SEVEN

The White Problem

Few Aboriginal People in the province were as favourably located as were the Lekwungen when it came to access to an urban market.[1] Moreover, the Lekwungen were unique in that the head of each family received a large cash settlement – $10,000 – in 1911 as part of their agreement to exchange their urban reserve for a suburban one. So it is puzzling that the particular experience of the Lekwungen mirrors the provincial patterns of increasing involvement in the capitalist economy in the nineteenth century and the decreasing involvement in the twentieth century. By 1960, the Lekwungen were apparently worse off than were the Tsilhqoti'in, for example, who had no advantages when it came to joining the modern capitalist economy.

Aboriginal Peoples around British Columbia had different access to subsistence resources and paid work. Their cultures, histories, and experiences with immigrants varied dramatically. Yet, in spite of this diversity, which is evident in the comparison of the Lekwungen and the Tsilhqot'in and is drawn out in other local studies[2] – there was one key feature that was held in common: the "state" played a primary role in shaping aboriginal access to the capitalist, subsistence, prestige, and welfare economies. Moreover, the government's role was complicated by the fact that the various arms of the state were often at war with each other. This conflict was physically enacted in 1929, on the steps of the legislature, when the superintendent of Indian Affairs for British Columbia and the Commissioner of the Game Branch had a shouting and shoving match, practically coming to blows over the latter's limitation of aboriginal trapping and hunting.[3]

The Tsilhqot'in harassed the fur traders until they left their territory and generally kept European settlement at bay, but they were at one end of the scale of responses. More common were the Aboriginal People who relocated their village sites so as to be close to the centres of European commerce. When Fort Simpson was established at its present location in 1834, ten Ts'msyen villages relocated to the site to benefit from trading with, and working for, the European newcomers.[4] The four Kwakwaka'wakw villages that relocated to be close to Fort Rupert when it was established in 1849 did so for similar reasons. Several Heiltsuk villages amalgamated around

When applying for work outside of the reserve he is often refused because white men are as a rule unwilling to work alongside of Indians.

Department of Indian Affairs Annual Reports, 1912

In that House of Commons in Ottawa, there's a couple of hundred white men, and sometimes I think that all they do is dream up new laws against the Indians! They've pushed the old ways out so we can never go back.

Charles Jones, Nuu-chah-nulth, 1976

◀ Secwepemc waiting to meet game warden, 1891 (see p. 250)

After the Money, the Potlatch

After 1900, when we got gas boats and money was coming in from fishing and logging, we called all the fourteen tribes of our Kwagiuth people to Cape Mudge for potlatches more often.

Harry Assu, Kwakwaka'wakw, *Assu of Cape Mudge*, 1989

the site of Fort McLoughlin after its establishment in 1833, and the Kwantlan people moved their village adjacent to Fort Langley after its construction in 1827.

In the mid- and late nineteenth century, many aboriginal groups asked that fur posts or settlements be established among them. After the Haida on Haida Gwaii had dug as much gold as they could without having access to explosives, they invited the Hudson's Bay Company to establish a fort among them; the Cowichan also asked that a fort be established in their territory; while the Haisla of Kitamaat and the Nisga'a of Kincolith on the Nass River asked for a sawmill to be built in their respective areas.[5]

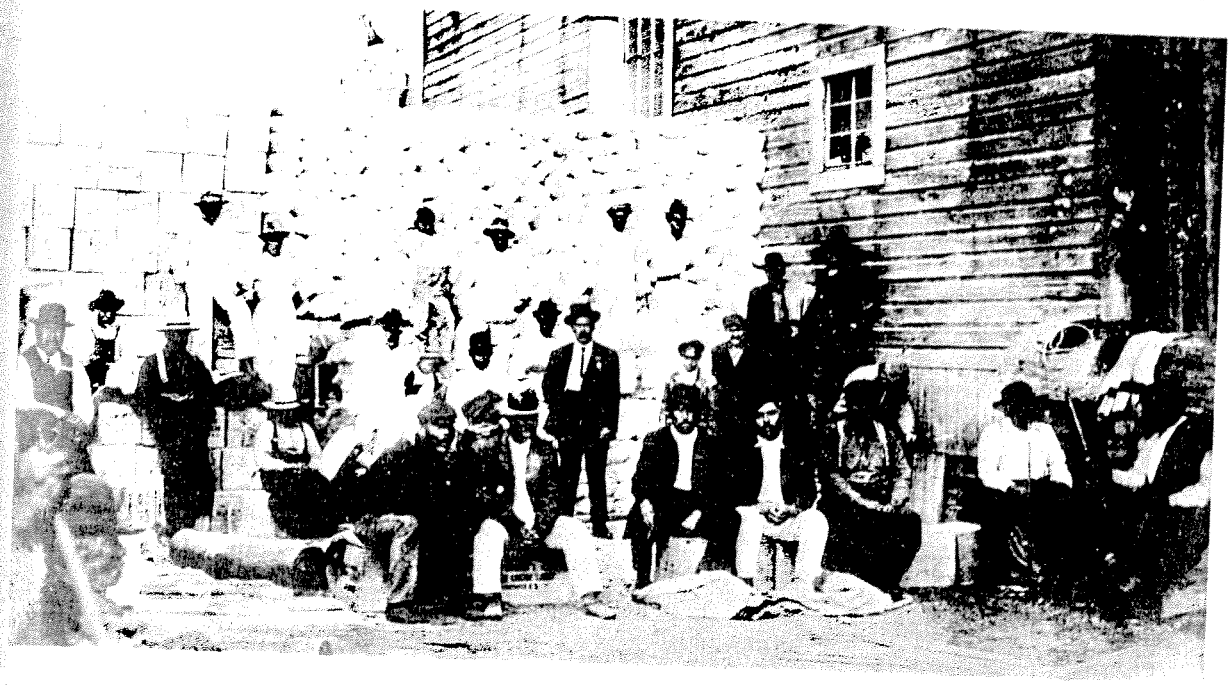
The Aboriginal People who were eager to participate in the foreign economy tended to be those who had well-developed prestige economies of their own. When these aboriginal workers joined the capitalist economy, they, like the Lekwungen, did so for purposes integral to their own priorities. Helen Codere's study of the Kwakwaka'wakw shows that, for them, work for wages and production of goods for sale increased the frequency of potlatches as well as the number of guests and the wealth distributed. She calls the period between the founding of Fort Rupert in 1849 and 1921 "the potlatch period."[6]

Codere charted the increasing number of blankets given at Kwakwaka'wakw potlatches, going back over a century (numbers that were well remembered by her informants owing to the importance of establishing relative prestige levels). The number of blankets distributed gives an indication of the striking increase in wealth, both available and distributed. The following list shows the peak number of blankets distributed at the single greatest potlatch of a twenty-year period:

1829-48	320 blankets
1849-69	9,000 blankets
1870-89	7,000 blankets
1890-1909	19,000 blankets
1910-29	14,000 blankets
1930-49	33,000 blankets[7]

Billy Assu, a Kwakwaka'wakw from Cape Mudge, wrote that his first memories were of his father's 1911 potlatch: "My father worked for the money to give that potlatch for many years. He gave away goods and money to the value of more than $10,000 [over $230,000 in 2008 dollars].[8]

Among the Haida, increased work and trade meant that the number of new totems being raised with the accompanying gift-giving ceremonies reached a peak between 1860 and 1876. In 1884, a delegation of Nuu-chah-



Potlatch at Alert Bay, 1910-12. Chief Johnnie Clark is in the centre (in white shirt, right hand in pocket)

nulth chiefs expressed their views about the purpose of work, saying "We work for our money and like to spend it as we please, in gathering our friends together; now whenever we travel we find friends; the 'potlatch' does that."[9] Like the Lekwungen, Aboriginal People in many parts of the region made wage labour work for them, not the other way around.

These Aboriginal People entered the workforce on their own initiative; however, where and when work opportunities opened up was something they could not control. Nor did they have control over the process whereby they were "racialized" as "Indians" and assigned a particular role in the hierarchy of wage relations. As Europeans settled among Aboriginal People and began working alongside them, some were willing to admit that "Indians" worked "better than many whitemen," that they were "equal, if not superior to a man of our own race."[10] But there were those in prominent positions, like the editors of Victoria's *British Colonist* newspaper, who, even while Aboriginal People were performing the bulk of the labour in the city, could say: "though they are possessed of 'bone, muscle, energy and intellect,' their habits of indolence, roaming propensities, and natural repugnance for manual labour, together with a thievish disposition which appears to be inherently characteristic of the Indian race, totally disqualifies them from ever becoming either useful or desirable citizens."[11]

British Columbia was to be "a White Man's Province," where employers were publicly chastised for hiring "Indians."[12] When the other Victoria paper, the *Gazette*, called for a dispassionate examination of "whether it

Indians versus Whites

Scores of Indians are employed by the Executive at the expense of the country to improve the grounds around the surveyor's office ... Now we are disposed to employ whitemen in order to retain population in the country. If public monies are to be dispensed let it be given to those who are bone of our bone and who will thereby remain with us to build up the country with the proceeds of their labour. The Indians will remain anyhow.

British Colonist, June 1, 1859, 2

would not be better for us as a colony to encourage white labor, and discourage Indian, as far as lies within our power," it came down heavily on the side of discouraging Indian labour.[13] And this is just what the laws of the colony, and subsequently the provincial and federal governments, did.

Aboriginal People all over the province experienced the effects of laws explicitly aimed at limiting their economies as well as other laws, which, in the process of their administration, had the same effect. These severely limited the kinds of work that Aboriginal People could do, but even more fundamental were the laws and regulations that defined "Indians" and established a set of race-based privileges and limitations.[14]

In 1872, the Act to Amend the Qualification and Registration of Voters removed the right of Aboriginal People to vote in provincial and federal elections. One of the impacts of this act was that, not being voters, Aboriginal and Chinese people were legally prohibited from the professions of law and politics.[15] Worse, the aboriginal majority of the population (about 73 percent of the population at that time [see Table 6.1]) was thereafter at the legislative mercy of the white minority, who used the state to further disadvantage Aboriginal People.

This single act put Aboriginal People outside the political process. They would have no say in who governed them, even in those places and periods in which they were the majority. They could not elect anyone to represent them municipally, provincially, or federally. When unfairly treated, they had no political voice. Their only access to politicians was through the Indian Agent, up the chain of command in the federal bureaucracy, to the Minister of Indian Affairs and then possibly through him to other federal, provincial or municipal officials. Of course, this rarely worked, and it was often the case that it was the Indian Agent himself who was the problem they wanted to complain about.[16]

When the federal Indian Act, 1876, pathologized Indians as legal minors, it prohibited them from buying, selling, or consuming alcoholic beverages. The prohibitions against alcohol had a far-reaching effect with regard to limiting aboriginal employment as it kept Aboriginal People out of the hospitality industry. While fortunes were made in Victoria by supplying Indians with liquor (a crime), and a tavern operated on the Songhees reserve in Victoria from 1862 to after 1879, it was against the law for Indians themselves to engage in the extremely profitable liquor trade.[17]

The Indian Act made it illegal for Aboriginal People to own or to be employed in establishments that served liquor. In rural British Columbia, the few viable service enterprises included stores and hotels. Since hotels had to sell liquor in order to compete and survive, Aboriginal People were essentially excluded from the hospitality industries until after 1956, when

the last federal laws restricting "Indians" from consuming alcohol were withdrawn. Hotels and saloon/beer parlours were among the most common forms of rural enterprise, and one of the most profitable urban ones.

Many Aboriginal People did take up another common form of rural enterprise – the general store. Though there were no prohibitions against running a store, there were limits on what Indians could sell, and not being able to sell liquor put them at a distinct disadvantage. Moreover, any products containing alcohol were also prohibited to them. As the Pharmaceutical Society of British Columbia pointed out, no products containing alcohol, including medicines, cod liver oil, hair oil, vanilla and other extracts, and even perfume, could be legally stocked by aboriginal merchants.[18]

Being legally defined as minors had another far-reaching effect on aboriginal entrepreneurs: Indians did not own their own land. Non-Indian entrepreneurs could borrow, using their house and land as collateral, and use these loans to invest in stock, boats, logging equipment, or more land. Indian reserves were owned by the Crown and held in trust for Indians: they could not be mortgaged. This lack of borrowing power disadvantaged Aboriginal People in every enterprise that required capital investment. In the fishing industry in particular, it meant that Aboriginal People were more dependent on canning companies than were white fishermen, who could mortgage to raise capital and buy their own boats.

The Voter Registration Act and the Indian Act may have been the most significant individual pieces of legislation affecting Indians, but they were accompanied by a long stream of legal enactments that had two consistent aims. First, the state alienated control over resources that had previously rested with the indigenous inhabitants; and, second, it gave whites preferential access to these resources. This pattern of alienation of aboriginal control of resources, and then the denial of access on the same terms as whites, is visible in every major economic resource: fish, timber, fur, and minerals. But the first and most important alienation came in the form of land.

The full impact of the alienation of land from aboriginal to colonial, provincial, and federal control lies beyond the scope of this discussion, but certain elements are important in the context of aboriginal economies.[19] By limiting the size of the reserves allocated to less than twenty acres per family (compared to the 160 acres allocated to aboriginal families on the Prairies), and by preventing Aboriginal People from pre-empting land (whites could pre-empt 320 acres [160 acres west of the Cascade Mountains]), the colony and the province effectively transferred most of the land owned and used by Aboriginal People in southern and central British Columbia to white farmers, loggers, and ranchers.[20]

It Was a Big Deal

My dad started a sawmill to create employment for people on the reserve. So what's the big deal about? Anybody can go and start up a business – unless you are a native Indian during that time you couldn't go to a bank and borrow money because you were considered a ward of the government and you had no assets that the bank could claim if you weren't able to pay back your loan. So it was a big deal that he started the sawmill and employed all the able bodied men in the village.

Doreen Jensen, Gitksan, interviewed in the film *A Forgotten Legacy: Spirit of Reclamation* (2002)

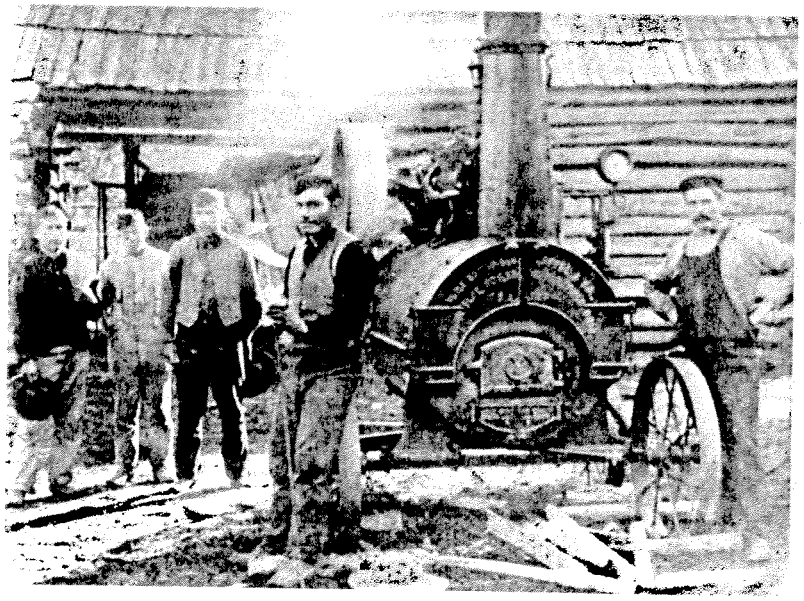
Busteling Sons of Civilization

The indolent, contented savage must give way to the busteling [sic] sons of civilization and toil.

James Bell to John Thomson, February 27, 1859

Although federal Indian policy and the Indian Agents made a concerted effort to turn Aboriginal People into agriculturists, the size, soil, and location of most the land left to Indians made that an impossible task. In the remaining areas, where conditions were favourable for agriculture, Aboriginal People did take up farming, but against enormous odds. When the Department of Indian Affairs applied to the province on behalf of Indians for grazing land, which was regularly leased to whites, Indian Superintendent Vowell reported "that all such applications have been invariably refused." The Indian Agents complained that "the provincial authorities will not sell or lease lands to Indians," are "chasing the Indian's horse off the Crown Ranges," and have denied them water rights necessary for irrigation. Thus, through its control over pre-emptions, reserve allotments, grazing, and water rights, the province curtailed the ability of Aboriginal People to move into commercial agriculture.[21]

Aboriginal People were also denied other assistance that provincial and federal departments of agriculture offered white farmers. In 1913, noting the relative success of non-aboriginal fruit farmers, the commissioners of the McKenna-McBride Commission addressed the Cowichan Indian Agent as follows: "You know as a matter of fact that the fruit growing industry of this province has been developed largely by the efforts of the Agricultural Departments of both the federal and provincial governments in sending out experts who lecture at different places and which have started such things as Farmers' Institutes. Have the Indians been able to avail themselves of this instruction?" "No Sir," was the response. In fact, the only



Threshing machine owned and operated by the Cowichan at Somenos, 1901

trained agricultural "assistance" provided to aboriginal farmers in British Columbia was through a single inspector whose job was to ensure that aboriginal orchards were sprayed with pesticides – not to improve the aboriginal crop but, rather, to prevent pests from spreading to nearby white orchards.[22]

The pattern of alienation and discriminatory regulation is also apparent in the federal government's attempt to make fishing a "white man's" industry. Until Confederation, Aboriginal People controlled access to the fisheries and managed them according to their own complex system of customary law.[23] After 1871, the federal government claimed the sea and the resources in it, by virtue of the British North America Act and the agreement that brought British Columbia into Confederation. In 1877, the federal Fisheries Act was extended to BC.[24]

From before the arrival of Europeans to the expansion of salmon cannery operations in the late 1870s, aboriginal men comprised the fishing fleet in British Columbia and aboriginal women processed the fish.[25] The large sums earned by Aboriginal People in fishing and canning as the commercial fishery expanded in the 1880s drew competition from whites, Chinese, and, later, Japanese. This inundation of immigrant fishers put pressure on the fish stocks, and the federal government responded by imposing a licence system for fishers that was in force between 1888 and 1892. Thereafter, the canneries agreed on a voluntary quota system, which set an upper limit on the number of Aboriginal People and Asians that would be allowed to fish.[26]

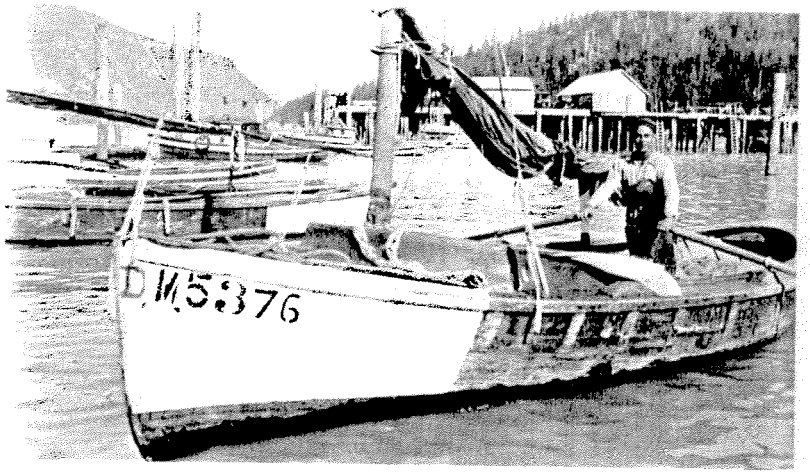
When the voluntary system proved unstable, the state intervened in 1913 with a "white-preference" system of licensing. White fishers were granted independent licences and were able to sell their fish at higher prices than were non-white "attached fishermen." Aboriginal and Asian fishers could only get a licence by applying through individual canneries, where they had to sell their fish at the offered price. The government's stated intention was to increase the share of whites-only licences in the industry by 10 percent per year at the expense of Aboriginal People and Asians.[27]

The canning companies argued that they, too, wanted a "white man's" industry: "We have always been loyally anxious to employ white fishermen and have in every instance given good and competent white fishermen the preference," wrote the president of the largest cannery corporation on the coast, BC Packers. His company "voluntarily offered to employ a steadily increasing proportion of white fishermen [commencing at 20 percent of the total number] which we believe the only method calculated to attain the desired result, viz, the settlement of a large number of white fishermen on the coast."[28] It appears that the Department of Fisheries agreed.

Independent Indians Liable to Be Difficult

The issue of [independent] fishing licences to Indians is especially to be depreciated. They are wards of the Dominion Government and specially treated and protected ... It is not deemed advisable to grant Indians "Independent" licences as they are liable to misinterpret the reason and become difficult to manage by the authorities.

William Henry Barker, BC Packers, to the Hon. J.D. Hazen, Minister of Fisheries, August 19, 1913



David Moody, Nuxalk, rows a gillnetter toward the BC Packers Wharf at Bella Coola in 1934

These new regulations prompted eighty aboriginal fishers from northern British Columbia to protest to the fisheries department:

> During the present season we were told by the officials of your department that we could not purchase an Independent Licence as it was only for white men ... We have fished on the various rivers of Northern British Columbia for a good many years and many of us have our own boats and fishing gear and we think we are entitled to have an independent licence to catch salmon, provided we comply with the regulations laid down by your department. We are natives of this country and as fishing is one of our means of livelihood, and we are loyal British Subjects, we think that it is only right and fair that if we have the money to purchase a licence, and the other qualifications necessary, we be allowed to have these independent licences.[29]

In 1916, William Halliday, Indian Agent at Alert Bay, pointed out the effect of the licence system: "No Indians at present in District No. 2 can get an independent licence and as the number of attached licences are limited many of them can get no chance whatever to fish."[30] One aboriginal witness told a 1917 Fisheries Commission: "The Indians always get smaller licences every year ... We are liable to not fish in some years. There is very few Indians fishing now to-day compared with before. Q. But do they want to fish? A. Sure they want to fish, but lots of fellows just stay home; can't get no licence."[31]

Without any elected legislators to advocate on their behalf, Aboriginal People depended on the Indian Agents to intercede with the Department of Fisheries, which they often did. In comparison to the lobbying of the cannery companies and the voting white fishers, the agents had little

Forced Out of Fishery onto Relief

Graham: I think it is a great hardship that the Indian is not allowed to sell his salmon in order that he might be able to buy sugar, tea and flour and other ordinary necessaries of life ... Take, now for Indian at Yale. There are great numbers – in fact all the Indians living at Yale are the old Indians who have never worked out. They have made a living by catching the odd salmon and selling them in the town and they have complained very bitterly on account of their being prevented from selling fish in order to provide themselves with sufficient money to purchase the ordinary necessities of life.

Commissioners: Have many of them been imprisoned for that object?

Graham: Yes, and in cases like that I have to supply the old people with relief because they are not allowed to sell fish.

Indian Agent Graham, Lytton Agency, to McKenna-McBride Commission, October 27, 1915

effect. In 1919, Agent Halliday told his superiors that fisheries officers had arbitrarily decided not to give licences to Indians who had not fished the year before. Since there had been a high demand for spruce wood in 1918 for wartime airplane construction, forty-six Indians from Halliday's Kwawkewlth Agency who normally fished had logged instead, and now they could not get back into the fishery. In turning down their applications, the inspector of fisheries was prepared to admit that he had "a great reluctance in granting salmon gillnet licences to Indians" because, he said, "they are so persistent in going up streams" and fishing in their traditional territories, "where they are not permitted."[32]

While disadvantaged compared to whites when it came to gillnet licences, Aboriginal People were absolutely prohibited from holding a licence to operate the more profitable purse seiners. Beginning in 1886, seiners appeared in the Pacific salmon and herring fishery. Bigger than other fish boats, and requiring a larger crew and more technology in the form of power winches, seiners, under most conditions, were the most efficient harvesters. Purse-seine licences, the Indian Agents were told, were limited to "persons of the white race." When applying for a seining licence for Banks Island, Ts'msyen Amos Collison was told by the fishery inspector that the area was "already covered by licenses." Joshua Sebeshaw heard a similar story, while Henry Watt was told that independent licences were only granted to enfranchised Indians or half-breeds not living on a reserve. Not until 1923 did the combined pressure from Aboriginal People and Indian Agents persuade the Department of Fisheries to allow Indians to purchase seine licences on the same basis as whites – a rare example of the fisheries department backing down.[33]

The link between salmon fishing and the well-being of most Aboriginal British Columbians related both to the commercial and the subsistence fisheries. In the 1908 view of the Department of Indian Affairs: "In British

No Indian Has Ever Yet...

You know that no Indian has ever yet been given a purse seine license and that they have not changed their policy.

Agent W.M. Halliday to Johnny Scow, May 20, 1922

Columbia the character of the salmon run very much determines the question of the year's prosperity for the majority of Indians, since they depend upon the salmon to furnish the main staple of their winter's food, and upon the earnings at the canneries for the purchase of other necessaries."[34]

While barriers were being placed in front of Indians engaged in the commercial fishery, between 1894 and 1911 their rights to fish for their own food purposes were also increasingly circumscribed. First, the federal government made it illegal for Aboriginal People to catch fish in the traps, weirs, and reef nets they had used long before Europeans arrived. The fisheries inspector for the North Coast District 2, John Williams, rationalized the prohibitions on traditional food fishing this way: "The trouble is that the Indians are so lazy and idle that they will not do anything at all ... Let them come down to the cannery and work as all other Indians do, they cannot be spared."[35]

Then, the regulations stipulated that Aboriginal People had to obtain a permit from fisheries officers before they could catch fish for food by any means whatsoever. In theory, any (registered) Indian could get one of these; in practice, the fisheries officials limited the number of licences issued and the times and places they could be used. In certain periods, such as the three years between 1919 and 1921, food fishing was banned entirely on the Fraser River and its watershed, depriving over eight thousand Aboriginal People of the main item in their subsistence economy.[36] Referring to the proliferation of fisheries laws, Nuu-chah-nulth Peter Webster thought: "All of these things made it easy to get into trouble with the law. I think a lot of us became 'criminals' without really knowing the reason."[37]

In the 1950s, aboriginal fishers received "I" licences and were only permitted to fish in designated areas. Alternatively, they could purchase a non-aboriginal "A" licence that would allow them to fish in a broader area, as they had traditionally done, but this licence prohibited them from receiving any help from the Indian Fisheries Assistance Board. Since aboriginal fishers could not borrow money from a bank to buy a boat (because, as mentioned, they could not use their homes to secure a loan), in order to remain competitive, people like Johnny Clifton had little choice but to accept an "I" licence and to forego the advantages associated with the non-aboriginal licences.[38]

In addition to laws that were explicitly "racial" in their design, there were also state policies that disproportionately affected Aboriginal People. The so-called "Davis Plan," unveiled by the federal government in 1968, is an example. Intended to reduce the number of fishers and to raise average fishing incomes by eliminating the smaller and technologically less efficient part of the fleet, it targeted precisely that category that included the

majority of aboriginal fishers. The effect on aboriginal fishers who had remained in this industry is reflected in Figure 6.6.

The Davis Plan froze the size of the fishing fleet and issued permanent licences to large producers who had caught over 10,000 pounds (4,540 kilograms) in either of the previous two years. To the smaller boats, the government issued temporary licences, two or more of which could be converted into permanent licences if combined and attached to one new boat. Licences immediately became costly and difficult to obtain. Small boat owners required new, bigger boats and another temporary licence just to stay in the industry. Small operators, who could not afford to expand, had to sell to those who could.[39]

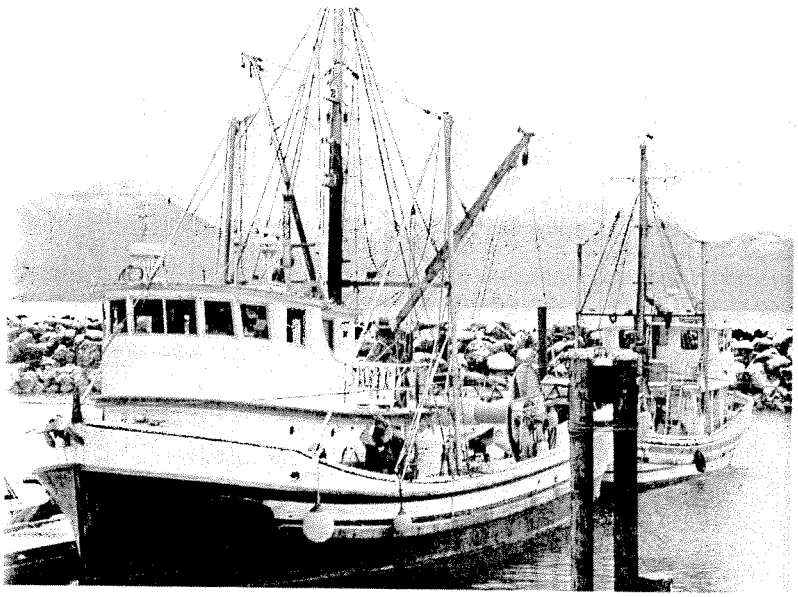
The cost of licences, new boats, and the increasing amount of electronic gear needed to compete with the now over-capitalized fleet, accounted for some of the decline in the number of aboriginal fishers, as did the decline in fish stocks, which was accelerated by the high-tech fleet. The Davis Plan was also intended to promote a leaner canning industry, in which fewer plants operated at maximum efficiency. Larger fish boats, with the capacity to stay at sea longer than smaller boats, assisted in this plan; however, more significant was the federal government's offer to buy and scrap the older fishing vessels owned by the canneries in order to reduce the size of the fleet. Most of these cannery-owned vessels were used by aboriginal men who could not afford to buy their own boats.[40]

As the state began to limit entry into specific fisheries, many aboriginal fishers felt that they had not been given the same notice as had whites

All Fishboats Gone But One

Thirty years ago, fishing was our people's life, and everyone had a boat; today there is only one boat in Kingcome.

Dave Dawson, Kingcome, ca. 1978



Hartley Bay wharf with band-owned seine boats, 2004

and so were too late to apply for the licences that would allow them access to the closed fisheries. In Hartley Bay, the abalone and halibut licences were cited as examples, while in Alert Bay it was the halibut, herring roe, and clamming licenses.[41]

In 1979, Dave Dawson from Kingcome Inlet summarized the impact of the changing fishery regulations on his community: "There are many reasons why we no longer fish, but I think that the licensing that came in after the war, that probably had a lot to do with it. Before the war the majority of fishermen on the coast were Indians with small boats. Licensing pushed the small boats out– you had to fish a minimum every year to keep a license."[42]

Kwakwaka'wakw fisher Harry Assu makes a similar point, which is born out by Friedlaender's 1975 quantitative study of the fishing fleet. Friedlaender demonstrated that the Davis Plan, in particular, forced a significant number of aboriginal fishers from the industry between 1964 and 1973.[43]

Aboriginal workers and entrepreneurs in other industries had to deal with informal, racialized policies that limited aboriginal labourers and entrepreneurs, though these are difficult to find in the written record. The logging industry provides one such example. The appropriation of aboriginal control of the forests was clearly laid out in law, but thereafter the discrimination against Aboriginal People with regard to the forest industry took place at a staff level.

When James Douglas arrived to build Fort Victoria in 1843, it was quite apparent that Aboriginal People had control over the forests in their territory. The local Lekwungen supplied cedar pickets from forests in their territory for the construction of the fort. When the Hudson's Bay Company sent fallers to cut timber at Cordova Bay, the Saanich people would not let them proceed until they paid for the right to do so.

As far as the colony was concerned, Aboriginal People surrendered their rights to the timber around Victoria when they signed the 1850 Fort Victoria Treaties (interestingly, the Wsanec believed the treaty payments were to smooth over the theft of wood by white loggers). The colony formalized its claim over all the forests with a land ordinance in 1865, which declared that timber belonged to the Crown and that people had to obtain leases before harvesting it. Yet, the power of the state to enforce these regulations, and its interest in doing so, was still limited. Despite the timber ordinances, aboriginal men continued, without molestation, to supply wood from their ancestral lands to the growing settlements.[44] In 1888, British Columbia required that a person have a "hand-logger's licence" to cut timber on land anywhere in the province that had not already been "alienated."

Cut No More Trees

I don't know how long they had been cutting this timber when our people became aware of it. Actually it wasn't in our territory, it was Songhees territory but the Songhees weren't doing anything about it.

Our people got together and they said "What are we going to do about these people falling those beautiful trees? Are we just going to sit here and just let them do it?" ... So they loaded up four big canoes with warriors, with their fighting equipment and battle dress, painted faces and they paddled around the peninsula and right to where those people were working.

"Tell your boss to take his men and his tools and go back to Victoria and cut no more trees" ... When he took a look and saw what they were faced with, he told his men to gather up their tools and they went back to Victoria.

Dave Elliot, Wsanec, *Saltwater People*, 1990

Also at this time the government began to enforce its claims over timber, with the result that many Aboriginal People on the coast took out handlogger's licences.[45]

At its turn-of-the-century peak, hand-logging provided a major part of the income of non-urban coastal Aboriginal People throughout British Columbia, including the Kwakwaka'wakw, Haisla, and Ts'msyen, and, among the Coast Salish, the Sechelt, Sliammon, and Semiahmoo.[46] The year 1904 saw the beginning of a three-year timber rush, which alienated over 11.4 million acres of the best forest land, handicapping hand-loggers, who could only cut in areas not already under some form of timber lease or sale.[47] The provincial government contributed to the industry's demise in 1907, when it stopped issuing hand-loggers' licences altogether. Although this halt was temporary, when sales resumed the new conditions, according to the Kwakewlth agent, made them difficult for aboriginal men to obtain licences: "Until recently many of the younger men have been engaged in hand-logging operations, but the recent action of the government of the province in not renewing hand-logger licenses did away with that means of livelihood. The licences are again being issued, but the conditions of issue are so difficult, necessitating a special trip to Victoria, that it is questionable whether many of them will be in a position to avail themselves of the opportunity."[48]

In 1915, Chief Julian of the Sechelt told the McKenna-McBride Royal Commission: "A few years ago we used to make our living by logging; that

Logging, Not Potlatching

I am hand logging at Seymours narries [Seymour narrows] ... I did not go to the potlatch at Salmon River because I wanted to finish my boom.

Chief Jim Chackidl of Cape Mudge to G.W. Debeck, Indian Agent, December 28, 1903

When an Indian Wants Work ...

I have been refused work at Ocean Fall Company Camps, at the saw mills and other places as well ... When an Indian wants work at logging he cannot always get a licence. In fact we have great difficulty in getting these licences.

Wilson, a Nuxalk from Kimsquit, to the McKenna-McBride Royal Commission, August 22, 1913

Log drivers Joe Christian (left) and Adrian Alexander of the Spallumcheen band compete in a log-rolling contest at a Victoria Day celebration, Enderby, BC, ca. 1930

The Destruction Is Easy to See

The lumber people like MacMillan Bloedel seemed to own the entire forest. This made it illegal to get trees for canoes and cedar bark for weaving except from our tiny reserves. When the loggers moved in the animals that we hunted and trapped disappeared. Their destruction of the forest is easy to see. Our use of the woods was hardly noticeable.

Peter Webster, Ahousat, *As Far as I Know: Reminiscences of an Ahousat Elder*, 1983

Nuu-chah-nulth Peter Webster with wife Jessie and grandchild, ca. 1980

is hand logging, but we had to buy a license to do so but now in these late years we cannot do that." Codere's study of the Kwakwaka'wakw documents their declining employment after this change.[49]

Some displaced Aboriginal People found work as wage labourers for logging companies, while others invested in the power equipment necessary to bid on the smaller timber sales. The legal status of "Indian" made it difficult for Aboriginal People to obtain credit and, therefore, to raise logging capital. John Pritchard's research into the economy of the Haisla revealed that there were other "extra-legal" obstacles as well. By definition, it is difficult to find written evidence of "unwritten policy," but Pritchard has produced interesting inferential evidence suggesting that the British Columbia Forest Service had a "policy" of allocating only marginal timber lands to Aboriginal People.[50]

When Aboriginal People applied for prime areas, it appears they were either turned down outright or the Forest Service forced the sale to go to public auction (something they rarely required for applications from white firms). In one such case, in 1924, the assistant district forester wrote on the rejected application of Haisla Ed Gray: "There is a good body of timber in here and we do not want it alienated by any Indian Reserve Applications."[51] The Forest Service also used the "lazy Indian" stereotype to deny Aboriginal People access to the forest. On Haisla Fred Woods' application one forester wrote: "Applicant (an Indian) will employ his fellow men which speaks for itself regarding the output to be expected."[52]

With access to the "publicly owned" forest being increasingly denied them both by regulation and alienation, Aboriginal People found they did not even have access to the forests on their own "reserves." This policy was articulated in the following exchange between the McKenna-McBride commissioners and Indian Agent William Robertson:

Commissioners: You heard a good deal from the Indians that owing to the practical prohibition from cutting timber that they were impeded in clearing the land?

Robertson: Well, the department won't stop any Indian from cutting timber for bona fide clearing purposes.

Commissioners: But the Indians are not allowed to log for the purpose of selling?

Robertson: No sir.

Commissioners: In other words they are not allowed to do what a white man could do on his own land?

Robertson: That is so.[53]

While limitations on aboriginal participation in the forest industry increased, the non-aboriginal logging industry was expanding at a rapid rate. In areas where big logging companies were engaged in clear-cutting, they were also devastating another main industry of Aboriginal People – trapping. Nuu-chah-nulth Charles Jones remembered: "Ever since the logging came, there's been no more deer or wolf or elk or beaver. They've all disappeared. Maybe they've been killed off, or maybe they've just moved on to somewhere else."[31]

By the time logging started to have a major effect on game populations, the animals too belonged to Her Majesty. The Crown claimed wildlife for the first time in the Colony of Vancouver Island's Act for the Preservation of Game, 1859, which was amended and expanded in 1862. Both acts limited aboriginal use of wildlife and commercial hunting (conducted to supply urban butcher shops) in favour of the "sportsman."[32] In 1865, the separate Colony of British Columbia prohibited the sale of deer, elk, grouse, or

Remote Indians Better Off

Indians living away from the settlements are much better off in this respect than those whose reserves are surrounded by white settlers, for they can always procure venison, which is still plentiful, and there is no one to enforce the game acts of the Province; whereas in the settlements the laws relating to game and salmon are rigidly enforced, and the Indian who formerly lived by fishing and hunting may not shoot a deer eight months out of twelve.

W.H. Lomas, Cowichan Indian Agent, 1888

Mathilda Joe of Alexandria, known as an excellent hunter who provided meat for her family and community

Doesn't Much Care for Indians

Lots of Indians around here have their traplines taken by white men ... and my own trapline I registered but I went there last spring and found whitemen still trapping there ... The Indians are natives to here you know and then a white come along and says "this is my place" and the Game Warden believes them. He never listens to Indians. Mr. Muirhead, the Game Warden here, is a straight man, but he doesn't much care for Indians. He prefers white men to Indians.

Chief Louis Prince and Councillors, Secwepemc (Shuswap) Kamloops, to J.H. Pragnell, Indian Inspector, January 1, 1929

Secwepemc Chief Louis Prince of Kamloops, ca. 1920

partridge from March through August, even in unsettled areas, and in 1869 it made the *intention* to sell game illegal: the mere possession of animal carcasses could be considered prima facie evidence of intention to sell, except in the case of "bona fide settlers."[56]

The province assumed control of wildlife after Confederation and increased limitations on access to game by extending the closed season. In 1896, the Game Act prevented Aboriginal People from selling deer in any season, and it applied the closed hunting season to Indian subsistence hunters. By 1911, deer could only be hunted three and a half months each year, and Aboriginal People were limited to harvesting three deer per year. An amendment in 1913 allowed the provincial game warden to give permits to Aboriginal People to kill additional deer for food, but under restrictive circumstances, specifying the number of deer and the length of time the permit was in effect. Amendments to the Game Act in 1927, coupled with the federal Migratory Bird Act, meant that by this date there was hardly an animal, bird, or fish that was not regulated by the provincial or federal government.[57]

A circular letter issued to Indian Agents by the provincial game warden in 1913 emphasized the paternal and discretionary nature of the control over food permits: "I do not intend to grant any permit to any Indian except under the recommendation of the Indian Agent ... In considering such applications I would require to know ... the age of the Indian, number in his family and other information which would be of assistance to me in deciding whether he is entitled to such a permit or not." The rationale for the policy was also expressed in the circular: "Young Indians who are capable of obtaining work are not entitled to them, it is for the more older class of Indians who have been in the habit of hunting all their lives and feel more severely the enforcement of the present games laws." The warden also expressed his interest in whether the applicant was "sober and industrious" and warned that any abuse of the permits "would simply result in all such permits being cancelled."[58]

The provincial game warden deliberately stated his goal of eliminating the subsistence economy in favour of wage labour. He told the McKenna-McBride Royal Commission that Indians did not need to hunt deer in the fall because "in many places there is work for Indians haying and harvesting and giving Indians permits to hunt deer at this time of year simply encourages them to do nothing else."[59]

Provincial laws also targeted the trapping industry. First the province legally limited the trapping seasons,[60] then, in 1921, it assumed the right to allocate trapline territories. Not recognizing provincial authority, many Aboriginal People refused, at first, to register and, as a result, their traplines

were open to being registered by whites. Even when Aboriginal People accepted provincial authority and applied for traplines, there is strong evidence – from Aboriginal People, from Indian Agents, and even from the game wardens themselves – that the provincial game department gave preference to whites.

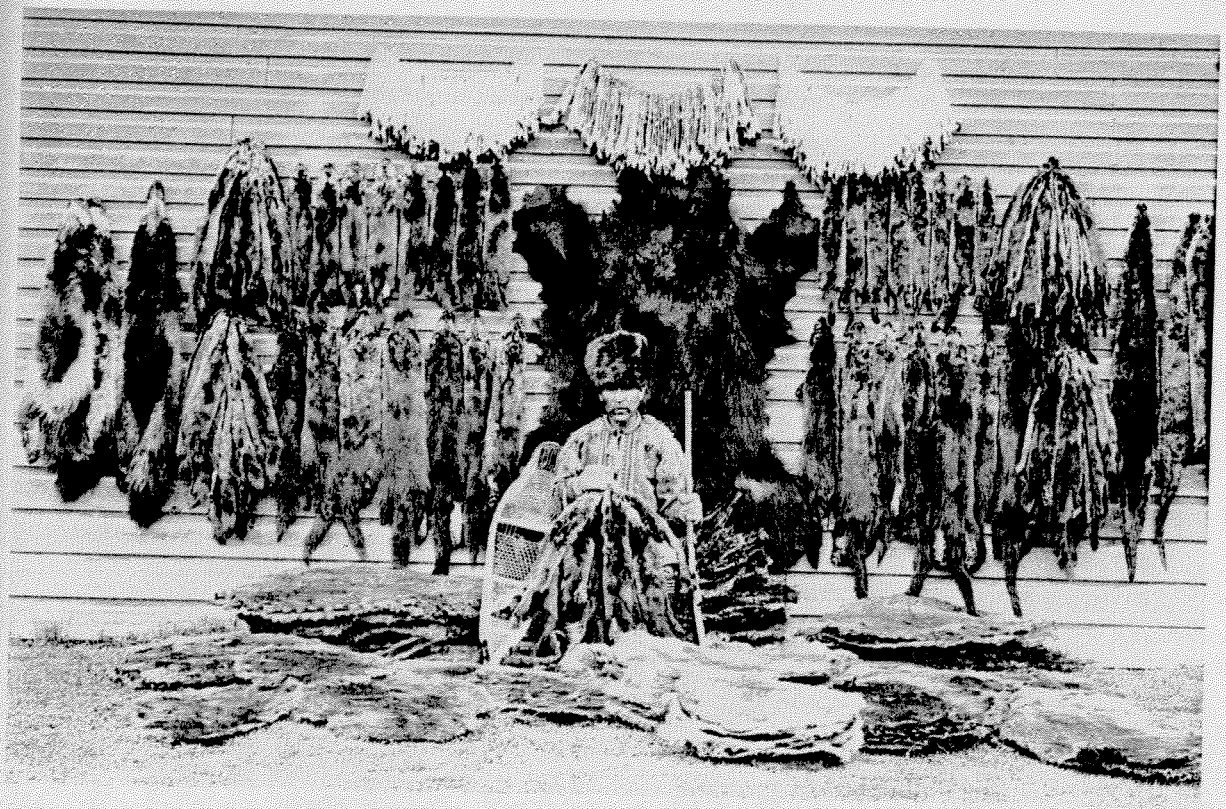
After a year-long survey of trapping in the province, Inspector of BC Indian Agencies George Pragnell found, in 1924, that the "almost universal complaint by the Indian is that *their lines* are seized upon by white men under cover of the law." Pragnell pointed out to the Game Board that, according to an aboriginal system, most of the province's traplines had already been allocated: "For all time ... his trapline has always been immune from molestation, or theft ... from his fellow tribesmen. They have always, and even do now, respect each other's rights, even though said trap line might not be in use for many years."[61]

The effect of discriminatory trapline registrations was felt all over the province. From near 100 Mile House, George Archie, secretary of the Canim Lake band, wrote the Department of Indian Affairs for help restoring traplines registered by whites (see sidebar). From Fort St. James in

White People Are Taking Our Traplines

The white people are taking Indian traplines and the Indians cannot trap ... This is a pity for the Indians to lose their traplines and only way to get their food in winter ... I have my trap line taken away from me from Mahood Lake whom I trap now for twenty-five years ... I would like you to help me on that case and get back my trap lines and so I can support my family and them other Indians also.

George Archie, Secwepemc, Secretary Canim Lake Band, to W.E. Ditchburn, December 1, 1927



Daniel Wigaix (Big Wings), Gitksan, with winter's catch of furs, 1923

Too Much Logging

Kah mika klop ókoke opalo?
Where did you catch that trout?

Kopa Skamikoway ikhál.
In the Skamikway River.

Nah, hiyú lepish yáhwa?
Are there many fish there?

Wake Klaska mamook hiyu stick alta.
Not many. Too much logging.

John Gill, *Gill's Dictionary of the Chinook Jargon*, 1881

north-central British Columbia, the non-aboriginal matron of the hospital wrote: "It appears to me that in this district, there has been a systematic lopping off of Indian lines, in favour of white men, and in the case of Louis Billie has rendered it necessary for him to be put on the ration list."[62] Not only was the Game Board unwilling to entertain arguments about prior aboriginal trapping rights but it was also prepared to deny Aboriginal People any rights to fur-bearing animals. In 1925, for conservation purposes, the Game Board closed indefinitely the whole "Eastern District" of the province to the harvest of fur-bearers. This made it illegal for most Aboriginal People to pursue their livelihoods.[63]

From the far northwest of the province, Indian Agent Harper Reed wrote that "Swedes" had taken most of the best traplines from the Indians, with the result that "Chief John Jack with most of his band are now in town and it is reported that the Indians have come into Teslin also, and now they are sitting around doing nothing at a time when in years gone bye, they used to go out ... for the Beaver hunt."[64]

In 1928, the Game Branch banned the sale of tanned moose, deer, and elk hides, threatening the livelihood of many aboriginal women who subsisted on this industry. The DIA made a direct appeal to the BC attorney general, who overruled the restriction.[65]

As the turnover of aboriginal trapping grounds continued, the relationship between the federal DIA and the provincial Game Branch became

Secwepemc people waiting to meet the game warden coming to remove their fish weirs, 1891

openly hostile. When W.E. Ditchburn, Indian commissioner for British Columbia, met Bryan Williams, the provincial game commissioner, on the steps of the legislature in 1938, a shouting match broke out in which Williams told Ditchburn "the applications for Indian trap-lines filed by our Indian Agents on behalf of the Indians throughout British Columbia were not worth the paper they were written on."[66]

The BC game department's hostility towards Aboriginal People stemmed from three sources and may suggest the motives underlying other provincial policies. From its inception, the game department resented aboriginal claims to ownership of wildlife resources and made a determined effort to station "wardens" throughout the province to enforce provincial regulation over aboriginal practice: "Many of the Indians are raising their old story of rights to the land and rights to the game and fish ... In consequence it has been necessary to take a firm stand with them, as they quite refused to listen to reason ... some of them not only being sent to gaol, but also losing some valuable furs."[67]

There were also financial reasons for the province's refusal to give native trappers "an even break." The province earned income from the trapline registration fees of white trappers but not from Indians.[68] The third, and perhaps most fundamental reason, for the game department's antagonistic attitude towards Aboriginal People appears to be its belief that "the Indian, could, if he chose, make his living by the sweat of his brow, just as well as anyone else ... [and] if he were forced to do so it would tend towards the general prosperity of the country. Everybody knows how scarce labour has been during the past summer ... and what an aid the Indian might have been had they chosen to get down to steady work."[69] Trapping, hunting, and fishing were considered to be the opposite of work.

Letters from aboriginal trappers, asking for help in getting their traplines back, filled many DIA files in the 1920s.[70] Nonetheless, the reallocation of traplines to white trappers continued through the 1930s, the 1940s, and the 1950s over the protests of Aboriginal People, Indian Agents, and the Native Brotherhood of British Columbia.[71] By 1956, according to the game commissioner' figures, only 10 percent of BC's traplines were operated by Aboriginal People.[72]

Aboriginal employment in other areas was also circumscribed by provincial laws and policy decisions. One of the most important of these was the provincial government policy not to employ Aboriginal People on public works projects, especially roads – a policy that Lekwungen George Chictlan criticized in 1894. It was still in force ten years later, when provincial government agent John Baird told the DIA: "I am unable to give Indians work

White Settlers Hired First

To: Premier Richard McBride
July, 1909

We the undersigned "bona fide" settlers and residents of Ootsa Lake in view of the difficulty we find in getting a market for our produce and owing to the unorganized condition of the country do earnestly request that white settlers and taxpayers be given preference of work on government roads. In connection with our settlement, a number of us have expended considerable time and money during these last three years for which we have never received any remuneration only to find that Indians are given preference at high wages for doing the work we are able and willing to do hoping that this will receive your earnest attention, we remain.

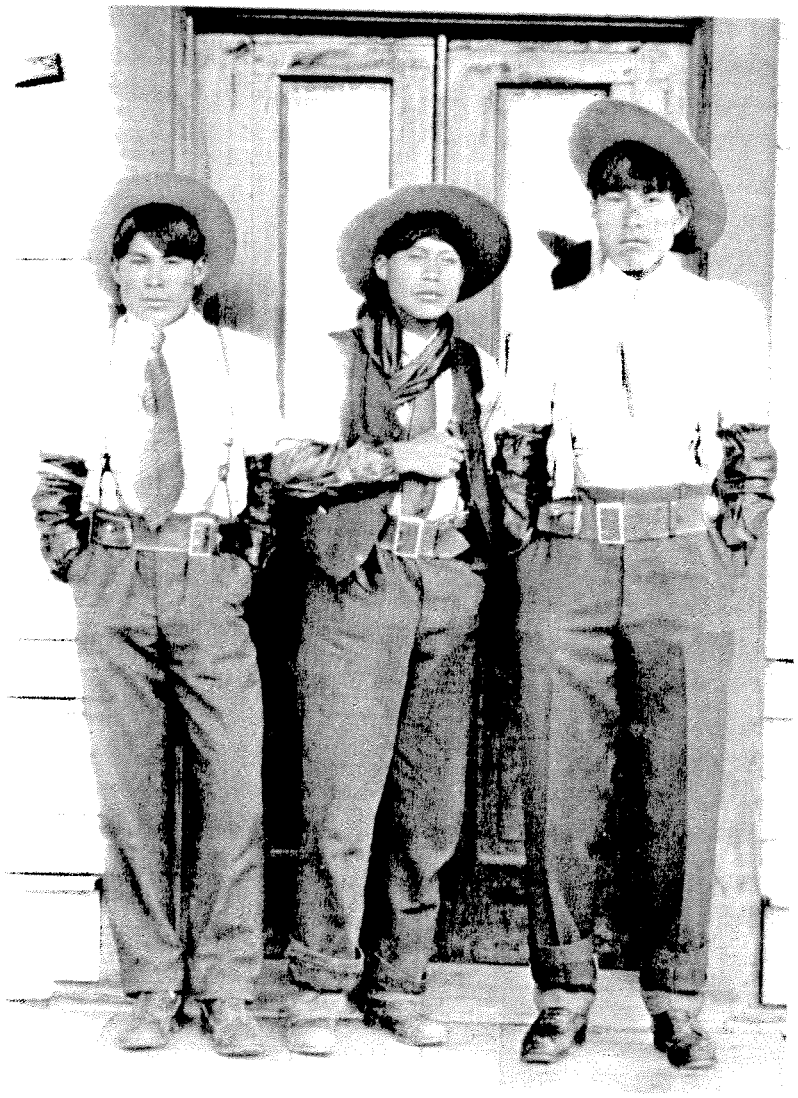
George Lewis and 14 others

To George Lewis
July 6, 1909

Have instructions issued to our officials [that] white settlers must be considered first.

Premier Richard McBride

Correspondence between George Lewis and Premier Richard McBride, July 1909



Tsilhqot'in entrepreneurs (left to right) Joe Elkins, Baptise Elkins, and Willie Long Jimmie, who were barred from getting a licence to purchase fur, Quesnel, 1910s

as I received orders from the works department not to employ Indians if white men were available." DIA officials were also being pressured to hire whites to work on Indian reserves. Federal MP Ralph Smith wrote the local Indian superintendent: "I understand that there are works to be done this season and so I want to appoint the white labour."[73] The provincial premier himself confirmed this policy in 1909, and evidence from Aboriginal People indicates that, in some areas at least, this policy was in effect throughout the Depression.[74]

The province stymied aboriginal entrepreneurial activity in other ways. Joe Elkins, a Tsilhqot'in man from the Williams Lake Agency, tried to obtain a provincial licence to purchase fur in 1936; however, "being an Indian

Refused Government Work

The Indians were refused from the government to labour on any government roads and to let only white men work.

George Archie, Secretary of the Canim Lake band, to W.E. Ditchburn, Indian Superintendent for British Columbia, December 1, 1927

he was barred from getting the necessary licences." When he bought a truck and tried to buy beef from local farmers to sell to butchers, the province would neither permit him to buy or lease the meadow lots needed to graze the cattle, nor, because he was an Indian, would it issue him with a provincial trucking licence.[75]

Ironically, given the statutory exclusion of Aboriginal People from so many fields of employment, employers often used their "favoured status" as a rationale for not giving them jobs. The DIA noted this "tendency on the part of employers of labour to refuse employment to Indians considering that they are a public charge and it is not necessary to give them employment where there are white applicants for the job." The provincial and city governments also argued that, given that Aboriginal People did not pay property taxes, they were not entitled to jobs that were paid with taxpayers' money.[76]

It was another Catch-22. In times of labour surplus, like during the depression just prior to the First World War, the Department of Fisheries argued that, as Aboriginal People had access to a subsistence fishery, they should not have equal access to the commercial fishery. When there was a labour shortage, the subsistence economy was attacked because it enabled Aboriginal People to stay out of the wage-labour force. In the 1907 annual report of the BC Game Branch, one warden commented: "As long as they could hunt, or put in weirs to trap trout or salmon on their way up streams to spawn, and do the occasional day's work to get enough money to buy a little tea and sugar, they were contented, and the idea of steady work scouted [avoided]. It must be admitted that this state of things is most unsatisfactory."[77]

And when the labour shortage was over? Aboriginal People found themselves squeezed out of both the capitalist and subsistence economies. In the eyes of the DIA: "The policy of the Game Branch is now to handle [food hunting] permits very sparingly, the argument being that if an Indian is destitute enough to need deer meat, the Department can give him relief rations."[78] All over the province, aboriginal trappers and hunters were forced out of both the cash and subsistence economies and onto relief.

Aboriginal choices took place within a framework of laws and regulations established by "the state." But it was a state that neither spoke with one voice nor moved in one direction. There were numerous conflicts between the federal DIA and Department of Fisheries, on the one hand, and the provincial Game Branch, on the other, as well as between departments on the same level. Alongside their better-known efforts to suppress aboriginal ceremonies and reorder political life within aboriginal communities, the DIA did carry Indian protests to other state agencies and did

Give Up Their Land

They [Indians] should either give up their land or be made to respect the game laws.

M.B. Jackson, Provincial Game Warden, 1917

I Don't Think So ...

And now that Canadian society has inherited what the White Man calls the Indian problem, most people like to think it's up to the Indian to straighten it out. But is it an Indian problem? I don't think so.

Chief John Albany, Songhees (Lekwungen), from the 1961 CBC radio program, *The Way of the Indian*

sometimes succeed in amending discriminatory laws (e.g., those allocating fishing licences according to race) and changing racist policies. Nonetheless, without a voting constituency, the minister of Indian affairs had limited power with which to fight, for example, the vocal voting constituency of the minister of fisheries. At a provincial level, the federal DIA had even less influence than it did at the federal level.

The end result of interdepartmental and intergovernmental struggles was a set of laws – a framework imposed on Aboriginal People with the full coercive force of the state's police power. Laws and policies, emanating from different levels of the state and enshrined in legislation, did more than limit where and when Aboriginal People could participate in the capitalist and subsistence economies. The Indian Act, voters registration acts, fisheries acts, game acts, land acts, timber legislation, and agricultural policy all helped define what it meant to be Indian and what it meant to be white. And, of course, they did this by defining the rights associated with each category. With every act that affected Indians and non-Indians differently, governments redefined race to the disadvantage of Aboriginal People.

It would be an exaggeration to say that the legislative factors outlined here were solely responsible for the declining participation of Aboriginal People in the wage economy. Other factors were also at work. Employers did not hire aboriginal workers either because of their own racist attitudes or because of their perception of their customers' attitudes. More than 90 percent of the Aboriginal People whom Salim Aziz surveyed in the Victoria area in 1969 felt that they were regularly discriminated against with regard to employment and that they were not offered jobs even when they were the most qualified. Racism was particularly effective in keeping Aboriginal People out of the retail sector owing "to the prejudice of buyers against being served by Indians."[79] Indeed, as Mary John recalled, in Vanderhoof, Aboriginal People were not allowed in restaurants or other public facilities up to the 1960s. Racism was so intense in parts of British Columbia that there was a virtual apartheid, with Aboriginal People not welcome, even as customers, in businesses that served whites. Helen Clifton remembers when in the late 1950s, in Prince Rupert, the Capital Theatre had an Indian section and when "Indians" were barred from the Rupert Hotel.[80]

White workers held racialized views of Aboriginal People and objected to working alongside them. Nuu-chah-nulth Charles Jones met with resistance from white-dominated unions. He was kept out of the International Woodworkers of America until the 1950s solely because he was "Indian." One aboriginal man from the Musqueam Reserve, who had apprenticed and become a plumber, was asked by the McKenna-McBride Commission why, if he could learn a trade, other Indians could not. He

answered: "The conditions I had to go through I would not like to mention them." To the commissioner's query, "You mean that the white man does not give you a fair show?" the witness broke down in tears and said he would sooner not be asked to recall the hardships he had had to undergo.[81]

The education offered to Aboriginal People was well below that offered to non-aboriginal students. The federally sponsored, missionary-run schools left Aboriginal People ill-equipped for the postwar world and its technological changes. Moreover, compulsory schooling broke up elements of the family economy.

Because of the early settlement around Victoria, the Lekwungen were the first Aboriginal People to be affected by racist legislation and attitudes. However, as federal and provincial legislation and enforcement expanded to regulate fish and wildlife even in the remotest parts of the province, other aboriginal groups began to feel the same kind of pressure. And, as their protests suggest, individuals like Lekwungen Joyce Albany recognized this form of state racism for what it was: "Believe me," she told the *Colonist* in 1973, "we very often sit down and talk about the White Problem."[82]