

**WHAT THE PEOPLE SAID:  
KWAKWAKA'WAKW, NUU-CHAH-NULTH,  
AND TSIMSHIAN TESTIMONIES BEFORE THE  
ROYAL COMMISSION ON INDIAN AFFAIRS  
FOR THE PROVINCE OF BRITISH COLUMBIA  
(1913-1916)**

**Deidre Sanders**  
Department of Anthropology  
University of Victoria  
Victoria, British Columbia  
Canada, V8W 3P5

**Naneen Stuckey**  
Department of Anthropology  
University of Victoria  
Victoria, British Columbia  
Canada, V8W 3P5

**Kathleen Mooney**  
Department of Anthropology  
University of Victoria  
Victoria, British Columbia  
Canada, V8W 3P5

**Leland Donald**  
Department of Anthropology  
University of Victoria  
Victoria, British Columbia  
Canada, V8W 3P5

**Abstract / Résumé**

A "manifest content analysis" of testimonies before the Royal Commission on Indian Affairs for the Province of British Columbia (1913-1916) by Kwakwaka'wakw, Nuu-chah-nulth and Tsimshian people shows that many of the themes and concerns voiced then continue as major themes and concerns to Aboriginal negotiators today. There was a strong desire both to secure access and control of the traditional resource base and to secure opportunities to participate in the contemporary British Columbia economy.

Une "analyse du contenu manifeste" de témoignages présentés à la Commission royale des Affaires indiennes pour la Colombie-Britannique par les peuples Kwakwaka'wakw, Nuu-chah-nulth et Tsimshian démontre que plusieurs des thèmes et préoccupations abordés par les négociateurs autochtones se perpétuent encore de nos jours. Forte était la volonté de protéger l'accès et le contrôle des ressources traditionnelles, tout comme de se garantir les occasions de participer à l'économie contemporaine de la Colombie-Britannique.

During the 1980s and 1990s there has been a flurry of activity concerning Aboriginal land claims and rights in British Columbia. The negotiations are aimed at "settling" the Aboriginal land claims issue in the province. The first attempt at such a settlement was begun by the governments involved in the 1870s and there were also later attempts, notably the Royal Commission on Indian Affairs for the Province of British Columbia (1913-1916). This Royal Commission traveled the province and heard testimony from both Native people and other interested parties concerning land, Reserves, and other Aboriginal issues. This paper is a "manifest content analysis" of the testimonies given before the Royal Commission by people belonging to three of the major coastal Aboriginal groups, the Kwakwaka'wakw, Nuu-chah-nulth, and Tsimshian. Both the broad similarities and some important differences between the testimonies are described. Our analysis shows that many of the same themes and concerns that were voiced by Aboriginal people in 1916 continue as major themes and concerns to Aboriginal negotiators today. In particular, there was a strong desire both to secure access and control of the traditional resource base and to secure opportunities to participate in the contemporary British Columbia economy.

## **The Royal Commission and Its Historical Context**

The Royal Commission on Indian Affairs for the Province of British Columbia, often called the McKenna-McBride Commission, was the second significant effort by the governments of Canada and British Columbia to "resolve" Aboriginal land issues. In 1876 the two governments set up a Joint Commission for the Settlement of Indian Reserves in the Province of British Columbia

to fix and determine for each nation separately the number, extent and locality of the Reserve;... that each nation... of the same language be dealt with separately;... each Reserve... be held in trust for the use and benefit of the nation;... the extra land required for any reserve shall be allotted from Crown lands, and any land taken off a Reserve shall revert to the Province (Canada, 1916:17).

The background to the Joint Commission was the inability of the two governments to resolve differences about how to handle Aboriginal issues and increasing pressure and complaint from Aboriginal peoples about the manner in which the Province of British Columbia was handling the allocation of Reserves and related land issues.

Initially the Joint Commission had three members who began to visit Aboriginal communities to conduct censuses of the population, ascertain local land needs, and investigate various requests. From 1878 there was

only a single Commissioner. The Commission continued to exist until 1908. Although many of the main community sites, cemeteries, and important fishing stations were made Reserves, the Commission did not recognize Aboriginal ideas about land holding and use. This meant that Reserves were small and localized; much smaller, for example, than the per capita entitlements of European settlers who became neighbours of many Reserves. No inclusive territories were recognized.

Many Native people remained unsatisfied with the Commission's approach to the land question and there was continuing pressure to resolve the various local issues as well as matters of general principle that remained. The two governments agreed to a second joint commission in 1913 whose purpose was to achieve "a final adjustment of all matters relating to Indian Affairs in the Province" (Cail, 1974:304). The new Commission was meant to focus on the finalization of Reserve sizes and locations. The larger questions of Aboriginal title or other rights were not a part of the Commission's mandate.

Many in the Aboriginal communities were sceptical of the new Commission. It was particularly difficult for them to see how the Commission was to achieve a final adjustment of Aboriginal matters if such issues as Aboriginal title and the lack of treaties were to be outside the Commission's warrant. The two governments did stipulate that land could not be removed ("cut-off") from Reserves without the consent of the Aboriginal community involved and this seemed to indicate some desire to protect Native interests (Tennant, 1990:88-89). Nevertheless, of the three parties involved, the Aboriginal peoples, and the Governments of British Columbia and Canada, only the latter two had any part in drafting the agreement that set up the Commission and governed its actions, and only they concurred with the conditions therein.

Five Commissioners were appointed in 1913 and they spent three summers traveling extensively throughout the province holding meetings with all of the Native Bands (local groups), engaging the services of interpreters where necessary. They advised those with whom they met as to the purpose of the Commission and heard views on all matters with which the Native peoples were concerned. Other interested parties were also permitted to voice their opinions at these meetings. (Most who did so were missionaries, although local settlers sometimes spoke.) Each Indian Agent was interviewed privately, to provide basic demographic and economic information and to offer suggestions about Reserve additions or cut-offs.

By 1916 the Commission had concluded its work and presented a four volume general report to the two governments. Confirmations, cut-offs, and additions to existing Reserves were discussed and precisely defined. The

report was finally adopted by the British Columbia and Canadian governments in 1923 and 1924 respectively, allowing the latter to apply the same policies in British Columbia as elsewhere in the country. The British Columbia Reserves were adjusted, seemingly resolving Aboriginal land issues in the province. The history of Aboriginal affairs in British Columbia since the Commission shows just how illusory such a "resolution" was when it did not deal with Aboriginal title, treaties, or many other issues important to Native peoples and when it did not involve them as parties to agreements reached.

## **The Testimonies**

The Royal Commission on Indian Affairs for the Province of British Columbia recorded the proceedings of each of the meetings they held with the Native peoples of the province. This record is usually referred to as "the extended evidence" of the Commission and includes typescripts of all of the testimony heard by the Commission and maps and reports received by the Commission. Microfilm versions of the typescripts of the testimony are held in several places including the Public Archives of Canada and the Provincial Archives of British Columbia. The microfilm copy used here is that lodged at the British Columbia archives.

The Commission held one or more hearings within each of the fifteen Indian Agencies into which British Columbia was then divided. All statements made to the Commission during its hearings were recorded by a clerk working for the Commission. The recording clerks are not identified and it is not clear how many clerks were involved or when different clerks may have recorded the testimonies. Variation and inconsistency in the recording of testimony is possible, even probable. Where interpreters were required they were recruited locally and sworn. The interpreters often varied from Band to Band within a language group and were, of course, different for different languages. The transcript usually gives the name of the individual sworn in as interpreter, but the abilities of the interpreters certainly varied. Since the reliability of the recorder(s) and interpreters is unknown we cannot be sure of the consistent accuracy of the transcriptions across the testimonies as a whole. A reading of the record as we have it, however, does strongly suggest that the typescripts had little, if any, editing. Much of the testimony as recorded has features of grammar and usage consistent with speakers for whom English is not the first language.

Within each agency the Commission usually heard the testimony regarding each local group ("band" in Indian Agency terminology) following a similar format. Someone who had been selected by the members of the local group to speak on their behalf would make an opening statement after the Commission had advised those present as to its scope and powers.

Following this, any member of the local group could address the Commission, bringing up any issues that he (more rarely, she) felt were germane to the proceedings. After all had spoken who wished to do so, the Commissioners would question one or two individuals from each local group. The Commissioners asked for population estimates, locations of houses, fishing stations, hunting grounds, timber stands, and the like. They also inquired as to the Native assessment of current church, school, and medical facilities, and as to what uses the local group intended to put certain plots of land if they were set aside or confirmed as Reserves. In this latter part of each group's testimony more attitudes or points of view became apparent if the local Native people cooperated in answering the questions put to them. The majority of such answers echoed or expanded upon the volunteered concerns.

There were three types of Native testimony, depending upon the situation in which the speaker found himself. Some were speaking as representatives of their local groups. Others spoke on their own or their family's behalf. Still others were replying to questions and/or issues put to them by the Commissioners. All of the Native testimony given at these meetings is considered relevant to this study and is analyzed here, regardless of type.

As the preceding description suggests, the testimonies are not a spontaneous expression of Aboriginal opinion on all of the issues of interest to them during the second decade of the 20th century. And it is not likely that the transcripts are free from blemishes and inaccuracies due to recording or translation mistakes. The Commission's inquiry was focused on the Native land issue as their mandate had defined it. This created a framework for the testimony that did not encompass all Native concerns and issues, even on the land question. This clearly focused and channelled the content of Native testimony before the Commission. But, as our analysis will show, this did not prevent many of the Native people who spoke before the Commission from voicing these concerns.

Members representing almost every local group of Native people in British Columbia appeared before the Commission and many local groups were represented by more than one speaker. Some of the testimonies answer specific questions on matters of interest to the Commissioners, but other parts of the testimonies record statements Native people composed themselves for the occasion. Because they include almost every Band in the province and because they include such a range of opinion, the testimonies stand as the best available sample of Aboriginal views early in the century. Unlike many historical documents it is not a summary written after the fact. The testimonies are a detailed record of "events" as they

occurred. They cover a wide range of opinions and topics and not just responses to the land question as defined by Euro-Canadian governments. The testimonies have the advantage of being decidedly Aboriginal, as opposed to Euro-Canadian, and their examination allows us to give primary consideration to the Native viewpoint, yet the testimonies themselves, unlike the official report of the Commission, have been little used in previous discussions of the Commission and its outcome. A content analysis of the testimonies is one way in which we can attempt to take seriously what Native people had to say about their land and resources early in the century.

### **Methods of Research: Content Analysis**

Content analysis is a set of research techniques for analyzing texts. The goal of these techniques is to ensure that "communication content is transformed, through the objective and systematic application of categorization rules, into data that can be summarized and compared" (Paisley, quoted in Holsti, 1969:3). The use of content analysis should improve the researcher's ability to make objective comparisons of texts, but it is not intended as an exclusive or "stand alone" technique. Content analysis might also be called "content coding" or "textual coding" (Markoff *et al.*, 1975:6).<sup>1</sup>

The texts of the testimonies discussed in this paper are subjected to "manifest content analysis." It is important to distinguish between the "manifest" and "latent" content of a text. The analysis of the latent content of a text requires that the researcher infer what the producer of the text meant by the words that appear in the text. Latent content analysis often introduces speculations about what a speaker or writer "really meant" or intended by his or her statements and runs the risk of confusing the description of the contents of a text with inferences about its possible meanings (see Markoff *et al.*, 1975 for more on these points).

In manifest content analysis, as used here, the statements in a text are taken at "face value"—only the actual words of a speaker are coded. At the coding stage no attempt is made to interpret the speaker's intentions. The use of such a procedure permits the establishment of some very basic information regarding the Royal Commission hearings, i.e., how many spoke, who they were, and what groups were represented. Further and more importantly, it yields a structured description of Native attitudes and interests, in quantitative terms, which allows the variety of their concerns and opinions to surface. An objective coding framework prevents the researcher from focusing on only the most dramatic or skilfully presented concerns and it prevents the researcher from focusing only on concerns that may be of great interest in the more recent past.

This is not to say that we will make no inferences about the intentions of those testifying. As Holsti (1969:12-13) puts it

The requirement of objectivity stipulates that only those symbols... actually appearing in the message be recorded.... 'Reading between the lines' so to speak must be reserved to the interpretation stage, at which time the investigator is free to use all of his powers of imagination and intuition to draw meaningful conclusions from the data.

## **Methods of Research: The Topics Coded**

There is no standard procedure for content analysis. Depending upon the constraints and limitations of the data sources and problem being researched, each analyst must formulate a program that best meets her or his goals, while at the same time striving to have a methodology that is systematic, objective, and quantitative. It must be systematic in two senses: all of the relevant text must be processed, not only those parts that appear interesting; and the same coding criteria must be used throughout. It must also be objective, as free from personal feelings, opinions, and prejudices as possible, to ensure the reliability of the measurements. The procedures followed must be presented in enough detail to enable them to be replicated.

Three sets of local groups are included in this study. All of the Native testimony given at the Commission meetings covering these three peoples is considered relevant and included in this study. All of the comments, questions, and suggestions recorded as having been made by Kwak-waka'wakw, Nuu-chah-nulth, and Tsimshian-speaking people are included in the content analysis. Besides the Indian Agents, a few other non-Natives appeared before the Commission at the relevant meetings. Although their testimony is germane to the question of the situation and attitudes of the various Native peoples considered here, it is not systematically analyzed here because it is not direct Native testimony.

Every Native address to the Commission was coded on its own data sheet, although the final unit of analysis was the individual and data sheets for multiple addresses by the same speaker were combined. The data sheets were used to code the various topics about which the speakers were concerned and the nature of the interests voiced. Each sheet also recorded all of the identifying information available for the specific individual (name, position in the local community, place of residence, occupation, religious affiliation, local group membership, and so on—not all of this information is recorded for each individual). Altogether 681 comments by 208 Native individuals were coded.

Reading through the testimonies suggested that the major concerns expressed fit into fifteen major topics (listed in Table 1). These range from the very general, such as Aboriginal title, to specific requests for a particular location for use as a fishing station. The coding sheet has a place for recording the presence of each topic in an individual's testimony. So that topics not picked up in the initial perusal of the testimonies would not be omitted, space was left on the coding sheet for adding additional topics.

Most individuals discussed more than one topic and every topic brought up by an individual was recorded. The mention of a topic was enough to get interest in that topic recorded, but in our coding we sought to reflect more of the content of the testimonies than a listing of topics of interest. To that end, two other aspects of the discussion of each topic were coded. The level of interest in the topic was registered by coding the length of the mention of the topic in an individual's testimony. A scale was devised that was based on the length of discussion: one or two sentences of average length about a particular subject received a value of '1,' a longer discussion of three to six sentences received a value of '2,' and a discussion of seven or more sentences received a value of '3.'<sup>2</sup> In addition, we recorded whether or not each speaker spoke "in favour of," "against," or voiced "no opinion" on the topic.

Some topics not included in our list of fifteen were recorded for a few testimonies. But mention of such topics as roads, electricity, and churches was so occasional and so brief that they made up less than one percent of the total testimonies altogether and were omitted from the analysis as not being of significant concern to these Native peoples at the time of the Commission hearings.

The basic analysis of the Tsimshian testimonies was made by Stuckey in 1981 and the basic analysis of the Kwakwaka'wakw and Nuu-chah-nulth testimonies was made by Sanders in 1995 (see Sanders [1995] and Stuckey [1981]). The same coding sheet and approach was used in both instances and Mooney and Donald were consulted in the course of both analyses, but the time lag and the use of different coders could cause concerns about consistency and reliability problems. To check on reliability Sanders independently coded the testimonies for one of the Tsimshian local groups (the Aiyanih). The rank order on frequency of mention of the topics between Stuckey's and Sanders' codings for this group yielded a Spearman's rho of .85, which suggests reasonably good coding reliability.

The topics coded are given and described in Table 1. A few of the topics call for brief additional comment. The topics "communal ownership" and "individual ownership" are not mutually exclusive. One might presume that if an individual was in favour of one that he was against the other, but we

**Table 1: Explanation of Topics Coded in the Testimonies**

Topic	Explanation of the Topic
Aboriginal title	discussion of forefathers and the right to land from "time immemorial"
Desire for traditional fishing sites	discussion about right or need for traditional fishing stations
Desire for traditional hunting locales	discussion about right or need for traditional hunting areas
Communal ownership	reference to the group or Band owning the land together—does not include discussion of land rights from "time immemorial"
Individual ownership	reference to a single person owning an area of land—i.e., "I want [that land]..."
Reserve system	comments about existing Reserves without reference to wanting/needng more land
Desire for new/additions to existing Reserves	suggestions of needing/wantng more land—many groups offered lists of these applications to the Commissioners
Non-traditional economic activities	reference to commercial fishing, logging for companies, etc.
Desire for farmland	explicit references to wanting land for farming
Desire for timber/logging land	reference to wanting land for timber
Desire for fishing licenses	discussion of right to hold a license to become more involved in the commercial fishing industry
Non-Native territorial expansion	comments regarding non-Native encroachment—i.e., discussion about non-Native fishing settlers moving Reserve boundary markers, settler cattle, etc.
Euro-Canadian legal status	reference to obtaining same legal status as non-Natives
Desire for local health care	reference to local health care
Desire for local education	reference to local education

have not assumed that this was necessarily the case for Native people at the beginning of the century. Many topics were discussed in terms of "I am against \_\_\_\_\_" and "I want \_\_\_\_\_" but the speakers who spoke in favour of one type of land ownership seldom had anything negative to say about the other form. Rather than assuming that all Natives conceptualized these two land ownership forms as opposed to each other we have coded them as separate topics.

## The Groups Studied

As indicated previously, the testimonies of people from three of British Columbia's larger Aboriginal ethnolinguistic groups are analyzed here: the Kwakwaka'wakw, Nuu-chah-nulth, and the Tsimshian peoples. These three peoples were chosen because of their historic and contemporary importance, the relative distance of their homelands from the main areas of Euro-Canadian settlement in British Columbia before World War I, and long standing interests in one or another of these peoples on the part of one or another of the co-authors of this paper. All three traditionally occupied important blocks of territory along the coast of British Columbia and their traditional economies, resource use patterns, and general cultures were broadly similar.

The Kwakwaka'wakw people occupy northeast Vancouver Island and the mainland opposite it. This includes the land from Campbell River to Cape Scott on the east coast of the island and from Cape Cook north on the island's west coast. On the mainland, the land opposite Campbell River north to Smith's Inlet is traditional Kwakwaka'wakw territory. Around the time of contact with Europeans (the 1790s) there were approximately thirty independent Kwakwaka'wakw local groups, each with its own settlements and resource base. The best estimate of the precontact population suggests about 19,000 people. By 1882, largely because of a series of epidemics, there were only about 2,200 Kwakwaka'wakw and their population continued to decline until the late 1920s when their numbers dropped to about 1,100. This precipitous decline in numbers saw the disappearance of some local groups and the amalgamation of many others. By 1916 the Federal Government recognized twenty-three Kwakwaka'wakw "Bands" and "Tribes."<sup>4</sup>

Even before direct contact between the Kwakwaka'wakw and Europeans there was indirect trade through the Nuu-chah-nulth on the west coast of Vancouver Island. From the 1790s on contact became direct and trade was increasingly important. There was much activity during both the maritime and land based fur trade periods and in 1849 the Hudson's Bay Company established a post at Fort Rupert because of its interest in nearby

coal deposits. From the 1860s on missionary activity and Euro-Canadian settlement steadily increased. In 1881 there were forty Euro-Canadian settlers in the Kwakwaka'wakw area and by 1901 this number had grown to 650 (Galois, 1995:29-30). Numerous canneries and logging operations were also established in the area during this period. By the date of the Reserve Commission the Kwakwaka'wakw had been participating in the Euro-Canadian economy for some time, although they continued to attempt to maintain many aspects of their traditional economic and cultural activities as well.

The Nuu-chah-nulth people occupy the west coast of Vancouver Island from Cape Cook south to Point No Point.<sup>5</sup> Around the time of contact with Europeans (the 1770s) there were approximately 7,700 Nuu-chah-nulth living in over thirty independent groups. The Nuu-chah-nulth also experienced the drastic epidemic driven population declines that occurred all along the coast. By 1881 there were only about 3,600 Nuu-chah-nulth and their population continued to decline until 1939 when it was about 1,600. As happened among the Kwakwaka'wakw, some Nuu-chah-nulth independent local groups disappeared or became so small that they amalgamated with others and by 1916 the Federal government recognized eighteen Nuu-chah-nulth Bands or Tribes.<sup>6</sup>

The Nuu-chah-nulth were the focus of the first intensive contact with Europeans by any of British Columbia's coastal peoples. Their country, especially around Nootka Sound, was very important in the early days of the maritime fur trade. After the maritime fur trade waned European interest in the west coast of Vancouver Island dropped off, but by the 1860s European settlement and other economic activity began to increase again. Many Nuu-chah-nulth worked to provide dogfish oil to logging companies that used it as skid grease. Around 1870 many also turned to sealing, working as contract labour on Euro-Canadian owned sealing vessels. Nuu-chah-nulth began to work in the commercial fishing industry, often as seasonal employees in the Fraser River and Rivers Inlet canneries. By the early 20th century the fishing and logging industries were major employers for the Nuu-chah-nulth. The first permanent Euro-Canadian settlement in Nuu-chah-nulth country began in the 1860s in the Alberni Valley. Many Nuu-chah-nulth communities remained remote from their nearest Euro-Canadian neighbours early in the century, but, like the Kwakwaka'wakw, all were participating in the new economy.

Traditionally the Tsimshian-speaking peoples occupied the Nass and Skeena River valleys and that part of the coast and some of the coastal islands from the Nass estuary as far south as Milbanke Sound. They not only consider themselves to be members of communities that the Canadian

government came to recognize and label as "Bands," but they also recognize at least three major ethnolinguistic divisions: the Coast Tsimshian, the Gitksan, and the Nisga'a. Although some of these groupings contain subdivisions above the Band level as well, we will discuss the Royal Commission testimonies only in terms of these three ethnolinguistic groupings in addition to overall Tsimshian results. At the time of contact there were about 14,500 Tsimshian people. By 1885 there were about 4,500 Tsimshian, who reached their population nadir at the end of the 19th century when the population was about 4,100. Before direct contact (in the 1780s) there may have been over thirty Tsimshian local groups. By the mid-19th century there were twenty-six. In 1916 the Federal government recognized twenty-one Tsimshian Bands or Tribes.<sup>7</sup>

The Coast Tsimshian were directly involved in the maritime fur trade from the 1780s and were an important focus for the land based activities of the Hudson's Bay Company from the time of the building of Fort Simpson on the Nass River in 1831. Intensive missionary activity began in the Tsimshian area in the 1850s. Especially influential was William Duncan who worked in the area from 1857 until 1887 when he left British Columbia with some of his Tsimshian followers and set up a new community at Metlakatla, Alaska. Fur trapping and trading remained important for the Tsimshian throughout the 19th century, but salmon canneries began to be established on the Skeena in 1876 and work in both canneries and at logging became important for many Tsimshian people. Euro-Canadian settlement developed slowly throughout the latter part of the 19th century, although there was a minor gold rush on the Skeena in the early 1870s. As in the case of the Kwakwaka'wakw and Nuu-chah-nulth, the Tsimshian had been increasingly active participants in the new economy throughout the last half of the 19th century.

### **What the Testimonies Reveal**

A systematic manifest content analysis of the testimonies of the three peoples undertaken here has many advantages, including the fact that it is a consideration of all the Aboriginal statements contained in the record of testimonies rather than a partial, possibly biased selection from the testimonies. One of its disadvantages, however, is that, because the nature of the results of such an analysis requires a rather abstract presentation, the reader may gain little idea of the style and character of the actual testimonies. The topics of concern are uncovered and reported, but just how these concerns are expressed is not a part of the analysis or usually discussed when the results of such an analysis are presented. A full discussion of other aspects of the testimonies not treated in our manifest content analysis

would require at least one other paper. But it should be helpful to the reader to include a selection from the testimonies themselves. Such a selection will also give some idea of the types of statements that were coded as reflecting a concern with some of the most common topics.

The quotations from testimonies which follow are produced verbatim as they were transcribed by the secretary to the Royal Commission. The reader should keep in mind that in most instances it is an interpreter's version of what was said that was recorded. Grammar, capitalization, and punctuation have not been altered from the original. Nor has vocabulary been changed to make it conform to contemporary standards. The names of the Aboriginal groups involved have been left in the form used by the Royal Commission so that interested readers can locate the testimonies in the original.

[Nitinat Band, 7 May 1914] [Charlie Jackson interpreter]

CHIEF JOE: ... There used to be lots of halibut out there off the banks, and the American schooners have been going out there right along and have been getting rid of all the fish that used to be out there; and still the Japanese come closer into the shore.

[Commissioner: How close do they come in?]

About 2 miles. I want to get authority from the Government to keep the fisherman out three miles from the shore so that the Indians can fish. The Indians do not get enough halibut; the depredations by the Americans and Japs are cutting down the number of fish which we used to catch. You will now see the two rivers from which we get our living—the Chewhoot and the Homitan. The rivers are not big enough. There is just room enough for the Indians. We want to get authority from the Government to stop whitemen from fishing there.

[Commissioner: Are the whitemen fishing on the Reserve?]

Yes, on this and all of the Reserves of the Band. You will see we cannot *illegible* farming here, so that fishing is the only thing which we can do. If the whitepeople should get started out on the river they would clean it out in 5 day as the rivers are not large. (Canada n.d. d: 1) [non-Native territorial expansion]

[Opitchesaht Band, 11 May 1914] [Chief Dan Watts interpreter]

CHIEF DAN WATTS: ... Another thing we would like to have our Reserve resurveyed and new posts put in around our Reserve. We would like to have new posts put in and find out if there are 96 acres here still. Another thing I would like to say

about the fishing in this River (the Somass) here. Many years ago the big men told all the Indians they could fish in this river all they wanted for their food, but now these whitepeople try to stop us. I don't know what we are going to do. We live on our fish—we are not like whitepeople—it is hard for us to get a job here the old people cannot get any job from the whitepeople because they won't employ them. When the young people go out fishing, they give it to their friends, and if the whitepeople are going to stop us fishing with gill nets I don't know what we are going to do—and we don't want to be stopped. We always want to fish. They stop our traps up the river there. The purseine does more damage than we do. Our net is only teen feet wide, and they stop us from using that—and another thing about the hunting of deer and ducks, they told us we cannot shoot any more ducks and deer. The Indians do not go out to shoot everything, they only go out to shoot for their grub, and they kill just enough for their own use. The Game Warden came here and told us we cannot shoot deer and ducks, but the last few years they have been bothering us right along. When we go out we only shoot one or two deer, and when they do get any they give it to their friends and to the old people. We would like to see about it, and want to know if they have the right to stop us regarding the shooting of this game.

Now there is another thing I wanted to say to you about the timber. I don't see why we are not allowed to cut the timber on our reserve; because some day there will be a big fire and everything will be burned up, and we should be allowed to make a few dollars. (Canada n.d. e:1-2) [reserve system; traditional fishing sites; traditional hunting sites; non-traditional economic activities]

[Ahousaht Band, 18 May 1914] [Ralph Deidien interpreter]

CHIEF BILLY: I want to speak to you about a man over at Vargas Island. There was one of my men who had a house over there and lived over there. He left there for a while; and when he went back he found a whiteman living in his house, and this man told him that that place was his, and he did not want him to live over there anymore.

... We used to live over there long ago. We used to have land over there, and the land where the houses are it was cleared by the Indians a long time ago. I want to stop the whiteman coming in to the places where we used to go, because the Indians want to live where their house are, and they want to

keep it. The Indian is not like the whiteman. the whiteman comes around here and buys a piece of land and puts up a house on it, and after living in it for 4 or 5 years, he sells it and makes more money than what he paid for it. The Indians don't do that—they want to keep the land where their homes are.

[Commissioner to Indian Agent: Has this land been crown granted or preempted?

Indian Agent: It has been preempted by Mr. Hopkins.]

The House was there before Hopkins came along—it was built a year before he came, and I want to know if it is right for a whiteman to come along and live in the place where the Indians have been living long years ago. Is it right—I would like to know—I don't want whitemen to come along and take the places where the Indian houses are. (Canada n.d. a:1-2) [non-Native territorial expansion; Aboriginal title]

[Kwawkwelth Band, 1 June 1914] [Mrs Jane Cook interpreter]

CHIEF OWAHAGALEESE: ... I will tell you our grievances, and hope that you will be patient with us and listen to us patiently while we speak to you for all of our Tribes for we are in a bad condition of which I will now tell you—that is why I am here with you to tell you all about our conditions and our lands because we are beginning to see that we are losing our lands; not only our lands but all other things that would be good for our benefit such as fishing and trapping and all the places where we get our food which we have, in former days, been able to get—and all the fur animals. If we want to get any now we are threatened. We have no exclusive rights and privileges in our rivers, and our lands we are losing them and we are losing the privileges among ourselves to have all the fish that are in the rivers that belong to our country—We have no friend to back us up in this matter in this my country for all benefits of the country that I want to hold. We have put down on *paper* what I want to bring before the notice of the Royal Commission. I want to bring to your notice the plan of my land that I have here in my hand. It was only given to me on Saturday night, and according to this plan my land is too little; and I don't understand why the plan was given to me—Is it a sign of ownership?, If it is the land is too small. We have had our meeting and we have looked at the plans and the lands are not sufficient and not at all in the places that used to belong to us.

[Commissioner: We would like to look at those plans to see if they are correct or not?]

They are no use to us as they are—they are not sufficient. Our greatest complaint is the way we are corralled up in these Indian Reserves; and these Indian Reserves are not much use to us because there is nothing in them that we can do—It is time they were done away with. I find that these Indian Reserves that have been reserved for us are not large enough for us—I feel that we have been corralled up in them; and now they are not sufficient for what we have to do—We want to have them cut up or own them. These Reserves have been a cripple or hindrance to us because we have been penned up in them and we want this Commission to do away with them if the Commission can. I find laws governing our Reserves in such a way that we cannot cut timber on any of them.

[The interpreter here reads the paper (referred to in page 1) and is Marked Exhibit "J" No.1.]

CHARLES NOWELL (after hearing the petition read):

We feel there is one important thing which was omitted from that petition—We feel that we ought to have the free right to chop the timber along the shores what they can reach hand-logging to earn our living by. (Canada n.d. b: 1-2) [Aboriginal title; reserve system; desire for more Reserve lands; non-traditional economic activities]

[Port Simpson Band, 29 September 1915, *illegible*, interpreter]

ANDREW JOHNSON: 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 *illegible*/ 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 *illegible*/subject—we would like to discuss it among ourselves as we have not had the opportunity of bringing before proper representatives of the Government our troubles. We that 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 between ourselves and we don't want to get into any clash 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 *illegible*/ in our various conferences at Ottawa... (Canada n.d. f.:1-2) [Aboriginal title]

*illegible*/RYAN: We thank you for the opportunity of coming to you; the chiefs and people of the village thank you for this opportunity and for your kindness for coming *illegible*/subjects of the King, knowing that we are protected by the Sovereign *illegible*/ I have been delegated to speak to you on this question namely on the *illegible*/. We had expected all the time that you would deal with the question, and now that you are here we find that you will 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 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 become fully enlightened the 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 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 hindered 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. (Canada n.d. f:3-4) [Aboriginal title; reserve system; non-Native expansion]

WILLIAM MOODY: ...I am going to bring up another subject altogether and everything I say will be true. We have been, gentleman of the Royal Commission, thrown out of employment from our various rivers, namely the Skeena and the Nass. We are denied the privilege of an independent license with which to fish with on these various rivers and on that account the Indians cannot all fish on these rivers as they cannot all procure licensees. 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 licensees we may be able to take our fish to the best markets and in that way the money made from these fish will remain in the country... and another point about the fishing right along the shores of our Indian Reserve 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 herring. We are denied these privileges ourselves and we now ask for equal rights—if they have the privilege of seining 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 us as regards one of the grievance of the people which I think is important. (Canada n.d. f: 6-7) [desire for fishing licensees; non-Native expansion]

### Individual Groups and Groupings

#### Kwakwaka'wakw Groups

The Commissioners were in the territory of the "Kawakewlth Agency" from May 28 to June 10, 1914, and heard testimony from people belonging to nineteen Kwakwaka'wakw Bands during their visit there. Most of the meetings were held at Alert Bay, but several were held elsewhere, including some aboard the *S.S. Tees* which enabled people from the northernmost end of Vancouver Island and the most northerly mainland portions of traditional Kwakwaka'wakw territory to meet with them. Altogether the Commissioners heard testimony from forty-six different individuals. Each Band was represented by from one to seven speakers; seven Bands had only one speaker each. One of those who spoke for each Band seems to have been regarded as the spokesperson for that Band, although the Commissioners appear to have listened to everyone who indicated that they wished to testify. As well, when two speakers from the same Band spoke

about the same topic the tenor of their remarks on that topic were the same—they were both in support of the same point, neither expressed a clear opinion for or against an issue, and so on. These facts and a reading of the Kwakwaka'wakw testimonies suggest that we can have some confidence that the opinions of those who spoke represented local opinion broadly, even if not every point of view within a Band came out before the Commissioners.

Although many of the Kwakwaka'wakw did make an opening statement to the Commissioners much of the testimony was in response to questions from the Commissioners. This means that the content of the comments was focused on issues of greatest interest to the Commissioners. Nevertheless, a reading of the testimonies makes it clear that those who testified also brought up their own issues both in their opening statements and in their answers to questions.

Usually the Kwakwaka'wakw speaking to the Commissioners spoke of what they wanted in a positive fashion rather than making negative remarks. They talked about what they wanted rather than what they didn't want—of the 202 comments coded most were positive about the topic discussed (77 percent), some were negative about the topic discussed (14.4 percent, all concentrated on two topics), and only a few expressed no clear attitude towards the topic (5.9 percent). Column two of Table 2 shows the distribution of the comments by topic.<sup>8</sup> Not surprisingly the topics most relevant to the Commission's mandate, requests for new and additional Reserve lands and requests for access to traditional fishing and hunting locales, appeared frequently in the testimonies. These three topics were coded separately, but taken together made up nearly thirty-six percent of the coded comments. All of the Bands requested new or additional Reserve land and, in addition, all but two of the Bands spoke for either more fishing sites or hunting sites, often for both. The Commissioners were not interested in Aboriginal title, but the Kwakwaka'wakw were. Eight percent of the comments were about Aboriginal title (made by speakers from almost three quarters of the Bands) and most of these were in support. Two speakers from one Band (Quatsino) discussed Aboriginal title, but without expressing an opinion for or against it.

Support for Aboriginal title, more Reserve land, and access to more fishing and hunting areas could be regarded as reflecting a desire to retain the traditional Kwakwaka'wakw resource base and to continue to use it as had been done in the past. Many other comments in the testimonies indicate that there was also considerable interest in the newer economic activities and opportunities that were available. The desire to participate in non-traditional economic activities, for access to land suitable for logging activities,

**Table 2: Topics Discussed in Kwakwaka'wakw and Nuuchahnulth Testimonies before the Royal Commission on Indian Affairs for the Province of British Columbia**

Topic	Percent of Kwakwaka'wakw Comments	Percent of Nuuchahnulth Comments
Aboriginal title	8.4	4.3
Desire for traditional fishing sites	13.4	9.4
Desire for traditional hunting locales	8.4	5.1
Communal ownership	2.5	1.4
Individual ownership	6.9	9.4
Reserve system	6.4	8.0
Desire for new/additions to existing Reserves	13.8	14.5
Non-traditional economic activities	6.9	9.4
Desire for farmland	3.5	1.4
Desire for timber/logging land	10.9	10.9
Desire for fishing licenses	0.0	0.7
Non-Native territorial expansion	11.4	22.5
Euro-Canadian legal status	0.0	0.0
Desire for local health care	2.5	1.4
Desire for local education	4.9	1.4
Number of Comments	202	138

and for farmland was expressed in just over twenty-one percent of the comments. Members of all nineteen of the Bands spoke in favour of one or more of these non-traditional economic topics. Although statements in favour of local educational opportunities comprised only five percent of the comments, these comments were made by people from nearly one half the Bands. This reinforces the picture of widespread interest among the Kwakwaka'wakw in both protecting their traditional resource base and in being able to take advantage of newer opportunities.

The principal topics that did receive negative comments were non-Native territorial expansion and the Reserve system. Non-Native expansion was the third most frequent topic commented upon (after the desire for additional Reserve lands and the desire for traditional fishing sites) and was the subject of over eleven percent of the comments coded. Concern over non-Native expansion included the encroachment of Euro-Canadian settlers on traditional Kwakwaka'wakw resource lands, interference by settlers with access to traditional fishing, hunting, and timber sites, and the activities of non-Native fishing boats which were deemed a threat which could deplete the fish stocks. Representatives of nearly eighty-five percent of the Bands spoke on this topic. Ninety-one percent of the comments were opposed to non-Native expansion, while the remaining comments were neutral. The three Bands whose members did not address this subject were all in locations relatively remote for Euro-Canadian activities during the period leading up to the creation of the Royal Commission.

The Reserve system itself was the subject of about six and a half percent of the comments coded in the testimonies. Comments on the Reserve system were included in the testimonies representing nearly seventy percent of the Bands. Most of the comments (seventy-seven percent) were critical of the Reserve system, some comments mentioned the reserve system but expressed no clear opinion of it (fifteen percent), and one man spoke in favour, telling the Commissioners that his Band (the Nahwitti) were happy with the Reserve system and that they wanted it to remain as it was. This is the only example of a clear difference of opinion within the Kwakwaka'wakw testimonies.

#### Nuu-chah-nulth Groups

The Commissioners were in the territory of the "West Coast Agency" from May 6 to May 23, 1914, hearing from individuals belonging to eighteen Nuuchah-nulth Bands. Most Bands from all parts of Nuuchah-nulth country were represented at at least one of sixteen meetings. Altogether the Commissioners heard testimony from fifty-eight different Nuuchah-nulth. Each Band was represented by from one to eight speakers; two Bands had only one speaker each. The Commissioners appear to have allowed everyone to speak who indicated that they wished to do so, although one of those who spoke for each Band seems to have been regarded as its principal spokesperson. When two or more speakers from the same Band spoke about the same topic they did not differ in the attitude they expressed about the topic—for no Band did one speaker take a negative position towards a topic when another took a positive position on the same topic. As with the Kwakwaka'wakw testimonies previously discussed, this leads

us to believe that we can have some confidence that the opinions of those who spoke represented local opinion broadly, even if not every point of view within a Band came out before the Commissioners.

As with the Kwakwaka'wakw who spoke before the Commissioners, most made some sort of opening statement, but much of the testimony was in the form of responses to questions put by the Commissioners. This means that the Commissioners guided the content of the Nuu-chah-nulth testimonies to some extent as was true for the Kwakwaka'wakw. Nonetheless, the content and style of the testimonies makes us confident that those who testified brought up their own issues and point of view both in their opening statements and in their answers to questions.

The Nuu-chah-nulth speaking to the Commissioners did not always express a clear opinion about a coded topic, although when they did express their opinion it was usually positive. Of the 138 comments coded over a quarter (27.5 percent) were neutral, just over one half (55.1 percent) were positive, and the remainder (17.4 percent, almost all dealing with a single topic) were negative. Column three of Table 2 shows the distribution of the comments by topic and the percentage of the Bands whose members addressed each topic. Topics most relevant to the Commission's mandate, requests for new and additional Reserve lands and requests for access to traditional fishing and hunting locales, appeared frequently in the testimonies. These three topics were coded separately, but taken together made up just over twenty-eight percent of the coded comments. Just over seventy percent of the eighteen Bands had speakers who addressed the topic of new and additional Reserve lands and all but three Bands had speakers who addressed at least one of these three topics. Aboriginal title was the subject of just over four percent of the comments and was mentioned by speakers for just over a quarter of the Bands, although two thirds of the comments coded as dealing with Aboriginal title expressed no opinion about it, either favourable or unfavourable. Surprisingly, even ten percent of the comments about new or added Reserve land and access to traditional fishing and hunting locales did not express an opinion.

In addition to comments about retaining the traditional Nuu-chah-nulth resource base, many of the testimonies contain comments coded as expressing concern about non-traditional economic activities. Interest in non-traditional economic activities, a desire for access to land suitable for logging activities, and a desire for farmland were expressed in just over twenty-two percent of the comments. Most of the coded comments were positive about these topics, although over a quarter (25.8 percent) of these comments were neutral and one comment was negative on the topic of non-traditional economic activities. Someone from seventeen of the eight-

een Bands spoke about one or more of these non-traditional economic topics.

All but one of the negative comments coded in the Nuu-chah-nulth testimonies was about non-Native territorial expansion. This topic was the subject of the largest number of comments (22.5 percent) and members of all but one of the eighteen Bands discussed it. Almost seventy-five percent of the comments were negative, while the remainder did not take a position towards non-Native expansion. Most of the comments about non-Native expansion were about fishing and expressed the fear that non-Native fishing boats were depleting the fish stocks and were coming in too close to shore and interfering with the traditional fishery.

The Reserve system itself was the subject of eight percent of the comments coded in the testimonies. Just over half of the Bands included comments on the Reserve system in their testimonies. Most of the comments (81.8 percent) expressed no opinion about the Reserve system, while the remainder of the comments were positive.

#### Tsimshian-speaking Groups

The Tsimshian whose testimony before the Royal Commission is analyzed here include Bands who belong to all three of the major divisions of Tsimshian-speaking groupings. These Bands were assigned to three different Indian Agencies at the time of the Royal Commission, the Nass, Babine, and Bella Coola Agencies. Because they were divided amongst three agencies a considerable time span passed before all the Tsimshian Bands were asked to meet with the Commissioners, although a total of twenty-one days was actually spent listening to Tsimshian. Three of the groups on the coast met with the Commissioners between August 26 and September 4, 1913. Nearly two years later the Commissioners began meeting with the other Tsimshian Bands. These meetings occurred during the periods April 17 to 23, 1915, July 13, 1915, and September 25 to October 9, 1915. One hundred and five people from a total of twenty-one Bands addressed the Commission. Each Band was represented by from one to seventeen people. The Tsimshian hearings were organized in the following manner: the "chief's speaker" or someone else who had been selected by the Band to speak on their behalf made an opening statement after the Commission had advised those present as to its scope and powers. Following this, any member of the local group could address the Commission, bringing up any issues that he felt were germane to the proceedings. Then the Commissioners asked questions of some of those who had spoken. Because each Tsimshian Band had an official spokesman who

began their testimony, we can be sure that these speakers represented the opinions and ideas of a significant segment of each Band.

Most of the Tsimshian Bands clearly expected the Commissioners to deal with questions of Aboriginal title and related land issues when they came to testify before them. The Commissioners quickly made it clear that they could not deal with these broader issues, but only with the question of removals from or additions to current Reserve lands. Upon learning this the various Tsimshian Bands reconsidered their approaches to the Royal Commission. Some revised their presentations to include more emphasis on the interests of the Commission, while continuing to include comments about Aboriginal title in their testimonies. Others decided not to cooperate with the Commission for fear of jeopardizing their land claims.<sup>9</sup> These groups did make brief addresses to the Commission, usually focusing on Aboriginal title, but their members refused to answer all or most questions put to them by the Commissioners. Of the twenty-one Bands who testified, eight refused to cooperate with the Commission.<sup>10</sup> This clearly had some effect on the character of the Tsimshian testimonies and the topics discussed in them. The issue of non-cooperation will be discussed as appropriate later in this section.

There were 341 codeable comments made by the 105 individuals who spoke in the Tsimshian testimonies. Most of the comments were put in a positive fashion stating what was wanted rather than what was not wanted—of the 341 comments coded most were positive about the topic discussed (71.3 percent), some were negative about the topic discussed (21.1 percent, almost all concentrated on two topics), and only a few expressed no clear attitude towards the topic (7.6 percent). Table 3 shows the distribution of the comments by topic for each of the three major ethnolinguistic groupings of the Tsimshian and for the Tsimshian overall. The topics most relevant to the Commission's mandate, requests for new and additional Reserve lands and requests for access to traditional fishing and hunting locales, appeared moderately frequently in the testimonies. These three topics were coded separately, but taken together made up nearly twenty-five percent of the coded comments. For each of these topics only about half the Band testimonies included the topic. The impact of the uncooperative Bands is important here, for only occasionally did an uncooperative Band's testimony include any of these three topics, while all of the cooperative Bands' testimonies included at least one of these topics in their comments. The Commissioners were not interested in Aboriginal title, but the Tsimshian were. Speakers representing all but one of the Tsimshian Bands included Aboriginal title in their testimonies and Aboriginal title was the most frequently coded topic in the Tsimshian testimonies (17.3 percent

**Table 3: Topics Discussed in Tsimshian Testimonies before the Royal Commission on Indian Affairs for the Province of British Columbia by Major Ethnolinguistic Grouping**

Topic	Percent of Nisga'a Comments	Percent of Gitksan Comments	Percent of Coast Tsimshian Comments	Percent of All Comments
Aboriginal title	16.0	26.2	14.2	17.3
Desire for traditional fishing sites	8.3	6.2	10.8	8.9
Desire for traditional hunting locales	9.6	9.2	5.8	8.2
Communal ownership	1.9	3.0	1.7	2.1
Individual ownership	2.6	4.6	5.0	3.8
Reserve system	6.4	23.1	14.2	12.8
Desire for new/additions to existing Reserves	12.2	3.1	4.2	7.6
Non-traditional economic activities	9.6	1.5	6.7	7.0
Desire for farmland	9.6	6.2	5.8	7.6
Desire for timber/logging land	8.3	4.6	5.8	6.7
Desire for fishing licenses	2.6	0.0	5.8	3.2
Non-Native territorial expansion	10.9	9.2	13.3	11.4
Euro-Canadian legal status	1.9	3.1	6.7	3.8
Desire for local health care	not coded	not coded	not coded	not coded
Desire for local education	not coded	not coded	not coded	not coded
Number of comments	156	65	120	341

of all comments). Most of these comments were in favour, even strongly in favour, of Aboriginal title, although two of the fifty-nine comments were negative and five did not express an opinion either way. The importance of Aboriginal title to those Bands who did not cooperate is indicated by the fact that fifty-one percent of their comments were about Aboriginal title, while only about thirteen and a half percent of the comments of cooperating Bands' comments were about Aboriginal title. This does not mean that cooperating Bands were not interested in Aboriginal title (all but one of the thirteen cooperating Bands mentioned it), but that they spoke much more about other topics than did the non-cooperating Bands.

Many comments in the Tsimshian testimonies suggest that those speaking had an interest in seeing the people that they represented participate in non-traditional economic activities as well as an interest in defending the traditional resource base. The desire to participate in non-traditional economic activities, a desire for access to land suitable for logging activities, and a desire for farmland were expressed in just under twenty-five percent of the comments. All of the cooperating Bands' testimonies included comments about at least one and usually more than one of these topics. The principal topics that did receive negative comments were non-Native territorial expansion and the Reserve system. The Reserve system was the second most frequent topic commented on (after Aboriginal title) and non-Native expansion was the third most frequent topic. All of the comments about non-Native territorial expansion were negative, often very negative. The Reserve system received more mixed reviews: sixty-nine percent negative comments, twenty-six percent positive comments, and five percent indicating no opinion.

The extent to which Bands belonging to one or another of the three Tsimshian ethnolinguistic groupings cooperated with the Commission affects the distribution of those groupings' comments. Only three of the nine Gitksan Bands cooperated with the Commission, while five of seven Coast Tsimshian Bands, and all five of the Nisga'a Bands cooperated. Gitksan comments are dominated by comments on Aboriginal title and the Reserve system (49.3 percent of all Gitksan comments). These topics are important to the Coast Tsimshian (28.4 percent) and Nisga'a (22.4 percent), but the fact of their greater cooperation means both more comments and a higher frequency of other topics appeared in their comments.

The testimonies of the Nisga'a appearing before the Commission require specific notice. The Commissioners met with the Nisga'a Bands and heard their testimonies from October 4 through October 9, 1915. These were the last Tsimshian testimonies to be taken and the Nisga'a had the advantage of knowledge of other Tsimshian Bands' experiences before the

Commission. The transcripts of the Nisga'a sessions and the comments by the Commissioners in their published report suggest that the Nisga'a gave the Commission a well organized, friendly reception. There appear to have been undercurrents of hostility in most of the other Tsimshian sessions even when those testifying were cooperating with the Commission. By 1915, although they were the last Tsimshian to meet with the Commissioners, the Nisga'a were probably the most experienced Aboriginal people in British Columbia when it came to pressing claims to land and Aboriginal title. In the years immediately before the Royal Commission came north to the Nass area they had been especially active in matters relating to land issues. In August of 1912 the Land Committee of the Nisga'a decided to draft a petition demanding clarification of Native rights in matters of land title. This petition was to be submitted to the Judicial Committee of the Imperial Privy Council. On January 22, 1913, such a petition was adopted by the Nisga'a meeting at Kincolith and copies were sent to the relevant ministers of the Government of Canada. Later the Nisga'a requested that the Government of Canada present their petition to the Imperial Privy Council. The Nisga'a were also active in furthering the cause of Aboriginal land claims by attempting to enlist the support and cooperation of other Aboriginal people in British Columbia throughout 1916. This degree of land agitation might have been expected to lead to a negative rather than a positive atmosphere at the Nisga'a meetings with the Commissioners. The Nisga'a, although cooperative with the Commission, had not given up on or set aside the issue of Aboriginal title. They merely divided the issues, said something about Aboriginal title and then focused much of their attention on the direct business of the Commission. As one Nisga'a leader put it

... we wish to thank you for falling in with our plans and meeting with 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 the village to appoint these speakers here today...  
(Canada n.d. c:52).

### **Overall Comparison of the Three People's Testimonies**

The testimonies before the McKenna-McBride Commission of the three peoples analyzed here share a number of similarities. It was possible to classify almost all of their comments to the Commission as pertaining to one of fifteen topics. The importance of each of these topics, as measured by the frequency of its appearance in the testimony of each of the peoples, was also broadly similar. This is shown by fairly high correlations between the rank orders in frequency of topics in the three sets of testimony.<sup>11</sup> To

some extent the similarity of topics and the relative importance of topics are artifacts of the Commission's agenda and manner of proceeding when taking testimony. But, as was clearly shown in the discussion of each of the individual people's testimonies, Aboriginal people brought their own concerns before the Commission as well.

We can group many of the coded topics into two major categories, one we can identify with a concern with preserving the "traditional" Aboriginal resource base and one we can identify with a concern with acquiring access to resources to allow participation in the larger Canadian economy. Traditional resource base topics may be identified as the desire for traditional fishing sites, the desire for traditional hunting locales, a desire for new Reserves or additions to existing Reserves, and an interest in Aboriginal title. Interest in the newer Canadian economy may be identified with the topics of a desire for farmland, a desire for timber and logging land, a desire for fishing licenses, and more general comments about non-traditional economic activities. Both sets of topics have a healthy representation in the testimonies of all three peoples. The newer economic themes comprise between twenty-one and twenty-five percent of the topics for the three groups. Traditional resource base topics comprise between thirty-three and forty-four percent of the topics of the three groups. Each people showed a strong interest in both themes. We should also point out that, although we have treated an interest in Aboriginal title and added Reserve land as reflecting traditional resource interests, there is no doubt that a part of the interest in these two topics reflected a realization that some of the resources being sought would strengthen possible increased participation in the larger Canadian economy.

Although the testimonies were broadly similar in terms of topics and the relative importance of topics, some important differences between the testimonies emerge from our analysis. The relative importance of topics for the Kwakwaka'wakw and Nuu-chah-nulth is much more similar than either is with the Tsimshian ranking. In addition, there are interesting differences and similarities in the highest ranking topics. Table 4 shows the four highest ranking topics in each people's testimony. The most important similarity is that for all three peoples non-Native territorial expansion was one of the most frequently mentioned concerns, never ranking below third. A desire to increase access to traditional fishing sites was also important in all three testimonies. Both the Kwakwaka'wakw and Nuu-chah-nulth gave prominence to one of the Commission's main agenda items since new Reserves or adding to existing Reserves was their first or second ranking topic. The Tsimshian focus on Aboriginal rights and on the Reserve system itself was only weakly reflected in the Kwakwaka'wakw and Nuu-chah-nulth testimo-

**Table 4: Most Frequently Occurring Topics in Kwakwaka'wakw, Nuuchahnulth, and Tsimshian Testimonies before the Royal Commission on Indian Affairs for the Province of British Columbia**

Rank of Topic	Kwakwaka'wakw		Nuuchahnulth		Tsimshian	
	Topic	Cumulative % of Comments	Topic	Cumulative % of Comments	Topic	Cumulative % of Comments
First	Add to existing Reserves	13.8	Non-Native expansion	22.5	Aboriginal title title	17.3
Second	Traditional fishing sites	27.2	Add to existing Reserves	37.0	Reserve system system	30.0
Third	Non-Native expansion	38.6	Timber lands	47.9	Non-Native expansion	41.5
Fourth	Timber lands	49.5	Fishing Sites/ Non-traditional economics/ Individual ownership	76.1	Traditional fishing sites	50.4

nies. While these topics rank first and second with the Tsimshian, one tied for fifth and the other ranked ninth for the Kwakwaka'wakw and they ranked tenth and eighth for the Nuu-chah-nulth.

The Nuu-chah-nulth testimonies are quite different from the other two in one important regard. Just over one quarter of their comments were coded as neutral. That is, the comments mention a topic, but do not indicate whether the speaker has a positive or negative attitude towards the topic being discussed. For both the other peoples neutral comments comprise well under ten percent of the coded comments.<sup>12</sup> We can offer no hypothesis to explain the relatively high proportion of neutral Nuu-chah-nulth comments. The Nuu-chah-nulth do not appear to have been substituting neutral comments for negative ones to avoid offending the Commissioners. The proportions of negative comments are very similar for all three groups.<sup>13</sup> Almost all of the negative comments for each group are focused on a very small number of topics. For the Kwakwaka'wakw two thirds of them are in reference to non-Native territorial expansion (their comments on this topic are over ninety percent negative with the remainder being neutral) and the remaining third were about the Reserve system (just over three quarters of this topic's comments were negative—most of the others were neutral). All but one of the Nuu-chah-nulth negative comments were about non-Native territorial expansion. Even on this topic the Nuu-chah-nulth penchant for neutral comment comes into play as about twenty-five percent of their comments on this topic were neutral (none were positive). A majority of the negative Tsimshian comments (fifty-three percent) were about non-Native territorial expansion, which received no positive or neutral comments from the Tsimshian. Most of the remaining negative comments were about the Reserve system (just under forty percent of the negative comments). The Reserve system got a somewhat mixed report from the Tsimshian: although sixty-nine percent of their comments on this subject were negative, twenty-six percent were positive and five percent neutral.

## Conclusions

The members of the Royal Commission were interested in land and its use by Native people. Specifically they wanted to know whether more or less land was needed for Reserves and where land should be added to or taken away from what was currently allocated to the various Bands testifying before them. When visiting the territories of the three peoples whose testimonies are analyzed here their questions show an interest in identifying traditional uses such as burial areas and fishing stations and in current economic needs as those needs were construed by the Commissioners. Their decisions reveal an equal readiness to reduce as well as add to

Reserve holdings (the Nuu-chah-nulth Bands, for example, gained 657.15 acres of Reserve land, but lost 840 acres), but their decisions and the two levels of government's manner of ratifying these decisions did not take any of the larger issues of Aboriginal land or rights into account.

Most of the topics brought up in the Aboriginal testimonies also deal with land and its control and use, although those testifying before the Commissioners frequently had a wider view of the issues than did the Commissioners themselves. In the testimonies of all three peoples considerable concern was expressed about the impact of the activities of persons of non-Aboriginal origin as these activities increasingly affected the economic and other activities of Native people. The more abstract issues of Aboriginal title and Aboriginal rights were also important, especially to the Tsimshian. Economic topics, both those relating to traditional ways of exploiting the resource base (fishing stations, hunting locales) and those relating to participation in the British Columbia economy (logging and other "non-traditional" economic activities) received considerable attention in all the testimonies. This is not surprising since none of these peoples had ever acknowledged a loss of their traditional rights to land and resources and most had by 1916 a fairly long history of significant participation in the new economy.<sup>14</sup> This strong interest in both the "traditional" and the "new" economies is contrary to widely held public views that participation in traditional and Euro-Canadian economic styles is contradictory and that Aboriginal people cannot be interested in both—views popular at the time of the Royal Commission and more recently.

There are important continuities between the concerns expressed by those speaking on behalf of all three of the peoples whose testimony we have analyzed in this paper and the issues that have been significant in negotiations about Aboriginal land and other claims in the more recent past and in the present. We can now see that the decisions of the Royal Commission in 1916 were not even a significant beginning towards "a final adjustment of all matters relating to Indian Affairs in the Province." In their testimonies before the Royal Commission the Kwakwaka'wakw, Nuu-chah-nulth, and Tsimshian were, in effect, telling the Commissioners and, through them, the two levels of government that land issues would not be settled by such a narrow approach to the land question. When they spoke of Aboriginal title and their strong interest in both retaining access to and control over their traditional resource base and in their recognition of a need for a resource base that would allow them to participate in the contemporary British Columbia economy, the representatives of all three peoples presented a perspective that continues to be important. There are also significant continuities in strategy from 1916 to the present. For example, among

the most dramatic recent events involving Aboriginal rights in the region of the province that falls in Tsimshian territory have been the 1996 signing of a draft treaty agreement between the Nisga'a and the two levels of government (K'watumus, 1996), and the Gitksan's participation in *Delgamuukw v. the Queen*, their claim to ownership and jurisdiction over their traditional territories (Miller, 1992). In 1916 the Nisga'a cooperated fully with the Royal Commission while continuing to argue for their Aboriginal rights while most of the Gitksan Bands were uncooperative with the Commission, fearing such cooperation would jeopardize their land claims.

The testimonies discussed here were given in a specific historical context and were constrained by that context. The members of the Royal Commission were concerned with the specifics of Reserves and directed their inquiries to that end. Nevertheless, the topics introduced into their testimonies by the various Aboriginal speakers went beyond the context of whether or not new Reserves and additions to old Reserves were needed and addressed a range of issues, particularly those concerning Aboriginal title and the impact of non-Native settlement and activities on Native communities. This suggests that analysis of the testimonies before the Royal Commission by those speaking for other First Nation peoples will also give us many insights into the issues that were important to those peoples and their attitudes about these issues. We would expect that many of the themes that emerged from our analysis of the Kwakwaka'wakw, Nuu-chah-nulth, and Tsimshian testimonies would reappear in the testimonies of Aboriginal people wherever they were in the province, but that local issues and perspectives would also become apparent.

### Notes

1. Detailed discussion of content analysis and the various techniques included under this rubric can be found in Holsti (1969) and Weber (1990).
2. Number of sentences rather than space on the page had to be used because the typescripts lacked standard page margins or spacing.
3. The name Kwakwaka'wakw means "those who speak Kwak'wala" and was suggested in 1980 by the U'mista Cultural Center as more appropriate than the names in common use historically such as Kwakiutl or Kwakiulth that originated with the name of one group of Kwak'wala speakers at Fort Rupert.
4. See Boyd (1990), Duff (1964), Codere (1990) for basic information on the Kwakwaka'wakw and further references.
5. The name Nuu-chah-nulth was adopted by the Nuu-chah-nulth Tribal Council to replace Nootka, the name by which these people have been

most commonly known historically but which was mistakenly applied first to the Mowachaht group and then by extension to all their linguistic confreres as well.

6. See Boyd (1990), Duff (1964), Arima and Dewhirst (1990) for basic information on the Nuuchahnulth and further references.
7. See Boyd (1990), Duff (1964), Halpin and Seguin (1990) for basic information on the Tsimshian and further references.
8. We have chosen to discuss the percentage of comments by topic for the overall testimony given by a particular people. Another approach would be to consider the number or the percentage of the Bands whose members addressed each topic. Since the rank orders of topics by percentage of comments and percentage of Bands who spoke on a given topic are almost identical for each of the peoples whose testimonies are discussed in this paper, focusing on number of Bands commenting in addition to or instead of percent of comments would add nothing new to the discussion (the lowest of the three Spearman's Rhos for rank order correlations is .97).
9. See Sterrit (1989:278-282) for a recent Gitksan discussion of this point.
10. One Coast Tsimshian Band did not testify before the Commission. It is not clear from the available material whether or not this was because they refused to cooperate with the Commission in any way or for other reasons.
11. For the Kwakwaka'wakw and Nuuchahnulth Spearman's rho equals .90, for Kwakwaka'wakw and Tsimshian Spearman's rho equals .63, and for Nuuchahnulth and Tsimshian Spearman's rho equals .51. These coefficients are statistically significant at  $p < .01$  (Kwakwaka'wakw/Nuuchahnulth, Kwakwaka'wakw/Tsimshian) or  $p < .05$  (Nuuchahnulth/Tsimshian). The mean Spearman's rho is .68 and Kendall's coefficient of concordance (W) is .79 ( $p < .01$ ), suggesting good overall agreement between the three rankings of testimony comments.
12. The exact percentages are: Nuuchahnulth, 26.8; Kwakwaka'wakw 6.4; Tsimshian 7.6. The difference between the Nuuchahnulth and the other two is significant by the  $\chi^2$  test ( $p < .001$ ).
13. The percentages of negative comments range from 15.4 to 21.4 and these small differences between the three groups are not significant by the  $\chi^2$  test ( $p = .19$ ).
14. On this last point see Knight (1978).

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