gentlemen I bring before you to make this secure for me and my people; I don't intend to use it myself but it will be free for all my people to take their food from this piece of land. I want this specially for food for the Nishga people to be used in the same way as they used it in the past. We have our own posts there from time immemorial - it is all hills and mountains and on these hills we have crystals. I want you gentlemen to secure this for my people; you see my hair is gray and it is over seventy years that I have been using that land. I have another hunting-place which I have given to my brother and he himself will speak about it to you - he is up at one of the other villages. This is all I have to say feeling and trusting and believing you will do all in your power to secure this for me and my people. We are not asking gentlemen for any land that does not belong or which we have no right to ask for - we have a mark here the Naas River, the Indian name of which is Lishins. The reason I say that we are not asking for anything that is not ours, when you go up the Naas you will see a rock on the way up that is

called the heart of the Naas, and from that rock we get our wisdom. I thank you very much - I bow before you, trusting you will secure these things for us.

PETER STEWART addresses the Commission with regard to the Commonage, about which one of the previous speakers spoke.

Years gone by when this part of the reserve set aside called the Commonage, we were still children and were not able to find out the meaning of that word but now we see through it, and know what it means, and we disagree with the term "Commonage". As the people of Kincolith have very little which might be called flat-land, we haven't got sufficient flat land to plant our gardens or if anyone wants to keep cattle we have not a sufficient place to keep them; the Commonage takes off quite a slice of our reserve and we want this to be done away with - we want it to be the same as it was in the early days starting right from the foot of the mountain and going down to low-water mark from where we get our food. That Commonage was set aside for us but since that time another people have come in the Port Simpsons have come in and they have practically taken possession of it - they have erected houses and a church there, and they practically have a say of the place so we don't care for the Commonage and we want it to be taken off - we don't want to keep the Port Simpsons away altogether from coming up to get their supply of fish and grease but we want them to come and live in our houses and not build houses of their own - come and live in our houses and get their food as they have done in times past. They come around year after year and camp on that place and our wives have gone to the trouble of putting in potatoes and during the spring they come there and wlk all over and spoil the crop and the potatoes don't grow they way they used to, and so we don't want them to do that any more. I for one and my people here don't go down to spoil any of the land belonging to the Port Simpsons and as we have hardly any flat-land around here we don't want the Port Simpsons to come up and spoil our piece of land. I thank you very much and I know that this is practically our last chance and practically the last Commission that will ever visit us and so we

are not holding back anything from you.

ROBERT STEWART addresses the Commission regarding fishing.

There is another grievance of the Indians known as the Nishga tribe. Another source we have of obtaining food for ourselves is from the water. The grievance that we have is that other people have come along where we have been living from generation to generation, and other people have come along and taken up our fishing and it has got now that we cannot get work ourselves at the canneries. As to the cannery managers, they only take part of the people to work for them, and in preference they take Japs - in preference to people who have lived here all their lives on the banks of the river. We bring before you today that we want the canneries to take as many of the Indian people as want to work for them, and then if there is any work over then they are at liberty to hand it over to the Japs or anyone else. Now the natives also have good gasoline boats and large boats that are quite able to carry fish for the canneries, but in preference to these, the cannery managers always charter the boats belonging to the Japs and leave our boats outside, and every year the canneries are gradually increasing the number of Japs to the fishing boats and also decreasing the Indian fishermen, so this is being brought before you as you have come to visit the Nishga people. That is why the Nishga people waited on Mr. Todd, our first Indian Agent, and asked him for the rights of these creeks, to be able to use the fish for food and also to be able to take the fish from these creeks and sell them so the Nishga people ask you to give them the same rights as the white person - to be able to buy their own independent license - to be able to catch their fish and sell it wherever they like, as there are a lot of people that the managers of the canneries don't hire. If they had the independent license they could fish and sell it wherever they like, and we ask you to help us.

THE CHAIRMAN: I may say with regard to the question of independent licenses, that we are all of the one opinion that you have a very strong case; we have heard this from a great many of the Indians all

over the Coast, and in consequence of that, we have already had interviews with the fishery officers and we have already arranged to have another interview with them and we shall not cease to press these claims that you have made here today and do what we can to assist you.

JACOB STEWART addresses the Commission regarding schools.

I stand before you today with a request that the people of Kincolith want an industrial school erected here. We look ahead and see that if we don't have this it will cause great distress and will be a great distress to us here. As you saw yourselves when you first met us in the village that is as far as we have got to copying the white people; we have had the Archdeacon amongst us for nearly fifty years now and that is as far as we have got. One thing is lacking in our meetings here - we have to have a man to interpret all we say to you - you can see what we lack. For instance some of you gentlemen may have some ailment and we have to keep you in a cold hall, whereas if we could talk English ourselves we would be able to make the meeting much shorter. We are not afraid to approach you on this question because Kincolith is practically the end of the road when you travel by salt water and it is also near the end of the road when travelling by the river so we are not afraid to ask you for an industrial school. As you know the nearest industrial school is at Alert Bay; there is another one at Lytton and another one at Chilliwack. We have to send our children away to these places, and if any of our children get sick before we could reach these places they would die so we would like to have a school right in our midst. The people of Kincolith are all prepared and fully prepared to give to you or whoever puts the school up for us the right number of acres required for an industrial school. You see for yourselves gentlemen that all we have been saying practically centres on the one thing that we should have a school and if we had a school we would all know the real meaning of the flag that flies over us. The public school inspector visited our school the other day and he told us the industrial schools down below were all full up and there was no more room for any other children and

we have here many children who would like to get into these schoold and there is no place for them.

REV. ARCHDEACON COLLINSON: There are six boys and six girls here now who are ready and who should be at school but owing to the schools being full up there is no place for them.

WITNESS: This is all the people of Kincolith have told me to speak about and as this school is the foundation of all wisdom we trust you will do your best to help us out.

S.T. ALLAN addresses the Commission:

I thank God because from him we get a source of all strength and wisdom and I also thank the Royal Commission for coming to see us as they also get their power from God. The people of the Nishga tribe all heartily thank the Royal Commission because they can see that the Royal Commission has the power of our King and that is why they are called the Royal Commission. You gentlemen of the Royal Commission have come practically to the head of the work which you have to do because right in the Naas River here is the strongest place in which the land question was taken up. You will see represented here Indians from all parts of the Naas River, from Kincolith and from the places up the river and we have all heard that the mission of the Royal Commission will in no way hurt the land question which we have here today, and so we are not afraid to approach you so even if we keep you over your time Mr. Chairman we want you to satisfy us - to give us a good warm coat that will fit us, to put warmth into our bodies as we know you have powers from the King to go into these matters. Gentlemen of the Royal Commission you have all heard the different requests made by the speakers in this meeting here to-day and you know what the requests are and what we really want. I was a young man when the first Commission visited the village of Kincolith. They were Cornwall and Planta. When these two gentlemen landed here they looked around and they saw a mountain and they looked in every direction and saw nothing but rock, and they turned around and said "you are deriving your food from the water and that is from where you will get your money because we can see for ourselves that you haven't got any good land".

When Mr. Todd, our first Indian Agent visited us, there was a Chief by the name of George Kinzadak, who has now passed away, and he said to Mr. Todd that we will get half the proceeds and the other half will go to the Government of all fish caught, and so Mr. Todd agreed with what he said. We have reached a big time both for the chiefs of the river and also for the Royal Commission. We would like the people of the Naas River to again speak personally to the King, also to the Dominion Government and also to the Provincial Government, but we as it were, have no feet and cannot walk there, and we are today in great luck in having the King represented, also the Dominion Government and also the Provincial Government represented here right in our midst. We want gentlemen to be satisfied as we know you have the power from God and also the power from the King and also you have the power from the two Governments so before you leave us here we want to be thoroughly satisfied. We see gentlemen that in your Chairman you have practically the pen or hand of the king and in the two representatives of the Dominion Government we have the pen of Dominion Government and also the pen of the Provincial Government and we know that you have the power to give us what will satisfy us. One thing we ask for is to have the signature of the King, the signature of the Dominion Government and also the signature of the Provincial Government and also our signature at this time and after that all our troubles will cease. In the first place the surveyor that laid off the Indian Reserves was never called upon to come by the Indians of the Kincolith or by any of the Indians of the Naas River, but he was sent here and started his work and there was never any agreement made between the Government and the Indians - we were foolish young men at the time and we did not know what we were doing so we want the signatures to be fixed now at this time. You have come before us and we know that you have as it were the riches of the King in a box as it were and we ask you to open that box and let us have some of these treasures. As to what one of our speakers spoke to you about

the trouble we are having with the Tsimpseans coming to our reserve at Red Bluffs. In the early days when they came they used to erect temporary buildings and when they were ready to go away they used to pull them down and put them in their canoes and carry them away with them - in the early days there were not only the Tsimpseans that came along, but even the Indians right down as far as Kitimat right up as far as the Stikine and to the headwaters of the Skeena. The name "Naas" doesn't come from us - our name is Lishims, and the name "Naas" was given to this river by the Tungass people over in Alaska and the meaning of it is a "great food depot". We have not told these people not to come again - they have gradually ceased coming until now there are only one or two who come along but we have the Port Simpsons coming every year, and we don't want them to come and put up strong houses on this reserve, that is all I have to say about that, and in ending up my speech, there is a piece of land up the river known as Ginloolok meaning a "corpse" - I want this to be secured to me and my people to be free to all my friends to come and work and fish there if they like. That is all I have to say because I know you have lots of work yet to do. I thank God gentlemen I am able to address you today and to speak to the power of the King and to the power of the two Governments.

REV. ARCHDEACON COLLINSON addresses the Commission as follows:

Mr. Chairman and Gentlemen of the Commission: I trust you will pardon me if I enter into a little into the proceedings which are taking place here today. As you will see in front of you (referring to the motto displayed at the end of the hall,
"Just as long as the Naas has been flowing,
The Nishgas on its banks have been growing")

Now I intend to give you a little history for a change. The origin of the Kincolith reserve and questions affecting it date from the year 1884 when the Rev. Father Duncan and myself were working together at Metlakatla. At that time the Canadian Pacific Railway was in the building but had not yet been completed, and Mr. Duncan looking ahead realized that the completion of the railroad meant a large influx of white population with all the atten-

dant features. What would there be to prevent the establishment of a liquor saloon in Metlakatla he asked in conversation me at one time. After talking the situation over together, Mr. Duncan asked me to remain at Metlakatla and carry on the work while he went to Ottawa to see if something could not be done towards setting apart for the Indians lands removed from contact with the white settlement. Mr. Duncan went to Ottawa and the Government listened with great interest to what he had to say, and thereupon decided upon its course of action, and as a consequence Mr. Commissioner O'Reilly, more commonly known as Judge O'Reilly, from the circumstance that he had formerly acted as Gold Commissioner on the Stikine, was appointed to allot lands for the Indians. At Metlakatla the Tsimpseans applied to him for the whole Tsimpseans to be divided among them, but inasmuch as there were in that peninsula various vested interests, the Hudsons Bay Company, the Georgetown Saw Mills, etc., the applicant Indians were told that the Commissioners could not give them the whole peninsula, besides which it would have almost broken the Government survey this large block of land, but would give them the shore-line to the mouth of the Skeena with all the adjacent islands. This arrangement was ultimately accepted by the Christian Indians who were at that time in the minority of population. Afterwards the Commissioner came to Kincolith with an Interpreter and an allotment of land was made which was accepted by the Christian Indians, although not favorably received by the heathen chiefs - they took up the stakes and threw them in the river, denying the rights of outsiders to come in and measure up their land. Kincolith was therefore one of the first villages to take up not only the reserve system; it also was the seat of the first appointed Indian Agent, and in other ways led in the adoption of present methods being always on the right side. I have here a letter from our first Indian Commissioner - he was the late Lieut. Col. Powell - dated the 20th May 1886, acknowledging the petition of the Kincolith Indians asking that they be placed under the provisions

of the advancement clauses of the Indian Act, which petition he had transmitted to Ottawa and also commending the intelligence and progressive desires of these Indians and acknowledging the necessity for the appointment of an agent to assist in their further development. Another letter had later been received from Supt. Powell expressing the willingness of the Government to admit these Indians to enjoyment of the benefits of the Indian Advancement Act. There was some question as to the status of these Indians, but if any tribe on the British Columbia coast was entitled to the advantages of the Indian Advancement Act, the Indians here should be so entitled. Through the activities of the missionaries of the Methodist as well as the Anglican church, a great reformation had been worked among these Indians, such reformation having spread through the Queen Charlottes, the Alaskan Territory, and other points of the northern coast. The church had done its duty and the Commission's presence showed that the Government also was alive to its duty and prepared to do it. Why was the Commission here if not to help all? I am glad that the Indians have taken this view of the situation; Church and State should work hand in hand to effect reformation and civilization among the native peoples of the Northern Coast, and I am happy to say that they have gone far in that direction, I have devoted virtually my entire life to the reclamation of the Indian and placing him in the right way and had I my life to live over again I would give it cheerfully to the same mission and count it a life well-spent. With regard to the land question, there has always been a strong desire on the part of the Nishga people to secure settlement of some kind, and not being able to obtain such a settlement unrest had grown. These Indians have all heard of the treaties that have been made by the Governments with the Indians of the northwest, and they too wanted some such treaty made even before they really understood what a treaty was. They have also known for years of Sir James Douglas's actions and of the treaties he had made with certain of the tribes on Vancouver Island, in writing of the Indian Land Question, Mr. Duncan C. Scott, had said

in a recent letter that anything that might be done in regard to it must necessarily be prospective. I hold that this is not quite the case that whatever is done must be in a measure retrospective to be just. The Indians are not altogether to blame for the attitude that they have assumed in this matter. I well remember the words used by Lord Dufferin on the occasion of his historic visit to Metlakatla. Lord Dufferin said that very soon the Indian position would be established and that these people would have their lands guaranteed them. It was a mistake altogether to class these northern Indians with many of the others of the Coast, others who were on a different plane altogether in intelligence, ambitions, morality and adaptability, to progressive civilization. They were not "siwashes" and rightly objected to being so regarded. It is an insult to compare them with such Indians as the blanketed card-playing Indians of Alert Bay, steeped in native superstitions and sitting wrapped in their blankets all day. These people here are of a different and better type and they resent almost as much the name "siwash" as they do the word "reserves" to which they are assigned. The word "reserve" in itself was an offense to them and it would be infinitely better to abandon the designation "reserves" altogether, referring to whatever lands were allotted for the Indian people as "Indian lands" with the designating name of the tribe to which they belong. Such a description would be infinitely more congenial to the Indian people. Shakespeare might ask 'what's in a name' but there was often very much in a name after all. In my opinion it would be better to classify the lands of the Indians as "Indian lands" instead of "Indian reserves" with the qualifying name of the owning tribes or bands. With regard to such lands as the Indians had "lost" as they expressed it - estranged or alienated lands now in the possession of the whites, in looking over the law and documents with respect to the conditions governing the purchase or pre-emption of Crown lands in British Columbia it was found that a condition in each case was that such lands to be purchased or pre-empted must be "no part of an Indian settlement" While this was the law it was nevertheless a fact that the law was frequently set at naught. Companies, as well as individuals, in many cases took up lands

which were old Indian settlements, the conditions cited was overlooked and serious complications had arisen in consequence.

THE CHAIRMAN: The law is even stronger than that - the law requires that the surveyor who surveys that land must make an affidavit to the effect that there are no Indian shacks or Indian improvements on the lands.

REV. ARCHDEACON COLLINSON (continuing):

In speaking of the Indian title claim, these Indians ask what recourse they would have in the event of their case being lost? Well they might become enfranchised. The Indian Act made it clear that in the event of the unanimous decision by any band being favorable thereto enfranchisement might be granted. And was not this the ultimate object for which all were working? If not, what are we all working for unless it is to make the Indian a full-fledged citizen. Of course there are difficulties to be contended with, and I fully recognize the dangers in the way and the difficulties. Some of the Indians would undoubtedly fall, while the others, the stronger and more earnest, would go on to a better state. And if enfranchised, what would be the position of the Indian as a citizen? The law provided that he might then stake out and pre-empt his own 160 acres as a white man and citizen could today. And if one remembered that there were at least sixty men in this tribe that would mean that the law allowed them to take up an aggregate acreage in excess of that contained in the reserves of today, speaking of the holdings of the lower Naas people, and more than double the present holdings of the Upper River men. And this could quite easily be done if the Indians were dissatisfied with the final settlement by the Courts of their claim or with the decisions of the Commission upon their petitions, although I sincerely hope they will be satisfied. What is the position of the Indians today? What would be the result if a hundred white men were put on a reserve and told that it was land held in trust for them in common, to go to work and clear and develop it, but that they could have no individual right in the rewards of their work? How many would do it? Not me, for one I want to earn the reward of my own application

and industry, and I want to be able to leave the rewards of my labor to my children and so do the Indians. I thank the Commission for the patient hearing they have accorded me and also for the satisfactory businesslike moderate and Christian presentation of the various matters presented for consideration during the progress of the meeting.

C.B. BATHLE addresses the Commission: I beg to call your attention of just a few words running over the things that has been mentioned by several of our speakers. We first show you that the Nishgas claim the boundary which at present is known what they are talking about. If there was more time we could name everyone of these mountains from Kitimax to the head of Portland Canal, and to the head of the Naas River. You have heard it mentioned before you by several of the speakers what the natives of the Nishgas usually do. Now we have four rights - one is our fishing streams that several has been taken up and that some has a hunting ground; the third is our camping-place, the fourth is the berry grounds where they pick wild berries. Those four are very particular amongst us; these show you before there was any white man that we had these places. We had wars like you white people are having in Europe; there were tribes all the way from Stikine, and the Hidas and the Port Simpsons coming up here to fight us in order that they may have a claim here on the Naas River, but because all the Lakgiboo clan were fiercer than they were and were able to keep them off; therefore the Naas has held the boundary now shown before there was any introduction of any law but our own. The last fight took place at the village of Ankidi in 1868 between the Tsimpseans and the Nishgas; the war kept on for two years and finally H.M.S. Sparrowhawk came up and had Governor Seymour on board and that was the first introduction of law to the Naas, and the Naas people have kept peace ever since; therefore your honours that is why our tribe claim the Nishga tribe and now show you the boundary as now shown on our petition. We don't go far and say to you Royal Commissioners to give us all what is inside of our boundary, but this we do say, we want to take what we want to use out of the

Naas District and outside of that we want it to be cast to us according to our petition. You heard also mentioned all the way from Hidden Inlet all the way to Salmon River at the head of Portland Canal. The Canadian Government had given that over to Alaska which is the United States - we didn't have any say in it - they never asked us whether we liked it or whether we didn't, and it is very hard on us to lose our grounds there and that is why I was very pleased when the speaker of the Royal Commission said the Royal Commission is going to listen to any information given to them. Now before touching about extensions of land that we are going to use, I might as well mention that we want extension of land outside of these fishing streams that has been taken before you today to be set aside for those that haven't got a fishing stream to go upon where they can take up one when they are ready. We have already chosen one place and it is called Sheiksh - all that island. The white name of that is Pearce Island - we also want the present reserve extended from Kincolith up to Lakalzap No.9. Now we have here the order-in-council regarding reserves (which he reads). Now we have learned for two years now since the reserves is to be given to the natives as part of compensation. Now is that true or is it not from the Provincial Government?

THE CHAIRMAN: Yes, the Provincial Government have now agreed to give any land that we may recommend to set off - they give a grant of that to the Dominion Government for the benefit of the Indians provided the land has not already been sold to a white man. According to that arrangement the Provincial Government is not to be called upon to give any further compensation to the Indians - that must be done by the Dominion Government.

WITNESS: This is given as part of the compensation?

THE CHAIRMAN: Yes. The Dominion Government might purchase land for the Indians if they wished it provided the Courts decided in favor of the Indians.

WITNESS: According to that it is not decided.

THE CHAIRMAN: Not yet, that will be done, that is to go before the Exchequer Court, and if the decision given by the Exchequer Court

does not meet with the approval of the Indians they can appeal to the Privy Council in England, and any lands that we may set off to you will not affect that claim that you have at all.

WITNESS: We understand it that it is already been agreed by the Provincial Government to give out this land as part of this compensation.

THE CHAIRMAN: That is correct, and now it is only for you Indians to agree that it go before the Courts.

WITNESS: The next thing that we want all that is belonging to the reserve, that is title - we want that. We have a promise by the late Indian Agent if we were to take out our portion, one village lot, one garden lot, and one rural lot, that we would have a title issued to our reserve, but we have never received it yet.

THE CHAIRMAN: At one time allotments were made in these reserves and a lot of land or portion of land was set off to each Indian so that he had it for his own use and no other Indian could disturb it and that descended to his children - that has not been done lately and that might be done again.

REV. ARCHDEACON COLLINSON: I understand that it was done under the location ticket.

WITNESS: When this reserve division is made we want the surveying to be done by the Dominion Government altogether with no expense to the Indians. The great objection among us about these reserves now here we are in different villages at present, that is through Christianity how we came to separate. We were divided into three; at one time our old village was at Ankida and Gwinwook and Gitlakoush. We are the Lower Naas. The Naas is divided into two parts: the Upper Naas is called Gitwandilix - among these two divisions there are four clans, one is Lakigbuo, one is Lakeskeek, one is Ganada, and one is Gisbawitka; on account of a mission starting here some of the people at Ankida came down here; after some years a Methodist Missionary started at Zilkadah where the village is now and still there was one heathen village remained - all the others turning Christians that is how we are divided. Some of our relations at the present time are up at Lakalzap, and some of them have relations down here at Kincolith - well if a man's

fishing stream happens to be on the boundary of this reserve here, and he happens to be at Lakalzap, he has a right to this place, and it is pretty hard for this man if there was a real division made to come on his rights - that is one objection we have on account of these reserves. If it was not on account of these reserves we would have no trouble - it would be sections. Another thing I learned after meeting the Government in 1887, meeting both the Dominion and the Provincial Government in Victoria, we had an interview with them concerning our land as we were saying today. These two governments after giving out these reserves went into a law-suit about reserves, and while getting back these reserves if any of these reserves should die out and this law-suit went on for several years - finally I was told when Eberts, the Attorney-General was in office, I went into his office and inquired. Yes, he said, it is settled; we won the case. When any Indians die out on any reservation the land will be taken back to us - we will take back the land - the British Columbia Government will take back the land, that is what the Attorney-General Eberts told me and that is why the natives of the Nishgas are not in favor of the reserve and as soon as there is a change made to the reserves it will be very highly appreciated among the people of the Naas. Now touching the next question of enfranchisement, now we have discussed that ever since we made application - ever since 1887 and we had a promise and I was told that as one that is advanced enough to take a step a few years afterwards I put in my application. Finally it went off and it was never enforced up until then. Now then at present today your Royal Commission if this could be managed in this way, we will be willing to take the step. If a man that becomes a citizen goes in for this still had the right on his tribe - we want us to be that way, not if a man take the step to leave his people finally - they would all be broken up and they would be no Nishgas at all. We will take this step now is on account of employment. There is a great many employment right here in our district that we could do instead of British Columbia shipping up white men here on the river. Now you have heard mentioned by several of

our speakers today about the river here. The Lakabouse clan is the head of the river; that is they hold the river and the other clans have these side places. Before I close I want to assure you that my father has a fishing stream which is called Ikshwan (No. 27). His district leads down to Tackuarm, which is reserve No. 26. I am not going to say that I am going to take it and keep the people off - it will always be for the use of the band as well. Mark Sutton has a drying house on the place - he can always come there but I want the whole of that flat to be apportioned off. I think I have shown you as plain as I can what our claim is and according to the letter we received from the King's Privy Council states when we ledged our petition there two years ago on the 12th May 1913, we received a letter from them stating that we will not consider your petitions until we receive a report from the Royal Commission which is now on the way. It shows us your authority and we therefore hope that there will be some good done towards our claim, that is the Nishga claim of our land question after your wonderful visit and we await your favorable answer which will be highly appreciated. I beg to thank you for listening to my few words.

W.J. LINCOLN addresses the Commission: We thank you all very much that we have been able to put before you the grievances of this band. We ask you and you have heard all of our requests and we ask you to go through with this thing for us with the Government. We also thank the Provincial Government and the Dominion and we also thank the Indian Department today - all we want is to get a reasonable settlement of all that we have told you today. We also want to thank Mr. Tyson and Mr. Perry, our Indian Agent, and we ask them to do all in their power to help the Royal Commission and put through our wants. That is the end. We leave it to you now to decide whether you want to give us an answer or to postpone it until a later date.

THE CHAIRMAN: That would be impossible because so many have spoken to us on different subjects and this all requires careful consideration.

We have listened to you very carefully and when we get back to Victoria each of us will have a copy of the addresses you have made and we go over them and after mature consideration we come to the conclusion which is best for us to do for you. Then our reports and decisions together with copies of all that has been said to us will be sent to both the Provincial Government and the Dominion Government; now it is usual for us always to ask a few questions in order to obtain details of various things that you have spoken to us about and we ask these questions generally on oath and we would like you to select someone who is acquainted with your reserve to answer these questions.

STEPHEN A. ALLAN is hereupon called and sworn to give evidence.

MR. COMMISSIONER MCKENNA:

Q. I understand that you are speaking for the Lower Nishga Indians or the Indians of the Lower Naas?

A. Yes.

Q. And that is the reserves or lands of the Indians of the Lower Naas starting from below Zakalsap?

A. Yes.

Q. How many Indian people are there in the Lower Naas?

A. About 450 men, women, and children.

Q. How do they make their living?

A. The first of the year are the ooligans; the month of May the people of Kincolith do their gardening in the middle of the month, and generally they go to the places where we get the wild berries. About the middle of July the salmon run starts at all the small creeks, and we go and prepare the salmon for our own use in the summer. In the summer we also go to the trees; we take the bark off the trees and the inside of the bark is a very sweet food, and the outside of the trees we make mats off the outside of the bark, and also for putting our blankets out on, and some of the people go into the woods and they get a good deal of cedar which they split and make into oars and these are sold to the cannery people or whoever will buy them. Then some of the men are good loggers and they go out and get logs and

sell them to the canneries and different places and others of the tribe make these dug-out boats out of the red cedar and sell them to different people who will buy them. Others of us if we find a good splitting tree will turn these trees into shakes and also into shingles. Others of us are good hunters and go after the bear, marten, lynx, fisher and the ermine. Others of the tribe who are good fishermen go out in the winter and put down their line for halibut and sell them to the cold storage because in them a few of us are stronger and these men are taken to work for the canneries but men like ourselves we are not taken because we are not strong, and we have to derive our living from the way I have already mentioned.

Q. All the Indians are well to do, are they?

A. They are well to do as far as the things that we can procure from our own lands.

Q. There is no poverty or destitution among the Indians?

A. There is not what you would really call poverty or destitution because they get work drying salmon and drying berries the same as it was before the white people came here.

Q. How many gasoline boats have you?

A. There must be close upon twenty.

Q. Were those boats made by the Indians?

A. Some of them were made by ourselves and some carpenters have started in the village here to build boats and you will find the same in the upper villages.

Q. All these boats are good fishing boats?

A. Certainly, they are good for fishing. That is one of the grievances we have about the carpenters - the cannery men instead of taking our carpenters take Japs when we could do it and our tools are lying idle.

Q. Was there a time when the canneries used to employ you to build their boats and you worked for them as a general carpenters?

A. Yes we used to.

Q. How long since?

- A. *Ever since the Japs have arrived on the scene the Indians don't get work of this kind.*
- Q. *Can you account for that in any way?*
- A. *One great reason is the natives of the Naas insist that they have Sunday as a day of rest, but the Japs work on any day at all and that is the reason.*
- Q. *Would they ask for the same pay as the Japs get?*
- A. *We can work at that kind of work just as well as the white men and we are perfectly satisfied if we get the same as a white man at that kind of work.*
- Q. *Does the Jap get the same pay as a white man?*
- A. *No, it doesn't quite reach the pay of a white man.*
- Q. *And the Indians demand the same pay as a white man because hey do the work equally as well and as much of it?*
- A. *Yes, we are willing to work as many hours a day as a white man, and also to do the same kind of work.*
- Q. *Have the Japs also cut the white man out of work?*
- A. *Certainly. The white carpenters that used to come and work at these canneries have also been pused out because the Japs are now doing the work that they used to do.*
- Q. *So that the white men and the Indians are in the same position as regards that?*
- A. *Yes. They are pushing out the white men and they are pushing out the Indians.*
- Q. *Now I understand there are two kinds of licenses for fishing salmon - one is called the attached license, that goes to the cannery, and the other is the independent license, that goes to the boat-holder. Is that correct?*
- A. *As far as I know that is the case - we haven't had a chance and we have not yet been allowed to get an independent license, but we always get an attached license.*
- Q. *Do the canneries freely use the Indians with their boats with an attached license?*
- A. *No, we don't get a fair deal as far as that is concerned, we have our names put down at the beginning of the season to procure a license from a certain cannery, and when the*

time comes if there are too many Japs they get the licenses and the boats so that us Indians have to go even up to Ket-chikan to get work.

Q. Then if there are enough of Jap fishermen to serve the purposes of the cannery as fishermen, the Indians will not get employment?

A. No. The canneries have intimated to us that if they had enough Japs they would push the Indians out altogether.

Q. And therefore they are employed as fishermen only when there is a shortage of Japs?

A. Yes.

Q. Did any of the Indians ever apply for independent licenses?

A. No we haven't made application, for the simple reason that we can't get them.

Q. Who told you that?

JACOB STEWART arose and stated that he himself had several times applied for an independent license and had been refused.

Q. (to Jacob Stewart) And you have a good boat and outfit?

A. I have a boat and I had sufficient money to buy the net.

Q. Who refused you the license?

A. Mr. Walker, the manager of the A.B.C. Packing Company's Cannery, I asked this manager to speak to the authorities to get this independent license for me, and the manager told me he could not get it.

Q. (To Stephen A. Allan) Who was it that told the Indians they could not get an independent license?

A. A delegation waited on the Fishery Department at Ottawa and we were told that these independent licenses were allowed to white men only and it had not been changed up to the present time.

Q. Don't Japs get independent licenses?

A. No.

Q. If an Indian had an independent license how could you dispose of your fish?

A. If I for one procured an independent license, it would all de-

- pend how my catch was. If I got a good big catch of fish I would go into the Allandale Cannery and dispose of my fish there, and if I didn't get a big catch I would take it down to Prince Rupert, and sell it to the people there.
- Q. Would there be any fear of the canneries refusing to buy your fish?
- A. They would not refuse because they want the fish and they would know that we got that license in the right way.
- Q. I suppose the cultivation of land among your people is confined to gardening?
- A. It is confined to gardening for the simple reason we haven't got a sufficiently big piece of land to cultivate, it is confined to small gardens in which we grow potatoes and other vegetables and small fruits.
- Q. The cultivable land is only in small patches?
- A. Yes. We cannot extend our portions on account of the stony land.
- Q. And for the same reason you cannot keep any cattle?
- A. That is right.
- Q. Do you keep any pigs?
- A. I myself attempted one year to have a pig ranch, and I only got as far as two and I had to kill them and eat them.
- Q. I suppose you generally keep fowl?
- A. Yes, we keep fowl because they don't take up much room - they can walk between the rocks and between the stumps.
- Q. One of the speakers stated that the Indians would like an industrial school?
- A. Yes.
- Q. And by that you mean a school where the children would live and where they would be taught trades?
- A. That is what we require.
- Q. Whereabouts would you like to have that school?
- A. We want to have it right here in this village so that it would not be hard for the children coming from the Upper River; and their parents could give them clothes and at the same time give them food to which they would be used to.

Q. About how many children would they provide for?

REV. ARCHDEACON COLLINSON: There has been a one desire on the part of the young people to get away to school, and I made out application papers which were sent me by the agent, and I registered some ten or more children from the Upper River, all of whom I promised to do what I could to see that they received proper education, but the result was that all the schools are full up. The Kokoleetza school at Chilliwack wrote and stated that they had now 110 pupils whereas he is only allowed 100. Mr. Dawson of the Lytton School states that he has nearly 70, which is far over his number, but he has taken them in hoping that the Government will allow him the additional number. In the meantime I made application to Alert Bay either for boys or girls, and I received an answer that the last vacancy in the school for boys had just been filled, and the girls school was full - a large number of girls and boys have been going to a school on the other side (U.S.).

Q. Do you know the name of that school in the United States?

A. Shimowa, in Oregon. We have several there now, but I don't know the circumstances under which they are admitted. I think the boys coming there state they come from Alaska. In reference to a school here it might be arranged by the Kincolith people to provide a good site on Halibut Bay where there is a beautiful beach and good land.

Q. There are thirty children at the Kokoleetza, and St. Georges school and at Alert Bay?

A. Yes.

Q. How many -more children would there be for an industrial school?

A. About twelve.

Q. (To witness Allen) How many children could you produce for an industrial school?

A. Over 100.

Q. That is taking the Upper and Lower Nishgas?

A. Yes.

Q. How many children attend the day school?

REV. ARCHDEACON COLLINSON: We must have close upon forty on our roll.

Q. (To Rev. Archdeacon Collinson): Would it be the idea of the Indians to continue the day school if an industrial school were established?

A. Certainly, we would like the day school continued for the primary work.

WITNESS: I think 16 years old is the age for day school. I have a son who is over 16 and he can't get any further education.

Q. Is this day school the only school you have now?

A. Yes.

Q. You have a resident medical doctor here?

A. Yes.

Q. Is there a hospital here?

A. No.

Q. You get satisfactory attendance when sick, do you?

A. His work is absolutely satisfactory only he has no hospital, which would help him a lot.

Q. And you would be glad to get a hospital in which the doctor would be able to treat serious cases of illness?

A. Certainly, because when Dr. Macdonald gets a very serious case he cannot give them the attention he would like and consequently he has got to send them either to Port Simpson or Prince Rupert.

Q. As we have the privilege of knowing Archdeacon Collinson and we have seen your fine church here it is not necessary for me to ask any questions regarding the adequacy or the provision made for the religious instruction of your people. The Stoney Point or Fishery Bay I.R. What is that used for?

A. It is our encampment for catching Ooligans and at times when we get a big catch of fish we camp there for sometimes two months and a half and sometimes for two months.

Q. Have they permanent buildings there?

A. Yes. And lately we have been improving these buildings and improving the road through the encampment.

Q. Do they plant anything there?

A. No we haven't done any planting there because it is too wet there.

Q. That reserve according to the schedule, half of it is for the Kincoliths and half for the Lakalzaps. That I suppose is for the Upper and Lower Nishgas?

A. Yes.

Q. There was created there a Commonage, which contained at first one chain wide and afterwards was increased to two chains wide?

A. Yes.

Q. And I understand that the only Indians outside of the Nishgas who make use of that Commonage are the Tsimpseans, is that so?

A. Yes.

Q. And you object to the Tsimpseans using any part of that reserve?

A. We have no objections to them coming there, but the Tsimpseans go beyond the Commonage and they are gradually working up and they now have their church on our village and now the river is beginning to work and taken some of our land away. The Tsimpseans go up to the Red Bluff reserve - they don't go up to Fishery Bay.

Q. The Tsimpseans don't make any use of Fishery Bay?

A. No.

Q. Do they go on Red Cliff, I.R. No. 13?

A. That is the one they are using and the one they are spoiling.

Q. There is no Commonage attached to that reserve is there?

A. Yes, there was a Commonage put on Red Bluff reserve.

Q. Where these Commonages made by Judge O'Reilly when he set aside the reserves?

A. When he first set aside that reserve he only made it one chain.

Q. But I understand you to say that the Tsimpseans have their church on the Red Cliff I.R.?

A. Yes, and they also have some of their houses there.

- Q. Permanently built houses?
- A. I was up there with Judge O'Reilly and I heard Judge O'Reilly tell these people not to build permanent houses - that after they were through with ooligan fishing and making grease boxes to take down the houses.
- Q. And this Red Cliff reserve has been reduced by the action of the river?
- A. I feel safe in saying that the Commonage has all been washed away by the action of the river.
- Q. Do the Nishgas make any use of that reserve?
- A. That is really the only place where we have our gardens.
- Q. Is their cultivation of potatoes there interfered there by the Tsimpseans?
- A. At the time when I was there we had quite a lot of trouble there; our wives have potatoe sellers there and some of the women went to get out potatoes and the Tsimpseans would not allow us to take any potatoes because they said they owned them and besides that they trampled down the potatoes.
- Q. What use do you make of Black Point I.R.?
- A. We use in our ooligan fishing poles for the nets which we cut down from the trees on this reserve there is only land there enough for one garden and the rest is trees.
- Q. Are there any gardens there?
- A. We have three gardens there - you will see these reserves yourself on the way up the river.
- Q. Where do you get your wood for your fish boxes?
- A. We get most of our wood opposite Fishery Bay. The Black Point Reserve was once covered by a forest fire and there are only few small trees left there.
- Q. Where you get your wood for fish boxes - is that an Indian reserve?
- A. That is one of the pieces we are asking for.
- Q. And that is why you are asking for it?
- A. Yes.
- Q. Now what about I.R. No. 12?

- A. The reserve is still there but the creek has practically taken it away, but there are a few gardens there and there is also a little timber there - there is only room for two gardens; the creek having spoiled all the other places.
- Q. Now No.14, that is the reserve on which we are now?
- A. Yes.
- Q. Is there any cultivable land on this reserve other than what we have seen?
- A. This is the only good piece that you see right here and in the winter when the ice is in the creek we are able to get a little wood up the valley.
- Q. Is the timber of merchantable value on the reserve?
- A. No. We haven't got any timber on this reserve worth selling because it is hemlock and only fit for firewood.
- Q. And outside of the gardens that we see here in the village the rest of the reserve is rock and mountain?
- A. This is the only good ground you see right here - the reason we still love these rocks is because we can gather quite a few berries such as cranberries and blueberries.
- Q. Now I am speaking of 14 and 14A; that is an extension of the reserve?
- A. Yes. My answer covers those two.
- Q. Now No. 15 I.R. containing four acres; what is that used for?
- A. It is a hunting and fishing camp.
- Q. And not any use for anything else?
- A. It is also suitable for gardens.
- Q. Do you mean that for No. 15?
- A. Yes.
- Q. Do they do any gardening there?
- A. Yes. Solomon Ward camps there for about two months and has a garden plot there. I had been down there but I came up here to see you and as soon as you have gone I will go back there again.
- Q. Now No. 16 Reserve on the head of the Kitimax River. What is that used for?

- A. *It is a hunting camp. In the first place when Chief Talahwat made application for this reserve, the surveyor told him that he would measure up that piece and that piece would hold the Upper piece of the river to him, on which the reserve is. Solomon Ward has erected a strong house there on No. 15, and when I can't procure work here I go and live there the whole summer.*
- Q. *Was Talahwat a chief of the Nishgas?*
- A. *Yes, and he is still alive.*
- Q. *Where does he live?*
- A. *He is working over at Naas Harbor, but his home is here at the village.*
- Q. *Is there any cultivable land there?*
- A. *It is a flat piece of land but it isn't good for cultivation because there are some very heavy trees there.*
- Q. *Is it good timber there?*
- A. *Yes.*
- Q. *Any cleared land there at all?*
- A. *No, Talahwat has a house on No.16 - a fishing house.*
- Q. *So I was right in suggesting that it was a fishing place and a hunting place?*
- A. *Yes.*
- Q. *Does the Chief Talahwat cultivate any land there at all?*
- A. *No.*
- Q. *If the timber were removed would there be any land fit for cultivation?*
- A. *It would be suitable after spending a lot of money in trying to clear it.*
- Q. *Now No. 17 on the eastern shore of Portland Canal containing 71 acres near Bluepoint - what is that used for?*
- A. *I don't know much about the reserve but I know what the reserve was put there for - it was a good hunting ground.*
- Q. *It was a hunting base?*
- A. *Yes.*
- Q. *And do they use it as a hunting base still?*

- A. Yes, but it has not been used much lately on account of the low price of furs.
- Q. Is there any land upon it fit for cultivation?
- A. There is small pieces of land there suitable for gardens right at the mouth of the creek.
- Q. Is there any timber there of any value?
- A. Yes, there is some fairly good timber there.
- Q. Now I want to ask you about Kullin Reserve that was cut off by the fixing of the boundary between the United States and Canada - were you making use of that reserve before the boundary line was run?
- A. I would ask that James Robinson our Chief Counsellor to answer that question; he can give you all the information necessary about that.

JAMES ROBINSON IS HEREUPON CALLED AND SWORN.

MR. COMMISSIONER MCKENNA

- Q. Do you know the Kullin Indian Reserve?
- A. Yes.
- Q. Did you make any use of that reserve?
- A. We were using it at the time it was set apart at the time the boundary line was run.
- Q. What use were you making of it?
- A. The first thing was the salmon we caught in the river, the hunting and trapping we got there, also the crabapples and we also got different kinds of berries such as the cranberry and blueberry.
- Q. Did you ever have any land cultivated there?
- A. We had a garden there up to the time the boundary line was established.
- Q. How many gardens?
- A. Two gardens.
- Q. Had you houses there?
- A. We had two houses there.
- Q. And those were permanent houses were they?
- A. One was a log building and the other was built of split lumber for smoking fish in - one dwelling house and one

smoke - house.

Q. Did the Indians live there all the year round?

A. Sometimes we would go there in the autumn and stay there the whole winter trapping and hunting.

Q. Is there any valuable timber on that reserve?

A. Yes, there is good timber there.

Q. About how many acres is in that reserve?

A. It was a fairly large reserve - it took from one end of the valley to the other.

Q. And you claim that you should get land in lieu of that reserve?

A. Yes, we want that given to us the same amount of land that we had there when the United States took that land over.

Q. Have you any place in mind?

A. Yes, as one of our speakers talked about it today at Dog Fish Bay.

Q. Before today did you make any claim for land in lieu of the land taken away by the boundary line between Canada and Alaska?

A. Yes, we did at one time make application for land.

Q. How long ago?

A. About six years ago.

REV. ARCHDEACON COLLINSON: In regard to that James uncle who is the Chief now will be the successor to him is at the present time up the river, consequently I feel bound to bring this matter before you. When the present Chief's uncle, who was the chief presiding Chief, the first American survey boat went up Portland Canal, "The Patterson", in charge of Commander Thomas and Mountain. The Chief he was there residing in his house and the Captain paid him a visit, and the Chief represented to him that he owned a lot of hunting-grounds all the way up, and that that site which is now on American territory was at one time owned by him, and the Captain said to Mountain, "Look here Mountain, I cannot give you the whole

but if you will select the one that is most used by you and from which you derive the largest profit I shall give you a skookum paper and Commander Thomas gave him a paper, a copy of which I have in my possession, stating that no United States Officer would interfere with him in this piece of land; I wrote to a lawyer to find out if there was any documents in the San Francisco office, as Commander Thomas has long since died, as I thought that being the headquarters for the U.S. naval authorities on the Pacific Coast that possibly the authorities down there might have a copy of it, and although a diligent search was made no such a document was ever located.

NOTE: THIS LAND HAS NOW BEEN TAKEN UP BY PORTLAND CITY.

STEPHEN ALLEN being recalled continues:

Q. Now in regard to No. 19, what is that reserve like?

A. It is only for a hunting and trapping base.

Q. Not as a fishing station at all?

A. Yes, we get some salmon there and also berries.

Q. Any land under cultivation there?

A. No.

Q. Any land fit for cultivation?

A. It is all practically a slide of rock.

Q. Now we come to Reserve No. 20 - what is that used for?

A. It is used for a hunting and trapping base, and also for the salmon which is there.

Q. Any land there under cultivation?

A. No.

Q. Any fit for cultivation?

A. No.

Q. Any timber of any value on it?

A. There is some timber but it's a good way up the creek and very hard to get out.

Q. And the rest is small stuff?

A. Its a mixture of large and small trees there - we also have house on that reserve.

Q. What do you use it for?

- A. We use it when we go trapping and hunting and fishing.
- Q. Now No. 21 containing 17 acres - what is that used for?
- A. I ask for that reserve and it leads to a lake where there are a lot of berries and we use it for a hunting and trapping base and we get cranberries there.
- Q. Any land fit for cultivation there?
- A. I have a good house there and alongside the house I have a small garden there; the only suitable place for a garden.
- Q. And you go there to live from time to time?
- A. Yes.
- Q. Is there any timber on that reserve?
- A. There are a few suitable yellow cedar trees for making oars away up at the back. I myself made oars there for three times running.
- Q. Now No. 22, what use do the Indians make of that reserve?
- AA hunting and trapping base and also for the berries that are there and also for the fish.
- Q. And land there under cultivation?
- A. There used to be a garden there but we haven't got one there now.
- Q. Did that garden take up all the cultivable land?
- A. At high tide it comes right over the flat - we have a permanent house there.
- Q. How is it you haven't got that garden there now?
- A. The man that lived there died and no one has gone there to live permanently.
- Q. Any timber on it of any value?
- A. Yes there are good trees there but it is hard to get them out because this flat is there and it could not be done by hand.
- Q. Now No. 23 what is that used for?
- A. As a fishing station and also hunting and trapping.
- Q. Any land there under cultivation?
- A. No.
- Q. Any land there fit for cultivation?
- A. Yes there is some that would be all right if cultivated.

Q. Is it covered with timber?

A. Yes, with good timber.

Q. Would the land fit for cultivation be hard to clear?

A. Yes, it would be hard to clear.

Q. How many garden plots would be there if cleared?

A. About two or three.

Q. Is there a house on it?

A. Yes, there is a permanent house there and two or three salmon houses.

PAUL KLADAK IS HEREUPON CALLED AND SWORN

Q. Do you know Reserve No. 24?

A. Yes.

Q. What use do the Indians make of that reserve?

A. For a fishing-station and also there is a big patch we use there on which we gather berries and it is also a hunting and trapping base.

Q. Do you cultivate any land there?

A. Yes, I have a garden there; there used to be quite a lot of gardens there but most of the people have died but I still have my garden there which I use every year.

Q. How many houses are on it?

A. Two - I have one good house there and one salmon house.

Q. Were you up there this year?

A. I haven't been up there this year because just lately I have lost my wife.

Q. Any timber on the reserve?

A. Yes, there is good timber there.

STEPHEN ALLEN resuming his examination.

Q. Now No. 25 was sold with the consent of the Indians?

A. Yes.

Q. Now No. 26, what use is made of that reserve?

A. Hunting, trapping, salmon and also there is good timber there.

Q. Is any of the land cleared?

A. There are no gardens there, because the land there is rather

- Q. I suppose you have a house there, have you?
- A. Yes, we have a house there.
- Q. Now No. 27, what use is made of that reserve?
- A. A hunting, trapping land fishing base, also for the berries and there is good timber there.
- Q. And land fit for cultivation?
- A. No it is wet land.
- Q. So that it would not even be good land if cleared?
- A. We have a permanent house and also a fish house there.
- Q. Now No.28, what use is made of that reserve?
- A. In the wintertime quite a lot of the people of the village move after New Year - they go there and get halibut and salmon and also it is a hunting and trapping base.
- Q. Any timber on it?
- A. There is some good timber further back, but is it mostly hemlock.
- Q. Would the land be good if cleared?
- A. No.
- Q. Now 29 and 29A, what use do the Indians make of this land?
- A. It don't belong to us, it belongs to the up river people.
- Q. Now about No. 30, what use do/the people make of that?
- A. We selected that piece of land for the reason that it is good for cultivation.
- Q. Is there any cultivation there?
- A. We haven't started there yet.
- Q. And you got it in 1896 - you are a long time in making a start. How much of that reserve is cultivable land?
- A. The whole thing is good for cultivation.
- Q. Is it timbered?
- A. Part of the timber has been cut down and part is still standing
- Q. Is the land hard to clear?
- A. It would not be hard to clear.
- Q. Are there any houses there?

- A. No.
- Q. Do the Indians intend to make any use of it?
- A. Certainly.
- Q. When do they intend to start?
- A. If we get safely through this winter we will make a start on it - the Council intends asking to have it subdivided.
- Q. I understand that all the lower Nishgas have their homes in this village; am I right in that?
- A. Yes, all the members of the Kincolith band.
- Q. But I mean the Lower Nishgas?
- A. No, taking it that way they don't all live here. If Lakalzap No. 9 were part of the Lower Naas they don't altogether live here.
- Q. Do you regard No. 9 reserve as belonging to the Upper Nishgas or the Lower Nishgas?
- A. The Kincolith people have their own reserves and the Lakalzaps have their own reserves.
- Q. All the Indians of the Kincolith Indians are the Indians from ten to thirty including 29 and 29A who have their homes here?
- A. Yes, all the reserves that you have mentioned all the members live permanently at Kincolith.
- Q. In regard to the application made for additional lands, some of these applications are new and it will be impossible to get proper descriptions now. What the Indians will have to do will be to get among themselves and find out where these lands are and described them as best as they can and make an arrangement with Mr. Perry to visit them and to confer with them so as to locate the lands and that will have to be done pretty soon. Now there is no use in you Indians asking for any lands which have been taken up by other people - that is only a waste of time. If you find that the land you desire is taken up, then you should look for a piece that has not been taken up, and further it is in the Indians' own interests that you should be reasonable in the area that you ask for?
- A. Is it absolutely impossible for you gentlemen if any piece

that we ask for is already occupied would you not have power to get that for us?

MR. COMMISSIONER MCKENNA:

No - if the man has a title to it we cannot get it; we may as well tell you frankly. We can only give you land that is free and open; that is Crown lands.

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA

MEETING WITH THE LACHKALTSAP BAND OR TRIBE OF INDIANS ON THURSDAY

OCTOBER 5th, 1915.

MR. MAX COLLINSON is sworn to act as Interpreter.

MR. COMMISSIONER MACDOWALL address the assembled Indians as to

the scope and powers of the Commission, and

CHIEF ARTHUR N. CALDER addresses the Commission as follows:

The people here are very pleased and happy to be able to meet you today. We have heard for a long time past that the Royal Commission was coming but we did not know what business they had on hand that would bring them to us. You see for yourselves what stand we in this village and on this river take - we all stand under the same colours which you see outside - the Royalty of the King although we have been living or standing under this flag, now we are satisfied that the Royal Commission have themselves appeared and we are certain we will be satisfied in whatever we ask. We haven't known until now what business you have but now that it has been explained we understand and we ask for to be able to consider these your statements as we cannot give an answer now. We want more time and we will have to meet you at a later date, so that we ask that this meeting be adjourned until we are able to consider before we speak.

MR. COMMISSIONER MACDOWALL: How long an adjournment do you want?

A. We would be pleased to meet you this evening at 7 p.m.

MR. COMMISSIONER MACDOWALL: Well that is quite satisfactory to us and we shall be glad to meet you at that time.

7 p.m. resumption of meeting.

MR. COMMISSIONER MACDOWALL: We have given you the time that you required we are here to meet you and hear what you have to say. We are sorry that we could not give you more time but we have made appointments with the other Indians up the river and we don't want to disappoint them - we want to keep our appointments as closely as we possibly can and therefore we will be glad to hear what you have to say and it will have our most careful attention.

CHIEF ARTHUR N. CALDER: One question I would like to ask you before we start in - will you take anything that we may bring before you?

MR. COMMISSIONER MACDOWALL: We will consider everything that you bring before us most carefully and in the most friendly spirit we possibly can, but this question of the Indian Title as I told you before it is to be referred to the Courts, and we have absolutely no power to deal with it.

CHIEF CALDER: The Land Committee of this village and some of the Land Committee of the other villages will speak to you tonight. The village has appointed Mr. Woods to read a statement to you and after that has been done we will speak.

RICHARD WOODS here reads a statement (Exhibit RI)

MR.COMMISSIONER MACDOWALL: What is clause 1?

MR. COMMISSIONER CARMICHAEL: Mr. White had it last night and has taken it away with him.

RICHARD WOODS: When the findings of the Royal Commission are made known a tribe of Indians will have opportunity of asking for additional lands; after the findings of the Royal Commission are known to this effect any representations that they make for lands here and of course they keep track of them, and when your findings are made known and it is found out that you don't give them a certain tract of land they had asked for they won't dare to again ask for this land from the Government.

MR.COMMISSIONER MACDOWALL: The Nishga Indians went down to Ottawa to interview the Superintendent General of Indian Affairs this summer and they made this request that you speak of and after they left, the Government at Ottawa passed an Order-in-Council and the effect of that is that the findings of this Royal Commission as to lands are final and therefore we would have no power to do that; I think, however, you must be acting under a misapprehension when you think we can give land already in the possession of white people - we cannot do that; we can only give land such as is owned by the Provincial Government. We are always ready and happy to explain anything regarding this Commission and its powers; we want the Indians to learn the truth about it because we consider that it would be doing you and the other Indians an injury if we led them to believe that we had greater powers than we possess and therefore we want them to know the truth about the powers we possess

RICHARD WOODS: I was not appointed to do any speaking this evening but I want to explain why the Land Committee got up this address; I was the one that informed them of this because I acted as Interpreter to the delegation that went to Ottawa. Mr. Scott himself told me of this and I am sure it is not a mistake on my part because I asked him two or three times about it.

MR. COMMISSIONER MACDOWALL: You mean that Mr. Scott told you that this Royal Commission would have power to take land away from white people and give it to the Indians?

A. To a certain extent.

Q. To what extent?

A. That if you saw fit to give a tribe additional lands and taking the lands already occupied by white men, why the Government would find a means of buying that land and giving it to the Tribe, but if they could not give them that land they would give the Tribe the value of that land in money.

MR. COMMISSIONER MACDOWALL: Well all I can say is that if he told you that, it is the first we have heard of it. A copy of this transcript will be forwarded to Mr. Scott. Will that be satisfactory to the Indians?

RICHARD WOODS: That will be quite satisfactory.

INDIAN MARK TAIT ADDRESSES THE COMMISSION: We are very happy this evening to be able to put before you our grievances. The biggest grievance amongst the Nishga people is about the land as the land was given to us by the surveyor which the Nishga people did not agree to as it was too small. At the time the surveyor came the people of the villages were away; there happened to be a few old people in the villages and although they spoke against the action of the surveyor, the surveyor would not listen to them but went ahead with his work; even up to the present day we are still of the same mind. This time after we had talked about this matter and we have also sent in petitions to the authorities and we have always been looking forward and expecting to hear from our King and Our Government about our lands. Another grievance of ours is that the white people are coming in and taking the land which we own and which formerly belonged to our grandfathers . (see page 4)

and whenever we say anything to the whites they always retaliate and give us more than we said to them. Another grievance is that whenever we want to make wood for ourselves or to get out logs we are always bothered or hindered by the man in charge of that special work - by the Timber Inspector. Also as to the fish in this river, we are not allowed to go and catch these fish whenever we like and sell them, if we sold these fish we would be able to buy food with the proceeds, but whenever we attempt to do anything like this to sell these fish those with power always get after us. Another thing is the term that the Government has given to us, the term "reserve". We don't approve of that term "reserve". We want to have instead the term "Indian lands". The business that has started on our river namely, the canneries, at first they used to give us work, and work enough for all of us, but after a while the Japs began to come in and they have gradually increased and are pushing us out both at the fishing and at our carpenter work. In a very short time to come even the women of our tribe, who have always had work in these canneries, will lose their positions, as we already see canneries bringing in Japanese women. We can clearly see ahead of us that the time is not very far distant when we shall be very badly off on account of the Japs and so we lay this before you so that you will do all in your power to aid us. We have more than once sent to the Government and told them the amount of land that we want; we have also sent them petitions and last winter we sent a delegation away asking for help in this matter and we hope that you will help us to procure what we are asking for this evening, and any territory outside of this mentioned in our petition we want the Government to compensate us for. As long as this territory which is outside what we ask for is not settled for us we will work on it and anything we want to get off this land we want to get free and all the Chiefs of the village ask you tonight that they don't want any white people to work at any land on this river until this question is settled. Another grievance that we have is that we on the Naas are trying to do what is right, and when we go to our

work those that get work at the canneries whenever we start our fishing the cannery men always send us out at 6 p.m. on Sundays, and we object to this and we want this changed from 6 p.m. on Sundays to 6 a.m. on Monday. We want to start our fishing at 6 a.m. on Monday morning instead of 6 p.m. on Sunday night. Not only will this help us but it will allow more salmon to get up to the spawning grounds, and we will have still a good run of fish on our rivers and that is one of the reasons why the cannery men don't like us working for them, because we will not fish on Sunday. Another thing about this fishing is the cannery men don't like us as well as they do the Japs, for the reason we try to follow the law as near as possible - we don't use long nets in fishing - we don't fish during the closed season, but this the Japs are continually doing. They use long nets and they also fish during the closed season. This is another reason why the canneries like the Japs more than they do the Indians, and that is another reason why the Indians would like to have the privileges of using and getting what is known as an independent license. That is why all the people of this tribe are of one accord and of the same heart in this matter that we have told you of tonight.

MR. COMMISSIONER MACDOWALL: The Royal Commission have had many representations made by Indians regarding the independent license; last winter they had an interview with the principal fishery men both of the Dominion and the Province regarding this matter and this winter, probably next month, we expect to have a very important meeting with the representatives of the Dominion and the Province regarding this matter, as we have a very sincere sympathy with the Indians.

WITNESS: I now wish to thank the Chairman and the members of the Royal Commission for their patience in listening to us.

INDIAN ALFRED MACKAY addresses the Commission: I am very glad to be able to give you a few words. I have heard and understand what powers you have regarding the reserves. Dr. Roche has written to us and told us to ask for the lands we needed from the Royal Commission

as that would be part compensation from the Provincial Government, and over and above that and whatever is over then the Dominion Government would take it up. The only thing that has weakened me is the statement of the Chairman that they have no powers to give us land already occupied by white people. This land which is ours from time immemorial and of late years these white people have come in and have taken these lands; we thought that through the Royal Commission we would be able to get these lands back. Just to give you as it were a picture of this I would like to mention at the mouth of the creek opposite Fishery Bag, we built a substantial log-house there and cleared quite a piece of ground around the house. A little time after some white people came along and right around this house they took the timber although they knew the house belonged to an Indian, and in a case of this kind we thought the Royal Commission would be able to help us out in a case of this kind - Ik-kinik is the name of the place.

MR. COMMISSIONER MACDOWALL: Under the laws of British Columbia, no white man or surveyor is allowed to take up land on which they can distinctly find an Indian settlement and in some instances where the title has not passed from the Crown to the white man, we have been able to cut out the Indian settlement from the pre-emptors claim, but where the Crown grant has passed to the white settler then we have not been able to do anything although when we find that there is a genuine case needing protection we always do the best we can, although we cannot always succeed for the reasons I have just mentioned.

WITNESS: Not only was there a house at this place mentioned but there were hunting trails by which we used to bring our fish down and that is not the only instance - you will run across further instances like this when you go further up the river. All the lands belonging to this tribe are the same further up the river, which have been passed down to us from time immemorial and which have now been taken up by the whites. Now we got this letter from Dr. Roch telling us to ask for additional lands to our

reserves. How can we get these lands, when the Chairman of the Royal Commission say they have no power to give us these lands already occupied by white people? All our lands are taken up, and what lands are we to ask for. There are no lands left for us to ask for, and I hope and trust that the Royal Commission will do all in their power to help and get this for us. We regret to say that we are sorry that the Royal Commission are in such a hurry to get away from us as we know they are scheduled to stay two or three days with us and the Chiefs of the village would like to have time to tell them all their grievances and explain everything to them. The Chiefs of the village have not had time to consider about the reserves - how much they should ask for and whether they should ask for these additions they want. It would not take us very long to talk over these matters and put it before the Commission.

MR. COMMISSIONER MACDOWALL: I understand that if we continue on tonight for two hours and then tomorrow morning from 8 until say 11 o'clock you will be able then to get through your work. You can make your speeches tonight and tomorrow morning you can make your applications for lands and in that way we can satisfy you and not dissatisfy the other people. If you could put your applications in writing and have them read in the morning we could then ask some questions about them in the morning and locate them on the map and therefore we should be able to get through much quicker.

MR. PETER CALDER addresses the Commission: I wish to make a statement before you as to one of our grievances - one of our grievances about a school. We have our day school and we are not satisfied with that because it is allright in teaching our children to read and write but it does not give them a chance to learn a trade and we would like to have a school known as an industrial school. In this way it is hard on us; we have to take our children and send them to schools far away from our own homes. This is really why we want an industrial school to be built; we don't point out any particular place on the river where we want this school - we will leave that to those who have the power to give it to us to place it wherever they think fit.

I myself have been down to visit my son at the school where I sent him and when I reached the school I found that they were not satisfied with the amount of food that they were getting at their meals and they did not have enough clothing, and their sleeping quarters were really not what they should have been; therefore if we had a school somewhere on this river we would be able to help our children. One place where I myself would like to see the school is some place central on this river; another grievance and you see for yourselves that we haven't got a clergyman in charge of our place here - that is a very great grievance to us. There have been times when some of our young people have wanted to get married and we have had to take these people down to Archdeacon Collinson in very cold weather and dangerous weather in the winter and we ask the Royal Commission out of their good hearts to aid us in this matter. Another grievance that we have is about a Doctor - we have not got a Doctor in our midst here and that is a very great grievance for us. We have lost quite a few of our people through Dr. Macdonald not getting here on time. The year that we had Dr. Rush here was a very good year for us; he put up a sort of a hospital and helped our sick and helped us in a great many other ways and when he left we were up against it. He was a clergyman and a doctor and so we would like to have a medical missionary here in our midst. For the last three years we have been getting and cutting lumber and selecting this lumber for our church here and we have not been able to get ahead with the building in any way because we haven't got a clergyman or a missionary.

CHIEF CALDER: We will have to have time to consider the next question and as the Chairman has suggested we will endeavor to put it on paper to you and we propose that this meeting be adjourned until 8 a.m. tomorrow morning.

MR. COMMISSIONER MACDOWALL: We shall be glad to adjourn the meeting tonight and shall be glad to meet you tomorrow morning at 8 a.m.

8 a.m. Wednesday October 6th 1915.

CHIEF CALDER: Mr. Chairman and Gentlemen of the Royal Commission:

Although we have had it pretty hard because of the short time we have had to select the different pieces of land we want, we may possibly have left some of them out. I now call upon Mr. Woods to read out the list we have had prepared of what we want and after the list has been read to you I will call on three of our men to address the Royal Commission.

(Richard Woods here reads list of land applications Ex. R.2.).

RICHARD WOODS: Now we want a timber reserve so they have asked for a full section on the north end of Pearce Island, also piping for water for the village and also for running the saw-mill.

MR. COMMISSIONER MACDOWALL: Could you get a fall of water for the saw-mill?

A. It is right at the foot of the mountain you see from here.

Q. What length of pipe would you need?

A. We haven't had time to measure it yet.

RICHARD WOODS: We want an electric lighting system and the same source of water would run the dynamo.

CHARLIE BARTON addresses the Commission: The Naas delegates met the B.C. Government and the Dominion Government on February 3rd, 1887 - the Hon. Smythe was the Chariman, in regard to lands that has been occupied. He gave us to understand that the white man's land is just as firm as Indian land is the only way those lands could be taken from a party for a public use and for some community. Then the Government would take the white man's land but not for nothing; they would pay for the value of the land so he put it in the same way a reserve would be if a Government sees a way they require certain part of a reserve why of course it will be done in the same way as they do with the white man's land; it shows you there is a power to take a white man's land that is already paid for.

MR.COMMISSIONER MACDOWALL: You can take the white man's land away under the Statute providing for expropriation, but this can only be done for a public work. Say there was a railway or a road or a canal to be made through it, you could take it but you cannot take it from a white man to give it to another white man.

WITNESS: That is what I mean - he gave us to understand it was for a public use - for the use of a community providing there was a lot of people asking for it.

MR. COMMISSIONER CARMICHAEL: Now that is a different thing because one is under the Expropriation Act for matters of public utility, such as railways and streets, etc., but it would not be the same thing if one group of people asked that a man's lands be taken and given to another; that does not mean a public work and that cannot possibly affect us because our powers are limited by the contract upon which this Commission is based and we would not have the power to expropriate except under the special request of both Governments - we can only go by the powers creating us.

WITNESS: We understand that you have the power to make reports to the Governments.

MR. COMMISSIONER CARMICHAEL: Yes.

WITNESS: Well that is what we want.

MR. COMMISSIONER CARMICHAEL: The most that we could do is this - suppose we consider that a piece of land is really necessary for the Indians then we could point out that fact to the Dominion Government and send down a copy of the transcript of the evidence to the Dominion Government and they could purchase that land for the Indians, but that is the very utmost that we could do. It would be for the Dominion Government to decide whether they would do it or not. We could not do that and the Provincial Government would have nothing to say about it.

WITNESS: I may say a word or two regarding schools. It is a Government school - a Government boarding-school that is wanted. It has to be supported by the Government and the Government has to take full charge of it and manage it, and the Naas people that made application for it is not asking this just mainly for the Naas children but all the other children can go there so it is up to you to see the cheapest place both for fare and freight to support the school.

MR. COMMISSIONER MACDOWALL: You want an industrial school established at the most suitable place for your children and for any

other children that want to go to that school.

A. Yes, for all the children that want to go to that school.

MR. PETER CALDER addresses the Commission as follows: One great grievance we have in our village here - you see for yourselves we have a piece of land right here in our village belonging to white people that piece of land really belonged to us people from time immemorial - there were gardens there in the olden times. The white man came along and took up this piece of land. This piece of land being a hindrance to us in the village we would ask that you secure this piece of land for us and we leave it to you and when your meeting is ended we ask that you walk down there and see what a hindrance it is to us as far as our town lots and streets are concerned.

MR. COMMISSIONER MACDOWALL: We saw it yesterday - we walked over it yesterday with Mr. Perry.

WITNESS: I am very glad gentlemen that you have seen this piece which is a hindrance to us; this is about the oldest village on the whole Naas - there were people here from times we don't know anything about - there were people living in this village and part of the people left this place and went down and started the town now known as Kincoloth. The woman who has charge of this piece of land is still living.

MR. COMMISSIONER MACDOWALL: Is it Mrs. Snow?

A. No, Mrs. Gray, We also ask you gentlemen to aid the said woman in getting part of whatever money may be secured in the purchase of this piece of land because she is really in charge of this piece of land and it should be hers because she was legally married to the white man who owns this piece of land.

MR. COMMISSIONER MACDOWALL: We have had smaller cases come before us and this can be dealt with in the same way I fancy.

WITNESS: I am very glad to know that you have taken this and know that you will consider and do all in your power to help us in this.

MR. COMMISSIONER MACDOWALL: If you find there is anything you have omitted you can write to us at Victoria and let us know what it is you have omitted.

MARK TAIT addresses the Commission: You heard the grievances I put before you last night, but there are two pieces of land that belonged to my forefathers and which were passed down from generation to generation and these lands have been occupied by white men and this is a great grievance to me and my people. On these pieces of land we have houses, shacks and fish-houses and therefore I ask the Royal Commission to aid me in this case. I have the rights to these pieces of land and therefore I have the right to speak to you.

MR. COMMISSIONER CARMICHAEL: Have these lands been included in the list of additional lands that have been made to us?

A. No sir, they are not included as they are above Gitlakamiks.

MR. COMMISSIONER CARMICHAEL: I would suggest that you follow the same course as was done with the applications for additional lands and give us a description of this piece that you were speaking about in writing so that we can find out just where these pieces of land are and then we can examine Mr. Perry who comes to Victoria in the very near future and Mr. Perry will be able to give us all the information possible and will be able to tell us all about it.

CHIEF CALDER: As you have given us another chance to write to you for anything that we might have omitted that is all we have to say this morning.

WILLIAM JEFFREY is called and sworn.

MR. COMMISSIONER CARMICHAEL: I understand that this is the Lakalzap band of Indians?

A. Yes.

Q. And that there are two reserves, 9 and 9A belonging to this band?

A. Yes.

Q. The one containing about 3955 acres and the other containing five acres?

WITNESS: What reserve is it that contains five acres?

That part of the Lachkaltsap Reserve that is across the river.

WITNESS: Yes.

Q. I also understand that the Stony Point or Fishery Bay Reserve

Which contains 347.50 acres is divided half to the Kincoliths and half to this Band - is that correct?

A. This is how it is - the Greenville Reserve started at Stony Point when it was first surveyed, and went up as far as Black Point and lately it must have been from the request of our brothers at Kincolith that the Indian Agent had the middle of this reserve set apart for the Kincoliths. That has not been fully explained to us yet because there are quite a few gardens on that reserve which belonged to us and which has now been given to the Kincoliths.

Q. Is this the village of Greenville where we are now?

A. Yes.

Q. Is this the headquarters of the band?

A. Yes.

Q. Do all your people make this their main home?

A. This is our home where we all collect. And the old name of this place is Git-tha-din.

Q. So when I ask you about information regarding Greenville you are really giving information about the whole band?

A. Yes.

Q. Can you tell me about how many people you have in your band, men, women, and children?

A. I leave it to Mr. Perry, he knows how many there are here. We will count them up and forward the number to you later after you leave here because there has been some additions to the band since the Indian Agent took the last census.

Q. How many houses have you here belonging to the band?

A. We will also include that in the list.

Q. I would like to find out the population, the number of different families, the number of young unmarried men, the number of children and the number of children of school age. What is the principal occupation of your band, what do you mainly do for a living?

A. We have different ways of getting our living - we work in the canneries sometimes.

Q. Do you do any farming?

- A. We have one man that has been at it for quite awhile - he has animals, and then there is another man who has started just lately.
- Q. Do most of the people in the village cultivate their own gardens?
- A. Yes, they have their own gardens and grow vegetables there.
- Q. Am I right in saying that in the village proper all the land that is not built on is generally speaking laid out in gardens?
- A. Some parts of the village have gardens and then some of the other parts of the village being very wet we have no gardens, and on the outskirts of the village we have gardens there too.
- Q. Out of this 3,955 odd acres about how many acres have you under cultivation?
- A. We haven't got very much under cultivation. I don't think we have more than ten acres altogether but if you were here when the river is at its height most of our reserve is flooded over and we can't plant any seeds.
- Q. Am I right in assuming that generally speaking all the land that is possible to be cultivated is cultivated?
- A. Yes, we select the high patches.
- Q. Is any part of this reserve timberland that you can use for timber?
- A. No, we haven't any good timber left handy that we could work at, and that is why we are asking for this additional timberland because two months every year the people from all over collect at the lower end of the reserve and they all help to carry away our timber.
- Q. Now about Stony Point or Fishery Bay in which you have a half interest and a Commonage along the river - do any of the band live there all the time?
- A. We nearly always have some of our tribe down on that reserve and we have good houses on that reserve.
- Q. Is there a church at Fishery Bay?
- A. Yes, and a large number of houses. We treat Fishery Bay practically in the same way as we treat this - we have good houses there and we lay good sidewalks and streets there.
- Q. Now at Fishery Bay - have you any cultivation there at all?
- A. At the lower end of Fishery Bay the part of the reserve which was

laid aside for our Kincolith friends - that part is the only part which is good for gardening; the rest of it being swampy.

Q. Is there any timber on that reserve to speak of?

A. There used to be some good timber there, but people come there and use it for wood year in and year out - it has all been used up, but there are a few small posts which we use for our fishing.

Q. Is there no heavy timber there?

A. No.

Q. Would you prefer that each individual family should have its own individual land instead of having or holding the land in common. Possibly you would like to consider that question and when writing to us at Victoria you can include that in with your other statement. Now there was a request made by Mr. Calder regarding schools and regarding a resident clergyman and regarding a Doctor. I suppose all the Indians here agree on what was said regarding these matters?

A. We all agree to that.

Q. As has been indicated the band does not expect to have an industrial school for this band alone but wishes the establishment of an industrial school which would be for the children of the whole Naas District and even for outside children - is that correct?

A. Yes, we want the one school to be for the whole river. I want to add to that that we don't want the day school to be removed because there are children who would not be sent to to the industrial school because they would be yet too young and we will leave it to the Inspector to select a place where an industrial school should be established.

Q. Would you consider Kincolith a good situation for that school to be established?

A. When our last School Inspector was here, Mr. Green, I went with him up the river and he suggested a site known as Daklahbahk. Before this reserve was set apart for the Kincolith band the people of this place cleared a lot of land there and it was after that that the Kincoliths secured this as one of their reserves. Since that part of it has overgrown

again but there is quite a good piece of flat land and also a good rocky and dry place which would be suitable for a building site for a school of this kind.

Q. If the Government should decide to establish a school such as that on this reserve or on any reserve of this band, would the band be willing to give the land for the building of the school house?

A. We are prepared to give the site.

Q. In connection with the work at the canneries, which had been very fully dealt with, I would like to know, amongst the members of your band are they a proportion of them good carpenters?

A. Nearly the whole of us are good carpenters - we can all build houses and boats - you see our work here all the houses here were built by ourselves and also the gasoline boats, and also the houses in our village were built by ourselves.

Q. The main reason then, as far as you can see, why the canneries don't employ you, is that you won't work on Sunday. Is that one of the reasons?

A. Yes.

Q. And what about wages - would you work for the same wages as the Japanese get?

A. We do, because all the salmon are bought at the same price, and the Japs get the same price as we do. The great reason why the Indians have been gradually pushed away from the cannery work is that the Japs when they start fishing gradually increase the length of their nets, although there is a certain length provided by the Government, but these Japs they get these pieces of net from the cannery and add them on to their nets, and they have nearly three hundred fathoms; and not only that but they steal out at night when the law won't allow them to go out fishing, and they also at times go along by the nets of the Indians at night and steal the fish out of the nets of the Indians.

Q. Have any of the Indians here seen the Japs using illegally long nets?

A. Yes we know of a case ourselves which was brought before Mr.

Williams, the Fishery Inspector, and he did not take up the case for us. Mr. Peter Calder and myself brought personally before Mr. Williams cases of Japs fishing on Saturday night. I ran on to a Jap's net and I brought these cases to Mr. Williams' attention in the Archdeacon's office at Kincolith.

Q. How long ago was this?

A. This summer.

Q. What did Mr. Williams, the Fishery Inspector, do?

A. He said that he would take the cases up, but he did not take them up.

Q What cannery was that Jap fishing for?

A. Mill Bay cannery - Peter Calder was fishing at Mill Bay also at that time.

INTERPRETER: I myself as a Provincial Fisher Officer overhauled one of the Japanese nets off Arrandale [Allandale?] Cannery, and I think I remember the number of the boat; the number of the boat was 1703 and the name T. Tarno. I overhauled his net and went to the trouble of going along to the buoy of his net right up to the required length which should be four hundred corks which is the length allowed by the Government, but when I got up to what I supposed was the end, I saw there was a joint and the boat was fifty yards away from me and he was still hauling in his spare net. That case was brought before Mr. Adamson, the Dominion Fishery Officer, and the summons was issued. The Jap appeared at the Port Nelson Cannery on the date set forth in the summons but I don't know how it was the Fishery Officer himself did not appear. The Jap waited over for the hearing but the Inspector himself not showing up, one of the men came to me and said that it was pretty hard to keep the Jap there waiting there all day, as he may probably lose two or three hundred fish. I said it was not his fault so I let him go. After awhile Mr. Peter Calder on a visit to Kincolith met Mr. Williams in the Archdeacon's office and brought several cases of the same kind to his attention. Mr. Williams took down the cases as

brought before him by Mr. Calder. After this was finished he turned round and said to Mr. Peter Calder, "As far as the long nets are concerned, I cannot get a conviction on any of these cases as far as the long nets go for the simple reason I have had these cases before me but the man laying the information has never yet measured these supposed to be long nets; you only say he had a long net." He said to him, "Can you actually swear before me that you actually measured that net, and found it was over the required length?". Mr. Williams said it would be an absolute impossibility to get any conviction unless the person laying the information swore that he measured the nets. To this Mr. Calder replied, "I have Mr. Collinson here as a witness that the Japs are using long nets". He sent for me and said: "I am coming up to Port Nelson on the 17th of next month and he asked me to have Mr. Calder meet him at the Court House on that date, and he also told me to be there on that date". On the morning of the 17th, Mr. Williams was at the appointed place but owing to my not having a boat or a launch I could not get across to meet him that morning in time to meet him. Mr. Calder failed also to turn up and also the witness. I got over there late in the afternoon when Mr. Williams said "I have dismissed the case because neither yourself nor the witnesses were on hand." I said to him, "You have two boats over here - why didn't you send one of them for me. You know Mr. Cunningham told you in my presence that whenever the Provincial Officer wanted the use of the Dominion boat I should have it".

MR. COMMISSIONER SHAW: Was the information properly laid before Mr. Williams?

A. Yes.

Q. And the summons were issued in proper form?

A. Yes.

Q. Is it the custom of the Fishery Officers when they issue summonses and the witnesses do not appear simply to dismiss the case?

A. No, it is not. If they fail to appear they have the chance to summoning them again.

- Q. When they don't appear does Mr. Williams simply dismiss the case?
- A. I am not in a position to answer that question because I don't know whether he has dismissed that case yet or not.
- Q. Did Mr. Peter Calder receive a summons?
- A. No.
- Q. Who laid the information?
- A. I did.
- Q. Were subpoenas issued to these men in proper form?
- A. Not that I know of; I don't think any of these men received a summons.
- Q. Do you know that they did not receive a summons?
- A. Well they say they didn't.
- Q. Do you swear that the statements that you have just made are true to the best of your knowledge and belief?
- A. I do.

PETER CALDER IS HEREUPON CALLED AND SWORN.

MR. COMMISSIONER CARMICHAEL:

- Q. Did you receive from Inspector Williams a summons to appear before the Court to give evidence on the day that was mentioned by Mr. Collinson?
- A. No.
- Q. Who notified you to be at Court that day?
- A. Mr. Collinson.
- Q. So you never got any paper or anything?
- A. No.

SWORN EVIDENCE OF JEFFREY (continued):

MR. COMMISSIONER CARMICHAEL:

- Q. In connection with the lengthening of nets or illegal fishing, do you know whether that has been brought to the attention of any of the cannery managers?
- A. We have informed the net bosses at the canneries and the answers the net bosses give us is that the Japs have stolen these spare pieces of nets themselves from the other nets.
- Q. Can you tell me of one particular case in which that information was given to a net boss?
- A. There are too many times - I can't mention one special time.

MR. COMMISSIONER SHAW: (To Interpreter Collinson)

- Q. You stated that you were told that no convictions could

got unless they measured the net and that unless the nets were so measured the statement that they were illegally fishing, would not be taken as evidence?

A. Yes.

Q. Well I say that is not right. You say you measured 200 fathoms?

A. Yes, and there was still more of it in the water.

Q. Would not the statement that you measured 200 fathoms and that there was still more of it in the water constitute an illegal net?

A. Yes, I should think so.

Q. You would not be required to measure the extension?

A. All I wanted to know was whether the man had more than he was entitled by law; I measured and found that there was another net joined on to the net allowed by law.

Q. And Mr. Williams' contention is that you have got to give the exact length of the net and not the fact that there is over 200 fathoms - you have to measure the extension and give him the exact length of the extension?

A. The first thing you do is to count the number of corks - you are supposed to have 400 to each net. Now in some cases the spacing of these corks may be different, so not only are you required to count the number of corks in the net but after that the best thing for you to do is to go along and take out five or six distances between these corks and measure these spaces, because I have had a man up and he has said the corks were a little closer than others, and another man would say they were further apart so that a man has to be absolutely certain as to the length of the net and the spacing between the corks.

MR. COMMISSIONER MACDOWALL:

Q. You say that you counted the number of corks in that net?

A. Yes.

Q. And you would be prepared to swear that the spacing was all right?

A. Yes.

Q. And you found that there was an additional net added on to the net allowed by law?

A. Yes.

MR. COMMISSIONER SHAW: Would Mr. Williams require if you made the state

ment "I have counted the corks and measured the spacing, and I counted 400 corks and there were 200 fathoms" - Would Mr. Williams require you to count the balance of the net, and say whether there were 200 or 300 fathoms additional?

A. I don't think he would require that.

(JEFFREY'S EXAMINATION CONTINUED)

MR. COMMISSIONER CARMICHAEL: You have just handed in a statement of additional lands (Ex.R.2) - what do you wish the additional lands asked for in that statement - for what purpose do you want these additional lands?

A. As all the food practically of this village comes from that part of land you will see for yourselves there are streams running into these right up to the upper end of this land we have asked for; you will see streams from which we get our salmon - also there are good trees from which we can get shingles also cranberries and crabapples, and as I said before the reserve we have here is very wet and swampy and the river overflows it and that is the reason we want this additional land. On our reserve the best of the timber is practically gone, and the little money we make at the canneries in the summer doesn't go very far to support our children and we get our food in the place we have asked for and we would like to act as white people and build sidewalks if we had these lands we have asked for; we would be able to sell part of the produce and get sufficient money and sufficient money in our treasury to support our village.

Q. Have you any idea of the acreage as mentioned in this application?

A. We don't know the acreage, but we will include it in our report which we will send to you at Victoria.

Q. Now application No. 2 for a full timber section - you want the portion as it is marked on the Commission map and you want that for the timber that is on it?

A. Yes, there is red and yellow cedar on it.

Q. Now about these last two applications that you have made - one for piping for the village and saw-mill and an electric lighting system, I don't think that comes directly within our

powers to deal with. We might make in our report some reference to it but we would advise that you take up that matter directly with your Indian Agent, as that is a matter for your internal economy. We would not have power to deal with it directly, but I would not wait for our report if I were you - that of course is only my advice.

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA.

MEETING WITH THE KITWILLUTHSILT BAND OR TRIBE OF INDIANS ON
THURSDAY, OCTOBER 7th, 1915.

MR. MAX COLLINSON is sworn to act as Interpreter.

MR. COMMISSIONER SHAW explains to the assembled Indians the
scope and powers of the Commission.

CHIEF PAUL ZALOO addresses the Commission as follows: I wish
to thank you on behalf of myself and village - I wish to tell
you that we are very glad and happy this morning to have you
here. For a long time we have heard that the Royal Commission
was going to make us a visit and we are glad to have you here
with us today, and as the Chief who spoke before me said we
would like you to take a short time and look over our village we
hall remain in the house here and consider what we should ask
from the Royal Commission.

MR. COMMISSIONER SHAW:

Q. What part of the business is it that you wish to have time
to consider?

A. There are several things that we would like to discuss
among ourselves before we meet you.

MR. COMMISSIONER SHAW: We will adjourn the meeting for a half
an hour or an hour and we would ask that you arrange your work
as briefly as possible; it is imperative that we reach Aiyansh
tonight - we expect very important telegrams at Aiyansh and it
is imperative that we get there tonight.

Meeting resumed at 1:30.

CHIEF WEESHAK addresses the Commission as follows: Before I appoint
some of my men to address you I wish Mr. Woods to read this
list that we have prepared.

RICHARD WOODS HERE READS AN ADDRESS (Ex.R.3.)

CHIEF PAUL ZALOO addresses the Commission: We thank you gentlemen
of the Royal Commission; you have informed us as to how we
are to act and we shall follow that as near as possible be-
cause we work in the same places that have been handed down to
us from time immemorial. We ask for additional lands from a
point known as Haliaulth to a point up the river known as
Ikshininik, I am very pleased to be able to tell you what we
require gentlemen, we won't always have the privilege of having

you gentlemen in our midst and that is why we sent you our humble petition asking you to stay today as we have several grievances, and that is why we ask you to stay with us.

CHIEF JOHNNIE MOORE addresses the Commission: There is a grievance in our village to which I am appointed to lay before you today; we have often brought the same thing before Mr. Tyson and Mr. Perry, but so far they have been unable to help us, so therefore we bring them before you. About five years ago a man by the name of Mr. Myers came here as our missionary, and we quite believed in him to be a sincere and true man and he worked in our church for three years; we kept him in our houses for three years. We fed him, we boarded him, and our women did all his washing for nothing, and after all this was done for him he went down to Prince Rupert and made application for a piece of land belonging to us right nearby which he now occupies to our disadvantage. As we have our old village below here and also our gardens, we built a road through from the old village up to this village where we also have our gardens and in making this road we spent eight days in the work. He took his piece of land and not only that but he blocked up our road and our people whenever they want to work their gardens have to go by canoe - he won't let us go by the road. Nearly every week we used to go down to him asking him to come back to us and work in our church and also give up living on that piece of land but he would not listen to us. When he first came to us he made solemn promises and said that whenever you people are buried I will be buried in the same place. We used to live at the old village across the canyon but so many people lost their lives there going for wood, etc., that we left the old village and came down here to this present location. That old man (Paul Sharpe) sitting over by the wintdow, he and his wife were in a canoe - they capsized in the canoe and he lost his wife and he just managed to get ashore himself. The same thing happened to Samuel Wilikhah; they were also going after wood and they also were capsized and he lost his brother, but those who were in the canoe with

him lost their lives - that is why we left the old village and came over here to live near to where we could get our wood so that our old people and children would be safe, and this is the piece of land that Mr. Myers has taken. We ask you as we know this particular case will be in your power - we ask you to get Mr. Myers removed as he is a great hindrance to us - he shot two of our dogs which are the same as horses to us. We bring this before the Commission because in our own way of dividing this land the Chiefs and all the people of the village are agreed on this point that Mr. Myers should be removed. This is a great hindrance to us in the village because last winter Mr. Myers came up to where Patrick and John Willow were cutting wood, and Mr. Myers told them that that would be their last winter that they could cut wood there and that they would never be able to cut wood there again. We bring this before you and ask you to get this man removed because the land that he is occupying we have our berries there, we get wood for our fires, also our shingles and our lumber.

CHIEF GEORGE PALMER addresses the Commission: I want to address the Royal Commission on what I really know is a grievance to the village. The first speaker just gave you an outline of the length of the land that we want given to us and I want to explain for what reason we want this land.

MR. COMMISSIONER CARMICHAEL:

Q. Are you recognized as a Chief of this band?

A. I am a Chief of a family of this tribe. There are over twelve male members of the family over which I am Chief, not counting the women and children. When Captain Jemmett first came up to survey these parts up here he just went by wherever there were anyone camped at the mouth of this Ikshininik Creek; he had a fish-house there and I know where the posts stand. I remember the point at the mouth of the creek that flows into the Naas but I cannot say how far down the other post is. John Wesley of Kincolith was working for the surveyor at the time and he knows where the other post is. From the mouth of this

creek right up into the valley was recognized by all as belonging to my brother, and I now want to explain to the Royal Commission - I want now the whole of this flat which belongs to our family to be handed over to the people of this village.

MR. COMMISSIONER CARMICHAEL:

Q. Is the land that you are speaking of now included in the application that we have already received?

A. It is included - below this there is another creek by the name of Zimgist, which we want for the timber that is on it - we want this line to cross the Naas River and to take in the piece of ground at the end of the lava. It has not been surveyed yet but we would like to have it surveyed and form a portion of the land of this village as there are a lot of streams in this piece from which we get our fish. I thank the Royal Commission and I am also very glad. I have always longed to be able to reach this and now I am satisfied - I am face to face with more members of the Government than I have ever seen. Another thing which the people here would like down here would be to have a good road built by the Government from the mouth of the Naas up to Aiyansh and this is to include a telephone line because when the water is low it is very hard to get connection and also when the river is frozen it is very dangerous and so we would like to have this road from the bottom of the Naas to the head of the Naas. I am not asking this for the Indians of the Naas, but I see there are a lot of white settlers up the Naas and this road would be used both for whites and Indians alike.

CHARLIE LEESON addresses the Commission: I thank the Royal Commission before I start to tell them of one of our grievances. All the other Indian villages around are being helped by the Government, as to schools, etc., but as to this village so far we haven't had any aid or help yet. This village we have not had a school and most of us here have four and five and up to almost ten children; one of my brothers here this year took into his head that it was time his children were learning something and as we had no school here he sent them far away, and he is always thinking about them and he has heard that they are not

creek right up into the valley was recognized by all as belonging to my brother, and I now want to explain to the Royal Commission - I want now the whole of this flat which belongs to our family to be handed over to the people of this village.

MR. COMMISSIONER CARMICHAEL: *Is the land that you are speaking of now included in the application that we have already received?*

A. *It is included - below this there is another creek by the name of Zimgist, which we want for the timber that is on it - we want this line to cross the Naas River and to take in the piece of ground at the end of the lava. It has not been surveyed yet but we would like to have it surveyed and form a portion of the land of this village as there are a lot of streams in this piece from which we get our fish. I thank the Royal Commission and I am also very glad. I have always longed to be able to reach this and now I am satisfied - I am face to face with more members of the Government than I have ever seen. Another thing which the people here would like down here would be to have a good road built by the Government from the mouth of the Naas up to Aiyansh and this is to include a telephone line because when the water is low it is very hard to get connection and also when the river is frozen it is very dangerous and so we would like to have this road from the bottom of the Naas to the head of the Naas. I am not asking this for the Indians of the Naas, but I see there are a lot of white settlers up the Naas and this road would be used both for whites and Indians alike.*

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in order to avoid any friction that might arise between the two bands.

WITNESS: While the old people used to live on this land, it was always understood that no other band should encroach on this land except at times where we might have all our friends there or where they were invited and we want it to remain that way still.

CHIEF SAMUEL WEESHAK - That is all we have to put before you at present, but should we have omitted anything we shall let you know by writing to you at Victoria.

CHIEF PAUL ZALOO IS HEREUPON CALLED AND SWORN TO GIVE EVIDENCE.

MR. COMMISSIONER CARMICHAEL:

Q. In connection with this application for lands that you have just put in, I wish to know if you can give me any idea as to the acreage of it.

A. I cannot give it to you as that is a white man's way of measuring it - we can only measure it by the streams that are near it.

Q. You can quite understand how difficult it would be for the Commission to realize what you want from the description you have given so you had better do as has been suggested by the Chairman get Mr. Perry sometime and give him a plan showing the streams and showing the extent of the country you are asking for, so that Mr. Perry can bring that plan down with him when he comes to Victoria to be examined - would that be satisfactory?

A. I think that would be the best course to adopt and I will see that it is done.

CHIEF JOHN MOORE IS HEREUPON CALLED AND SWORN TO GIVE EVIDENCE.

MR. COMMISSIONER CARMICHAEL:

Q. I understood you to say in the beginning of your address that Mr. Myers took up a piece of land or pre-empted a piece of land which formed a part of your reserve - is that correct? Before I say that in examining you regarding your statement in connection with Mr. Myers, I wish to make it very clear to you that once that pre-emption has been granted this Commission has no power of itself to cancel that pre-emption - the only thing that we can do and the utmost that we can do is if after going through the evidence

we think it advisable to place that evidence before the Dominion Government so that if the Dominion Government then wish to negotiate for the cancellation of this pre-emption they can do so by purchase from the man who holds the pre-emption so you can see we can do nothing more than listen to what you have to say and refer it to Ottawa. Now when you say that that pre-emption is on your reserve are you referring to the lands which appear as your reserve on the reserve map, or are you referring to lands which you have occupied outside of the actual bounds of the reserve?

A. It is not on the reserve marked on the maps, but it is on the lands that we have had from time immemorial.

Q. And Mr. Myers got in there and pre-empted that piece of land?

A. Yes.

Q. Now back of that piece of land that he got there is another portion of land which is intervening and which prevents you from having access to or from this reserve - is that correct?

A. Yes, it also hinders us from getting down to our gardens and to where we have our fish houses.

Q. Did you ever have a road or recognized trail through the portion taken up by Mr. Myers between the actual reserve and the portion behind and surrounding Mr. Myers' pre-emption - that is before Mr. Myers ever came here?

A. Years before he came we had a trail through the land and afterwards we improved it to a road and we also had a lot of houses down below this piece of land and Mr. Myers himself for three years lived there and he also used our road and it was during Mr. Myers' time that the houses were removed from the old location to the new location.

Q. I understand that later when Mr. Myers obtained his pre-emption he refused to allow the Indians to go over that road between the actual part of their reserve and the land which they used surrounding it?

A. Yes, he blocked it up, and I should like the Royal Commission to see the blockades he has put across the road - it is even hard for a hog to get across.

Q. And before he took up this pre-emption he was thoroughly well aware of this road and the improvements made by the Indians?

A. Yes, he knew perfectly well because every day he went down then for his exercise; the first year he did not block the road it

was afterwards he blocked the road.

Q. I understand when examining you that the road referred to went from the extremity of the existing reserve through Mr. Myers' pre-emption and down into the land surrounding that pre-emption - it now appears that it goes through the upper portion of the pre-emption into the northerly portion of the Allsop Reserve - is that correct?

A. Yes.

Q. Now on this pre-emption which Mr. Myers took up was there at any time and outside of the road which you made were there at any time any houses?

A. No, there were no houses on it.

Q. What improvements has Mr. Myers made on that pre-emption?

A. He has a garden, and he also has a small house.

Q. These blockades that he made across the roads, were they made in your opinion for the deliberate purpose of preventing the Indians from using that road, or were they simply accidental blockades made during the course of his pre-emption work?

A. As the water in the Naas was so high last summer just about gardening time old man John Willon was on his way down to make his garden and he came to the first blockade at this end of Myers' land, and he was going to chop away the blockades and Mr. Myers came to him and struck him in the chest, and also raised his stick to hit John and afterwards a dog belonging to Jimmie Woods walked on to the land and Myers blew his brains out and threw him into the river.

Q. When you speak of that blockade is it a fence or is it logs chopped down to block the road?

A. It is a log blockade - he took a cottonwood tree about five feet in diameter and when it fell it was raised from the ground about as high as this table and then he went to the trouble of blocking up the intervening spaces.

Q. And when you want to get from this end of this reserve you have

go by canoe?

A. It is very easy for us to get down to that reserve at the present stage of water, but in the summer when the river is high we have to take a canoe.

Q. How long was this gentleman in charge of your spiritual needs?

A. Three years.

Q. We have made a note of all that you have said, and we will carefully consider it when we get to Victoria; we cannot however promise you anything - personally I don't wonder at your being somewhat annoyed. Do you want this Myers pre-emption for the use of the band - an extension of the reserve or do you want it for the purpose of having a right-of-way through it?

A. We want it for the use of the band. There are five different kinds of food we get from that land, and we also get wood from there.

Q. I also understand an application has been made for an extension of the reserve which completely surrounds that pre-emption with the exception of the river-front and the Zallsap Reserve is that correct?

A. Yes, we made application to Mr. Perry for that.

CHARLES LEESON IS HEREUPON CALLED AND SWORN TO GIVE EVIDENCE.

MR. COMMISSIONER CARMICHAEL:

Q. In your application for a school what kind of a school have you in your mind - a day school or an industrial school?

A. A day school.

Q. If you had a day school you would of course want it in your village here I presume?

A. Yes,

Q. Have you or any of your band ever considered the establishment of an industrial school where the pupils would learn a trade?

A. Yes, we considered it that is another thing.

Q. Would you prefer that you should give me your views on it or would you prefer that I examine one of the Chiefs about it?

A. I would prefer that you call on one of the Chiefs about it.

Q. Talking about a church - I notice you have a very pretty church here. Now when you speak of wishing a clergyman, do you wish to have a clergyman who would reside here all the time or presuming a clergyman was appointed say for Zallsap and another section up here, would you prefer that or would you want to have a clergyman living in this village all the time?

A. We want a resident clergyman.

Q. How often does your present clergyman visit you?

A. Mr. McCullough made one visit here.

Q. Do you hold service here amongst yourselves on Sundays?

A. Sometimes we are able to do so.

CHIEF SAMUEL WEESHAKS IS HEREUPON CALLED AND SWORN.

MR. COMMISSIONER CARMICHAEL:

Q. You are the Chief of the Kitwilluchsilt Band, are you not?

A. Yes, I am one of the Chiefs.

Q. Are you the head Chief?

A. Yes.

Q. I understand that in your Band you only have one reserve?

A. I really don't know how our reserves stand or how many we have. When this thing was first laid out we thought we had a great deal more land than what we actually had, and we were uncertain about our land until Mr. Myers came here and pre-empted a piece. Then we began to look around.

Q. Is it correct to say that you have a reserve called Kitwilluchsilt containing 493 acres and Zallsap Reserve with 578 acres - do you know that you have those two reserves with six acres in 29 A which is part of Zallsap?

A. I don't know that.

Q. Could you show me on the map where you think your reserves are?

A. No, I could not.

NOTE: The Chief was unable to give definite information as to what constituted the land of this Band, but it was claimed they owned Kitwilluchsilt and Zallsap and 29A as also Amatal (No.6 in the Schd.)

Q. Can you give me any idea what the population of your Band is?

A. I am not able to tell you right off - we will count it and give

it to Mr. Perry.

Q. I would like also to get a statement of the population of the tribe, the number of married families, the number of unmarried men, the number of widows and the number of children of school age - could you have a statement such as that made up at the same time?

A. Yes.

Q. Now what are the principal occupations of all the members of your tribe?

A. Some of my people go to the canneries - others remain right here and work at their gardens and also prepare the Indian food

Q. Is there any farming done?

A. Some of our people are trying to raise cattle.

Q. About how many head of cattle have they?

A. One of my men has started in the past two years and so far he has been able to get two head.

Q. Have you any pigs?

A. No, but we have chickens.

Q. Any horses?

A. No.

Q. Now you have a number of gasoline boats in connection with your Band?

A. Yes, we have two gasoline boats.

Q. And you make a certain amount of money out of them in renting them?

A. No, we use them for our own use.

Q. What about fishing -- is the fishing a large item in your lives?

A. Yes it is a big item - it is really the biggest.

Q. Is that fishing for your own food or for the canneries?

A. For our own use.

Q. Do the members of your band find that you get work easily at the canneries?

A. It used to be very easy, but of late it has been very hard; we have not been able to get boats or licenses owing to the Japs.

Q. Do you ever do any carpentering work over at the canneries?

A. No. We used to be able to get some work of that kind over there

but since the arrival of the Japs we haven't been able to do any.

Q. I notice you have some good houses here, and this hall is a particularly good one - who built this?

A. The Indians themselves.

Q. How many first-class carpenters have you on the reserve?

A. Nearly all of our young men are good carpenters.

Q. And you are unable to get work at the canneries?

A. That is right.

Q. Do they hunt at all?

A. Quite a number of my people are good hunters and understand hunting.

Q. Do they get enough in the way of furs to be an important item in the way of money for them?

A. Yes, some of our people do fairly well, but of late years owing to the drop in furs it has been hard for us to make money from hunting.

Q. On this part of the river, how many acres have you under cultivation?

A. We don't know the size of an acre.

Q. Most of the houses here - have they got gardens?

A. Yes.

Q. Have you much in the way of fruit and berries?

A. No, we haven't gone in for fruit-growing at all yet; we used to get all our wild fruit from the other side but since the place was on fire and grown up again, there is no fruit there.

Q. On this reserve here which I understand is your home reserve, is there much timber?

A. We have quite a number of good trees below the village here and that is where we got the lumber for these houses,

Q. Now that portion of the reserve across the river where your old village used to be - what do you use that for now?

A. We have our gardens over there.

Q. Do you cultivate them regularly?

A. We always use them.

Q. Any timber there?

A. No.

Q. Any houses over there?

A. No, we have no houses over there, but we still have our totem poles there.

Q. Is the soil over there pretty good for gardens?

A. Yes, it is very good.

Q. Now coming to Zallsap Reserve - are there any houses there?

A. We have there some fish-houses and some ordinary houses.

Q. Do any of your people live there regularly or do they go there from time to time?

A. We go there to work and the people that dry the salmon live there.

Q. Is there any portion of that reserve under cultivation?

A. We have some gardens down there.

Q. Any good timber on that reserve?

A. At the back of it we have some good timber.

Q. Now taking this reserve and Zallsap - is most of the land that you could cultivate under cultivation?

A. There is still room for more cultivation.

Q. I suppose as you have no horses you have no plows?

A. No, we have no plows.

Q. Or other heavy farming implements?

A. No,

Q. Mr. Leeson while speaking about the schools said he would prefer to leave it to you to speak about that question - if arrangements could be made for a school for your children, what kind of a school would you wish to have?

A. We want a school right in our village here and we also want a first-class school, an industrial school to be erected some place on the river.

Q. If you have a good day school here do you consider that you would have enough children who would go to that school to justify the expense of having it on this reserve?

A. Yes, we have sufficient children.

- Q. Would you be prepared to offer the land on the reserve to the Government to build the school on?
- A. I could not answer that now - I will include that with my other information.
- Q. If you had an industrial school you would want one I suppose which would accommodate generally the people of the Naas River?
- A. Yes, for the general use of the people on the river.
- Q. Would it suit you presuming that an industrial school were started if it were placed either at Kincolith or some place this side of Kincolith?
- A. Any place on the Naas River would be suitable to us for an industrial school.
- Q. Now about medical attendance - how are you fixed for medical attendance?
- A. We have no Doctor here.
- Q. When your people are sick what do you do with them?
- A. We have no Doctor to attend to them.
- Q. Do you bring them down anywhere to be attended to if they are not too sick?
- A. We do - we have to take them either up river or down river.
- Q. Where do you take them when you go up river?
- A. For awhile Dr. Smeale was up river and we were able to take them up to him.
- Q. Do you know where that Doctor is now?
- A. No.
- Q. Would you like to have a medical man who would take over a portion of the Naas River for yourself and the other Bands?
- A. We would like that.
- Q. You don't do any heavy farming here do you?
- A. No we don't do any we haven't started any.
- Q. If you were supplied with a farming instructor who would come amongst you and teach you how to farm would you be sufficient_ interested in it to try and obtain farming implements to try and start farming?

A. I will explain to you in this way - last year my children and myself put in a whole lot of potatoes, carrots, turnips, cabbage, and all kinds of vegetables and we had quite a good crop, and we took them down to sell them to the white people but we could not get any kind of a price for them at all; we did not know why they would not give us a price but we found out afterwards that it was because they were grown on a reserve so this summer we only put in enough for our own use so that is the way we look at it - although we would be able to get these implements in time and start this farming, we would not be able to sell our produce.

MR. COMMISSIONER MACDOWALL:

Q. You must look forward to that difficulty disappearing when the white people come into the country - they will buy the best vegetables no matter where they are raised. In that case would you not like to have a farming instructor to teach you how to raise the best vegetables - and you might be able to raise cattle also.

A. Certainly, we are prepared to receive a man to instruct us if we can only see that all our produce is bought up and at the right price.

Q. What sort of a price were you offered for the vegetables you took down?

A. This autumn they only offered us \$1.00 a sack for 100 pounds of potatoes.

Q. Down in Victoria they only get about 80 or 90 cents for a sack of potatoes.

RICHARD WOODS: We had a cannon here today which belonged to an old Chief the father of the present Chief this cannon was always used in greeting good Government men and today while it was being fired to greet you it burst so we ask you to ask the Government to grant us a new cannon.

MR. COMMISSIONER SHAW: We were all very sorry on landing here today to hear that your cannon had burst while greeting the Royal Commission. We are not certain whether the Dominion Government supplies farming implements of this sort; there is one thing however we can tell you and can promise you that

as soon as this war is over we will send you up some of the cannon that Germany will be only too willing and ready to part with.

CHIEF PAUL ZALOO: The term "reserve" is very hateful to us and we don't like it, and we would like the name taken away and the name "Indian lands" put in its place.

MR. COMMISSIONER SHAW: In regard to that matter that is a term that has been applied to the Indian lands all over the Dominion of Canada since the white men first dealt with the Indians in lands, and so far as we are concerned, although we appreciate your feelings in the matter it is imperative for this Commission to use that term because it is the term that is used regarding your lands. We all hope that the question of Indian lands in British Columbia will be satisfactorily adjusted as soon as the matter has been submitted to the Courts. After that if you then are of the same feeling it is a matter that you should bring directly to the attention of the Department at Ottawa.

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA.
MEETING WITH THE AIYANSH BAND OR TRIBE OF INDIANS AT AIYANSH ON
FRIDAY OCTOBER 8th, 1915.

MR. MAX COLLINSON is sworn to act as Interpreter.

CHIEF COUNSELLOR ROBERT PEARL addresses the Commission as follows:
We have set apart this day as a holiday so that the people of this village can show their appreciation of your visit to our city. It is a long time since we have heard about the Royal Commission coming here to visit us and now today the Royal Commission have arrived and whatever we ask for we ask them to wait until what we decide on what we request. I call upon Paul Sgad[e]en to say a few words to you.

HEAD CHIEF PAUL SGAD[E?]EN addresses the Commission as follows: -
We greet you gentlemen and thank you very much for coming to our village to look into our grievances and we expect and hope to receive happiness from the hands of the Royal Commission.

We are here as it were a naked child - as though someone had come along and taken away our clothing, but now we are glad to greet the Royal Commission because by greeting them we expect to get back our clothing. My people - the people of Aiyansh - already feel that the Royal Commission will be able to do as we ask and that is to clothe us and again make us warm.

MR.COMMISSIONER MACDOWALL here explains to the assembled Indians the powers and scope of the Commission, and

CHIEF COUNSELLOR ROBERT PEARL addresses the Commission: You know that we have here in our town two or three hotels but we have heard that the Royal Commission have brought along your camping outfit with you so we don't ask you to come to our hotels but we ask you to return to your camp and get your sleep good and warm and we wish you to give us all the time we ask. Either have a meeting tonight and after we have got through you can take the other people.

MR. COMMISSIONER MACDOWALL: The Royal Commission as you know have come a long way and they have much further yet to go, and therefore you know their time is short. As a Royal Commission the manner

in which we conduct our meetings is as follows: The powers of the Royal commission are explained to the meeting and after that the Chiefs or those whom he choses come forward and address the Commission stating their grievances or what they require, and after that we examine either the Chief or whomsoever he may appoint on the matters connected with the addresses they have made and the land known as reserves. The examination is carried on under oath; the Commissioners themselves having been put under oath and sworn before a Judge of the Supreme Court, and they have been given the power of Judges of the Supreme Court and instructed to examine the witnesses under oath, and therefore when we call upon you and examine you upon oath, we are just placing you in the same position as regards the oath as we were ourselves. As I have already told you we are pressed for time and therefore we think it will be better to hold a meeting at 4 p.m. this afternoon - that would give you two hours in which to arrange your programme and we hope that this will meet your convenience and that you will meet us here at 4 o'clock. Before I take my seat I wish to compliment you on your excellent band music as it is always cheering to everyone and we take it as showing a good heart on your part, which we thoroughly reciprocate.

CHIEF COUNSELLOR ROBERT PEARL: That will be satisfactory and we shall be glad to meet you at 4 o'clock.

4 p.m. Meeting resumed.

ANDREW MERCER addresses the Commission: The people and Chiefs have met the people of the village and have greeted those that have the power - I mean the Royal Commission. This is the Land Committee that has been appointed to look into to see what is right and see what is not right, and we have been appointed today to speak to the Royal Commission. We know and have heard that there is a law against evil; we also know there is a law for good and therefore we were appointed to speak and work in the interests of the Indians of the Naas River and it may take a long time to explain everything; this Land Committee has been formed for the last five years and before it was formed we heard of this Royal

Commission which was going to come up amongst the Indians so it is not right that we should settle it all in a half an hour - it will take probably two or three days to settle it all. I have taken what you have told us but it has been given into our hands to speak and I shall call upon the Chiefs of the village to state our case, but they won't be allowed to speak personally about this, but they will speak about their troubles, where they live, and other things in general. The Royal Commission say they haven't the power. We have heard it spread abroad that they carry power and they have a lot of power. Although at times it might seem very hard to you gentlemen at the same time we want to tell you exactly what we wish. I now call upon Mr. Amos Gosnell to address the Commission.

AMOS GOSNELL addresses the Commission: There is one question that I want to ask - I want to ask in whose interests do the Roayl Commission come - in the interests of the white people or of the Indians?

MR. COMMISSIONER MACDOWALL: The Royal Commission has been appointed by H.R.H. the Governor-General to come in the interests of good Government and of course that means both Indians and white people alike.

AMOS GOSNELL: This is why I ask: We have been expecting this Commission for a long time. We have heard for the last five years that the Commission was coming, and that they would settle all our troubles so we have been waiting, and people have been coming in taking up our land and we have not said a word to them because we heard this Commission was coming and they would settle all differences between us and the white people; we heard that the Royal Commission was our last chance and so the thing which is very detestable to us is our reserves. We heard that the Commission was coming and we hope they will be able to take away from us the term "reserves". It has been very hard on us because we have been informed that our reserve is only eight inches deep, and that is why we have gone to all this trouble - we have even sent men as far as Ottawa to have this thing settled.

CHIEF GIDEON MINESQUE addresses the Commission: I bring before you gentlemen something that grieves me very much which is our lands, the lands upon which we stand and work; this has been troubling us all - troubling us because we see that our hunting-grounds have been taken away from us and also the grounds upon which our food grows and so we turn around and ask ourselves what will our children do after we have gone. What will we do - look at our stove; after a while we won't have enough wood to keep it warm because the white people have come in and taken up all our trees, and what we want is that the government should satisfy our hearts and satisfy our hearts with money. We haven't got any ill feelings in our hearts but we are just waiting for this thing to be settled and we have been waiting for the last five years - It is not only a short time that we have lived here; we have been living here from time immemorial - it has been handed down in legends from the old people and that is what hurts us very much because the white people have come along and taken this land away from us. I myself am an old man and as long as I have lived my people have been telling me stories about the flood and they did not tell me that I was only to live here on this land for a short time. We have heard that some white men, it must have been in Ottawa; this white man said that they must be dreaming when they say they own the land upon which they live. It is not a dream - we are certain that this land belongs to us. Right up to this day the Government never made any treaty not even to our grandfathers or our great grandfathers.

PETER NISHYOK ADDRESSES THE COMMISSION: I want to tell you a story about our grandfathers and our great grandfathers and all these men that you see here. There are three rivers by the name of SHIAKS and SGASKINIST and GUINSMAK - From that it went on right up to the canyon to Kilaseep, Anguilgolgan, Au-ukswauk, Kitsgast, Pidilute, Winatqu, Guinkbaweust, Gwinglank, Gwingag, Gwinsmak, Zimanwilisit, Kitangala, then crossing the river and coming down on the left bank Gitksizozquit, Dagigin, Kitsaksgan,

Minluk, Kitgalt, Kitsidalsit, Gwindiporu, Aksgan, Wiluksdas, Sgarvin, Gwindibilk, Kitkzegaltqu, Gatzzagaugasn and Gingilqu. These are all names of salmon fishing camps that I have brought before the Royal Commission. From these two villages called Gitginyuga and Lakginilauk they moved down to a place called Gitginyug - they were all camped down at this village called Gitginyug. This was a village of two rows of houses - one row above the other, and while they were camped down at this village, this village was near to a lake - it was then that the eruption of lava started and when that happened we moved across the river and up to the mouth of this creek that flows down here and we started a big village called Lakgwinmigunt - from this last named village we moved up to the present of Gitladamiks and when the missionaries came to us with the word of God the Chiefs divided and part of them came and started a village here at Aiyansh and the rest remained behind at Gitladamiks. We know from the number of these villages that we did not only stay there for a week or even for a month. I am now almost seventy years of age and in those days we never heard of the Government and we have heard stated by the white people that all the land belongs to the white people; but that is not so. In the early days we never heard about the Government. None of these camps that I have named to you gentlemen were just camps - they were all connected up by trails and also from these camps we had trails running up to the tops of the mountains where we used to get the mountain goat and whistler. We did not always know how to garden - the only way we had of gardening was to set a fire to the timber and on this burned over ground all kinds of fruits would grow up which we used for our food. The reason I will tell you the story of how we used to farm and garden is to show you that for five years we had to set a fire to these pieces and every five years we would have a fresh crop of fruit trees - All these places have now been taken up by the whites, and whenever the original owners would go to his camp, the white men always meets the man going there and says "You get off here or I will bring you before the Government and you will be put in gaol for six

months". The reason I tell you this is that we want this land from the points I have mentioned for our own use for food and also to sell if a rich white man came along and wanted to buy a good piece of land - we want it so that if he wanted to buy he would have to make application to us. In my case it is the same thing - my hunting-ground is up the Sheax Valley and I had a hunting trail up to this Valley and the Government used this hunting trail of mine for its telegraph line - they built houses all along the trail at different places so that now my hunting is spoilt and I don't go there anymore to hunt.

WILLIAM GOGAK addresses the Commission: I also come from one of these places and I want to speak to you about the hunting-grounds at Kitangaoqu and kitsizozquiot. From these two places up belong to my family and from the last two mentioned places there was no space whatever; not even the space of one inch right up to the lake of Maziadin. Now of this there is not a single inch that the white men have not taken up; they got all this for nothing - they didn't even give us a cent for all the land that they have taken - that is all I have to say, but I just want to mention about these people - I mean the Indians. They were the very worst kind of men; for instance if two men had a piece of hunting land and one man tries to go on the other man's section, they would take this man who comes on the other section strip him, whip him and send him away. When I was a little boy myself, William Duncan arrived at Metlakatla and he brought with him laws of the King which spread up to us here and on this river and we are the same today, and we still have the same law and that's why we have not spoken to all these white men who have come in and taken all our lands. The reason I am telling you this is because at first we heard the Government would sign a document making an agreement with the Indians and then the Indians would sign the same document and after that then the Government could handle this land which originally belonged to the Indians. No one has up to this day signed any agreement with the Government. Now to finish my speech, we are not asking to get this back but we want the Government to satisfy us with money as there are many places on this

land just ready for the plow - all you would have to do: would be to put the plow right on to it. That is all.

GEORGE ELI addresses the Commission: I am very glad to be able to address a few words to the Royal Commission. I would like to get an extension to the east of what the other speaker said. I would like to know what will happen to these white men who have already taken up these lands. They have taken up as Peter Nezick mentions in his speech, they have taken up Peter's hunting-ground and the white men are hunting now on Peter's place. They have also taken up hunting-grounds belonging to Chief Leag's and the white men are also hunting on his place; they are also hunting on Timothy Derrick's place so that now he is unable to do any hunting. It is the same with the back of the village here and all up the river - they have taken all the land up and our people are not able to do any more hunting - the reason I ask you what is going to happen to the white men that have taken up this lands it is because the Gitladamiks people were given these lands so that they could enjoy their rights and yet they have all been taken up so again I ask what is going to happen to these white men? Now gentlemen we ask you to help us all you can because all the land we have mentioned to you was handed down to us and left to us by our grandfathers and we are, as it were, living in the village with nothing around us at all. We would like to get this land back because from this land we get our food and without food we are not able to do anything. The reason we speak is because we would like to be able to take up this land and use it ourselves in the same way as the white men are using it. When the Government gave these lands to the white people the Government did not know that we were already in possession of this land - they were ignorant that we owned this land so we rightly ask for these lands back.

MR. COMMISSIONER MACDOWALL: In reply to your question I may say that if the white men took up the land or acquired that land in conformity with the law of the Province, the laws of the Province will protect him but if he has entered upon it contrary to the

law, then Mr. Perry can look after the matter, but if he has taken up the land under the law then the laws must protect him and we have no power to deal with him. Perhaps I should not have said that Mr. Perry will look after the matter, because when we return to Victoria we shall consult with the Government or at least with the Lands Department and we shall find out what the position of the lands are for which the Indians make application. If they are within our power to deal with we shall make up our minds as to how to deal with them, but if they are not within our power to deal with then we have no power to deal with them and Mr. Perry's jurisdiction is confined to the reserves.

WITNESS: That is why I stood up to say that Mr. Perry's power only dealt with matters on the reserve.

MR. CHARLES MORTON (taking the place of Rev. Mr. McCulloch) addresses the Commission: I am very pleased to be able to say a few words on the grievances of our village. The old people - the Chiefs - did not in the first place accept these reserves, but notwithstanding this the Dominion Government made these reserves for the Indians - the Dominion Government also made a law to be used in these reserves which is known as the Indians Advancement Act - they also gave counsellors to the village and to these counsellors the Government gave by-laws which should be enforced in the village and the Chiefs accepted these by-laws and abided by them and it is the same today. We also learned that if we followed these laws that in time our lands would be divided amongst us, 160 acres to each man. We did this and made application to Mr. Todd to have these lands subdivided for the people of the village. He said "Go - you have power yourselves to do this". The Counsellors replied "No we won't do this . Give us a written statement and your signature, then we will think it is in our power to subdivide". This he did, giving us a paper signed by himself. This being done the Council started out with the aid of the Rev. J.D. McCulloch; we started at the main line of the reserve and when we had subdivided we discovered we could only get 20, 30, 10 and 5 - acre lots to be divided amongst the

people - the rest was either swamps or rocks. We also had the promise that after a man had taken his piece he was to fence it and work it and after five years' time that land would be considered his own and he should receive a title for the land and it would no more be called a reserve.

MR. COMMISSIONER SHAW: Who gave them that promise?

A. It was after Mr. Todd's death - it was Mr. Morrow that gave them that promise.

Q. In writing or verbally?

A. Verbally, in this building - we were talking about the Title at the time and he made this statement verbally. Some of our people even went as far as ordering the wire and they fenced these pieces of land and at the end of five years we made application for the title as told to us by Mr. Morrow but on his next visit when he arrived here he told us that it would be impossible as the Provincial Government would not give the title of these lands to the Dominion Government, because it was only a reserve. That is the reason the hearts of our people went smash because they realized then their lots were only called reserves and it was as though they had only borrowed them. That was practically the day when the land question was first born because it was made plain to us that the land did not belong to us and that is why today it is you see the land lying idle. It is not impossible to work this land in the same way as the white people work it - it is because the law that we thought was right as this law was given to us by our Agent Morrow as our own, and afterwards we found we did not own it. That is the reason gentlemen it is impossible to improve anything belonging to another man when he knows it is not his own and that is why gentlemen it seems to the Indians they cannot see their way clear to work these lands because we see we are under the Government - it is as though we were in a fence and could not get out and instead of being free like men we are slaves. That is why we wish this demand of ours so that we can walk freely like men.

TIMOTHY DERRICK addresses the Commission: I want to speak about the present generation. I am very glad to see Mr. Tyson and Mr. Perry with us today - it is in the power of these men and it is their duty to look after the powers of the Indian Act, and that is why they are called Indian Agent, and they also hold the power of the reserves. This is what I want to say to you. If there were three men standing here and two of those men wanted to follow the laws and rules of the Indians of the early days as told by the Chiefs here today and one man wanting to follow the new laws - which of these three men would the laws of the King acknowledge - would it be the two that would be trying to follow the olden ways or the one that was trying to follow the new ways. Would the laws of the King fall on the man that was trying to follow the new way because of the ignorance of the other two that was still wanting to follow the old way? As far as I am concerned I am inclined to acknowledge and state that the man that was trying to follow the new law it would be all right. The Indian Act of the reserves would be all right for these two men that was following the old way but it would not be right for the man trying to follow the new way. We here are people that are trying to follow and want to follow the new way and we haven't seen any aid coming from the Indian Agent in the shape of a sack of flour or a blanket coming to the people of Aiyansh. The Indian Act would be all right in the reserves for these people that are still following the old way and to whom blankets are given but not the people who are trying to follow the new way. You have heard that all our lands have been taken up by the whites and yet none of the people up here have told them to get away from here because we want peace with the Government. Before these white men came along and the surveying of the lands started, we did try to stop them but even then they came along and took the land up. We have papers here to show you what we had and what we have been trying to do to keep these white men off before they came here (he here hands in four copies of documents entitled Indian Protest). We made these papers asking quietly that this would cease; instead that we received word from Premier McBride

saying that he would send up 500 soldiers to wipe us out. We don't want any trouble in the settlement of our case - we want it to be done in peace and to be done in the new way; you have heard one of the speakers talking about the Rev. Mr. Duncan - it was while the people of this river were as it were blind that this thing happened. They didn't know anything about the law or heavenly things when he came by the hands of the King and also by the missionaries that came to visit us and so we began to see daylight and some of our children also know that have been to school who have returned and are able to read. We have powers to think and our eyes are opened gentlemen the same way as yours are. You who are representatives of the Government it was the Government who opened our eyes - and what man will come and close our eyes - it is impossible to close them and we want to follow the new way, as our brethern down in the Lower Naas has explained to you, even our fishing has been taken from us by the Japs and also by the Whites, our hunting-grounds and the grounds from which we get our food was also been taken away from us, and it will be a few years before we die ourselves and also our children. That is why we want to save as much land as possible for our own use - we don't want the whole of British Columbia - we just ask for what is ours and what part of this land we don't use we want to get the money in place of the land as you have already got the area from previous speakers. Grease Harbor is another place that we want - we don't want it given to the white people - we want it for our own use.

ANDREW MERCER addresses the Commission: I want to state that we are very happy gentlemen, but I think we may be saying very hard things yet you are willing to accept our statements. As I mentioned before this is a big case and it will take sometime to be explained. We thought we were very well off in the village, but we find that our lamps have gone out and we have no money to buy more oil and we also want to make a list of the other things we want to put before you so we ask you to adjourn this meeting so as to give us a

chance to eat and fix up these statements and as some of the members of the tribe are weak and old who would like to be at these meetings, we should like that this meeting be adjourned until 10 a.m. tomorrow morning.

MR. COMMISSIONER MACDOWALL: We quite understand that you wish to be prepared to meet us with your statements, and we are anxious to meet you in every way that we can, but our time is short because we have a great deal of work before this Report goes in and we want to finish it quickly. We are obliged to the Nishga Indians for having met us in such a kind and businesslike way - it will help us to understand the situation the businesslike way they are explaining matters. We hope that it would not be inconvenient for you if you were to meet us here at 8 a.m. tomorrow morning - we are pretty old men ourselves but we can get up at 6 a.m.

WITNESS: We will decide it this way - we will take something off our hour and take something off yours and make it 9 a.m.

Saturday October 9th 1915 (Continued)

CHIEF COUNSELLOR ROBERT PEARL Addresses the Commission: We have been expecting you for a long time to give us and help us in what we require, and there is one thing we would ask you for now. We want to get a place where we can get timber and logs - you will see by your maps the river called the Cedar River, and we want the timber down to a point called Anuksgwiwiyinsau running back to the foot of the mountains. This piece we ask you for so that we can get logs for our sawmill and also for fire-wood for ourselves - this piece is included in the area mentioned to you by Chief Peter yesterday.

PETER NISHYOK addresses the Commission: I want to make known to you about my grievance about the land of which I am boss known as Sheax Valley. I am not the only one that knows the place - all my brethren numbering over thirty and also the children of my sisters are also many and that is why I am laying before you something that grieves my heart very much. It is four years 'now since the Government took away my hunting-ground from which I got

my living starting at a point at Lava Lake from that my hunting trail went up into the mountains and right along this hunting trail of mine this telegraphline runs and I haven't hunted up there for the last four years. I am not as well off now as I used to be and right behind my fish-house down at the mouth of the creek there is a small lake - this area has been taken up by a white man and he has built a house there and this land that belongs to the white man extends right up to the middle of my hunting trail - this gentlemen I want if possible to be returned to me through your aid. The creek of which I speak - from this creek we get salmon and I don't stop any man from coming there - all the men and Chiefs of this village go there to get their supply of salmon. When we do this we are all happy together because we are able to get salmon from this creek; the same from time immemorial. I have a fish-house at the mouth of this creek and just on this side of where the white man is camped I have another fish house and three miles further on from the fish-house I have another hunting lodge and two miles further on again I still have another one - that is up to the end of the lake I mentioned, that is Lava Lake. Then right up from Lava Lake following my trail, I have the last hunting trail. One of my brothers who is not here today went up a short time ago to get meat. On his way up he met some white men and it is by this we know that the white men have taken away the places from which we got our living - we don't only get the hunting and fishing at this place but we also get different kinds of berries - I am afraid myself to travel on this land anymore ever since the white men have come in there and for the last three years I have not been there at all because I am afraid of the white people - that is why gentlemen I would like to get this land back through your aid from the white people. I have mentioned to you the number of my brethren; I told you I had over thirty and I also mentioned the number of different camps along the river; these were passed down to me from my great grandfather and as it is I don't think this area would be sufficient for my family, as part of this land

is all rock.

GEORGE ELI addresses the Commission: I want to say a few words to you about our grievances of which I touched upon yesterday. I want now to speak to you about a school for the children of this village - it is a long time now since we have been trying to get a school and we have been unsuccessful so far. We have been looking forward to your visit because we knew that whatever we said to you you would aid us to secure this for us; that is why the people of this village ask you that there be a school come to the people of this village which is called by the white people an industrial school. As nearly all of the people of the village have decided to send their children to schools of this sort but word has been sent to us that all these schools are full up; we see in you gentlemen a shield to us as for many years past we have been speaking to the two gentlemen (Tyson and Perry) - but it is no fault of theirs. The Land Question has always been in our way so we are very glad to be able to see you and address you today as it is the first time the people of this village has had the opportunity to speak to men in your position. As we have here in a school which one of our young men is carrying on over fifty children - we had a school going here for three years but the Government as far as we know did not aid us at all in this - for the last three years we have appointed our own teachers and we have paid them ourselves and if possible we would like the Government to refund the money we have paid to our teacher; we don't think or expect that they will refuse us this because we lay it before the Government to select a place and wherever they think this school should be built it will be all right to us; the reason we ask for an industrial school is because nearly all our young men want to do the same kind of work the white men do, but they have not had the chance to learn. One of the things you saw for yourselves yesterday in our gasoline boats; sometimes one of the engines break down and we have to pay out money and have to send the engine away to get repaired but if the young men were able to fix these engines themselves they could do it and have a lot of money and we ask that from

this autumn a day school be started in our village and also that a good teacher be appointed to carry on the day school as it is very hard to see our children running all over the place without having a good teacher.

MR. SMITH addresses the Commission: I am very glad to be able to have an opportunity this morning of putting before the Royal Commission a grievance not only with ourselves here but also with all the other villages of the Naas River; you know as it is in the winter we have no connection or help as it were from the mouth of the river right up to our village here, and we have no means of communicating with our people at the mouth of the river if anything very serious happens and also it is the same with them. They have no means of communicating with us up here so we ask you to do all you can to help us to procure for the people of the Lower Naas and for the people of these villages up here to have a telephone line put in for us; as it is with us we already have a Government Telegraph Line coming into our village, and often in the winter we have had important news here and often we would want to communicate with our people in the Lower Naas and we were unable to do so owing to the dangers of the river. We ask that this be granted to us out of the good hearts of the Government; we also ask for a wagon road from the village of Kincolith up to the village of Gitladamiks. As you have seen for yourselves the dangers on our river and yet you haven't seen it at its worst - when the river is in flood it is impossible to get through the canyon and in that case it would be much better if we had a road because any one wanting to come up could come up by wagon or on horseback, and we are approaching the time when it will be absolutely impossible to go backwards and forwards on the river owing to the uncertainty of the ice. There is another thing I want to speak about - another great grievance that we have here in this village and the other villages around is that we have no doctor. There are times when we are up against it when people get sick so Wt. would like to have a good doctor in our midst - that is why we ask the Government to supply us with a good doctor and also to give the Doctor a hospital.

? MISESQUE addresses the Commission:, The part that I ask you is starting from the river Sheak down as far as the river and back on the top of the mountain as far as Grease Harbor; not for myself only but for the use of all the people in the village. We are the boss of this parcel of land and we, if possible, want this piece of land because we want to start gardening and raising cattle as there is some very good land on the other side. We also have fruits and berries growing on the other side, which we use in the wintertime. We will also be able to get our firewood over there as it will be impossible for us to get firewood elsewhere. We would be very happy if the government gave us this piece of land although we think it belongs to us and all we ask is that the Government should endorse this for us.

? GOSNELL addresses the Commission: You see gentlemen all the land around here looks very nice and all green in the summer - that is our work in times past; this land was burnt over by the Indians and the other side is a place from which we get our food in the way of berries and then at the back of the mountain it is also burned and we go behind there for berries and the back of the village we use for getting our firewood. As you see gentlemen right back at the foot of this mountain behind the village and running up to a place called Gwinhatal. Amongst these trees and all around this land we have worked all our lives getting our food we were practically born amongst these trees around here. We are not asking for anything we don't know about as we were born here and this we consider is ours down to a creek known by the name of Ks-gamal - all this land we consider belongs to us and we use this for a working ground both to support our children and also our old men so we ask you gentlemen as we look on you to represent our Governments and also our King, we ask you to have mercy on us and do all in your power to help us as this is the place where we know God placed us.

RICHARD DERRICK addresses the Commission: You have come into our midst as it were as a great Doctor; you also heard as it were that there was a great sickness amongst the people of the river and these are

all the symptoms of that sickness which we put before you today. You heard the list of names given to you by Chief Peter yesterday, the names of which are Gunsguk and Aukdaus. These creeks run for twenty miles back of the hill, which are now occupied by white people. There are over fifty people to which these creeks belong. Crossing over the river we also have two more creeks called Gitankam, Gwinsak and Gwilgol, which flow from the Kitwancool side - our families are living up there now at a place called Ksgigienit - there is another place known as Ksimilatqut. I also have a brother there in camp there now. He has gardens there and he gets berries from there, also fish. A little way up these creeks which is a great place for salmon I marked up to a place which is known as Winsgalgol and from that point down on the river.

WALTER DASQUE addresses the Commission: I am very glad to have the opportunity of addressing the Royal Commission. You have heard the bosses of these different pieces of land and their grievances, and I am also boss of a piece of land known as Gaksbaksit - I am just asking for these pieces that will be large enough for me and my family of which there are over twenty. I have a house and also a garden there, and as it is a very good piece of land I would like very much to be able to raise cattle. I have here already some cattle, but I cannot attend to them here as I would like to. We have in our family a lot of children growing up and that is why I speak - I don't want them to be without anything when they grow up so I am asking for this piece of land for their use. I am glad to have the opportunity of addressing you this morning. This parcel of land was used by my grandfathers for hunting purposes and what they used to call garden used to be the beaver dams and beaver lakes, and from this point there are three trails; one running to Kispiox on the Skeena, one to Maziadin Lake and the third one runs to Kinwancool. The white people have used up the timber at this place. I speak because if by any chance I went up there to camp and the white people drove me away they would be driving me away from something which I considered was my own - at this place there are altogether three

houses - there are other pieces of land which belongs to my grandfathers much bigger than the piece I am asking for yet I don't want the whole thing - there are other places where I used to get the beaver and by so doing I used to make quite a lot of money. I tell you this gentlemen because I want to start a farm up there on a piece of ground which was left to me by my grandfather.

DENNIS WOOD addresses the Commission: I want to speak to you on a great grievance which we have in the village; we would like the Government to give us a dynamo to run an electric light system in the village and also suitable power to run the dynamo; another thing gentlemen is we had a fire here the other day in one of our houses - we all worked as hard as we could but we were unable to do anything to stop the fire and for this reason we would like to have water brought into our village because it would be very easy to get in here from the river.

ARTHUR DERRICK addresses the Commission: I am very glad to have had the opportunity of addressing the Royal Commission. As you see for yourselves Richard Derrick is getting to be an old man and he is just speaking as a spokesman for our family and I, as it were, stand behind him and as it were second everything that he says because at any time he might die because he is an old man and I am here to stand in his place. Gingsok Creek is the one we want as that is the nearest to us here. It is over thirty years since we started living here in this village and all this time we have been going to this creek to get food for ourselves. That is the reason why I say I am able to stand behind him and I shall continue to use it until the final settlement. As my brother told you he has brethren and relations and also uses the land further on for hunting, berries, fishing, etc., and I am very glad to have been able to tell you this.

WILLIAM GOGAG addresses the Commission: I want to speak a few words about a piece I have already given to Mr. Perry - I have given him a sketch of it and I would like to get it. Mr. Perry himself is seen on this sketch - the names of the different camps and places and these are the places I

and these are the places I want - there is a piece of ground at the end of the lake which I want for myself - I am going up to this place and I am taking my cattle up with me as this was left to me by my grandfathers. There is another place marked on the sketch known as Anlaubiglozatz. This will belong to my nephew - another one of our camps called Ginhag and on here I want another of my nephews to camp. I want to know if it would be agreeable if I were to live on the land which formerly belonged to my grandfathers.

MR. COMMISSIONER MACDOWALL: We are taking everything that you said here and when we arrive at Victoria and meet the whole Commission we will go over the whole of this evidence and come to our decisions.

LES BETHLE (of the Land Committee) addresses the Commission: On the request of the people of Aiyansh I have been asked to address you and confirm a few words that has been laid before you by the different speakers. Commencing on the names of the different places yesterday which were laid before you and which was stated there were for salmon fishing camps I may tell you that it is more than that that they are wanted - the people of Gitladamiks used to move up to these places as soon as they would come back from their ooligan fishing and they would live there all summer until later than what it is now before they would move back to the village of Gitladamiks - these are more than camps: they are regular homes of these people and these are laid before you to show you that we possessed these lands for many years back up until the present; therefore we are not putting claims before you that is not true to be known as the Gitladamiks and Aiyansh people in this meeting. With reference to the reserves and all belonging to the reserves, Mr. Charles Morgan [Morton?] yesterday put before you what the late Mr. Todd told us - they could not find the very document last night but I know the statements that he made to be a fact because the late Mr. Todd, who was the first Indian Agent up here and wherever he would go I was his Interpreter because in those years there were not very many who could speak English and I was the best one. He said that as soon as the village lots are divided - that is the way he made us to understand and also

good lands for garden lots to be allotted and to each person and after these two are complete then a man has a right to go outside of that whether it is on a reserve or not and pick up a foreign lot; there he can take up his 160 acres if he likes and as soon as these are completed we were to get our title to these three different divisions but since then this agreement somehow or another was broken up or thrown out - it was in 1887 that this proposal was made to us and up to the present we have not had any guide to go by on our reserve - therefore we ask you to help us in this matter; we would like the Department to get out a plan in the way of dividing up these present reserves or for the reserves also for the applications for additional lands that has been laid before you, and how we were to get a title for these reserves and divisions, and also we want in case there is a sale we want a regular regulation to guide us in the way of sale, how to surrender and how to divide up the proceeds of sale and if, as you have told us, that these will be our reserves forever after you have put them through if that is so when it comes the time the laws on the reserves should be changed - at present the law is we only have the right to get half of the proceeds and the other half will be kept by the Dominion Government in trust - therefore you have seen for yourself from the mouth of the river up to the head and all the information that has been given to you and we are very thankful for your taking down all the information that has been laid before you. We will then after remaining as your loyal children and will await your favorable answer and also we would like you to send us a copy of your Report when you have them printed.

MR. COMMISSIONER MACDOWALL: Now that the addresses are concluded I wish to thank you who have arranged for all these addresses, and those who spoke; I also wish to thank Mr. Barton, who has expressed himself so clearly to us. Every word that has been spoken by any of the Aiyansh people has been taken down by our Secretary and these notes will be extended on a typewriter and sent to both

Governments and no doubt they will be kept by them in the Archives where they keep such documents and will be accessible long after you and I have gone - perhaps one hundred years later your children's children will be able to see what we have all said. As to our Report there are to be a number of copies of it printed and these will be sent most of them to the Dominion Government and a few to the Provincial Government but we shall not have the distribution of the copies of the reports ourselves but the Dominion Government and Provincial Government both will be able to distribute them and it is quite possible that the Indian Department would consider any application you may make although of course I have no power to say anything to you beyond that. I shall now be obliged if you would appoint some gentleman from the Aiyansh tribe to answer some questions

ANDREW MERCER addresses the Commission: We have heard the words of the Chairman of the Royal Commission and we ask the Chairman if we find out that we have omitted anything will it be all right to hand it to you on your way down the river or to forward it to you in Victoria.

MR. COMMISSIONER MACDOWALL: That will be quite satisfactory or if you can hand them to Mr. Perry because Mr. Perry is coming up to go over these applications with you so that he can point them out on the map and then he is coming down to Victoria to be examined.

CHARLES BATTON IS SWORN TO ACT AS INTERPRETER, AND
T.L. DERRICK IS HEREUPON CALLED AND SWORN.

MR. COMMISSIONER SHAW: What is the name of this tribe or band of Indians that we have heard yesterday and today?

A. Gitamwilks is the name of the people from Gitwalushtqu to Gitladamiks.

Q. How many reserves belong to your people?

A. One reserve is set aside for Gitladamiks No.1A, and also there are small reserves outside of this.

Q. Do you know how many small reserves there are?

A. No.

Q. I will give you the number of reserves - Aiyansh No.1 - is that

correct?

A. Yes.

Q. No.1A, Gitladamiks - is that right?

A. It wasn't made into two reserves in the first place - only one reserve - but on account of the heathens staying back of Gitladamiks that is how the line came between.

Q. The next is No.2, Seax No.3 and No.4 - now are there any others?

A. Yes, one by the name of Stiskinisk.

Q. You understand when I say reserves I mean land that has been surveyed by the Government and allotted to the Indians; do you understand that?

A. Yes.

Q. Is there any other name for that reserve you have just named?

A. No that is the only name.

Q. Could you point it out to us on the map?

NOTE: Mr. Mercer says that the reserve as mentioned is on the other side of the river but is really a part of Aiyansh.

A. I know that place, it is on a little island it is up the river.

Q. Does this island lie in front of Aiyansh Reserve?

A. Yes, it is part of this reserve.

Q. What is the population of these people included on all these reserves?

A. I don't know exactly but there must be about four hundred all told.

Q. Mr. Perry takes a census every year or every two years, does he not?

A. Mr. Perry don't come here often.

Q. When he does come does he take a census?

A. He may have taken a census but I don't know.

Q. Are there more or less people on this reserve now than there were when you were a small boy?

A. I will tell you the truth - I am from Gitladamiks - but I was born at Gitwalnshtqu (No.7). There was lots of people and at Gitladamiks there were more - there were lots of people there - they had great big houses and some of these big houses would have at least forty people and Gitladamiks was a very big village and these houses were close to one another - there were over a thousand at Gitladamiks Village alone.

- Q. And they have gradually decreased year by year until they now number about 400, is that correct?
- A. I will explain to you why these villages are decreasing. Some years ago Victoria was visited by the Port Simpsons, which they reached by canoe and during the time they were there they got a very bad sickness - some of the Naas people also found their way to get there by canoes and it was from them there was some disease spread among the people and furthermore they got smallpox from that.
- Q. And that would account then for the great reduction in the population?
- A. Yes, when I got big, there was a gold excitement at Stikine and I went there too and there was quite a lot of our people went there and it was the same; a lot of diseases started among the people there.
- Q. Would you say that the population now is still decreasing or has it increased say within the last two, three or five years?
- A. When the people could see their way and know the laws and know what is good and what is wrong, why they went to where it was good, and they stopped all these wicked ways and when they did why of course dying off was cut off as well and now there is an increase.
- Q. Did you not have a resident doctor here until a short time ago?
- A. We never saw a Doctor yet among us in this place but I will tell you about a man who helped us for a short time. When Mr. McCulloch came among us he cured a great many people in giving them medicine; last year we had a man here from Seattle - he was a German, by the name of Schmidel; he helped us a good deal and there were a great many people he cured when they got sick and Mr. Perry did not like this man for a Doctor among us on account of him not having a Doctor's license.
- Q. This man has gone and there is no Doctor nearer than Kincolith. Is that correct? Is there any other Doctor nearer to you than the Doctor at Kincolith?
- A. That is right - we have an awful hard time. If there was an accident happened today we would have to take him to the Doctor at Kincolith and that is why the people ask for a Doctor.

Q. In your opinion if you had a Doctor here or at some place within easy reach it would often be the means of saving life?

A. Dr. Macdonald has made some great cures of some of our people during the summer when we have a good way of getting to him - there are times when we cannot get to him at all especially during the winter. If there was a man within easy reach it would save many a life.

Q. What is the principal occupation of your people here?

A. It has been laid before you by several of our people what we do live on, and that is what we work at. I will explain to you now the way we make our living at the present date; we get work as good workers - I am a man who has been working in these canneries a good many years - I mend nets, and during the last few years I am not able to get a job. It has been explained to you how we used to live a few years ago at the different camps mentioned on the river here above us, but in these late years we have been working around the canneries, and now there are only a few of our people getting work in the canneries, as there is a law against our people working in the canneries.

Q. Who made the law against you working in the canneries?

A. You know it is the Indian Act - that is why we can't get work in the canneries.

Q. We don't know of anything in the Indian Act that prevents Indians working in the canneries or anywhere else. We don't know of any such thing in the Act?

A. I know it by this way myself - the law doesn't want us to get out independent licenses, I would like to show you why I mentioned about the Indian Act - we have quite a number of young men here and a few years ago there were surveyors came here and they all got work because they were good workers and did their work better than a good many similar white men, the white men around us made a petition against us working in that way on account of us being a "native" and not being "citizens" of Canada - it was on that account they had the excuse of us being a native and being under the

Indian Act; that is why I know that it is through the Indian Act we can't get work.

- Q. We will do what we can for you in regard to this matter on our arrival back to Victoria; the Indians in the early part of the year in the month of March they all go to the ooligan fisheries, do they not?
- A. Yes, that was the way years ago. Even the Skeena River people all came down.
- Q. They still take the ooligans, do they not - I mean these people 1
- A. Yes, we have quite a few that make a good living in making ooligan oil but there are some that don't go fishing and who stay back here.
- Q. You derive your food from the waters in the way of fish and from the land in the way of berries?
- A. Yes, that is our chief ways of living; salmon, ooligans and berries, and the places that have been pointed out to you as our hunting places where we get mountain goat.
- Q. Some of your people do work in the canneries for white people and so obtain money to purchase the necessities of life, such as clothing?
- A. Yes, there are a few who go the canneries, not all of the Aiyansh people - there are quite a number who stay here who are interested in working these little gardens they have.
- Q. Would you people here like to have presuming your title to the land is settled, would you like to have a farming instructor sent you here at the expense of the Government to teach you modern methods of farming?
- A. We know how to garden fairly well and how to grow different small vegetables and one thing or another, but we know that the land don't belong to us - therefore we can't go into it until we are sure it is ours. It would be almost sufficient work for our people if we could do that and we would not have to be begging at the canneries for work.
- Q. And do you think you understand farming operations well enough to carry on the work without any instructions?
- A. I know this much - so far there is no one has caught us in the way of farming except what little we learned from the missionaries and what we picked up by going to other places and we imitate the same.
- Q. How many gasoline boats are owned by your people here?
- A. Nine._

- Q. And a number of smaller boats such as canoes?
- A. I could not tell you the number of the canoes.
- Q. Do your people build these gasoline boats yourselves or do you purchase them on the outside?
- A. We build them ourselves, they are not built by the white people.
- Q. And you also build all your own houses?
- A. We built our own houses and also our own church.
- Q. So that your people here are good carpenters and good boat builders?
- A. We are all very good carpenters - I myself am a pretty fair carpenter but of late years I can't get work - since the Japs came in I have had no show.
- Q. You heard what George Eli said about the schools here?
- A. Yes.
- Q. You have a day school here in the village have you not?
- A. No, not from the Government.
- Q. You have a day school but you pay yourselves all the expenses of that school?
- A. For three years now we have been paying.
- Q. Did you ever make application to the Government for a school?
- A. Perhaps you have heard the reports from our Indian Agent regarding that we refused to have a school here. I will explain to you how that was; we had a Missionary here and the Mission House was on the edge of the bank and the school was put right alongside the Mission House; many times Rev. McCulloch would act as a School Master himself as he had no help. When his daughter got back why she taught the children. They learned the children very well. The men who you saw playing in the band - that is where they received their education - unfortunately the Mission House was burned down to ashes. Rev. Mr. McCulloch came to me in my house about this time of the year and he asked me to be good enough to let him use my dwelling house as a school house for that winter and I agreed to it. They used my house for six months. Priestly was a pretty fair teacher and McCulloch wrote to the Indian Agent for payment for the use of my house at the rate of \$10.00 a month and when he received an answer from the Indian Agent he called me up to

the house and read the letter to me - the Indian Agent refused to pay me for the use of my house as McCulloch had to bear this himself. From that time McCulloch threw up taking charge of the school and managing the school; we therefore want a school but we don't want a here and a day school at Gitladamiks; we want a school to be erected a school between here and Gitladamiks, and we are willing to give a piece of ground for the use of the school. This is the application we made some years ago.

Q. How long ago?

A. About four years ago. Now I put it before you now honorable gentlemen; we want the school as has been explained before an industrial school, but we will not accept a place for said school. I just merely assure you that the application and the location we have for a school but no application has been made in Kincolith also Lakalsap and we are in favor of that kind of a school but we will leave it to your judgement for a locaion.

Q. That is for an industrial school?

A. Yes.

Q. In addition to the industrial school would you desire to have a day school established here at Aiyansh?

A. Mr. George Eli has laid before you regarding the school and that is just what we want - we want it to begin tomorrow or thereafter.

Q. You would be willing to have the Government erect a school and supply a teacher?

A. Yes.

Q. And Mr. Eli I think said you wished to have refunded to you what you have paid out for the teacher for the last three years?

a. Yes, it will be a shame on your side if you don't do that to let the parents of these children pay for their own school as we are doing now.

Q. About three years ago the Government sent material to put up a school but your people here refused to allow that material to be landed on that reserve - now why did you refuse to allow the Government to land that material and build you a school at that

time?

- A. This is the reason. We know that is part of the treaty that school was and that is why we don't want that school to be built then until the question is settled.
- Q. The question is not really settled yet but we hope it soon will be, but should we recommend the Government to build you a school and the Government would consider our recommendation and build a school you would not object to that school being erected, would you?
- A. No - we are now asking for a school.
- Q. I think we can assure you that we shall recommend that this shall be done as early as possible; now I think it was Mr. Derrick himself that stated that you wanted the place called Grease Harbor; are there any Indian improvements at Grease Harbor
- A. Years ago from Gitanzalqu to Grease Harbor there is a road between from Gitanzalqu for at that time the Indians did not go up any further than that place. They used to pack everything from Grease Harbor up and when coming back they would pack down to this place Gitanzalqu.
- Q. My question was are there any Indian improvements on this land now - any houses or gardens or anything like that?
- A. There is a lot of gardens at Gwinsinak; they join right together - John Davis' relations have these places.
- Q. Is he an Indian?
- A. Yes, - my grandfather by the name of Keoch - he got converted by Robert Thompson, a missionary at Kincolith, and he went and lived in this place.
- Q. Are there any Indian houses there today at Grease Harbor?
- A. For nine years now there have been two of our men from here - Daniel Guno and Michael Inspring have been living at this place and have their houses and got their gardens there.
- Q. Is Michael Inspring and Aiyansh man or a Kispiox man?
- A. He is an Aiyansh man and also Daniel is an Aiyansh man.

They have been here in this village over thirty years and they are citizens of this place.

Q. Before they went to Grease Harbor nine years ago, were there any Indians living there?

A. That is a station - the people go up there - they land there and camp there and people coming down the river, they camp there.

Q. Were there any houses there before Guno or Inspring built their houses there?

A. No.

Q. Did anyone have gardens there before these two men went there?

A. I told you before John Davis' relatives had gardens right next to it.

Q. Is the land that John Davis lives on a reserve marked No.2 in the Schedule? (Witness here marks location of John Davis' land on the map belonging to Agent Perry.)

Q. (Examining map) Where is the land that Guno and Inspring lives on?

A. (Witness here marks location on Agent Perry's map)

Q. What land lies between the Indian Reserve and what is pointed out as the northern point of the river - is there a road there?

A. Yes.

Q. Any houses there?

A. Michael Inspring's house is there.

Q. Between Inspring's house and Davis' house what is the land like?

A. They are near together as from here to the edge of the bank.

MR. COMMISSIONER CARMICHAEL: Who built that road?

A. There was always a road there - it was built when the old Grease trail was used; the Government has improved the road there this summer.

MR. COMMISSIONER SHAW: Why did the Government improve the road - are there white people settled around there?

A. They have a little ferry boat running at that place.

MR. COMMISSIONER MACDOWALL: Where does this road lead to?

A. It follows the old Grease trail.

Q, Where does the trail come out?

A. It goes up the river.

Q. It goes to the Skeena River, does it?

A. Yes.

MR. COMMISSIONER SHAW: Is the land around there taken up by white people?

A. There is not a place left - it is all taken up and they have been driving these two men, Guno and Inspring away all the time.

Q. Do you know that land that Michael and Daniel is on - has any white man got hold of that in any way?

A. Yes, they are pushing these men very hard; I see myself the other day a man break down his fence and pitch his tent inside Daniel's garden while the crop was in.

Q. Who was that man?

A. Studdy - a Fire Warden.

Q. Has anyone interfered with Davis' place?

A. Yes - there is a man there squatting on his place also.

Q. Who is that man?

A. A man by the name of Clay.

Q. Is Davis' garden all on the Indian Reserve - all on the one side of the line?

A. I could not tell you exactly how big the place is, but I know this before there was anyone there Davis put up a sign that that place was his.

? MERCER: I have been teaching and was appointed to do so by Mr. Perry and I have received no salary; I wrote asking Mr. Perry for a salary but he wrote back saying "there were no funds available."

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA.
MEETING WITH THE GIT-LAK-DAMIKS BAND OR TRIBE OF INDIANS ON SATURDAY
OCTOBER 9th, 1915.

MAX COLLINSON acts as Interpreter.

MR. COMMISSIONER CARMICHAEL ADDRESSES THE ASSEMBLED INDIANS AS TO
THE SCOPE AND POWERS OF THE COMMISSION, and

CHIEF SKADEEN ADDRESSES THE COMMISSION: I will attempt to address
the Royal Commission and am very glad indeed to have heard and
have taken all what the Royal Commission have told us today. We
already have the length of territory we require from a place called
GITSIZUTQU then it crosses the river to a point known as GITANZALQU,
thence down the river to a river by the name of SIAKS, crossing
the river again to a creek flowing into the river known as KSGAMAL
and back again to the point of commencement. This was the terri-
tory that my uncle first worked over when the first surveyor visited
us and when he left this world he left this in my hands and I hold
it still. Another thing my uncle was against the surveyor giving
us what is known as "THE RESERVE" - he did not want this - he was
still against it when he died and he kept on saying he did not
want this land surveyed and it is the same with me here today - I
don't want the reserve - I want the land to the points mentioned.
Another thing I want to say is that the Band of people known as the
Aiyansh are not foreigners to us - that is why we are all agreed
on asking for the same area of land.

CHIEF JOHN NAAS (Or Chief John N. Ksidinul) addresses the Commission:
I want to speak a few words on a great grievance of ours. You
have heard the Chief that spoke explain to you the area of land
that we want, but I want to explain to you about our grievance as
you have come before us today and we look upon you as though we
had a ray of sunlight thrown upon us here. We are here as it were
men in prison. When a man has handcuffs on he able to kick and
jump around - not so with us - we are here in one place and we are
as it were men already lying in the box. There is a piece of land
belonging to Arthur Priestly right near to our village- we have no
other pikes of land taken up by other white men abutting right
up against the reserve. If it had not been for the reserves we would
have been able to get out as the white men do and take up pieces of
land occupied by our great grandfathers and work there and improve

it. We want this to be taken away from us - the term "RESERVE" - and we want you to give us in place of it the land we now ask for. You have asked us to stand up and tell you our grievances and that is one of them you know yourselves that it has been taken away from us the source from which we get our living and that is really why the question of lands arose.

CHIEF ANDREW NAAS addresses the Commission: I am very pleased that you have come to visit this river - it is as though you are looking into the reasons that really started this land question. You have seen for yourselves the tokens of early days of the old Chiefs that have gone away when you paraded with us here today - it is not many years that we turned around to follow the word of God and ever since that time we have been able to follow in the new way and clean up our village - it is the same here - when we started we made a beginning to follow the right way when the white men came in and took all the land belonging to us and we were not able to get all the material we needed and that is the real start of the land question - From that time we gave up improving our village because it took up practically all the money we had to pay for the so called land question as we had seen that the Government was disposing of all our lands, as when the world first started we were placed here by God himself to look after this part of the world and that is why this part was not taken away from us by the people who first discovered this part of the world - That is why we consider ourselves caretakers of this part of the country - we haven't been in any way refunded and this is why we have been asking that this area be given and we want this expense refunded to us for looking after it. We take the word "RESERVE" as something that can be taken away from us in the future. Another sign we have is when we start gardening on the reserve and improve them and when we have taken in our crops we have tried to get a sale of these crops but have failed so we have taken it that it is because they were grown on a reservation. When this area that we have asked for is given to us and made free to us then any outstanding land that originally belonged to us we want the Government to refund the same to us so that we can have the money in each man's hand. All these mountains you see out here they are as it were a bank - when a man wanted to cash a cheque all he has to do is to go

up to one of these mountains and start trapping and after a while he would come back with the money and that is the reason we want the Government to pay us for any land they have taken away from us - that is really the beginning of the so-called land question. We will not take this money away with us when we receive it - after we get it it will have to go back to the white people again because we will have to spend it.

CHIEF WALTER WOODS ADDRESSES THE COMMISSION: I greet you gentlemen this fine afternoon to tell you how my heart is - that is our great grievance which you already have and which has been laid before you this afternoon. There is nothing else for me to say besides what the other chiefs said, but there is one thing I want to touch upon and that is the reserve - although we are living on the reserve we are not well looked after by the Indian Agent in charge of us - all the rules and laws of the reserve called the Indian Act are a grievance to us. This Indian Act is a bar to us in not allowing us to be free like the white men. That is why we don't want the reserve - we want to be free men under the ? of our King. THis is a great grievance amongst us Indians. Although ? and have almost succeeded in A in acting as men we are always refused .?. gentlemen is a great hindrance to us - it is not called our own, we are not asking for anything which we know don't belong to us, because all the camps along this area are all communicated and the people who own these camps are alive today.

MR. COMMISSIONER CARMICHAEL: Do you mean to say that the Indian Agent is to blame for the Indian Act?

A. The Indian Agent does not frequently visit us here therefore we are not able to walk the right way. He doesn't try to push us forward so that we can become new men.

CHARLES BROWN ADDRESSES THE COMMISSION: Before I make my speech I ask to be excused because I am not worthy to speak before you this afternoon because I feel and know that you gentlemen have been sent to visit us by our Government. I want to speak to you from the time that I first received knowledge myself. I was still a boy when the first surveyor came along - he did not arrive at any agreement with the Chiefs of this village to set apart the reserves. When the surveyor arrived at this

village they had their meeting in the house and Chief Skadeen they asked the Chief "how much land do you want" and the Chief himself pointed to the areas mentioned to you by the first speaker - he also pointed out this river below here called KSGAMAL. The Chief fully thought that the surveyor set up the places pointed out to him but he found out afterwards that this was not so - he went just a little below Aiyansh and put in a post here. The Chief also thought he got land right back to the mountain he afterwards discovered that the post was on the other side of the village and then from thence it crossed over the river and in a strip on the other side. Afterwards we found out that this did suit us; as it were the Government had given us land that was too small for us - I myself don't feel comfortable in this, and the most of the ? reserves are as it were too small for us and it is "too tight" for we are not able to move, and that is why the land question first happened although this land belonged to our grandfathers - it was handed down to us and now we are not able to touch it for the reason the white men have taken up most of it. It was made plain to us in this way - Our .?. in the village next to us became civilized - they had their land divided and then they made application for a title and it was refused by the Indian Agent.

CHIEF SKADEEN ADDRESSES THE COMMISSION: I now speak and ask you to give a good school for the village - a first class school - We also want a phone line starting from this village and going down to the village ? as Kincolith, and also a wagon road. We are only confirming the requirements of the whole river in this connection. One thing that hurts us is that you are in such a hurry to leave us because you have come here to consult with the Indians, as we received a letter from Dr. McKenna saying that the Royal Commission would not be in a hurry and would visit each village until they were satisfied and now we find out that you're in an awful hurry gentlemen. That is why we have come to the end of the statements. The school that we ask for is what is called an industrial school and besides that we want a day school.

CHIEF JOHN N. KSIDIUL is hereupon called and sworn.

RICHARD WOODS IS SWORN TO ACT AS INTERPRETER.

MR. COMMISSIONER MACDOWALL: Chief Skadeen in Opening his address asked for a certain number of acreages and he said we were not to take this as the whole population because there were many away at other points. Now can you tell me the population of this Tribe?

A. I don't know.

Q. If we get that from Mr. Perry after his visit here will that satisfy you?

A. Yes.

Q. Can you tell me generally how the men of this Band live - are they comfortably provided for generally speaking?

A. I can answer that - My forefathers were well off. When the law was imposed upon us it has held us under. It has been five years since the white settlers have come in and from that time to the present our children are dying off through lack of support because we have been unable to make money to support them. In our applications that we have made before you today all these lands were held by the Chiefs of this Tribe and each Chief had a certain number under him and had the privilege to go on and work these lands and some were privileged to go and prepare food which they sold and received in return cash - sometimes they got as much as \$500. a year. Since the white people have come in we have been unable to work on these lands and that is the reason why we started agitating on what is known as the land question. Our Heavenly Father gave us this land to use and to live on, and that is the reason why we have applied for a certain tract of land to hold for our own use and territory outside of that tract of land we ask that money will be given to us in return.

MR. COMMISSIONER MACDOWALL: What are the principal occupations of the Band?

A. Hunting. Our women prepare food - they pick berries. If you will look around you will see a lot of trees where a few years ago there were no trees because the growth of these trees were kept down to allow the berries to grow on. They prepare these berries and sell them for money and which they again turn into clothing. They dry fish and they prepare thousands of these fish because they sell them.

Q. Have you any gasoline boats in this Band - I mean fishing boats?

A. Yes.

Q. How many have they?

A. Four.

Q. Have you any nets?

A. We don't use nets - we use a trap.

Q. Do you have any difficulty with the Fishery Inspector about the trap?

A. Yes we do because they won't permit us to use the trap.

Q. I have heard something about the independent licenses - If you were allowed independent licenses would you be able to provide yourselves with boats and nets?

A. Certainly we could.

Q. If you had these Independent licenses with your boats you would be able to make your money that way instead of using the trap, would you not?

A. Yes we could.

Q. We were told that you wanted an industrial school and also a day school-the industrial school, I suppose, would be for teaching trades?

A. Yes.

Q. Where would you like this industrial school to be?

A. No answer.

CHIEF SKADEEN IS CALLED AND SWORN.

MR. COMMISSIONER MACDOWALL: Is the industrial school wanted for the purpose of teaching the people trades?

a We have sent our children to school in other districts far from here and it is very seldom that they stay away from us over a year when they come back sick, and that is the reason why we want a school erected among the Nishgas near at hand.

Q. Where do you want this school established?

A. I would like to inform you that you cannot obtain any good land anywhere on the river outside of the territory occupied by the Gitwanitqu, the Aiyansh and the Gitladamiks people. I know in order to make a success of the school it would have to be erected on good ground.

Q. Would you like a school that would do for the whole of the children from the mouth of the Naas to its head?

- A. Yes, and that is why we want a large school so that this school would be able to put up children from the Skeena if they wished to send any children; also from the Tsimpsean Tribe. The climate up here is better than what you get on the Coast.
- Q. If a suitable site were found and it happened to be on a reserve would you be willing to give sufficient ground?
- A. We have handed in our application for land and any place that you see fit to erect the school why it is satisfactory to us within that area.
- Q. Would you prefer to have this school under Government control or under church control?
- A. Under Government control.
- Q. Where would you prefer to have the day school?
- A. Right in our village.
- Q. How many children would there be to attend that day school between the ages of six and fifteen?
- A. I am sure that there are at least thirty small children in this village here.
- Q. Would you like the Government to take charge of that school also and appoint the teacher?
- A. Yes.
- Q. Is there any doctor residing near here?
- A. No there is not, and that is a great grievance to us for if any of our people are stricken ill we have to go all the way down to Kincolith where Dr. Macdonald resides.
- Q. In the winter I suppose it is difficult to get sick people down to Kincolith?
- A. Yes.
- Q. And therefore you would like to have some one nearer?
- A. We do desire to have a doctor nearer here.
- Q. The previous speaker said when we looked down here we would see trees grown up. Would you like after the work of this Commission is finished to have a farming instructor appointed who would teach you how to raise produce that you could sell?
- A. It isn't up to us to refuse a man that is able to teach us how to

grow things because the things that we were able to grow ourselves are gone and are a thing of the past.

Q. This reserve we are on is No.1A is it not?

A. Yes.

Q. I see you have a church here - what denomination do you belong to?

A. The Church of England.

Q. How often does your clergyman visit you?

A. We haven't a resident missionary but Mr. Morgan here visits us once a week.

Q. Then he is able to marry the people who want to be married and baptize the children is he?

A. No, he is not able to do that.

Q. When there is anyone wanting to be married or children to christen how do they manage?

A. Any time we need a minister that is able to marry a couple or baptize a child we have to get him from down the river - For instance in a very short time we are sending down a boat for Archdeacon Collinson - he is coming up to marry a couple.

MR. COMMISSIONER CARMICHAEL: When Mr. McCulloch was here or stationed at Aiyansh Mr. Morgan at that time was up here as his assistant permanently was he not?

A. We appointed Mr. Morgan ourselves to come up and live amongst us but now since Mr. McCulloch has returned to Aiyansh and we don't know whether Mr. McCulloch is coming back again.

MR. COMMISSIONER MACDOWALL: I see in the Schedule here it is put down as containing 640 acres; that is reserve No.1A - is that correct?

A. No it is not correct.

Q. What do you think is correct?

A. 2,202 acres (Hands in paper signed by Archdeacon Collinson dated April 19th, 1907).

Q. Do you know where the boundaries of this 2,202 acres are?

A. I have a map which shows the boundaries in my house,

Q. Would you allow us to take a copy of this paper and give it

back to you again?

A. If you desire it you can make a copy of it.

Q. Do you suppose that any of the 2,202 acres are taken by the Aiyansh Indian Reserve or included in the Aiyansh Reserve?

A. No.

Q. Where do the posts begin?

A. Coming up the trail you passed through a fence and that is the boundary.

Q. How far does it run in the other direction in order to take in the 2,202 acres?

A. I have a map showing the reserves.

Q. Is it near here?

A. Yes, I will go and get it.

CHIEF JOHN KSIDIUL is called and sworn:

MR. COMMISSIONER MACDOWALL: Do all the members of the Band have houses on this Reserve 1A?

A. Yes, they are all building close together.

Q. I understand from you that since the land agitation began you have not been doing much cultivation on the reserve. Is that true?

A. Yes.

Q. Is there much good land on this No.1A reserve?

A. No we haven't got very much.

Q. We came through some very good land while on the way up here?

A. That is about all we have.

Q. What did you grow here when you cultivated the land before?

A. As I said before our women prepare food on a large area of this land that we have discussed today because the food grows without us planting - I mean the berries because we did not understand the process.

Q. Is there much timber on this reserve?

A. Not on our reserve - If you look around you can see most of the reserve I think, and the scrub is about all we have.

Q. Does everyone here have his own house?

A. Yes.

Q. Is there any community building for the whole Band to use?

A. No - we started to erect one but after we became civilized we didn't go ahead with it and you can see for yourselves how far we have gone with the church - we can't go on any further. We were going to put up a mill, but the whites have taken up all the land from which we got our timber. That mill would cut out our timber but the whites have prevented us from going on the land and therefore we are unable to get lumber.

Q. Can't you get any saw-logs now for your sawmill?

A. We erected a small sawmill up at Ginamau - we selected that place because the growth of timber there was plenty and after we completed our sawmill, a homesteader by the name of McCabe took this land up and he would not allow us to work our sawmill. We cannot get sawlogs from anywhere else but the land on which he is now living.

Q. When you put your sawmill there did the Indian Department know that you were putting up a sawmill on that place?

A. No they didn't know.

Q. Did you ever ask the Department to secure you some timber for the mill?

A. No.

Q. And is all the land that the timber would come from to that mill taken up by the whites?

A. Yes they have taken it all.

Q. Is there any other good place where the mill could be put where there is some good timber?

A. No, the whites have taken up all the land.

CHIEF SKADEEN'S EXAMINATION (continued)

Q. Where did you get this map?

A. Mr. McCulloch made it.

Q. Is Mr. McCulloch a surveyor?

A. No - he copied that from a map which was given to the Council by the Indian Agent. The first Reserve Commissioner that came to this reserve he gave us 1,562 acres and when Mr. O'Reilly visited us he gave us an additional 640 acres which makes a total of 2,202 acres.

MORGAN: It was all in one at first but when the people applied

for the location Mr. Vowell and Mr. Green divided the reserve.

NOTE. SEE ASHDOWN GREEN re this.

Q. Now about reserve No. 2 - are there any houses on that reserve?

A. Yes.

Q. Does Joe Davis live on that reserve?

A. He lives across the river.

Q. That is the little point at the N.E. point across the river?

A. Yes.

Q. Does anyone else live there on the reserve besides Joe Davis?

A. A lot of people live there.

Q. Have they all houses down here on Aiyansh Reserve No.1?

NOTE: The questions asked about 1A apparently apply to No.1 Aiyansh.

A. Yes and they have houses here to.

Q. Then you use Reserve No.2 as a summer place do you?

A. They use it all the year round - they reside here permanently only in the winter.

Q. Do they do any cultivation on No.2?

A. Yes, we have gardens there.

Q. Is it pretty good soil?

A. It is good soil.

Q. Good timber on it?

A. No, the growth is all small.

Q. Now coming back to Reserve we call No.1A - are there any houses on that reserve?

A. No, there are not enough people there to extend the village back that far, but they use it.

Q. What do you use it for?

A. We get our wood from there.

Q. Would the timber make good saw-logs or logs for building purposes?

A. We could get logs out of there but we want to save it for our wood

Q. Is it fir wood?

A. No, spruce.

Q. Now No.3 reserve containing 40 odd acres - do you know that Island (examining map)?

A. Yes.

Q. Is it good soil on that Island?

A. Yes, that is our principal fishing camp - when you come up on the gasoline boat you could see it.

Q. Are there any houses on the Island?

A. Yes.

Q. Are they for smoking fish?

A. Yes, and there are people there now.

Q. Is the fishing season on just now?

A. Yes, and a large number of the Indians are down there now.

Q. Any gardens there?

A. No.

Q. Any timber on the Island?

A. No, not good timber - there is nothing there but cottonwood.

Q. How do you manage about smoking your fish?

A. We use the cottonwood because we have nothing else to use.

Q. Does that make good wood for smoking?

A. No - we use it although it is very poor wood.

NOTE - There appears to be a discrepancy between the maps belonging to Mr. Perry, the Agency map and the Schedule regarding these reserves.

WITNESS: This discrepancy is not very important as the Aiyansh and Gitladamiks are all the same.

Q. Now we come to No.4, Shumarl - does anyone live on this Reserve?

A. That is an old Gitladamiks village.

Q. And do people live there?

A. No.

Q. What do they use the reserve for?

A. That is where we dry fish and we prepare food there such as berries.

Q. Is there good soil on this Reserve?

A. Yes.

Q. Is it level land?

A. Yes.

Q. Is there timber on it?

A. No.

Q. Where do you get the wood to dry your fish?

A. The same thing - we have the cottonwood, and we don't class that as timber.

Q. Is there plenty of cottonwood?

A. No, there is not very much.

Q. Do you do any cultivation there?

A. No, we haven't cultivated anything but we pick a lot of berries which we sell.

Q. One of the speakers said that the Indian Act was a bar to their living as white men - Does that mean that you would like to be like white men and have independent farms of your own?

A. That is why we have applied for the lands that you have before you, and if we obtain these lands we have nothing else that we desire - we will be short of nothing.

Q. Do you want them subdivided into separate reserves for each family?

A. We could do that if we were sure that we will obtain all that we have applied for.

Q. Where did Priestly and two other white men take up their land?

A. Right near to this reserve.

Q. (Examining map) are there many white people living there?

A. (" ") The reserve is surrounded by white settlers on the north and east and the south side of the reserve.

Q. Are these people living on their land?

A. Yes, they are on it now.

MR. COMMISSIONER CARMICHAEL: Now we wish to tell you that if there is anything else of importance that you might wish to lay before us, we shall only be too glad to meet you again this evening at 9 o'clock and stay with you until 12 O'clock.

WITNESS: We thank you for coming here, and only wish to say that if we had another meeting tonight we would only smash up what we have already said to you.

End of Meeting.

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA.

MEETING AT GREASE HARBOUR ON SUNDAY, OCTOBER 10th, 1915 with MICHAEL
INSRING AND DANIEL GUNO.

Max Collinson acts as Interpreter.

MR. COMMISSIONER MACDOWALL: We are here today to take the statements of Michael Inspring, Guno and Derrick - We shall take these statements to Victoria and will lay them before the full Commission when this matter together with all the matters relating to the Naas Valley will receive full consideration.

MICHAEL INSRING MAKES THE FOLLOWING STATEMENT.

I will first put a question to you Commissioners - I want to know what mission you have come on here whether of peace or trouble?

MR. COMMISSIONER MACDOWALL: We have come here in the interests of the Government and to all good men whether they be white men or Indians it is a matter of importance to have good government.

MICHAEL INSRING (continuing) What else can I say besides what has been told you already by the Chiefs of the village of Aiyansh and Gitladamiks. As you see we have been using these grounds from the earliest days until now - In our statements we told you that we want this land for our own use, but there is one grievance that I want to speak about in regard to this one piece of ground. Ever since the time that I and my brother started here; he started here about five years ahead of me and I came in after him, but ever since we started here we have had trouble at times. I have been threatened by some of the pre-emptors just because I talk to them they have threatened to shoot me. They would not permit us to go ahead with our work here; that is why you see the amount of work we have put in on our gardens; and they are going further and the pre-emptors are collecting here and they are threatening us that if we don't leave this place they will put us in jail and gentlemen we require as you have come in the mission of peace we would like you to aid us in getting rid of these men because this land belongs to us. We haven't taken this land for the simple reason because we know that the government has put a reserve on it but we know and we are certain and we are certain that we have lived here from time immemorial.

And we know that this land belongs to us and they have put up houses and the houses have rotted away. Some of our people have even died at this place and have graves here and if you want to see the graves we can point them out to you - this is another reason why we know that this land belonged to the Indians from time immemorial - That is all.

MR. COMMISSIONER MACDOWALL: Does your brother wish to speak?

A. Yes.

MR. COMMISSIONER SHAW: (To Inspring) Do you know where the lines of the reserve No.2 are?

A. I am not absolutely certain of the locality of the lines of the reserve.

Q. Do you know whether or not his piece of land where we are now is inside or outside the reserve lines?

A. It is outside of the reserve.

Q. How long is it since you came here?

a. I am not certain as to the number of years but I was here before the pre-emptors came, but my brother was ahead of me.

Q. Are you a member of the Aiyansh Band of Indians?

A. I am a member of that Band and also a member of the Naas River people.

MR. COMMISSIONER CARMICHAEL: Since you have been up here have you lived on the reserve most of the time - how much of the time have you lived on this piece of land which is now a Government Reserve?

A. I spend most of my time here but now and again I walk down to Aiyansh.

Q. Is that part of the Provincial Reserve which you claim to have under cultivation - do you live on that or on the Indian Reserve?

A. I live here because I believed this was Indian land.

Q. Have you your house on here?

A. This is my house in which you are now and I have started to build another one.

Q. How long has this house been built?

A. I cannot answer any further - I built this house before the pre-emptors came.

Q. Do you know whether that was before it was made into a Provincial Reserve?

- a. Long before that - it is only three years since this has been set aside as a Provincial Reserve.
- Q. Have you a garden here?
- A. I have a garden starting here and running along behind the house and I have also cleared quite a large piece of land - I have done all the clearing that you see around here. I cleared all this land around here; I cut the trees away myself and then Mr. Taylor came along and built his cache and agreed that he would only use it for one year after which it would be mine.
- Q. Have you any idea as to the size of an acre?
4. No.
- Q. You have been here for a number of years before any of the pre-emptors came before it was made into a Provincial Reserve, you built this house in which we are now some years ago but you cannot say how many, that you have cultivated gardens and made clearings on this section of what is now known as a Provincial Reserve?
- A. That is correct.
- Q. Had you made those gardens and made the clearing that you speak of before this part of the country or the land was made into a Provincial Reserve?
- A. Yes sir.
- Q. And your claim is that you thought it was part of an Indian land when you put your house here?
- A. Yes.
- MR. COMMISSIONER SHAW: Have you a house at Aiyansh or at any other village on the river?
- A. I have a house at Aiyansh.
- Q. When was this made a Provincial Reserve?
- A. Three years ago.
- MR. COMMISSIONER MACDOWALL: How wide a frontage on the river here do you claim?
- A. I claim the whole frontage - it was used by the Indians before me

Q. How many yards of frontage on the river do you want?

A. I just fall in with the request of the other Chiefs that spoke to you from Aihansh and Gitladamiks, and I myself speak for this piece of land.

MR. C.L. CULLIN (To Mr. Commissioner Macdowall): Would you kindly ask the witness to give you the name of the white settlers who threatened to shoot him?

MR. COMMISSIONER MACDOWALL: (to witness) You made rather serious statement about some white settlers threatening to shoot you. Would you give me the names of those white settlers who threatened to shoot you?

A. A man by the name of Juggins had his gun in his hand just at the top of the hill and in the other hand he held a pocket knife and he said "Get out of here or I will shoot you".

Q. When was that?

A. Two years ago.

Q. Was anyone present at the time?

A. I had two boys with me?

A. How old were the boys?

A. One was twelve and the other was younger.

Q. Whose boys were they?

A. One belonged to my sister Eliza - the father of the boys are dead.

MR. COMMISSIONER MACDOWALL: (to Mr. C.L. Cullin) Are there any other questions you would like to ask?

A. No, I think that is all.

DANIEL GUNO is called and sworn and makes the following statement.

We are very happy that you have come to see us here to look into our grievances; not only am I happy but all the people of the Tribe. We did not come here to get into trouble or go against anyone. Those before us started to live on this ground and they died and it has come to us now to live here. It is now 9 years and 6 months since we first came to live here. I lived here for five years without hearing a word from anybody. After the five years a surveyor came along.

When the surveyor came I asked him "what is your business here", and he said "nothing - I have not come to disturb you at all; I simply came because the Government wants to know how many acres of land there is in this country". Three years ago Surveyor Taylor came along and it was he that surveyed the pre-emptions - I asked him and he told me that the Provincial Government had made a law that none of the pre-emptions would come within half a mile of the Indian settlement, and when I heard this I wasn't troubled, but now they grieve me and as it were make fun of me. They come and cut down my fences and go into my gardens, and lately Michael's mother and his children and my children went up to cut the bark of a tree which we use for medicine and Olson threatened me and from that time my heart began to tremble. There was another man by the name of James Smythe went up there to cut small trees as was our usual custom to make into poles for poling our boats and the same man came to him and threatened him also - that is all I have to say about that man. There is another man that came here by the name of Arthur Priestly and he has also threatened me and also as it were made fun of me. This man came along here - he had no business to come here as he has his own house further down the river and he was not hard up - he came along and started building and that is why I say he is making fun of me, and he stated if the Royal Commission came here and said he had to go he would go but in the meantime he would pay me rent up to the end of December and a week ago I went to collect the rent and he said "Get out, you have no title here". Another man by the name of Studdy came along, broke down my fence and went into my garden and erected a tent house - partly tent and partly wood and said he was working for the Government and he said the Government has never helped me with a potato or anything and this man has put his tent in my garden and spoilt part of my crops. From this I know that if the Government takes us away from here my children will die. I have had ten children - two are dead and eight are still alive. I don't want gentlemen to go outside of anything that you have heard from the Chiefs - my request is the same as theirs and I am no stranger here - this is my

own country and the place where I have always lived. That is why gentlemen the reserves are detestable to the Indians - If they in the first place had agreed to the Reserves being set apart the reserves would not be as small as they are now - they would have covered all the territory we have asked for.

MR. COMMISSIONER CARMICHAEL: Is your house on the portion of land known as the Indian Reserve?

A. I have a house on the reserve at Aiyansh and I also have a house here just across this little creek.

Q. Have you any house on this reserve here?

A. No, there are other people that own that part and who have their houses there.

Q. The 9 years and six months that you speak of - have you been here all of that time on what is known as the Provincial Reserve?

A. The early spring I come here and live here until the time is due that I go working in the canneries - I then move down to here until the very cold weather sets in and then I move down to Aiyansh about Christmas time.

Q. How long is it since you built your house here?

A. It is now 9 years and 6 months.

Q. When did you start making your gardens here?

a. There were gardens here before me and as soon as I came here and built my house I used the same gardens.

Q. Do you know who made the gardens that were here when you came?

A. A man by the name of KAKQUE and another man by the name of Philip Ward.

Q. Were they white men?

A. Timothy Derrick's uncle was KAKQUE and my father's uncle is Philip Ward.

Q. So they were both Indians?

A. Yes.

Q. And they were in occupation here before you came here?

a. Yes.

Q. What vegetables do you grow in your gardens?

- A. I grow potatoes, turnips and grass seed.
- Q. Have you any vegetable gardens or means of livelihood anywhere else?
- A. No.
- Q. If you had to remove from this Provincial Reserve and start in to live on any of the Indian Reserves would you have to start again making gardens and building your home?
- A. It is impossible for me to leave.
- Q. That is not an answer to my question?
- A. I am not free as far as the application of this place goes the same as asked for by all the chiefs of the other villages.
- Q. Have you got anything in the way of poultry on your place down here on this land?
- A. Yes.
- Q. Any cattle?
- A. No, but I have an awful lot of children and they are my cattle. Before I get old I expect to make ten more.
- MR. COMMISSIONER SHAW: I understand where Studdy built his home was not actually in your vegetable garden but on a grass plot that you had sowed?
- A. Yes, on the grass that I had sown, but his wood pile he put on top of my turnip patch.
- MR. COMMISSIONER CARMICHAEL: To what extent did it injure your patch?
- A. It may not have hurt my turnip patch but it hurt my heart more.
- Q. Did any of your neighbors or friends remonstrate with this man when he went to this piece of land which you call your own?
- A. I came to an agreement with Mr. Gordon and also. with Mr. Philipson and Charlie Morgan is my witness that if anyone should come to disturb my holdings that they would prevent it - I asked Gordon why he allowed this and Gordon said "I don't know". Many of my things have been disturbed even my stove pipe in my house and I have spoken to Gordon about it.
- Q. Do you pretend to think that Studdy stole your stovepipe and other things?
- A. I don't blame anyone directly but I know the

I don't blame anyone directly but I know the Indian law is that anyone occupying the land in the absence of the real owner they always say he is the culprit.

Q. Does Priestly own that very nice log house in which he is now living?

a. The house belongs to a man by the name of Jasper and Priestly is renting it.

Q. What did Priestly agree to pay you rent for?

A. Because he built his store in a part of the ground which was a part of my garden.

Q. When you said a few minutes ago that the house belonged to Mr. Jasper Derrick did he pay Mr. Derrick rent for that house?

A. I don't know whether he had paid him yet.

Q. Is Jasper Derrick an Indian?

A. Yes.

MR. COMMISSIONER SHAW: Did anyone representing the Government notify you at any time that you were not to put any more buildings up on this land?

A. No one stopped me, but Mr. Gordon spoke to Michael about a log cabin he was making away back here up near the graveyard.

Q. When was that?

A. Two years ago.

Q. And since that time have you put any work on buildings that had been started previously?

A. No.

MR. COMMISSIONER MACDOWALL: How many graves are there in this graveyard up on the hill?

A. There is one man buried over here at the foot of this hill a relative of William Gogag there is another buried up here where you can see all fences around the graves, and just above where Olson lives there is a place where we used to cremate - In the old days we used to cremate our dead.

Q. Where is it?

A. It is on the edge of the road.

Q. Is that on the Government Reserve?

- A. I don't know the extent of the Government Reserve - I have been camping here for a long time and I don't know the extent of the place.
- Q. You know that Surveyor Taylor was here - Don't you know the extent of the territory he surveyed?
- A. Taylor was doing more work around here and I don't know. I don't know the extent of the Government reserve but I know that the graves start at the foot of this hill and others were cremated.
- Q. The graves back here are there any fences around them?
- A. Yes, there are fences there.
- Q. Is that the one near Oleson's pre-emption?
- A. Just a little above where Oleson built his shack.
- Q. Is it across the road from Oleson?
- A. The road runs between Oleson's house and the grave.

TIMOTHY DERRICK MAKES A STATEMENT.

We are very glad to be able to be present here and to hear the statements of our brethren and also to hear the kind words that you have given us. The trail started from here and went up to our hunting grounds - the road is called the SKINAK road and this was the way we used to come and go and we would separate and all go in different branches on this trail. As long as our friends the whites have arrived here none of our people have gone against them - on the other hand they make trouble for us; they go to the hunting grounds and steal our traps. We have told Mr. Gordon about this and he doesn't help us therefore we will not give up coming to these places or going to our hunting grounds until this case is made clear either one way or the other and we will still cut the trees which we know belongs to us. I myself have over 100 traps at my hunting places and some of these have been stolen and seven of Isaac Rights traps have been stolen. When we are satisfied in our request for lands then we shall give up our hunting.

MR. COMMISSIONER MACDOWALL: We came here to deal with certain matters that have nothing at all to do with the case that is coming before the Exchequer Court and also there is a

very strong law for the protection of people who set traps
and you can always get redress from the law.

- A. I ask permission to speak - you heard that my uncle was one
of the first to locate on this piece of land and that is
why we ask for this piece of land as it is our base and
station and if it is given to white men it won't prevent the
trouble. We will always come here to get our wood.

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE
OF BRITISH COLUMBIA.

*Examination of Indian Agent C.C. Perry of the
Naas Agency, at the Board Room, Victoria,
Thursday, December 16th, 1915.*

*Witness is hereupon called and sworn to give evidence
by Mr. Commissioner Shaw.*

*MR. COMMISSIONER SHAW:- You are the Indian Agent
for the Naas Agency?*

A. Yes.

Q. How long have you been agent?

A. Six years tomorrow.

*Q. Are you fairly familiar with all the reserves in
your Agency?*

A. Yes.

*Q. You visited them all personally during your term
of office?*

*A. No, not all - I have passed some of them in a
launch, but I have not been ashore on them.*

*Q. Were you Agent for another Agency before you were
appointed to the Nags Agency?*

*A. I was Agent for the Queen Charlotte Island Agency
for about six weeks - I transferred to the bigger
Agency at the request of the Department.*

*Q. You accompanied the Royal Indian Commission on their
visit through your Agency during the present
season?*

A. Yes.

*Q. And you were present at the meeting and heard the
evidence given by the Indians regarding their
reserves and other matters?*

A. Yes.

*Q. What is the chief occupation speaking as a whole
of the Indians in your Agency?*

A. *Fishing.*

Q. *Do they follow any other occupations?*

A. *Yes, hunting, logging, souvenir-making, boat and canoe making, carpentering and marine engineering.*

Q. *Do they do anything in the line of agriculture?*

A. *Very little.*

Q. *What in your opinion are the prospects for the Indians in that Agency for later on becoming Agriculturists?*

[p.186]

A. *I think the prospects are very poor.*

[p.187]

Q. *For what reasons?*

A. *Because their natural employment is fishing.*

Q. *And they fish commercially as well as for their domestic use?*

A. *Yes.*

Q. *Is there anything that would prevent the Indians adopting agriculture as a part of their employment or as a means of sustenance?*

A. *Yes, there are a good many things to prevent it - there is a cycle of seasons for the Indians; that is in the early spring they are taking herring, halibut and oolichans; that season is followed by putting in small gardens, then the salmon fishing, the picking berries, and they strip trees and things like that in different seasons of the year so that they would be or would have very little time to devote to agricultural purposes.*

Q. *In your opinion is the fishing industry likely to continue and develop or is it likely to diminish?*

A. *There are very fair prospects of it developing.*

Q. *Better now than it has been in the past?*

A. *Yes.*

Q. *Would it be more profitable for the Indians to continue in their present mode of living than to turn their attention to the land and attempt farming it?*

A. *I think so - yes.*

- Q. Are climatic conditions such in that District as would tend to encourage them in farming?
- A. Yes - of course we have a lot of rain, but when the Commission were up on the Na's they saw what could be grown on some of the reserves.
- Q. The land where they have their reserves is of fairly good quality?
- A. Yes, some of it is very good.
- Q. About how many Indians are there in your entire Agency?
- A. Between 1900 and 2000.
- Q. Since you have become Agent, have they shown an increase or a decrease?
- A. There has been a slight increase - one year there would be a few more and another year a few less. [p.187]
- Q. But on the whole you think there has been a slight increase? [p.188]
- A. Yes - not any appreciable increase - just a small increase, not more than from six to a dozen in any one year.
- Q. Have you any definite knowledge going back say twenty years as to whether there were more Indians there then than what there are there now?
- A. I could not say.
- Q. Is it not a fact that since white people first went into that country that the Indians have diminished very materially?
- A. Yes - it is said to be so - however they have a good deal of tubercular trouble which has carried them off quite rapidly.
- Q. And have they not had one or two epidemics of smallpox?
- A. Yes, years ago at Port Simpson they had, yes.
- Q. A few years ago were there not a number of the Indians left their Tribes?
- A. One of the Tribes left and took up their abode in Alaska and the village that they moved to on the American side is called Metlakatla.

Q. But you think on the whole now they are slightly on the increase?

A. Yes.

Q. But during your term of office has there been any epidemic that has reduced their number materially?

A. No.

Q. You stated that the chief occupation of the Indians there is fishing, both in a commercial way and also for home consumption?

A. Yes.

Q. At what points in your Agency do they fish commercially?

A. They fish at thirteen canneries at the mouth of the Skeena, four at the mouth of the Naas, Tuck's Inlet near Prince Rupert, and the Whales Island Cannery.

Q. Do the Indians form a large portion of the labour employed at these canneries?

A. No, they form the minor portion.

Q. About what percentage both in the canneries and fishing for the canneries is done by the Indians?

A. There are 270 Indians on the Skeena River who fish for the canneries and 217 on the Naas. [p.188]
[p.189]

Q. Are they the men who actually catch the fish?

A. I would say that each cannery there are about ten Indian boats employing twenty Indians; there would be about 150 Indians altogether employed at the cannery. Out of 675 boats, there would be 130 Indians boats fishing under attached licenses at the canneries and the remainder would be 545 made up of Japanese and whites. This applies to the Skeena River only.

Q. And these are all fishing under the attached licenses issued through the canneries?

A. Yes.

Q. Are there any independent licenses issued to the Indians?

A. No.

Q. No independent licenses whatever are issued to the Indians of your Agency?

A. No. Originally there was a boat rating of 850 to the canneries, and in 1911 there were 175 independent licenses cut off those for the white men, but few white men took out these licenses and after that there was an unlimited number of independent licenses granted.

Q. Previous to 1911 was all the fishing there done under independent licenses?

A. No, there were no independent licenses issued prior to that.
In 1911 the independent licenses were first granted to white men who wanted to fish independent of the cannery.

Q. There are then 675 attached licenses issued to the canneries, and in addition to that independent licenses are issued to white men, but none to the Indians?

A. No, only to white men, and last year there were an unlimited number issued. There were about 425 on top of the 175 that were deducted under the boat rating scheme.

Q. Do you know when the attached licenses were first introduced?

A. No. I cannot tell-you that. [p.189]

Q. Do you know any reason why the attached licenses are not allowed to the Indians? [p.190]

A. Well some of them are allowed to the Indians.

Q. Can you give any reason why the Independent Licenses are not issued to any of the Indians of your Agency?

A. Yes, because the cannerymen say that if independent licenses were granted to the Indians, the Japs would want them. The Japs being naturalized British subjects are entitled to them, and of course the cannerymen contend that if these licenses were issued to the Indians they would have to issue them likewise to the Japanese.

Q. In your opinion would the white men approve or disapprove of the Indians having these licenses?

A. I believe they would disapprove.

Q. For what reasons?

A. When the Government allowed an unlimited number of licenses to be granted, so many were issued that quite a number of the fishermen said it was impossible for them to make a living. Last season there were 425 white men fishing over and above the 175 that had fished before under the independent license.

Q. Who took out those 175?

A. White men.

Q. Did the Indians apply for any of these?

A. No, because they were for white men, and the Indians knew they could not get them if they did apply.

Q. Is it by regulations of the Fisheries Department or by the will of the cannerymen that independent licenses are not issued to Indians?

A. Under the regulations of the Department Indians are not allowed to have independent licenses.

Q. Do you think that a hardship is worked on the Indians from the fact that they are not allowed to take out independent licenses?

A. Yes. I certainly do, and on this account I asked Ottawa if they would issue twenty as an experiment. Mr. Scott, the Deputy Superintendent General took up the matter with the Fisheries Board and they declined, and his recommendations were turned down on the ground that the Indians could get all the employment they wanted at the canneries. The Indians are well able to provide their own boats and gear, and in my opinion if they were granted independent licenses they would get a better price for their catch.

[p.190]

[p.191]

Q. Then there are two reasons for the Government's refusal to grant these licenses - the first is that

the Indians are provided with plenty of work at the canneries, and the second is that if Indians were granted these licenses the Japanese would want the same treatment - in your opinion if independent licenses were granted to Indians, would the Indians give as good satisfaction to the canneries fishing under the independent licenses as the Japanese or Whites?

A. Yes, because it would be to their advantage to fish more steadily than what they are doing at present, because they would be able to get 25¢ a fish while fishing under an independent license, whereas they only get 12¢ a fish while fishing under the attached license. In fact I have seen where they could have got 30¢ a fish if the Indians had been in a position to have sold them. An Indian can use a small launch instead of having a cannery boat or he can build his own Columbia River fishing boat if he likes and install an engine in it after the close of the fishing season.

Q. Have you ever heard that the Indians do not fish as steadily as the white men or the Japanese?

A. Yes.

Q. That is some days they won't go out and fish at all?

A. Yes, some of them are very unreliable at times.

Q. Do you think that is a well-founded complaint?

A. From my experience I would say yes.

Q. Do you think that if the canneries had to depend upon the Indians they might not get a continuous supply of fish to keep them steadily in operation?

A. I think they would get plenty of fish if they had independent licenses.

Q. Is it possible that if the Indians had the independent license they might all go out and fish for two or three days, and then take two or three days holiday; the cannery in consequence having to cease operations [p.191]
for possibly a day or half a day? [p.192]

A. I don't think they would.

Q. I believe then that the contention of the cannerymen that the Indians would not fish steadily enough if granted the independent license is not well-founded?

A. No.

Q. Have you ever heard that the cannerymen objected to issuing licenses to Indians on account of the fact that the Indians refused to begin work on Sunday night at 6 o'clock?

A. Yes, I have heard that.

Q. Do you consider that is about correct?

A. Yes, I would say so.

Q. You think that the open hours of fishing could be so regulated that the canneries could operate without fishing on Sunday?

A. I could not say.

Q. They don't fish on Saturday nights?

A. No.

Q. And in order to keep the canneries running six days a week they must fish part of Sunday or they must have their cannery running during a part of the Sabbath?

A. Yes.

Q. When we were in your Agency, the Indians made a complaint that the attached licenses that were issued to the Japanese -- that the privilege under these attached licenses was abused by the Japanese fishing during prohibited hours. Has this ever been brought to your personal attention?

A. Not until the Commission was in my Agency.

Q. You yourself have never seen Japanese fishing during prohibited hours?

A. No.

Q. Have you ever heard that the Japanese extended their nets beyond the regulation length?

A. Only once, when the Commission was up in my Agency. I have heard off-hand of "billies" being used, that is an extension of the gill net, which is sometimes 50 fathoms in length and which they attach and throw out at the end of their ordinary fishing net.

[p.192]

[p.198]

Q. You can't say whether that is true?

A. No, but there have been prosecutions.

Q. Has there ever been any convictions?

A. Yes, there have been convictions.

Q. Do the Indian women do most of the work in the canneries in the way of preparing the fish?

A. They have until lately. The majority of them do now, but now they are introducing white women, Japanese women and Chinese women and so these are beginning to cut out the Indian women. .

Q. And consequently the Indians and Indian women are being crowded out all along the line?

A. Yes.

Q. Can you account for the cannerymen--displacing the Indian women with white or Oriental labour?

A. No, they have their own reasons for it.

Q. Nevertheless you know it to be a fact?

A. Yes, the North Pacific Cannery had white labour this year.

Q. Entirely?

A. No, not entirely, they had a lot of girls there from Prince Rupert. This was the only cannery where I saw that - I saw Chinese filling cans at the Mill Bay cannery.

Q. Do you believe that if the Indians had independent licenses that they would give as good satisfaction as the whites or Japanese?

A. I certainly do, and that was the reason why I asked the Department as an experiment, to issue twenty independent licenses in order to see how it would go.

MR. COMMISSIONER MACDOWALL: Suppose some independent licenses, say twenty, were given to the Indians, and the Indians brought in a good supply of fish, would that do any injury to the fishing industry?

A. No, it would better the fishing industry because all the canneries are anxious to get all the fish they possibly can and that is one reason why they employ

Japanese, because they bring in more fish. At two canneries the Indians were only 200 fish per boat behind the Japanese, and in four canneries on the Naas they earned \$40,000 that is \$10,000 to the cannery. [p.193]

Q. Suppose more independent licenses were given to the Indians and they did not work as hard, would that do any injury to the cannery industry? [p.194]

A. No, if there is an unlimited number of licenses for white men why should not some of these be given to the Indians.

MR. COMMISSIONER SHAW: Would the Indians in your Agency be able to furnish their own boats and gear if they had the independent license?

A. Yes.

Q. Great enough in extent to supply the canneries with all the fish they could handle?

A. Yes, with whites and Japs in equitable proportion.

Q. These Indians put up a great many salmon for their own consumption every year?

A. Yes.

Q. What species of salmon do they put up?

A. Cohoes, sockeye, steelheads and humpbacks.

Q. Do they use dog salmon?

A. Yes, some of them smoke the dog salmon.

Q. Have they been interfered with in their mode of catching fish for their own consumption?

A. No, not that I know of.

Q. They still catch them in their old way by traps?

A. No, they don't use any traps - they use nets.

Q. They formerly used traps?

A. Yes, but the Fisheries Department did away with that.

Q. Are the Indians satisfied to adopt the nets in place of their old methods of catching their fish by traps?

A. Yes, they never complained to me at all. They catch all the fish they require and they are not interfered with in any way.

Q. We had a complaint, I think it was at Port Simpson that white men had come very close to their reserve during the herring spawning season to catch herring - do you know anything about that?

A. Yes - the Indians up there cut down branches of the trees at the time the herring were spawning. [p.194]
When the tide is low they spread these branches [p.195]
along the beach and they put rocks on these branches in order to keep them down, and when the tide comes up the herring come and spawn all over the branches and the Indians come along and take these branches which are covered with spawn and take it home to dry it and use it for food. When I received the complaint from the Indians that white men were fishing close to the spawning grounds, I spoke to the manager of the company who was operating the plant and he replied that if the Indians didn't shut up he would inform on them as to the way they were destroying the fish by gathering the spawn and using it for their food: he also said that his men were fishing under a license from the Dominion Government, and also that if the Indians did not stop their practice of depleting the fisheries of herring, they would send a petition down to Ottawa asking the Dominion Government that the Indians be disallowed from taking the spawn, because, he contended, that far more harm was done the fisheries by the Indians robbing the spawning grounds in the way they were doing at the present time than all the fish he and his men were catching.

Q. I suppose the Indians have been doing that from time immemorial?

A. Yes from time immemorial.

Q. And has the supply of herring still kept up?

A. Yes and recently within the last fortnight the regulations have been relaxed for the benefit of

the white man - whereas they formerly had to fish in the harbours, now they have an extended area which allows the white men to fish wherever they like, so that now as far as the Indians are concerned, their difficulties are much greater than when the Commission was up in my Agency.

Q. I think the Indians complained that the white men came very close to their reserves when they fish - do you know the fact connected with that?

A. No, I first heard of it when the Commission was up there.

Q. Will these regulations be a hardship on the Indians?

A. Not necessarily.

Q. Will it reduce the run of herring:

A. Yes, to some extent it will - the fishery officials are, going into this matter - they had a meeting in Prince Rupert a week ago and these concessions that the white men have now were asked for and obtained. [p.195]
[p.196]

Q. Does the herring spawn that you refer to form any material part of the sustenance of the Indians?

A. Yes, it is one of their important items of diet - they eat quite a lot of fish.

Q. Do they use for their mode of living quite a lot of fish?

A. Yes, they dry it and put it away in sacks and use it during the year.

Q. Is it oily?

A. Yes it is oily - it is a good staple diet for them.

Q. Do you think in the fishing operations of the Indians for their home consumption that they are in any way wasteful with the fish they catch?

A. No, I am sure they are not - they do the best they can to avoid waste.

Q. They are no more wasteful in that respect than

the canneries?

A. No.

Q. Do you know how many salmon each Indian would require for his year's consumption - I mean for each individual?

A. About 100 fish I should think.

Q. Have you any information as to how many fish any one of the canneries used during the last season?

A. No, I have no idea of this year's catch - some put up 20,000 and some 40,000 cases.

Q. I suppose the oolichan fisheries come second in importance of the fisheries of your Agency as far as the Indians are concerned?

A. Yes.

Q. And they are not interfered with in that in any way by regulations?

A. No.

Q. And of course in the deep sea fisheries, I suppose they have the same opportunities there as anyone else?

MR. COMMISSIONER MACDOWALL: Is the herring an important fish for your people?

A. No, only for the spawn and for halibut bait; but there are so few halibut fishermen among the Indians, that they don't use very much.

[p.196]

MR. COMMISSIONER SHAW: Now the first meeting of the Commission was held at Port Essington and there were present at that meeting Indians from what Tribes?

[p.197]

A. Kitselas and Kitsumkalum Indians.

Q. Are those the only Indians that have a claim on the Port Essington Reserve?

A. Yes.

Q. And these Indians have how many reserves of their own?

- A. They have three.
- Q. Now these Kitsumkalum Indians are they a distinct Tribe from any other Indians in your Agency?
- A. They are a distinct Band of the Tsimpsean Nation.
- Q. Are they the same Band as the Kitselas Indians of the Babine Agency?
- A. Yes, they are of the same Nation.
- Q. In view of the fact that the Kitsumkalum Band and the Kitselas Band of the Babine Agency are the same people, would it be in your opinion to the interests of the Indian that these be included in one Agency that is either the Babine or the Naas?
- A. In my opinion they should be included in the Naas Agency.
- Q. Did you ever communicate to Mr. Loring in regard to this matter?
- A. Yes, I spoke to Mr. Loring about that sometime ago - I think it was in 1912 and he was quite agreeable to that arrangement. I think the Indians also asked Commissioner McKenna about it.
- Q. The Port Essington Reserve where these Indians live is not surveyed according to the Schedule?
- A. No, it reverts back to the heirs of Mr. Cunningham.
- Q. Do you know the acreage of it?
- A. No, I don't know the acreage of it.
- Q. But so far as being a reserve it is to all intents and purposes the same as any other Reserve of that Band?
- A. Yes.
- Q. Do you know if there is a binding agreement that it will remain as such as long as this Band of Indians remains in occupancy of it?
- A. I know nothing beyond what is mentioned in the Schedule.

[p.197]

- Q. *How many Indians live on the Port Essington Reserve?* [p.198]
- A. *184.*
- Q. *And you could not give us an estimate of the acreage?*
- A. *I can give you an estimate - I would say that it is about 10 acres.*
- Q. *On the whole reserve?*
- A. *Yes, about ten acres that is used by the Indians.*
- Q. *Do all the Indians of the Kitsumkalum Band live on the Port Essington reserve?*
- A. *Now they come and go between Kitsumkalum and Port Essington.*
- Q. *Port Essington is their home village?*
- A. *Yes - the same might be said of Kitsumkalum.*
- Q. *What is the occupation of these Indians?*
- A. *They are fishermen, loggers, hunters, deck-hands and firemen, and one is a souvenir maker; boat builders, carpenters, marine engineers.*
- Q. *They are artisans really?*
- A. *Yes, they can turn their hands to anything.*
- Q. *Do any of them turn their hands to agriculture?*
- A. *No, but they have small gardens that they cultivate.*
- Q. *Coming to the Kitsumkalum Reserve - that Reserve contains 1155 acres?*
- A. *Yes.*
- Q. *What is the soil on that Reserve like?*
- A. *Very good land indeed.*
- Q. *The whole Reserve?*
- A. *Yes.*
- Q. *Is there timber on it?*
- A. *Yes.*

Q. Merchantable timber?

A. Yes, mostly suitable for piles.

Q. About what portion would be covered by merchantable timber?

A. About half of it.

Q. What is the other half - open prairie or brush land?

A. Well it is brush land.

Q. How much of that land is cleared and now capable of cultivation?

A. They have just got garden patches around their houses.

Q. Is there a village on the Reserve?

A. Yes.

Q. About how many houses on it?

[p.198]

A. About ten houses.

[p.199]

Q. If the timber were removed would the whole of that land be fit for agriculture?

A. Yes.

Q. Have they any livestock at all?

A. No, just a few chickens.

Q. Do they grow enough vegetables in these gardens for their own use?

A. Yes.

Q. Do they ever have any surplus for sale?

A. Yes, they sell a little at Terrace - about four miles up the railway line.

Q. Have they ever had any encouragement from the present Indian Agent or his predecessors in the way of farming?

A. Yes, I have advised them to open up their lands but they are so taken up with their various employments during the year that it is almost impossible for them to do that. While they would be cultivating their gardens the canneries along the river would be in operation and of course they

cannot be at both places at the one time, and they naturally follow the fishing.

Q. The next Reserve is the Fishery Reserve which contains 182 acres?

A. Yes.

Q. What is the land on that Reserve like?

A. It is very good land indeed.

Q. Coming back to the Kitsumkalum Reserve, do the old men and women stay at home and do the gardening?

A. No.

Q. Who does the gardening?

A. The women.

Q. Are there any houses on the Fishery Reserve?

A. No.

Q. What use do they make of that Reserve?

A. They practically make no use of it at all except to catch a few fish - they camp there and dry and catch fish there.

Q. Is there any timber on it?

[p.199]

A. Yes, there is good timber on it.

[p.200]

Q. Merchantable timer?

A. Yes.

Q. Pretty well all of it?

A. Yes.

Q. Coming to No. 3 Reserve my Schedule has been corrected and shows that this Reserve contains 77 acres whereas I think your Schedule will show that it contains 72 acres - are there any houses on that Reserve?

A. Yes, there is a garden there and one house.

Q. Is there any fishing station on that Reserve?

A. Well yes the Indian dries fish there occasionally - he has a very good garden there.

Q. Any timber on it?

A. Yes.

Q. Merchantable timber?

A. Yes.

Q. About what proportion of the Reserve is covered with timber?

A. I guess about one-third of the Reserve is covered with timber.

Q. When you spoke of these Indians being loggers do they log on their own Reserves or do they take out handloggers licenses?

A. They take out handloggers' licenses and sell their logs to the sawmills.

Q. Do they ever have any trouble in getting handloggers licenses?

A. No.

Q. Do they work in the different logging camps?

A. There are no logging camps up there.

Q. They work independently and sell the logs to whichever saw mill will buy them?

A. Yes.

Q. And in the fishing season they work in the canneries?

A. Yes.

Q. Have they ever taken any timber off their own Reserves?

A. For their own use but not for commercial purposes.

Q. Have they ever applied for the privilege of cutting timber off their own Reserves?

A. No.

[p.200]

Q. Would they be allowed to cut timber for sale off their Reserves if they felt so inclined?

[p.201]

A. Not without the approval of the Department.

Q. How can you account for the fact that they prefer to take out a handlogging license and sell the timber they cut than to apply to the Indian Department when they might be able to get permission to cut the timber off their own land?

A. I cannot say unless it is to preserve the timber

for the whole of their people.

Q. Have the Indians of this Band sufficient land for their reasonable requirements?

A. Yes.

Q. Have they more land, looking to the future, than is reasonably required for their use and maintenance?

A. No.

Q. Have they all the fishing stations that are necessary for their domestic use?

A. They have.

Q. Are they fairly well to do?

A. Yes.

Q. They make a comfortable living?

A. Yes.

Q. Have they comfortable houses?

A. Yes.

Q. Are there any schools on any of these Reserves?

A. On the Port Essington Reserve they have a school but not on any of the others - they have an attendance of thirty at the Port Essington school.

Q. How many children of school age are there in the Band?

A. Thirty.

Q. So that all the children of school age are attending School?

A. Not all them - there are twenty-seven on the Register but they all have access to the school.

Q. Do any of them attend any of the boarding-schools away from their Reserves?

A. Yes, some of them attend the Crosby Girls Home at Port Simpson.

[p.201]

Q. That is an advanced school is it?

[p.202]

A. Yes.

Q. And good results are being obtained at the school at Port Essington?

A. Yes.

Q. Do most of the younger generation read and write?

A. Yes.

Q. How are they provided for in the way of medical attendance?

A. They are not very well provided for - when I came into the Agency first there was a doctor there, but the grant was withdrawn and since then no doctor has gone there to reside.

Q. How far are they from the nearest doctor?

A. Prince Rupert would be the nearest - about twenty-four miles.

Q. Have they a telephone connecting the two places?

A. Yes, they have ferry, train and telegraph.

Q. So that they are not suffering on account of lack of medical attendance?

A. No, but they recently made application to get a doctor there but the Department is not willing to give a grant.

Q. Have they a church on any of these Reserves?

A. Yes, they have a Salvation Army Barracks and a Methodist Church at Port Essington.

Q. How far is it from Kitsukalum to Port Essington?

A. Seventeen miles.

Q. Have they a church at Kitsumkalum?

A. No, they hold services in a private house.

Q. Have they a missionary at Port Essington?

A. Yes, the Rev. Mr. Pearce is their missionary.

Friday December 17, 1915.

MR. COMMISSIONER SHAW: In visiting your Agency there was one small band of Indians that apparently had no representative - the Lakelse Band?

A. Yes.

Q. Did we meet any representative of that Band at any of our meetings?

A. Yes, we met a representative at Port Simpson and Metlakatla.

Q. What was his name?

A. Charles Powell - there was no evidence taken from him however.

[p.202]

Q. This Band of Indians have how many Reserves?

[p.203]

A. They have three - No. 1, No. 1A and No. 25.

Q. Nos. 1 and 1A are adjoining?

A. Yes.

Q. And they are practically one Reserve?

A. Yes.

Q. How many members are in this Band all told?

A. Fourteen heads of families.

Q. Where is their chief place of residence?

A. Mostly at Port Simpson.

Q. Do any of them live on the Reserve at all?

A. They have gardens there.

Q. On which Reserve?

A. Nos. 1 and 25.

Q. What is the land like on 1 and 1A?

A. It is very choice land and contains the site of an old village.

Q. Any timber on it?

A. Yes, there is some good timber on it:

Q. Merchantable timber?

A. Yes.

Q. If the timber were removed would the land be good agricultural land?

A. Yes.

Q. How many houses are there?

A. About six houses.

Q. How much of that is under cultivation and gardens?

A. About two acres.

Q. What use is being made of the balance?

A. No use whatever.

Q. How many families are there in that Band?

A. There are fourteen heads and there are about ten families representing about thirty people altogether.

Q. Are there any of these people who don't go to their own Reserves at all?

A. Yes.

Q. How many families go to the Reserve?

[p.203]

A. About four.

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Q. For what purpose do they go there?

A. Mainly for picking berries and for fishing.

Q. What is the land like on No. 25?

A. It is very good land - the Indians call that "Gods Country".

Q. Are there any houses there?

A. There are two houses there.

Q. Any timber?

A. Yes, there is some medium sized timber there and also a garden.

Q. How much land under cultivation?

A. About a quarter of an acre.

Q. Are there any children of school age in the Band?

A. Yes, but they are included in the Port Simpson number.

Q. Are the children of this Band provided with education facilities?

A. Yes.

Q. All of them?

A. Yes.

Q. I suppose they have nothing in the way of stock?

A. No.

Q. They are fishermen pure and simple?

A. Yes.

Q. And do you consider that the 222 acres contained in the three Reserves is sufficient land for their requirements?

A. Plenty.

Q. And no more than is necessary for their requirements?

A. Looking towards the future I would say that they are pretty well provided for.

Q. Our next meeting was held at Metlakatla - what Reserve is Metlakatla on?

A. Tsimpsean - the southern portion of Tsimpsean Peninsula.

Q. That is on No. 2 Reserve?

A. Yes.

Q. And the Metlakatlas have what other Reserves besides No. 2?

A. They have Nos. 3, 4, 5, 6 - they have a half interest in that Reserve with the Port Simpsons and they have a half interest in Reserve No. 7.

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Q. (Examining Schedule) Have they a half interest in 8, 9, 10 and 11?

[p.205]

A. Yes.

Q. What is the total population of the Metlakatla Band?

A. 188.

Q. How many families?

A. 36 heads of families.

Q. Where is their chief village?

A. Metlakatla.

Q. Have these Indians an elected council?

A. No, they have a council of chiefs.

Q. Not recognized under the "Indian Advancement Act"?

A. No, they had one formerly, but on account of the troubles arising over the land question they declined to further nominate a council so now the Chiefs get together and attend to their own affairs.

Q. But their deliberations as a Council are not recognized officially by the Department?

A. No.

Q. And any recommendation that is made is made through the Agent?

- A. Yes.
- Q. What is the occupation of these Indians?
- A. They are mostly all fishermen - four boat-builders, and they have fourteen gasoline launches.
- Q. For hire?
- A. No, for fishing and commercial purposes - they are all handy men.
- Q. Except in the way of agriculture?
- A. Except agriuculture - they just cultivate gardens.
- Q. They have a half interest in the large Reserve No. 2?
- A. Yes.
- Q. They have the south half?
- A. Yes.
- Q. What is the land like on that south half of the Reserve?
- A. It is mainly muskeg with scrubby timber and it would cost a lot to clear.
- Q. Any merchantable timber on it?
- A. Very little. [p.205]
- Q. And is there any open land on it free of brush? [p.206]
- A. No, not free of brush with the exception of the townsite of Metlakatla.
There are portions of cleared land at Nos. 19, 20, 21, 22, 23, 24 and 25.
- Q. No. 21 is held by them alone?
- A. Yes.
- Q. What about No. 22?
- A. They have a half interest in that with the Port Simpsons.
- Q. No. 23?
- A. They have a half interest in that with the Port Simpsons.
- Q. What about No. 25?
- A. That is the same as No. 23.
- Q. Have the Metlakatlas any Reserve which they hold independent of any other Band?
- A. Yes.
- Q. What are their independent Reserves?

A. Tugwell Island and the island that form a part of the southern peninsula, Nos. 3, 4 and 5.

Q. These are held independently?

A. Yes.

Q. Now coming back to No. 2 - would the land on the southern part of No. 2 be fit for cultivation if it were cleared and drained?

A. Yes, but it would cost a lot of money to clear it.

Q. Is any part of it now being cultivated for gardens?

A. Yes.

Q. How much?

A. About fifteen acres altogether I should say.

Q. What do they grow there?

A. Potatoes and vegetables.

Q. Do they make any attempt at growing hay or grain?

A. No, nothing but small fruits, such as gooseberries and currants; I sent them some apple trees, and the trees seem to be doing very well.

Q. Now what about No. 3 Reserve?

A. It has wood on it which is only suitable for cordwood - it is fairly dry not much muskeg - no gardens - no houses - the G.T.P. has built their line up to within thirty yards of it, and some day will go right through it.

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Q. Is this the Reserve that the city of Prince Rupert has a right-of-way across?

A. No.

Q. What use is it being put to by the Indians?

A. It is a fishing station.

Q. Do they take any firewood from it?

A. No, they get all the wood they want from the beach.

Q. Any houses on it?

A. No, and no gardens.

Q. What about No. 4 Reserve?

A. That contains swampy land not suitable for cultivation, scrubby firewood timber and it is rocky.

Q. Is that the one the city of Prince Rupert has a right-of-way over for their pipe line?

A. Yes.

Q. Any houses on it?

A. Yes, there are two Indian houses on it - it is a fishing station. This is where they fish commercially by a drag seine issued by the Dominion Government.

Q. Now the Indians complain that a pipe line had been run across their Reserve without their consent?

A. Mayor Patullo was in office at the time the City of Prince Rupert made their application to put a pipe line through the Reserve to the Department.

Q. Was the application made through you?

A. Yes, through me - I took it up with the Indians before submitting it to the Department and the Indians wanted to be indemnified against any possible injury to their fisheries because the way the pipe line was going to be laid it would have dried up a considerable area of the fall where the Indians were in the habit of getting their fish for commercial purposes, and they were afraid that the blasting out of the foundation for the pipe line would destroy the chances of the fish getting up, and consequently the Metlakatla Council desired to have some assurance that they would be indemnified against any loss that they might suffer through the putting down of this pipe line. While these negotiations were going on and before I received a reply from the Department in answer to the objections that the Indians had to the laying of this pipe line, I received a letter from the Mayor saying that the work was already done. It was done in a high-handed way and they might have waited for a reply to my letter from the Department and the Indians were very sore

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about it; consequently when the City of Prince Rupert wanted to buy that Reserve the Indians asked a ridiculous figure namely \$200,000.

Q. Do you know whether the city acquired the necessary water record on that lake?

A. No.

Q. You don't know?

A. No, but I presume they did - Mr. Manson was looking after that for them.

Q. You state that the Indians were willing to sell that piece of land if the Indians got their price?

A. Yes, they wanted to sell it.

Q. That has been the result of putting in these waterworks respecting the fishing?

A. I reported the matter to the Department and asked them to take it up with the Fisheries Department to see whether this work was a detriment to the Fisheries - they took it up and they replied saying that it would not be a detriment.

Q. Have the works been completed yet?

A. Yes, they are practically completed.

Q. And have arrangements been made for compensating these Indians for their right-of-way?

A. The Indians asked for \$500.00 a year for their right-of-way; the Indians consented to give 16 ft. wide for the right-of-way and 8 ft. wide for the pipe line, and asked for a rental of \$500.00 a year. The city opposed the idea and said they were not entitled to anything - then there was an issue between the city and the Indians thought it would be better to put the matter in the hands of Mr. Tyson, and that has been done.

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MR. COMMISSIONER MCKENNA: How long has the pipe line been in operation on the Reserve?

A. About three years.

Q. Did the Department give their consent to the pipe line being constructed?

A. Yes.

Q. By Order-in-Council?

A. I don't think by order-in-council - the Department gave them permission to go on with their work. That is the stand the city takes. They say they have received permission from the Department to go ahead with their work, and they don't see why any compensation should be given to the Indians.

MR. COMMISSIONER SHAW: Is this Reserve of any material benefit to the Indians - do they make any material use of it?

A. Yes - on one portion there is a small clearing of about 200 ft. square and they use that for a fishing camp, this is where they fish for commercial purposes.

Q. Does it adjoin the city limits?

A. No, it is on the mainland.

Q. What is your own idea as to the effect of this on the fishing?

A. It was my proposal at the time to wait for two or three seasons to see what the catch of fish would be - the first season was very poor, but the last season was very good and the Municipal Indian Council made about \$1100.00 out of the fish.

Q. What would you recommend in regard to this Reserve - will it be any detriment to the Indians if it were sold under this agreement under which this Commission is working?

A. I don't think so - I don't think the city is very enthusiastic about buying it - in the future it will be a place suitable for factory sites.

Q. Would you recommend that it be retained as a Reserve or would you recommend that it be cut off?

A. I would recommend that a portion of about two acres be kept for the Indians and the rest could be sold.

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Q. And that would relieve the Indians of any further trouble in regard to the water pipe and the Indians

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would suffer no loss through having it sold under the agreement?

A. That is correct.

Q. And this belongs entirely to the Metlakatla Tribe?

A. Yes.

Q. Now the next is No. 5 - are there any houses on this Reserve?

A. No.

Q. (Examining map) From the map it appears that part of it is on a little inlet and part on another?

A. (Examining map) Yes, there is a little creek there.

Q. What is it used for?

A. For a fishing station. They put up a sort of a tent house and they fish there for commercial purposes under drag seines.

Q. Is it an important fishing station?

A. Yes.

Q. What is the land like?

A. It is dryer than No. 4 and there are a few small portions suitable for cultivation, there are no gardens - contains timber mostly spruce, hemlock and cedar.

Q. On the whole it is an important place for the Indians in regard to their fishing operations?

A. Yes, and the timber is merchantable.

Q. Tugwell Island is owned entirely by the Metlakatla Band?

A. Yes.

Q. What is the land like?

A. Generally good.

Q. Any timber on it?

A. Yes, but not very heavy.

Q. Is it merchantable?

A. No.

Q. Any houses on the Reserve?

A. Yes, there are about three houses and about two acres under cultivation in which are grown potatoes and fruit.

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- Q. *Is it the permanent home of any of the Band?* [p.211]
- A. *No.*
- Q. *What use do they make of it?*
- A. *They make no use of it at all beyond the few gardens that they have there.*
- Q. *Where do the Indians live that cultivate the gardens?*
- A. *At Metlakatla.*
- Q. *Is it used at all as a fishing station?*
- A. *No, it would make a good cattle ranching country if it were cleared.*
- Q. *Now those are all the Reserves owned entirely by the Metlakatla Band?*
- A. *Yes.*
- Q. *What would you say as to the reasonable requirements of these four Reserves for the Band - are they all reasonably required for the Indians?*
- A. *Well no - I think they have ample and don't require any more and some of it could be sold possibly without injuring the interests of the Indians very much.*
- Q. *What is the population?*
- A. *188 and they have an area of about 10,000 acres - the survey has not really been completed yet.*
- Q. *After going into these figures would you wish to correct that?*
- A. *Yes, I would add that it is very desirable that the acreage be more clearly defined in the Schedule.*
- Q. *The population of the Port Simpsons is very much larger than the Metlakatla Band?*
- A. *Yes.*
- Q. *I think the Port Simpson Indians should have the northern 28,871 acres, and the Metlakatla Band should have the residue of the original south half, which residue would be 15,304 acres - do you consider that all the reserves that are owned solely by the*

Metlakatla Band are reasonably required for their use?

A. No, I don't think so.

Q. Now we have dealt with No. 4 - what ones would you say are not reasonably required?

A. Part of the main portion. [p.211]

Q. They have solely the southern portion of No 2 - they have Nos. 3, 4, 5 and 21? [p.212]

A. Yes.

Q. Having these in mind you say that some of these are not reasonably required for this Band of Indians?

A. Yes.

Q. Now what part of these would you say is not reasonably required?

A. (Examining map) That portion of the Tsimpsean Reserve No. 2 above the fishing station north of Rynes' Point with the exception of the Indian gardens marked in red on the map.

Q. Have you an individual map of this Reserve?

A. Yes, I have one right here.

Q. Could you make a mark on your map showing the part that is not reasonably required by the Indians?

Witness here marks in red on his blueprint the land that is not reasonably required by the Indians.

A. I might say that I am not advocating a reduction but I am simply stating that in my opinion that portion of land which I have marked in red on the blueprint is not reasonably required for the Metlakatla Band.

Q. Now in addition to the Reserves that we have already mentioned, they hold in common with the Port Simpsons Nos. 6, 7, 8, 9, 10 and 11 - also No. 22, 23, and 24. Would you suggest that Lakalse No. 25 be set aside for the Lakalse Band in which the Port Simpsons and Metlakatlas have no interest?

A. Yes, I would.

Q. Now, No. 6 what is the land like on that Reserve?

A. It is not used now - there is no cultivable land on it - it is rocky and gravelly - no houses on it, and is practically not used by the Indians at all.

Q. Don't they use it for a fishing station?

A. No, the G.T.P. cuts off its usefulness.

Q. The land is no good?

A. No.

Q. Is it reasonably required for the Indians?

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A. No.

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Q. In regard to No. 7 Reserve what is the land like there?

A. It is almost precipitous down to the water's edge - it is of very little use to anyone and it is not in use - the timber is scrubby and the land is swampy and is not used by the Indians.

Q. Can you give any reason as to why this Reserve should have been set aside for the Indians?

A. No.

Q. Are there any Indians on it?

A. No.

Q. Any fishing stations there?

A. No.

Q. Is it reasonably required?

A. No.

Q. Reserve No. 8 - what is the land like on that Reserve?

A. That is very good land.

Q. What improvements are on it?

A. It is used as a fishing camp and there is an improvised shack there. The timber is good, merchantable, mostly pile timber - the land is dry - it is used as a fishing camp and the Indians camp there when they go to hunt bear and deer.

Q. Is it important that it be retained for the use of the Indians?

A. Yes.

Q. Now No. 9 - what about that?

A. That contains good land with some timber - very little though and not merchantable, but good for firewood. It is a fishing station and there are no improvements on it.

Q. Is it necessary for their use?

A. Yes.

Q. Now. No. 10 - what about that?

A. That is a fishing and hunting camp.

Q. And is necessary for the use of the Indians?

A. Yes.

Q. No. 11 - what is that used for?

A. That is also precipitous; it is of very little use - very little cultivable land - no houses - no gardens old rocky fishing camp of very little use to anyone, [p.213] but I would recommend that it be retained for the Indians. [p.214]

Q. Do they use it for a fishing camp still?

A. Yes.

Q. No. 22 - what is that used for?

A. Of very little value - no houses - no gardens - land swampy and well watered; that is irrigated.

Q. By natural irrigation?

A. Yes, and is very little used by the Indians.

Q. Is it reasonably required for their use?

A. Looking to the future, I would say yes.

Q. No. 23 - what is that used for?

A. The land is lightly timbered with fuel timber, and the river silt is adding cultivable land to the Reserve every year; there are no houses there.

Q. Do they make any use of it at all?

A. No, I cannot say that they do, only that they use it when they get caught in a storm.

Q. Could you recommend that it be retained for the Indians?

A. Yes.

Q. No. 24 - what is that used for?

A. There are no houses there - not in use by the Indians. This is a small swampy fishing camp on the G.T.P.

Q. Is it reasonably required by the Indians?

A. Yes.

Q. Do they use it as a fishing point now?

- A. Occasionally they pitch their camp there when they work at Haysport Cannery.
- Q. That includes all the Reserves that the Metlakatla Indians are interested in?
- A. Yes.
- Q. You say that the population of this Band is 188?
- A. Yes.
- Q. Where is their chief village?
- A. Metlakatla. [p.214]
- Q. Have they all homes there? [p.215]
- A. Yes.
- Q. And they reside there for part of the year?
- A. Yes.
- Q. And at other seasons of the year they go to some of the other Reserves?
- A. Yes.
- Q. How many children of school age are there?
- A. Forty.
- Q. Do they attend school?
- A. Yes.
- Q. Where?
- A. At Metlakatla Village.
- Q. What schools are there?
- A. We have a Government Indian Day School there.
- Q. Is that the only school you have there?
- A. Yes, but some of the boys attend the Lytton Boarding School
- Q. And this is an advanced school?
- A. Yes, this is a boarding-school for advanced pupils.
- Q. Have they a church at Metlakatla?
- A. They have a Church of England, the Salvation Army and they have a Church Army Hall.
- Q. So that they are adequately supplied with missionaries and spiritual advisors?
- A. Yes.
- Q. Have they a resident doctor on their Reserve?
- A. No, Dr. Kade visits them from Prince Rupert.
- Q. How far is that from Metlakatla?
- A. Six miles.

Q. What is the means of transportation?

A. By launch.

Q. Is the medical arrangements satisfactory?

A. Yes, I would say so.

Q. As is also their school?

A. Yes.

Q. And church?

A. Yes.

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Q. Did they not have a boarding-school at Metlakatla?

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A. Yes.

Q. Why was it closed?

A. Because the church could not adequately staff the institution.

Q. Is it under Government control or wholly under the church?

A. Wholly under the supervision of the Church of England with a grant from the Government - there was a boys school there as well as a girls school.

Q. Do you think it was a serious set-back to have that school closed?

A. No.

Q. And you consider that the day school they have there and the facilities for having advanced pupils attend other schools that they are adequately supplied with educational facilities?

A. No, I think if there was a school under the Government that a lot of these pupils could go from this school to the boarding-school.

Q. Would you recommend a boarding-school wholly for this or one that could be used by some of the other Bands as well?

A. I would recommend one that could be used by every Band

MR. COMMISSIONER MCKENNA: If the school had been adequate staffed would the closing of it have been an injury to the Indians?

A. Yes.

MR. COMMISSIONER SHAW: Do you consider that the Indians of the Metlakatla Tribe would have all the land that is reasonably required for their benefit and maintenance the parts that have been suggested were cut off from their present Reserves?

A. Yes.

Q. We had complaints when we were there about the Grand Trunk Pacific Railway Company passing through some of

smaller Reserves in which the Indians that they had not been paid for the right-of-way - are these matters adjusted now or are they in the way of being satisfactorily adjusted?

A. They are in abeyance at the present time in consequence of the views that were held by the Indians at Port Simpson that they should have the whole of the money from the sale of the right-of-way; but now since Chief Dudoward died, I think that it will be possible to come [p.216] to some terms whereby the Metlakatla and the Port [p.217] Simpsons will receive an equitable sum from the sale - in the meantime the funds are in the bank accumulating interest.

Q. It is then really the fault of the Indians that this matter has not been properly adjusted?

A. Yes.

Q. Now, the Lakelse No. 25, what is the land like there?

A. It is good land.

Q. Any improvements on it?

A. There are two houses there, and about 1/4 of an acre in garden and under cultivation.

Q. Is it a good fishing point?

A. Yes, and they pick berries there and they get cedar there for mats, baskets and oars.

Q. And you consider this is reasonably required for the Lakelse Band?

A. Yes, and I might say that I have some additional applications for the Metlakatla Band to put in.

Q. They will come in after the close of the general examination. The next meeting was held at Port Simpson?

A. Yes.

Q. What is the population of the Tsimpsean's?

A. 744.

Q. About how many families?

A. 165 heads of families, 28 unmarried men over 16.

Q. They have the northern part of No. 2 reserve?

A. Yes.

Q. In which they are sole owners?

A. Yes.

Q. Give us their own reserves on which no other tribe or tribes have interests?

A. No. 1, 18, 19, 12, 13, 14 and 15 - I would like to say here that the Indians at Port Simpson claim that there is a reserve called Nish-a-nook-naw-nak; that the Indian Reserve posts are there and that it was surveyed by Surveyor Tuck, and is not shown in the Schedule with the other Reserves. Mark Ryan, an Indian of Port Simpson has a garden there 100 ft. square - it is a small Reserve and the timber is good.

MR. COMMISSIONER SHAW: I would suggest that you make a note of that and put it in with the rest of your applications - in the meantime we will apply to Mr. Green to see if there is any Minute of Decision regarding it.

A. Then the Reserves in which they have no interests are No. 15, 16, 17 and 20. The other Reserve in which they have a half interest are No. 6, No. 7, 22, 24, 8, 11, 10 and 9.

Q. The first of these is Port Simpson?

A. Yes.

Q. That is the townsite on which is located the principal village of the Band?

A. Yes.

Q. Is that surveyed in town lots?

A. Yes.

Q. How many town lots are there?

A. 173, and they are valued at about \$300.00 a lot.

Q. And that comprises the whole of No. 1 Reserve?

A. No there is a little that is outside the survey line for roads, etc.

Q. And are these lots allotted to individual Indians?

A. Yes, there are about 100 location tickets issued; and the other lots are available for the rising members of the Band - those young fellows who will want to be married later on.

Q. And later on if any Indian that already has not got a location ticket applies for a location ticket will that ticket be issued to him?

A. No, unless there is an Indian Council elected under the advancement part of the Indian Act, whose by-laws would give them power to locate the Indians.

Q. Have they such a council at Port Simpson?

A. No - the Government will not issue location tickets where they have been applied for because there is no council.

Q. Are there any Indians living on those unallotted portions?

A. No.

Q. Are all the Indians in the village or in the Band provided with houses? [p.218]
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A. Yes - some of the houses there are two families living together and sometimes three families - their houses are very good.

Q. Has an Indian member of the Band a right to go on any of the unoccupied lots without the consent of the Band or the Indian Department?

A. No.

Q. Have they any authority to use them in any way?

A. No.

Q. Part of the Reserve then is practically denied to the Indians?

A. Yes, through force of circumstances - through there being no council there.

Q. Has this worked any hardship or inconvenience to the Indians?

A. No.

Q. Is it likely to in the near future?

A. Yes, unless they have a council there, but I think they are considering the advisability of having a council. They have declined to nominate a council - I have been up there every year for four years on the date specific by order-in-council under which they were brought under the advancement act - I have called a meeting of the electors but I never could get a majority of the members present on account of this land agitation and secondly because I have discountenanced the action of the Chief sitting as magistrates and prosecuting members of the Band.

MR. COMMISSIONER MCKENNA: Is there provisions made for the issuing of location tickets for Indians in British Columbia?

A. Yes, it is so stated in the Indian Act.

MR. COMMISSIONER SHAW: Will you give us a short description of this village of Port Simpson?

A. The village has streets that are fairly well made - they are at present installing a new lighting system and repairing the road and they are engaged in putting down new sidewalks the cost of which is borne by each member of the Band. There are eight tribes in that town and each tribe pays its own proportion towards the improvements that are made; the houses are modern, well-ventilated and usually well built up to a certain point, and in a great many cases they are unfinished, the novelty seems to wear away; sometimes through lack of initiative and sometimes through lack of cash. The Indians are much agitated over the land question and they are arrogant - they are pretty well educated but they want to be lawyers and magistrates.

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Q. How is the sanitation in the village?

A. It is good generally.

Q. Is the water supply good?

A. Yes, they have a good water supply - it was put in by Indian Department in 1906.

Q. Who established the water supply and who maintains it:

A. The Department supplied the material and the Indians 1 in the labour and the Indians are supposed to keep it good order.

Q. What is their lighting system?

A. Gasoline.

Q. Who provided that?

A. The village out of their own funds. They never had any Government assistance since I became Agent.

Q. There is a dispute between the Indians of the Port Simpson Band and the Hudsons Bay Company in regard to a piece of land near the wharf?

A. Yes - it involves a whole block upon which the Indians have I would estimate about thirty houses, and they have been there on this piece of land for a great number of years. The Hudson's Bay Company created a boundary and on the Hudson's Bay side of the boundary there was the whole of one Indian house and a portion of the foundations for the construction of another, house, which construction was stopped by the Hudson's Bay Company. On the Reserve side of that boundary there is a block of at least thirty houses which is the property of the Hudson's Bay Company, and that company has offered to give to the Government on behalf of the Indians a title to that block of land on condition that the Indians will be willing to remove on the inside of the Indian Reserve. Under this concession this house and this portion of the foundations of another house were to be moved inside this line (examining map) so that the title of the Hudson's Bay Company will be clear and any obstacles that the Indians might have there were to be removed. The Indians, however, refused to move these two houses in spite of the fact that the Department has agreed to move these houses without any expense to the Indians whatever in order to get the title from the Hudson's Bay Company to the Department. The Indian's claim on the other hand a strip of land about 100 ft. wide by 200 yards and a portion of this piece of land which they claim comes inside the Hudson's Bay Company's fence.

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Q. I think the Hudson's Bay Company made a very generous offer?

A. I think the man who created the most of the trouble was Chief Dudoward who has since died - I don't think the area of land as asked for by the Indians is really necessary for them.

Q. If the Government would accept the block that has been offered to the Indians by the Hudson Bay Company, in order to settle the matter to the satisfaction of the Indians would you recommend that the Department purchase the piece of land upon which the house is and the other part of the land that the Indians claim - would you recommend the purchase of it by the Department?

A. Yes, if it could be secured at a reasonable price: but I think the offer that has been made is a very reasonable one (here shows Commissioners small sketch map showing the location of the land in dispute.)

- Q. (Examining sketch plan) In order to satisfy the Indians would you recommend that the Department purchase that piece of land?
- A. Yes.
- Q. Do you think that that piece of land is desirable and reasonably required for the Indians - I mean the additional piece on which there is one house and the foundations of another house?
- A. I think it is reasonably required.
- Q. The Port Simpson Band of the Tsimspean Tribe - we have already discussed No. 1; they have as their Reserve the northern half of the original Reserve No. 2?
- A. Yes.
- Q. Which then amounted to some 57,000 acres?
- A. Yes. [p.221]
- Q. What is the land like on the northern part of No. 2? [p.222]
- A. Just the same as the southern half - swampy and poor land.
- Q. Is there any merchantable timber on it?
- A. There is some but it would be expensive to get out.
- Q. Is the timber of any commercial value?
- A. No.
- Q. If the timber were removed would it be agricultural land?
- A. No, I would not call it agricultural land.
- Q. Even if the timber were removed what would be required to make it fit for agriculture?
- A. It would have to be drained, and the stumps removed and there is a depth of about six inches of muskeg in some parts of it.
- Q. You think as an agricultural proposition it would be worth the clearing and drainage to make it cultivable and productive?
- A. Well personally I would not like to cultivate it.
- Q. Even if it were cleared and drained would it then be good agricultural land?
- A. No.
- Q. Now No. 12 Reserve on Compton Island at the mouth of Works Canel - do you know this Reserve?
- A. Yes.
- Q. What is the land on this Reserve like?
- A. It is rocky, some portions of it are cultivable, there are six gardens, eighteen houses and a church, and the timber is fuel timber only of which there is a fair supply.
- Q. Do any of the Indians live there permanently?

- A. Well one man lives permanently there, and the Indians go there from time to time.
- Q. What is the occupation of the Indians that go there?
- A. Fishing and hunting.
- Q. Would you say that it is an important fishing place?
- A. Yes.
- Q. Reserve No. 13 - what sort of land is on that?
- A. It is gravelly, some of it is rocky, good logging timber on it, good creeks for salmon, two shacks there and barns [p.222] and there is one old garden not cultivated - otherwise bush [p.223] and medium timber.
- Q. Is it a fishing base for the Indians now?
- A. Yes, it is one of the best fishing creeks there.
- Q. Reserve No. 14 - do you know that Reserve?
- A. Yes.
- Q. This is a very small Reserve - what is it used for?
- A. It is a fishing base principally - there is one house, it contains good mill hemlock and altogether it is really an important fishing base.
- Q. Reserve No. 15 - what is that used for?
- A. It is good land - it is used as a fishing station. It has a small area of good timber, two houses in occupation, and it is one of their principal dog-salmon fishing stations.
- Q. And is of material benefit to the Indians of the tribe?
- A. Yes.
- Q. Reserve No. 16, which contains 27 acres - do you know this Reserve?
- A. Yes - it contains good merchantable timber - chiefly spruce, hemlock and cedar - contains three houses, contains two gardens of 100 ft. square, it is a hunting base and smoking centre, it has good creeks, two miles behind there is a good trout lake, and there is a good trail made by the Indians and an abundance of salmon is caught there.
- Q. It is an important base for fishing?
- A. Yes.
- Q. Reserve No. 17 - what about that?
- A. There was a big garden on this at one time but it is not now used - it is used for camping-purposes by Indians going to and coming from the Naas - it is a good place for anchorage - it is not good land, it is steep, rocky and the timber is scrubby.
- Q. In view of the Indians having given up their old methods

Q. of travelling by canoe and are now doing all their travelling by gasoline boats, is it still an important point?

A. Yes.

Q. Reserve No. 18 - what about that?

A. It is rocky with the exception of about four acres, most of which is used for small vegetable gardens. There is a lighthouse established on this Reserve. [p.223]
[p.224]

Q. And the usual procedure of acquiring that from the Dominion Government has been complied with?

A. Yes.

Q. And this is an important place for the Indians?

A. Yes, there is a good beach there that the Indians use, and also there is some timber there that they can make use of.

Q. Reserve No. 19 - what about that?

A. This Reserve contains 1589 acres, some very choice land and some swampy.

Q. How much of it is choice agricultural land?

A. I would say about 50% could be cultivated and the other 50% would be good, bad and indifferent - it contains some good timber, mostly spruce, hemlock and cedar, and there are some small cultivated patches there; it is used now more as a camping ground and there is some gardens there and is reputed to contain valuable quartz.

Q. As an Indian Reserve would the fact of it containing valuable quartz be of any specific value to the Indians?

A. My opinion is that it would be a valuable asset to the Indians in case anyone came along and bought it.

Q. So far as the Indians are concerned if it remained as an Indian Reserve, would the quartz be of any value to the Indians?

A. I don't think so.

Q. If they felt inclined to work it under the mineral laws of the Province - would they be allowed to work a quartz mine on the Reserve?

A. Yes, I think so.

Q. What improvements have the Indians on this Reserve?

A. They have six gardens there.

Q. How many houses?

A. There are about six houses - one house on each garden.

Q. Do they cultivate any land there?

A. Only the gardens - about four acres all told.

- Q. Is the land on this island capable of cultivation? [p.224]
- A. Yes, it is all wooded though it is covered with scrubby timber. [p.225]
- Q. Which if removed would the land be good agricultural land?
- A. Yes, it is a beautiful flat island.
- Q. Would you say it is reasonably required for the use of the Indians?
- A. No, I could not say that it is reasonably required for them - I think it is a pity to see such a fine area of land like that is tied up; they don't seem to be developing it in any way, unless it could be sold and the Indians get the benefits from it. A white man by the name of White went there and said he was authorized by Premier McBride and other parties to go up there and meet the Indians and open up negotiations with them with a view to the prospecting of this island, and he took with him a trunk of clothing of different kinds and is said to have distributed it amongst the Indians, I was told that this man was on the Reserve and was gathering up samples of mineral so I made a trip up there and told him he must obtain the authority of the Indian Department; that Premier McBride's authority was not sufficient.
- Q. Did he show you any authority of any kind?
- A. No - Dominion Constable Watkins was with me at the time and heard the conversation.
- Q. Leaving apart the mineral on the Island and looking at it as land and land only for the use and benefit of the Indians, would you say that the whole of this Island is reasonably required for the Port Simpson Band of Indians?
- A. No.
- Q. Would you say that any part of it was reasonably required?
- A. I would say that about a quarter of it is reasonably required.
- Q. And that would include the part where the houses and gardens are?
- A. Yes.
- Q. Have you a map of this particular Reserve?
- A. Yes.
- Q. (Examining map) Would you mark on this map the part that you consider is reasonably required?
- A. (Examining map) I am sorry I cannot do that - I will have to look it over first. [p.225]
- Q. And if the Indians were given a certain amount of this Island would they be injured in any way by having the rest cut off as an Indian Reserve? [p.226]

A. I don't think so.

Q. From the fact that this is an Indian Reserve and on account of it being an Indian Reserve, prospectors are not allowed to go in the usual course to prospect, would you say that what may be a valuable mineral deposit is being "held up" from prospecting and the mining industry of the Province is therefore impaired?

A. Yes, I would say that. If a direct application were made to the Indian Department, the Department may not refuse to allow a man to prospect on this Reserve, but they did so at Kitsumkalum when some gold was supposed to be found there - a man by the name of Grimes found some gold but he was refused permission to go ahead with his prospecting operations.

Q. Is this case that you mention the only case that has come under your notice in your Agency where men have applied to the Indian Department for the privilege of prospecting?

A. Yes.

Q. And in that case it was refused?

A. Yes.

Q. You say that if the Indians had a quarter of this Island reserved to them as an Indian Reserve, that that is all that would be reasonably required leaving the mineral out of the question?

A. At the present time, yes. While we have in view the fact that the Indians get their living by fishing there seems to be a disposition on the part of the Government to encourage agriculture among them, and in the future if we are going to develop the Indians along those lines, then that Island would be necessary for them, but for present time looking at the thing prima facie if they had a quarter of that reserve at the present time, I think it would be plenty for them.

Q. But you are not in a position to state or to point out what portion of it would be reasonably required for them?

A. Not in view of what may develop in the future. [p.226]

Q. Looking at it at present and considering the probabilities [p.227]
of mineral being found on that Island, it is at the present time retarding the mineral industry of this Province?

A. Yes.

Q. That is correct?

A. Yes.

Q. Reserve No. 20 - what is the description of that?

A. It is a camping area, has some old Indian graves thereon, good gravel benches, good garden patches, and about four Indian houses on it used as a fishing camp and gardens.

- Q. Is it an important point for the Indians?
- A. Yes.
- Q. And should be retained as an Indian Reserve?
- A. Yes - there is a big community houses there also.
- Q. We will now come to the big Reserve of which the Port Simpson Band own the northern half - what is the nature of the northern portion of this large Indian Reserve?
- A. It is hilly, swampy and muskeg land; there are a few cultivated patches along the rocky shoreline, also a few good gravel beaches, and beach landings. It is heavily timbered, but the timber is only suitable for firewood.
- Q. And in your opinion is this required for the reasonable use and benefit of the Indians of the Band?
- A. No.
- Q. Would you say, looking to the future, that this might be required for the Indians?
- A. Yes, it would be used for hunting.
- Q. Is it land which if it were cleared and drained, would be fairly good agricultural land?
- A. No, it is very deep in muskeg - it will require considerable draining and cost a lot to put it under cultivation.
- Q. And you think it would not be a feasible proposition if it were cleared and drained?
- A. No, I would not pay \$2.00 an acre for it if it was off to me today. [p.227]
- Q. Is it reasonably required for the Indians of the Port Simpson Band? [p.228]
- A. I would say yes.
- Q. What is the population of this Band, the Tsimpseans?
- A. 744.
- Q. And they all live in the village of Port Simpson?
- A. Yes.
- Q. Have they all residences there?
- A. Yes.
- Q. And some at certain times of the year go to certain points to carry on their usual vocations?
- A. Yes.
- Q. Is there any school there for this Band?
- A. There is a first-class Indian Boarding-school.
- Q. Controlled by the Indian Department?
- A. Under the Methodist Church, but they receive a grant from

the Indian Department - then there is an Indian Day School with 120 children of school with senior and junior divisions, with fully qualified teachers receiving Government salaries.

Q. What do you mean by fully qualified teacher?

A. I mean a teacher that has a first or second-class Provincial Certificate or its equivalent - we also have fully qualified teachers throughout the whole Agency.

Q. We are very glad to hear that - I think it is a very important thing from an educational standpoint - is there good educational facilities provided for all the Indian children of the Port Simpson Band?

A. Yes.

Q. When we were at the meeting at Port Simpson the ns there claimed that they had an interest in the Kitimax Indian Reserve (No. 15) and the Tahalat (No. 16) of the Naas River Indians?

A. Yes, that is a sentimental idea they have.

Q. Who would you say that these two reserves should belong to?

A. The Kincolith or the Naas River Indians.

Q. What would you say as to the claim that the Port Simpson Indians allege they have to these Reserves?

A. I would say that it is a matter of inter tribal differences more than anything else.

[p.228]

Q. Would you recommend that they still continue to be classed as Reserves of the Naas River Indians and not Port Simpson Indians?

[p.229]

A. Yes, I would.

Q. The next meeting we had was at Kincolith, but in the meantime we visited some of the Reserves on Observatory Inlet - what are the names and number of these Reserve on Observatory Inlet that belong to the Naas River Indians?

A. (Examining map) The Reserves numbered from 20 to 28 are on Observatory Inlet and they all belong to the Naas River Indians.

Q. There is one thing I omitted while examining you on the Port Simpson Reserves - how are they looked after as to their spiritual needs?

A. Very well; they have a resident clergyman of the Methodist Church, and they also have a native preacher of the Christian Band of Workers - he was given a license to perform marriages, baptisms and things of that kind.

Q. So as far as their missionary work is concerned, they are well provided for?

A. Yes.

Q. Have they a resident doctor at Port Simpson?

A. Yes, and a first-class hospital.

- Q. Is it an Indian Hospital?
- A. It is a general hospital.
- Q. How is it maintained?
- A. By grants from the Indian Department and from the Provincial Government.
- Q. So that so far as medical and hospital attention is concerned, they are well provided for?
- A. Yes, everything is very satisfactory.
- Q. Have they any livestock?
- A. No, just poultry.
- Q. No horses or cattle?
- A. No.
- Q. Now coming to the Naas River Tribe of Indians the Commission visited Reserves Nos. 20, 21, 22, 23, 24, 25, 26, 27 and 28? [p.229]
- A. Yes. [p.230]
- Q. No. 20 is one of the Reserves of the Naas River and Kincolith Band of Indians, and contains 48.50 acres?
- A. Yes.
- Q. What is the land on that Reserve like?
- A. The soil is poor - there is some good timber which is to clear on the back portion of the Reserve - it is used as a hunting and trapping base, and there is one house on the Reserve.
- Q. Any gardens?
- A. No.
- Q. Is it used as a fishing station?
- A. Yes, and as a hunting and trapping base.
- Q. And it is of material benefit and use to the Indians of the Band?
- A. Yes.
- Q. No. 21 - what about that?
- A. On this Reserve the soil is mixed, principally poor with timber principally of yellow cedar, which the Indians used for making oars. The Reserve leads to a lake where trout are plentiful - there is a good house there and a small garden.
- Q. Is it an important point for the Indians of the Band?
- A. Yes.
- Q. And is reasonably required for their use and benefit?
- A. Yes.
- Q. Reserve No. 22 - what is that like?

A. It is a hunting base, the soil is mixed, but principally poor - there is no cultivation - there is a flat over which the high tides come - there is one house, and there was a garden there at one time but the owner died, and has not been cultivated since. They pick berries there, and any timber that is worth getting out is difficult.

Q. It is used as a fishing station?

A. No, it is used as a hunting base principally.

Q. And is required for the Indians of the Band for that purpose?

A. Yes.

Q. Indian Reserve No. 23 - what is that like?

A. It is poor soil, the timber is of spruce, balsam and hemlock, some of which is merchantable. There is a permanent house there, together with three salmon houses. It is used as a fishing station. It is hard to clear. There is no cultivation and it is a necessary base for the Indians. [p.230]
[p.231]

Q. Do they require the full 271 acres on this Reserve?

A. Yes, for their fishing and hunting operations and for the timber.

Q. Reserve No. 24 - what is that like?

A. Good alluvial soil, heavy timber of spruce, hemlock and boule; it is grass land, marsh and sand bars, contains a lot of crab-apples, it is a Reserve that is sought after by persons interested in mining development, and I think there will be considerable development there in the future.

Q. This is the Reserve that the Commission very thoroughly inspected on account of the fact that the lines had been obliterated and the posts had been lost, and it could be determined where the lines were?

A. Yes.

Q. On the west side of the Indian Reserve has the Provincial Government made a Reserve there for the benefit of miners going into that part of the country?

A. No, I don't think so, but I think miners appear to have come there and settled there not knowing that they were on the Reserve.

Q. (Examining map) And on the east side of the Reserve where the Indian houses and salmon houses are located, this is outside of the Reserve line, I understand - is that correct?

A. Yes.

Q. And that land is Crown granted?

A. (Examining map) Yes, it is owned by R.P. Rithet of Victoria and the Lot numbers are 50 and 51.

- Q. Do you know what year they were applied for?
- A. I think about 1907.
- Q. But you are satisfied that they are now Crown granted Lots?
- A. Yes.
- Q. Are all the Indian improvements that were supposed to be on the Indian Reserves located on the Crown granted land? [p.231]
- A. Yes. [p.232]
- Q. So that on the Indian reserve there are practically no houses or no Indian occupation?
- A. That is correct.
- Q. But the Indians are allowed to use the houses that they originally had and also the salmon houses that they originally had on this Crown granted land?
- A. Yes.
- Q. They are there through sufferance, I suppose?
- A. Yes.
- Q. What Indian improvements are on the actual Indian Reserve?
- A. None whatever.
- Q. Did the Indians ever make use of the land contiguous to the land which is now Crown granted?
- A. Yes.
- Q. What use did they make there and what improvements are there?
- A. There are two houses there - one is used absolutely as a residence, and the other is used intermittently as a residence and for smoking fish, and right in front of these two houses runs a creek into Alice Arm, which they use for domestic purposes.
- Q. Would you say on account of this land being Crown granted, that an injustice was perpetrated upon the Indians there?
- A. Yes, I think the surveyors' notes should show those houses; I tried to ascertain if the field notes did show the houses through Mr. Ditchburn, but I received a reply saying no trace could be found of any Indian houses as far as the field notes were concerned. I think the Government if possible should purchase that for the Indians; it is one of the most important places in the Agency.
- Q. Could arrangements be made by which the Indians could be transferred from the land that is now Crown granted to the Indian Reserve?
- A. No, it would not be so valuable on account of the fruit that is there.
- Q. Does the creek touch the Reserve at any point?
- A. No. [p.232]

- Q. Coming to the Reserve of 202.50 acres, there is then [p.233]
no Indian improvements of any kind upon it?
- A. No, I have been over it, and I have never seen any
improvements there. There are a lot of crab-apples there.
- Q. Do the Indians go there and gather the apples for food?
- A. Yes.
- Q. Do the crab-apples cover the whole of the area?
- A. No, not the whole of the area, not where the timber
is heavier.
- Q. Is the whole of this Reserve reasonably required for the
use and benefit of the Tribe?
- A. Seeing that they get their crab-apples there, I would
say yes.
- Q. Do you consider that it is an impediment to the surrounding
country on account of that Reserve being there?
- A. Yes.
- Q. Would the Indians suffer any hardship if it were sold
under the agreement under which the Provincial Government
would receive half and the Dominion Government half and
half of the said Dominion Government proceeds were to be
divided among the Indians?
- A. I don't think the Indians would consent to it.
- Q. Would they be better off if that were sold and they got
a quarter of it in cash and the other quarter applied
for the use and benefit of the Band?
- A. That is rather a difficult question to answer - I could
not say.
- Q. You would not recommend that it be cut off and sold under
the agreement?
- A. No.
- Q. But you do say that that Indian Reserve is an impediment
to the development of that part of the country?
- A. Yes.
- Q. Is that part of the country at the present moment a part
of the country that is likely to be developed in the very
near future?
- A. Yes, and I don't think the Reserve there should be
allowed to interfere with this development - I don't
think the Indians should have to lose that. When the
tide is high all those gullies fill up with water so
that an Indian can take a canoe and row right up to
his door; that is on R.P. Rithet's place. [p.233]
[p.234]
- Q. You say that if the Indians had a piece of the Crown
granted land that they would be better off than by
having the Reserve as it now stands?
- A. Yes, if we could purchase some of those lots, say Lot 51,

(Examining map) I would say that it would be better than having a present Reserve in view of the mining developments that will take place there; at any rate I would say that it would be just as good.

Q. But if that land could not be purchased, you would say that the reserve should remain as it is?

A. Yes. An offer has been made for that Reserve by the Alice Arm Development Company - they offered \$50.00 an acre for it. I put the offer up to the Department, and I told them the Commission had visited it. The Alice Arm Development Company made a cash offer, but the Department stated that it could not be dealt with until the Commission had finally confirmed the Reserve.

Q. Do you think the Indians would be satisfied to sell that Reserve at \$50.00 an acre?

A. I think they would.

Monday December 20th 1915, 3 p.m

MR. COMMISSIONER SHAW: Reserve No. 25 has been sold to the Granby Consolidated Mining & Smelting Company - did they get any land in that deal in payment for their Reserve?

A. It was a straight money deal.

Q. So that Reserve No. 25 was sold, and is now no longer a Reserve?

A. That is correct.

Q. Coming then to Reserve No. 26, which contains 500 acres, what is the land on this Reserve like?

A. The soil is fairly good although it is rather wet in some places - there are no gardens there.

Q. Any timber on the Reserve?

A. Yes.

Q. Merchantable timber?

A. No, fuel timber mainly.

Q. How many houses are there on this Reserve?

A. There are two houses there.

Q. What is the Reserve used for?

[p.234]

A. For a fishing station.

[p.235]

Q. There is no cultivation there?

A. No.

Q. Are these permanent residences or just places where they go or use for fishing?

A. Just for fishing.

Q. Is there any use made of the balance of the land covered by the houses?

A. No, the Indians expressed a desire to have that subdivided but that comes from just a few families.

Q. What was the idea of subdividing it?

A. Subdividing it amongst the members for their own use - they want some land to hold.

Q. Is this Reserve required for the use of the Naas River and Kincolith Indians?

A. Yes.

Q. The next Reserve is No. 27 - what is that Reserve like?

A. The timber is poor, the land is mixed, some rocky and some swampy with a few good patches. There is one fish-house there.

Q. Any cultivation there?

A. No.

Q. Is this used every year by the Indians?

A. Yes, as a hunting and trapping base.

Q. Is it reasonably required for their use?

A. Yes.

Q. No. 28 contains an area of 78.50 acres - what is the 1 there like?

A. It is a hunting and trapping base.

Q. Any houses on that Reserve?

A. There is one house there.

Q. That the Indians use every year for what purpose?

A. It is a winter camp used for halibut - they go out catching halibut there.

Q. Is it necessarily required for their use?

A. Yes, there is some good timber there, but it is rather back up a creek where they catch salmon. The soil however is poor.

Q. Reserve No. 29 containing 578 acres on the Naas River this belongs to the Kincolith Band?

[p.235]

A. No, it belongs to the Gitwinchiltz.

[p.236]

Q. (Examining Schedule) Does 29A and No. 30 all belong to the Gitwinchiltz Indians?

A. (Examining Schedule) No. 30 belongs to the Kincolith Indians.

Q. Then 29 and 29A should appear under the Naas River Band?

A. Yes.

Q. (Examining Schedule) No. 30 belongs to what Tribe?

A. To the Kincoliths.

Q. What is the land on Reserve No. 30 like?

- A. It is all very good land.
- Q. Any improvements on it?
- A. No.
- Q. No houses?
- A. No houses. It is good alder bottom soil used for a fishing camp, for logging and trapping purposes - principally trapping.
- Q. Is it necessary for the use of the Band?
- A. Yes, that contains some of the choicest land on the Naas.
- Q. Now we will come back to the No. 11 of this Band - Black Point. Is this one of the Reserves of the Kincolith BAnd?
- A. Yes, it is rocky land used as a fishing station. The trees are used mainly for anchoring canoes during the oolichan fish'n , b.ut the timber is non-merchantable. A forest fire devastated this Reserve and destroyed most of the good timber; there are, however, three gardens there.
- Q. Any houses there?
- A. There are four houses there.
- Q. And it is necessary for the use of the Indians?
- A. Yes.
- Q. Now Reserve No. 12 - what is that like?
- A. There are a few gardens there - the soil is good - it is used as a fishing camp and hunting base, and the timber is not really merchantable timber - it is fuel timber; there are a few gardens there, possibly about three, and there are three houses there. There is a very swift creek running down there which seems to be changing the Reserve - it washes away a lot of the land and leaves nothing but the gravel but I don't think the Reserve is much the worse for it. [p.236]
[p.237]
- Q. Is it necessary for the use of the Band?
- A. Yes.
- Q. The next is Red Cliff No. 13 - what about that?
- A. There are nine gardens there; the land, at least a small portion of the land, is cultivable and suitable for truck gardens for which purpose it is used. There is some timber there, quite a number of houses and a church. This Reserve is the one that has been encroached upon by the Tsimpseans who built a church there.
- Q. Is this the Reserve where the commonage has been established?
- A. Yes.
- Q. And originally the commonage was one chain wide and was afterwards increased to two chains wide?
- A. Yes.
- Q. And this commonage was reserved for the use of the

Port Simpson Indians when they go there in the oolichan fishing season to fish?

A. Yes, and for up-river Indians also.

Q. Is it correct to say that in former years when the the Port Simpson Indians went there to fish, they took their houses with them in their boats, and when they left they took them back with them again?

A. Yes.

Q. And of later years they have erected permanent houses there and left them there?

A. Yes.

Q. And they also erected a church, which is now within the two chain belt?

A. Yes.

MR. COMMISSIONER MCKENNA: With what authority was that commonage increased from one chain wide to two chains wide?

A. With the Department's authority - it was done during Mr. Morrow's time. The survey of one chain was made subsequently to the original survey of the Reserve, and that having proven inadequate the commonage was extended two chains.

MR. COMMISSIONER SHAW: After looking at the map and the schedule would you say that this commonage that was increased from one chain to two chains was on Red Cliff or Stoney Point? [p.237]
[p.238]

A. On Stoney Point, but from the reports of the Indians the others have commonages on them also.

Q. So that what you said about the commonage the one where it was increased from one to two chains wide has really been heresay?

A. Yes.

Q. The church that you speak of is on REd Cliff No. 13 ?

A. Yes.

Q. (Examining schedule) Which has no commonage according to the schedule?

A. (Examining schedule) Well the schedule must be right.

Q. Who owns the church?

A. The Methodist Church.

Q. (Examining schedule) According to the schedule, the Port Simpsons who built the church have no rights on this Reserve at all, but the Naas River Indians have a fishing right there?

A. Yes, that is a salmon fishing right.

MR. COMMISSIONER MCKENNA: Is there any church upon Indian Reserve No. 10?

A. Yes, they have a Church of England there (here hands Mr. Commissioner Shaw photo showing Church of England at Fishery Bay, also reads a statement made by Archdeacon Collinson) (Mr. Commissioner Macdowall here reads extracts from report of Commissioners Cornwall and Planta)

MR. COMMISSIONER SHAW: Do they also go. to Fishery Bay?

A. No, I don't know why they don't use Fishery Bay; they use Red Cliff.

Q. Do the Kincoliths use Fishery Bay?

A. Yes.

Q. Do the Zakelsaps use Fishery Bay?

A. No, the Kincoliths alone use Fishery Bay. (Mr. Commissioner McKenna here reads evidence regarding the building of houses at Red Cliff.)

NOTE: We ought to have this information before confirming the Reserve.

WITNESS: Until the Commission went up the Naas the Indians thought their commonage extended right over to Lachtesk No. 12.

MR. COMMISSIONER SHAW: Do the Naas River Indians or the Kincoliths use Red Cliff at all for fishing?

A. Yes.

[p.238]

Q. And do the Tsimpseans use No. 10 Stoney Point at all?

[p.239]

A. No.

Q. As to this commonage marked in the schedule as being attached to Stoney Point or Fishery Bay, is that used by any Indians outside of Kincolith or Lakalsap?

A. It is used by all the Naas River Indians who want to go there, but not by the Tsimpseans - I cautioned a man there last year who was going there to build a house.

Q. Do you think the Naas River Indians would object to the Tsimpseans having any rights on either of these Reserves - Nos. 10 and 13?

A. The only objection would be the burden of their petition that commonages be removed seems to be the only objection. They don't object to their using Red Cliff Indian Reserve if they would put up improvised houses there.

Q. Have the Naas River Indians any houses on Red Cliff Indian Reserve?

A. Yes, and gardens there also, Stoney Point Reserve is divided in two parts - half of it goes to the Kincoliths and the other half goes to the Lakalsaps.

Q. Would you recommend that in view of the trouble between the Tsimpseans and the Kincoliths in regard to Red Cliff Indian Reserve, that a separate Reserve be set aside at the oolichan banks for the Port Simpson Indians?

A. Yes, if a suitable location could be found.

Q. Would you recommend that the Metlakatlas be given any Reserves on the Lower Naas?

A. Yes, if the Port Simpsons get a Reserve there, the Metlakatlas should also get one provided a suitable location could be found.

Q. Would one Reserve set aside for the Port Simpsons and Metlakatla Indians be advisable?

A. No, I don't think so, because there is friction between the Port Simpsons and the Metlakatlas - jealousy that is all.

MR. COMMISSIONER MCKENNA: Do you think the Metlakatlas would make any use of a Reserve there?

A. Yes, they go up there and stay up there with their friends sometimes.

MR. COMMISSIONER SHAW: And the Kincoliths and the Naas River Indians belong to the Nishgas?

[p.239]

A. Yes.

[p.240]

Q. In order to perpetuate that name would you suggest that instead of them being designated as Naas River and Kincoliths that it be designated as Nishgas?

A. Yes, and that the several Reserves be scheduled under the respective Bands.

Q. How many divisions of the Nishgas would you make?

A. I would make four divisions - Kincolith, Lakalsap, Gitwinchiltz and the Upper Naas.

Tuesday, December 21, 1915.

MR. COMMISSIONER SHAW: According to Judge O'Reilly's report (which he here reads) there is a commonage of one chain wide on Reserves 10, 12 and 13?

A. Yes.

Q. I presume that was on account of the washing away of the land by the river?

A. I should say so.

Q. On which of these Reserves is the ten acres belonging to the old cannery?

A. At Stoney Point No. 10.

Q. What use is made of that ten acres now?

A. There are Indian houses on it, The Indians have built on it, and they use it for fishing camp purposes, and they built a road through it.

Q. Would you recommend that that be secured if possible as part of the Reserve?

A. Yes.

Q. Who owns the ten acres of land that has been alienated on Stoney Point Reserve?

A. I think Findlay, Durham & Brodie of Victoria.

Q. And you would recommend that this be purchased by the Department and become a part of the Stoney Point Reserve?

A. Yes.

Q. Is any use being made of it except by the Indians?

A. No.

[p.240]

Q. Since when?

[p.241]

A. Not during the time I have been Agent.

Q. Would it be a suitable place for a cannery site?

A. Oh yes, but since there is a boat rating and since you could not start a cannery if you wanted to, the only possible value that this place would be for a cannery would be the fishing plant there which could be used for the preparation of oolichans; it would be valueless as a salmon cannery.

Q. Coming to Kincolith 14 and 14A, these are practically one Reserve belonging to the Kincolith Indians?

A. Yes.

Q. Taking 14 and 14A together, they comprise 1180 acres and 410 acres respectively?

A. Yes.

Q. What is the nature of the Reserve?

A. Very mountainous and most of the timber is scrubby; there is some timber up Mission Creek, and they get their timber down over the ice in the wintertime.

Q. How much of the whole area would you say is cultivable land?

A. About fifty acres.

Q. And the rest is mountain?

A. Yes.

Q. Covered with scrubby timber of no value except for fuel?

A. Yes, and the Indians get berries there.

Q. The timber that they bring down over the ice - do they get it from the Reserve or from Government land?

A. They cut it on the Reserve.

Q. And at this Reserve there is a large Indian village?

A. Yes.

Q. How are the lots in that village held-under a location ticket or held in common?

A. It has been surveyed as a townsite but location tickets have never been issued to them.

Q. And on this Reserve is a large church?

A. Yes.

[p.241]

Q. And a Mission House?

[p.242]

A. Yes - there are two halls and there is a Church of England and what they call a Church Army Hall.

Q. Is the land on which these churches are built part of the Reserve?

A. Yes.

Q. And also the Mission House?

A. Yes.

Q. That cultivation is on the Reserve?

A. There are garden clearings with some very good gardens; that is small patches some about 100 ft. square, and I think there are about 15 of those patches. They grow small fruits, and the Department through me sent up some apple trees that are doing very well there.

Q. Recently on this Reserve has been established a saw-mill?

A. Yes.

Q. Owned by the Indians?

A. Yes.

Q. And under whose management?

A. Mr. Max Collinson was appointed by the Indian council as manager of the mill.

Q. Is the mill in operation yet?

A. No, it is just nearing completion.

Q. Where do they propose cutting their supply of timber for that mill?

A. Some of them get handloggers licenses, and they get it anywhere they can - they are making application for additional timber land.

Q. What is the occupation of the Indians on this Reserve?

A. They are mostly fishermen, hunters, trappers, freighters and marine engineers.

Q. Have they any live stock of any kind?

A. Nothing but a few poultry.

Q. No horses or cattle?

A. No.

Q. Is there any school on this reserve?

A. No answer.

Q. How is it that these people have no stock of any kind? [p.242]

A. Because stock is destructive to property - they roam around the [p.243]
gardens and break down the fences and eat up the vegetables
of the Indians.

Q. Is there land enough on this reserve to maintain any amount
of stock?

A. No.

Q. The land that is cultivable is mostly taken up by the village
and the gardens?

A. Yes.

Q. And I presume another reason would be that on account of the
migratory habits of the Indians they could not look after the
stock if they had any?

A. That is right.

Q. Any school on this Reserve?

A. Yes, they have an Indian Day School there, and the teacher of this
school is the daughter of Archdeacon Collinson. The school has
not been successful on account of the nomadic habits of the
people and on account of the very poor attendance at the school.

Q. Would that difficulty be overcome if a boarding-school were
established somewhere in the District?

A. To a certain extent for the reason that there are fifty-five
children of school age, twenty of whom only would in my opinion
be eligible for admission to a boarding-school.

MR. COMMISSIONER MCKENNA; What is your standard of eligibility?

A. Grading from a day school.

Q. At what age?

A. From ten to fourteen.

Q. As a matter of fact where day schools are impracticable owing
to the migratory habits of the Indians they take children of
seven years into a boarding-school?

A. Yes, but it is more desirable on account of accommodation at boarding schools to grade them from day schools.

MR. COMMISSIONER SHAW: Would you say that a boarding-school located at Kincolith would there be enough children there to maintain a boarding-school in place of the day school which is there at the present time? [p.243]

A. Yes, there are fifty-five children there of school age. [p.244]

Q. And if this boarding-school were established there, would the Indians leave their children in the school when they went off on their different trips to the fishing stations?

A. A large proportion of them would.

Q. What provision is made for their medical attendance?

A. They have a regular attendant medical man appointed by the Department.

Q. What is his name?

A. Dr. McDonald.

Q. What salary does he receive from the Department?

A. \$75.00 a month and travelling expenses.

Q. And when he attends any of the Indians does he do it free of charge or does he render them a bill?

A. He charges them whenever they are in a position to pay.

Q. Have you any idea as to what proportion of them pay?

A. I have no idea.

Q. Do you know if any of the Indians do pay?

A. Yes, but it is very hard to collect money from Indians because the Indians know the Doctor receives a salary for his work from the Department.

Q. Does Dr. McDonald have to provide his own drugs?

A. He provides his own drugs.

Q. Has Dr. McDonald any white practice?

A. Yes, and Japanese - he has a contract with the Japanese in the summertime - I think it is \$1.00 a month per man for the fishermen.

Q. And the whites when he visits them they pay the regular fee?

A. Yes.

Q. Outside of the Kincolith Reserve, what other Reserves is he expected to attend?

- A. All of them on the Naas from Kincolith clear to the head of the Indian settlement on the Naas River, a distance of about 75 miles,
- Q. How many days' travel would that mean?
- A. Depends upon the number of cases he would have to attend to on the way up. [p.244]
- Q. I mean the time taken travelling? [p.245]
- A. From five days up to ten or from five days up to two weeks.
- Q. Do you consider a resident Doctor at Kincolith is adequate for medical attendance for all of the Naas River Indians?
- A. No, I do not.
- Q. Do you consider that \$75.00 a month is adequate remuneration for the work he does and for providing his own drugs?
- A. Yes.
- Q. But you are of the opinion that it is almost a physical impossibility for him to give proper attention to all the Reserves under his charge?
- A. Yes.
- Q. What additional medical assistance do you consider would be required for the Naas River?
- A. I think a Doctor should be stationed at Aiyansh at a salary of say \$100.00 or \$125.00 a month, with the same privileges that Dr. McDonald has of having a private practice and collecting from the Indians where possible.
- Q. Would you say that would be sufficient for him to provide his own drugs?
- A. No, I think the Department should provide the drugs, and I think the Department should have an improvised hospital established there with a Government grant.
- Q. Is there a hospital at Kincolith?
- A. No.
- Q. Is there a building at Aiyansh that could be used as a hospital?
- A. Yes.
- Q. That would be exclusively an Indian hospital?
- A. Yes.
- Q. Now you mentioned that there are some field nurses at some of the reserves - where are they located?

A. One is at Aiyansh, one is at Reserve No. 7 and one at Reserve No. 9,

Q. What are their duties?

A. To visit the Indian homes - to help the Indian women along the lines of sanitation and care of their children - the destruction of vermin - teaching them the laws of health and hygiene and imparting first aid.

[p.245]

Q. The field nurse at No. 9 - does she go outside of No. 9 Reserve?

[p.246]

A. Yes; she follows the Indians to the canneries in the summertime.

Q. Does the one at No. 7 do that also?

A. She has only recently reached there, but I am going to have her do that in the same way as the one at No. 9.

Q. Are they paid by the Department?

A. Yes.

Q. Do they get their own living quarters?

A. No, they pay for their own living quarters - they get \$75.00 a month - they also get fuel and light.

Q. Where do they live?

A. In Indian houses at the present time. If we build a new school at No. 7 next spring, I am going to provide accommodation for the teacher in that school and also accommodation for the field matron.

Q. Are you aware as to whether Dr. McDonald visited Aiyansh No. 7 and No. 9 last year?

A. Yes, he did - he also made weekly trips to the canneries every week during the fishing season at the mouth of the Naas, and treated the Indians there, and he has been frequently to Fishery Bay during the oolichan fishing season, and also to Greenville.

Q. Now coming to No. 15, Kitimax - this belongs to the Kincolith Band?

A. Yes.

Q. And also Talahat No. 16 belongs to the Kincolith Band?

A. Yes.

Q. Is it correct to say that there is a dispute between the Port Simpson Indians and the Kincolith Indians as to the ownership of these two Reserves?

A. Yes, but that is not a tribal dispute; it is a dispute confined to a few members of the Band - it is a sentimental dispute more than anything else.

Q. And in your opinion the Port Simpson Indians have no just claim on these two Reserves?

A. No. [p.246]

Q. Now No. 15 has 4 acres - what is that used for? [p.247]

A. That is very good land, and is used for trapping principally and for fishing. The Indians get their big cedar trees there for canoes also their gaff poles, and they hunt for marten, mink, bear and goat.

Q. And it is an important point for the Indians there?

A. Yes. The white people have drag-seines and they seine for salmon there in connection with the canneries. Solomon Ward, an Indian, has a big house there and also a vegetable garden.

Q. Now Talahat is a reserve of 160 acres - what is that like?

A. It contains fairly good soil.

Q. Any merchantable timber on it?

A. Yes, the timber is heavy there.

Q. Is it good timber?

A. Yes.

Q. And if the timber were cleared off the soil would be good for agriculture?

A. Yes.

Q. Are there any houses on this reserve?

A. Yes, there is a big hunting house there.

Q. Any cultivation?

A. There is a small garden there.

Q. Is it an important station to the Indians for fishing and hunting operations?

A. Yes.

Q. Have the Indians permanent residences there or are they only temporary?

A. Just temporary - there is just one house there. They fish for salmon there.

Q. Reserve No. 17, Georgia, contains 17 acres - what is the nature of that reserve?

A. It contains good timber - it is at the foot of an almost precipitous mountain, The soil is fairly good, the timber is of spruce and cedar and there is a good creek running close to

the reserve. It is used also for trapping and hunting but it has not been used lately on account of the fur trade falling off on account of the war. There is a small patch suitable for gardens, but there is no cultivation.

Q. Any houses on it?

[p.247]

A. No.

[p.248]

Q. What use do the Indians make of the timber or the land?

A. They use it principally for a trapping base but it has not been used at all lately on account of the low price of furs.

Q. When the fur trade improves will it be an important base for the Indians.

A. Yes.

Q. (Examining schedule and map) No. 18 turns out to be on the American side when the boundary award was made?

A. Yes.

Q. Did the Kincoliths receive anything in lieu of that reserve?

A. No. It is mentioned by Mr. Vowell in a letter to the Department dated March 12th, 1908 to the Secretary of the Department. It appears that Mr. Vowell, in a letter dated March 1908, was instructed by the Indian Department to set apart a piece of land at Dog Fish Bay in lieu of Kullaan Reserve which was declared to be in American territory by the Alaska Boundary Award. Mr. Vowell's letter to the Department dated March 12th, 1908 has this reference. "Your instructions in regard to an additional reserve for the Kincolith Band at Dog Fish Bay has been noted and will be attended to at the earliest opportunity."

Q. Has any provision been made in accordance with Mr. Vowell's promise or statement there?

A. Not that I am aware of.

Q. But there is now an application which will come before the Commission for land at Dog Fish Bay which has been alienated by the Provincial Government?

A. Yes.

Q. Reserve No. 19 contains 58.50 acres - what is the nature of the land on this reserve?

A. It is right at the end of a precipitous mountain right under

a big glacier close to the town of Stewart. There is no land for cultivation. The Indians they don't want this reserve because it doesn't take in the Bear River land which they wanted for hunting and trapping.

Q. No. 19 reserve - what about that?

A. No. 19 is of no practical use to the Indians and they don't want it.

Q. Do they want another piece of land in lieu of it?

[p.248]

- A. No, they don't want another piece of land. What they wanted to do was to take in the valley, but the valley is now taken up by timber limits. When this reserve was surveyed, they were told that they we have access to the valley, but now this has been taken up by whites
- Q. Could you say that this is necessary for the Indians?
- A. Yes, it is reasonably required. I would add that that is also a matter of sentiment.
- Q. That finished then all the reserves of the Kincolith tribe?
- A. Yes.
- Q. We will take up then the reserves of the Naas River Band which are held by the upper Naas River Indians. We will start at Aiyansh. Aiyansh No. 1 and Gitlakdamiks No. 1A are all one reserve and are recognised by the Indians living in the two villages as one reserve?
- A. Yes.
- Q. Although there is some sort of dividing line, the Indians there all agreed that they considered that the two reserves were'-held in common?
- A. Yes.
- Q. And they comprise 3,718 acres?
- A. Yes.
- Q. This reserve extends across the river?
- A. Yes.
- Q. What is the nature of the land on the reserve generally?
- A. It contains various kinds of soil - some pertions very good and other portions swampy.
- Q. What portion would you say is fit for agricultural purposes?
- A. I would say practically all of it is suitable for agricultural purposes if cleared and drained.
- Q. Is there any merchantable timber on it?
- A. Some merchantable timber on it, particularly in the 640 acre section. in No. 1a where the Indians cut wood.
- Q. How much of the entire reserve is under cultivation?
- A. At Aiyansh or in the neighbourhood of the village there are seventeen patches of one acre each - three patches of 2 acres each - two patches of 4 acres each, and in the vicinity of that portion of the reserve where the old village of Gitlakdamiks stands, there are about 24 acres

in grass. There are three patches of one acre each in grass and potatoes, and there is a two acre patch of grass and potatoes, and two additional one acre potato patches.

Q. What other of the reserves belong to the Aiyansh Band?

A. No. 2, No. 3, No. 4 and No. 5.

Q. What is the population of the Band?

A. 270.

Q. And Aiyansh and Gitlakdamiks are both large villages?

A. Yes.

Q. Now reserve No. 2, what is the land on that reserve like?

A. Very good land indeed, it contains very good choice land.

Q. How much of it is under cultivation?

A. I would say about six acres.

Q. Any houses on it?

A. Yes, there are several houses on it.

Q. Is it a fishing point?

A. Yes, and potato gardens. Good soil - the timber is small. It is really not recognized as a settlement although they use it for their winter quarters. Some of them go there during the winter and stay there.

Q. Do the Indians that live there also have houses at Aiyansh and at Gitlakdamiks?

A. Yes.

Q. Reserve No. 3, what sort of land is on that reserve?

A. That contains very good soil.

Q. Any cultivation on it?

A. No cultivation there. There is a very large fishing camp there.

Q. How many houses?

A. There are just two small houses.

Q. Do the Indians also have houses at the other two villages?

A. Yes.

Q. Reserve No. 4, what is that like?

A. That contains good soil which is used for preparing berries and for drying fish. It doesn't contain very much timber. There are no houses. Used as a camp at the mouth of Shumarl Creek. They catch a [?]

- Q. And are all these reserves required for the use of the Band?
- A. Yes.
- Q. At Aiyansh there is a church?
- A. Yes, built by the Indians.
- Q. Is there more than one church there?
- A. Just the one church at each place.
- Q. Any church on any of the other reserves?
- A. No.
- Q. Is there any resident missionary at Aiyansh?
- A. Yes.
- Q. A native?
- A. Yes.
- Q. Is he an ordained clergyman?
- A. No, he is a lay reader.
- Q. How are they provided for schools?
- A. They have no school building, but they have held school in the Chief's home intermittently but no satisfactory school arrangements have been made there for the last four years.
- Q. Neither at Aiyansh or Gitlakdamiks?
- A. No.
- Q. How do you account for this large Band of Indians not being provided with proper educational facilities?
- A. The Department provided material for the construction of a school building up there four years ago, and I sent the material forward. The Indians at that time expressed their delight on account of the building of the school, but through some outside influences trouble arose and when the material was brought up they would not allow it to be landed on the reserves, but the Indians have now consented to build next spring.
- Q. Is the time there still?
- A. Yes.
- Q. And I presume a day school will be built?
- A. Yes.
- Q. And suitable teachers will be provided for that school?
- A. Yes, they are on the spot now and teaching.
- Q. And when these two schools are established they will be fairly provided for primary work?

- A. Yes.
- Q. Will these day schools be confronted with similar conditions which confront the day school at Kincolith?
- A. Yes, when these schools are put up they will be used during the winter and in the summer the children will go off with their parents but I think the Indians appreciate the fact that they are Government schools, and they will take far more interest in it. Wherever these schools have been under Government control. they have been a splendid success - at Metlakatla we have a fine school.
- Q. Have they any stock on these Reserves?
- A. Yes, they have four horses, six cows and three calves.
- Q. Two horses, I suppose, are used for the cultivation of the land?
- A. Yes.
- Q. Have they any farming implements?
- A. Only a couple of plows.
- Q. Supplied by the Department?
- A. No, bought by themselves.
- Q. The main Reserve, Aiyansh, is what would be called a suitable place for the encouragement of agriculture?
- A. Yes.
- Q. Could the Indians be persuaded to take any interest in it?
- A. They might to a limited extent, but they are not very enthusiastic about agricultural pursuits.
- Q. Is it correct to say that on account of these Indians always being fishermen and hunters and the likelihood of the fish supply on the rivers not becoming any scarcer, that it will be a good while before they adopt much agriculture?
- A. Yes.
- Q. Do they raise enough of the ordinary vegetables for their own use?
- A. Yes.
- Q. What use do they make of the cattle -- do they milk them?
- A. No, they kill them for food.
- Q. Did they formerly have a larger herd of cattle there?
- A. Yes.
- Q. How many did they have when you took charge of the Agency?
- A. They had three times that number, and a year ago they had about the

same number, but last spring they sold a lot of them. Their cattle are well looked after.

MR. COMMISSIONER MCKENNA: Are they taking any means to replenish their cattle?

A. Yes, they are bringing in some cattle from the south.

MR. COMMISSIONER SHAW: This is near the head of navigation on the Mats River where there is a considerable white settlement started in?

A. Yes.

Q. Will that white settlement have a tendency to foster agricultural industry among the Indians?

A. Yes, I think so -- as I said before at the time when they should be looking after their farms they will be away fishing.

Q. And if the whites come in there , they will likely go to work for these whites?

A. Yes, in time they will.

Q. The next Band is the Kitwilluchsilt Band. How many Reserves has this section of the Naas River Indians?

A. They have three.

Q. Which three?

A. (Examining schedule) Nos. 6, 7 and 29.

Q. And their main village is on which Reserve?

A. On No. 7 - and they also have an old village on No. 29.

Q. What is the land on No. 7 like?

A. The soil is exceedingly good, although there is some of it rocky.

Q. Any timber on it?

A. The timber is second growth, cottonwood and willow.

Q. This village has been very recently established there, has it not?

A. Yes.

Q. And how much cultivation is there on it?

A. Two or three acres cleared but there is no merchantable timber on it

Q. Why was the village moved from No. 29 to No. 7?

A. Primarily for superstitious reasons on account of their being so many graves there.

Q. They have a church on this Reserve?

A. Yes.

Q. Any resident missionary?

- A. No.
- Q. They are supplied from what source as to their spiritual needs?
- A. They have a missionary there, but he took up a pre-emption and abandoned the mission.
- Q. Have they any school there?
- A. Yes.
- Q. Is it well attended?
- A. I don't know - the teacher has only recently gone up there, and I have not yet received the first report.
- Q. Is it a new building?
- A. It is in an Indian house.
- Q. And it has not been established long enough for you to be able to judge of its results?
- A. No.
- Q. Is there any move towards building a school there?
- A. Yes, I have recommended the construction of a school there in the spring.
- Q. What about medical attendance?
- A. They have a field matron there.
- Q. Have they any stock there?
- A. No.
- Q. Reserve No. 6 - what about that?
- A. It is good soil, containing large cottonwood timber, and is used for a fishing camp.
- Q. Any houses on it?
- A. No.
- Q. Any cultivation?
- A. No - there are some old boards that we used for a house or could be rigged up as a shelter which they use when they go up and down the river as a camping place.
- Q. And it is necessary for them?
- A. Yes.

Thursday, December 23rd, 1915.

- MR. COMMISSIONER SHAW: Amatal No. 6 Reserve - what is the nature of the soil on this Reserve?
- A. This reserve contains very good soil, also large cottonwood timber,

- Q. What improvements are on it?
- A. No improvements at all.
- Q. No houses?
- A. No, it is a fishing camp and trapping base.
- Q. And used by the Indians as a fishing camp and trapping base?
- A. Yes.
- Q. Is it used frequently by the Indians?
- A. Yes.
- Q. And is required for their use?
- A. Yes.
- Q. The next is Zalsop No. 29 , which comprises 578 acres?
- A. Yes.
- Q. What is the soil like on this Reserve?
- A. Exceedingly good alluvial soil.
- Q. On the whole of the Reserve?
- A. On the biggest part of it.
- Q. Any merchantable timber on it?
- A. No, it is fuel timber, cottonwood mainly, also some spruce, but the remainder is willow.
- Q. Any cultivation on it?
- A. Yes, there are some gardens there, and some houses.
- Q. Are those houses occupied now?
- A. Two of them are occupied - it is the site of an old village, and the totem poles are standing there yet - it is used principally for drying fish. When I came to the Agency first they were all living there.
- Q. But they still utilize part of the land for gardens?
- A. Yes.
- Q. And it is necessary for their use?
- A. Yes.
- Q. Now we come to 29A, we will presume that 29 and 29A are one and the same, are these Reserves reasonably required for this Band of Indians?
- A. Yes.
- Q. And these are all the Reserves that you would allot to the Kitwill-uschwilt Band?

- A. Yes.
- Q. The Lakalzaps come next - what Reserves belong to that Band of Indians?
- A. 9 and 9A and 8 and 8A.
- Q. Dealing first with No. 9 and 9A, those two comprise 3,960 acres?
- A. Yes.
- Q. What is the nature of this land?
- A. The soil in the main is pretty good soil. Some of it however is swampy, and rather are affected by the summer currents that are very high and they overflow with the high tides - some of it becomes inundated.
- Q. Any merchantable timber on this land?
- A. Yes, there is some, but not a great deal.
- Q. And it is a large Indian village?
- A. Yes.
- Q. What is the population of the four nations separated?
- A. I have the population of the four villages separately.
- Q. What is the population of the Lakalzaps?
- A. 235.
- Q. And the population of the Kitwilluchsilt Band?
- A. 67.
- Q. And the population of the Kincolith Band?
- A. 251.
- Q. Is there a sawmill at Lakalzap?
- A. Yves.
- Q. Built by whom?
- A. By the Indians under the supervision of a-missionary by the name of Laycock.
- Q. Is it owned by the Indians?
- A. Yes.
- Q. Is it operated by the Indians?
- A. Yes.
- Q. By water power?
- A. No, by steam power.
- Q. Where do they get their logs for this mill?
- A. They get them under handloggers licenses on Crown lands.

- Q. Is there any timber on any of their Reserves?
- A. Yes, but not much good merchantable timber.
- Q. They have to depend then direct on the handloggers licenses for cutting timber for the sawmill?
- A. Yes.
- Q. All the timber they get must be got from Government lands under handloggers licenses?
- A. Yes.
- Q. Have they ever had any difficulty in obtaining these licenses?
- A. No.
- Q. They have never been refused in any instance?
- a. No.
- Q. Reserve No. 8, what is the soil on that Reserve like?
- A. That Reserve contains good alluvial soil and the timber is cottonwood and spruce.
- Q. Is any of the timber merchantable?
- A. Very little, what is merchantable is difficult to get out.
- Q. Are there any houses on this Reserve?
- A. There is one large house there.
- Q. And the Reserve is used for what purpose?
- A. For a fishing camp for logging on a small scale - and it is also used for trapping.
- Q. No cultivation on it at all?
- A. No.
- Q. Reserve No. 8A - what is the soil on that Reserve like?
- A. That Reserve contains cottonwood timber, gravelly land, and it is also used as a fishing station and a trapping base.
- Q. Any merchantable timber on it?
- A. No.
- Q. Have they any stock on this Reserve?
- A. They have two horses and a couple of cows.
- Q. Are these two Reserves necessary for the use of the Indians?
- A. Yes.
- Q. I think that finishes all the Reserves for the Nass Agency; there are only one or two general questions I wish to ask. At different

- points on the river the Indians expressed a wish that a wagon road be constructed from Grease Harbour to Kincolith. Would in your opinion a wagon road there be of any material benefit to the Indians?
- A. Yes.
- Q. What use could they make of a wagon road when they have practically no horses to travel over it?
- A. They would get the horses if a wagon road was built, but I don't recommend it because the cost would be prohibitive and there are not enough settlers in there to warrant it.
- Q. They also ask for telephone communication between Kincolith and Aiyansh?
- A. That is absolutely unnecessary.
- Q. Some of the Indians ask the Commission to intercede for them to procure new band instruments?
- A. I don't consider that is necessary.
- Q. They also asked for a new cannon?
- A. I would give them a cannon if one can be procured.
- Q. Not a German cannon?
- A. Anything that will make a noise.
- Q. Would this cannon be used for offensive or defensive operations or merely for celebration purposes?
- A. Unfortunately they broke their cannon while firing a salute in honour of the Royal Commission during their trip up the river, and if one could be got, I would recommend an old Hudson Bay cannon.
- Q. Do you consider your Agency, as at present constituted, is larger than one Agency can satisfactorily look after?
- A. Yes, I think so.
- Q. What would be your suggestion that it be divided among two Agents or that part of it be given to some other Agency, or whether a Deputy Indian Agent be appointed or an assistant?
- A. That might be a good idea. My idea was to have a separate Indian Agent for the Nishgas - I would look after the Tsimpseans. There is a tribe on the Skeena called the Kitselas, and I would like to have that included in an Agency to be known as the Tsimpsean Agency. I offered at one time to take over the village of Kitkatla, but I overlooked at the time the fact that the Reserves of that land ran

down the Coast for a distance of about one hundred miles, which, from a territorial point of view, would make it almost impossible to cover by one man.

Q. Are the Kitkatlas a part of the Tsimpsean Nation?

A. Yes.

Q. And for that reason you would recommend that an Agency be established to take in all the Indians of the Tsimpsean Band and another Agency to take in all the Indians of the Nishgas?

A. Yes, that is subject to satisfactory arrangements between the Agents

Q The Indians of the different villages on the Naas river urged the establishment of boarding or industrial schools - what is your view on that matter?

A. I think that if a boarding school were established under Government auspices and directly under Government control, it could be made a splendid success for this reason, when the Government has charge of a school they are prepared to provide adequate salaries for its staff and secondly the Indians seem to lean more towards a Government school; they like the idea of a school like that and I believe there would be no difficulty in getting an attendance of 200 pupils if a school of that kind were established.

Q. Would you suggest that one or more than one be established for the Naas River?

A. One, I should say.

Q. And you think that one industrial school for the Nags River would be quite sufficient for the whole of the Nishga tribe?

A. It is just a matter -- I would like to qualify my answer by saying that it is a matter of experiment.

Q. Would you suggest that this be a mixed school for boys and girls or have a separate school for each?

a. I believe in having a mixed school.

Q. Have you any suggestion as to what point would be most convenient for the establishment of one school?

A. No, that would have to be gone into very carefully.

Q. I presume the proper way would be to establish a school say to accommodate 50 or 100, and if they found it was not large enough to

put up a second school?

- A. Yes. Personally, I think a fine site could be found for a school of this kind opposite Mill Bay Cannery at the foot of a hill, which contains a hot spring so that there would be a constant supply of warm water to supply the school for bathing and that sort of thing.

MR. COMMISSIONER MACDOWALL: Is it a medicinal water?

- A. I could not say. The idea is perhaps a good one from that point of view, but as I said before the proper building site for a school of that kind is a matter that would have to be gone into very carefully because there are so many things to be taken into consideration.

Q. Do you find any difficulty in administering your Agency by long distance from Ottawa?

A. No.

Q. Do you believe that the present arrangement is as satisfactory as it would be if a Superintendent of Indians Affairs for the Province of British Columbia was located within the Province?

A. I am not prepared to express an opinion on that matter in evidence. I find the Department always courteous and attentive, and I am perfectly satisfied with the arrangements as they are at the present time.

Q. You are satisfied that the arrangements with Ottawa are satisfactory and meet all the requirements?

A. Yes.

MR. COMMISSIONER MCKENNA: You spoke very strongly in favour of governmentally controlled schools?

A. Yes.

Q. And I think your reason for that was that a Government controlled school would have more funds; that is they would be able to employ good teachers and pay them good salaries?

A. Yes.

MR. COMMISSIONER CARMICHAEL: When you were giving your evidence about a school that was to be put up at Aiyansh, you said that when the lumber was sent up the Indians refused to have anything to do with

it and they would not allow it to be brought up on to the Reserve.
How did that trouble arise?

A. I believe the person responsible for the turning down of those schools was the Rev. J.B. McCulloch.

Q. What was his object in doing that?

A. He had been carrying on through the medium of a press a propaganda which was inimical to the Department and to the Indians in the matter of land, and secondly he had a personal idea that a boarding school should be established between Aiyansh and Gitlakdamiks, and although the late A.E. Green, Inspector of Schools, and I had held meetings among the Indians at both vilalges at which they expressed themselves as being delighted at receiving two separate schools for the villages, still, when the timber was purchased and the material sent forward to Aiyansh, the Indians refused to accept the material and this refusal was followed by a petition sent by the Indians to the Department in which this statement is made: "The Indians have definite ideas of education and consider the Indian Day School inadequate to meet the needs of the Indians". No one can convince me that this idea emanated from any other source than Mr. McCulloch.

Q. When you spoke about this man instituting a propoganda amongst the Indians through the press, do you mean through the public newspapers?

A. Through a newspaper published by himself up at Aiyansh. He printed a paper called the "Huk Haga" or the "Indians Own Paper" in which he takes the role of an interrogator and asks supposed Chiefs about the lands in the Naas Valley and the Indian Land Question.

Q. I suppose he was in favour of acquainting the Indians on the Aboriginal Title?

A. No, I have a copy of his paper - it has a direct tendency to influence the Indians against the Government, and more than that he printed a notice for the Indians which was stuck up on the trees asking white men to keep off their lands until their claims were settled. This notice reads as follows:

INDIAN PROTEST

Against white settlers coming into the Aiyansh Valley, Naas River, B.C.

WHEREAS, we, the Indian people of the above mentioned valley, being the lawful and original inhabitants and possessors of all the lands contained there from time immemorial: and being assured in our possession of the same by the proclamation of His Majesty, King George III, under date of 7th October, 1763, which proclamation we hold as our Charter of Rights under the British Crown;

AND WHEREAS, it is provided in the said proclamation that no private person do presume to make any purchase from us of any lands; so reserved to us until we shall have ceded from the same to the representatives of the Crown in public meeting between us and them;

AND WHEREAS, up to the present time, our lands have not been ceded by us to the Crown, nor in any alienated form from us by any agreement or settlement between the representatives of the Crown and ourselves;

AND WHEREAS, our case is now before the Privy Council in England, and we are expecting a settlement of the difficulty at present existing between ourselves and the Government of this Province at an early date;

WE DO THEREFORE, standing well within our constitutional rights, forbid you to stake off land in this valley, and do hereby protest against your proceeding further into our country with that end in view - until such time as a satisfactory settlement be made between the representatives of the Crown and ourselves.

ISSUED by the members of the Indian Land Committee, elected by the Indians of the Upper Naas.

Signed: J.K. Flyaway, J.R. Badweather, Git-lak-damiks.

S.A. Zeedawit, A.M. Nahneigh, J. Nakmauz, Aiyanish.

Amos G. Neesgwaksaw, Samuel Weeshakes, Johnnie O-yea, Gwinhoa.

Dated at Aiyanish, British Columbia, this 17th day of May, 1910.

WITNESS: This Commission has handed me this Exhibit (Indian Protest) and you ask if this was one of the printed notices referred to by myself. My answer to that should be that this may be one of them or it was a notice similar to that; it was the same purport as that turned out by his printing press.

MR. COMMISSIONER SHAW: Did you send a copy of that Exhibit to the Department?

A. Yes, I believe I did.

THE CHAIRMAN: Did you send a copy of the document in which McCulloch got \$10.00 from the Indians for giving them Crown lands outside of the Indians' Reserves?

A. No, I did not.

Tuesday, December 28th, 1915.

MR. COMMISSIONER SHAW: Taking first your applications for additional lands, have you included in your written statement of applications the applications that were made verbally to the Commission by the

Indians when the Commission was in your Agency?

A. Yes.

Q. And you have them all tabulated and in addition you have specific applications for other pieces of land?

A. Yes.

Q. The first band of Indians that we visited were the Indians of Port Essington?

A. Yes.

Q. Have you any applications for the Port Essington Band of Indians?

A. No - there was an application put in by the Kitsumkalum Indians at that meeting, but that was for a piece of land I was unable to get hold of.

Q. (Examining tabulation) Application No. 1 of the Kitsumkalum Band of Indians - can you give us a description of that land?

A. (Examining sketch plan) It is on Lot 2064 - the description of it is as follows: contains four acres of alluvial soil and contains tie timber - it is close to a Fire Warden's station on the bank of Mud Lake - the S.E. bank of Mud Lake - and is close to the S.W. post of T.L. 2064.

Q. And it contains four acres?

A. Yes.

Q. (Examining map) This piece of land is on the S.W. corner of Lot 2064?

A. Yes.

Q. Are there any Indian improvements on it?

A. There are two Indian houses on it - it is a sort of a fishing station.

Q. And it is covered by Item No. 13, being status of land reported by the Department of Lands, dated 17th June 1915 - is it an important point of fishing for these Indians?

A. Yes.

Q. Would you recommend that this be added to the Reserve of the Kitsumkalum Band?

A. Yes.

Q. Coming next to the Lakelse Band?

A. I have no applications for that Band.

- Q. (Examining tabulation) The next is the Metlakatla Band - what applications have you for that Band of Indians?
- A. A Reserve on Rushtin Island has been set apart already by Mr. Green and surveyed, and an arrangement has been made between the Provincial and Dominion Government for a Reserve.
- Q. (Examining tabulation) Application No.1 of the Metlakatla Band - a part of Rushtin Island already surveyed and set aside by the Provincial government for Indian purposes. About how many acres would there be in that?
- A. I could not say. The land is of very little use except for fishing purposes as it is rocky and it is practically useless for any other purpose.
- Q. Is it necessary for a fishing station?
- A. Yes.
- Q. Would you recommend that it be added as a Reserve of the Metlakatla Indians?
- A. Yes.
- Q. Have you any other applications for this Band of Indians?
- A. Yes, Application No. 2 covers a piece of land on the West Coast of Stevens Island - it is used as a fishing station - it is rocky lane and unsuitable for any other purpose but fishing.
- Q. That is Application No. 2 of the Metlakatla Band?
- A. Yes - it was applied for by Peter Robinson.
- Q. (Examining map) And it is near the northern entrance of Skiaki Bay (marked No. 2 on the blueprint).
- Q. Are there any other applications for the Metlakatla Band?
- A. Yes, Application No. 3 on the north end of Stevens Island on surveyed Lot No. 4783, containing five acres.
- Q. (Examining map) Are you sure that that application will be on Lot 4783?
- A. Yes.
- Q. (Examining map) Five acres on the north end of Stevens Island marked No. 3 on blueprint - any Indian improvements on that piece of land?
- A. Yes, there is an Indian house on it. It is a fishing station, and this house was on this land before it was staked by the surveyor.

- Q. And you recommend this to be added to the Reserves of the Metlakatla Band?
- A. Yes.
- Q. Application No. 4 - the N.E. portion-of Stevens Island - Avery Island applied for. Is the whole of the island wanted or only that portion which includes that piece of land on which they now have their fishing houses and drying racks located?
- A. They want the whole island.
- Q. (Examining map) Can you point it out on the map?
- A. No, I cannot.
- Q. Application No. 5 is for a small island directly east of Arthur Island (marked No. 5 on blueprint) - what do they want that for?
- A. They want it for cockles and clams.
- Q. Any further applications for that Band of Indians?
- A. No.
- Q. The next will be the Port Simpsons - Applications Nos. 1 and 2 (Departmental letter June 17th 1915) is for two parcels of five acres on the western Coast of Pitt Island, one being on Patrol Channel, and the other some distance to the east (marked in red on tracing). What improvements are on those two pieces of land?
- A. There is one cabin on the waterfronr and two cabins on the other piece.
- Q. Application No. 3 of the Port Simpson Band of Indians covers Item No. 2 of the Department's letter June 17th 1915; applications 4 and 5 for two parcels of 50 and 5 acres as shown on the tracing and referred to as item No. 12 of the Department's letter dated June 17th 1915 - what are these two parcels of land required for?
- A. For fishing stations and for cultivation.
- Q. Are there any Indian improvements on them?
- A. Yes, there are houses on both.
- Q. And you recommend them?
- A. Yes.
- Q. Application No. 6 covers a portion of a small island west of Dundas Island, S.E. of Zays Island (Marked No. 6 on blueprint), - the application is for how many acres?

- A. (Examining map) I would say for the whole island.
- Q. What is it used for?
- A. For hunting and trapping and for preparing seaweed cake and they also catch coho and humpback salmon there. The timber is scrubby and the land is poor.
- Q. Application No. 7 covers 10 parcels of land on Zayas Island of 5 acres each to be surveyed to include the Indian houses (marked No. 7 on blueprint) - application No. 8 covers 10 parcels of land of 5 acres each on the N.E. portion of Dunadas Island to be surveyed to include the Indian houses (marked No. 8 on blueprint) -application No. 9 covers two unnamed islands of the Channel group on which are located Indian houses for fishing stations - application No. 10 covers ten acres of land on the most westerly point of middle Dundas Island to be surveyed to include two Indian houses there - application No. 11 covers ten acres of land on the western portion of an island No. 1388 on blueprint to be surveyed to take in the Indian houses marked No. 11 on blueprint -- application No. 12 said to have been surveyed as an Indian Reserve on Wark Channel opposite Wilskas-kanel (No. 14) - how many acres does it contain?
- A. I could not say, but there is an Indian garden there.
- Q. Is the land occupied by the Indians?
- A. Yes - application No. 13 is described as follows: Starting from Indian reserve No. 14 at a point about one-third the distance between this Reserve and No. 16, there is an Indian shack there two houses and a smoke house and a hunting cabin. The land is rocky but there is about fifty yards wide cleared.
- Q. Now coming to the Kincolith Band, have you a description of the general applications that were made for the Kincolith Band at their meetings or shall we have to get that information from the evidence?
- A. I have the applications here with me. (Examining map) Application No. 1 for 500 acres at the head of Hastings Arm around Reserve No. 27 marked on large blueprint and Lot 14614 on which there is an application to purchase.
- Q. Is this land reasonably necessary for the Indians of the Kincolith Band?
- A. The Indians go up there and they hunt in the hills, but I cannot say

whether they need it or not.

Q. Is it for a hunting ground?

A. Yes.

Q. I might say that you must understand that this Commission has refused to give other Bands large' areas of land for hunting purposes; If they want hunting bases or agricultural lands, we consider these applications, but when they make an application for a large area of hunting ground it is impossible for us to entertain the application at all. How many acres are there in I.R. No. 27?

A. That Reserve contains 133.50 acres.

Q. Is that piece of land reasonably required for the use and requirements of these Indians?

A. I would say it is reasonably required for hunting purposes.

Q. And it contains (examining map) about 32 square miles?

A. (Examining map) Yes.

Q. Application No. 2 covers 1,500 acres of Dog Fish Bay, the most of which has been alienated from the Crown. (examining map) It is covered by T.L. 22873, T.L. 14912, Lot 627, 628, 628A, Lot 888, apparently cancelled T.L. 22872, and it comprises approximately 3,000 acres. What do the Indians want this land for?

A. For timber and for fishing and hunting - there is also a good creek there. When the Kullaan reserve was set aside by the Alaska Boundary Award, Commissioner Vowell made application to the Department to set a-part a portion of Dog Fish Bay for the Indians in lieu of that reserve.

Q. Do you know the extent of the Kunsan REserve?

A. No.

Q. And for this reason you say the Indians should have about 500 acres at Dog Fish Bay - could you point out the location on the blueprint?

A. (Examining map) I recommend that they get Lots 627, 628, 62811 and the northern portion of T.L. 22873 containing in all about 900 acres.

Q. Is there good timber on it?

A. Yes, and they want the timber for their sawmill at Kincolith.

Q. Application No. 3 for the whole of Pearse Island for timber and that would contain about 48 square miles - why do they ask for that island?

A. They want it principally for timber.

Q. Do they require the land for agricultural purposes?

A. No.

Q. Any hunting or fishing places on that island?

A. No - I would recommend that a small piece for timber be given to them.

Q. Is it reasonably required?

A. They have recently established a sawmill there.

Q. Could not the Indian Department secure timber limits from the Provincial Government the same as private individuals do?

A. I could not say.

MR. COMMISSIONER CARMICHAEL: Is there any portion of that island that you would consider reasonably required for those Indians?

A. I could not say - I have never been over it. I don't consider that Pearse Island is necessary for them at all.

MR. COMMISSIONER SHAW: Application No. 4 is for the peninsula surrounded by Portland Inlet, Nasaga Gulf and Naas Bay - what is this required for?

A. For timber.

Q. Any Indian improvements on it?

A. No.

Q. Application No. 5 for the whole of Larkum Island at the mouth of Hastings Arm - what is this required for?

A. For timber - in a few years the smelter will destroy all the timber in that neighbourhood, and I don't consider it is reasonably required.

Q. Application No. 6 is for the shore of Observatory Inlet from a point known as Cascade Creek to a point known as Ramsden Point, also the opposite shore from Kitsinet I.R. No. 23 to Reserve No. 14A, thence up the Nass not interfering with Mill Bay Cannery Graveyard Point, to a post which marks the upper boundary of Findlay, Durham & Brodie's ten acres at Stoney Point Reserve. Application No. 7 at the head of Alice Arm and adjoining Gitzalt I.R., Lots 50 and 51, the property of R.P. Rithet & Company of Victoria - would you recommend that the Indian Reserve be sold or cut off and in lieu thereof that lots 50 and 51 be purchased?

A. Yes.

- Q. Otherwise let it remain as it is?
- A. Yes.
- Q. Application No. 8 covers Crabville opposite Fishery Bay asked for both by the Lakalzaps and the Kincoliths - it is T.L. 24* and following the creek up for a distance of four miles where eight Indian houses were erected by the family of Chief Simon Seymour?
- A. In regard to this I would like to say that Superintendent Vowell wrote to the Department on June 6th 1908, File No. 1399, in which he reports on a visit he made to the Naas. He told the Indians that the Indian Department by letter dated February 21st 1907, No. 607115, authorized him to create a reserve opposite Fishery Bay and that he had brought Mr. Green, the surveyor, with him for that purpose; he told them that the timber limit would soon become extinct and he was ready to survey it, but the Indians told Mr. Vowell that they would not accept it; having in view their larger claim to the Indian Land Title.
- Q. In view of the Indians refusing that, would you now recommend that they be given T.L. 24359 as an addition to the Indian Reserves for the Kincoliths?
- A. No, I would recommend certain portions of it that they use for making grease boxes.
- Q. (Examining map) What would you recommend there?
- A. (Examining map) I would recommend that eight parcels of land of five acres each on a creek flowing into the Naas River through T.L. 24350 to be surveyed to include the Indian houses thereon, and also a strip of land on the Naas River commencing at the same creek and extending in a southern direction to the southern boundary of T.L. 24359 - said piece of land to be a quarter of a mile wide.
- Q. Application No. 8 is identical with Item No. 3 of the Department's letter of June 17th 1915 with accompanying sketch --have you any recommendation to make in connection with the ten acres of land owned by the cannery people on Reserve No. 10, Stoney Point. (application No. 9)?
- A. Yes, I would recommend that that piece of land be purchased for the Indians.

Q. For what Indians?

A. For the Kincolith and Lakalzap Bands, and that the Commonage already existing on No. 10 be extended across this 10v-acre piece.

Q. Would it in your opinion be satisfactory to the Tsimpseans and the Metlakatlas to have a joint Reserve established near the Fishery grounds near Red Cliff No. 13 or Stoney Point No. 10?

A. I could not say that it would and I could not say that it would not because the Indians might look at it from a different standpoint.

Q. Do you think it would be better to have a Reserve established for the Tsimpseans and Metlakatlas where they could go without interference by the Nishgas?

A. Yes, provided a suitable place could be found.

Q. Are you in a position today to designate a piece of land at this point for the Tsimpseans and the Metlakatlas?

A. No.

Q. How soon could you do that and let us have it after your return?

A. I could not go up there for a fortnight or three weeks after I get back.

Q. I would suggest that Mr. Perry see if a suitable piece of land could be located for the Tsimpseans and Metlakatla Indians near the fisheries on the Naas River for Red Cliff No. 13 or Stoney Point No. 10.

MR. COMMISSIONER MACDOWALL: If possible you could have the piece of land in such a shape that it could be made into two pieces - one for the Tsimpseans and one for the Metlakatlas?

A. Yes.

MR. COMMISSIONER SHAW: Coming again to the applications of the Kincolith Band, have you any further applications to make on their behalf?

A. Yes, there are one or two applications in the Schedule before you, dated May 27th, 1913.

Q. Application No. 10 for the Kincolith Band - will the description given in Item No. 5 and on tracing No. 5 of the Department's letter of June 17th 1915 cover this application?

A. Yes, as near as possible.

Q. And it is for five acres?

A. Yes.

- Q. Application No. 11 - will the description give in the Department's letter of June 17th 1915, under Item No. 6 be correct?
- A. (Examining map) Yes, I believe it is a cancelled timber limit.
- Q (Examining map) Which is the piece of land asked for?
- A. (He points out the desired location on the blueprint).
- Q. The land required are two pieces marked "X" on tracing referred to as Schedule No. 6 in the letter from the Department, dated June 17th 1915?
- A. Yes.
- Q. Application No. 12 under Item No. 7 in the Department's letter, dated June 17th, 1915--is the description given in that letter correct?
- A. Yes.
- Q. And the plan on the tracing shows the land desired?
- A. Yes, it is for fifty acres more or less.
- Q. That finishes the applications for the Kincoliths?
- A. Yes.
- Q. Now coming to the Lakalzaps - have you any applications for this Band?
- A. Application No. 1 (examining map) is for that land opposite Fishery Bay - they stated that they required the use of that as well.
- Q. What would you say as to that?
- A. I think they should be entitled to use it.
- Q. Would you make it jointly then between the two?
- A. Yes, because they are interrelated.
- Q. Application No. 1 is for the same piece of land that is referred to as Application No. 8 of the Kincolith Band, and you recommend that that application for the land be a joint application for the two Bands?
- A. Yes.
- Q. What would you say about the eight pieces that you asked for on the river - would that be solely for the Kincoliths?
- A. Yes, I think in view of the fact that these families are co-related that it might be best to reserve the whole; that is to schedule them for the two Bands.
- Q. What whole of which - No. 8?

- A. Yes, those families use them and they would be for the use of two Bands - they could go there whenever they wanted to.
- Q. Any further applications for the Lakalzap Band?
- A. Yes, they made very strong claims to a piece of land which adjoins their present townsite and is the property of Findlay, Durham & Brodie - it is mentioned in Cornwall's and Planta's Report.
- Q. Application No. 2 is for a piece of land marked on the blueprint 32 and lying between the northern and southern parts of No. 9 on the north bank of the Naas River - what do they want that for?
- A. They want it as an addition to their townsite, also for gardens and they also want it for building their houses on. This piece of land was dealt with in 1878 by Cornwall and Planta -- it is Crown granted land, but it has not been taken possession of as yet - it is the site of an old Hudson Bay post.
- MR. COMMISSIONER CARMICHAEL: Considering the position of that piece of land between the upper portion of No. 9 and the lower portion of the same Reserve, is it an important matter for the Indians to have that piece of land retained for them if possible?
- A. Yes, as a link between the two portions.
- MR. COMMISSIONER SHAW: Application No. 3 is for T.L. No. 24352, also T.L. 40905, application to purchase 34266, application to purchase 34261, T.L. 40903, T.L. 40904, T.L. 40910 and r.L. 40909, also T.L. 40908?
- A. I would say that the Indians want to follow the creeks running through these limits where they say they have houses and where they take fish and get berries.
- Q. In regard to these several parcels of land, for what purpose do the Indians desire them?
- A. For hunting lodges, for picking berries, and for catching fish in the creeks.
- Q. Do you think it is necessary for them to have a whole timber limit for a hunting lodge?
- A. (Examining map) No, it happens to be a timber limit.
- Q. Do they reasonably require this land for their use?
- A. They want some for timber and some for land and the berries.
- Q. Taking the reserves which they have do they fairly use that land

for agricultural purposes?

A. No.

Q. This additional land that they are asking for, would they use that?

A. They would select patches suitable for gardens.

Q. Would they be severely handicapped for agricultural land if they did not receive the parcels asked for in this application?

A. No.

Q. Regarding the fishing aspect of the question, what is your view as to that?

A. I would say as the Indians have houses along the creek that runs up there, there are two or three creeks they make use of that no doubt and I believe certain portions of that should be set apart in small patches suitable for gardens seeing that it cannot be secured for a hunting territory.

Q. Could you indicate the places that should be set apart?

A. No.

Q. Who is going to do it?

A. I have not had time since the Commission was up there to go over these places.

Q. Are those lodges on alienated land?

A. Some are on the limits and some are behind up on the mountains.

MR. COMMISSIONER CARMICHAEL: Have you any suggestions to make to the Commission as to the acquisition of any portion of that request made by the Indians?

A. Yes, subject to the survey in the near future of these lands, I would recommend that where Indian houses are found to come within that territory, that small portions be allotted to them as a Reserve.

Q. To what extent?

A. Say in plots of five acres a piece, and I would give them a timber limit if it is available.

Q. For the timber limit solely, and not for the land?

A. I would ask for the land - I think the Commission might consider giving them one of these timber limits if they are available. In view of the fact that they have a sawmill at Lakalzap, I would ask

for one of these timber limits if any are found available, and for that reason I would recommend a timber limit nearest to the water.

MR. COMMISSIONER SHAW: Now coming next to the Gitwilluchsilt Band - what is your first application for this Band?

A. Application No. 1 asked for by the Indians is described as (examining map) starting at a point where the Cish Creek flows into the Naas River close to Amatol I.R. No. 6 passing through the canon and by Reserve No. 7 on the left bank of the river and adjoining I.R. No. 29 is a pre-emption of Myers No. 1566; between Cish Creek and this pre-emption there appears to be no land that has been surveyed or applied for. On the left bank is the flat asked for by Chief Paul Kallo; on the right bank the country is mountainous and of very little Value. Leaving Zalzip on the left bank the applications of the Indians include T.L. 24353, application to purchase 16098, application to purchase 33267, application to purchase 33252, 11356, 33268, 33253, T.L. 40906, Crossing the river on the right bank the applications include T.L. 40902, application to purchase 33237, 33238, 33236, 33239, 33240, 33234, T.L. 40901, application to purchase 33235.

Q. And for what use do they require this land?

A. I could not say that they have any use for it at all.

Q. And in your opinion is it reasonably required for their use?

A. No.

Q. (Examining map) What would you say the acreage of that block of land would be?

A. (Examining map) I would think there would be about 10,000 acres.

MR. COMMISSIONER CARMICHAEL: In that area that you have described to us and which is the area asked for by the Indians, are there any special pieces in there that you would regard as being of essential value to them?

A. Yes, I would say ten acres at the mouth of Cish Creek and another ten acres on the flat immediately above the canyon.

Q. Could you mark those on the map?

A. (examining map) Yes, although there is really nothing there to show where these creeks are - the creeks are not marked on the maps.

Q. (Examining map) On which side of the river are those two pieces that

you have just described?

A. (examining map) On the left bank of the river.

Q. (Examining map) Ten acres at the mouth of Cish Creek covering both banks. Ten acres at the mouth of a small creek about a quarter of a mile below I.R. No. 6 on the south side of the river and ten acre: at the mouth of a small creek on the north side of the river opposite the western extremity of I.R. No. 6 - would that be the correct description?

A. Yes.

Q. Now you recommend the purchase of Lot 1566 on which Mr. Myers has a pre-emption record?

A. Yes.

Q. For what purpose do the Indians require this piece of land?

A. For the extension and development of their Reserve and also the timber.

Q. And you consider this is reasonably required and very desirable that the Indians should have it?

A. Yes, I think so - I have taken that up with the owner, and the owner nephew who was then living on the land stated that he thought this could be settled by the Commission and I wrote to Myers and I have a copy of his reply here (which he here reads to the Commission).

Q. Has Myers got a Crown grant of that?

A. Yes, he says he has a Crown grant.

Q. Are there any further recommendations for the Gitwilluchsilt Band?

A. Yes, I would recommend if Myer's pre-emption cannot be purchased for the Indians then I would make application (examining map) for this timber limit No. 24353; that is looking to the future of the Indians

Q. Have you had any communication with the Department regarding the Myers' pre-emption?

A. No. The Indians also made application for T.L. No. 40902, which has always been used by the Indians as a regular camping-place, and this was the place where the Royal Commission camped on their way up the river. (Examining map) I would ask for five acres there.

Q. Are there any Indian improvements on this piece of land?

A. Yes, there is some clearing there and a creek and a sandy beach.

MR. COMMISSIONER CARMICHAEL: What is this wanted for?

A. For a camping-place while the Indians are on their way down the river, and the women wash their clothes in the little creek that is there while they are on their way down the river.

Q. I suppose that if that is given I suppose you would want the five acres to include the shore frontage and the cleared patch?

A. Yes.

MR. COMMISSIONER SHAW: Anything further?

A. As a further alternative for pre-emption No. 1566 and T.L. 24353 I recommend a piece of land on tracing No. 4, lying south of Gitwilluchsilt, and bounded by red and containing 500 acres more or less.

Wednesday, December 29th, 1915.

MR. COMMISSIONER SHAW: Now we begin this morning with the applications for the Aiyansh and Gitlaldamiks Bands?

A. Yes. Application No. 1 is described as follows: (examining map Starting at an old camping ground at the confluence of Kins-hooch River with the Nags River, following the right bank of the Naas River towards its mouth at intervals which come within the pre-emption Reserve, dated February 25th, 1909, and to all appearances is available as far down as the confluence of the Quinn-tahl River with the Nass River, the following portions of land known by Indians names are asked for: Kinshquaik, Gitke-igogquit, Gitdakegin, Kshidin, Minluk, Gis-gait, Gitshedaksit, Git-win-gip-win, Keidi-gaks, Gitginn-latak, Gitk-armzl, Gizaquasgu, Kuk-sgid-asquaw, Gwin-dibilk, at or about a point midway between the Tketin and Quindahl Rivers. At or near the N.W. boundary of the pre-emption Reserve are two hunting lodges known to the Indians as No. 15 Git-gin-miyue and No. 16 Git-sak-sgan. Returning to the bank of the river and following the bank down river near the confluence of the Quinimuck Creek with the Naas River is another old encampment named No. 17 Gin-gilqu, then down river to a point opposite a creek situated north of pre-emption record No. 1667. The creek is named K-mat-kl and is an old encampment asked for. Further down the river at a point opposite the S.W. corner of pre-emption record 1667 and in a direction of the S.B. corner of Lot 1651 an old encampment is asked for.

No. 18, Wil-yagxed. Further down the river at a point opposite the S.W. corner of Pre-emption Record 1667 and in a direction of the S.E. corner of Lot 1651 an old encampment is asked for, No. 19 Au-uks-gwi-ynisq. Back off and around Quin-a-muck Lake those areas of land known as Lots 1648 to 21662, the same being timber limits 5097 to 5116. Coming down the river and at a point-opposite to Grease Harbour at a bend at the mouth of the second canyon two camps are asked for which appear to be Anksanisqu and zun-ma-welisk.

NOTE: They appear to be on Pre-emption Record 1373.

WITNESS (continuing): An additional area is asked for back of I.R. Nos.

1 and 1A to include Lots 1702, 1703, 1704, 1705 and 1707, and the consequent extension of I.R. No. 1 to the northern boundary of I.R. No. 4, including the mouth of the Shumarl River on the northern side. Starting at a point directly opposite the mouth of the Kinshooch River and following the river down on its left bank a string of nine old Indian encampments situated at intervals between points opposite the mouths of Kinshooch and Quinadahll Rivers; at least two of the encampments would appear to be within the north and south boundaries of pre-emption record 1609. The names of the respective grounds are: Quinmauz No. 21, No. 22 Git-aug-gilqu, No. 23 Gwin-goig. Directly opposite the mouth of Quimadahll River is encampment No. 30, Am-oks-wok. At a point a little river opposite the mouth of Quinmook Creek is an old camp No. 31 Qwin-qui-qu which is apparently on pre-emption record 1837. At a point midway between pre-emption record 1667 and a point opposite Quinmook Creek mouth just below 31, there is camp called No. 32, Au-quill-gal-gan, apparently on pre-emption record 813. Situated directly on pre-emption record 1667 is another camp applied for No. 33, Zin-an-aq-wan. On the opposite side of the river from I.R. No. 2 directly north of No. 2 are two camps having Indian names Gwin-smak No. 34 and Kilak-kseep No. 35. These two old Indian encampments are now known as Grease Harbor, and are now in occupation by the Indians - this settlement was the last visited by the Royal Commission on Indian Affairs. On the lower bank of the Sean-skin-nist Creek near its mouth a camp called No. 36, Sqa-ski-hist.

a small encampment situated on a small creek called Gingitl which runs into the Seax River, a short distance from its mouth and near I.R. No. 3 is called Gingilt No. 37. On the upper bank of the Seax River between Reserve No. 3 and Lava Lake is a small camping ground called Sheax No. 38. At a point directly opposite the mouth of Shumarl River below the mouth of the Seax River, there is an old Indian camping ground called Quin-ogaz No. 39 - that completes the applications.

MR. COMMISSIONER SHAW: These are all the applications you have for the Aiyansh and Gitladamaks Band?

A. Yes.

Q. (Examining map) I think we might say that they ask for land on both sides of the Naas River, commencing at a point two miles below their Reserve and extending 25 miles up the river to a distance of from three to ten miles, and also a strip of land along the Seax River from the head of Lava Lake to its junction with the Naas River a distance of approximately 25 miles by two miles wide. There are on the applications you put in sometime ago four sketches - I want to see if these cover any of the applications you have just put in. (Examining sketch) No. 8 for 20 acres more or less on Lot 3090 that is right on the river opposite Quinamuck Lake = does any of the applications put in this morning cover that?

A. (Examining map) That is where the sawmill is. This map doesn't show that, but I have seen a map by one of the surveyors which shows the exact position of the sawmill. In this map it appears to be included in the pre-emption of Mr. McCabe. The creek on the map is shown as being within pre-emption record 1603.

Q. You had better put this in for a piece of land at the mouth of Quinamuck Creek, and that is referred to in the Department's letter of June 17th, 1915. Now sketch plan No. 9 for five acres on Taylor lake - is that included in the general applications?

A. Yes.

Q. Sketch No. 10 for 180 acres being part of Lot 3096 and all of Lot 3096A - is that included in any of your applications?

A. Yes, that is included in the general territory asked for.

Q. Sketch No. 11 for 100 acres on Lots 4001 and 4008; that is about

three miles south of the mouth of Cranberry Creek?

A. Yes, that is also included in the general applications.

Q. You have already gave me the population of the Aiyansh and Gitlakdamiks Indians - what is the population of the two Reserves?

A. 270.

Q. What Reserves do they own?

A. They have No. 1, No. 1A, No. 3, No. 2, No. 4 and No. 5.

Q. That is they have a total acreage of 3953 acres.

MR. COMMISSIONER CARMICHAEL: Of that 3953 acres is that all good land?

A. No, I would say about one-half of it would be good cultivable land.

Q. What would the other be like?

A. Some of it rocky, swampy and covered with timber.

Q. So that the per capita acreage of good land would not follow the good land that they hold?

A. No.

MR. COMMISSIONER SHAW: Taking the land that this Band has and knowing their habits and occupations, would you consider from a land point of view that they have sufficient land for their reasonable requirements - that is I mean land from an agricultural point of view leaving out of the question their fishing and hunting camps?

A. No, I don't think they have enough.

Q. You think they require some additional areas of land?

A. Yes.

Q. You would recommend some of the lands out of the applications that they have made?

A. Yes.

Q. The first nineteen points that you mention as applied for by the Indians, I understand are fishing stations of different members of the Band?

A. Yes, camping and hunting places also.

Q. Have you personally seen these places?

A. Yes.

Q. You have been up the total length of the river?

A. Yes.

Q. And they have all been pointed out to you?

A. Yes.

- Q. Have they as a rule Indian improvements on them?
- A. Yes, a good many of them have houses on them and fish drying houses.
- Q. I presume one house on each station?
- A. No, not on all of them.
- Q. I am speaking generally - there is no station that has three or four houses on it?
- A. There is one station there that has two houses on it, and the rest have one house on it.
- Q. Do you know the number of the place that has two houses on it?
- A. On No. 3 there is a house.
- Q. How many places would you say there are no houses on?
- A. I could not tell you that. At the mouth of Tekitin River there is a place with two houses.
- Q. What Indian improvements are on No. 1?
- A. Two houses on No. 1.
- Q. What Indian improvements are on No. 2?
- A. There is an encampment there but no houses.
- Q. No. 3 - what improvements are on that?
- A. Two houses.
- Q. No. 4 - what improvements are on that?
- A. Nos. 4, 5, and 6, I don't know anything about them because the houses are in the timber and I could not see them.
- Q. On No. 7 there is no house, but it is a camping place but on No. 8 and No. 9 there is a house - No. 10 has no house but No. 11 has a house - No. 12 is a camp and 13 and 14 - you don't know anything about them?
- A. No. Nos. 15 and 16 there is one house on each.
- Q. What improvements are on No. 17?
- A. On No. 17 there is a house on a pre-emption.
- Q. No. 18?
- A. I think that is a camping place.
- Q. No. 19?
- A. Also a camping place.
- Q. Taking these 19 applications would you say that they are all desirable for the Indians for fishing-stations, hunting camps, etc.?
- A. Yes, I would say so.

- Q. And they are fairly close together. They cover a stretch on the river of a few miles and are fairly close together?
- A. Yes.
- Q. Would you suggest that they be set aside - would you suggest a strip of land along the river or would you suggest a certain area?
- A. I would suggest five acres at each point from applications one to nineteen to be surveyed so as to include the Indian houses and camps as the case may be, where, of course they are available.
- Q. Now application No. 20 was for a large area around Quinamuck Lake comprising a number of timber limits - do you know whether these timber limits are held by any parties or not?
- A. (Examining map) Not beyond the information given on the map.
- Q. Are there lot numbers on the map as well as timber limit numbers?
- A. (Examining map) Yes.
- Q. That would indicate that they are covered by timber limits?
- A. Yes, practically more than half of them come within the pre-emption reserves.
- Q. (Examining map) Are there any Indian improvements on any of these timber limits?
- A. Not that I am aware of.
- Q. I might say that if they are held as timber limits it is absolutely useless for us to talk about giving them any of these for additional land - that is provided there are no Indian improvements on any of them. What would be your recommendation as to those timber limits?
- A. I would say that they remain as they are.
- Q. You would not recommend that the lands be given to the Indians?
- A. No.
- Q. If they are available would you recommend that the Indians be given all of them or any part of them as additional lands?
- A. No, I would not.
- Q. 20A and 20B are apparently on pre-emption record 1373 - what would your recommendation be as to those two?
- A. (Examining map) I think they are already within I.R. No. 2.
- Q. Presuming that they are not included within the I. R. what would your recommendation be?

- A. I would recommend that the matter of those two camps be taken up with the pre-emption improvements as a Departmental matter.
- Q. Then we can strike out 20A and 20B to be taken up with the Department. Now 21 - what is your recommendation as to No. 21?
- A. I would set aside five acres there to be surveyed to include the Indian improvements.
- Q. 22 and 23 are apparently on pre-emption record 1609 - what would you say as to those?
- A. I would recommend if the pre-emption record is not in good standing that five acres be allotted apiece for these two house and if the record is in good standing that the matter be taken up with the Department.
- Q. From 21 to 30, three of which we have a specific recommendation on, the remaining six are not located - what would be your recommendation as to those?
- A. I would recommend that they be set apart in five-acre blocks as fishing-stations to be surveyed so as to take in any Indian improvements on them.
- Q. 31, 32 and 33 are apparently on pre-emption records - what would your recommendation be as to those?
- A. I would recommend if the pre-emptions are not in good standing that five acres be set aside for the Indians; if the pre-emption records are in good standing that the matter be dealt with by the Department.
- Q. Now 34 and 35 are the Grease Harbor Lots - and this point is known as Grease Harbor - is that correct?
- A. Yes.
- Q. What improvements have the Indians at this point?
- A. They have a root house, two residences, out-buildings and fencing, and I would say in all about two acres of cultivated land, some in hay, truck gardens and some in a turnip patch.
- Q. And in addition to the houses there are one or two houses partially constructed?
- A. Yes.
- Q. When did you see this piece of land first?
- A. About two years ago Mr. Tyson and I went up together.

Q. That is the first time you ever saw it?

A. Yes.

Q. Were there improvements on it at that time?

A. Yes, there was a frame of a building there and the Indians asked Mr. Tyson and myself for permission to put up other buildings and we told them to wait, but after we had left they proceeded to go ahead with the building which they said they were going to use as a restaurant.

Q. Was the land at that time under cultivation?

A. Yes, there was a root-house which was full of hay, also a little shanty filled with hay, and there was a vegetable garden there and things were growing.

Q. What were the names of the two men who occupied this piece of land?

A. Michael Inspring and Daniel Guno.

Q. Are they bona fide members of the Aiyansh Band?

A. Yes.

Q. Do you know how long it is since they started making improvements on this land?

A. They say about nine years ago.

Q. You have no personal knowledge of it?

A. No, not being a Reserve I had no occasion to go there.

Q. Do you know whether this piece of land was at any time pre-empted by anyone?

A. I understand it was pre-empted by a man named Clay and in a Provincial map, I think it was dated 1912, this pre-emption is shown there, but since that time an issue has arisen between the Province and Mr. Clay which may become a matter of litigation.

Q. Do you know the status of this piece of land at the present moment?

A. Yes, it is a Provincial Reserve.

Q. Reserve for what purpose?

A. I could not say.

Q. This is the outlet to the river from a white settlement lying north of the point - is it north?

A. Lying all around it as a matter of fact.

Q. As a matter of fact are there not a number of settlers in and around this particular point?

- A. *I understand there are about fifty.*
- Q. *And in order to get out this is their landing place and a wagon road leads from this point to the settlement at the back?*
- A. *Yes, if the Government build a bridge there.*
- Q. *Would you consider it will be to the advantage of these settlers and to the Government if this were a Government Reserve?*
- A. *Yes, most decidedly.*
- Q. *And would you consider if it became an Indian Reserve that it would be inimical to white interests?*
- A. *Yes.*
- Q. *As conditions exist today, would you recommend that this be constituted an Indian Reserve leaving out of consideration Indian occupation?*
- A. *No.*
- Q. *And if it is constituted a Reserve what suggestion would you make as to the improvements that the Indians have there?*
- A. *I would say that it is advisable that these Indians be compensated for any improvements they have on it that is provided they were going to be removed from the place.*
- Q. *Have these two Indians any other houses at any other place?*
- A. *Yes, they have homes at Aiyansh.*
- Q. *Which would you regard as their permanent home - the home at Grease Harbor or the home at Aiyansh?*
- A. *In the town of Aiyansh, but they spend a good deal of the year at this place.*
- Q. *What would you consider the value of the improvements that they have at Grease Harbor?*
- A. *Personally, I think that if the Indians were paid a thousand dollars that they should be prepared to clear from this place if they are required to do so.*
- Q. *What would it cost to remove their buildings and put them on an Indian Reserve, and clear up as much land as they have at this place?*
- A. *It would cost more than that the way labor goes up there.*
- Q. *You think it would cost more than a thousand dollars to establish them at a point on the Reserve in the same condition that they are at Grease Harbor?*

- A. Yes, I think so.
- Q. Is there land on the Reserve that they could get presuming that they were obliged to vacate this place?
- A. Yes, there is land on which they could be established at I. R. No. 2 but makes the Grease Harbor land valuable to the Indians is that there is a splendid fishing creek running practically through it where they put up lots of fish.
- Q. What kind of fish?
- A. Salmon.
- Q. There was another man by the name of Derrick who had a house there?
- A. Yes, but he was chased out by the Aiyansh Indians there.
- Q. He built the house that is now occupied by Mr. Priestly as a residence?
- A. Yes.
- Q. Who owns the house that is occupied by Priestly as a store?
- A. Priestly himself.
- Q. This has been a camping-ground for Indians travelling from the Naas River to the Skeena River for generations, has it not?
- A. Yes.
- Q. And as a camping-ground for generations was it not natural to suppose that the most of the work of clearing that land was done by these Indians who camped there?
- A. Yes.
- Q. So as regards the actual clearing of the two acres of land, the Indians did very little of the work themselves?
- A. That is right.
- Q. You could hardly say that they are entitled to compensation for the clearing of that land?
- A. Not for actually clearing the land, but they are entitled to compensation for the land they cultivated.
- MR. COMMISSIONER CARMICHAEL: Have you any knowledge yourself of the time during which the Indians used the land around Grease Harbor before this land was set aside as a Provincial Reserve?
- A. No, only from heresay. Only in the same connection or under the same circumstances as they used other camps outside the Reserves.
- Q. Do you know whether these lands that were used outside the Reserves/had been used before the Province-had made it into a Provincial Reserve? [p.285]

A. Yes.

Q. And they had been used as Indian habitations before the Province constituted it a Provincial Reserve?

A. Yes.

MR. COMMISSIONER SHAW: When was it constituted a Provincial Reserve?

A. I could not give you the exact date.

MR. COMMISSIONER CARMICHAEL: Do you remember in the evidence that we got from the Indians at Grease Harbor that they themselves say they had been there for nine years?

A. Yes.

Q. And that when they came on part of the land which they used had on it evidences of much older Indian cultivation - do you remember that?

A. Yes.

Q. Taking these two facts and whatever knowledge you have as to when this was made a Government Reserve, what would your opinion be as to whether the Indians had been in bona fide occupation of these lands before they were made into a Government Reserve by the Province; in other words was this land not occupied long before it was turned into a Provincial Reserve by the Government of British Columbia?

A. Yes, I am satisfied of that - I go by the traditions of the people. They used to burn their dead there, and they had a place which was used for this purpose for generations, and also there are graves there.

Q. And you would not say it was made a Provincial Reserve generations ago?

A. No.

Q. So that the occupation of the Indians around Grease Harbour inevitably antedated by years the making of a Government Reserve by the Province?

A. Yes, I am satisfied of that.

Q. What is your opinion of the house in which we held our meeting at Grease Harbor from the standpoint of an Indian built house? [p.286]

A. I am satisfied the Indians built that house. [p.287]

Q. Do you consider it to be a pretty good house?

A. Oh yes, it didn't cost very much to build; they got the lumber from their own sawmill at Aiyansh and built it themselves, and I would consider the house to be worth about \$350.00.

Q. And when you based your valuation of the different reserves in your Agency, I suppose you took that into account?

A. No, I did not, because it was not an Indian Reserve.

Q. Daniel Guno was asked "if you had to remove from this Provincial Reserve and start in to live on any of the Indian Reserves, would you have to start again making gardens and building your homes?"

A. It is impossible for me to leave.

Q. That is not an answer to my question?

A. My answer is I am not free as far as the application of this place goes the same as asked for by all the Chiefs of the other villages."

(The above was quoted from evidence).

Q. How do you consider that if this man Guno was order to move off that piece of land and had to start in to build a home anew and to start in breaking new land on an Indian Reserve, do you consider that he ought to receive compensation?

A. Yes.

Q. And considering the man's age the work he has done on this piece of land, the work that he would have to do to make a new home for himself, have you any suggestion to make to the Commission as to the full and fair extent of the compensation that should be paid him?

A. Yes, I said that I considered the Indian should be paid a thousand dollars for their improvements that they have there, and subsequently to that I said it would cost more than a thousand dollars to establish then on another place, but the subsequent consideration would be what it would cost to get their new settlements into shape. It would cost a couple of hundred dollars to clear two acres of land, that would be \$400.00 - his building material would have to be moved from one side of the river to Reserve No. 2 and re-constructed - that would be an additional charge of approximately \$500.00.

Q. Which would make altogether?

A. Another thousand dollars.

Q. Do you mean a thousand dollars for Guno and this other man?

A. Yes.

Q. To move them off where they are now on to new homes on to practically new land, you consider that they would be amply recompensed by giving them a thousand doallars?

A. They would even have to economize on that for the reason that they would have to get new material from the sawmill at Aiyansh; but for the purpose of the Indians I think a thousand dollars would cover it.

Q. It would cover Guno and this other man?

A. Yes.

Q. Would you consider generally speaking throughout your Agency that a recommendation should be made where there are graves on lands outside of the Indian Reserve that these graveyards or graves should be set apart as Indian lands?

A. I think that should be done at Grease Harbour unless the Indians are willing to remove them to another place. If the Indians are willing to have them removed all well and good.

THE CHAIRMAN: In considering the question of compensation and the removal of the Indians from one place to another, would you take into consideration the fact that one of these places where they are at present that they have greater privileges and are better situated at the places where they are now than the place to which they would be removed?

A. Yes, I have taken that into consideration.

MR. COMMISSIONER MACDOWALL: IN connection with this last question, one would infer from your examination that it was contemplated to remove the Indians to a place where their opportunities would be less than they are at Grease Harbour?

A. Their removal to another place would involve travelling from one side of the river to the other.

Q. How are you sure that they would have to travel from one side of the river to the other?

A. They would have to if they wanted to go to that creek, and it is a very dangerous place.

Q. With regard to Reserve No. 2 that is practically uninhabited?

A. There are no houses there.

Q. There is a large acreage there that is not occupied?

A. Yes.

MR. COMMISSIONER CARMICHAEL: So that the Indians would distinctly lose in the value of their time and effort and in the ordinary run of their livelihood, if they were removed from there and had to come to that creek to catch their fish that they can get to now without any effort?

A. That is correct.

MR. COMMISSIONER MACDOFITTALL: When I saw the place it looked to me to be a very short distance from the Reserve No. 2 to that fishery?

A. It is only a hundred yards but the water flows there very quickly.

MR. COMMISSIONER CARMICHAEL: If they were removed to that Reserve could they get to that fishery without going across this hundred yards of quickly running and dangerous water?

A. No.

MR. COMMISSIONER MACDOWALL: Why could they not catch their fish in the Naas River?

A. I don't see any reason at all why they don't catch their fish there.

Q. That would be at their very door?

A. They catch the fish going up the creek.

Q. Why don't they catch their fish in the Naas River?

A. I don't know whether they have any privileges of catching fish at all in the Naas River.

MR. COMMISSIONER CARMICHAEL: Do you consider that if they were removed from that point down to the other Reserve as a matter of fact from the net result of their fishing, would they get less food at that place than the place where they are at the present moment living?

A. No, only it would be more difficult for them to get it.

MR. COMMISSIONER SHAW: Is this creek a spawning bed for the fish?

A. No, I don't think so.

MR. COMMISSIONER MACDOWALL: You said that where these Indians were living, there were signs of prior occupation to the time that Inspring went there nine years ago?

A. Yes, according to their story, yes. [p.289]

Q. And their story was that they burned their dead there? [p.290]

A. Yes.

Q. Is not the place that Inspring lives on the left side of the creek the place where they burned their dead?

A. Yes.

MR. COMMISSIONER CARMICHAEL: Are you satisfied in your own mind that the house that we were in and the other house were both built or had been occupied and the land used by the Indians before that was made a Provincial Reserve?

A. Yes.

Q. Are you satisfied that the house we met the Indians in and the other houses were built and occupied at the time the Indians used that hill for burning their dead?

A. No.

Q. But at the same time as I understand your statement you are satisfied that these houses were built and occupied by the Indians before it was made into a Provincial Reserve?

A. Yes.

Q. How have you satisfied yourself?

A. Because the Indians wrote me at the time the Reserve was made and they told me that they had placed fences all around the houses.

Thursday December 30th 1915.

MR. COMMISSIONER SHAW: The next application is No. 36, Squa-ski-his is a small encampment situated on a small creek which runs into the Seax River near its mouth. That is a fishing station - are there any improvements on it?

A. Yes, there is an Indian house there and it is a fishing station.

Q. And required for their use?

A. Yes.

Q. Application No. 37 - is there a house at this point?

A. Yes.

Q. Application No. 39, Quinogag, at a point opposite Shumarl River are there any houses or improvements at this point?

A. Yes, there is an Indian house there.

Q. Now I think that finishes your list of applications?

A. Yes.

- Q. We have here three sketches that may or may not be covered by some of the other applications - the first is No. 9 - and is for five acres on Taylor Lake - can you locate that on the map?
- A. (Examining map) Yes. (He points out location on map).
- Q. What have you to say as regards to that application?
- A. There are two houses there, and I would recommend that ten acres be given to the Indians there instead of five acres.
- Q. And this is a sketch and description covered by Departmental letter of June 17th 1915. Now Sketch No. 11 is that included in your general applications?
- A. Yes.
- Q. Now Sketch No. 10, that is also included in your former applications?
- A. Yes, I think it was included in either applications 13 or 14.
- Q. No. 10 according to the Department's letter the application is for 180 acres, being part of Lot 3096 and all of Lot 3096A (Examining map) - it should be Lot 3096 - what would you say as regards that-it is the N. E. quarter and is referred to by Departmental letter dated June 17th 1915?
- A. I would say that if they are given five acres where their houses are camp is that it will be satisfactory.
- Q. In view of the fact that you don't recommend those timber limits what would you say in regard to the application for 180 acres - is there any timber on that?
- A. Yes, there is some timber there.
- Q. Is there any cultivable land?
- A. I could not tell you anything regarding the quality of the land.
- Q. Would you recommend the 180 acres, or would you simply recommend the fishing places that were dealt with in applications 13, 14 and 15 - would you recommend that this be given as a Reserve?
- A. Yes.
- Q. That completes all the applications that we have here - have you any further applications to make?
- A. No. Here is a case I would put before the Commission (here hand to the Commission a communication dealing with an application made by a white man called Charles Battle which Mr. Commission Shaw reads).

Q. Has he got his pre-emption?

A. No, he said these men are putting in their stakes and taking it right over his pre-emption.

Q. (After reading correspondence) I think this is a matter that Mr. Perry might take up with the Department right here - it is purely a private matter. As this appears to be a pre-emption record taken up by a private individual it does not properly come before this Commission, and we would suggest that you take the matter up with the Lands Department here?

A. Yes, I will do that.

Q. Are there any further applications?

A. No, I don't think so.

Q. You spoke of the inconvenience and expense of getting over your Agency - what have you to say regarding that?

A. I made application to the Indian Department for a boat sometime ago, and the Department stated there were no funds available; that application was made as a result occasioned by the Customs Department in disallowing the owners of passenger launches to run their own boats. This regulation has, however, been relaxed and since then I have made a proposal to the Indian Department to make a change in the territorial limits of the Agency, and if the Department agrees to that then there will be no need for a launch except a small launch for getting from Metlakatla to Prince Rupert. I would have to get a bigger boat or steamer to visit all the Reserves further up the river but if the Department gave me a launch it would have to be large enough to weather the waters of the North.

Q. In case the Agency is left as it is at the present moment what would you suggest?

A. I would suggest that the Department furnish a big launch.

MR. COMMISSIONER MACDOWALL: Have you seen the launch that Mr. Fougner has?

A. Yes.

Q. Would a launch like that be suitable?

A. Yes, that would be quite suitable.

MR. COMMISSIONER SHAW: I think this completes your examination of the Reserves of your Agency, and I am sure my brother Commissioners

*will concur with me in saying that you have good knowledge of all
the Reserves of your Agency, and that you are taking a very great
interest in the Indians under your charge.*

[p.293]