

# **Stolen Lands, Broken Promises**

Researching the Indian Land Question  
in British Columbia

*SECOND EDITION*

A publication of the

**Union of BC Indian Chiefs**



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Published by the Union of British Columbia Indian Chiefs

500- 342 Water Street  
Vancouver, BC V6B 1B6  
<http://www.ubcic.bc.ca>

Canadian Cataloguing in Publication Data

**Stolen Lands, Broken Promises: Researching the Indian Land Question in British Columbia  
(Second Edition)**

Includes bibliographical references and index.

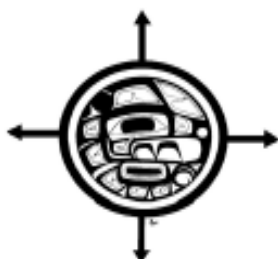
ISBN 0-9684577-1-1

1. Indians of North America – British Columbia – Land tenure – History – Archival resources. 2. Archival Resources – British Columbia. I. Union of British Columbia Indian Chiefs.

While every effort has been made to ensure the reliability of the information presented in this publication, the UBCIC does not guarantee the accuracy of the data contained herein. Errors brought to the attention of the publisher and verified to the satisfaction of the publisher will be corrected in future editions.

Printed in Vancouver, British Columbia

The UBCIC acknowledges and thanks the Law Foundation of Canada, which has provided financial assistance to this project to support legal education and research.



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# Foreword

## By Chief Stewart Phillip

As Indigenous Peoples, we have witnessed how the official history of British Columbia has attempted to legitimize the theft of our traditional lands and the efforts to destroy our ways of life. However, since contact, we have continually resisted encroachment in our territories and the infringement of our political and territorial rights. Confronted with policy after policy designed to achieve our assimilation into the “fabric of Canadian society” we have fought back, upholding our relationship to our lands and speaking out against our dispossession. The phrase “Indian land question” embodies this struggle, as it was used by BC government officials and reserve commissioners confronted by the “problem” of our continued demands to have our title and rights to our lands and resources recognized and respected.

The Union of BC Indian Chiefs is pleased to present *Stolen Lands, Broken Promises: Researching the Indian Land Question in British Columbia*. In March 1973, the Union of BC Indian Chiefs held its first community research workshop to address the fundamental research issues of concern to Indigenous people in British Columbia. The success of that first workshop and the demand for others like it led to the establishment of a central research and resource facility to develop Indigenous peoples’ research skills and meet their research needs. Since that time, the UBCIC Research Department and Resource Centre have benefited from informed and specialized staff, community members willing to share their knowledge and experiences and discussions with professionals in a variety of fields. *Stolen Lands, Broken Promises* reflects over 30 years of expertise and an unwavering commitment to empowering our people through information sharing and research skills development.

The struggle for a just resolution to the “Indian land question” and for self-determination defines the work of the Union of BC Indian Chiefs. We believe that undertaking historical research *ourselves* can be of great benefit in understanding the current situations of so many of our communities. It is our hope that *Stolen Lands, Broken Promises* will provide communities with the tools they need to begin and carry out their own research projects. Each of these projects contributes to the protection of our political and territorial rights and to strengthening our social, cultural and economic traditions for future generations.



Chief Stewart Phillip  
President, Union of BC Indian Chiefs



# Preface

## Stolen Lands, Broken Promises

*Stolen Lands, Broken Promises: Researching the Indian Land Question in British Columbia* is the second edition of the research manual first published by the Union of BC Indian Chiefs Research Department in 1998, under the direction of Leigh Ogston. Like the original publication, the revised manual is intended as a practical, hands-on resource for Indigenous community members wanting to conduct research on a variety of issues affecting traditional territory and reserve lands in British Columbia. The manual is specifically designed to guide community members with little or no experience of formal research practices through the process of planning and successfully completing lands related research projects that have a strong historical component. Most of these projects will rely heavily on historical documents: typically, written and graphic records produced by federal and provincial government bodies and stored at government and corporate archives, libraries and offices. For readers already equipped with a measure of practical research experience but undertaking a lands related project for the first time, *Stolen Lands, Broken Promises* will provide an introduction to some of the principal events that have impacted Indigenous lands in BC and the major research topics that have emerged as a result of them. It is our hope that *Stolen Lands, Broken Promises* will also be useful to more experienced researchers wishing to brush up on skills or searching for current resource information.

The second edition is an attempt to address the stated needs of community members by building upon the comprehensive groundwork laid by the former UBCIC Research Department staff. Part of that groundwork consists of providing introductions to research approaches and technical procedures; more fundamentally, it advances the belief that conducting our own historical research about our own lands is an important tool in fighting for recognition of our political and territorial rights and protecting Indigenous ways of life. Each of our communities continues to experience the impacts of our dispossession of our traditional lands and the devaluing of Indigenous traditions. The more we understand about the historical structures and procedures which have resulted in our current circumstances, the more empowered we become to demand and bring about change. Whether a project's objective is to record a family history, to document changes to reserve lands or to gather evidence for an impending land title claim, our communities grow stronger as a result of our collective efforts to build a base of shared knowledge and expertise.

The current UBCIC Research Department staff formed an editorial board in the summer of 2004 to incorporate the generous amount of feedback we received from Indigenous community researchers into a revised publication. We have also accounted for the significant changes made to the organization of provincial government ministries and Crown corporations since 2001, and the ways that the proliferation of new technologies

have transformed information production and gathering in the years since the first manual's release. Throughout the drafting process we have benefited from the insights and recommendations of professional and community reviewers who volunteered their time and expertise to this project. We are especially grateful to the High Bar First Nation for granting us permission to reproduce a number of documents related to their reserve lands. We have used these documents as examples of archival records in sections of the manual. We extend particular thanks to Chief Lenora Fletcher and Band Administrator Terry Wardrop for their ongoing support of our work.

## Structure of the Manual

*Stolen Lands, Broken Promises* generally follows the structure of the original manual. It is divided into three sections: Research Foundations, Approaches to Research, and Topics in Land Rights Research.

In Research Foundations, we have tried to provide a thorough overview of key components involved in most Indigenous land rights research projects. We recommend that new researchers review this section from beginning to end before starting a project; more experienced researchers may find it more useful as a refresher or quick reference when a specific piece of information is required. Chapter 1: Dispossession and Resistance in British Columbia is a narrative chronology of historical events focusing on provincial and federal government land policies, as well as Indigenous responses to them. This chapter will provide a general historical context for commonly referenced documentary materials and the research topics discussed throughout the manual. Chapter 2 is an introduction to research methods. This chapter begins with a discussion of principles of high quality research, including research ethics, planning a project, collecting and evaluating research materials and presenting and storing research findings. Chapter 3 lists important resource institutions, explaining the differences between local resources, archives, specialized and academic libraries and government offices. The chapter also outlines the kinds of materials available at different institutions. Chapter 4 introduces the main sources of documentary records used in researching Indigenous land issues in BC. The chapter is organized as a series of entries that explain what each document is, what kind of information it contains and where to find it. Chapter 5 introduces the process of conducting basic reserve research, providing examples of key research questions and important documents.

The second section, Approaches to Research, highlights important forms and fields of research relevant to Indigenous land issues. Chapter 6 describes the practice of conducting oral history research. Chapter 7 reviews important genealogy resources for family and community history projects, and for other types of land rights projects. Chapters 8 and 9 outline important resources that are the products of anthropology and archeology studies. Chapter 10 provides information on basic maps and map-related resources, as well as where these resources can be found. The Approaches to Research section ends with a discussion of legal resources in Chapter 11.

Section three, Topics in Land Rights Research, consists of a series of chapters on specialized research issues, such as village sites and burial grounds, fishing rights, pre-confederation reserves, water rights and rights-of-way. Each chapter in this section begins with a brief introduction to the issue, followed by an historical overview, recommended research paths and list of sources for further reading.



While we have tried to be as complete as possible, there are undoubtedly issues we have had to leave out due to time and space constraints. We have made every effort to be accurate in our descriptions and contact information, however please know that resources change regularly. We will continue to update the manual to reflect these changes, in print and also on our website at <http://www.ubcic.bc.ca>. Remember that the research path you choose will require adjustments and we encourage you to use your initiative and creativity. We welcome your feedback on all aspects of manual and wish you every success with your research projects.

## A Note on Terminology

Throughout *Stolen Lands, Broken Promises*, the terms “Indigenous” and “Indian” are used in general discussions. The term “Indigenous” refers to the original peoples of a given territory. Accordingly, this term encompasses the people, cultures, traditions, values and beliefs that descend from them. The term “Indian” refers to individuals and collectivities recognized as “Status Indian” under the *Indian Act*. Similarly, the term “Indian reserve” is used to refer to lands reserved for Indians under the *Indian Act*. The terms “Aboriginal Title” and “Aboriginal rights” are used to refer to the collective rights inherent to Indigenous people as recognized in the Canadian Constitution and defined by the Canadian courts. “First Nation” is used as a proper noun only. “Community” is used to refer to the local network of relations rooted in an historical connection to the land and each other. Efforts have been made to use terms from Indigenous languages to describe particular peoples and places wherever possible. Finally, please note that words or phrases that appear in bold are Glossary terms, which are defined at the back of the book.

## Acknowledgements

The editorial board consists of Jody Woods, Robyn Laba, Rick Peskevits, Maureen Buchan, Lana Lowe, Rose Ellis, Janet Shaw, Lola Antonius, and Joanna Reid. We would like to thank the following people for their contributions:

Don Bain, Executive Director of UBCIC provided input and support throughout the process. Clo Ostrove of Mandell Pinder provided legal supervision and helpful feedback. The High Bar First Nation very graciously allowed us to use document examples related to their reserves. We would also like to thank Angie Bain, Jenn Cole, Wade Grant, Brad Hornick, Kim Lawson, Rob Manery, Kazu Sakatani and the UBCIC staff for their significant contributions.

We benefited from the feedback of many researchers and experts during the review process. Many thanks to Ralph Abramson, Taiaiake Alfred, Michael Asch, Lucy Bell, Ken Brealey, Heidi Brown, Keith Carlson, Jessica Clogg, Julie Cruikshank, Margaret Inoue, Matthew Evenden, Dan Gottesman, Larissa Grant, Cole Harris, Douglas Harris, Gene Joseph, Arthur Manuel, Kenichi Matsui, Bruce Miller, Guy Patterson, Donna Parisien-Guiboche, Chris Roine, Lyn Ross, Susan Rutherford, Dave Schaepe, David Smith, Cari St.Pierre, Terry Tobias, James Tully, Terry Wardrop, and Wikaninnish (Cliff Atleo Sr.).

This publication was made possible through funding from the Law Foundation of British Columbia. Student funding from Human Resources and Skills Development Canada's Summer Career Placements Program allowed the Research Department to hire a project coordinator in the summer of 2004.

### *Important Note: Changes to Provincial Ministries*

In June 2005, the provincial government announced changes to certain ministries. Below is a list of some of these changes. In some cases, only the names of the ministry have changed, whereas in other cases the ministry may be more fundamentally reorganized. If you are having trouble finding a particular office, program, or resource, start at the ministry level and ask for the appropriate contact information.

#### *Former Ministry*

Ministry of Community, Aboriginal, and Women's Services

Ministry of Energy and Mines

Ministry of Forests

Ministry of Sustainable Resource Management

Ministry of Water, Land, and Air Protection

#### *New Ministry*

Ministry of Aboriginal Relations and Reconciliation; Ministry of Community Services

Ministry of Energy, Mines, and Petroleum

Ministry of Forests and Range

Ministry of Environment

Ministry of Environment

# Acronyms

ALR	Agricultural Land Reserve
APS	American Philosophical Society
ASIF	Archaeological Site Information Form
ATIP	Access to Information and Privacy Act
BC	British Columbia
BCAIN	British Columbia Archival Information Network
BCR	Band Council Resolution
BNA	British North America
CAP	Congress of Aboriginal People
CC	Colonial correspondence
CD	Compact disc
CD-ROM	Compact Disc - Read Only Memory
CLSR	Canada Lands Survey Records
CMC	Canadian Museum of Civilization
CNLR	Canadian Native Law Reporter
CNR	Canadian National Railway
CP	Certificate of Possession
CPR	Canadian Pacific Railway
DOFS	Date of first survey
ECO	Early Canadiana Online
FOI	Freedom of Information
GIC	Geographic Information Centre
GIS	Geographic Information System
GR	Government Record
HBC	Hudson's Bay Company
HRAF	Human Relations Area Files
IASR	Indian Affairs Survey Records
ILRS	Indian Lands Registry System
INAC	Indian and Northern Affairs Canada
IRC	Indian Reserve Commission
ISBN	International Standard Book Number
JIRC	Joint Indian Reserve Commission
J/IRC	Joint Indian Reserve Commission <i>and</i> Indian Reserve Commission
LAC	Libraries and Archives Canada
LSB	Land Settlement Board
MG	Manuscript Group (at Library and Archives Canada)
MOA	Museum of Anthropology
MOD	Minutes of Decision
MOT	Ministry of Transportation
MS	Manuscript (at the BC Archives)
NCC	Native Council of Canada
n.d.	No date





NETI	No evidence of title issued
NMAI	National Museum of the American Indian
n.p.	No page number
n.P.	No publisher
NRCan	Natural Resources Canada
NTS	National Topographic System
OCPC	Order in Council (Privy Council)
OIC	Order in Council
OMI	Oblates of Mary Immaculate
PCOC	Privy Council Order in Council
PDF	Portable Document Format
PHRD	Provincial Heritage Register Database
POC	Point of Commencement
POIC	Provincial Order in Council
PRO	Public Records Office (UK)
QC	Queen's Council
RAAD	Remote Access Archaeological Data
RAD	Rules for Archival Description
RBCM	Royal British Columbia Museum
RCMP	Royal Canadian Mounted Police
RE	Royal Engineers
RG	Record Group
RGAR	Reserve General Abstract Report
SCB	Specific Claims Branch
SCC	Supreme Court of Canada
SCR	Supreme Court Reports
SFU	Simon Fraser University
TLE	Treaty Land Entitlement
UBC	University of British Columbia
UBCIC	Union of BC Indian Chiefs
UK	United Kingdom
UN	United Nations
UNN	United Native Nations
UNBC	University of Northern British Columbia
USA	United States of America
UVIC	University of Victoria
VFRC	Vancouver Federal Records Centre
VPL	Vancouver Public Library
VRC	Virtual Reference Canada
WCIP	World Council of Indigenous Peoples

# Chapter I

## Dispossession and Resistance in British Columbia

Every community has its own distinct history—a history of the land and the people. Unfortunately, common to all Indigenous communities is the very recent history of colonization, a history of dispossession and resistance. In the lands now called British Columbia, this history is well documented. Researching and interpreting this history is a significant component of any Indigenous research project.

Using a chronological narrative, this chapter provides a general overview of historical events in British Columbia, beginning with the 1763 British proclamation of sovereignty in North America. You can use this chapter to find information about specific events or compare different eras, detect patterns and identify relationships to get an overall sense of what has happened in Indigenous lands since 1763.

It should be noted that reviewing a chronology is merely a first step in the process of conducting historical research. Chronologies are helpful tools that organize information and provide useful narratives to introduce a topic. Thus they rely upon generalizations and the use of secondary sources to provide a very broad overview of complex relationships between peoples that, in this case, span more than 300 years. The chronology that follows is not a complete or absolute account of Indigenous history in British Columbia, nor does it aim to be. Rather, this chronology provides a general historical background to help you begin to conduct research on the Indigenous lands now known as British Columbia.

### Chronology

**1763 (February)** Britain, France and Spain sign the *Treaty of Paris*, ending the Seven Years War. Having lost the war, France gives up all claims of sovereignty in North America. Britain now claims sovereignty over the whole of North America east of the Mississippi (with the exception of New Orleans and Louisiana). Spain and Russia still maintain competing claims to parts of western North America, including the lands currently called British Columbia.

**1763 (May)** Pontiac's War begins. As the British attempt to gain control of Indigenous territories, Chief Pontiac leads the Ottawa, Objibwa, Potawatomi, Wyandot, Miami, Delaware, Shawnee, and Seneca nations in a three-year military action to drive the British east of the Appalachian Mountains. By late fall, Pontiac's forces kill or capture more than 600 British colonists.

**1763 (October)** King George III issues a Royal Proclamation to affirm the *Treaty of Paris*

and expand Britain's claims beyond the Treaty. While reserving the lands of the west for the "Indian nations," the King declares that these territories are now under the "Sovereignty, Protection, and Dominion" of Britain and are to be surrendered only to the British Crown. Under British sovereignty, peace and friendship treaty-making gives way to surrender treaties and the Crown forgets the international character of nation-to-nation relationships between Indian nations and Britain.

**1774** The Haida meet Spanish trader Juan Josef Pérez Hernandez during his journey along the Pacific coast. After welcoming the Spaniards in peace, the Haida engage them in trade. Hernandez had been instructed by the Spanish Crown to take possession of the land by erecting a large wooden cross on shore. The Haida and the Spaniards trade for two days without the Spanish setting foot ashore.

**1775** Juan Francisco la Bodega y Quadra and Bruno de Hezeta reach the Pacific Northwest intent on claiming sovereignty for the Spanish Crown. After landing on the shores of Salish territory (Washington), Bodega erects a cross and declares Spanish sovereignty. Quinault warriors attack and kill his landing crew the next day.

**1778** British Captain James Cook leads an expedition to the northwest coast. After spending nearly a month trading in Nuuchah-nulth waters, Cook acquires several sea otter pelts that prove to be of great value in China. This marks the beginning of a maritime fur trade that attracts hundreds of vessels from Spain, England, the United States, France, Russia and Portugal to the coast, which Cook renames "Nootka Sound."

**1782** A smallpox epidemic spreads overland from Mexico and kills one-third of affected communities in BC, mostly in Salish territories. By 1840, smallpox, influenza and other diseases kill roughly 65 to 95 percent of Indigenous populations in the area.

**1789** The Nootka Controversy begins. As the value of the sea otter fur trade grows, Spain and Britain struggle for sovereignty over the Pacific Northwest. The Spaniards seize British ships, crew and land the British believe belongs to them. The Spanish kill Nuuchah-nulth Chief Callicum and imprison British officers. The next year, Spain and Britain sign the *Nootka Convention*, in which Spain agrees to surrender the land taken and pay restitution for acts of violence against the British. Both agree to recognize equal trading rights in Nootka Sound.

**1793** British Captain George Vancouver maps the northwest coast, circumnavigating the island that would later bear his name.

**1793** Scottish fur trader and employee of the Northwest Company, Alexander Mackenzie, traveling overland from the east, reaches the Pacific Ocean at Q'umk'uts (Bella Coola) in Nuxalk territory. A map of his journey is published in 1801.

**1803** Nuuchah-nulth Chief Maquinna leads an attack on the British vessel, the *Boston*, in Nuuchah-nulth waters after the ship's captain insults him during trade negotiations. Maquinna leads his wit-waak (warriors) to attack, burning the ship and killing all but two of its crew. Europeans avoid Nootka Sound for two years.

**1805** Simon Fraser, fur-trader and partner in the Northwest Company, establishes Fort McLeod in Tsek'ehne (Sekani) territory. Within two years, the company establishes Fort St. James, Fort Fraser and Fort George in Dakelh (Carrier) territory. Fort St. James becomes the centre of government and commerce in New Caledonia.

**1808** The Musqueam prevent Simon Fraser from entering their territory and fulfilling his goal of reaching the ocean from New Caledonia by chasing him back up the river that now bears his name.

**1811** The US ship the *Tonquin* is captured and the crew killed in Tla-o-qui-aht waters after the ship's captain insults a Nuu-chah-nulth chief during trade negotiations by throwing furs in his face.

**1821** The Northwest Company and Hudson's Bay Company (HBC) merge. The British Crown grants the HBC exclusive trading privileges with Indigenous people in the areas of North America claimed by the British.

**1825** Fort Vancouver is established at the mouth of the Columbia River. Great Britain and the United States struggle for control over the territories of the west.

**1826** HBC Fort Connelly is established in Gitksan territory (Bear Lake). Soon after, Fort Langley is established in Sto:lo territory (Fraser Valley).

**1828** Dakelh (Carrier) Chief Kwah leads an attack on Fort St. James after HBC employees attempt to capture and execute the last of two Dakelh-ne men thought to be guilty of killing two HBC traders a few years before. James Douglas, Assistant Chief HBC Factor, is apprehended and let go after some negotiation. Douglas is transferred to Fort Vancouver the following year.

**1835** Kwakwaka'wakw people inform traders of coal deposits in their territory (Beaver Harbour). Douglas (now Chief Trader of the HBC) sends a ship from Fort Vancouver to verify and claim ownership of coal deposits.

**1843** Douglas (now Chief Factor of the HBC) establishes Fort Victoria on "Vancouver's Island." In his position as HBC Chief Factor, Douglas assumes Crown authority in the area and begins dividing Indigenous territories for European settlement.

**1844** Quw'utsun' (Cowichan) warriors, led by Tzouhalem, attack Fort Victoria.

**1846** Representatives of Britain and the United States sign the *Oregon Boundary Treaty*. The Treaty imposes the northern border of the United States along the 49th parallel, cutting across existing Indigenous territorial boundaries. Britain claims Vancouver Island and mainland territories north of the 49th parallel, asserting sovereignty over the lands that would become known as British Columbia.

**1849** James Douglas establishes Fort Rupert to begin mining coal in Kwakwaka'wakw

territory. Douglas aggressively promotes the development of coalmines all over Vancouver Island.

**1849** Vancouver Island becomes a British colony. Queen Victoria leases all of Vancouver Island to the HBC on the condition that the company promotes colonization of the island.

**1850** Richard Blanshard becomes the first Governor of the Colony of Vancouver Island.

**1850** As Chief Factor of the HBC, James Douglas begins to negotiate agreements with Kwakwaka'wakw, Saanich, Snuneymuxw and Songhees/Lekwungen, Sna-Naw-As, Scia'new, T'Souke and the Malahat peoples now engulfed by the Colony of Vancouver Island. The written agreements state that the Indigenous signatories surrender their entire territory forever in exchange for small reserves and residual hunting and fishing rights. The oral evidence indicates that the agreements reaffirmed Indigenous territorial ownership and allowed for peaceful European settlement within these territories.

**1851** Governor Blanshard resigns and returns home to England. James Douglas becomes Governor of Vancouver Island and remains HBC Chief Factor.

**1851** Saanich stommish (warriors) arrive at Vancouver Island Steam Saw Mill Co. logging operations in Saanich territory (Cadboro Bay) and force the loggers to leave. Within a year, two Douglas treaties affecting the entire Saanich peninsula are signed.

**1852** The Cowichan Crisis begins. Governor Douglas, on behalf of the HBC, takes possession of coal deposits in Snuneymuxw territory (Nanaimo) and begins shipping coal to Fort Victoria. Soon afterwards, Snuneymuxw and Quw'utsun' (Cowichan) warriors kill HBC employee, Peter Brown.

**1853** The British dispatch a gunboat and 130 men to Quw'utsun' territory where two men are captured, tried and executed under British law for the murder of Peter Brown.

**1854** The last Douglas treaty, affecting the land occupied by the coalmine in Snuneymuxw territory (Nanaimo), is signed. The text of this treaty has since been lost, while the oral record persists.

**1858** The Fraser River Gold Rush begins. Over 30,000 miners flood into the Upper Fraser Valley and Fraser Canyon after gold is discovered in the Fraser River. European and American speculators attempt to survey and sell land near Fort Langley, provoking Douglas to publicly declare that title to these lands belongs to the British Crown.

**1858** The *British Columbia Act* proclaims the new mainland Colony of British Columbia. Douglas resigns from the HBC to become Governor of the new colony. Britain grants Douglas sole authority to allocate land in the colony to settlers and to establish Indian reserves.

**1858** Britain deploys its Royal Engineers (RE) throughout the new colony to facilitate European settlement of Indigenous territories. For the next five years they build roads,



divert rivers, plan settlements, conduct land surveys, produce maps, and establish the United States-British Columbia boundary.

**1859** Governor Douglas proclaims that all land in the Colony of British Columbia, including mines and minerals, belongs to the British Crown. This proclamation makes provisions for land auctions, sales, road-building, ditching, working of gold claims, and the establishment of New Westminster, the capital of the Colony of BC, at Skaia-metl, the main Kwantlen community in Sto:lo territory.

**1859** Douglas dispatches an Indian agent into Nuu-chah-nulth territory to regulate the sale of liquor, prevent uprisings and induce the people to abandon their traditional ways in favour of European ways. Within three years, the Indian agent disappears and is presumed killed by the Nuu-chah-nulth.

**1862** The Cariboo Gold Rush reaches its peak. Over 10,000 miners flood into Dakelh (Carrier) territory through the Fraser Canyon. Construction of the Cariboo Wagon Road from Yale to Barkerville through Tsilhqot'in and Dakelh territories begins. The road is completed in 1865 despite strong resistance from the Tsilhqot'in.

**1862** Infected Europeans bring smallpox to Fort Victoria, sparking an epidemic that devastates Indigenous communities for over two years. While some vaccinations are dispensed, the disease spreads when infected people are forced (some by gunboat) back to their communities. By 1864, Indigenous communities throughout the two colonies will lose a majority of their population.

**1864** The Chilcotin War begins when the Tsilhqot'in attempt to stem the flow of settlers and smallpox into their territory by stopping the construction of the Cariboo Wagon Road. Three Tsilhqot'in men, twelve road workers and six settlers die during the conflict. Within weeks, an army of 100 colonists track down and arrest eight Tsilhqot'in chiefs. The chiefs are tried for murder under British law and six are executed by hanging.

**1864** Governor Douglas retires. A.E. Kennedy is appointed the new Governor of Vancouver Island; Frederick Seymour becomes Governor of the mainland colony. Just before his retirement, and in response to Indigenous resistance, Douglas sends surveyor William McColl to establish Indian reserves in the central Fraser Valley. These reserves are relatively large; some are as big as 9,000 acres. Douglas' successor, Frederick Seymour, refuses to recognize the legitimacy of the reserves.

**1864** Joseph Trutch becomes Chief Commissioner of Lands and Works for BC and assumes responsibility for Indian land policy. Trutch publicly denies the existence of Indigenous rights, reduces the size of existing Douglas reserves, and sets a new reserve allotment formula at ten acres per family.

**1864** Thousands of Sto:lo and other Coast Salish peoples travel to New Westminster on Queen Victoria's birthday to protest the swell of European immigration and settlement in their territories and to express satisfaction with the reserves established by Douglas. Oral

history among the Sto:lo records that Governor Seymour responded with a promise that one-third of the proceeds from land sales in the Fraser Valley would be taken by the colonial government, one-third would be given directly to the Sto:lo, and one-third would be set aside for the delivery of educational and social services for the Sto:lo people.

**1864** Nuu-chah-nulth wit-waak seize the British vessel the *Kingfisher* in Clayoquot Sound and kill the crew. Britain deploys two naval ships to capture and arrest those thought to be responsible. Once in Tla-o-qui-aht territory, the British begin shelling, destroying nine villages and killing 13 Nuu-chah-nulth people.

**1866** The colonies of Vancouver Island and BC are united by an act of the Imperial Parliament. New Westminster becomes the capital of the united colony of BC.

**1867** The Dominion of Canada is established by the *British North America Act (BNA Act)*. Under this Act, Canada asserts jurisdiction over Indians and Indian lands.

**1871** British Columbia joins Canada. Canada retains jurisdiction over Indians and lands reserved for Indians. The Canadian government incorrectly assumes the 1763 Royal Proclamation has been applied in BC to secure the surrender of Indigenous territories. The Terms of Union guarantee a reserve policy “as liberal as that hitherto pursued” by BC, entrenching Trutch’s ten-acre policy.

**1871** The BC Lands and Works Department is established to replace the earlier colonial department of the same name. Its task is to survey, map and administer land in BC. The position of Commissioner of Lands and Works is very prestigious, often resulting in a Premiership due to the ability to provide land as patronage.

**1871** Ottawa publishes *A Schedule of All Indian Reserves (Surveyed) in the Province of BC* based on a list of reserves submitted by BC. A number of surveyed and unsurveyed reserves are left off the schedule.

**1872** Israel Wood Powell is appointed Indian Superintendent to administer federal Indian legislation in BC. Critical of BC’s ten-acre policy, Powell attempts to allocate more land for reserves. Canada supports his position and in 1873, requests that BC adopt an 80-acre standard in establishing reserves. BC agrees to a 20-acre standard for new reserves but soon reneges on this agreement. Powell stops laying out reserves in protest.

**1872** Thousands of Salish people rally outside the BC land registry in New Westminster and demand recognition of their territorial ownership and jurisdiction. Indians are prohibited from claiming unsurveyed lands.

**1872** The Gitksan close the Skeena River to colonial explorers, fishers and traders. BC sends a military expedition from Esquimalt to reopen the river.

**1873** The federal Department of the Interior is created. Indian Affairs becomes the Indian and Indian Lands Branch within this department. A Board of Commissioners is set up to administer Indian affairs in BC.

**1873** The Salish and Tsilhqot'in people send a petition to Superintendent Powell, demanding compensation for land taken by settlers. Fifty-six chiefs approve a petition asking for reserves containing 80 acres per family, highlighting settler encroachment and poor treatment. They threaten to appeal to the Dominion if the Province does not respond. Powell does not respond.

**1874** The Salish organize a large protest rally, drawing hundreds of people to New Westminster from communities along the Fraser River, the mainland coast and the interior.

**1874** BC passes a new *Land Act*, consolidating all previous land legislation. Through the *Land Act*, BC authorizes the annexation of Indigenous territories and sets Indian reserve allotment at 20 acres for every head of family regardless of family size. Canada again requests that BC adopt an 80-acre standard for all reserves. BC refuses. Canada disallows the *Land Act*.

**1875** The Dominion government passes an order in council recommending that the BC government allot 80 acres of land to every Indian family of five persons. BC refuses, asserting that not more than 20 acres of land are required for each Indian family. A revised *BC Land Act* is passed, setting the 20-acre Indian reserve formula while providing 160-acre land grants for individual settlers free of charge.

**1875** The federal government creates the system of Indian superintendencies. BC is divided into Victoria Superintendency (Vancouver Island and Northwest Coast) under I.W. Powell, and the Fraser River Superintendency (Mainland Division) at New Westminster under James Lenihan.

**1875** *Papers Connected with the Indian Land Question, 1850-1875* is published. During a House debate, opposition leader William Tolmie demands that the government publish all papers related to the "Indian Land Question" in BC to be reviewed by committee. Despite opposition by Premier G.A. Walkem, a committee is struck and the papers are published. The Committee's report is never made public and *Papers Connected* is suppressed and government officials routinely deny Indigenous people access to the publication. It is not published for the public until 1987.

**1876** The *Indian Act* consolidates all previous legislation regarding Indians and Indian lands in Canada. Over time, the *Indian Act* is amended to prohibit cultural practices and public assembly, to confine Indians to reserves, and to prevent the pursuit of land claims. While the *Indian Act* asserts Canadian jurisdiction over Indigenous peoples, creating "Indians" and "Indian reserves," it signals some governmental recognition of Indian lands and of the distinct position of Indigenous people.

**1876** BC and Canada establish the Joint Indian Reserve Commission (JIRC) to examine and allot Indian reserves in BC in order to settle the dispute over Indian reserve size. The JIRC is made up of three commissioners: Archibald McKinley (BC), A.C. Anderson (Canada) and Gilbert Malcolm Sproat, who is appointed by both governments.

**1878** The JIRC is dismantled. The Indian Reserve Commission (IRC) replaces the Joint

Indian Reserve Commission and Gilbert Malcolm Sproat becomes the sole Indian Reserve Commissioner until he resigns in 1880. In addition to reserves, Sproat's allotments include water rights and temporary reserves. Many of his allotments are too vague to be located by either the surveyor or succeeding commissioners. Not all of Sproat's reserves are allowed.

**1878** Sproat begins allocating large reserves in the southern interior region. For several years under the leadership of Chillihitza and Neskonlith, the Okanagan and Secwepemc had been enforcing their land rights by evicting settlers and occupying land, prompting the IRC to visit the area and allot reserves.

**1879** The Nlaka'pamux assemble at Lytton to discuss their land rights. A new political structure, consisting of a head chief and 13 councilors is proposed to deal with the colonial governments and the Nlaka'pamux request that their system be recognized under the *Indian Act*.

**1880** Peter O'Reilly (Joseph Trutch's brother-in-law) is appointed Indian Reserve Commissioner. O'Reilly serves as commissioner until 1898. O'Reilly allots reserves as he did under Trutch prior to Confederation and revisits many of the reserves set aside by previous commissioners. O'Reilly attempts to allocate exclusive rights to certain fisheries, but government fisheries agencies challenge his authority to do so.

**1880** Trutch becomes the Dominion agent in BC for railway and Indian matters. Construction of the BC portion of the Canadian Pacific Railway (CPR) begins, contributing to increased immigration. Indian Affairs becomes its own federal body when the Department of Indian Affairs is created. The two superintendencies in BC are abolished to make way for the Indian agency structure. Indian agents are appointed and deployed.

**1881** Canada creates six Indian agencies: Cowichan, West Coast, Kwawkwalth, Fraser River, Kamloops and Okanagan. The Indian agents report directly to the Indian Superintendent for BC (until 1910).

**1881** Chief Mountain leads a Nisga'a delegation to Victoria to protest increasing encroachment of farmers, fishermen and loggers in the Nass and Skeena valleys. The Nisga'a denounce O'Reilly's reserve allocations.

**1881** Canada enumerates Indians in BC in the national census.

**1883** Railway lands in BC are transferred to Canada to help pay for railroad construction costs. The Railway Belt is a 20-mile strip of land on either side of the railway line totaling nearly eleven million acres. An additional 3.5 million acres, known as the "Peace River Block," is transferred to replace land already taken up in the more populated sections of the province. The Railway Belt and Peace River Block, including all Indian reserves contained within these sections, remain under federal control until 1930.

**1883** The Lillooet and Northwest Coast Indian Agencies are created. The Tsimshian, Gitksan and Nisga'a refuse to accept the Indian agent appointed to their territories. Within five years, the Tsimshian protest against the agent, his behaviour, and the laws he aims to impose.

**1884** The Tsimshian, angered by encroachment of settlers and the appropriation of their land, disrupt surveying activities and sabotage surveying parties in their territory.

**1885** Canada enacts a potlatch ban. Every Indian engaging in a potlatch or Tamanawas (spirit) activities is deemed guilty of a misdemeanor, and is subject to imprisonment of up to six months in jail. Uslick, a Sto:lo man from Chilliwack, is the first person arrested under this law.

**1885** Three Tsimshian chiefs travel to Ottawa to express their concerns about land rights. They are the first Indigenous delegation from BC to take their protests to Ottawa.

**1886** The Nisga'a prevent surveyors from conducting work in the Nass Valley.

**1886** An armed uprising in Tsimshian territory is reported. Premier Smithe sends a warship to the mouth of the Skeena River. Troops reach the area two days later but all is quiet. The troops remain in the territory for a month.

**1887** Tsimshian and Nisga'a chiefs meet with Premier Smithe at his home to reject a reserve that had been set aside for them and to request a treaty. Smithe, claiming Crown ownership, dismisses the request for a treaty as misguided and delusional. He promises to appoint a Joint Commission to look into the enlargement of north coast reserves.

**1887** The Commission of Enquiry into the Conditions of the Indians of the Northwest Coast is dispatched to Tsimshian and Nisga'a territories. Smithe instructs the Commissioners to discount any claims of Indian title and assert Crown ownership of the land. Shortly after the inquiry, the Northwest Coast Indian Agency is established and an Indian agent is dispatched to monitor the Tsimshian, Nisga'a, Heiltsuk, Nuxalk, Haida and Haisla territories.

**1890** The Nisga'a form the first Nisga'a Land Committee.

**1897** The Klondike Gold Rush begins in the Yukon when news reaches Seattle that gold has been found in Tlingit territory. Within a month, the "Klondike stampede" begins as Canadian, American and European gold-seekers converge on the north. By 1898, the Klondike population reaches nearly 40,000, famine looms and stampeders are denied entry into Canada unless they bring a year's supply of food.

**1898** A.W. Vowell is appointed Indian Reserve Commissioner. Acting as both the Indian Superintendent and the Indian Reserve Commissioner for BC, Vowell deals with the re-allotment of reserves, primarily timber reserves that had burnt down. Though he remains Indian Reserve Commissioner until 1910, his duties are suspended in 1907 when BC refuses to allot new reserves.

**1898** An armed blockade at Fort St. John stops the Klondike stampede through northeastern BC. Dene (Slavey), Dunne-za (Beaver), and Tsek'ehne (Sekani) people take up arms after thousands of gold-seekers invade their territories, fishing, hunting and trapping out Indigenous livelihoods.

**1899** Canada extends Treaty 8 to the northeastern corner of BC. Leaders of the Dene (Slavey), Dunne-za (Beaver) and Cree peoples sign Treaty 8. Canada promises to set aside reserves based on an allotment of 160 acres per Indian. The BC government continues to reject Indigenous rights but does not object to the treaty. Establishment of Treaty 8 reserves proves difficult, as the province is reluctant to set aside the land required.

**1904** Okanagan Chief Chillihitza and Secwepemc Chief Louie travel to Europe with Father LeJuene for a conference on Indigenous linguistics. They meet with Pope Leo XIII and remain in Europe for four months.

**1905** The *BC Game Amendment Act* authorizes provincial game wardens to regulate and enforce restrictions on hunting, fishing, grazing and trapping. This significantly undermines and disrupts Indigenous economies as Indigenous people are fined and imprisoned for trespassing and breaking fish and game laws.

**1906** Amid much media attention, a delegation of Squamish, Quw'utsun, Secwepemc, Okanagan, Nlaka'pamux and St'át'imc Chiefs travel to London and present King Edward VII with a petition protesting the lack of treaties and adequate reserves in BC. The King advises them to discuss the matters with Prime Minister Laurier in Ottawa. Chief Capilano later reports that King Edward had made certain promises, which Canada denies.

**1907** The Nisga'a chiefs reform the Nisga'a Land Committee. The Nisga'a reorganize politically to deal with colonial governments. The Land Committee raises funds, solicits legal advice and enters into alliances with other Indigenous peoples in order to assert territorial ownership and reject inadequate reserves.

**1908** BC stops setting aside Indian reserves in defiance of Dominion pressure to increase the size of reserves. BC advises Canada that some Indian reserves are too large and should be reduced. Meanwhile, Canadian settlement and resource extraction increases rapidly as BC's economy starts to boom. The north coast is the only region in which reserve allotment has not been completed.

**1908** The Nisga'a Land Committee issues a petition asserting ownership of the Nass Valley, and requesting 140 miles of the valley be reserved exclusively for the Nisga'a as hunting, fishing and timber grounds.

**1908** A delegation of 25 coastal chiefs travels to Ottawa and presents Prime Minister Laurier with two petitions, which he promises to forward to King Edward VII. Laurier assures the delegation that their concerns will be addressed.

**1908** Fourteen Secwepemc, Okanagan, Nlaka'pamux and St'át'imc chiefs send a petition to the Department of Indian Affairs denouncing the reserves set aside for their people as inadequate. They also express their discontent over the imposition of hunting, fishing and grazing restrictions, and over-fishing by settlers.

**1909** Missionaries Charles Tate and Arthur O'Meara draft the *Cowichan Petition* on behalf of the Quw'utsun and present it to colonial authorities in London. The ten-page petition asserts

Quw'utsun' possession and occupation of their land since "time immemorial" and invokes the 1763 Royal Proclamation as a guarantee that these lands, not having been surrendered to the Crown, remain reserved for the Quw'utsun'. In doing so, the Quw'utsun' regard the "Proclamation of their great father, King George III as the Charter of their rights."

**1909** In response to the *Cowichan Petition*, Prime Minister Laurier seeks a legal opinion about the validity of Aboriginal Title and land claims in BC. T.R.E. McInnes, a barrister retained by the Dominion government, denounces the Indian land policy established by Trutch. McInnes believes much of the land in BC is subject to unextinguished Aboriginal Title and that Canada has a responsibility to pursue a legal land claim against BC on behalf of the Indians.

**1909** Secwepemc, Okanagan, Nlaka'pamux and St'át'imc leaders meet in Spences Bridge and form the Interior Tribes of British Columbia. James Teit, a local ethnographer, is recruited to translate their concerns and demands to Canada and BC.

**1909** Coastal leaders meet in Victoria and form the Indian Rights Association, bringing together north and south coast peoples. Charles Tate is appointed secretary and the people raise one thousand dollars for legal expenses. These expenses include the drafting of a legal position, *A Statement of Facts and Claims on Behalf of the Indians of British Columbia*, as a basis for a Privy Council hearing on Aboriginal Title.

**1910** Reserve Commissioner A.W. Vowell retires and the Indian Reserve Commission is dismantled. Since 1907, Vowell had been noting, in yearly reports, bands without reserves, with inadequate reserves and those with unsurveyed reserves.

**1910** The Indian Rights Association submits *A Statement of Facts and Claims on Behalf of the Indians of British Columbia* to Prime Minister Laurier, demanding a Privy Council hearing in London, England.

**1910** Prime Minister Laurier visits BC to settle the federal-provincial conflict over reserve size and Aboriginal Title. Federal and provincial lawyers prepare ten questions to be submitted to the Supreme Court of Canada. Premier McBride demands the removal of any questions related to Aboriginal Title, informing Prime Minister Laurier that Aboriginal Title is a political matter that cannot be decided in court as it would have disastrous effects on BC's financial standing and jeopardize investment in the province. Premier McBride then travels to London to request that Britain maintain a policy of non-interference in BC. The London colonial office agrees.

**1910** The Nisga'a Land Committee refuses to allow settlers into the Nass Valley. The Nisga'a serve notice to the BC Attorney General, the media, and individual landseekers that the Nass Valley is Nisga'a territory. All others are forbidden from entering the valley and staking claims until an agreement has been reached between the Nisga'a and the Crown.

**1910** The Interior Tribes sends a *Petition of the Chiefs of Indian Bands of the Southern Interior at Spences Bridge* to the Department of Indian Affairs, demanding treaties, enlarged reserves, and compensation for lost land.

**1910** While in BC, Laurier visits Kamloops. Learning that he is in favour of larger reserves and recognition of Aboriginal Title, the Interior chiefs present him with a *Memorial to Sir Wilfred Laurier, Premier of the Dominion of Canada from the Chiefs of the Shuswap, Okanagan and Thompson Tribes*. This is a letter condemning BC land policies and game laws, and rejecting BC's takeover of their lands. Believing that the Queen's laws will guarantee their rights, they request treaties with Canada.

**1910** The Tsimshian and Nisga'a meet with Prime Minister Laurier in Prince Rupert.

**1910** Tahltan Chief Nanok and 80 others work with James Teit to submit the *Declaration of the Tahltan Tribe*, asserting ownership over their traditional territories, which they have defended "at the cost of their blood." They ask that all their concerns regarding land and livelihood be settled by treaty with Canada and BC.

**1911** The Interior Tribes, now consisting of the Secwepemc, Nlaka'pamux, Okanagan, St'at'imc, Tsilhqot'in, Dakelh, Tahltan, and the coastal Sto:lo chiefs, submits a *Memorial to the Honourable Frank Oliver, Minister of the Interior, Ottawa*. That same day, the St'at'imc release the *Declaration of the Lillooet Tribe*, asserting ownership of their territories and reminding Canada that though BC lays claim to their lands, they have defended their land "at the cost of their blood" and have never surrendered or deserted it.

**1911** In response to Indigenous petitions and declarations, Prime Minister Laurier passes Order-in-Council PC1081, proposing that the federal government take Indian claims to the Exchequer Court of Canada. The OIC sits in the Department of Justice for a year. By the time it is examined, Laurier is no longer Prime Minister.

**1911** The Nisga'a Land Committee hires Arthur O'Meara as their legal counsel and begins formulating a legal position and strategy.

**1911** Over 60 delegates of the Interior Tribes, the Indian Rights Association and the Nisga'a Land Committee meet with Premier McBride to protest BC land policies and demand to be heard by Canadian courts. McBride declines, asserting that they do not have a legal case and that Indigenous people in general are satisfied with BC policies. In response, the Interior Tribes issues a Memorial and Declaration, reiterating their July 1910 declaration.

**1911** Prime Minister Borden and Premier McBride continue the dispute over BC Indian land policy. Former Prime Minister Laurier's proposal to take Indian claims to the Exchequer Court is formally set aside.

**1912** Prime Minister Borden appoints J. McKenna to settle the dispute over BC Indian reserve policy. McKenna visits BC, meeting with Indigenous leaders and negotiating an agreement with Premier McBride. In September, McKenna and McBride sign an agreement to establish a Royal Commission to review the work of the Indian reserve commissions and hear evidence from chiefs, community members, Indian agents and third parties to adjust Indian reserves in BC. The issue of Aboriginal Title is excluded from the Commission's mandate.



**1912** The Interior Tribes meets with McKenna and, after receiving a copy of the McKenna-McBride agreement, submits a *Statement of the Chiefs of the Interior Tribes of British Columbia to the Honourable Mr. Borden, Prime Minister of Canada and Members of the Dominion Government*, clarifying that their main concern is not the size of reserves, but the “stealing of our lands by the BC government.” The chiefs assert ownership of their territories and demand a Privy Council hearing, rejecting the mandate of the Commission and its ability to reach fair and unbiased decisions.

**1912** Delegates of the Interior Tribes, Indian Rights Association and the Nisga’a Land Committee agree to unite under the Indian Rights Association on all matters related to the McKenna-McBride Agreement.

**1913** The Nisga’a, independent of the Indian Rights Association, submit the *Nisga’a Petition* to the Privy Council in London. It is referred back to Canada. Soon after, the Indian Rights Association authorizes J.M. Clark, Q.C., to travel to London to submit a similar petition on their behalf. It too is referred back to Canada. Clark sees these independent submissions as a sign of a division within the Indian leadership. He promptly informs the Department of Indian Affairs.

**1913** The Royal Commission on Indian Affairs in the Province of BC (the “McKenna-McBride Commission”) begins its community hearings. The Indian Rights Association resolves to appear before the Commission and demand the issue of title be settled before reserves are adjusted. The Commission travels the province for three years, holding community meetings from which they produce volumes of testimony and 98 interim reports. The people discuss water, hunting, fishing, grazing, and timber rights, and ask for treaties and larger reserves. They also express fears that the Commission will further reduce existing reserves. Commissioners assure the people that the *Indian Act* guarantees that reserves cannot be reduced without Indian consent.



McKenna-McBride  
Royal Commission  
hearing, Nanaimo  
-BC Archives H07051

**1913** Construction of the Canadian National Railway causes major landslides in the Fraser Canyon at Hells Gate, blocking the Fraser River salmon run and decimating the fishery. In spite of Indigenous protests and petitions, federal government officials heavily restrict Indigenous fisheries in the area, further undermining Indigenous livelihoods and economies.

**1914** In response to the *Nisga’a Petition*, Prime Minister Borden revives Laurier’s proposal

to bring the issue of title to the Exchequer Court. Order-in-Council PC751 establishes the conditions under which Canada would allow such a case. Before a case can be heard, the Indians of BC first have to agree to 1) use lawyers appointed by the Department of Indian Affairs; 2) surrender their title if the court agrees that it exists; and 3) accept the recommendations of the McKenna-McBride Commission as a final adjustment of reserve lands.

**1915** J.M. Clark reports to the Department of Indian Affairs that the Indian Rights Association is prepared to accept Order-in-Council PC751 in order to have its case heard. Meanwhile, the Nisga'a and the Interior Tribes formally reject Order-in-Council PC751 and continue to lobby Canada to delay the McKenna-McBride recommendations until the *Nisga'a Petition* is heard in court. The Department of Indian Affairs dismisses the *Nisga'a Petition* due to the apparent lack of consensus in BC regarding the rejection of Order-in-Council PC751.

**1916** The Nisga'a and the Interior Tribes form the Allied Tribes during a meeting in Vancouver, in which the position of the Indian Rights Association is formally rejected and the organization dissolved. The executive of the Allied Tribes is elected to represent the Interior and Coast Salish, Kootenay, Tsilhqot'in, Dakelh, Kaska-Dene, Q'uwit'sun, Nuxalk, Nisga'a, Tsimshian, Haida and Gitksan peoples.

**1916** The McKenna-McBride Commission releases its Final Report. The Commission establishes new reserves and confirms, increases or reduces existing reserves. The amount of valuable reserve land is reduced or cut off, while most new and enlarged reserves contain rocky, arid or otherwise undesirable lands. Cut-offs amount to over 36,000 acres of land, mostly in the southern and interior territories. Some reserves are cancelled completely. Many communities whose reserves are cut off or cancelled will not gain any land in return. The Minister of Indian Affairs promises that Indian consent is required before any cut-offs occur. Canada and BC move slowly to implement the report.

**1919** BC passes the *Indian Affairs Settlement Act* to endorse the McKenna-McBride recommendations as a final settlement regarding Indian lands and affairs in BC.

**1919** After an assembly in Spences Bridge and large intertribal meetings throughout BC, the Allied Tribes drafts a *Statement of the Allied Indian Tribes of BC for the Government of British Columbia*, outlining the "present position of the Indian land controversy" in BC, emphasizing Indigenous territorial ownership and rejecting the McKenna-McBride recommendations. The statement is distributed to Indigenous communities throughout BC before it is presented to Premier John Oliver in December.

**1920** Canada passes the *British Columbia Indian Lands Settlement Act* to allow the McKenna-McBride recommendations and impose cut-offs without Indian consent, contrary to the *Indian Act*. The legislation is meant to be a full and final settlement of Indian lands and affairs in BC. The Allied Tribes condemns Canada and BC and intensifies its demands for a judicial hearing. Meanwhile, Indian Agents and the RCMP suppress Indian gatherings with a series of potlatch arrests, convictions and incarcerations.

**1920** The Ditchburn-Clark Commission is established to review the McKenna-McBride

recommendations. While Canada accepts the McKenna-McBride Final Report in its entirety, BC refuses to implement all of the cut-offs and additions. James Teit is selected to represent the Allied Tribes during the review. The Ditchburn-Clark Commission confirms the work of the McKenna-McBride Commission, making few amendments, additions, or reductions.

**1921** Indian Agent/Justice of the Peace William Halliday and the RCMP stage a major raid on a Kwakwaka'wakw potlatch at Mamlilikulla (Village Island), arresting 49 people and confiscating all regalia, masks and other sacred items. Twenty-six people are incarcerated and the confiscated items are sold to public and private collections throughout Canada and the United States. The Kwakwaka'wakw join the Allied Tribes.

**1922** The Allied Tribes meets in North Vancouver to continue lobbying British, Canadian, and BC governments for a judicial hearing regarding Aboriginal Title.

**1923** British Columbia passes Order-in-Council 911 approving the McKenna-McBride recommendations. Canada responds the following year with Order-in-Council 1265, confirming the McKenna-McBride cut-offs, except those within federally controlled lands in the Railway Belt. Despite being listed in the Final Report, the cut-offs in the Railway Belt do not take effect. Elsewhere in BC the cut-offs are made immediately, without consent of the Indian bands affected.

**1926** The Allied Tribes petitions the Canadian Parliament for an inquiry, outlining the “Indian land controversy” since BC entered Confederation. Due to government approval of the McKenna-McBride recommendations, the Allied Tribes declares that it is entitled to a hearing at the Privy Council and demands the funding and sanction to do so.

**1926** Neskonlith Chief William Perrish travels to England to petition King George V.

**1927** Canada appoints a Joint Special Committee of the Senate and House of Commons to inquire into claims of the Allied Tribes as set out in their 1926 petition. The Committee considers the position of the Allied Tribes for two weeks, then declares that it has not proven any rights to the land based on Aboriginal or other title. The Committee recommends that the matter be closed and, blaming outside agitators for Indigenous resistance, recommends a ban on obtaining funds or legal counsel to advance Aboriginal Title cases. The Committee further recommends that Indians in BC receive an annual allotment of \$100,000 to be spent on education, medical care and the promotion of agriculture, ranching and irrigation on reserves.

**1927** Canada amends the *Indian Act* to make it illegal to obtain funds or legal counsel to advance Aboriginal Title cases. This ends the Allied Tribes' hope of having a case heard at the Privy Council in London and the Allied Tribes dissolves. Indigenous resistance goes underground.

**1928** The Special Funding Vote of \$100,000 annual payment for BC Indians (the “BC Special”) begins. BC and Canada regard the vote as final compensation for the settlement of Aboriginal Title in BC.

**1930** Canada and BC reach the Scott-Cathcart Agreement, setting out conditions for transferring title to Indian reserves in BC to Canada. Canada passes Privy Council Order-in-Council PCOC 208 to transfer all land, except Indian reserves, inside the Railway Belt and Peace River Block to BC. BC claims all roads running through Indian reserves. The agreement also makes five percent of reserve lands available for public works. In return, BC is to transfer Indian reserves outside the Railway Belt and Peace River Block to Canada. BC delays this transfer for eight years.

**1931** The Haida and Tsimshian form the Native Brotherhood of British Columbia (NBBC). NBBC organizes protests on fishing, lands, taxation and social issues. The founding declaration is similar to the Allied Tribes' statement, but avoids mentioning Aboriginal Title. Its official mandate is to improve the socio-economic conditions of Indian people in BC. Unofficially, the NBBC seek recognition of Aboriginal Title.

**1938** BC passes Order-in-Council 1036 transferring Indian reserve lands outside the Railway Belt and Peace River Block to Canada. This OIC recognizes the terms laid out in Scott-Cathcart agreement.

**1942** After entering World War II, the United States Army builds the Alaska Highway from Dawson Creek to Alaska. Completed in eight months, the highway transports over 10,000 American soldiers into Dene (Slavey) and Dunne-za (Beaver) territories, bringing tuberculosis, influenza and famine to Indigenous communities. The United States turns the highway over to Canada in 1946.

**1943** Squamish political leader Andrew Paull establishes the North American Indian Brotherhood (NAIB). Paull had figured prominently in the Allied Tribes and the NBBC. The NAIB aims to organize Indians across Canada to fight for civil rights without loss of Indian rights.

**1945** Premier John Hart passes the *BC Electric Power Act* to bring electricity to settler communities and encourage population growth and industrialization throughout BC.

**1945** World War II ends. Representatives of 51 nations, including Canada, the United States, Britain, and France establish the United Nations (UN) to maintain peace. The mandate of the UN includes promoting respect for human rights worldwide.

**1946** Canada appoints a Joint Special Committee of the Senate and House of Commons to examine Indian policy in Canada. Indigenous leaders from across Canada, including Indigenous war veterans and those of the NAIB and the NBBC, appear before the committee and demand equality and civil rights for Indigenous people.

**1951** Canada revises the *Indian Act*, removing provisions that violate the civil rights of Indian people, including the ban against potlatch activity and the pursuit of Aboriginal Title cases. Now that Indians have been guaranteed civil rights, Canada's longstanding drive to assimilate Indigenous people is carried out in the name of "equality." Meanwhile, industrialization and urbanization of Indigenous territories intensifies.

**1951** The BC Power Company completes the John Hart Hydroelectric Dam near Campbell River, flooding Kwakwaka'wakw territories and disrupting traditional fisheries to bring electricity to settler communities on Vancouver Island.

**1953** The BC Kemano Hydroelectric project dams the Nechako River to power an aluminum smelter in Kitimat. The resulting Nechako reservoir floods Dakelh (Carrier) territories, particularly those of the Cheslatta people. With little or no warning, the Cheslatta are forced to flee the rising waters and watch as their community's hunting grounds, traplines, and burial sites disappear.

**1955** The Nisga'a restructure the Nisga'a Land Committee into the Nisga'a Tribal Council. Citing the 1913 *Nisga'a Petition*, the Tribal Council asserts Aboriginal Title and demands recognition of title and compensation for its loss.

**1956** BC extends the Pacific Great Eastern Railway (later BC Rail) from Quesnel to Prince George. The railway cuts through Tsilhqot'in and Dakelh (Carrier) territories to bring industrialization and urbanization to the north. Within two years, the railway is extended north through Tsek'ehne (Sekani) territory to Dawson Creek in Dunne-za (Beaver) territory.

**1958** The Nuu-chah-nulth establish the Nuu-chah-nulth Tribal Council to confront BC and Canadian policies concerning Nuu-chah-nulth people and territory.

**1960** Secwepemc leader George Manuel and Nisga'a leader Frank Calder present briefs to the Joint Committee for the Review of Indian Affairs Policy. Citing the 1763 Royal Proclamation, Manuel and Calder both demand recognition of, and compensation for, loss of Aboriginal Title. The Committee recommends the establishment of an Indian Claims Commission to settle outstanding land claims in Canada.

**1961** BC transfers 24,500 acres of Dene (Slavey), Dunne-za (Beaver) and Tsek'ehne (Sekani) territories (the "Peace River Block") to Canada for Indian reserves, pursuant to Treaty 8 obligations. Acreage is based on the allotment formula used by Canada for the numbered treaties of the Prairies (640 acres per family of five).

**1966** Indian Affairs releases H.B. Hawthorn's survey of Indian socio-economic needs and policies. Hawthorn sees Indigenous peoples as a disadvantaged segment of the Canadian population that must be considered "Citizens Plus" (Canadian citizens with special rights and policies based on this disadvantage) in order to encourage their migration into the cities and the mainstream labour force. There is no mention of Indigenous nationhood or territorial rights.

**1968** After generations of petitioning and lobbying British, BC and Canadian governments, the Nisga'a turn to Canadian courts, seeking legal recognition that Nisga'a title to their territory has never been extinguished and still remains with the Nisga'a people. BC courts rule that Aboriginal Title never existed based on the belief that at the time of colonization, the Nisga'a were primitive people with few notions of civilized society and private property. The Nisga'a take their case, *Calder v. Attorney General of BC*, to the Supreme Court of Canada.

**1968** BC Hydro completes the WAC Bennett Dam on the Peace River, flooding Tsek'ehne (Sekani) territories. As a result of rising water levels in the new Williston Lake Reservoir, the Tsek'ehne (Ingenika, Fort Graham, and McLeod Lake Bands) are forced to abandon their reserves and watch as their communities, hunting grounds, traplines, and burial sites disappear.

**1969** Prime Minister Trudeau and his Minister of Indian Affairs, Jean Chretien, introduce a white paper on Indian policy. The policy is one of aggressive assimilation and is soon dubbed "The White Paper" by Indigenous leaders. The Indian Association of Alberta is the first to respond with their "Red Paper" entitled *Citizen's Plus*, adopting Hawthorn's 1966 analysis and recommendations.

**1969** The Union of BC Indian Chiefs (UBCIC) forms as 144 chiefs and delegates from all over BC meet to discuss the White Paper and its effects on Indian people in BC. The UBCIC agrees to counter Trudeau's policy with the "Brown Paper," *A Declaration of Indian Rights: The BC Indian Position Paper*. The UBCIC draws on the Alberta Chiefs' Red Paper and its Citizens Plus ideology, adding to it an insistence on the recognition of Aboriginal Title.

**1969** Canada appoints an Indian Claims Commissioner to investigate reserve and treaty-based land claims. The Commissioner agrees to examine reserve lands that had been "cut off" by the McKenna-McBride Commission in BC.

**1971** The BC Rail line reaches Fort Nelson in Dene (Slavey) territory. Chief Harry Dickie, supported by UBCIC, leads Dene and Dunne-za people to blockade the railway on the Fort Nelson Indian Reserve. Chief Dickie attempts to board a train carrying Premier Bennett to discuss settler encroachment and the suppression of hunting, trapping and other treaty rights.

**1972** UBCIC presents a *Claim Based on Native Title to the Lands now Forming British Columbia* to Prime Minister Trudeau, demanding recognition of Aboriginal Title and compensation for its loss. UBCIC proposes that Canada establish a claims commission to adjust reserve size and determine the amount of compensation to be paid to Indigenous people for the loss of their territories. Trudeau ignores the proposal.

**1972** The BC government agrees to consider the return of reserve lands that had been cut off by the McKenna-McBride Commission, but asserts that settling Aboriginal Title claims is a federal matter. Canada and BC begin negotiations with the Indian bands affected in 1981.

**1973** *Calder v. Attorney General of BC*. The Supreme Court of Canada recognizes that the Nisga'a held title to their land before BC was established, however the court splits evenly on whether Nisga'a title had been extinguished since the establishment of BC. In response, Trudeau changes federal policy to allow negotiation of "Comprehensive Claims" based on Aboriginal Title and "Specific Claims" based on reserve lands. The Office of Native Claims is established to carry out this policy.

**1974** Several Indigenous communities in BC engage in protest activities. These include a series of blockades of Highway 12 through the Bonaparte Reserve, a march to the BC

legislature and a caravan to Parliament Hill in Ottawa where riot police greet Indigenous protesters.

**1974** The Nisga'a submit a Comprehensive Claim to begin negotiating the terms of settlement in their territory.

**1975** The Vancouver media declares an "Indian Summer" as Indigenous resistance to government policies continues in rallies, marches, blockades and sit-ins throughout BC, including a highway blockade in St'at'imc' territory and a Nisga'a demonstration against CN Rail surveyors.

**1975** Indigenous people in BC bring their resistance to an international level with the founding of the World Council of Indigenous Peoples. The WCIP attracts over 200 delegates from North and South America, the South Pacific and Europe to the Tseshaht reserve near Port Alberni in Nuu-chah-nulth territory.

**1976** The federal government agrees to negotiate the Nisga'a Comprehensive Claim. BC refuses to join the negotiations.

**1977** Gitksan, Wet'suwet'en, Musqueam and Gitanyow file Comprehensive Claims with the Office of Native Claims. The next year, the Haisla submit a claim. The federal government refuses to negotiate any more claims until the Nisga'a Comprehensive Claim is settled.

**1979** UBCIC drafts the *Aboriginal Rights Position Paper*, outlining a basis for all discussions relating to land claims and Aboriginal Rights. The position paper advocates exclusive control over larger reserves and includes an "Indian Government Manifesto" that draws on the principles of nationhood, self-determination, and equality of peoples.

**1979** Pierre Trudeau announces that he intends to patriate the Constitution. Fearing that treaty and trust relationships between Indigenous peoples and the British Crown will be legally severed, Indigenous leaders petition the Queen to stop patriation until an agreement can be reached among Indian nations, Canada, and Britain that ensures Indigenous autonomy within the Canadian federation.

**1980** The Nuu-chah-nulth submit their Comprehensive Claim. Three years later, BC authorizes MacMillan Bloedel to log Wah-nah-juss/Hilth-hor-iss (Meares Island) in Tla-o-qui-aht and Ahousaht territories. After blocking access to the island, Tla-o-qui-aht and Ahousaht seek an injunction to halt all logging until their Comprehensive Claim is settled. They also seek a legal declaration that title to their territories has never been extinguished, and that BC has no right to authorize resource extraction in Nuu-chah-nulth territory. BC argues that Aboriginal Title, if it did exist at all, has been extinguished. The BC Supreme Court grants the injunction in 1985.

**1981** The UBCIC mobilizes the Constitution Express. Trainloads of Indigenous people travel from BC to Ottawa to lobby Trudeau and the premiers to guarantee Indigenous peoples' right to self-determination in the Canadian Constitution. In the end, Canada passes the *Canada Constitution Act, 1982* recognizing "existing aboriginal and treaty rights" (Section

Marching in the street  
- the Constitution  
Express reaches  
Ottawa  
-UBCIC Collection



35). Three years later, after a series of unsuccessful First Ministers' Conferences, the task of defining Aboriginal rights is left to the Canadian courts.

**1983** The Haida submit a Comprehensive Claim. As the Haida await negotiation, BC authorizes logging in Haida Gwaii. The Haida block access to Gwaii Hanaas (Lyell Island), declaring it a Haida heritage site and seek an injunction to stop all logging until their Comprehensive Claim is settled. BC argues that Aboriginal Title, if it did exist at all,

has been extinguished. The injunction is granted and Gwaii Haanas is designated a Canadian national park.

**1984** Canada appoints a task force to re-examine its Comprehensive Claims policy. The following year, the task force issues the Coolican Report recommending that Canada alter its policy to negotiate more than one Comprehensive Claim per province. Canada ignores the report until 1991.

**1986** The Nlaka'pamux submit their Comprehensive Claim. The following year, Nlaka'pamux (Lytton) and St'at'imc (Mount Currie) communities sign the Stein Declaration to prevent logging in the Stein Valley. In 1989, a one-year moratorium is placed on logging in the valley. The Stein Valley becomes a Provincial Park in 1995.

**1987** Gitksan and Wet'suwet'en hereditary chiefs file a lawsuit against BC and Canada seeking legal recognition of ownership to their traditional territories, and the right to govern them by their own laws. They also seek compensation for loss of land and resources. BC argues that Aboriginal Title, if it exists at all, has been extinguished. After several appeals and ten years, *Delgamuukw v. British Columbia* is heard in the Supreme Court of Canada.

**1990** The Oka standoff begins. Mohawk warriors barricade a road to "The Pines" near Oka, Quebec to stop golf course expansion into their traditional burial ground. In July, 100 police attempt to take down the barricade. One officer is killed and the Mohawks blockade all roads and bridges leading into their territory. Local non-Indigenous residents riot at the barricades and the Canadian Army is called in. Within months, the barricades are dismantled and 150 Mohawk people are arrested. The golf course proposal is abandoned.

Indigenous communities across BC erect blockades in support of the Mohawk people. People block railways and roads, slow traffic and hand out information pamphlets about Indigenous land rights and the struggle in BC.

**1990** BC joins the Nisga'a and Canada in the negotiation of the Nisga'a Comprehensive Claim. This is the first time BC agrees to negotiate a Comprehensive Claim. BC still refuses



to acknowledge Aboriginal Title.

**1990** UBCIC submits a draft *Comprehensive Framework Treaty* to Canada and BC, setting out a process for treaty negotiation in BC. The first principle is that no extinguishment of Aboriginal Title will occur with as a result of the signing of a treaty.

**1990** The First Nations Congress, a splinter group from UBCIC that began to form in 1975, works with Canada and BC to develop a treaty negotiation process. UBCIC upholds its *Comprehensive Framework Treaty* proposal and refuses to participate.

**1991** Canada establishes a Royal Commission on Aboriginal Peoples to examine the relationship between Canada and Indigenous peoples. The Commission visits 96 communities, holds 178 days of hearings, and completes over 350 research projects over four years.

**1992** The First Nations Congress, Canada and BC establish the First Nations Summit and the BC Treaty Commission to implement the BC Treaty Process. The Treaty Process strives for final agreements in which Indigenous Peoples surrender 95 percent of their territories to Canada in exchange for compensation and specific treaty rights. Within ten years, 120 bands enter negotiations, borrowing \$250 million to be paid back out of their compensation packages. As of May 2005, no final agreements have been signed.

**1995** The Gustafson Lake stand-off begins when an American rancher attempts to evict Indigenous people gathered in ceremony on Secwepemc lands. Four hundred RCMP officers use armored vehicles, ammunition and land mines to evict 21 Indigenous people.

**1996** The Nisga'a Tribal Council, BC, and Canada sign an agreement-in-principle that forms the basis of the first Comprehensive Claim agreement signed in BC.

**1996** The Royal Commission on Aboriginal Peoples releases its Final Report recommending a redistribution of political authority and economic resources to reform the relationship between Canada and Indigenous peoples. Condemning Canada's Comprehensive Claim policy, the Commission recommends a policy that recognizes Aboriginal rights and emphasizes shared ownership and jurisdiction over land. Canada shelves the \$58 million report for two years.

**1997** *Delgamuukw v. British Columbia*. On appeal from previous BC Court decisions, the Gitksan and Wet'suwet'en hereditary chiefs amend an original assertion of ownership and control over their territories, replacing it with claims of Aboriginal Title and self-government. BC argues that Aboriginal Title does not exist. Alternatively, BC argues, Aboriginal Title is not a right of ownership, but a right to engage in traditional subsistence practices such as hunting and fishing.

The Supreme Court of Canada rejects the trial judge's ruling that Aboriginal rights had been extinguished before 1871. The Court does not decide whether the Gitksan and Wet'suwet'en still hold title to their land and instead clarifies that Aboriginal Title is not a right of absolute ownership, but a proprietary right to "exclusive use and occupation of land" that "is a burden on the Crown's underlying title." Once Aboriginal Title is proven, federal and provincial governments may infringe upon it for valid reasons, including resource

extraction, economic and infrastructure development, settlement of foreign populations and environmental protection. Aboriginal people must be consulted and compensated for any infringement or extinguishment of Aboriginal Title.

**1998** Canada selects Vancouver-Whistler (Salish-St'at'imc territories) as Canada's nominee to host the 2010 Olympic Winter Games. Developers prepare a number of ski resort proposals for these territories.

**2000** The Nisga'a Final Agreement becomes Canadian law. The Nisga'a surrender 92 percent of their territory in exchange for expanded reserve lands and \$190 million cash. The Nisga'a Lisims government is subject to provincial and federal laws. Nisga'a living in the settlement lands will be subject to BC, Canada, and Lisims taxation.

**2000** St'at'imc people establish a protest camp at Sutikalh to stop a proposed ski resort development in the Cayoosh Mountains.

**2000** Neskonalith people establish Swelkwewelt Protection Centre at the Sun Peaks Ski Resort in Secwepemc territory to stop resort expansion. Secwepemc youth and Elders endure 54 arrests over four years. Resort expansion continues.

**2002** BC holds a referendum on the principles of BC Treaty negotiations. The referendum is widely denounced as biased, divisive and unjust. Indigenous leaders across the province organize a boycott. In the end, 33 percent of BC votes, a majority of which support the BC government's position.

**2003** Vancouver-Whistler is selected to host the 2010 Olympic Winter Games. Plans for the development of lands surrounding Vancouver-Whistler intensify.

**2003** Lheidli T'enneh, BC and Canada sign the first agreement-in-principle under the BC Treaty Process. The Lheidli T'enneh agree in principle to surrender their territory in exchange for expanded reserve lands and \$12.8 million. The Lheidli T'enneh will be subject to federal and provincial laws and taxation.



The 2004 Spring Caravan to Victoria, "Moving Forward in Unity"  
-UBCIC Collection

**2004** The Songhees host a Spring Caravan to Victoria: "Moving Forward in Unity." Over 2,500 Indigenous People converge on the BC legislature to protest BC land policies. The charge is led by the Title and Rights Alliance, representing bands inside and outside the BC Treaty Process. BC responds by denouncing those gathered as misinformed malcontents.

**2005** Prime Minister Martin promises a transformation of Indian policy in

Canada before reducing the Department of Indian Affairs' budget by \$260 million.

**2005** BC continues to aggressively promote oil and gas drilling, ski resort development, logging, mining and other forms of resource extraction in Indigenous territories.

**2005** The Haida Nation and their non-Haida neighbours block roads, seize timber and shut down forestry operations on Haida Gwaii (Queen Charlotte Islands) to protest BC forestry policies in their territory.

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# Chapter 2

## Research Methods

This chapter outlines the principles of high quality research for Indigenous land rights projects. Quality research involves more than just a collection of documents and reports submitted to a band or legal team. To guarantee quality research means to develop and adhere to a clearly defined code of ethics and to practice good research habits throughout your project. If you devote the time and resources to achieving these goals your findings will be a valuable resource for your community. High quality research will do more than serve the needs of your current project; it will enhance your community's cultural knowledge for the future.

The information in this chapter is presented according to a general outline of the research process. It leads you through three phases of research and identifies the issues you will want to consider along the way. The phases are: (1) planning and coordinating a project; (2) conducting research, including analyzing and evaluating documents, and managing the materials you collect; and (3) presenting and storing your findings. You will likely find that the tasks laid out here will be ongoing or overlapping depending on the needs of your project. Every research project is different and will always require you to balance multiple tasks and use your own initiative and creativity as you uncover new information. Make sure that you seek help when you need it and ask questions of the resource people you meet along the way.

### Planning Your Project

#### Practicing Ethical Research

Any research project that takes place in an Indigenous community must be founded upon a **research protocol** that respects the history, culture, knowledge, values, rights and aspirations of the community. A research protocol is an ethical code of conduct that determines the focus and nature of the research. It informs the research design and methods that guide the project, the research questions and the reasons why they are being asked, and the hypothesis and predicted outcomes. Basing a research project on a clearly articulated and agreed upon research protocol will help you ensure that the entire research process—from the planning stages to presenting and storing information—is respectful, empowering and beneficial for the community.

An ethical research protocol carries many responsibilities. To conduct ethical research in an Indigenous community means to:

- Seek permission and direction from the community from the outset of your project.
- Obtain informed consent from participants. This involves getting a written agreement from research participants to voluntarily take part in a research project based on knowledge and understanding of the purpose of the research, the type of information being collected, how the information will be used, and the risks, benefits, and uncertainties of the project.
- Seek ways to involve the community in the whole process of research (rather than just during the information gathering stages).
- Balance your expectations with those of your sponsor or supervisor, the community, and other individuals in ways that keep the best interests of the community at the forefront of the project. If a conflict occurs during the research project, you may need to reconsider your goals and seek alternatives that are compatible with the research protocol.
- Follow appropriate traditional protocols in the collection, interpretation, and use of knowledge and information as far as possible.
- Be as accurate as possible in collecting, interpreting, and presenting knowledge and information.
- Share knowledge and information in ways that are consistent with traditional teachings and practices.
- Protect knowledge and information in ways that minimize the potential for its misuse and misunderstanding.

Some communities will have a general research protocol in place. If this is the case it is your responsibility to ensure that your research project follows this protocol. If there are no protocols in place you should discuss drafting them before you start your research. It is important to note that these responsibilities apply whether or not you are a member of the community in which you are doing research.

## Drafting Confidentiality Agreements

Protecting Indigenous cultures, languages, and knowledge systems includes protecting research materials from misuse or appropriation by governments, **third parties**, or other researchers. An important tool to help you do this is a **confidentiality agreement**. Confidentiality agreements are written documents that identify specific information as private, establish the standards for storage, security, and protection of information, and limit distribution and access of research materials to designated individuals for identified purposes. Such agreements are a key feature of ethical research that help protect your community's intellectual property rights and allow people the right to retain copyright authority over all community knowledge that is being shared with others.

You should work out a confidentiality agreement with the leaders in your community before you or any other researchers begin collecting information. While you are drafting the agreement you will want to consider the following key questions: What you are going to do



with the products of the research? Who is going to use the information and for what purposes? How are you going to make sure that the information is stored securely? How do you propose to protect the privacy of the individuals named in the records and documents? How are you going to deal with requests from individuals from within the community to see these records (or information about them)?

There is more information on protecting your research and drafting confidentiality agreements in the UBCIC-Ecotrust Canada publication, *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design and Data Collection*. This manual is available in print or online at: <http://www.nativemaps.org/chiefkerrysmoose>.

## Identifying Research Questions

### *Determining the scope of your research*

It is important to clearly identify the goals of your project before you begin searching for information. This involves getting a clear estimation of the scope of your research and identifying the key issues you will focus on. Are you planning on researching the history of your traditional territory in its entirety or are you researching a specific issue that took place on one of your reserves? To determine the scope of your research, consult community members with a wide range of expertise and other reference people outside the community for advice, such as people working in other communities, advisors, or lawyers. Ask them for help determining which issues in the project are most urgent and where you should focus your efforts.

### *Identifying priorities and general research questions*

After you have talked to all the available resource people and you have isolated the most important issues you can begin to develop specific research questions. For example, imagine you are a researcher who has been approached by Chief and Council to undertake a research project. They ask you to find out how their reserves came to be the way they are today. You begin by confirming that you understand what information they want and by asking the following questions: Is their primary interest in the history of the establishment of their reserves or are there other issues more important to them such as why an old cemetery located outside of the reserve boundary was not included in the initial reserve? Once you have clearly identified their objectives, you can pose a set of general research questions. For example: How were Indian reserves initially established, what did the community members think about the reserve allotments, and how did these reserves change over time?

### *Developing specific research questions*

Once you have identified your general research questions, you will need to break them down into smaller and more manageable pieces. In the above example, you might do the following: After talking to the community, identify key topics included in the set of research questions. In this case, these topics include 1) initial reserve establishment, 2) community response and 3) changes to the reserves over time. Next, list the specific questions that need to be answered for you to fully address each topic. For example, on the topic of initial reserve establishment, one specific question to ask is on what date reserves were first allotted. Another specific question is who allotted the reserves and under what authority, policy or

law. It is important to list as many questions as possible at this stage for every topic you have identified. This will help you develop a clear and focused research plan.

## Creating Your Research Plan

Once you have refined your general research questions and identified smaller, more manageable questions, you can develop a plan for finding the information you need. Research planning involves evaluating existing research and determining the resources and time you need to search for more information. There are some specific issues you will want to consider in the process:

- How much background knowledge do you have? Are you starting from scratch or has some work been done on the questions you are researching? If you are carrying on with a project begun by a previous researcher make sure you critically assess their research.
- How much time do you have? Remember that every task will take much longer than you expect, and you will encounter many challenges that are hard to plan for. Try to be realistic.
- How much money is available in the research budget? Try to plan ahead by finding out how much it will cost to call long distance or visit different institutions, particularly if you have to stay overnight (accommodation, meals and other expenses add up quickly). Remember to ask in advance if you must pay to have documents located, copied and mailed to you. Plan ahead to save money where you can and avoid being over-budget.

## Conducting Research

### Searching For Information

Research is best approached in steps, each one building on the last to piece together a complete record. If you try to find all the information you require at once, you will waste time and end up with a large collection of unmanageable material that cannot be summarized in a clear and understandable narrative.

A general principle for planning your research is to begin with background research close to home and then move further out as you explore your research question in greater depth.

First, speak with community members who may have some knowledge of the issue you are researching. Elders, Chief and Council, the tribal council or treaty office staff and former Chiefs will have valuable insights that will add to your project. Also check your band office, tribal council or treaty office for notes from previous researchers, as well as general files and information that relate to your project.

Second, examine relevant **secondary sources** (second-hand accounts that interpret or analyze an event) before you start looking at **primary sources** (original documents). Secondary resources will help to provide a context for your primary research. As well, the information that you get from secondary materials about dates and important historical

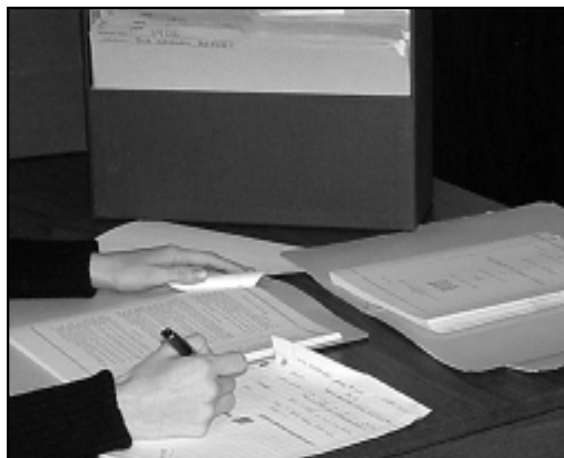
actors and government agencies will help you to know where to begin when you start investigating primary resources. The background information will also help you to make sense of the documents, maps and other resources you find. For example, if you were working on a project for the High Bar First Nation, you could read a general history of the Clinton and Lillooet areas to get some background, such as when and where settlers established towns and built roads. Be sure to critically evaluate secondary sources and be aware of the author's use or misuse of other source material.

Once you have completed your background research you can start identifying the primary resources that might help answer your questions. Use the Internet and phone to start compiling information on collections at local libraries, archives, and museums. Libraries, archives, and other large institutions are much different from regular public libraries and are often challenging for beginning researchers. Plan to spend time learning the procedures for access and use of materials at the institutions you will visit. See Chapter 3: Resource Institutions for information on how these institutions operate.

When you are beginning your primary research it may seem that you are being asked to become an expert in many things, including archival research, history, and geography. Remember that you can always ask for help from the resource people around you. By identifying your research questions you will be able to make the best use of the resources available to you. Be specific. For example, if you ask an archivist to help you find out about the history of High Bar reserves, you may get a general answer that does not address your research questions. If you instead ask for help with your smaller, more manageable and specific questions, such as the name of the government official who allotted High Bar reserves, you will likely be shown records more relevant to your goals.

## Managing Information

Managing the information you collect involves taking clear and helpful notes and organizing your research findings in useful and efficient document management systems. Whether your research is used in land claims, negotiations, court cases or for another purpose, organization can be a critical factor in the success of the project. If someone questions something you found in your research, a clear system of organization will allow you to quickly refer back to your evidence.



Taking clear notes will help you at every stage of your research project.

### *Tracking the path of your research*

Make a note of every resource you review, whether it contains useful information or not. You can make these notes at the archives while you are doing your research and transfer them to a form at your office. These notes will help reduce the risk of losing information or mixing up sources. The path of your research should be clear enough that another researcher, following in your footsteps, could duplicate the work that you have done.

Some material may seem irrelevant at first. There is always a chance it may become useful at a later stage though so you should not disregard it. If you discover a document that relates to a different issue, set it aside until you have an opportunity to decide whether that issue can be considered in your research project. Otherwise you may spend a lot of time on a research task that is not relevant, or that has already been considered and rejected.

### *Citing documents*

Every single page you collect should bear a reference identifying the complete source of information. Write it in the same place on the page every time. It is a good idea to write the citation information on the back of the documents themselves so that it cannot be lost. If you have to write on the front of the document make sure that you also have one unmarked copy. Use a consistent formula for citing documents. Different institutions will have different systems for categorizing materials so it is easy to get confused about how to write the citation. If in doubt, write down as much information as possible and then work on formatting references at a later stage. See Appendix 1 for examples of how to cite different types of documents.

### *Keeping lists of key information*

When you are examining sources keep a running list of the names, institutions, officials and their position, places, and dates. This will help you organize your findings into subject groups or timelines at a later stage. For instance, you may want to develop a **chronology** (a list of events over time) or sketch family trees. Your lists will also help you track systems of command and determine which government official or ministry was responsible for specific issues, where, and during what time period.

Record variations in the key search words you are using. This will also help you find information in the future. Your notes will help you locate a greater range of information about your subject, as different institutions will have organized their materials according to the various spellings that appear on documents and according to which spellings were in use when documents were transferred there.

### *Document management*

You should consider creating a comprehensive index to help you manage your documents. A document index can be used to summarize content and provide key facts such as author, recipient, date, and general contents of each document. The basic components are included in the “Sample document index” at the top of the next page. You could include a variety of other fields as well if you needed to, such as page numbers.

Develop a document indexing system that works for you. For example you might use a hardcover research notebook, index cards, or an **electronic database** (a computerized system that organizes your entries in specific fields). If you will have a lot of documentation to answer many different questions, you might prefer to use an electronic database rather than handwritten notes because it will allow you to sort and summarize your data in different ways.

*Sample document index*

Document Type	Author	Recipient	Date	Source	Summary	Research Notes
Letter	D.C. Scott, Deputy Superintendent General, Department of Indian Affairs	W.E. Ditchburn, Chief Inspector of Indian Agencies, Department of Indian Affairs	October 6, 1920	Library and Archives Canada, RG 10, vol. 11302, file C-II-2	Letter requesting approval of timber lease application by T. H. Hughes.	Microfilm copy very light; should obtain another copy on microfilm or arrange to get copy of original

## Extracting Information

### *Relevance*

Extracting information involves constantly making decisions about what is relevant to your research project. This involves emphasizing certain sources of information more than others. Often there are no clear right or wrong decisions so you will have to balance the information depending on your particular research questions. In all cases, you should include an explanation of why you made those decisions with your research findings.

Extracting information also involves highlighting specific information within a particular document. You will find that some information can be summarized briefly while other information needs to be restated simply in your words or quoted directly. Again, this will depend on your particular aim. One rule of thumb is to use direct quotes sparingly. Quotes should only be used in cases in which the wording or sentence structure of a specific phrase conveys information that cannot be expressed another way.

### *Marginalia*

Do not overlook unusual features in the documents you are using. One thing to look for is **marginalia** (writing on the margins of the document by the author, recipient, or another person). Marginalia can provide information on decisions that were made or give proof that the letter was received. When photocopying documents it is important to include all the marginalia, in a readable form.

### *Bias*

With each source of information that you consult, be aware of the author's **bias** (an unacknowledged preference for a specific perspective or topic). Some examples of bias in documents include the following:

- Government documents reflect daily business as seen through the eyes of public servants of the government.
- Annual reports, whether from government or business, often highlight the positive rather than the negative aspects of the previous year.
- Historical books, articles, and journals attempt to put other sources and situations into perspective, but still reflect the bias of the writer. In most of these sources, information is used selectively in order to make a

convincing argument. There is also a chance these sources could include errors.

- Personal diaries and journals document the recollections and opinions of one individual.

It is always a good idea to read as many sources as possible and cross reference each of them in order to get the broadest view of the topic you are studying.

### *Internet reliability*

Be careful when you use sources from the Internet. Try to make sure the information you get on the Internet is authentic and reliable. Some of the criteria you should use to evaluate websites include:

- Who wrote the content for the site? Is the author's name given with his or her credentials and is there a contact address? If it is a paper published on the Internet, for example, it may be a good idea to try to contact the author or find a published copy of it to make sure that it has not been altered.
- Is the site affiliated with a known organization?
- Does the site show a bias that makes you doubt the credibility of the authors?

## **Refining Your Research Task**

You must regularly revisit your original research question. You might realize that the research question is too broad, or is unrealistic given time and money limitations. Also, you might not be able to find enough information on your topic. Do not be afraid to change your research objectives as you get further into your project and do not feel as though you are wasting time. No research time is wasted by such changes as long as you are documenting everything you have done. Shifting direction is a natural part of a research project.

## **Completing Your Project**

### **Presenting Your Research Findings**

#### *Research product*

The end product of your research may be one of many things. It might be a summary of your findings, an oral presentation, or a written report. Consider which is the best way to share your findings with the rest of your community. That way, your work can be part of a larger process of sharing knowledge about your community and your territory. Here are some general steps to follow when presenting your research findings:

- Re-read your notes and collected documents.
- Consider the information you have gathered and ask if you have answered your research question. If portions of the question are unanswered, decide whether it is realistic for you to do more research.
- Look at your topic and break it down into main categories or headings.

- Create an outline to follow as you write your report. It should begin with an introduction that lays out the argument ahead. The body of the report should contain a logical sequence of information that follows your chosen headings. Finish with a strong conclusion that summarizes your argument based on the evidence.
- Thoroughly edit and proofread your work.
- Double-check all of your references and supporting documents.

### *Research materials*

You will also need to submit all the research materials you have created, collected and referred to in your report to your band, community organization or legal team. Your notes and the documentation of your research are essential parts of your project and must stay with the collection of materials that you have assembled. The key issues you should take into account are the following:

- The copies of documents you submit must be clear, readable, have no added markings such as highlighting, underlining or comments added (except citations) and must be properly cited.
- For documents that are hard to read, you may have to provide a **transcript** (a written copy of the original record). Sometimes the original is readable but the copy is not. This is often the case with **microfiche** or **microfilm** copies. Attach the transcript to the original making sure you provide the citation information.
- Any document you submit will be considered in the context of the rest of the evidence. If documents contradict each other, you will have to be able to explain why.
- Even if a document relating to the issue does not seem important to you, include a copy of it. That document may be a link for more important documents, or it may provide a detail that will support other evidence.

## Storing Research Materials

### *Computer backup*

Make sure that you have a master copy of your report on backed-up on a computer disk or CD and safely stored away, preferably in another location.

### *Keeping original documents safe but available*

The original documents you have collected should be properly labeled and stored in marked files according to the source. If the information is not stored in a permanent location (such as a locked file cabinet or locked room in the band office) in an organized fashion, then it is not readily accessible and therefore not very useful for your community. Without some security in place, reports can get separated from their supporting materials, information can leave the office forever when somebody borrows it and does not return it, or time can pass and new leadership and office staff may be completely unaware of the project and materials' existence or location.

You will also need to make sure that the storage area is safe from damage. Take

precautions to make sure the materials are protected from fire, flood, mould, or other disasters.

### ***Confidentiality of original documents***

If the information you have collected is sensitive or confidential, there are some particular issues you need to take into consideration when you are deciding what to do with your final research product and materials. Hopefully, you dealt with this topic at the beginning of your research with a confidentiality agreement. If not, refer to the section on confidentiality agreements at the beginning of the chapter.

## **Conclusion**

Regardless of the type of research you are doing you will want to guarantee that your project is guided by the principles of quality research. This will help ensure that your community can use the information you collect to help advance a variety of projects, now and in the future. Quality research means that:

- Research is conducted in an ethical manner that is respectful of the community's needs and protocols.
- Confidentiality agreements have been drafted and signed.
- The research project has clear objectives, an answerable research question, and a detailed research plan.
- Research methods are clearly and accurately stated.
- A consistent and complete referencing system is used throughout project.
- A complete set of supporting documents (with reference information on each page) is included with findings.
- Research conclusions are based upon thoughtful and thorough analysis of data and information.
- There is a clear research summary that answers research question or explains why it cannot be answered in the way it was asked.
- Research materials are stored safely.

## **Resources**

Battise, Marie and James (Sa'ke'j) Youngblood Henderson. 2000. *Protecting Indigenous Knowledge and Heritage: A Global Challenge*. Saskatoon: Purich Publishing.

National Archives Canada. 2003. *Using Archives: A Practical Guide for Researchers*. [Webpage]. Available at: [http://www.collectionscanada.ca/04/0416\\_e.html](http://www.collectionscanada.ca/04/0416_e.html)

Smith, Linda Tuhiwai. 1999. *Decolonizing Methodologies: Research and Indigenous Peoples*. London: Zed Books.



## Organizations and Government Departments

UBCIC Research Department and Resource Centre

500- 342 Water Street, Vancouver, BC V6B 1B6

Ph: 604-684-0231 Fax: 604-684-5726

Email: [research@ubcic.bc.ca](mailto:research@ubcic.bc.ca), [library@ubcic.bc.ca](mailto:library@ubcic.bc.ca)

Indian and Northern Affairs Canada Specific Claims West Centre

600-1138 Melville Street, Vancouver, BC V6E 4S3

Ph: 604-666-8711

Treaty 8 Treaty and Aboriginal Rights Resource Centre

10233 - 100th Avenue, Fort St. John, BC V1J 1Y8

Ph: 250-785-0612 Fax: 250-785-2021 Email: [reception@treaty8.bc.ca](mailto:reception@treaty8.bc.ca)





# Chapter 3

## Resource Institutions

This chapter discusses where and how to find the information you may need for Indigenous land rights research in BC. It provides you with suggestions on how to locate resources and outlines the processes you will likely go through when compiling and gathering evidence for your research project. The goal of this chapter is to point you in the right direction and provide you with the information to get started on your research.

Every research project comes with unique challenges and requires a specific set of methods and resources to accomplish its goals. You are encouraged to consider a full range of options and to use your initiative when conducting research. When working within a system shaped by courts, governments, and academia, these resource institutions are useful but limited since they are not always representative of Indigenous views. If you are looking for evidence that more accurately represents Indigenous voices and perspectives you should look beyond the institutions listed here. Speak with Elders and other community members to try to find the information you need. See Chapter 6: Oral History for a discussion of this approach to research.

This chapter is divided into four main sections:

- **Local Resources:** This section suggests how to begin your land rights research by exploring local resources. Band or tribal council offices, as well as cultural and heritage organizations are often the best places to begin a research project.
- **Archives:** This section provides an introduction to archives. Every archive is different but understanding some of the basic similarities can help you know where to start and what questions to ask. At the end of this section there is a list of major archives with materials about Indigenous issues.
- **Specialized and Academic Libraries:** This section provides a general introduction into how specialized and academic libraries work, and lists the libraries that contain information related to Indigenous issues in BC.
- **Government Offices:** This section describes how to access files from government offices and gives a list of relevant offices and their contact information.

The following chapter, Chapter 4: Documents, provides information on specific documents stored in the resources institutions listed here. Together these chapters will help you to locate and understand the specific documents and evidence you need for your research project.

## Local Resources

There has been a recent movement toward the creation of libraries and resource centres within band offices and Indigenous organizations. These resource centres are used as a way to keep band employees and band members informed of the issues affecting the community. These centres are helpful when you are starting to define your research project. You may find research materials or even detailed reports prepared by other researchers. A careful search of these offices is the best way for you to find out if work has already been done on your current project. For a listing of Indigenous organizations close to home refer to *A Guide to Aboriginal Organizations and Services in British Columbia* published by BC's Ministry of Community and Aboriginal and Women's Service. It is available online or by contacting the Ministry directly. See the "Government Offices" section for contact information.

If you would like to gain access to files in your community's office you should make a formal request. This means asking for permission from the leadership. Be aware that it is unlikely you will be given free access to all office files. Also keep in mind that because of shortages of space or resources, office staff may not know the details of the office holdings. Some Indigenous governments also have research registries for those wanting to consult their libraries or archives for research purposes.

Cultural and heritage centres are good local resources for community researchers. Holdings tend to concentrate on cultural and anthropological materials. Like band and tribal council offices, these are good places to visit early in your research project.

Public libraries are also important local resources. Even if the closest library is in another community, it is worth becoming familiar with its resources. Many local libraries have collections of local history and maps. They will also be part of library networks that can draw on collections and knowledge in other libraries. If your library does not have the information you need, ask them if they are a member of Virtual Reference Canada (VRC). If they are, they can ask for help from other libraries. You can suggest that they consider joining and let them know that they can find more information there. For more information on VRC see the link on the Library and Archives Canada website at: [www.collectionscanada.ca/vrc-rvc](http://www.collectionscanada.ca/vrc-rvc).

Another useful website that can direct you to various public, specialized or academic libraries is the Canadian Library Gateway: <http://www.collectionscanada.ca/gateway>. This website will connect you to various online library catalogues. This can save time because you may find you are able to get copies of materials from your local library that you would otherwise have had to travel to Victoria, Vancouver, or Ottawa to obtain.

### *A note about the Internet*

If you have Internet access locally, it can be an excellent tool to help you decide which institutions and resources to explore. Several useful websites and databases currently exist and many new resources are coming online all the time. Many archives, specialized libraries, and government offices have websites that describe their holdings. Using the Internet to explore archives' **finding aids** can help you to narrow your search. This will help you to plan how much time you will need at the institution you want to visit and help you to make more efficient use of your time when you are there. See Appendix 4: Online Resources for a list of useful websites.

## Archives

**Archives** are **repositories** (homes for collections) for unique unpublished materials that may include files, ledgers, maps, photographs, videos, and sound recordings. These records are sometimes stored away from the public area, sometimes in warehouses located off-site. You may consult the records in the archive's reading room but you will not be allowed to borrow them.

**Public archives** make historical documents available to members of the public. For example, Library and Archives Canada (LAC) and the BC Archives hold many collections of documents, correspondence, manuscripts, maps, and photos.

**Archival records** are unique, original and unpublished documents, which are sometimes referred to as **primary sources**. These may include government files, diaries and journals, correspondence, church and missionary records, photographs, maps, film, and sound footage depending on the size and focus of the collection.

## Conducting Research at Archival Institutions

Archival research involves exploring a combination of original, unique, and unpublished records and documents. These types of materials are most often housed in archives, but can also be held by specialized libraries or be a part of active government files. Part of the challenge you will face will be getting used to the way archival institutions operate. Do not expect them to be run like a public library. Archival resources are stored differently than books in regular libraries because they are organized according to **provenance**, which is the source (individual, office, or agency) that created, received or accumulated the records in the course of their activities. For this reason, it is unlikely that a straightforward subject search will provide a quick answer to a research question. You will need to learn how to “navigate” through the storage systems of these institutions. While there are standardized systems, such as the Rules for Archival Description (RAD), more often than not different systems are used. Be prepared to spend a lot of time just learning about the processes involved in archival research before you end up actually finding documents for your research.

### *Time Saving Tip:*

Call the archives before you leave home and ask them to send you copies of their record request forms. You can fill out much of the information before you leave on your research trip.

Prepare well for any trip to an archive. Make sure that you thoroughly explore **secondary sources** and your local archives before you move on to larger archives such as the BC Archives or LAC. Although their holdings may be smaller, local archives contain more region-specific material. As well, local archives often hold records that have not yet been studied as closely as the materials at larger archives.

## Research Tools

It is a good idea to become familiar with the services and research tools available at archives, not just their collections. When you have a question and cannot find the answer

yourself ask the staff at the reference services division. If you are unable to find information at the institution, ask the staff to suggest other places to look. This is called a referral service. Reference archivists can help with **finding aids**, which are tools designed by archivists to help you identify the files and items you need to consult. They may also suggest possible research paths and other institutions that may have the records you need. Keep in mind that due to budget cutbacks at many institutions, fewer and fewer archivists or other reference people are available to help. Be sure to do your secondary research and narrow things down before you go so that you can make the best use of resource people while you are there.

*Before you visit an archive remember to call ahead and ask:*

- Are the archives open to the public?
- What are the hours of operation?
- Is authorization needed for access to the collection?
- What is the photocopy policy?

## Features of Archival Institutions

Each archive you visit will have its own system of organization. It will take time for you to learn where materials are located and how everything works. One research trip will not be enough to learn everything so do not expect to feel completely familiar with all features of an archive on your first visit. That said, there are similarities between archives that will make your research progress more quickly and smoothly as you become more experienced:

- **Security systems:** Most archives will have a registration or security desk as you enter the building. You will probably be asked to sign in, and you may be issued a research pass. You will probably be asked to leave your coat, briefcase, or any large bags at the security desk or in a nearby locker. If the archives are open evenings or weekends, you may want a locker where you can store the records that you order.
- **Reading rooms:** Most archives have designated reading rooms, often



Many archives hold records stored on microfilm.

the main room of the archives. There you will find tables and chairs, and **microforms** (records that have been filmed and are available in **microfilm** or **microfiche** format). There may also be computers if it is possible to search for records in an electric database. Larger archives may have a limited number of electrical outlets for laptop computers. In the reading room, you will find **inventories** (descriptions and listings of records within a **fond** or record group), guides, and finding aids for records

held by the archives. Although they often take the form of inventories, finding aids may also include indexes, registers, and guides to collections. They can provide you with enough information to know which files you need to order for consultation. There may also be a card catalogue system for rare books, maps, and plans. You will have to complete a request form for each volume of material you want to order, and then submit the completed forms at the circulation desk.

## Access to Records

Archival materials cannot be borrowed. All research must be done on the premises because the records are unique and they cannot be replaced if they are lost, stolen, or damaged in some way. You may either take notes in the archives or order photocopies of materials.

If you are consulting original paper documents it is your responsibility to treat them with care and to maintain their order. When you are finished, the materials should be in exactly the same order as they were when delivered to you. Ask about the procedure for identifying documents you would like to have photocopied. Usually an archive will provide a type of paper strip or “flag” to fold over the documents you want copied. Never use Post-it notes to identify archival documents for photocopying and always use pencil when making notes in the reading room. You will have to complete a photocopy request form for every item you want to see.

Not all records are stored within the archives’ main building. Many records are stored in off-site warehouses. Off-site records are delivered to the main building once or twice a day, which means that you may have to wait several hours or even overnight before materials can be made available to you. As you order records, ask if they are stored off-site so that you can adjust your work schedule accordingly. Keep in mind that files may require review by research staff, which could make the process take longer.

## Access to Information Act and the Privacy Act (ATIP)

When you begin research at an archive, specialized library, or government office do not be surprised if you are asked to produce a letter of authorization or a **band council resolution** (BCR) authorizing your research.

Almost all federal government records are subject to the *Access to Information Act* and the *Privacy Act* (ATIP). This legislation came into effect in 1983. ATIP is designed to balance public access to information held in government files with the need to protect individual privacy, donor restrictions and national security.

**Access officers** review files and make information available to researchers, within the limits of the ATIP legislation. The types of information that tend to remain restricted are federal cabinet submissions, some RCMP and National Defence records, confidential or secret documents, legal opinions, intergovernmental correspondence, and documents containing personal information about individuals.

A formal ATIP request requires you to pay a nominal fee along with your request. Access Register and Access Request Forms are available online at public libraries, government offices, and rural postal outlets.

When you make a formal request, the government department or archive involved is legally obliged to reply within 30 days. They will then either provide the information you have requested or tell you how much longer you will have to wait. If you are not satisfied with the reply you receive, you may appeal the decision to the Office of the Information Commissioner. It is important to keep track of what you have requested and the date you made your request.

Be specific about the information you need. For example, requesting “all the information about the band” is too broad and you will likely be asked to narrow your search. Asking to see “band membership files for the years 1925–30” is a far more manageable request.

Using their retrieval system, departmental records office staff should be able to locate the files you request. If they have been transferred to LAC, you will then make your ATIP request there. Either way, you will be asked to complete a request form stating who you are and briefly describing the nature of your research. It is entirely up to you how much information you give the archives about your project. Researchers are not obliged to disclose the purpose of their research so there is no need to provide this information (usually “research into land issues” is adequate).

There is a special provision in the *Privacy Act* designated to assist land claims researchers working on behalf of Indigenous Peoples and associations. This section of the Act, section 8(2)(k), is specifically for land claims research and does not apply to other aspects of research relating to Indigenous history. Requests for file material made under section 8(2)(k) require that you submit a BCR along with your completed request form. The BCR should be less than one year old and should state that the council authorizes you to conduct research on behalf of the band for land claims purposes, and to look at files relating to the band. For an example of an 8(2)(k) form see Appendix 2.

## Freedom of Information (British Columbia)

In British Columbia, the *Freedom of Information and Protection of Privacy Act* (FOI) governs records created by provincial government offices. If you make an FOI request, officials at the provincial ministry or at BC Archives will review the records and information may be removed according to the applicable legislation. Often a letter of acknowledgement will be sent to you within a short time, followed later by photocopies of the files you have requested. As with the requests for access to federal records, you should be as specific as possible in your requests to provincial ministries. The ministries are obliged to respond to requests within defined periods of time so keep track of what you have asked for and when you made the request. You may appeal to the Information Commissioner if your request is not acknowledged within 30 days, or if you feel that the reply is unsatisfactory. Records created by municipal government offices also fall under the *Freedom of Information* legislation and may be requested in the same way as provincial documents. For an example of an FOI request form see Appendix 3.

The Environmental Law Centre Society at the University of Victoria has recently published *A Citizen's Guide to FOI*, which is a helpful introduction to the *Freedom of Information* processes. It tells you how to make an FOI request and what to do if your request is declined. The guide is available online from the Environmental Law Centre Society website at: <http://www.elc.uvic.ca>.



*Additional tips for doing research at archives*

- In addition to Record Groups (RGs), there are many smaller manuscript collections (“additional” and “old” manuscripts, as well as “special” collections) that might also be useful.
- Archival records, generally speaking, are always being updated. Make sure that you have consulted the newer **accession** files.
- Researchers also run into **conversion lists** occasionally. For example, if you want to see a file on reel C-10110 of RG 10, you would find that this same reel would have a different number at the BC Archives. To find the BC Archives reel number, request the conversion list.
- Ordering off-site records can be done a week before you leave on your trip, saving you considerable time. If the records are in use by another researcher, they can be recalled in advance.

## Public Archives

### *BC Archives*

BC Archives is the most significant repository of information relating to the history of Indigenous Peoples and lands in BC. Its holdings include: government documents and records; private historical manuscripts and papers; maps, charts and architectural plans; photographs; paintings, drawings and prints; audio and video tapes; film; newspapers; and an extensive library of publications with a strong emphasis on the social and political history of British Columbia and the Pacific Northwest.

BC Archives  
<http://www.bcarchives.gov.bc.ca>  
 655 Belleville St., Victoria, BC V8W 9W2  
 Ph: 250-387-1952 Fax: 250-387-2072

### *Glenbow Archives*

This collection is focused mainly on Alberta-related holdings and has documents dating between 1870 and 1990. It will be of interest to some BC researchers, especially those in Treaty 8 territory and the southeastern part of the province.

Glenbow Archives  
<http://www.glenbow.org/archives.htm>  
 130 9<sup>th</sup> Ave. SE, Calgary, Alberta T2G 0P3  
 Ph: 403-268-4204 Fax: 204-232-6569

### *Local Archives throughout BC*

Local archives are a key source of region-specific material that, in many cases, does not exist anywhere else. They are particularly good for early settlers’ accounts, interviews with local Indigenous people, photographs, and other anecdotal and descriptive information. The BC

Archival Information Network (BCAIN) has an overview guide of local archives around the province. It is available online at: <http://aabc.bc.ca/aabc/bcguide.html>. For more information about archives in BC, see the Archives Association of BC's membership directory.

### ***Library and Archives Canada (LAC)***

LAC is the only institution for inactive federal government records. It is also a major repository for all kinds of non-governmental and historical materials. The Department of Indian Affairs records at LAC (Record Group 10 or **RG 10**) are very important for community researchers. However, other record groups also have information about the history of Indigenous People. The National Map Collection is also useful for community researchers. LAC is expected to complete the digitization of the **Red Series** and **Black Series** of RG 10 files by the end of 2005. ArchiviaNet, a helpful search tool, can be found on the LAC website.

Library and Archives Canada  
<http://www.collectionscanada.ca>  
 395 Wellington St., Ottawa, Ontario K1A 0N3  
 Ph: 613-995-5138 Toll free: 1-866-578-7777

### ***Provincial Archives of Alberta***

This is the primary repository for Alberta's documentary heritage. Communities living close to the provincial border or who are part of Treaty 8 may find some relevant information in this collection.

Provincial Archives of Alberta  
[http://www.cd.gov.ab.ca/preserving/paa\\_2002/index.asp](http://www.cd.gov.ab.ca/preserving/paa_2002/index.asp)  
 8555 Roper Road, Edmonton, Alberta T6E 5W1  
 Ph: 780-427-1750 Fax: 780-427-4646 Email: [paa@gov.ab.ca](mailto:paa@gov.ab.ca)

### ***National Archives and Records Administration USA***

NARA is the American equivalent of Library and Archives Canada. There are branches in Anchorage (Alaska) and Seattle (Washington) that have material about the history of the Pacific Northwest. The Pacific Northwest branch is located in Seattle and covers Washington, Oregon, and Idaho. There you might find archival materials about any communities in southern BC with ties to communities south of the US border. The archives also has information relating to Washington territory, fishing in the Pacific Northwest, American Boundary Commission materials, fur trade records, official tribal records, and genealogical information. The record groups at both offices that are most likely to include BC content are RG 75 (Bureau of Indian Affairs), RG 49 (Bureau of Land Management), and RG 200 (The Wellcome Collection).

NARA Alaska Region (Anchorage)  
 654 West 3<sup>rd</sup> Avenue Room 12, Anchorage, Alaska 99501-2145  
 Ph: 907-271-2441 Fax: 907-271-2442 Email: [archives@alaska.nara.gov](mailto:archives@alaska.nara.gov)

NARA Pacific Alaska Region (Seattle)  
<http://www.archives.gov/facilities/wa/seattle.html>  
 6125 Sand Point Way, NE, Seattle, Washington 98115-7999  
 Ph: 206-526-6507 Fax: 206-526-4344 Email: [centre@seattle.nara.gov](mailto:centre@seattle.nara.gov)

### ***National Archives, UK***

The National Archives in the United Kingdom has one of the largest archival collections in the world. Most BC and Canada related records and maps have been copied and housed at Library and Archives Canada in Ottawa.

The National Archives  
<http://www.nationalarchives.gov.uk>  
 Kew, Richmond, Surrey TW9 4DU  
 Ph: (011)44(0)20-8876-3444 Email: [enquiry@nationalarchives.gov.uk](mailto:enquiry@nationalarchives.gov.uk)

### ***Vancouver Federal Records Centre (VFRC)***

The VFRC is Library and Archives Canada's regional office for BC. It houses archived federal government records, including RG 10 materials. VFRC has records dating from 1930 to 1980. It is important to note that this centre does not have duplicates of LAC materials. VFRC only has material produced by Indian Agencies in BC and Yukon field offices and does not have many headquarter (Ottawa) files. VFRC staff members provide on-site services include reference assistance.

Pacific Region Federal Records Centre, Library and Archives Canada  
 2751 Production Way, Burnaby, BC V5A 3G7  
 Ph: 604-666-6539 Fax: 604-666-4963

### ***City of Vancouver Archives***

This collection is focused on the history of the City of Vancouver. It has private records relating to pioneer families as well as an extensive map and photograph collection.

City of Vancouver Archives  
<http://www.city.vancouver.bc.ca/ctyclerk/archives>  
 1150 Chestnut Street, Vancouver, BC V6J 3J9  
 Ph: 604-736-8561 Fax: 604-736-0626

## **Corporate Archives**

Corporate archives store materials related to the history and operations of a company.

### ***Canadian Pacific Railway (CPR) Archives***

The CPR Archives contain documents and other materials focused on the railway. This is an internal department of the Canadian Pacific Railway Company and is not usually open to the public. However, if you are researching a railway right-of-way claim and you have tried all other research institutions, special arrangements can be made for you to search the collection.

Canadian Pacific Railway Archives  
<http://www.cprheritage.com>  
 Ph: 514-395-5135 Email: [info@cprheritage.com](mailto:info@cprheritage.com)

### ***Hudson's Bay Company (HBC) Archives***

This collection can be a valuable source of information regarding the early contact period. It is possible to use HBC materials without going to Winnipeg. Library and Archives Canada in Ottawa has microfilm copies of these early records. HBC records are also available from the HBC Archives through **inter-library loan**.

Hudson's Bay Company Archives  
<http://www.gov.mb.ca/chc/archives/hbca/about/hbca.html>  
 200 Vaughan Street, Winnipeg, Manitoba R3C 1T5  
 Ph: 204-945-4949 Fax: 204-948-3236 Email: [hbca@gov.mb.ca](mailto:hbca@gov.mb.ca)

## **Museum Archives**

### ***Canadian Museum of Civilization Library and Archives***

This collection focuses on archaeology, anthropology, ethnology, folklore, history, and Indigenous art. It is open to the public. You can find unpublished research material, photographs, and audio-visual recordings. A finding aid for the manuscript collection is available in fiche format at the UBCIC Resource Centre.

Canadian Museum of Civilization Library and Archives  
<http://www.civilization.ca>  
 100 Laurier Street, PO Box 3100, Station B, Hull, Quebec J8X 4H2  
 Ph: 819-776-7173 Fax: 819-776-7152 (Library and Photos)  
 819-776-7055 (Recordings, textual archives, rights and permissions)  
 Email: [library@civilization.ca](mailto:library@civilization.ca) or [archives@civilization.ca](mailto:archives@civilization.ca)

### ***National Museum of the American Indian (NMAI)***

The George Gustav Heye Center of the NMAI has a huge collection of historical artifacts relating to Indigenous Peoples from around the world. There is a large number of objects from Indigenous Nations in BC and Canada. Researchers will be interested in the Resource Centre, the Research Branch and Archives, the photographic archives, and the Repatriation office. Please note that as of September 2004, a lot of material has been moved to the new National Museum of the American Indian in Washington DC, but the New York branch remains as a reference library.

National Museum of the American Indian  
<http://www.nmai.si.edu>  
*In New York:* George Gustav Heye Center Reference Library  
 Ph: 212-514-3799 Fax: 212-514-3800

*In Washington:* NMAI on the National Mall  
Fourth Street and Independence Ave, S.W., Washington, DC, USA 20560  
Ph: 202-633-1000

### ***Secwepemc Museum and Archives***

This collection is run by the Secwepemc Cultural Education Society. It focuses on the Secwepemc (Shuswap) people and their territory. Holdings include records of the Kamloops Indian Residential School, RG 10 Black Series microfilm, and archival maps and photos. It also includes some genealogical resources, archaeological reports and oral testimonies.

Secwepemc Museum and Archives  
<http://www.secwepemc.org/museum.html>  
355 Yellowhead Highway, Kamloops, BC V2H 1H1,  
Ph: 250-828-9801 Fax: 250-372-1127 Email: [museum@secwepemc.org](mailto:museum@secwepemc.org)

### ***Smithsonian Institution, USA***

Founded in 1846, the Smithsonian Institution has been active in a number of research fields, and developed a number of important collections. BC researchers will be most interested in the National Anthropological Archives and the Human Studies Film Archives. These collections have an electronic catalogue that can be searched online.

National Anthropological Archives  
<http://www.nmnh.si.edu/naa>  
Human Studies Film Archives, Smithsonian Institution Museum Support Centre  
4210 Silver Hill Road, Suitland, MD, USA 20746  
Ph: 301-238-2872

### ***UBC Museum of Anthropology (MOA) Archives***

The MOA Archives is primarily related to the museum's artifact collection. They also hold original records (maps, papers, photographs, and audiotapes) relating to anthropologist Wilson Duff's activities in BC. Additional holdings include photographs, slides, audio, and videotapes of Indian subjects. Access to these archives is by appointment only.

Museum of Anthropology Archives  
[www.moa.ubc.ca/collections/archives.php](http://www.moa.ubc.ca/collections/archives.php)  
6393 N.W. Marine Drive, Vancouver, BC V6T 1Z2  
Ph: 604-822-1946 Email: [archives@moa.ubc.ca](mailto:archives@moa.ubc.ca)

### ***Local Museums throughout BC***

Community museums frequently keep archival records. For information about the BC Museums Association's *Directory of BC Museums*, visit its website at: <http://www.museumsassn.bc.ca>

## Church Archives

Church archives are repositories of all the documents and records of church activities.

### *Anglican Church Archives*

This archive is the repository for records created by the Anglican Church in BC. It contains parish histories and registers, miscellaneous parish records, clergy files, and photographs of the Columbia Coast mission. The core of the holdings are the BC and Yukon Church Aid Society collection. Besides the Lower Mainland office in Vancouver, there are Anglican Church Archives in Victoria, Prince Rupert and Kelowna. Contact the Vancouver office for more information.

Anglican Provincial Synod of British Columbia and Yukon Archives  
<http://aabc.bc.ca/aabc/anglican.html>  
 6000 Iona Drive, Vancouver, BC V6T 1L4  
 Ph: 604-822-9583 Fax: 604-822-9212 Email: [anglican-archives@vst.edu](mailto:anglican-archives@vst.edu)

### *Archives of the Roman Catholic Archdiocese of Vancouver*

This archive is the repository for documents created or received by the Archdiocese of Vancouver. Its records date back to 1863. There are regional Catholic diocese archives located throughout BC.

R.C. Archdiocese of Vancouver  
 150 Robson Street, Vancouver, BC V6B 2A7  
 Fax: 604-683-4288

### *Oblate Archives*

The Oblates of Mary Immaculate (OMI) Order of the Catholic Church was active in many parts of BC from the early contact period. The Vancouver branch contains records dating back to 1861. These include useful accounts by or about missionaries working in BC, correspondence to and from missionaries, information about residential schools, Indigenous languages and baptismal and marriage records.

Oblate Provincial House Vancouver  
 1311 The Crescent, Vancouver, BC V6H 1T7  
 Ph: 604-736-9363 Fax: 604-736-9961  
 Hours: Monday and Wednesday 10am-4pm (By appointment only)

### *United Church of Canada BC Conference Archives*

The documents at the United Church's BC Conference Archives include marine missions, memberships lists, baptismal, marriage, burial, and school records. Most of the United Church's activity was along the west coast and in Haida Gwaii. There is almost no information relating to Indigenous communities in the Interior.

United Church BC Conference Archives  
 6000 Iona Drive, Vancouver, BC V6T 1L4  
 Ph: 604-822-9589 Fax: 604-822-9212

## Specialized and Academic Libraries

Specialized libraries are repositories of rare published and unpublished books, private journals, department or agency files, periodicals, magazines, and newspapers. These materials are organized in particular ways, such as by author, subject, or geographic area. Specialized libraries may have circulating portions of their collection that you will be allowed to borrow for periods of time but most collections are for reference material that must be consulted on-site.

The term “specialized library” includes in-house libraries maintained by government offices and private businesses or associations, university libraries, as well as reference and research libraries organized to meet the needs of specific users. In these libraries you will find such things as specialist departmental reports, annual reports, periodicals, newspapers, journals, and **theses** (papers written by graduate students to fulfill their degree requirements) that are not available elsewhere. As well, you might find rare books, maps, plans, and photographs.

Specialized libraries differ from public libraries in the kinds of collections they hold and the way in which material is displayed. It is not uncommon to find that you must ask for everything at the circulation desk. Larger public libraries may have their own special collections division.

Specialized libraries are becoming increasingly automated. Online computer systems have replaced card catalogues in many of them. It is possible that more than one system is in place at some libraries if information from card catalogues is still being transferred to the online system. Either system will allow you to search for items by subject, author, or title. However, be aware that you may have to check both online and card catalogue systems.

If you are doing secondary research it is helpful to have a general understanding of the way library catalogues work. Library classification systems list information starting with the most general terms and move to the specific. It is best to start your search using broad terms and then narrow the subject matter. The more approaches you use, the more material you will turn up and the more confidence you will have that you have not missed anything. Every library has a different catalogue and search capabilities so be prepared to try different search methods. Always write down each of the search terms to avoid having to repeat your searches at a later date.

A useful resource for Indigenous research in specialized and academic libraries is **vertical files**. Vertical files contain a large and diverse collection of newspaper clippings, magazine articles, pamphlets and small publications about people, places and events.

Speak to the librarian and explain what you are looking for if you have not already done so by letter or telephone. Ask for assistance if you have difficulty finding your way around. Also ask about the procedures for ordering photocopies and the costs involved. Materials at these institutions are generally not loaned out so you will have to take notes on the premises or order photocopies.

Many specialized libraries are open to the public by appointment or during defined hours, but may require you to explain who you are and the resources you want before access to the collection is granted.

Academic (university) libraries are primarily for faculty and students. However, they also have a mandate to serve the general public since they are publicly funded. In many academic libraries, references services and in-library use of print materials are available to the public free of charge. In some cases, researchers may obtain borrowing privileges for an annual fee. Academic libraries can be important for finding specialized journals and databases. If you are looking for journals you can often use a guest computer terminal.

## Specialized Libraries and Collections

### *American Philosophical Society (APS)*

The Manuscripts Division of this library houses linguistic and ethnographic material related to Indigenous Peoples in BC. To determine if any APS holdings are relevant to your work, you will want to consult John F. Freeman and Murphy Smith's *A Guide to Manuscripts Relating to the American Indian in the Library of the American Philosophical Society* (Philadelphia: APS, 1966) and *A Supplement to a Guide to Manuscripts relating to the American Indian in the Library of the American Philosophical Society* (Philadelphia: APS, 1982).

American Philosophical Society Manuscripts Division  
<http://www.amphilsoc.org/library>  
 105 South Fifth Street, Philadelphia, Pennsylvania, USA 19106-3387  
 Ph: 215-440-3400 Fax: 215-440-3423

### *Bancroft Library, University of California, Berkeley*

This library has some original manuscripts relating to BC history, including ethnological notes by Pym Nevins Compton and Alphonse Louis Pinart and H.H. Bancroft's notes on a number of subjects. Consult the section relating to BC in Dale L. Morgan and G.P. Hammond's (Eds.) *A Guide to the Manuscript Collection of the Bancroft Library* (Berkeley: University of California Press, 1963) for more information. This publication is available in BC at the Vancouver Public Library and the UBCIC Resource Centre. The catalogue of the Bancroft library is available online.

Bancroft Library, University of California, Berkeley  
<http://bancroft.berkeley.edu>  
 Berkeley, CA, USA 94720-6000  
 Ph: 510-642-6481

### *BC Courthouse Libraries*

Courthouse libraries exist throughout the province to support the legal community. They contain law-related books, legislation, reported and unreported decisions, and all manner of legal reference works. Those in Vancouver, Kamloops, New Westminster, Kelowna, Prince George, Victoria, and Nanaimo have broader information services, while those in smaller centres have smaller collections and more restricted hours.



BC Courthouse Libraries  
<http://www.bccls.bc.ca>  
 Ph: 1-800-665-2570 (Call to find the courthouse library closest to you.)

### ***Bellingham Public Library***

While not by definition either a specialized or academic library, researchers may find this collection useful. The Bellingham Public Library holds information relating to the Fraser Valley and the Pacific Northwest in general. It also has the 1860 Washington Territorial Census, Whatcom county censuses, cemetery records and old newspapers for the region. The library has a website and an electronic catalogue.

Bellingham Public Library  
<http://www.bellinghampubliclibrary.org>  
 210 Central Avenue, Bellingham, WA, USA 98225  
 Ph: 360-676-6860

### ***British Library***

The British Library's Canadian holdings are wide-ranging. As a result of the *Canadian Copyright Act* of 1875, the Library's collection of Canadian publications is almost complete in both English and French for the period 1895-1924. These include maps, music, insurance plans, directories, **ephemera** and photographs as well as books and serials.

British Library, Americas Collections  
<http://www.bl.uk/collections/oes/oescanadian.html>  
 Room 150, Floor 2, 96 Euston Road, London, England NW1 2DB  
 Ph: (011)44(0)20-7415-7742 Fax: (011)44(0)20-7412-7563

### ***Centre for Pacific Northwest Studies***

Part of Western Washington University, this collection focuses on northwest interior Washington, (particularly on Whatcom, Skagit and San Juan Island counties). The centre has some documents of the work of anthropologists who were active in the Pacific Northwest. The centre has a website, and finding aids are available online.

Centre for Pacific Northwest Studies  
<http://www.acadweb.wvu.edu/cpnws>  
 Goltz-Murray Archives Western Washington University  
 Bellingham, WA, USA 98225-9123  
 Ph: 360-650-7747 Fax: 360-650-3323 Email: [cpnws@wwu.edu](mailto:cpnws@wwu.edu)

### ***Library and Archives Canada (LAC)***

This library exists to preserve Canadian published materials. It has one of the best government document collections in the country, and can be a good source of unpublished Canada Sessional Papers, Parliamentary Committee Reports, Royal Commission reports, parliamentary proceedings, and Canadian census information. Reference services and inter-library loan services are available and the electronic catalogue is available online.

Library and Archives Canada  
<http://www.collectionscanada.ca>  
 Aboriginal Resources and Services  
[www.collectionscanada.ca/aboriginal/index-e.html](http://www.collectionscanada.ca/aboriginal/index-e.html)  
 395 Wellington Street, Ottawa, Ontario, K1A 0N4  
 Ph: 613-995-8481 (reference services) Fax: 613-943-1112  
 Email: [reference@nlc-bnc.ca](mailto:reference@nlc-bnc.ca)

### ***Royal British Columbia Museum (RBCM) Library and Records Service***

RBCM holdings include materials relating to Pacific Northwest anthropology, archaeology, ethnology, and BC history. Community researchers may be interested in the extensive field and research notes in this collection. The RBCM houses a first rate photograph collection and excellent film and oral history recordings. The RBCM merged with the BC Archives in Spring 2004.

Royal British Columbia Museum Library and Records Service  
<http://www.rbcm.gov.bc.ca>  
 675 Belleville Street, Victoria, BC V8W 9W2  
 Ph: 250-387-5706, 250-356-0792 (Records Coordinator), 1-888-447-7977 (toll free)

### ***Simon Fraser University (SFU) Museum of Archaeology and Ethnology***

Although this is not a research library, the museum may be of interest to some researchers for its collection relating to Northwest Coast Indigenous Peoples.

SFU Museum of Archaeology and Ethnology  
<http://www.sfu.ca/archaeology/museum/index.htm>  
 SFU Department of Archaeology, Burnaby, BC V5A 1S6  
 Ph: 604-291-3325 Fax: 604-291-5666

### ***Treaty 8 Treaty and Aboriginal Rights Resource Centre***

This is an excellent source of information for Treaty 8 communities in BC. It consists of a general collection relating to the area, case law, primary land claims research materials, photos, and audio-visual materials (including interviews with Elders). This collection includes RG 10 microfilm, McKenna-McBride Royal Commission materials, and reserve schedules.

Treaty 8 Treaty and Aboriginal Rights Resource Centre  
 10233- 100<sup>th</sup> Ave, Fort St. John, BC V1J 1Y8  
 Ph: 250-785-0612 Fax: 250-785-2021

### ***Union of BC Indian Chiefs Resource Centre***

The UBCIC Resource Centre focuses on BC land rights research. It serves all BC researchers who have a band council resolution to conduct research on behalf of a band. The Resource Centre holds the most complete collection of RG 10 microfilm and finding aids in BC. As well, it has federal and provincial minutes of decision, reserve schedules, the McKenna-McBride report and transcripts, Hudson's Bay Company records, colonial correspondence, and many other books and records.

Union of BC Indian Chiefs Resource Centre  
<http://www.ubcic.bc.ca/department/library.htm>  
 4th Floor, 342 Water Street, Vancouver, BC V6B 1B6  
 Ph: 604-684-0241 Fax: 604-684-5726 Email: [library@ubcic.bc.ca](mailto:library@ubcic.bc.ca)

### ***Vancouver Public Library (VPL) Special Collections***

The VPL has a large collection of Pacific Northwest history records, which include a number of rare and difficult-to-find books, as well as historic maps. Refer to the Northwest History Index for more information about the Northwest collection. The VPL Newspaper Index and Historical Subject Index might also direct you to some useful material. The Special Collections catalogue is available online. VPL has a research guide for its own service and collections, *A Guide to Research at your Library*, also available on its website.

Vancouver Public Library Special Collections  
<http://www.vpl.vancouver.bc.ca/branches/LibrarySquare/spe>  
 Level 7, 350 West Georgia Street, Vancouver, BC V6B 6B1  
 Ph: 604-331-3603

## **Academic (University) Libraries**

### ***Okanagan University College Library***

The library has the Library and Archives Canada RG 10 Inventory and some RG 10 Black Series microfilm.

Okanagan University College Library  
<http://www.ouc.bc.ca/library>  
 3333 College Way, Kelowna, BC V1V 1V7  
 Ph: 250-470-6015

### ***WAC Bennett Library, Simon Fraser University (SFU)***

This library has a large, general collection. The Government Documents division and the journals area on the sixth floor are useful and user-friendly. Other holdings include the British Columbia Newspaper Index and a complete collection of the Human Relations Area Files (ethnographic and archaeological materials). The library catalogue is available online.

WAC Bennett Library, Simon Fraser University  
<http://www.lib.sfu.ca>  
 8888 University Drive, Burnaby, BC V5A 1S6  
 Ph: 604-291-5735

### ***SFU Map Library***

SFU's map collection is located on the seventh floor of the WAC Bennett Library. It is a repository for federal topographic maps in various scales. The collection also houses some

BC-related thematic maps and a limited selection of air photos, as well as various cartographic reference materials.

SFU Map Library, Simon Fraser University  
<http://www.lib.sfu.ca/about/collections/specificcollections/mapcoll.htm>  
 Ph: 604-291-4656 Fax: 604-291-3023

### ***UBC First Nations House of Learning, X̱wi7x̱wa Library***

X̱wi7x̱wa Library focuses on Indigenous People in BC. The collection exists to support UBC's First Nations Studies programs in education, law, and health. The library is in the process of developing its own Special Collections and Archives.

UBC First Nations House of Learning, X̱wi7x̱wa Library  
<http://www.library.ubc.ca/xwi7xwa/xabout.htm>  
 1985 West Mall, University of British Columbia, Vancouver, BC V6T 1Z2  
 Ph: 604-822-2385 Fax: 604-822-8944

### ***UBC Geographical Information Centre***

UBC's Geographical Information Centre is housed within the Geography Department. In addition to its geographical reference books, it has a complete collection of topographical maps and is considered to be the best collection of federal and provincial air photos relating to the province of BC.

UBC Geographical Information Centre  
<http://www.geog.ubc.ca/resources/gic>  
 Department of Geography, 1984 West Mall, Room 112,  
 University of British Columbia, Vancouver, BC V6T 1Z2  
 Ph: 604-822-3048 Fax: 604-822-1598

### ***UBC Koerner Library***

This library houses books related to anthropology, archaeology, and Canadian history. Government publications and microforms (newspapers, rare books, theses) collections are located on the second floor. Koerner Library has a complete collection of the Human Relations Area Files (HRAF). The library catalogue is available online. You can also use the online subject guides. Click on "Arts (Humanities and Social Sciences)" and then you can search the topic "First Nations," as well as individual academic disciplines such as geography, anthropology, and law.

UBC Koerner Library  
<http://www.library.ubc.ca/home>  
 1958 Main Mall, University of British Columbia, Vancouver BC V6T 1Z2  
 Ph: 604-822-2406

### ***UBC Law Library***

The UBC Law Library contains extensive holdings of law reports, statutes, periodicals, treatises, legal textbooks, monographs, and legal reference works. Reference staff may be

able to assist you with a legal research problem. For a fee, the library will fax requested information to people who are not UBC students. The library catalogue is available online.

UBC Law Library

<http://www.library.ubc.ca/law>

1822 East Mall, University of British Columbia, Vancouver, BC V6T 1Z1

Ph: 604-822-2275 Email: [lawlib@interchange.ubc.ca](mailto:lawlib@interchange.ubc.ca)

### ***UBC Main Library***

UBC's Main Library is home to a number of books and journal articles relating to Indigenous Peoples and the history of BC. Note that older materials are only searchable by card catalogue. Both the UBC Map Library and Special Collections are housed in Main Library. The library catalogue is available online.

UBC Main Library

<http://www.library.ubc.ca>

1956 Main Mall, University of British Columbia, Vancouver, BC V6T 1Y3

Ph: 604-822-6375 Library Info Line: 604-822-2077

### ***UBC Map Library***

UBC's Map Library has a useful collection of contemporary maps. It has thematic maps, including maps of roads, land use, forestry and minerals. The library is also a useful source for atlases, gazetteers, and cartographic reference books. Please note that the library contains no archival maps.

UBC Map Library

<http://www.library.ubc.ca/map>

1956 Main Mall, University of British Columbia, Vancouver, BC V6T 1Y3

Ph: 604-822-2725

### ***UBC Rare Books and Special Collections***

In addition to historical materials and UBC theses, this diverse collection includes unique records relating to fishing, forestry, mining, and hydroelectric development in British Columbia. It also holds historic maps and photographs. Anthropologist Homer Barnett's field notes related to BC are also housed here. Holdings may be browsed electronically from the library website. Two useful guides to this collection are *Sources for Researching the History of Native People in British Columbia* in the Special Collections and University Archives Division (Vancouver: UBC Library, 1992) and *Guide to the Archival Research Collections in the Special Collections and University Archives Division* (Vancouver: UBC Library, 1994).

Rare Books and Special Collections Library

<http://www.library.ubc.ca/spcoll>

Main Library, 1956 Main Mall, Vancouver, BC V6T 1Z1

Ph: 604-822-2521 Fax: 604-822-9587

### ***University of Northern British Columbia (UNBC) Library***

The UNBC Library has many primary and secondary records relating to Indigenous issues. The catalogue is available online, and the university is part of the inter-library loan system.

UNBC Library and Archives

<http://library.unbc.ca>

UNBC Campus, 3333 University Way, Prince George, BC V2N 4Z9

Ph: 250-960-5555 Fax: 250-960-6330

### ***University of Victoria (UVIC) Diana M. Priestly Law Library***

This research collection consists of statutes, digests, reports, periodicals, textbooks, and all manner of legal reference materials.

UVIC Diana M. Priestly Law Library

<http://library.law.uvic.ca>

UVIC Campus, Begbie Building, PO Box 2300, Victoria, BC V8W 3B1

Ph: 250-721-8566 Fax: 250-472-4174 Email: [lawref@uvic.ca](mailto:lawref@uvic.ca)

### ***UVIC Main Library (McPherson Library)***

This library holds a large general collection and its catalogue is available online. UVIC Special Collections and Archives is housed here, and includes private manuscripts documenting culture and ethnicity in the southern Vancouver Island region. This library has a complete collection of the Human Relations Area Files (HRAF) and also the BC Indian Arts Society Records.

UVIC Main Library

<http://gateway.uvic.ca>

UVIC Campus, PO Box 1800, Victoria, BC V8W 3P5

Ph: 250-721-8274 (Reference) or 250-721-8258 (Archives)

Fax: 250-721-8215

### ***UVIC Map Library***

UVIC's map library contains a complete collection of current federal topographic maps at 1: 50,000 and 1:250,000 scales, as well as a large collection of thematic maps for BC, and BC air photos. Both the map and air photo collections are focused on Vancouver Island. The map library is also notable for its collection of UVIC Department of Geography theses.

UVIC Map Library

<http://gateway.uvic.ca/dept/map/map.html>

UVIC Campus Cornett Building, Room B 144, PO Box 3050

Victoria, BC V8W 3P5

Ph: 250-721-7356 Fax: 250-721-6216

### ***University of Washington Library***

This collection focuses on the history and culture of the Pacific Northwest. Holdings include anthropologists' field notes, papers and research materials (including those of Viola Garfield,

who worked among the Haida, Tlingit, and Tsimshian) as well as some genealogical information. BC researchers may be particularly interested in the microfilmed records of the Oregon Province Archives of the Society of Jesus Alaska Mission.

University of Washington Manuscripts and University Archives  
<http://www.lib.washington.edu>  
 Allen Library Basement, North Wing  
 University of Washington Libraries Box 352900, Seattle, WA 98195-2900  
 Ph: 206-543-1879 Fax: 206-685-8049

### ***Western Washington University (WWU), Special Collections***

The WWU Special Collections include microfilmed Anglican Church records for the Pacific Northwest and the *Pacific Northwest Quarterly* journals. Community researchers might be interested in the microfilmed collection, History of the Pacific Northwest and Canadian Northwest. Special collections is located in the Mabel Zoe Wilson Library.

Western Washington University Special Collections  
<http://www.library.wwu.edu>  
 Special Collections, WWU Libraries, 516 High St. Bellingham, WA 98225

## **Government Offices**

Libraries can help you find information about government publications and other government records but you will need to contact government offices directly for more recent and active documents. Federal, provincial, and municipal governments create records to document all aspects of their daily business. The documents they produce usually take the form of letters, memoranda, and reports that are placed in files by the records office staff. Access to federal, provincial, or municipal government records is usually controlled by some form of legislation that balances the public right to information against each individual's right to privacy (see the discussion of access to information in the Archives section of this chapter). There will be a likely be a procedure to follow when you request access to files. This can result in a delay of several weeks or months before the material is ready for you to consult or you receive it as photocopies.

The majority of federal departments, provincial ministries, and municipal offices keep track of their own files through a records office located within the same building. While these records are being increasingly stored in an electronic format, most still exist in paper format as documents on file.

Staff at the records office sort, store and retrieve files, and update the retrieval system (cards, lists or a computer system) so that they are able to locate the file as needed. Files usually have both a title and a number, which makes it possible for the staff to retrieve files by subject or number. Most often the records office is not open to the public but you can request documents directly from them. Access and privacy legislation usually apply to government records, which means that the files will be screened internally before you are allowed to see them.

It is important to be aware that, over time, ministries and departments have often

undergone restructuring and renaming and this may affect where you search for certain records. For more information on administrative histories of governmental departments search Library and Archives Canada's ArchiviaNet (general inventory) or contact their reference services department.

#### *Example of government restructuring*

The federal department of Indian Affairs has been restructured and renamed over time in the following ways:

1755-1869	Superintendents of Indian Affairs
1869-1873	Secretary of State for the Provinces Responsible for Indian Affairs
1873-1936	Department of the Interior
1936-1949	Department of Mines and Resources
1949-1965	Department of Citizenship and Immigration
1965-1966	Department of Northern Affairs and National Resources
1966-1997	Department of Indian Affairs and Northern Development
1997-current	Indian and Northern Affairs Canada

## Accessing Files from Government Offices

A government record office is responsible for organizing and maintaining the active and semi-active files of its particular department or ministry. When files are no longer considered necessary to the daily activity of the department, the records office may arrange to have them transferred to the archives for preservation and research use. Remember that government files may exist in two forms: they may be active files maintained by the records office or dormant files held at the archives. Additionally, federal government records may have headquarters files on a subject located in Ottawa and regional files on the same subject located in Vancouver or elsewhere in British Columbia.

Consult the files in a number of records offices to gain a complete picture of the government's involvement in an issue. The information you find on file at a government records office will reflect the work of that particular department or ministry, not the work of the government as a whole.

Use the Internet to get information from government offices. New resources relevant to Indigenous land research are becoming available all the time. Many key documents such as federal and provincial maps, surveys, and instruments are available online.

### *Ordering files*

A general process for ordering files from a government office might go something like this:

1. You make a request for information on a particular subject to a government office.
2. You may receive a file list. To order documents, indicate individual files of interest or describe the documents you want to see. It is possible that you will receive photocopies of documents without first receiving a file list. For example, the Indian and Northern Affairs Canada (INAC) Regional Records Office in Vancouver will provide you with a file list,



while the Ministry of Transportation in Victoria will mail you copies of ministry files relevant to your request. Make sure that you understand what procedure is being used, and then factor that information into your research plan.

3. After you order the files, they will be reviewed and you will be notified when the records are ready for you to see.
4. You will make an appointment with the records office staff to consult the files at their office. At that time you may flag documents for copying and arrange to pick up the copies, or have them sent to you.

## Provincial Government Resources

### *BC Hydro and Power Authority Library*

BC Hydro's departmental library consists primarily of technical information. Researchers may be interested in seeing pamphlets produced by the utility or its predecessors describing the nature, extent, and costs associated with various hydroelectric development projects throughout the province. The library also houses an extensive photograph collection. If you are seeking information about a specific hydro transaction, you may wish to contact BC Hydro's Aboriginal Relations Department.

BC Hydro and Power Authority Library  
6911 Southpoint Drive, Burnaby, BC V3N 4X8  
Ph: 604-528-3008 Fax: 604-528-3137

BC Hydro Aboriginal Relations Department  
<http://www.bchydro.com/ard>  
333 Dunsmuir Street, Vancouver, BC V6B 5R3

### *BC Land Title Division*

Land Title Division has records that go back to 1861 that can tell you who held title to a specific parcel of land at a particular time. There are Land Title Registration offices in Victoria, New Westminster, Kamloops, Nelson, Prince George, and Prince Rupert. See the "Contacts" link on the Land Title Division website or phone the Victoria Office for information on specific offices. This office also has the original cloth and mylar maps for the establishment of all reserves in British Columbia along with the surveyors' notebooks and Agricultural Land Reserve maps. These may be photocopied on the premises. You can also do a land title search at this office to get information on the current use and ownership of a particular parcel of land. The Surveyor General Division, the Crown Land Registry, and the Land Title Division are all housed at 3400 Davidson Avenue in Victoria.

BC Land Title Division, Land and Title Survey Authority of BC  
<http://www.ltsa.ca>  
3400 Davidson Ave, Victoria, BC V8Z 3P8  
Ph: 250-952-5021 Fax: 250-952-5857

### ***BC Ministry of Community, Aboriginal and Women's Services***

This Ministry office is a good source of information on local government, heritage conservation, provincial Aboriginal policy, public safety, housing and building policy, and services for women and seniors.

BC Ministry of Community, Aboriginal and Women's Services  
<http://www.gov.bc.ca/mcaws>  
 PO Box 9490, Stn Prov Govt, Victoria, BC V8W 9N7

### ***BC Ministry of Forests, District Offices***

Your local Forest District Office can provide details on the history of logging on provincial Crown lands, tenure, the activities of various logging companies in different areas as well as information about forestry access roads. You can also often get a forest cover map for the area you are researching. A directory for local Forest District Offices is available online: <http://www.for.gov.bc.ca/mof/regdis.htm>.

### ***BC Ministry of Forests Library***

This departmental library provides access to technical information for all staff members of the BC Ministry of Forests, Sustainable Resource Management, and Water, Land, and Air Protection. It is also open to the public, but materials cannot be borrowed. The library catalogue is online.

BC Ministry of Forests Library  
<http://www.for.gov.bc.ca/hfd/library>  
 PC Box 9532, Stn Prov. Gov., Victoria, BC V8W 9C2  
 Ph: 250-387-3628 Fax: 250-953-3079,  
 Email: [Forests.Library@gems4.gov.bc.ca](mailto:Forests.Library@gems4.gov.bc.ca)

### ***BC Ministry of Sustainable Resource Management***

This Ministry is a good source of information on land title, and legal interests in Crown land. The Ministry is working on an Integrated Land and Resource Registry Project, which will be an electronic register of all legal interests in Crown land. The Crown Land Registry is also useful. The Ministry has an online "Land and Registries Portal," directing visitors to other relevant weblinks.

Integrated Land and Resource Registry Project  
<http://srmwww.gov.bc.ca/irp>  
 Land and Registries Portal  
<http://srmwww.gov.bc.ca/sstu/portal>

### ***BC Surveyor General Division***

The Surveyor General Division is an excellent source of historic information about land in BC. You can get information about land registers, Royal Engineers' surveys, and other survey plans and field notes. Provincial land-related orders in council (1891-1989) are also available at this office. There is important information in the Maps Vault, the Registers Vault, the File Vault, and the Crown Lands Vault. The Maps Vault is the repository for all BC

survey plans and field books, as well as information on mineral claims. A digital imaging project is in progress, and it is anticipated that most of the map and Crown grant vault holdings will be accessible online at some point in the future. The File Vault contains active lands files; some current files are also held in various regional offices. All access to the Registers, Map or File Vaults must be arranged in advance with the BC Lands Records Officer. The Crown Lands Vault, which has restricted access, contains original Crown grants. Microfiche copies are held in the Registers Vault.

You can use the Online Cadastre at [http://www.ltsa.ca/sgd\\_cadastre.htm](http://www.ltsa.ca/sgd_cadastre.htm). It is a helpful registry of geographical information including boundaries, subdivision lines, property information and other land related details. The Surveyor General Division, the Crown Land Registry and the Land Title Division are all housed at 3400 Davidson Avenue in Victoria.

BC Surveyor General Division

<http://www.ltsa.ca>

PO Box 9375 Stn Prov Govt, 3400 Davidson Ave., Victoria, BC V8W 9M5

Ph: 250-952-5021 Fax: 250-387-1830

### ***Land and Water British Columbia Inc.***

This Crown corporation houses both old and active contemporary water licenses, as well as active water rights files. Researchers can arrange access to water licenses, water branch files, and the ministry's database. The database is available online.

Land and Water British Columbia Inc

<http://www.lwbc.bc.ca>

5th Floor 609 Broughton St, PO Box 9475 STN PROV GOVT

Victoria BC Canada V8W 9W6

Ph: 250-952-6246 Fax: 250-952-6237

Email: [LWBC.Corporate@Victoria1.gov.bc.ca](mailto:LWBC.Corporate@Victoria1.gov.bc.ca)

### ***Land Data BC***

This is a branch of the Ministry of Environment, Lands, and Parks. It is a source for provincial topographic maps, **cadastral maps**, and air photos. The Land Data BC website includes a detailed products list as well as a list of authorized distributors locations throughout the province. Researchers will be interested in the Geographic Data BC Air Photo Library, which is open on weekdays.

Land Data BC

<http://www.landdata.gov.bc.ca>

Ph: 250-953-8200 or 1-800-663-6102

### ***Legislative Library of BC***

This library serves members of the Legislative Assembly and so it is only open to the public when the legislature is not in session. It is an official repository for BC government publications. It has both the Legislative Library Newspaper Index and the Sessional Clipping Book and many BC newspapers. The library catalogue is available online.

Legislative Library of BC  
<http://www.llbc.leg.bc.ca>  
Parliament Buildings, Victoria BC V8V 1X4  
Ph: 250-387-6510 Fax: 250-356-1373

## Federal Government Resources

### *Geological Survey of Canada*

The Vancouver office of the Geological Survey of Canada is the best source of federal 1:50,000 and 1:250,000 topographical sheet maps of British Columbia. You can obtain a free map index of Western Canada to use as a guide in selecting maps for your research project. There is also a research library, which has mainly technical mapping resources. The library catalogue is available online.

Geological Survey of Canada, Pacific Division  
[http://gsc.nrcan.gc.ca/org/vancouver/library/index\\_e.php](http://gsc.nrcan.gc.ca/org/vancouver/library/index_e.php)  
Vancouver Office, 101- 605 Robson Street, Vancouver, BC V6B 5J3  
Ph: 604-666-0529 Fax: 604-666-1124 Email: [libvan@gsc.nrcan.gc.ca](mailto:libvan@gsc.nrcan.gc.ca)

### *Indian and Northern Affairs Canada (INAC), BC Records Office*

The BC Records Office, located at the BC Regional Office of INAC, is responsible for keeping track of all the active (operational) regional and district files. Records office clerks identify, locate, and obtain departmental files for INAC staff and authorized researchers. You will need to provide a valid BCR to review documents at the records office.

Indian and Northern Affairs Canada, BC Regional Office  
[www.ainc-inac.gc.ca/bc](http://www.ainc-inac.gc.ca/bc)  
600- 1138 Melville Street, Vancouver, BC V6E 4S3  
Ph: 604-775-7100 Fax: 604-775-7149

### *INAC Claims and Historical Research Centre*

The Claims and Historical Research Centre provides research advice and practical support to researchers in the form of assistance with informal access to active headquarters departmental files and records. Contact this office to find out if there are files relevant to your project. It should be possible to have them sent to the nearest INAC regional office, where you can review them.

INAC Claims and Historical Research Centre  
Claims Research and Assessment Directorate  
Indian and Northern Affairs Canada  
Room 1319, 10 Wellington Street, Ottawa, Ontario K1A 0H4  
Ph: 819-997-8155 Fax: 819-997-9873

### ***INAC Departmental Library***

The INAC Departmental Library has an extensive collection of books and periodicals relating to Indigenous Peoples in Canada. It is perhaps the best source of information on the history and evolution of Indian Affairs over time. It is not a repository for archival materials. The library catalogue is available online.

INAC Departmental Library  
<http://www.inac.gc.ca>  
 14<sup>th</sup> Floor, Terrasses de la Chaudière, 10 Wellington, North Tower  
 Hull, Quebec K1A 0H4  
 Ph: 819-997-0811 Email: [reference@inac.gc.ca](mailto:reference@inac.gc.ca)

### ***INAC Indian Moneys Directorate***

The Directorate deals with trust funds and band monies. It can help you if you are trying to track down the history of a financial transaction involving a band or band members. You will need a BCR, and a lot of background information. Start by exploring available online INAC files relating to the transaction you are investigating. If you still have gaps in your research, try approaching the regional office in Vancouver; you may also need to contact the headquarters office in Hull.

Indian Moneys Directorate  
 BC Regional Office, 1550 Alberni Street, Vancouver, BC V6G 3C5  
 Ph: 604-666-7891 (Ask for the Indian Moneys Directorate representative for your region)

### ***INAC Lands and Trusts Services***

Lands and Trusts Services, located at INAC's BC Regional Office, is an important source of primary reserve-based research materials. The materials that you can find here include: Minutes of Decision, Reserve General Registers, Reserve Land Registers, and reserve schedules. You can also find materials relating to the Royal Commission on Indian Affairs, and Gilbert Malcolm Sproat's Letterbooks. Use the Catalogue of Maps, Plans, and Aerial Photographs of Indian Lands in BC to determine which reserve mapping products are available on-site in fiche format.

At the office you can also access the Indian Lands Registry System (ILRS), an electronic database of instruments relating to land transactions on Indian reserve and Crown lands. It is constantly being updated. The Reserve General Register identifies the instrument numbers relating to a specific reserve by transaction. Instruments with registration numbers up to 225,000 can be copied from microfiche. All documents, including those registered since the department stopped filming in 1994, are accessible through the database and can be printed. The database is also accessible online once you have applied to INAC for a password.

INAC Lands and Trusts Services  
[www.ainc-inac.gc.ca/bc/index\\_e.html](http://www.ainc-inac.gc.ca/bc/index_e.html)  
 600- 1138 Melville Street, Vancouver, BC V6E 4S3  
 Ph: 604-775-7100 Fax: 604-775-7149

ILRS Helpdesk  
Ph: 819-953-4263 Email: sti-its@ainc-inac.gc.ca

### ***INAC Specific Claims West Resource Centre***

The Centre primarily serves program staff and contract researchers who have been hired by INAC to undertake counter-research on submitted claims but it is open to all researchers. This is where you will find bound settlement agreements and general research materials relating to Indian reserves in BC such as reserve schedules, minutes of decision, Indian Reserve Commission correspondence, Royal Commission reports, various LAC finding aids and a selection of RG 10 microfilm.

INAC Specific Claims West  
Suite 2700- 650 West Georgia St, Vancouver, BC V6B 4N9  
Ph: 604-666-8711 Fax: 604-666-6535

### ***Industry Canada***

Industry Canada can be a source for **letters patent** if other research avenues have failed. This department may be able to supply copies or certified true copies of the letters patent you are seeking. You must supply as much information as possible when requesting a document from Industry Canada (letters patent number, date, film number and DOC number, which may be listed in the remarks column of the Reserve General Register or Lands Sales Abstract Report).

Industry Canada  
<http://www.ic.gc.ca>  
Canadian Intellectual Properties Office  
Place du Portage 1, 50 Victoria St., Room C-114, Gatineau, Quebec K1A 0C9

### ***Legal Surveys Division, Natural Resources Canada (NRCan)***

This is the repository for all legal survey plans of federal Crown lands, including Indian reserves. These maps are part of the Canada Lands Survey Records (CLSR). For a fee, the Legal Surveys Division in BC can provide copies of all survey products relating to Indian reserve lands including surveys, field books, photomap overlays, and band booklets. You might want to obtain a free map catalogue or index for each reserve belonging to the community you are researching. These contain complete listings of all official plans relating to an individual reserve. Note that many of the plans available from NRCan are also available free of charge on microfiche at INAC Lands and Trust Services at the BC Regional Office. You may also request access to “reserve” files, which contain maps, plans, and sketches that have been removed from INAC correspondence files. Researchers investigating roads issues will be interested to know that the Legal Surveys Division has plans depicting roads that cross BC reserve lands in 1938. NRCan holdings are available to the public through its online service, where plans and field books may be downloaded free of charge.

Legal Surveys Division, Natural Resources Canada  
<http://www.lsd.nrcan.gc.ca/>

1501- 1138 Melville St, Vancouver, BC V6E 4S3  
Ph: 604-666-5329 Fax: 604-666-0522 Email: [bcrecordsgroup@nrcan.gc.ca](mailto:bcrecordsgroup@nrcan.gc.ca)

### ***National Air Photo Library***

This is a collection of federal air photos in various scales, dating from as early as the 1920s. It is possible to order contact prints from the library; researchers on-site are welcome to make laser photocopies.

National Air Photo Library  
<http://airphotos.nrcan.gc.ca>  
Room 180, 615 Booth Street, Ottawa, Ontario K1A 0E9

### ***Parks Canada***

Parks Canada is responsible for archaeological sites on federal lands in BC. While Indian reserves are considered federal lands, they are not included in Parks Canada's site management mandate. If your research involves land that is part of a national park or is (or was) a federal military base, you should contact Parks Canada rather than the BC Archaeological Branch for archaeological site information.

Parks Canada, Canadian Heritage  
<http://www.pch.gc.ca>  
4th floor - 300 West Georgia St., Vancouver, British Columbia V6B 6C6  
Ph: 604-666-0176







# Chapter 4

## Documents

Many of the research topics in Indigenous land rights projects are historical. As a result you will spend considerable time looking for documentary evidence (written and graphic accounts stored in libraries, government offices, museums and archives). This chapter outlines the main sources of documentary evidence used for research of Indigenous land issues in BC. The federal and provincial governments created many of the records listed here for the purposes of administering and regulating Indigenous lands and resources. If you are using these documents to research the history of your reserves see Chapter 5: Basic Reserve Research. If you are researching other topics in your traditional territory you can use this chapter as a general reference guide. It will help you identify written records that are available and isolate specific issues you may want to consider for your project.

The chapter is organized as a series of entries on different kinds of written records. Each entry discusses what the document is, what kind of information it contains and where to find it. Unless noted in the entry, you can find contact information for the resources institutions in Chapter 3: Resource Institutions.

### Colonial Records

#### Hudson's Bay Company (HBC) Records

HBC records include all the books, letters, ledgers, ship logs, pictures, photographs, maps, and reports produced by officials in the course of trading with Indigenous People and exploring and settling the area that later became BC.

##### *What information can I get from HBC records?*

HBC records can be a valuable source of information on the encounters between Indigenous and non-Indigenous people prior to the mid-1800s. The records yield information on HBC officials' observations of human and natural history of the area, Indigenous land use and occupancy, trade patterns, and non-Indigenous settlement.

##### *Where can I find HBC Records?*

HBC records are stored in the HBC Archives, a branch of the Manitoba Archives. Documents are available on microfilm through **inter-library loan**. Library and Archives Canada (LAC) also has microfilm copies of HBC records.

## Colonial Correspondence

The Colonial Correspondence collection includes all the written communication between the representatives of the colonial government and Britain during the pre-confederation period (1849-1871) in BC.

### *What information can I get from Colonial Correspondence?*

The documents in the collection provide information on all aspects of Indian land policy, from the creation of Douglas treaties in the 1850s to the reduction of reserves under Joseph Trutch between 1864 and 1871. You can use the materials to find information about reserves that were created, search for details about Indigenous land use and occupancy, or look for evidence of Indigenous protest against colonial policy.

### *Where can I find Colonial Correspondence?*

- The original records are stored at the BC Archives Colonial Correspondence Collection. The maps in the Collection have been removed and are now available as part of the BC Archives map collection.
- Microfilm copies of many of the documents in the Collection are available at the BC Archives, the UBC Koerner Library, and the UBCIC Resource Centre. There is also an index for the Collection at all of these locations that, though only partially complete, can serve as a useful aid to help you find records.
- The BC Surveyor General Branch has copies of surveys and maps of the Douglas reserves from the Collection. They also have the original Royal Engineers' field books from this time period in the Map Vault.

It is also a good idea to look for other records produced in this period. The BC Archives has a number of other record groups relating to the colonial period, including records of the Colonial Office in Great Britain. See Chapter 15: Pre-Confederation Reserves for more information on using these records for research.

## Papers Connected with the Indian Land Question: 1850-1875

*Papers Connected with the Indian Land Question: 1850-1875* is a collection of colonial government records regarding the administration of Indigenous lands and resources in the colonial period.

### *What information can I get from Papers Connected with the Indian Land Question?*

If your band had a Vancouver Island treaty or a Douglas reserve you can use *Papers Connected* to find copies of the treaty or correspondence regarding the size, features, and locations of the reserve allotments. *Papers Connected* also includes a copy of the 1871 Indian reserve schedule.

### *Where can I find copies of Papers Connected with the Indian Land Question?*

*Papers Connected* is available at the UBCIC Resource Centre and many university and public

libraries throughout the province. The full citation is: *Papers Connected with the Indian Land Question* (Victoria: Queen's Printer, 1875).

## Records from Indian Reserve Commissions

### Joint/Indian Reserve Commissions (J/IRC), 1876 – 1910

Officials involved in the Joint Indian Reserve Commission (1876-1878) and the Indian Reserve Commission (1878-1910) created a large collection of materials to document their findings and decisions regarding the allotment of reserves and resource rights. Most information is included in the **minutes of decision** (MOD) and accompanying correspondence and survey sketches. The MOD are the official record of reserve allotments as set out by the commissioners. They served as instructions to the surveyors who followed behind the Indian Reserve Commissioners, physically marking out the boundaries of the reserves.

#### *What information can I get from J/IRC records?*

MOD and accompanying documents provide information on official visits to Indigenous communities, and the details and circumstances surrounding the allotment and surveying of reserves. They include discussions of land use and occupancy and rights to resources prior to the establishment of reserves and any information about the land and acreage of the reserve being allotted. In the later years (1878 – 1908), the Indian Reserve Commissioner generally wrote a **field minute** (covering letter) to his superior, the Superintendent General of Indian Affairs in Ottawa, explaining his allotment decisions and enclosing the individual minutes and sketches.

#### *Where can I find copies of J/IRC records?*


Both the federal and provincial government commissioners created MOD and accompanying documents so you will need to check both versions and investigate any discrepancies between them. Check the following locations:

- The original federal and provincial MOD and accompanying correspondence are stored at Library and Archives Canada (LAC).
- The UBCIC Resource Centre has complete sets of copies of the federal and provincial MOD, including sketches.
- Copies of the federal MOD are available at Indian and Northern Affairs Canada (INAC) Land and Trust Services and Specific Claims West Resource Centre. They are also available at the Legal Surveys Division of Natural Resources Canada.
- Copies of the provincial MOD and accompanying correspondence are available at BC Archives. See finding aid GR 2982.
- MOD were also reproduced in the Department of Indian Affairs (DIA) Annual Report for the year the reserve was allotted. When searching for MOD in the annual reports it is helpful to know the agency to which your band belonged in the year the allotment took place. It is a good

idea to compare the annual report entry to the copies of original MOD to determine if errors or omissions occurred.

There are other J/IRC records stored elsewhere. Archived Indian Affairs (RG10) files contain correspondence, reports and other documentation from the J/IRC. BC Archives also has government records that provide information on the J/IRC.


18' 45.5 5

 High Bar Indians.

A Reserve situated on both sides of the Fraser river at High Bar, adjoining the presumption of James Wood.

Commencing at a post on the left bank of Fraser river, and running thence East 20 chains; thence South 80 chains; thence East 20 chains; thence South 80 chains; thence East 60 chains; thence South 20 chains; thence East 160 chains; thence South 100 chains; thence East 40 chains; thence South 50 chains; thence West across the Fraser river 120 chains; thence North 90 chains; thence West 80 chains; thence North 20 chains; thence West 110 chains; thence North to the left bank of the Fraser river, and thence up the bank of the said river to place of commencement.

A graveyard 20 x 15 links situated S 25 W of Mr. J. Wood's house, and about 100 yards distant from it, is reserved.

The 

Indian Reserve  
Commission  
Minute of Decision  
for the High Bar  
First Nation.<sup>1</sup>

## Royal Commission on Indian Affairs in the Province of BC (the McKenna-McBride Commission), 1913-1916

McKenna-McBride Commission records include all the documents commissioners collected in the process of reviewing reserves created by the earlier Indian Reserve Commissions and in making final allotments and/or cut-offs. The most valuable among these are the transcripts of oral testimony from the Commission's meetings and the official reports.

### *What information can I get from McKenna-McBride Commission records?*

1. Transcripts of oral testimony. Indigenous people, their non-Indigenous neighbours, and local Indian agents testified before the Commission on a variety of matters pertaining to reserves and resource rights. The testimony provides rare oral accounts from Indigenous people explaining the way they used their land, the amount of land they needed for survival, and any disputes they had with Indian agents, non-Indigenous neighbours, or the Commission's decisions. It also includes any information provided by commissioners or Indian agents regarding cut-offs.
2. Official Documents. The Commission's final documents include all the information available on official decisions, including statements on alterations to the location or size of reserves or the rights associated with the reserves. The final documents are:
  - The 1916 four-volume *Report of the Royal Commission on Indian Affairs in the Province of British Columbia Final Report*. The report includes the 98 interim reports and five progress reports of the Commission. It also includes the detailed reports for each Indian agency, including map, tables, reserve confirmations, reductions and cut-offs, minutes of decision, and water and fishing rights. It was approved by British Columbia Order-in-Council 911 (July 26, 1923) and Canada Order-in-Council 1265 (July 19, 1924).
  - *The Confidential Report of the Royal Commission on Indian Affairs in the Province of British Columbia*.
  - *The Royal Commission's Memorandum and Evidence on Fishing Rights and Privileges of Indians in BC*.
  - *The Internal Minutes of the Proceedings and Sitzings of the Royal Commission on Indian Affairs in BC (McKenna-McBride) 1913 – 1916*.
  - Reserve schedules (the 1923 reserve schedule is appended to provincial OIC 911 and the 1924 reserve schedule).

### *Where can I find copies of McKenna-McBride Commission records?*

UBCIC has compiled many of the key documents so the Resource Centre is a good place to start your research. Some of this material is available in digital form on the UBCIC website. The material is organized under "Our Homes Are Bleeding" at [www.ubcic.bc.ca/resources/ourhomesare](http://www.ubcic.bc.ca/resources/ourhomesare).

Original records are available as part of the Indian Affairs Records on RG 10 at LAC (see finding aid 10-52). You can obtain microfilm copies at the records at the UBCIC Resource Centre, the BC Archives (see finding aids for GR 1995, 123, 672, 931, 1303, 1967, 1995 & 2043 and Add. MSS 1056), and at INAC's Lands and Trusts Services Library and

Specific Claims West Resource Centre. The above institutions also have hardcopies of the transcripts and final reports.

Depending on your research needs, you may also wish to review:

- McKenna-McBride documents held in the BC Surveyor General Branch collection ("old" Indian agency files and general Indian Affairs file No.026076).
- The BC Lands files at BC Archives. GR 868 contains some information on disallowed Indian reserves.

Minutes of Decision—Lytton Agency	538
(F), Township Eight (8), Range Twenty-five (25), West of 6th Meridian, for general Reserve purposes, it was	
ORDERED: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Spectrum Tribe, that certain tract or parcel of Railway Belt land described in the Application, containing an area of One Hundred (100) acres, more or less.	
Victoria, B.C., June 26th, 1916.	
CERTIFIED CORRECT, C. H. GRUBBS, Secretary.	
<hr/>	
Lytton Agency—High Bar Tribe	
ORDERED: That High Bar Indian Reserve No. One (1) of the High Bar Tribe or Band, of the Lytton Agency, described in the Official Schedule of Indian Reserves, 1912, at Page 88 thereof, be constituted as now fixed and determined and shown on the Official Plan of Survey, viz.: "No. 1—High Bar, 2,924.00 acres."	
Victoria, B.C., March 13th, 1915.	
CERTIFIED CORRECT, C. H. GRUBBS, Secretary.	
<hr/>	
The Commission having under consideration Lytton Agency Application No. 32, of the High Bar Tribe, for improved land of Indians approximately One-quarter (¼) mile South of the Reserve, for Farming Purposes, it was	
ORDERED: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant High Bar Tribe a certain tract or parcel of land containing an area of Forty (40) acres, more or less, subject to survey, East of Lot No. 2999 and lying between the said Lot No. 2999 and the Fraser River, as per sketch plan of Ashdown H. Green, B.C.L.S., numbered in accordance herewith and filed in duplicate with the Governments of Canada and of British Columbia.	
<hr/>	
The Commission having under consideration Lytton Agency Application No. 23, of the High Bar Tribe, for certain land improved by Indian Person, for Farming purposes, it was	
ORDERED: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant High Bar Tribe, a certain tract or parcel of land lying immediately South of the land contained in Pre-emption Record No. 3733, to the East of Pre-emption Record No. 1742 and to the West of Pre-emption Record No. 2887, containing an area of Forty (40) acres, more or less, subject to survey, as per sketch plan of Ashdown H.	

Royal Commission on  
Indian Affairs in BC  
(McKenna-McBride  
Commission) Minutes of  
Decision.<sup>2</sup>

## Ditchburn-Clark Commission, 1920-1923

The Ditchburn-Clark Commission records include information created by Commissioners in the course of reviewing the McKenna-McBride decisions on reserve allotments and resource rights. The final decisions are documented in two orders in council: Provincial Order-in-Council 911 and Federal Order-in-Council 1265, and in Indian Affairs correspondence.

### *What information can I get from Ditchburn-Clark records?*

1. Provincial Order-in-Council 911, 1923, (the provincial Ditchburn-Clark reserve schedule) approved all of the changes to reserve lands recommended by the McKenna-McBride Commission. This schedule confirms the McKenna-McBride cut-offs in the Railway Belt that were subsequently rejected by the federal government.
2. Federal Order-in-Council 1265, 1924 (the federal Ditchburn-Clark reserve schedule) rejected any cut-offs on federally controlled lands in the Railway Belt. This means that, despite being listed in the Final Report, the McKenna-McBride cut-offs in the Railway Belt did not take effect. However, all other cut-off lands were lost.

### *Where can I find copies of Ditchburn-Clark records?*

The UBCIC Resource Centre, INAC's Lands and Trusts Services Library and Specific Claims West Resource Centre, and the BC Archives all have copies of the orders in council and the correspondence from LAC's RG 10 collection regarding the Commission's decisions. Also, Ditchburn-Clark documents are included in the BC Surveyor General Branch's collection (see "old" Indian agency files and General Indian Affairs File No.026076). The BC Lands files at BC Archives also have information regarding the Commission. For example, GR 868 contains some information on disallowed Indian reserves.

## Instruments

An **instrument** is a legal document authorizing transactions between parties. It provides all the relevant information regarding a transaction, including the details of any specific adjustments to reserve lands that were made and the legal duties of one party to another. There are several different types of instruments. Instruments for Indigenous lands research include:


- **Band Council Resolutions (BCRs).** BCRs are records of council decisions made by a quorum of the councilors of a band at a meeting of the council.
- **Leases.** A lease is a legal document giving individuals exclusive possession of property on an Indian reserve for a particular period of time in return for rent.
- **Letters Patent.** These are records by which the federal government grants Crown lands to individuals.
- **Certificates of Possession (CPs).** CPs are records by which the federal

government recognizes an individual band member's right to use a particular parcel of reserve land on a permanent basis (under the *Indian Act*). CPs are considered to be a higher form of entitlement than Certificates of Occupation, which allow the use of reserve land on a conditional or temporary basis, and Notices of Entitlement, which are less formal certificates. Older forms of individual land holdings, such as location tickets (pre-1951), have been updated by Indian Affairs to CP status. See the *Indian Act* sections relating to possession of lands in reserves.

- **Surrenders.** Surrenders are documents by which a band extinguishes its interest in reserve lands and disposes of the lands to non-Indians. See Chapter 17: Surrenders for more details.
- **Crown Grants:** See the listing under “Other Government Records” section of this chapter.

### *Where do I find Instruments?*

You can find a list of the instruments for your reserve and view electronic copies of many of these instruments on the Indian Lands Registry System (ILRS) database. The ILRS is an INAC database of instruments relating to reserve lands. It is available on the INAC website. Follow this four-step process to view the electronic instruments on the database:

1. Click on “Indian Land Registry System.” This will lead you to the introductory page. You will need a password to login. You can obtain a password by calling the helpdesk number at the bottom of the screen.
2. After logging on to the ILRS, click on “Instrument Enquiry” from the main screen. From there, you can generate a general report of all instruments by entering the reserve name. You can view and print electronic copies of these documents from the database.
3. For many instruments, you can click on the registration number to gain access to an electronic copy of the instrument. This step will create an Instrument Management Report.
4. On the Instrument Management Report click on this symbol to access the document itself: 

A note on searching for CPs: In some circumstances, there may not be documents corresponding to a particular parcel of band land. In these cases, you may run across the INAC notations cardex holding or NETI, which means that there has been no paperwork submitted to prove that title exists.

### **Instrument: Order in Council, Federal (Privy Council Order in Council)**

An order in council is an instrument that serves notice of a decision taken by the executive arm of the federal government (the federal cabinet). They are sometimes called “Privy Council orders in council” (PCOC or OCPC).



### ***What information can I get from federal orders in council?***

Examples of orders in council include appointments of authorities and legal actions taken with regard to Indian lands such as the approval of a right-of-way, or the exchange or surrender of land.

### ***Where can I find federal orders in council?***

- LAC has Record Group 2 (RG 2), Records of the Privy Council Office 1867-1986. This record group is the best place to start. You can look for these on the LAC online research consultation tool, ArchiviaNet.
- You may also be able to get copies of orders in council at your local library or a university library.
- You can also locate federal orders in council through the Privy Council Office (from 1990 forward only):  
Privy Council Office <http://www.pco-bcp.gc.ca>  
General Enquiries, Room 1000, 85 Sparks Street, Ottawa K1A 0A3  
Ph: 613-957-5153 Fax: 613-957-5043

## **Instrument: Order in Council, Provincial**

A provincial order in council (POIC) is an instrument that serves notice of a decision made by the executive arm of the provincial government (the provincial cabinet).

### ***What information can I get from provincial orders in council?***

Examples of POICs include appointments and instructions to authorities, and legal actions taken with regard to Indian lands. One of the most important OICs for Indigenous lands research is OIC 1036, an order passed by the BC government on July 29, 1938. It transfers the title of Indian reserves outside the Railway Belt and Peace River Block from the provincial government to the federal government with certain conditions, including the right to resume (expropriate) up to one-twentieth of reserve lands for roads and other public works without compensation. A 1938 reserve schedule accompanies the OIC. It is important to find out if any of your community's reserve lands were affected by OIC 1036.

### ***Where can I find provincial orders in council?***

- The BC Archives is the best place to find POIC. The following finding aids might be helpful: GR 1995 Indexes to Orders in Council, 1872 – 1984; GR 0113 Orders in Council, 1872-1994; or GRs 1512, 1541, and 1664.
- You may also be able to get copies of POICs at your local library or a university library.
- If you are still having trouble tracking down a POIC, contact the BC Government's Order in Council Office at:  
PO Box 9226 STN PROV GOVT, Victoria, BC V8W 9J1  
Ph: 250-387-4376 Fax: 250-387-4349

## Indian Affairs Records

### Reserve Schedules

Reserve schedules are listings of Indian reserves that were officially recognized in a particular area as of a specific date. The listings are grouped into categories called “Indian agencies,” which are the administrative units of Indian Affairs within specific jurisdictional boundaries. They give official descriptions of Indian reserves.

#### *What information can I get from reserve schedules?*

Reserve schedules often provide information about the establishment of individual reserves such as date of allotment, size and location. They can also provide specific information on water allotments, licenses, and rights-of-way. The most recent reserve schedule is a good place to start your research. This schedule will provide information regarding the current status of your band’s reserve holdings as well as a list of the official names assigned to the reserves by INAC. Note that the reserve schedules are not complete with respect to pre-1871 reserves.

#### *Where do I find reserve schedules?*

Agency boundaries changed over time, so a reserve may have been included in different agencies at different times. A useful tool to identify the agencies that included your reserve is Paula Caird’s *RG 10 Finding Aid, Guide to Indian Agencies in British Columbia, 1875-1990* (Ottawa: National Archives of Canada, 1996). The schedules from 1902 to 1990 have been digitized and are part of the Indian Affairs Annual Reports collection. They can be viewed online at:

District/Agency _____ Thompson River					
No.	Name	Tribes or Band	Place situated	Area - Acreage	Remarks
1	High Bar	High Bar	Lillooet District. On banks of Fraser River between Barney Creek and Indian Creek. (Ref. Map 343, B. C. Map 18)	1848.48	Allotted by Commissioner O'Reilly, July 25, 1881. Original Survey 1880, Plan 39 Title, Provincial Order in Council R106, July 25, 1934 Right of Way Fraser River Rd., preliminary 55.00
1A	High Bar	do.	Lillooet District. Designated Lot 5291. Adjoining High Bar Reserve R. on the South (Ref. Map 210, B. C. Map 18)	121.00	Allotted by Commissioner O'Reilly, Original Survey 1921, Plan 334 Title, Provincial Order in Council R114, July 25, 1938 121.00
2	High Bar	do.	Lillooet District. Designated Lot 1429. On right bank of Fraser River opposite the confluence with Barney Creek. (Ref. Map 343, B. C. Map 18)	675.00	Allotted by Commissioner O'Reilly, Original Survey 1905, Plan 336 Title, Provincial Order in Council R106, July 25, 1934 675.00

Example of a Reserve Schedule.<sup>3</sup>

<http://www.collectionscanada.ca/indianaffairs>. You will find most of the reserve schedules at the INAC regional office in Vancouver. As well, some district offices, UBCIC, and Specific Claims West Resource Centres in Vancouver have these schedules. Some of the schedules can also be found in the government collections at university or public libraries, bound with the Sessional Papers or Department of Indian Affairs materials.

## Reserve General Abstract Reports

Reserve General Abstract Reports (RGAR) record all documents and transactions that affect a reserve. They can be used as finding tools to identify relevant documents. There is one RGAR per reserve. Electronic copies of the documents listed on the RGAR can be viewed and printed from the Indian Lands Registry System (ILRS).

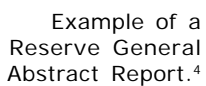
### *What information can I get from Reserve General Abstract Reports?*

- Details about the formal allotment of the reserve including the name of the official who allotted it, the date it was established, its size and location.
- Details of the reserve surveys such as the size (acreage) of the reserve upon first survey, date of the first survey, and the plan number of the first official survey.
- Lists of instruments authorizing changes to reserve land such as surrenders, orders in council and band council resolutions.

### *Where can I find Reserve General Abstract Reports?*

Electronic copies of Reserve General Abstract Reports can be obtained on the Indian Lands Registry System (ILRS) database. The ILRS is an INAC database of instruments relating to reserve lands. The web address is: [http://pse-esd.ainc-inac.gc.ca/esd-pse/index\\_all\\_e.asp](http://pse-esd.ainc-inac.gc.ca/esd-pse/index_all_e.asp). Once you enter the site:

1. Click on “Indian Land Registry System.” This will lead you to the introductory page. You will need a password to login. You can obtain a password by calling the helpdesk number at the bottom of the screen.
2. Once you are logged on to the system, click on “Report Management” and choose “Reserve General Abstract Report.” From there you will be asked to enter the reserve name and/or number to generate a report.
3. For many instruments, you can click on the “Registration Number” to access an electronic copy of the instrument. This step will lead to an “Instrument Management Report.” From the report, you can view and print a copy of the electronic document in most cases.



Like other federal and provincial government departments and ministries, Indian Affairs published annual reports that summarize their activities for that year.

Annual reports contain useful information on government policy, the views of Indian agents and other government officials as well as historical and statistical information.

***Where can I find annual reports?***

- Most university and public libraries, the BC Archives, the Specific Claims West Resource Centre, and the UBCIC Resource Centre all have copies.
- The INAC website has the annual reports on an electronic database, which allows you to do keyword computer searches. The web address is <http://www.nlc-bnc.ca/indianaffairs>.

**Active Indian Affairs Records**

Active Indian Affairs records are the government records that are still in the possession of INAC. These are files that have not yet been transferred to LAC and catalogued in RG 10. Though these records are considered to be “current,” they may contain information dating back decades.

***What information can I get from active Indian Affairs records?***

Active Indian Affairs records contain a wide variety of materials about the activities, policies, and goals of Indian Affairs. You can use these materials, especially correspondence, to learn about many aspects of government regulation of Indigenous land and resources across the country.

***Where can I find active Indian Affairs records?***

Active Indian Affairs files are in the custody of INAC, either at the BC Regional Office (in Burnaby) or at the headquarters in Québec. To identify active files that may be useful to your project, you will want to contact the Records Office within INAC's BC Regional Office. They can also provide information about headquarters files.

**Archived Indian Affairs Records (RG 10)**

RG 10 (short for Record Group 10) is the term commonly used to refer to archived Indian Affairs records. RG 10 is the archival classification for all Indian Affairs records created in the course of government business. It refers to all the records that have survived and been transferred to LAC. Those records that have not been transferred are considered active Indian Affairs records, as is described in the above entry.

***What information can I get from RG 10 records?***

RG 10 is a very important resource for researchers investigating any aspect of the history of their community. It includes files, correspondence, letters, and transcripts created by officials in Indian Affairs headquarters and field offices across Canada on all aspects of administration of Indigenous lands and peoples. The wide variety of topics includes band membership, finances, lands, resources, government, politics, social assistance, health, education, and community development.

***What are the challenges of using RG 10 records for research?***

Looking for documents in this collection can be challenging. The records have been gathered from many different offices of Indian Affairs over more than a century. Also, Indian Affairs

has changed filing systems many times over the years and file numbers have changed with each new filing system. You may find yourself looking for a file that has had several different file numbers in its life cycle, and have to track the file numbers over time in order to locate the file. Another challenge is that RG 10 documents are stored in different locations and some are microfilmed, while others are only available in their original. Lastly, some files are incomplete, missing, or improperly catalogued.

You may have to look in many places within RG 10 to find the files and documents you need. You will need a lot of time and patience. Most importantly, you will need to seek the assistance of librarians and other people who have experience doing RG 10 research. If you put in the time and stay organized, your efforts will be rewarded. Be creative in your search terms. For example, use all of the community names and their many spellings, Indian agency names, specific place names, and subject headings. Be sure to keep an ongoing list of where you searched and what search terms you used.

### ***Are RG 10 records accessible to community researchers?***

Most RG 10 records are publicly accessible. However, some records are protected under federal privacy legislation so you will need to obtain authorization before you can obtain copies. See Chapter 3: Resource Institutions for more information on the *Access to Information Act* and the *Privacy Act*.

### ***How do I find RG 10 records?***

There are three tools you can use to find specific records in RG 10:

1. **RG 10 Inventory:** The RG 10 Inventory will be one of your most important tools. It is the most general list of files, and gives an overview of the complete holdings that constitute RG 10. It is available at all the institutions that hold RG 10 records and on LAC's online research tool, ArchiviaNet.
2. **Finding Aids:** The RG 10 Inventory will refer you to specific finding aids. Finding aids are detailed file lists prepared by archivists when records are being added to the permanent collection. The finding aids will give you more detail about the contents of the files and help you identify specific collections to research.
3. **Subject Databases:** These are computerized lists and subject indexes that allow you to search by key words and terms. The two most useful databases are listed below. It is a good idea to always search both of them.
  - The UBCIC Resource Centre has a subject index for its collection of RG 10 materials. It is one of the most accessible and user-friendly databases available. UBCIC's library staff is very familiar with the RG 10 and they are very helpful. The index is available at the Resource Centre and on the website under "holdings" and "RG 10."
  - LAC's ArchiviaNet will help you identify relevant records. If you are looking for information on this site you can isolate your search to just RG 10 records by following the "Government of Canada Files" link and limiting your search to "Indian Affairs RG 10 records."

### *How are RG 10 records organized?*

It is important to know something about the systems of organizing RG 10 records so you can navigate the collection. RG 10 records are organized into two broad categories: pre-confederation records and post-confederation records. The post-confederation records make up a larger part of RG 10 and are further divided into sections. Within these larger sections of records are series. You can use the RG 10 Inventory mentioned for more detailed information about the series.

- The **Black Series** is a group of headquarters records dating from 1872-1923. Its records are mainly about communities in western Canada. The Black Series contains information on a wide range of subjects, from land to general administration, schools to roads and railways.
- The Central Registry Files are records from headquarters dealing with all aspects of administration in Canada from the early 1900s to the 1970s.
- The Field Office records have agency and district files. These records may provide valuable information and should be consulted as part of your research process.
- The School Files records document many aspects of Indian school operations across Canada from 1879-1969.

### *Where can I find RG 10 Records?*

You will most likely gain access to RG 10 records on microfilm. You can also view original and digital files. Information on access is summarized below.

- Microfilm copies of RG 10: Microfilm copies of many of the BC regional files are available at the UBCIC Resource Centre. The BC Archives, Specific Claims West, the Secwepemc Library and most university libraries also have copies of parts of the collection. If the RG 10 records you wish to consult are available on microfilm and you cannot find them or gain access to them at the above locations you may be able to borrow the microfilm from LAC. They will lend to any institution that has a microfilm reader. Your local public library or genealogy research centre may borrow on your behalf. For more information about borrowing microfilm you can contact the Reference Services Division of LAC.
- Original RG 10 Records: You will have to visit an office of LAC to consult original RG 10 records. Most records are available at the office in Ottawa. However, if the record you need is listed as an **accession** (an unprocessed record) it is likely stored at the regional Federal Records Centre for BC in Burnaby.
- Digitized RG 10 Records: LAC is attempting to digitize more of its collections. It is a good idea to check their searchable database to see which documents they may have made available over the Internet.

### *Where can I learn more about RG 10 files?*

See the following published sources for additional information on RG 10:

- P. Gillis, *No. 1 – Records Relating to Indian Affairs (RG 10)* (Ottawa: Public

Archives Canada, Public Records Division, General Inventory Series, 1975).

- Paula Caird, *RG 10 Finding Aid, Guide to Indian Agencies in British Columbia* (National Archives of Canada, 1996).
- Bill Russell, *Records of the Federal Department of Indian Affairs at the National Archives of Canada: A source for genealogical research* (Toronto: The Ontario Genealogical Society, 1998).

## Survey Plans and Field Books

### Legal Survey Plans

Legal survey plans are documents outlining the size, boundaries and features of specific parcels of land.

#### *What information can I get from legal survey plans?*

Legal survey plans provide information about all natural and human-made features on a reserve. They can be a useful record if you are examining changes to reserve land over time such as erosion, road construction, or development. Survey products will not give a complete picture and should therefore be carefully reviewed alongside other historical documents. See Chapter 10: Maps and Surveys for more information.

#### *Where can I find legal survey plans?*

There are many different sources for surveys and survey products. The most commonly used collections are:

- The Legal Surveys Division of Natural Resources Canada (NRCan) has band booklets that contain photos showing the location of a band's reserves. They also have a searchable database of official Indian Affairs Survey Records (IASR) and Canada Lands Survey Records (CLSR). The IASR and CLSR include copies of surveys, re-surveys, subdivision plans, field notes, photomaps and reference plans. Many of the documents are available from their website. From the main page, select "plan search" and enter the plan number, or search by the reserve name and/or number. The documents that are not available online can be reviewed or purchased at the NRCan office.
- You can also find survey maps attached to the Indian Reserve Commissions' Minutes of Decision. See the section on records for the Indian Reserve Commissions for more information.
- If you are looking for information on pre-confederation reserve surveys see Chapter 15: Pre-Confederation Reserves.



## Field Books

Field books are surveyor's notes of a survey. Surveyors used their notes to draft Indian reserve survey plans after completing the survey.

### *What information can I get from field books?*

Field books document a surveyor's technical findings and record features such as buildings, gardens, and fishing stations. As with surveys, researchers can use these to find information on a reserve at a specific time or search for changes over time.

### *Where can I find field books?*

Field books are available in the same locations as legal survey plans. See the above entry for complete information.

## Other Key Government Records

### Archived BC Lands Files

The BC Archives collection of lands files contains the internal and external correspondence of the BC Department of Lands under its various names and authorities.

### *What information can I get from BC Lands files?*

The correspondence in the collection relates to pre-emption of land, the availability of land, water rights, forestry matters, surveys, Crown lands, government reserves, and public works. It includes BC Land District Registers showing which individuals first alienated particular district lots and what under terms, original pre-emption records, and archived BC lands files relating to activities on specific district lots.

### *How do I find BC Lands files?*

The provincial ministry responsible for lands in BC changed names many times over the years and blocks of records have been transferred to the BC Archives at different times. As a result, this collection can be difficult to search. However, there is a helpful research guide titled *Quick Guide to Land Records* (Victoria: BC Archives, 2004) that describes the structure of the BC Lands collection and provides tips for research. It is available on-site or on the BC Archives website under "Research Visit" and "Research Guides." This is a very important document that will help you get started on your research. You can also start by reviewing some of the many lands-related finding aids on-site or on the website. See also the following publications for additional help:

- Terry Ann Young, *Researching the History of Aboriginal Peoples in British Columbia, A Guide to Resources at the British Columbia Archives and Records Service and B.C. Lands* (Victoria: Queen's Printer, 1995). This is available at the reference desk at BC Archives and at the UBCIC Resource Centre.

- John Pritchard, *An Index to Indian-Related Correspondence in the British Columbia Lands and Works Files, 1871-1912* (Victoria: Provincial Archives of British Columbia, Treaties and Historical Research Centre, Comprehensive Claims Branch, Indian and Northern Affairs Canada, 1989). This is available at the UBCIC Resource Centre and BC Archives.

## Pre-emption Records

Pre-emption was a process that allowed individuals to claim land for settlement and agriculture. Pre-emption records are the documentation of this process and they identify parcels of Crown land claimed by non-Indigenous settlers.

### *What information can I get from pre-emption records?*

Pre-emption records contain details about the pre-emptor, the date of pre-emption, legal and geographic descriptions of the land, and a sketch of the land. In some cases there will be maps included that show the location of Indian reserves and/or settlements in relation to the pre-emption. Settlers also acquired land through a process called homesteading. The two blocks of land where homesteading occurred in BC between 1884 and 1930 are called the Railway Belt and the Dominion Peace River Block. The process for searching for homesteading records is the same as for pre-emption records.

### *Where can I find pre-emption records?*

The BC Archives has originals and copies of all surviving pre-emption records. For information on how to find them see their Pre-emption and Homestead Claims guide. From the homepage, click on “Research Visit” and then look under the heading of “Research Guides.”

## Crown Grants

Crown grants are the legal instrument by which lands are transferred from the provincial Crown to private individuals or companies.

### *What information can I get from Crown grants?*

Crown grants list the name of the Crown grantee, the legal description of the land, the pre-emption and certificate of improvement numbers (if the land was not purchased outright), the acreage, the class of land, any relevant BC Lands file numbers and the effective date. They also have a sketch of the land attached. It is not uncommon for additional related documents (certificate of improvement, application to purchase or estate information) to be attached to Crown grants.

### *Where can I find Crown grants?*

The BC Surveyor General is the repository for all Crown grants issued in the province of BC. A complete set of microfiche copies is located in the Registers Vault at the BC Surveyor General Branch. The BC Archives has microfilm copies of all provincial Crown grants

issued between 1851 and 1930. See the pre-emptions and homesteads guides listed in the previous entry for more information.

## **BC Lands Files at the BC Surveyor General Division**

The BC Surveyor General Division has active BC Lands files and a wealth of historic land-related documents. Some types of lands and mapping-related materials are only available there, most notably the Royal Engineers' field books, some surveyors' diaries and information on mineral claims and special timber licenses.

### ***What information can I get from the BC Lands files at the Surveyor General Division?***

The BC Lands files relate to a variety of survey and boundary issues. These include boundary disputes and determinations, land ownership and changes in ownership, size and shape of land parcels, location, natural features and resources. The records are organized in the following vaults:

- The Registers Vault: Old Land Registers, Townsite Registers, Reverted Land Registers, Mineral Claims Registers, Railway Belt Registers, Peace River Block Register, Ministry of Lands Annual Reports, BC orders in council relating to lands, Crown grants.
- The File Vault: Original volumes of Chief Commissioner of Lands and Works correspondence.
- The Crown Grants Vault: Original Crown grants and Hudson's Bay Company grants.
- The Map Vault: Field books, maps and field notes, surveys, rights-of-way plans, material related to mineral claims and well sites.

### ***Where can I find the BC Lands files at the Surveyor General Division?***

The BC Surveyor General Division is located in the Land Title and Survey Authority of BC office in Victoria. See Chapter 3: Resource Institutions for contact information.

## **Land Title Records**

Land title records are the legal documents demonstrating ownership of land.

### ***What information can I get from land title records?***

The records include all information about the legal title of property including: the registered owner(s) names, historical title information, and encumbrances such as mortgages and easements.

### ***Where can I find land title records?***

The BC Surveyor General Division is the repository for original surveys of provincial, or Crown lands. Plans of subsequent surveys or subdivisions can be found at Land Title Offices throughout BC. You may be able to get the information that you require without going to

a Land Title Office. The BC Online website allows you to search both BC Assessment and the Land Title Registry databases for a fee (<http://www.bconline.gov.bc.ca>). Searching land title records can be an expensive process. It is reasonable to request a land title record showing current information but you probably won't be able to request a full historic search of the property you are researching.

## Census Records

See Chapter 7: Genealogy Resources for information on census records.

## Legislative Journals and Gazettes

### Journals of the Colonial Legislature of the Colonies of Vancouver Island and British Columbia, 1851-1871

*Journals of the Colonial Legislature* is a five-volume set of journals covering the official proceedings of the colonial government during the pre-confederation era in what is now the Province of British Columbia. The *Journals* are based on the minutes of the Council, Executive Council, Legislative Council, and General Assembly of the colony of Vancouver Island, as well as the Executive Council and the Legislative Council of the colony of Vancouver Island.

#### *What information can I get from Journals of the Colonial Legislatures?*

The *Journals* are a well-indexed source of information about the changes that took place in law and policy between 1851 and 1871.

#### *Where can I find Journals of the Colonial Legislatures?*

Most university and larger public libraries have copies of the *Journals*. The BC Archives and some specialized collections also have them.

### Journals of the Legislative Assembly

The *Journals of the Legislative Assembly* provide information on the daily proceedings of the BC Provincial Legislature, starting in 1872.

#### *What information can I get from the Journals of the Legislative Assembly?*

The *Journals* are a good source of information regarding the changes to provincial law and policy.

#### *Where can I find the Journals of the Legislative Assembly?*

The *Journals* are available at the BC Archives and the Legislative Library in Victoria. The Vancouver Public Library and some university libraries also have them.

## Sessional Papers (BC)

The B.C. Sessional Papers contain papers and annual reports for the various provincial ministries and departments.

### *What information can I get from Sessional Papers?*

The Sessional Papers contain a wealth of specific information. You could, for example, find out details about the nature and cost of repairs to a certain section of a particular provincial road in a given year's *Department of Public Works Annual Report*, or find out when a specific area of the province was first surveyed in a *Department of Lands and Works Annual Report*.

### *Where can I find Sessional Papers?*

You can find Sessional Papers in the government documents section of university and larger public libraries.

## Sessional Papers (Canada)

The Sessional Papers of Canada contain papers and annual reports for the various federal government departments.

### *What information can I get from Sessional Papers?*

Certain types of Sessional Papers are particularly relevant to land research. These include the reports on Indian reserves, papers relating to Indian lands, annual reports for departments like Lands or Public Works and Grazing Commissioners reports (after World War I). These particular sessional papers contain material about timber resources, water rights, mining, hunting, and fishing.

### *Where can I find Sessional Papers?*

You will find Sessional Papers of Canada at the BC Archives, universities, and larger public libraries. The published Sessional Papers range from 1868 to about 1925 (when the volumes began getting too large and started to be published individually as annual reports). It is important to note that not all Canada Sessional Papers were published. Those that were not are accessible on microfilm. Use the consolidated *General Index to the Journals of the House of Commons of Canada and of the Sessional Papers of Parliament* to find the volume you need. Also, the UBCIC Resource Centre has a useful finding aid, written by Fred Isaac, called *References to Aboriginal Affairs in the Sessional Papers 1867 – 1925* (National Indian Brotherhood, 1973).

## The British Columbia Gazette

The BC Gazette is produced in two parts. The *Gazette: Part I* has been published weekly by the government of BC since 1863. It contains legal notices from different ministries within

the Government of BC, including: notices to creditors; notices of restorations, incorporations, and dissolutions; public tenders; and order in council notices. The *Gazette: Part II* is published every second week and contains all regulations that are made under an Act of the Legislative Assembly.

### ***What information can I get from the British Columbia Gazette?***

The Gazette includes information on a variety of topics. For example, you may find notices for road construction, lands reserved from pre-emption, construction projects, and information about surveys in your area. You can also find information about the designation of reserves, as well as the establishment or cancellation of “government” reserves, gold commissioner notices, provincial orders in council, applications for timber licenses, applications for sale of BC lands, proposals for mines or forestry developments, or for commercial development of Crown lands.

### ***Where can I find the British Columbia Gazette?***

The Gazette is available at the BC Archives, the BC Surveyor General Division and the Legislative Library, the Vancouver Public Library, university libraries, and the BC Courthouse Library. For more information see <http://www.publications.gov.bc.ca>. You may also want to consult other publications that ran government notices. There are many of these available at the BC Archives. They are: *Vancouver Island Gazette*, *Government Gazette for the colonies of Vancouver Island and British Columbia*, and the *Government Gazette: Vancouver Island*. The Government Gazette was printed in the *British Columbian* newspaper in 1861/62.

## **The Canada Gazette**

The Canada Gazette, published since 1841, is a federal government publication; it is the “official newspaper” of the Government of Canada. It includes new statutes and regulations, proposed regulations, decisions of administrative boards as well as an assortment of government notices. There are also private sector notices required by statute to be published.

### ***What information can I get from the Canada Gazette?***

Part I is published weekly and contains all public notices, official appointments and proposed regulations from the federal government, as well as miscellaneous public notices from the private sector. Part II is published every second week and contains all federal regulations that are enacted, as well as other classes of statutory instruments such as orders in council, orders and proclamations. Only federal government departments and agencies publish in Part II. Part III contains the most recent public acts of Parliament and their enactment proclamations.

### ***Where can I find the Canada Gazette?***

Issues of the Canada Gazette, published between 1998 and 2005 are available at this website: <http://canadagazette.gc.ca>. Issues of the Canada Gazette published prior to 1998 are available in most public libraries or through Library and Archives Canada.

## Hansard

Hansard is the record of everything said in the House of Commons or the provincial legislature. The Canadian House of Commons has had a full Hansard report since 1880. Until 1970, B.C. had only the *Journals of the House*. These remain the official record of what motions were debated and passed.

### *What information can I get from Hansard?*

Before legislation is passed, the meaning, purpose and potential impact of the legislation is debated in the legislature. The Minister then summarizes the government's objectives when introducing the legislation. The debates will provide you with a wealth of information. They may also tell you if alternative legislation or wording was considered. The Parliamentary Internet, maintained jointly by the Senate, the House of Commons, and the Library of Parliament is a good site for locating debates, bills, minutes and proceedings of parliamentary committees, and Status of House Business.

### *Where can I find Hansard?*

To view federal Hansard from the current session, go to the Parliament's website: <http://www.parl.gc.ca>. For Hansard from earlier sessions, consult your local library. To view BC legislative debates or Committee meetings go to: <http://www.leg.bc.ca> or contact your local library.

## Other Sources

### Newspapers

Newspapers often provide helpful information on local events including births and deaths, public announcements, and specific issues relating to Indigenous lands and resource use. Newspapers will also give you a good sense of what was happening in the time period you are researching, and may point to other sources to research.

### *Where can I find copies of historical newspapers?*

There are a wide variety of newspapers to consult, from national papers to papers published by your own community. You may need to request the help of local librarians or museum staff to determine which newspapers you should consult for your project. There are some general resources that will help you search historic newspapers:

- The BC Archives has the most complete historic newspaper collection in the province. You can search the their collection by clicking on the entry titled "BC Newspapers on Microfilm" on their website: <http://www.bcarchives.gov.bc.ca/library/newspapr/newspapr.htm>.
- The Vancouver Public Library, the UBCIC Resource Centre, and some university libraries also have historic newspaper collections. Most of these

institutions also have newspaper clippings files for certain publications and time periods.

- Library and Archives Canada has a substantial number of historical newspapers. A listing of its newspapers on microform is available online at: <http://www.collectionscanada.ca/8/18>
- The *Sessional Clipping Book* contains newspaper clippings on subjects discussed in the Legislature from 1890-1972. The original is at the Legislative library. The University of British Columbia Library has a microfilmed version.

## Notes

<sup>1</sup> “Department of Indian Affairs 1881, P. O’Reilly Indian Reserve Commission Correspondence relating to allotment of Indian reserves in BC.” UBCIC CD of Volume 8, Minutes of Decision, Correspondence, and Sketches - P. O’Reilly. File 29858, Vol. No. 2, Page 5.

<sup>2</sup> McKenna, J.A. and Richard McBride. “Minutes of Decision - Lytton Agency, High Bar Tribe.” In *Report of the Royal Commission on Indian Affairs for the Province of British Columbia*. Victoria: Acme Press, 1916.

<sup>3</sup> Government of Canada. Thompson River District. Schedule of Indian Reserves. Ottawa: Department of Indian Affairs, 1970. Page 527.

<sup>4</sup> Government of Canada. *Reserve General Abstract Report: High Bar No. 1. Indian Lands Register*. Ottawa: Department of Indian Affairs and Northern Development, 2005. Page 1 of 3.



# Chapter 5

## Basic Reserve Research

Basic reserve research involves reconstructing the history of your reserve lands from the time the original allotments were made to the present. This research can contribute to a range of different projects. You may be interested in researching the allotment of reserve lands as part of a larger study about your community's history and traditional land use and occupancy. If this is the case, you can examine the resources listed here in combination with those discussed in other chapters of this manual (Oral History, Genealogy, Anthropology, and Archaeology Resources) to document activities and settlement patterns throughout your territory.

Alternatively, you may be conducting basic reserve research to examine the role of the federal government in allotting or alienating, managing or mismanaging your community's lands and resources. This may be part of a project to document the dispossession of Indigenous lands or to document community challenges to decisions imposed by federal or provincial governments. This chapter focuses on investigating reserve history and will provide information on important documents and research strategies. Refer to the chronology in Chapter 1: Dispossession and Resistance in BC for an overview of historical events important to reserve allocation and protection.

### Research Guidelines

Basic reserve research involves examining all of the documentation you can find about the size, location and description of your allotted reserve(s) across time. You will need to review the materials you collect in chronological order, starting with those created to document the original allotments and finishing with current records. Then, you will need to compare the findings from each. This will help you determine if there were any changes to the original reserve allotments and why.

You will likely be required to collect, organize and compare a large volume of materials for your project. It is a good idea to follow the tips for organizing large research projects outlined in Chapter 2: Research Methods. These will help you manage all the information you collect and stay focused throughout your project.

One of the most important requirements for a basic reserve research project is to have very clear and specific research questions to guide you through and compare the materials you collect. There are a series of important questions to ask. For example:

- On what date were the reserves first established?
- Who reserved the land and under what authority, policy or law?
- How many reserves were set aside and what were they called?

- What was the size and specific location of each reserve?
- What quality was the reserve land when set aside?
- Were there any resource rights reserved in addition to land?
- Were any specific provisions made for the band, such as rights to water?
- How was the land being used before it was allotted as reserve land and who was using it?
- Was the community satisfied or unsatisfied with the size, location and quality of the reserves? How did they express their views?
- Were the community's needs met? For example, was its cemetery or important fishing station included in the reserve allotments? Were the reserves reduced in size ("**cut off**") at any point?
- Were there any instances of settler encroachment (intrusion) on reserve land?
- Did the band surrender any of its land at any point and if so, for what purpose and according to what terms?
- Are there any current easements (**rights-of-way**) on any of the reserves and if so, when and by what authority were they introduced?
- Are there any inconsistencies in the size or location of reserves in the documents and how are these explained?

## Resources

There are a number of important resources to consult for basic reserve research. The specific documents are discussed below. They have been listed in the order in which they should be consulted. For detailed information about the documents see Chapter 4: Documents.

Start by reviewing Indian Affairs' reserve schedules, reserve general registers, and survey plans. These documents will help you establish the basic foundation of information you need. They will help you determine the date your reserves were allotted and find any details about the size, location, and purpose of the original reserves. It is especially important to find out who allotted the first reserves for your community at this point in your research. If the reserves were recognized in a pre-confederation treaty or reserve you will need to examine the records created during the colonial period (Colonial Correspondence, *Papers Connected with the Indian Land Question*). If not, you will need to check the records created by the subsequent reserve commissions (Joint/Indian Reserve Commission, McKenna-McBride, and Ditchburn-Clark).

If you have found evidence in the reserve schedules, reserve general registers, and survey plans that your reserves were cancelled or altered you will want to review other Indian Affairs records. Check annual reports, archived records (RG 10), and any relevant active records from the current ministry. The correspondence in the Indian Affairs collections will help you track official decisions, determine if there were any administrative errors or omissions in the allotments or changes to the allotments, and find out community members' perspectives about the lands that were reserved or cancelled. If you find evidence that there were any legal transactions that took place on your reserve (such as leases or surrender of reserve land) look for the associated **instruments**.

If your community's reserve lands were reduced, or cut off, during the successive

waves of reserve creation and review in BC you can focus in on the archived RG 10 correspondence and other documents that were created at that time. Some specific examples of the events you will want to research are:

- Trutch Cut-offs: Pre-confederation reserves cut off by Joseph Trutch.
- Sproat Cut-offs: Indian Reserve Commissioner Sproat's allotments cut off by Sproat's successor, Indian Reserve Commissioner Peter O'Reilly.
- McKenna-McBride Cut-offs: Reserve lands cut off by the 1913-1916 Royal Commission on Indian Affairs in the Province of British Columbia.
- Ditchburn-Clark Cut-offs: Lands cut off by the 1920 – 1923 Ditchburn-Clark review.

## Additional Information

Many of the documents you will review for basic reserve research were created by Indian Affairs for the purposes of managing Indigenous lands and resources. All of these are catalogued according to the Indian Affairs organizational system, whether they are archived or active files. As a result, you may need to learn a little bit about Indian Affairs administrative systems. The important topics to be aware of are: Indian agency boundaries, authorities, and community names and affiliations. If you have a list of this information for your community you will be better equipped to find the detailed information you will need.

**Indian agencies** are jurisdictional boundaries for Indigenous lands created by Indian Affairs for the purposes of government efficiency and organization. These jurisdictions can be confusing because the administrative structure of Indian Affairs (and therefore the names of agencies) has changed many times. However, it is important to know the name of the Indian agency the records for your band will be stored in the agency files for your region. A useful tool to identify the agencies that included your community is Paula Caird's *RG 10 finding aid, Guide to Indian Agencies in British Columbia, 1875-1990* (Ottawa: National Archives of Canada, 1996). It is available at the UBCIC Resource Centre. The introduction is available on the Library and Archives Canada website through ArchiviaNet. Find the link "Aboriginal Peoples - Guide to the Records of the Government of Canada" ([http://www.collectionscanada.ca/archivianet/0201200116\\_e.html](http://www.collectionscanada.ca/archivianet/0201200116_e.html)), and click on "Bands and Agencies."

It may also be necessary to make a list of the authorities active in your agency for the period you are researching. The most important historical figures to track are the Indian agents. If you have a list of the agents you will be able to quickly determine who was responsible for carrying out specific government policies in your community and at what time. A useful tool to identify Indian agents is G.M. Matheson's *Historical Directory of Indian Agents and Agencies in Canada* (Ottawa, c.1955). It is also available at UBCIC Resource Centre.

There is a chance that your band moved, changed its name, or **amalgamated** (joined) with or split off from another band. It is important to trace the details of these changes in Indian Affairs records so you know all of the names of the other communities your band has been associated with. This is especially important if parts of your traditional territory were reserved and listed under a previous name, or if they were referred to under the name of another band. If you are looking into these questions you can track references to the communities you are interested in through the following sources, all of which are available

at the UBCIC Resource Centre:

- Indian Affairs annual reports and reserve schedules. Annual reports list a total of 231 distinct bands in BC in 1916, but only 191 bands by 1969.
- M. Douglas Johnson and Marie-Josée Audet, *Canada Lands in BC: Indian Reserves and National Parks* (Vancouver: Legal Surveys Division, Geomatics Canada, 1996). This resource contains information about amalgamations and alternate band names.
- *Handbook of Indians of BC* (Vancouver: BC Native Studies Bibliographic Centre, 1979).



# Chapter 6

## Oral History

Oral history is the unwritten knowledge transmitted by family and community members over time. The oral histories of individual community members combine, like the interwoven threads of a weaving, to form a shared oral tradition.

Oral history is being used in the courts, comprehensive and specific land claims processes, treaty interpretation, land use and occupancy studies, and as an educational tool. The individual, family, and community histories in the oral tradition help to bring complicated issues to life. They also support archival and archaeological evidence, particularly for issues where there is little documentary record.

The purpose of this chapter is to discuss oral tradition and the research of oral history within communities. The focus is the methodology of oral history research. However, it also discusses the purpose of this type of research.

### Cultural Knowledge and Oral Tradition

Oral tradition within Indigenous cultures is the communication of history, beliefs, values, activities, concepts, experiences and worldviews. Oral tradition is a way of maintaining and passing on knowledge within communities. It is a way to record our history for generations to come. Oral historical tradition can vary from Nation to Nation and the Indigenous approach to history can take many forms, including dance, stories, ceremonies and verbal accounts. Oral tradition may be more formalized in some communities; for example, it may be told through ceremonial events or a structured organization. In other communities the oral tradition may be expressed in a more fluid or flexible way, such as through informal discussion between family members.

Oral tradition is a living process shared among community members. In some communities all members are important sources of historical knowledge, while in others only a few members retain this type of knowledge. Elders are particularly important to cultures that teach through oral tradition because they are often the primary source for oral history.

Oral tradition has an intrinsic value within Indigenous communities. It is a dynamic process that, like western systems of knowledge, attempts to interpret the world around us and tries to make sense of the ways in which the past influences the present. Oral tradition is not simply a means to record or remember history; it is a symbolic tradition that provides meaning, context and lessons derived from past events for future generations for the continued benefit of the community.

Oral history can be used in different ways. There are many different people collecting

oral histories for different purposes, including:

- Individuals collecting information about their own families.
- Community researchers collecting information for community education and preservation purposes.
- Lawyers collecting information for legal purposes.
- Historical and academic researchers or field technicians collecting information for particular types of studies.

*“Oral history can present greater opportunities for understanding historical events than the recitation of bare facts. It can reveal the intellectual, social, spiritual and emotional cognition of the event for the group in question.”*

– John Burrows, *Listening for a Change: The Courts and Oral Tradition* (Toronto, ON: Osgoode Hall Law Journal 39, 2001)

## Oral History Research

Many of the topics discussed here are also examined in the context of documentary research in Chapter 2: Research Methods. Please see Chapter 2 for an extended discussion of research ethics.

Oral testimony is not something simply to be recorded and stored away. This knowledge is very valuable to Indigenous Peoples. Therefore it is important to keep in mind a number of fundamental principles when conducting oral history research:

- Respect
- Responsibility
- Confidentiality
- Sensitivity
- Ethical conduct

## Planning and Coordinating your Research

### *Outlining your research plan*

Before you start an oral history project you should have a written account of your overall research plan and approach to doing research. This will help keep you stay focused and on track. If your project is interrupted for some reason, this information will also help a future researcher to use your findings and carry on the research. Your research plan may also be necessary at some point in the future to help defend your research findings. Your project records should also include the resumés and qualifications of all the people who have been involved with the project. Being organized and following a good research plan will contribute to the quality of your research and to the ease of any follow-up work.

### *Assessing the scope of your project*

Oral history projects can be carried out over a number of years and include a large number of community members or they can be more focused and be carried out over a few days. For example, oral testimony collected for a specific purpose might consist of fewer than half a dozen interviews undertaken in a few days, while collection of oral evidence for comprehensive claims or land use and occupancy studies could span years and involve almost every member of the community.

A project may follow a specific pattern. For example, a community concerned about recording the wisdom of its valued Elders may focus first on the oldest members of the community with the intention of interviewing others over the longer term. Next, it may collect valuable information from other community members, such as middle-aged adults who have taken the time to talk to Elders, learn the stories and have been able to acquire this knowledge from the Elders before they passed on.

As part of the process of deciding how large your project will be, you will want to thoroughly review any earlier oral history projects that have been done in your community, as well as any other kinds of documentation available, such as academic studies and local histories. Records relating to these projects may be kept by the band or tribal council, individuals living in the community or, in some cases, local museums and archives.

Try to contact the people who worked on these earlier oral history projects, as they may have additional useful notes and materials. People who contributed to published sources about your community (anthropologists, historians, linguists, ethnographers and archaeologists) might also have helpful interviews and notes. If appropriate, get permission to use their material for your project.

By carefully reviewing previous projects you can avoid subjects that have already been thoroughly researched. Develop a list of people who you would like to interview for your project. Have this list checked by someone else in the community as they may be able to come up with additional names. Building an interview schedule will help you keep on track and focused. A schedule will also assist you in determining the size of your project.

### *Determining the resources required*

The resources you will need will depend on the scope of your project. Money, training, staff, and equipment are all resources that need to be organized before doing any interviews. Compare notes with other researchers in communities who have done projects similar to the one you are planning. They may be able to advise you about avoiding some of the challenges they faced.

It is advisable for every community to develop a long-term flexible plan for the collection of oral history. This plan could outline a number of key topic or themes for oral history research. Part of this strategy should also include a plan for the proper storage of the information including the audio tapes, videotapes, digital media and transcripts. A plan will encourage the most efficient use of resources. It will also help to deliver high quality research with the widest possible range of uses.

#### *A Note about Equipment*

Recording technology is constantly changing. The best approach to selecting equipment is to talk to someone with experience. Most importantly, choose equipment that you feel comfortable using.

## Preparing For Interviews

### *Communicating with interviewees*

Whatever the size of the project, it is ideal that you start off with people you know well. This will help you practice your technique. Regardless of age, be sensitive to the stamina of the person being interviewed. Let that person know at the beginning of each session that they can take a break or end the interview whenever they like. An hour and a half is the length of an average session so you may need to do a series of interviews.

It is important that the people you interview know exactly why you want the information and how it will be used. Explain why you want to collect the oral history well in advance of the interview sessions. Explain how you plan to record the interviews including whether you prefer to interview them alone and where you would like to interview them. It may be appropriate to let a family member pass on your request for an interview before approaching them yourself. It may work best to arrange to have a family member accompany the interviewee.

The key to preparing for interviews is to build trust and demonstrate respect for the person being interviewed. Different approaches may be appropriate for different individuals, and you may find yourself making adjustments on a case-by-case basis. For example, some individuals may respond better to an informal session where you drop in and have no recording devices or notebook with you. In this case, you would write up your notes immediately after the interview. You may have to be prepared to delegate the interview to someone the interviewee knows well. A good rule of thumb is to treat the person being interviewed as you would your own grandparent.

Schedule the interviews at the convenience of the participant. You may need to remind them of the upcoming interview session. This is especially important if you will be interviewing someone from outside your own community and will be making the trip to their community to conduct the interview(s).

### *Creating the appropriate environment for the interview*

The interview should take place in a location where you are both comfortable and will not be distracted. If possible, arrange to be left undisturbed during the interview session. If the interview will involve consulting maps or other documents, a table and good lighting are useful. You may find it helpful to bring along photographs, books, photocopies or maps; these can all help to stimulate memories and discussion. Try to anticipate your interviewee's needs. For example, the person being interviewed might need to bring their reading glasses, or they may prefer tea to coffee. Try to create a relaxed environment.

### *Practice interviewing*

Practice is important to allow yourself to feel comfortable while interviewing. You should feel confident with skills such as note-taking, operating audio or video tape recorders, and conducting the actual interview. You may need to practice lighting if you are using video equipment, or "miking" if you are using audio recording equipment. Use good quality equipment and get a volunteer to do a practice run with you so that you can familiarize yourself with the equipment.

Lastly, rehearse your questions. This is particularly important when you are working from a set list of questions. In land use and occupancy studies, for example, all participants



must be asked exactly the same questions in exactly the same way. Seemingly minor changes to wording from one interview to another could have a serious and negative impact on the data collection.

### *Obtaining consent*

The issues of intellectual property, copyright and the appropriation of Indigenous oral traditions and traditional knowledge are complicated. It may be appropriate to obtain informed consent forms from all persons being interviewed to ensure that you will be able to use the material and to provide protection and assurances to the person being interviewed. Informed consent means that participants know and understand the conditions of the project and what you plan to do with the information you collect. Further consent will be required if the research will be used in any form other than that agreed upon by the participants. A release form or informed consent form should include the following information:

- Date
- Name of interviewee and interviewer
- Where s/he is from (community)
- Description of the purpose of the project
- The expected use of the interview tape
- A stipulation that the interviewee will have the opportunity to review and approve the transcription of the interview
- An acknowledgement the interviewee's right to use the information for other purposes or in other formats
- What the interviewee will receive for participating such as an **honorarium**, a mention in the publication's acknowledgments, a copy of the tape
- A provision for royalties (in exceptional cases)

It can be intimidating if the informed consent form is produced the first time you meet the person you wish to interview. Instead, introduce the matter during informal contacts in the period leading up to the actual interview session. It may be appropriate to give the form to a family member who can review the language and go over it with their relative.

### *Confidentiality*

It is important that you and all the participants are clear on the confidentiality aspects of the project. The interviewer should carefully explain confidentiality measures to each person who is to be interviewed. Raise the issue of confidentiality when making the request for an interview and again at the beginning of the interview. The nature of an oral history project may have some bearing on the need for these confidentiality measures. For example, confidentiality may be a far more complex issue for a project involving residential schools than for a project about resource use. Personal information is confidential and should not be shown to anyone without the participant's permission.

As time passes, the confidentiality issue may become more complex. As a responsible researcher you must consider the final destination of oral history records, documentation, and tapes. An important question to consider is who will decide who may access this information if the participant is unable to grant permission? As a researcher you should consider this possibility and discuss potential solutions with family members and/or Chief and Council.

## Conducting the Interviews

### *Interview settings*

Try to conduct interviews with one person at a time. If that is not possible it may work to have at least one other person present. For example, some may prefer that a husband, wife, or good friend accompany them. In all cases, try to avoid doing a formal interview in a room full of interview participants. In such a situation, it is difficult to record everyone properly, take clear accurate notes and pursue lines of questioning with a particular individual. Group sessions can be excellent for informal discussion. They provide a good opportunity to explain the purpose of the project and the need to conduct individual interviews. If the scope of the project is small and you need to talk to individuals in the community who have knowledge of a specific issue, an informal group session like this will help you to identify individuals for one-on-one interviews.

### *Local protocols*

In some communities, there are established protocols for taking oral testimony from Elders. Many community researchers will already be aware of these protocols. These protocols differ among Nations and among communities. You should also be aware of internal or family politics and the community's prior experiences with other researchers. This may be more difficult if you are from outside the community. If you are an outside researcher, be aware of your role and remember that respect and responsibility are top priorities.

In a formal interview setting, it may be appropriate to present an Elder with a gift or an honorarium. This may be done before or after the interviews are completed. If you are not sure what the protocol is in your community, ask around. Many Elders have some experience with being interviewed. In all cases you should provide the person being interviewed with a copy of the interview as an acknowledgment of their assistance and a memento for their family.

### *The interview process*

It is very important at the beginning of your interview in your audio, video or digital media recording to identify the person being interviewed, the interview date and the location. It is also standard to identify all other people present at the interview and their functions, whether they are present as witness, interpreter, or video camera operator. To keep the atmosphere relaxed and informal, you can record this information before the interview begins. If any additional people join the session, the interviewer should read their names into the record at the first opportunity.

At the beginning of the tape you should also state the purpose of the interview, its intended use and the authority for the project. For example: "We are interviewing Mary Samuel for the book *Stories from Our Village*. The contents of this interview may not be used for any other purposes unless Mary Samuel gives her permission in writing. This project is being carried out under the authority or direction of the tribal council." Some people recommend taking a still photograph of the individual at the time of the interview for the record.

Even though the information is being recorded, it is helpful if someone takes notes about what is being said. This helps corroborate the taped record, and allows for the noting of details about the interview session which may not be captured on the tape, such as

pointing, indicating measurements or other non-verbal gestures. It is recommended that these session notes be recorded in bound hardcover notebooks, and that these books be stored with the other interview materials.

Start the interview by chatting casually with the person you are interviewing. It is a good idea to establish when and where they were born. Be aware that some questions may be sensitive, such as “Where did you go to school?” Try to discuss the role of oral history in their lives and how the community’s history has been kept alive over time.

As an interviewer, your questions should be relevant and focused. Avoid questions that elicit yes or no answers. Do not ask leading questions where you are making a statement and forcing the interviewee to agree or disagree. It is best to ask open questions such as What can you tell me about...? Do you know anything about...? Is it your understanding that...? Do you remember when...? What do you remember...? Listen carefully. Never interrupt. Be prepared to pursue topics that you did not foresee on your questionnaire. Do not rush to fill in pauses in speech. Ask only one question at a time. Where appropriate, ask for examples.

Clarify how the interviewee knows the information he or she is relaying to you. The most useful oral evidence comes from someone with direct knowledge of an event. They are reporting something that happened in their presence, within their living memory. In the course of an oral history project, you will hear many interviewees talk about events, people or activities that they do not know directly. Find out whether the information is something they saw or did for themselves, or heard about second-hand from somebody else? If so, who?

Remember that interviewing is an interactive process. It is nearly impossible to be objective in this process because the interview setting necessitates that the researcher take an active role in obtaining information. Even seemingly “neutral” questions can influence the themes, subject matter and agenda of the interview so design your questions carefully. Questions should be brief. If you must ask sensitive questions, choose your moment carefully. For a large oral history project involving the participation of all community members, it may be advisable to develop several sets of questions on different subjects (family history, hunting and trapping, fishing, for example). The more ambitious the project, the greater need for an overall plan and a phased approach.

Whether the information you are seeking is limited or wide-ranging, you should be prepared to respectfully and patiently listen to everything the interview participant has to say. Remember that story telling is an intricate part of oral tradition. You may be wondering what a particular story has to do with a question asked, but each story has a purpose. You may not understand the meaning until you have had time to reflect upon it.

*Stories are enfolding lessons. Not only do they transmit validated experience; they also renew, awaken and honor spiritual forces. Hence almost every story does not explain; instead it focuses on processes of knowing.*

– Battiste and Youngblood Sa’ke’j Henderson, *Protecting Indigenous Knowledge and Heritage* (Saskatoon, SK: Purich Publishing, 2000)

## Interpretation, Translation, and Transcription

**Interpretation** is the process of translating one language into another language in the oral form, in the presence of others. If you need to use an interpreter, you should know that, from a legal point of view, it is best to have an interpreter who is detached from the interview. This can be problematic because it is hard to find someone within a community who is detached from community issues and an interpreter from a neighboring community may not be detached either. Once you find an interpreter, rehearse with that person before you undertake recorded interviews so that the interpreter can practice verbatim (word for word) interpretation. It is not acceptable for the interpreter to paraphrase or put oral history into his or her own words.

It is important to understand that much of the context or meaning may be lost during interpretation. Although verbatim interpretation is important for accuracy, you can lose some of the intricacies and complexities that characterize a language. Some ideas that exist in an Indigenous language may not exist in the English language. Thus conducting the interviews in the Indigenous language means you are recording and preserving words and ideas that may not be found in the English language. It is also important to recognize that the words used in an Indigenous language or in English may mean something different to the speaker than what you understand the words to mean. For example, names of people or places may change over time or be different depending on the relationship. A good example is distinctions between family relations. The word “mother” may mean “grandmother” in some circumstances or “uncle” may mean “cousin.”

Translation is the process of turning one language into another language. Translating Indigenous worldviews or ideas into English presents many challenges. The process of translation involves taking what is expressed in the Indigenous language and filtering it through the Eurocentric worldviews of the English language.

**Transcription** is the process of producing a written record from a recorded interview. It is important to keep in mind that transcription, like interpretation, can be problematic. The tradition in which oral history is created can lose its meaning or spirit in the process of transcription. The process of writing down oral history ultimately changes it. This may damage or distort the original thought or meaning and therefore do more harm than good. This does not mean that oral history research is not worthwhile; it simply changes the active process of oral narrative to something that is fixed in print, static, stored away, and potentially usable for different purposes than originally intended.

Additional issues in the interpretation and translation stage that need to be considered include whether the person being interviewed will have an opportunity to review and approve the transcription, and whether s/he will be paid by the hour or by honorarium.

Interpretation, translation, and transcription can be very time-consuming tasks. Make sure you plan enough time and dedicate enough resources to complete this very important part of your project. More importantly, be aware of the implications of this process and the challenges you may face when conducting interviews in an Indigenous language.

## Dealing with the Information You Receive

### *Organizing your materials*

Just as with archival research projects, it is important to organize your interview materials as you collect them. A large scale oral history project might involve hundreds of audiocassettes, digital files and transcripts. You must establish a system for identifying and tracking these materials before you conduct the first interview. This will assist you in finding what you need as you work and it will help future researchers locate tapes, digital media and transcripts quickly and easily. Researchers that have been involved with similar projects may be able to provide advice about organizing materials.

You may want to assign each person being interviewed a participant number and create a master “log” book. Label tapes or files with the name of the person being interviewed, his or her participant number, and the date and place of the interview. This logbook should list the name of the person, his or her participant number, dates of interviews, name of interviewer and witnesses to the interview. It should also identify the audiotape, videocassettes, or digital file corresponding to each participant. The logbook should also name the interpreter (if there was one) and the transcriber.

### *Storage and access issues*

Your oral history materials must be kept safe and secure. It is not uncommon to hear about communities losing precious and irreplaceable materials to fire, flood, or vandalism. It is also not uncommon to hear about these materials being damaged through improper storage. To help prevent the damage and loss of these irreplaceable materials:

- Use high quality materials. Make sure that the archival audio, and videotapes or digital media that you use are suitable for long-term data storage. There is no point in recording unique, irreplaceable information on regular tapes that will wear out relatively quickly. For audio tapes, do not forget to punch in the two plastic tabs on the cassette after you have recorded your interview. This will make it impossible to record over the interview.
- Store all working materials in a safe and secure location. Find a storage location where your materials can be safe from physical damage and where access is limited to the oral history project team. Because oral testimony may be required in court, it is important to be able to demonstrate that the evidence has been stored in a secure place where it could not be tampered with, and where access has been restricted. For example, the audiocassettes should be stored in a bank office safe with a log recording the signatures of all authorized people who have had reason to temporarily remove the tapes. Transcripts should also be stored in locked file cabinets. Digital media can be backed up on CD. Ideally, your project plan should take the need for a secure storage premises into account.
- Keep extra copies. Prepare at least three sets of duplicate tapes, transcripts and reports and back up any digital files. Keep two complete copies at

the band or tribal council office (one set can circulate or be loaned out if necessary, while the office maintains another complete “master set” at all times). A third set of materials should be stored securely in a permanent off-site location.

- Make an index. If you need to find an interview record, you can use the master logbook to quickly locate the original tapes, interview transcripts, and interview notes.

## Oral History as Legal Evidence

In recent years oral history has played an increasingly important role in Aboriginal Title and Rights litigation. Canadian courts have recently recognized the value of oral communication of history, laws, spiritual and other information in Indigenous communities. Of course, there are inherent challenges with using oral histories to prove historical facts. However, the laws of evidence are adapting to accommodate this type of evidence.

If the intention is to use the interviews for court (or some other legal process), it is highly recommended that you work with a lawyer to outline areas that should be covered in the interview.

## Conclusion

Remember that oral history belongs to your community. Any oral history projects should be done on your community’s terms and for its benefit. Be wary about participating in projects where the guidelines and the resources are determined and controlled from outside of the community. The oral tradition is a system of knowledge that is highly valued in Indigenous communities, so measures must be put in place to respect, protect and maintain its value.

## Resources

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<http://www.ankn.uaf.edu/oral.html>

Leslie Pinder, *Building a Case: The Role of Oral History and Cultural Mapping*  
[http://www.firstpeoples.org/land\\_rights/canada/whats\\_new/oral\\_history.htm](http://www.firstpeoples.org/land_rights/canada/whats_new/oral_history.htm)

Prince of Wales Northern Heritage Centre, *Researchers Oral Traditions Manual*  
<http://pwnhc.learnnet.nt.ca/research/otm/otrman.htm>

Union of BC Indian Chiefs Research Department  
<http://www.ubcic.bc.ca/departement/research.htm>





# Chapter 7

## Genealogy Resources

This chapter introduces the basic genealogy resources for Indigenous family and community history research. The resources discussed include such important government records as birth, death and marriage certificates, and records currently stored at the BC Archives and Library and Archives Canada (LAC).

Chapter 4: Documents and Chapter 6: Oral History may also contain helpful information about family history research. You might also find valuable information in the UBCIC-Ecotrust Canada publication, *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design, and Data Collection* (2000) by Terry Tobias.

### Key Terms

**Genealogy** is the study of ancestry or “lineage.” It involves the recording of family names, dates and events.

Family history research is very specialized. It draws upon the methods and resources used in oral history, historical, and genealogical research. The research is broader than genealogy research. It involves collecting information about everything related to your family, including oral history, pictures, videotapes, stories, and documentation. Family history is constantly changing through births, marriages, deaths, and other events. Therefore it is an ongoing project; it never really ends.

Community history research involves many of the same steps as family history. It involves compiling a family history for each member of the community and linking people and events together. However, a community history project will obviously be much more complex and time-consuming.

There are many reasons for people to be interested in family history research. You may be researching an issue of **Aboriginal Title**, tracking your biological parents or siblings if you or your siblings were adopted, or creating a genealogical history of your community. You may simply be doing research for your own interest.

Your research may take you in many different directions, depending on what type of records exist and how much information they provide. You will gather many different types of information. For example:

- You may come away from your research with humorous family stories, legends, and family trees.
- You may learn old stories about the community, such as where people hunted and fished, which trails they hiked, and campgrounds that they visited every summer.

- You may learn about the relationships between people within the community, and the relationships between different communities.
- You might find a lot of information exists within your family and community that has not yet been documented anywhere. This is especially true because information about Indigenous communities is often missing from mainstream writings about Canadian history.

## Research Issues

Many of the topics discussed here are also examined in the context of archival and other documentary research in Chapter 2: Research Methods and oral history in Chapter 6: Oral History. See these chapters for additional information.

### Important Considerations

#### *The sensitive nature of family history research*

Family history research is obviously more personal than other types of research. You may discover information that has not been widely discussed in your family or community. You may uncover information that is potentially painful or sensitive. All family and community research should be conducted ethically and responsibly, following all local protocols established by the community.



Descendants of  
Chief Clalamin,  
Bella Coola,  
c. 1890s.  
-BC Archives  
G00962

All family history research produces cultural knowledge. This cultural knowledge has tremendous value and you will want to protect it. Your community's history belongs to your community. There are plenty of examples of researchers, scholars and others misusing and misappropriating cultural knowledge. You will want to be sure that this does not happen. If you are gathering and compiling personal information for the community as a whole, you will find yourself in the position of having to protect access to this information and draft confidentiality agreements. See Chapter 2:

Research Methods for specific information about confidentiality agreements.

#### *The importance of consulting more than one source*

Family history information can often be found in more than one place, so take the time to consult many different records and check your information against other sources. Also, be sure to document the source of each piece of information. Provide as much source information as possible so that if you need to find a specific document again, you know exactly where to find it.

## Conducting Research

### Interviewing family and community members

Begin by asking questions of your immediate family. Most of the information you need for family history exists in your community. Cultural knowledge and history is alive in the memories and experiences of your community members. Depending on the goals of your project, you may be looking for the following kinds of information about family members:

- Names (including traditional names, nicknames, spelling variations, name changes)
- Dates and locations of births, baptisms, marriages and deaths
- Where people lived and went to school
- What they did for a living
- Whether they had children
- Which church they attended
- How they lived their lives and how they used the land
- Any illnesses they had, how they died and where they are buried

Ask family members about band numbers because they will be of assistance for accessing Indian Affairs records organized by the band number system.

Old photographs, letters, and family bibles can provide information and they can also be an aid in prompting people's memories.

An aspect unique to Indigenous family history research is the use of language in describing family relations. For example, someone referred to as "Mother" may actually be a grandmother. She might be referred to as "mother" in some cases and "grandmother" in others. Names and nicknames may also change over the person's life.

### Expanding your research

After you have gathered as much information as possible from speaking with your family and community members, check the resources at your band office or cultural centre, library, or community museum and archives. There may be oral history tapes and documented family history from previous researchers. Local histories, old newspaper articles or town directories may help you to fill in additional information.

Your local library and genealogical society will have "How To" books, local histories and other types of reference books. It is also a good idea to talk to experienced family history or genealogical researchers, especially those who have done research specific to Indigenous Peoples.

### Taking notes for family history research

As with all research, it is important to take careful notes. Copy information exactly as

you find it, especially dates, locations, and names. In general, never change information to what you think it should be.

### ***Variations in spelling of names and places***

Be prepared to encounter multiple spellings of the family and place names you are researching. Names were often misinterpreted or misprinted. Some people were known by both traditional and non-traditional names. It is very important to keep track of these. This is particularly important when copying down last names. Over time they often take on many spellings. As you read through older records, you will often find words and names spelled in a variety of ways, even in the same document. Also, when searching library catalogues and other databases, be sure to use multiple spellings of names and reverse the name (try “last name, first name” and then try “first name, last name”).

At some point during your project, you may find it necessary to revisit some of the sources or records already reviewed because you now have a longer list of names to check out. This is where good note-taking pays off, saving you time and inconvenience.

It is very helpful to visit with a community member who knows the language and traditional names to help interpret the information you gather. This may lead to more information about ties to other families, other locations, and other communities.

### ***Abbreviations***

Abbreviations are often confusing when you go back to review your notes. They also can lead to inaccurate information. Use standard abbreviations (b. for born, d. for died, m. for married). Spell out the month and use the complete year. Dates can be ambiguous: you can interpret the date 4/7/76 as April 7 or 4 July 1976 (or 1876, or 1776).

### ***Organizing your materials***

Try checking your local library, a larger library online, a genealogical society, and the Internet to find information on organizing your data. Make sure that the organizing system you choose gives you enough room for recording information. Stick with the system you choose, be consistent, and write everything down. The amount of information you collect will grow rapidly.

Many different systems and methods have been developed for organizing genealogical data. You can choose from a broad selection of charts (individual data sheets, family group records, kin and pedigree charts) research forms (name search records), diagrams (generational ladders), or family tree computer software programs. There are many books and other resources that can introduce you to these systems and methods. See, for example:

- Vital Statistic Agency, *Genealogy Resources for British Columbians*, 2004. It is available on their website at: <http://www.vs.gov.bc.ca> under “Forms.”
- Duane Kendall Hale, *Researching and Writing your Tribal Histories* (Grand Rapids Inter-Tribal Council: Michigan Indian Press, 1991)
- BC Genealogical Society website: <http://www.bcgs.ca>
- Center for Life Stories Preservation website: <http://www.storypreservation.com/home.html>
- Family Tree Magazine’s Free Forms for Getting Organized: <http://www.familytreemagazine.com/forms/download.html>

## Resources and Institutions

The information you collect will take many forms including marriage certificates, photocopies of church registry entries, photographs, interviews, newspaper announcements or articles, passages from local histories, military service records, wills, records of land ownership, photocopies of voters lists, and rubbings of tombstone inscriptions. **Primary sources** are the most reliable. A primary source is the original document or record, such as a birth or death certificate. The best evidence is based on direct, first-hand knowledge or participation in an event.

Think about everyday human activities and the kinds of records that governments at local, provincial and federal levels might generate to keep track of them. Some of the most useful records for a family or community history project include census records, the records stored at Vital Statistics Agency, Indian and Northern Affairs Canada, your band or tribal council office, as well as church, school and fur trade records. Consider personnel records such as those maintained by canneries, logging companies and local employers, the records of local funeral homes and cemeteries, and probate and will records. Be creative.

Be specific about what you are seeking. Try various search terms, including searching by area or region. Different resource institutions divide the province into different territories or jurisdictions for their own administrative purposes. You will need to be aware of the terms used to describe administrative divisions and how they changed over time in order to effectively target all of the records that are relevant to your research.

You can also try searching by the occupations and pursuits of family members. For example, has your family historically been involved in a particular line of work such as road or railway construction, sealing, saw-milling, logging, ranching, long-shoring, truck-gardening, arts, fishing or cannery work? There may be general information or detailed records on these activities in some of the resources that you review.

Unless noted in the individual entries, the contact information for the resources listed here is available in Chapter 3: Resource Institutions. There is additional information on many of the sources listed here in Chapter 4: Documents.

### Census Records

A **nominal census** identifies each individual counted by name and collects personal information. The privacy of the information collected is generally protected for a specific period of time. Nominal census records are the best source for family history research because they give details such as names, occupations, relationships, and birthdates. Head of household census records would be the next most useful. **Aggregate census** records give only statistics and no names, providing little useful information for genealogical research.

There are two separate and distinct kinds of census records that may be useful to you in this research: the National Census and the Department of Indian Affairs Census. The National Census is a key record for family history research. Searching the Department of Indian Affairs census records will be more difficult and time consuming and so you may be better off searching other Indian Affairs records for family history.

## *The National Census*

The National Census was first carried out in the Canadian colonies in 1851. The Government of Canada continues to enumerate (count) Canadians every decade. The National Census is available for genealogical research only to 1901. That is, researchers have access to the National Census returns for BC for the years 1881, 1891, and 1901.

The National Census is available at LAC, Government Archives Division. It is stored in Record Group 31 (RG 31). Microfilm copies of the publicly available census records may be borrowed through **inter-library loan**.

For a discussion of how to identify Indigenous populations in the National Census returns, see Bill Russell's, *Records of the Federal Department of Indian Affairs at the National Archives of Canada: A source for genealogical research* (Toronto: The Ontario Genealogical Society, 1998, pp. 24-25). Microfiche copies of the manuals of instruction provided to enumerators for the National Census in the years 1871-1901 are available through LAC or the Statistics Canada Library. These can be useful for making sense of the abbreviations and categories used by the enumerators who gathered the census statistics.

There are limitations and challenges of doing genealogical research using the information in the National Census. First, the census says nothing about recognized status under the *Indian Act*. Also, they did not count the entire Indigenous population in BC. Finally, Indigenous and non-Indigenous populations were counted together according to enumeration districts and sub-districts so you must figure out which enumeration district includes your reserve.

For further information see Lorne Maine, *1881 Census of BC* (Vancouver: BC Genealogical Society, 1981). It is available through the BC Genealogical Society. You can also refer to the manuals of instruction provided to the enumerators for the National Census in the years 1871-1901 for context information. These are available through LAC or the Statistics Canada Library. They can be useful for making sense of the abbreviations and categories used by the enumerators who gathered the census data.

## *Indian Affairs census records*

Indian Affairs has gathered census information for many administrative purposes over the years. There are many challenges researchers face when using RG 10 at LAC records for family history research records and you should be aware that the results may not be worth your time and effort. Some specific challenges are:

- Not all of the records identified as census records are census lists. Some of these lists provide the name of the head of family only and were used to document the distribution of presents or money by the department.
- Some files identified by the title "Census" contain instructions to the agents regarding the taking of the census but do not contain the census lists themselves.
- The census data that does exist does not include all communities, and its accuracy is questionable. These censuses counted the number of people in each band but they were likely not an accurate count.

Still, you may want to check RG 10 records for possible references to correspondence about the census in your community.

There are blocks of census records scattered throughout RG 10. Some were created at headquarters and others in field offices. Some of the headquarters census records are available on microfilm. In the Vancouver Regional Office of LAC there are field office

census records for the following field offices:

- Babine Agency, 1920-1940
- Kamloops Agency, 1920-1940
- Kootenay Agency, 1920-1940
- Thompson Agency, 1930-1939
- Lytton Agency, 1937-1948
- Nicola Agency, 1924-1946
- Okanagan Agency, 1920-1946

Some potentially relevant RG 10 files include:

- 1882-1883 BC Census of Indians, LAC, RG 10, vol. 3627, file 5922.
- 1877 Reports of the IRC with census reports, LAC, RG 10, vol. 3645, file 7936.
- 1878 Census report on the Shuswap and Okanagan by Alexander Anderson, LAC, RG 10, vol. 3659, file 9500.
- 1879-80 Census in Yale, New Westminster and Coast Districts, LAC, RG 10, 10122, vol. 3695, file 14830.

### ***Census records in other places***

Census material may be scattered throughout different institutions and record groups. You may find partial or location-specific census material in a number of places:

- The UBCIC Resource Centre has microfilmed census records from 1881, 1891, 1901 and 1971.
- There is some census material in the Hudson's Bay Company records.
- The BC Archives has some census materials. For example, see Census of Indian Population of Vancouver Island 1856, CO 305/7, microfilm reel 393A, pp. 103-109 and Census of Aboriginal Population 1878-1878, GR 494.
- The history of the Thompson-Okanagan region is featured on the Living Landscapes website created by the Royal BC Museum and Okanagan University College: <http://www.livinglandscapes.bc.ca>. This site contains the 1881 and 1891 Canada Census, Yale District, BC; the 1877 Indian Reserve Commission Census (IRC), southern interior of BC; and the 1877 Okanagan (Native) Census taken by missionaries, the Oblates of Mary Immaculate (OMI).
- There is a published version of the 1881 Canadian census for Vancouver Island. See Peter Baskerville, Eric Sager; with Raymond Frogner and George Young [editors], *Vancouver Island* (Victoria: Public History Group, 1990).

## **Indian Affairs Records**

The historical collection of Indian Affairs records contains information that can be very helpful when you are researching family and community history. Indian Affairs records can provide a great deal of information about individual community members as well as communities as a whole. See Chapter 4: Documents for additional information on Indian

Affairs records.

Useful Indian Affairs records include membership files and lists of members of a band according to band numbers, estate records, interest distribution paylists, enfranchisement and commutation records, and band council minutes. You may also find records regarding social assistance, community development, and band elections. While much of this is protected under privacy legislation, an authorized band researcher should be able to obtain copies of many of these records upon request, through Indian Affairs and Northern Development Canada (INAC) or LAC (RG 10).

## Other Government Records

You may also want to research records dealing with military service, estates, band membership, interest or annuity payments to a band, and enfranchisement. Some of these records are available through Indian Affairs, others can be found at LAC or the BC Archives, or through various government departments and ministries.

## Archives and Special Collections

Archives and other specialized collections may have anthropological or ethnological materials containing genealogical information. Maps can also be a source of information. Archival maps sometimes indicate the names of chiefs or band members. See Chapter 3: Resource Institutions, Chapter 10: Maps and Surveys, and Chapter 8: Anthropology Resources for more information about using these resources for your research.

You might want to check records relating to any early settlers or well-known non-Indigenous families in your community. Even if there is no apparent family connection, their family histories and papers may include stories and information about your community or family. Useful records include settler memoirs and personal papers, and reference works like F.W. Laing's *Colonial Farm Settlers on the Mainland of British Columbia, 1858-1871* (Victoria: N.p., 1939).

**Vertical files** at public libraries contain subject files of newspaper clippings and other collected materials. Vertical files contain a large and diverse collection of newspaper clippings, magazine articles, pamphlets and small publications about people, places and events.

## BC Archives

The BC Archives has a wealth of records containing genealogical information in its many government record groups (GR) and manuscript record groups (MS). Manuscript record groups have documents that were created by individuals or non-government organizations. They include things like personal correspondence, diaries, other personal papers, unpublished materials, field books, and business records. All of these documents can be rich sources of genealogical information.

The BC Archives has prepared a number of information sheets explaining census records, coroner's records, wills research and probate case files. This information is also available online. For a list of their research resources go to their website. See also Terry Ann Young, *Researching the History of Aboriginal Peoples in BC: A Guide to the Resources at the BC*



*Archives and Record Service and BC Lands* (Victoria: B.C. Archives, 1992).

### ***Library and Archives Canada (LAC)***

In addition to government record groups (RG), you will also want to look at manuscript record groups (MG) at LAC. Manuscript record groups have documents that were created by individuals or non-government organizations. They include things like personal correspondence, diaries, other personal papers, unpublished materials, field books, and business records. All of these documents can be rich sources of genealogical information. See also Russell, *Records of the Federal Department of Indian Affairs* mentioned on pages 40-43 of the “National Census” entry above and Bennett McCardle, [Revised and updated by S. Barry Cottam & Theresa Redmond], *Archival Records relating to Native People in the Government Archives Division of the National Archives of Canada* (Treaties and Historical Research Centre, 1995).

### ***Museum of Civilization***

The Museum of Civilization may have unpublished field notes and reports about your community. You can consult the finding aid listing their ethnology manuscript holdings, which is available at the UBCIC Resource Centre.

### ***BC Vital Statistics Agency***

The province started to register vital events (births, marriages, and deaths) shortly after 1871. However, Indigenous Peoples were largely (but not completely) excluded from this civil registration until 1917. Indian Affairs Indian agents were assigned responsibility for registration of vital events under the direction of the province. The information they collected and maintained is incomplete. However, it is worth checking for information on vital events in RG 10 and other Indian Affairs records, as well as with the BC Vital Statistics Agency.

You may wish to access the online Vital Events Index that indexes birth registrations (120 or more years old), marriage registrations (75 or more years old), and death registrations (20 or more years old) created since 1872. The BC Vital Statistics Agency and BC Archives provide an electronic index to British Columbia’s historical vital events records on the BC Archives website. Microfilm copies of the registrations indexed can then be viewed at the BC Archives in Victoria or your local library through interlibrary loan. Some vital event registration records are available in digital image format for on-line purchase and delivery via email.

For more recent vital events information, and information on adoption records, consult the British Columbia Archives website. The disclosure of this information is regulated by provincial protection of privacy legislation.

For more information on adoption, see also the United Native Nations (UNN) Reunification Program.

United Native Nations Reunification Program  
[http://www.unns.bc.ca/family\\_reunification.html](http://www.unns.bc.ca/family_reunification.html)  
 Suite 310 - 425 Carrall Street (23 West Pender Street Entrance)  
 Vancouver, BC V6B 6E3  
 Ph 604-662-8711 or 1-800-544-9701 Fax: 604-662-8611

## ***Cemeteries***

Cemeteries are a good source of genealogical information. A good place to start is the British Columbia Cemetery Finding Aid at <http://www.islandnet.com/bccfa>. This is a database of the surnames, cemetery name and location of more than 344,000 entries collected from records and headstone inscriptions associated with 264 cemeteries in BC and across Canada. It also includes two cemeteries in Washington State. Many Indigenous cemeteries may not be included in this database because they are on reserve or private land or because they are unpublicized. Indian cemeteries registered under the provincial *Cemeteries Act* will have a file with the provincial Registrar of Cemeteries that you can consult if you have band authorization. Some communities have had summer students undertake inventories of their cemeteries. Check with the band or tribal council office for information on community and local cemeteries.

## ***Fur trade and church records***

Fur trade and church records are two of the earliest post-contact sources of genealogical information for BC. These records are key resources for Indigenous family history research. Always bear in mind the agenda or bias of the creator of the records. The Hudson's Bay Company (HBC) records were never intended by their creators to be a thorough and accurate recording of Indian names and activities.

For fur trade information you will want to look at any relevant HBC materials, and files with BC Archives or LAC. Check trapline, game and wildlife related record groups in Indian Affairs records, and the BC Archives and LAC. University libraries may also have materials in their special collections. See also Jennifer S.H. Brown, *Strangers in Blood: Fur Trade Company Families in Indian Country* (Vancouver: UBC Press, 1980) and Sylvia Van Kirk, *Many Tender Ties: Women in Fur-Trade Society in Western Canada, 1670 – 1870* (Winnipeg: Watson & Dwyer Publishing, 1980). Both these books are available at the UBCIC Resource Centre.

Church records can also be a rich source of information. If possible, start by looking at some of the general histories about the activities of the churches in your area. Be aware that most churches divided BC into different jurisdictions so records relevant to your project may be scattered in more than one place. Many of the churches that have been active in BC have centralized archives and many early records may be microfilmed. Start by checking at the local church for more recent records.

## ***School Files***

It will be necessary to search by the name of the school, not the name of the individual, to find school records. School records are extensively documented throughout the RG 10 records and this is a good place to start. Churches and missionary groups ran many schools, so church records may contain information about the schools. You may want to check federal records MG (Manuscript Group) 17 and other MGs in the Manuscripts Division of LAC.

The UBCIC Resource Centre has many resources related to schools and school histories.

## ***Military records***

Military records may be helpful for your project. Indigenous men from BC participated in the Boer War, both World Wars and the Korean War. The Records of the Canadian

Expeditionary Force - First World War are available on-line through LAC ([http://www.collectionscanada.ca/02/020106\\_e.html](http://www.collectionscanada.ca/02/020106_e.html)).

You may be able to find information regarding Indigenous military personnel in RG 10 records. Other useful military records include RG 38 (Veterans Affairs), Soldier Settlement Board and Land Settlement Board (LSB) records at LAC. Veterans' records at LAC are subject to access and privacy restrictions. If you are seeking information about a relative who served in the United States military, you will have to contact the US government directly.

See also Fred Gaffen, *Forgotten Soldiers* (Penticton: Theytus Books, 1985).

## Newspapers

Newspapers can be a valuable source of information. In addition to birth, marriage and death announcements and advertisements, coverage of special events and news articles may provide detailed information. Newspapers will also give you a good sense of what was happening in the time period you are researching or may point to other sources to research. See Brian J. Porter, *BC Vital Statistics from Newspapers 1858 – 1872: Including, in an Appendix, Vital Statistics from Diaries 1852 – 1857* (BC Genealogical Society, 1994).

## Resources

Carpenter, Cecelia Svinth. 2000. *How to research American Indian blood lines: A manual on Indian genealogical research*. Bountiful, Utah: Heritage Quest.

*Handbook of Indians of British Columbia* [compiled by] B.C. Native Studies Bibliographic Centre N.d. (This is a two-volume index of personal and place names).

## Websites

Canadian Genealogy and History

<http://www.islandnet.com/~jveinot/cghl/cghl.html>

This site is a starting place for genealogical research, providing many links to genealogical and historical websites across Canada.

Canadian Genealogy Centre

<http://www.genealogy.gc.ca>

This site is a centralized genealogy resource for LAC. It offers access to services and research tools, how-to guides and discussion areas, plus a name index linked to scanned images of the 1901 Canadian census.

Canada GenWeb

<http://www.rootsweb.com/~canbc>

A global library for genealogy research on the Web. There is also a BC GenWeb site.

The Center for Pacific Northwest Studies Collection of Western Washington University  
<http://www.acadweb.wvu.edu/cpnws/collections.htm>

The collections date from the mid-1800s to the present and are especially strong in regional political and cultural history, and in the area of economic development (particularly fishing and fish processing). The collections include information about British Columbia, but are richest in the northern Puget Sound area, specifically Whatcom, Skagit, and Snohomish counties. The website has a searchable database.

Cloverdale Library Genealogical Collection Orientations

<http://www.spl.surrey.bc.ca/Programs+and+Services/Genealogy/default.htm>

The Cloverdale Branch of Surrey Public Library has one of the most extensive collections of Canadian genealogical materials in Western Canada.

Congress of Aboriginal Peoples Links to Native Genealogy Sites

<http://www.abo-peoples.org/NativeLinks/GenealogyLinks.html>

The Congress of Aboriginal Peoples (CAP) was founded in 1971 as the Native Council of Canada (NCC). It represents the interests nationally of “off-reserve Indians and Métis people living in urban, rural and remote areas throughout Canada.”

Early Canadiana Online

<http://www.canadiana.org>

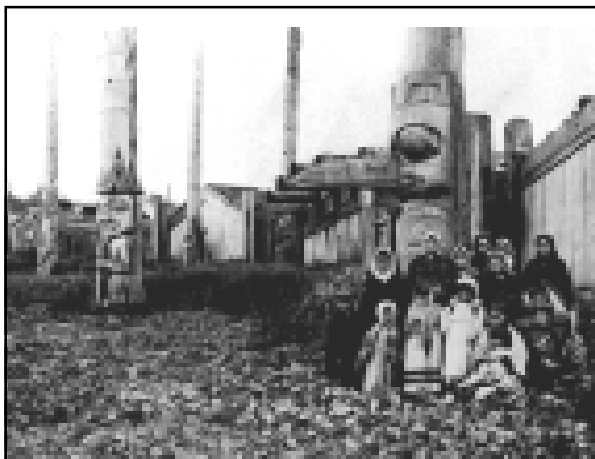
This site includes colonial, federal and provincial government documents from the time of the first European settlers up to the early 1900s. It is maintained by the Canadian Institute for Historical Microreproductions, a non-profit organization for preserving and providing access to early Canadian publications. Part of the collection is accessible free online. Access to the complete collection is available by subscription. ECO can be accessed at the UBCIC Resource Centre.

# Chapter 8

## Anthropology Resources

Anthropology is the study of human cultures and their customs. Anthropology includes the disciplines of **physical anthropology** (the study of evolution, adaptation, and variation of human beings) and **cultural anthropology** (the study of human behaviour). Cultural anthropology includes the sub-fields of **linguistics** (the study of human languages), **ethnography** (the study of culture based on firsthand observation) and **archaeology** (study of human cultures through physical remains).

Almost all of the different Indigenous cultures across BC have been the subject of anthropological study since the time of contact. Explorers, missionaries, surveyors, and scientists, among others, have visited communities across the province and recorded their observations of Indigenous People in journals, letters, field books and academic studies. In the late 1800s and early 1900s, anthropology became a formal area of study with standards for research and preservation of research materials. In most cases, anthropologists were preoccupied with the ethnocentric project of characterizing, examining, and organizing knowledge of “Indians” for non-Indigenous audiences in universities and museums. Often, ceremonial objects and important cultural artifacts were bought, traded, confiscated, stolen or otherwise removed from communities in the course of these studies. These artifacts, and the records that accompany them, are housed at a variety of libraries, museum, and archives throughout BC, Canada, the United Kingdom and other countries.



Members of the Haida Nation in front of a traditional house post, 1881. Many cultural artifacts, such as those belonging to the Haida, were removed from Indigenous communities in the name of anthropological research.  
-BC Archives  
B-03593

The history of collecting cultural objects and the practice of anthropological research has come under increasing scrutiny in the last 25 years by Indigenous Peoples and academics. Those involved in anthropological research are becoming aware that the field of study is built upon a history of exploitation and misrepresentation of Indigenous Peoples, our heritage and our cultures. As a result, some researchers are employing more careful techniques to make sure Indigenous Peoples are no longer treated as “objects” of academic inquiry and

our voices are represented in the studies that are being conducted. Also, many communities are trying to **repatriate** their valuable cultural materials (return them to their original communities for display, research and use).

## Primary and Secondary Sources

This chapter is designed to assist you in gathering the various anthropological reports, studies, books and **theses** that may be relevant to your community. As with other research, you will need to learn how to gain access to research materials in libraries, archives, and museums. You will also need to set clear objectives and plan your research carefully. Most importantly, you will have to assess the scale of your project before you begin. Ask yourself if you are after everything that has ever been written about your community or pursuing a more focused research question. For example, are you using anthropological studies to set the context for a larger project or looking for specific accounts from anthropologists about traditional use and occupancy to verify a land rights claim? Refer to Chapter 2: Research Methods for a detailed look at planning a project.

Whatever the scope of your research, you will need to make sure you carefully analyze the material you collect. Anthropological reports were most often produced by outside researchers with distinctly different cultural practices and expectations than the people they studied. They may include important information but they may also reveal more about the beliefs and values of the time and place in which they were created. Often, these studies may meet the standards of academic research but fail to accurately represent Indigenous People and our communities. Consider the biases and limitations in the documents you encounter while extracting the information you need for your research.

The original field notes and professional and personal papers of the many anthropologists who have worked among the Indigenous communities in BC are spread among many institutions. The specific institutions that have the most useful resources are listed below. The resources are organized into two categories: **primary sources** (original **field notes** and papers) and **secondary sources** (such as published studies and theses). For more detailed information on the institutions listed here and their contact information see Chapter 3: Research Institutions.

### Primary Sources: Museums, Archives, and Libraries

#### *British Columbia*

- BC Archives
- Royal British Columbia Museum
- Vancouver Museum
- University of British Columbia Museum of Anthropology
- University of British Columbia Special Collections

#### *Canada*

- Library and Archives Canada (LAC)
- The Canadian Museum of Civilization (CMC)

### *United States*

- American Philosophical Society
- National American Records Administration
- National Anthropological Archives, Smithsonian Institution

## Secondary Resources

There is a wide and diverse range of secondary materials that you might find useful for anthropological research. Most libraries in BC house published anthropology studies. University and college libraries have the largest collections so it is best to start there. Remember that many anthropological studies were published in **periodicals** (magazines or journals published at regular intervals such as monthly or quarterly) as well as books. You can find these by searching university library catalogues online or at the library. Be sure to ask a librarian for assistance in your search. If you are starting a search from scratch it is important to understand the way library catalogues work. See Chapter 3: Resource Institutions for information on library research. Some of the most useful resources to help you find secondary sources are:

- Publications. Check library search engines at local and university libraries for published archaeological studies.
- Anthropological Index Online, Library of the British Museum of Mankind. The Library has one of the most extensive collections of periodicals relating to anthropology, ethnography and archaeology. The database is a useful tool because it is always being updated to represent new sources available in the field. The database is available on the Internet. It consists of journals and publications from around the world dating from 1970. The address is: <http://aio.anthropology.org.uk/aio/AIO.html>.
- Human Relations Area Files (HRAF) Inc., Yale University. This is a non-profit research agency that collects encyclopedias and other ethnological and archeological resources for universities, colleges and research agencies from around the world that are involved in cultural anthropology. Since the mid-1990s, the HRAF have been issued on CD-ROM (rather than strictly fiche format). Researchers will be particularly interested in the HRAF CD-ROM collections on ethnography and archaeology, and its *Bibliography of Native North Americans*. In order to use the HRAF, you will need to go to an institution that is a member. BC members of the HRAF include Simon Fraser University, the University of Victoria, the University of British Columbia, and Malaspina University College. For additional information see the HRAF website at: <http://www.yale.edu/hraf>.
- Theses. Graduate essays and dissertations are a rich source of new information on Indigenous anthropology in British Columbia. Check the Thesis Canada Portal at the Library and Archives Canada website: <http://www.collectionscanada.ca/thesescanada>. Every Canadian graduate thesis is indexed there except for those completed in the last two years.

- Unpublished Manuscripts. Like theses, unpublished manuscripts are a rich source of new information on Indigenous anthropology in British Columbia. These can contain significant amounts of information. Carefully check the footnotes and bibliographies of all of the sources you are consulting, as they may list any unpublished manuscripts that are available. Unfinished works in progress or completed but unpublished manuscripts are often circulated among acquaintances. You may see references for unpublished materials or for information that was transmitted by means of “personal communication.” If you come across such a reference and feel that it is relevant to your project, you can try approaching the individual who made the reference and the author of the unpublished manuscript for further information.
- Subject Bibliographies. There are many bibliographies (lists of secondary sources) available in the field of anthropology. Some of the most useful and most easily accessible are listed in the following section. Xwi7xwa Library at the University of British Columbia First Nations House of Learning has bibliographies on a number of BC First Nations and First Nations issues.

## Further Resources

### Resources for Anthropology Research

- Asch, Michael and Rene R. Gadcz (Eds.). 1984. *Thesis and Dissertation Titles and Abstracts on the Anthropology of Canadian Indians, Inuit and Métis from Canadian Universities*. Ottawa: National Museum of Man.
- BC Native Studies Bibliographic Centre. N.d. *Handbook of Indians of British Columbia (draft copy)*, Vols. 1-2. Vancouver: BC Native Studies Bibliographic Centre.
- Culhane, Dara. 1998. *The Pleasure of the Crown: Anthropology, Law and First Nations*. Burnaby, BC: Talon Books.
- Duff, Wilson. 1964. *The Indian History of British Columbia: Vol. 1 The Impact of the White Man*. Victoria: British Columbia Provincial Museum.
- Duff, Wilson and Michael Kew (Compilers, revised by Laine Ruus and Francis Woodward). Fall 1973. A Select bibliography of anthropology of British Columbia. *BC Studies*: 19.
- Hoover, Alan J. (Compiler). 1982. *A Selection of Publications on the Indians of British Columbia*. Victoria: British Columbia Provincial Museum.



- Harding, George. N.d. *An Annotated Bibliography of British Columbia Indian Languages: Selected Literature and Current Research*. Vancouver: University of British Columbia undergraduate paper.
- Kew, Michael. Winter 1993/1994. Anthropology and First Nations in British Columbia. *BC Studies*: 100. 78-105.
- Krech, Shepard. 1994. *Native Canadian Anthropology and History - A Selected Bibliography* [revised edition]. Oklahoma: University of Oklahoma Press.
- Murdock, George Peter and Timothy J. O'Leary. 1975. *Ethnographic Bibliography of North America, Vols. 1-31*. New Haven, Conn.: Human Relations Area Files Press.
- Purvey, Diane. 1985. *Guide to Holdings at Vancouver City Archives and Archival Documents located at Vancouver Museum on West Coast Native Peoples*. Vancouver, BC: City of Vancouver Archives.
- Stebbing, Elizabeth. 1978. *Native Indians in British Columbia - A Selected Annotated Bibliography*. Vancouver, BC: BC Hydro and Power Authority.
- [Various Authors], Smithsonian Institution. [Various dates]. *Handbook of North American Indians* – (Vols. 4, 6, 7 and 12 in particular). Washington, DC: Smithsonian Institute.

## History and Critiques of Anthropological Research

- Biolsi, Thomas and Larry J. Zimmerman (Eds.). 1997. *Indians and Anthropologists: Vine Deloria, Jr., and the Critique of Anthropology*. Tuscon, AZ: University of Arizona Press.
- Clifford James and George Marcus (Eds.). 1986. *Writing Culture: The Poetics and Politics of Ethnography*. Berkley, CA: University of California Press.
- Dabulskis-Hunter, Susan. 2002. *Outsider Research: How White Writers 'Explore' Native Issues, Knowledge, and Experiences*. Bethesda, MD: Academica Press.

## Websites

Smithsonian Institution for Native Americans  
<http://www.si.edu/opa/amind/start.htm>



# Chapter 9

## Archaeology Resources

**Archaeology** is the study of human cultures through the physical remains. Archaeology is a field within **anthropology**.

Archaeological materials are physical evidence of traditional use and occupancy of a territory. Materials collected from village sites, hunting or fishing areas, or **midden** sites, for example, are the remains of the lives of your ancestors. For many Indigenous Peoples, this evidence can provide physical proof of what is known to be true at the community level: Indigenous People have lived in their traditional territories since time immemorial. House and settlement remains, artifacts of warfare, fortifications, trail locations, manufacturing sites, trade goods, and imported materials and objects are all physical evidence of occupancy.

As with other evidence, caution must be used when dealing with archaeological evidence. Archaeological studies are limited in scope to the interpretation of material remains. They can reveal only a small part of the picture of people and cultures. Archaeology is a potential piece of the foundation of information needed to support solid arguments. Archaeology should, if possible, be used to compliment other types of anthropological, geological, archival, historical, and oral historical data.

This chapter provides information on gathering archaeological information for research on the use of lands and resources in your traditional territory. It focuses on collecting existing reports and site information. If you are interested in conducting original archaeological field research see the discussion on that topic in the “Legislation and Field Research” section of this chapter.

### Accessing Resources

Doing an inventory of the archaeological work that has been carried out in your territory can be as simple as copying and filing hard-copy records, or as complex as maintaining a **Geographical Information Systems** (GIS) database of heritage sites and studies. It is important to know what types of information to seek, where to find the information, and how to organize and store the information you find. The main repositories for archaeological site data and published studies are listed in this chapter. You will need to understand how to gain access to research materials in libraries, archives, and museums to make the best use of the information here. See Chapter 3: Research Institutions for information on access to records and how to contact the resource institutions listed here.

## Museums, Archives, and Libraries

Materials from archaeological excavations are stored in libraries, museums, archives, and archaeology departments throughout the world. The public institutions that are most likely to have materials from BC are listed below by region. Be sure to ask the librarian or reference staff for help when you visit these institutions. They will be able to help you find relevant studies.

### *BC repositories:*

- BC Archives
- Royal British Columbia Museum
- Vancouver Museum
- Simon Fraser University Museum of Archaeology
- University of British Columbia Laboratory of Archaeology

### *Canadian repositories:*

- Library and Archives Canada (LAC)
- Archaeological Survey of Canada, Canadian Museum of Civilization

### *American Repositories:*

- Smithsonian Institution
- American Museum of Natural History
- Field Museum of Natural History

## Private Papers

You can also find information about archaeological excavations in the original field notes and personal papers of the professionals who were involved. Project directors and excavators' notes often include original excavation forms and general field observations. They can also include photographs and drawings of the site.

Academic researchers or consultants working on a project often retain their field notes and project documents at their offices. If you want to contact these people it will help to know what institution sponsored the project. The institutions with departments that are actively involved in archaeology in BC are the University of British Columbia Laboratory of Archaeology, Simon Fraser University, the University of Northern British Columbia and local colleges (University College of the Caribou, and Douglas, Capilano, and Langara Colleges). The University of Toronto and McMaster University have also sponsored archaeology excavations in BC.

## Government Resources

Both the federal and provincial governments have branches that maintain information from archaeological sites.

## ***BC Archaeology Branch***

The Archaeology Branch preserves archaeological site information in the form of BC Archaeological Site Inventory Forms (ASIF). ASIF are stored in a large computerized system called the Provincial Heritage Register Database (PHRD). For a detailed description of the Provincial Heritage Register Database see the entry on the Archaeology Branch website at <http://srmwww.gov.bc.ca/arch/policy/regist.htm>.

You can gain access to AISF by either contacting the Branch or using the Remote Access Archaeological Data (RAAD) system. Both approaches are summarized below. For more information on access see the guide, *Access to Provincial Archaeological Site Information*. It is available under the heading “Agreements, Policies and Procedures” on the Branch’s website: <http://srmwww.gov.bc.ca/arch>.

1. Contacting Archaeological Branch: Complete a *BC Archaeological Site Data Request Form* and submit it in one of the following ways:

- In person at the office in Victoria (3rd Floor, 3400 Davidson Street, Victoria).
- Download a form from the Internet and submit it by fax (250-952-4188) or by mail (Archaeological Registry Section, Archaeology and Registry Services Branch at PO Box 9375, Stn Prov Gov Victoria, BC V8W 9M5).
- Fill out and submit the online form via the branch website: <http://srmwww.gov.bc.ca/arch>.

You will need to know something about the Branch’s system for recording archaeological sites before you make your request. It is called the Borden system. The system divides the country into blocks, each block identified by a sequential and specific series of letters designating individual Borden Grid Units (such as “DiSi”). Sites within a unit are recorded sequentially. For example, if the last site within a certain block was number 121, the next site to be discovered and recorded will be assigned the number 122. A Borden site designation or Borden number for an archaeological site in BC looks like DiSi 1 or EeQw 48. The site record information is not very useful without a reference map, so you will need a corresponding 1:50,000 scale National Topographic System (NTS) map. You can find these master map sheets at the provincial Archaeology Branch, where they are called “archaeological site form maps.” If you do not have the Borden number or a NTS map you will need to contact the Archaeology Branch before you make your request.

If the area you are studying is relatively small, it is recommended that when you fill in the BC Archaeological Site Data Request Form, you attach a photocopy of a federal NTS map with your area of interest clearly outlined. If it is a large area, it may be simplest to define it by identifying the complete Borden block or reference map grids (such as 92G/6). For more information on the Borden system, see the entry “Archaeological Survey of Canada” under “Archaeology” at: <http://www.civilization.ca>.

2. Using Remote Access Archaeological Data (RAAD): If your community will require frequent access to archaeological site information you may consider applying for access to the RAAD website. This is an online system that enables authorized users to view, select, and download information about archaeological sites. Access is granted to Indigenous community governments, not individual users. For more information about this system check the RAAD section on the Archaeology Branch website. You will likely need to obtain some training

from the Archaeology Branch or an experienced RAAD user to learn how to use the system.

The sites plotted on this system, while known to be somewhat inaccurate, are relatively up to date and provide a good starting point for tracking down more site-specific information. Older versions of some of the forms are maintained by the Royal BC Museum. Consulting original site forms and the associated data and maps is a good way to lay a solid foundation of basic site-specific information.

*Tips for requesting information from the Archaeology Branch:*

- Ask for an electronic database (Access or Excel) of site form information for all the sites in the Borden units that interest you.
- Do not ask for hardcopies all of the archaeological site forms in your entire territory because there could be hundreds and they might not all be from sites with Indigenous cultural materials or resources. Instead, select which site forms you actually need based on your review of the database and/or the RAAD system.
- Try to be as precise as possible and make sure the Archaeological Data Site Request Form information is accurate.
- If you require information from the Archaeology Branch for GIS or database purposes, contact staff to discuss which information formats are appropriate for your project.
- If you are doing a large-scale project covering your entire traditional territory, start by requesting the records for the sites within the applicable Borden blocks or reference map grids.
- See an Archaeology Branch publication called the *British Columbia Archaeological Site Inventory Form Guide* (Victoria: Ministry of Sustainable Resource Management, 2003) for more information.

If you still have questions you can call the staff at the Branch. One of their roles is to assist you in obtaining the information you require.

### ***Parks Canada***

Parks Canada records archaeological information for large-scale sites, such as historic forts. If your research involves federal archaeological sites, you should start by checking the archaeological information page on the Parks Canada website ([http://www.pc.gc.ca/progs/pfa-fap/index\\_E.asp](http://www.pc.gc.ca/progs/pfa-fap/index_E.asp)) for information.

### **Databases**

The list of secondary sources in Chapter 8: Anthropology Research includes databases and resource collections where you can find information on archaeological studies. Databases that are specific to archaeology include:

- ArchNet. This is a virtual library housed by the Archaeological Research Institute at Arizona State University. ArchNet provides access to archaeological resources from around the world. Information is categorized by geographic region and subject. The database is available on the Internet at: <http://archnet.asu.edu>.
- Coast Salish Collections. Archaeology and Ethnology of the Gulf of Georgia, Canada's Digital Collection, Industry Canada. This website has a searchable database of Coast Salish archaeological materials from two excavation sites: Kosapsom and Xa:ytem. The database is available on the Internet at: <http://collections.ic.gc.ca/salish/index.htm>

## Legislation and Field Research

There are two additional topics that may be relevant to your research project: provincial legislation regarding archaeological sites and tips for coordinating archaeological fieldwork.

### Protection of Archaeological Sites Under the *Heritage Conservation Act*

Archaeological sites in BC are protected by the *Heritage Conservation Act* (RSBC 1996, Chapter 187). The Act protects sites containing archaeological or cultural material. This legislation applies to archaeological sites predating 1846, underwater sites more than two years old, and all burial and rock sites located on provincial Crown or private land. Protection is afforded to both recorded and yet-undocumented archaeological sites. Under the legislation, it is illegal to damage, change or remove the following without a provincial permit:

- Objects from a provincial heritage site
- Anything of historical or archaeological value, including human remains, from a burial place
- Indigenous rock painting or carving
- Any heritage object from an archaeological site pre-dating 1846.

To obtain a copy of the act, see the section on BC Statutes in Chapter 11: Legal Resources. You can find information on the administration of the Act at the Archaeology and Registry Services Branch. You may also want to look at the *Municipal Act* and *Local Government Act* since municipalities and regional districts are also able to make heritage designations within municipal and district boundaries. You may also want to check the *Canadian National Parks Act* (2000) for information on National Historic Sites on federal parkland Search on the Department of Justice main website: <http://canada.justice.gc.ca>.

### Archaeological Field Research

If you wish to do archaeological field research, you will need some professional archaeological training or assistance. If you are seeking the latter, contact the BC Association of Consulting Archeologists (<http://www.bcapca.bc.ca>) for referrals and advice. It is also

an excellent idea to contact other Indigenous organizations and communities for their advice and recommendations. If you cannot hire someone through a referral, obtain the services of independent archaeological consultants or local university archaeologists rather than consultants hired by governments or **third parties**. Funds for this research should be part of your project budget. You might also consider partnering with research institutions that could help you carry out your archaeological research. If you involve a research institution, make sure that you communicate your expectations clearly and try to maintain good relations.

If your community is managing archaeological fieldwork and maintaining archaeological materials it is important to develop a **research protocol**, an ethical code of conduct that determines the focus and nature of the research. A clearly defined protocol will help to make sure that any outside parties involved in the research respect the community's cultural relationship to archaeological materials, research methodology, recommendations, and intellectual property rights. See Chapter 2: Research Methods for information on research protocols.



Rock carvings such as this one at Sproat Lake are important sources of archaeological information.  
-Vancouver Public Library 9301

## Resources

Ames, Ken and Herbert Maschner. 1998. *Peoples of the Northwest Coast: Their Archaeology and Prehistory*. New York: Thames and Hudson.

Carlson, Roy [Ed.]. 2003. *Archaeology of Coastal British Columbia: Essays in Honour of Professor Philip M. Hobler*. Burnaby: Simon Fraser University, Archaeology Press.

Carlson, Roy and Luke Dalla Bona. 1996. *Early Human Occupation in British Columbia*. Vancouver: UBC Press.



- Cybulski, Jerome S. [Ed.]. 2001. *Perspectives on Northern Northwest Coast Prehistory*. Mercury Series, Archaeological Survey of Canada: 160. Ottawa: Canadian Museum of Civilization.
- Fladmark, K.R. 1997. *Names & Dates: A Bibliography of BC Archaeology*. Burnaby: Simon Fraser University, Archaeology Press.
- Matson, Richard and Gary Coupland. 1995. *The Prehistory of the Northwest Coast*. San Diego: Academic Press.
- McMurdo, John and Ian Wilson. 1989. *Archaeological Field Research in British Columbia: An Annotated Bibliography*. Victoria: Resource Information Services Program, Archaeology and Outdoor Recreation.
- Ministry of Sustainable Resource Management. 2003. *British Columbia Archaeological Site Inventory Form Guide* (revised edition). Victoria: Archaeological Registry Section. Available on-line at: <http://srmwww.gov.bc.ca/arch/publications.html>
- Ministry of Small Business, Tourism and Culture. 2000. British Columbia Archaeological Inventory Guidelines. Victoria: Archaeological Branch. Available on-line at: <http://srmwww.gov.bc.ca/arch/publications.html>
- Ministry of Sustainable Resource Management. 1998. *British Columbia Archaeological Resource Management Handbook* (revised edition). Victoria: Archaeology and Forests Branch. Available on-line at: <http://srmwww.gov.bc.ca/arch/publications.html>
- Renfrew, Colin and Paul Bahn. 2000. *Archaeology - Theories, Methods and Practice*. London, England: Thames and Hudson, Inc.
- [Various Authors], Smithsonian Institution. [Various dates]. *Handbook of North American Indians* – (Vols. 4, 6, 7 and 12 in particular). Washington: Smithsonian Institute.

## Websites

- Archaeological Survey of Canada, Canadian Museum of Civilization  
<http://www.civilization.ca/archeo/archeoe.asp>
- BC Association of Consulting Archeologists  
<http://www.bcapca.bc.ca>
- Canadian Archaeological Association  
<http://www.canadianarchaeology.com>
- Geological Survey of Canada  
[http://gsc.nrcan.gc.ca/offices\\_e.php](http://gsc.nrcan.gc.ca/offices_e.php)

Revised Statutes of BC

[http://www.qp.gov.bc.ca/statreg/stat/H/96187\\_01.htm](http://www.qp.gov.bc.ca/statreg/stat/H/96187_01.htm)

Secwepemc Cultural Education Society

<http://www.secwepemc.org>

Society for American Archaeology

<http://www.saa.org/>

XÁ:YTEM Longhouse Interpretive Centre

<http://www.xaytem.museum.bc.ca>



# Chapter 10

## Maps and Surveys

Maps and map-related resources are an important part of any Indigenous research project. They contain valuable visual and textual information on the boundaries, location, and size of reserve allocations. They also provide evidence of traditional use and occupancy that may not be found elsewhere. For example, maps can provide proof of the existence of specific hunting or trapping areas, village sites, and graveyards and burial sites. If you are defending your community's history in a land rights claim, historical maps can help you document your case. Like oral testimony and archaeological materials, they include information that compliments documentary findings. They provide visual evidence that can help you defend your community's **Aboriginal Title**.

This chapter provides information on the basic maps and map-related resources that show the features and uses of your community's lands. It also points out where these resources can be found.

If you are interested in doing more than documentary research and you would like to conduct a cultural mapping project, see the UBCIC-Ecotrust Canada publication, *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design, and Data Collection* (2000) by Terry Tobias. *Chief Kerry's Moose* describes how to collect and map traditional land use information to defend Aboriginal Title and Rights. It is available on-line at: <http://www.nativemaps.org/chiefkerrysmoose>. There are hardcopies of this publication at the UBCIC Resource Centre.

### Historical Maps and Map-Related Documents

Unless noted, see Chapter 3: Resource Institutions for contact information for the institutions listed in this chapter. See Chapter 4: Documents for more information on the documents themselves.

#### Hudson's Bay Company (HBC) Maps

The HBC Archives has the largest collection of fur trade period maps in North America. The collection holds nearly 12,000 maps, charts, and plans, dating from 1563 to 1982, including 1,641 pre-1870 maps and 15 pre-1870 atlases. These maps contain a wealth of information on early trade routes, villages, trails and traditional use sites.

Many of the HBC Archives' maps are on microfilm. You can obtain these through **inter-library loan**.

## Royal Engineers' Maps and Surveys

The Royal Engineers (RE) were sent from England to help prepare the colony for non-Indigenous settlement in the 1850s. Their tasks included carrying out the earliest formal land surveys in BC, which took place between 1853 and 1863. They explored and mapped the territory, surveyed lands, and set up a comprehensive land survey and registry system for all lands, including Indian reserves. The locations of the various RE work parties and survey crews were regularly published in the government gazettes of Vancouver Island and colonial British Columbia. If the RE were active in your area, you can use their maps, survey field notes and correspondence to find information on:

- Indigenous village sites, burial grounds, camping places, fishing stations, trails, cultivated places, and other important sites.
- The size, shape and location of specific land parcels (including reserves).
- Higher-level government decisions on specific reserves, including whether an Indian reserve was formally approved (or rejected), by whom and on what date, and whether cut-offs or additions to the land base were made.
- Whether Indigenous people welcomed or dismissed reserve allotments at the time they were made.

Original plans of Royal Engineers' surveys are available at the BC Surveyor General Map Vault. You can obtain microfilmed copies of some of these at the UBCIC Resource Centre and the BC Archives. You may find field notes and other related documents for pre-confederation Indian reserves in the BC Archives Colonial Correspondence files. These are filed under the names of RE surveyors, civilian surveyors, officials in the Lands and Works department and others. Some **field notes** are located in the "Royal Engineers" drawers at the Map Vault at the Surveyor General Division. Others are in a separate section of the Vault specifically devoted to field notes. The field notes produced during a survey often contain valuable information that does not appear on the map or plan. You may also need to consult the Joint/Indian Reserve Commission records (discussed in following section) for evidence of Douglas reserves. Often the resurveys of the reserves that took place in the post-confederation period will provide more information than the original surveys.

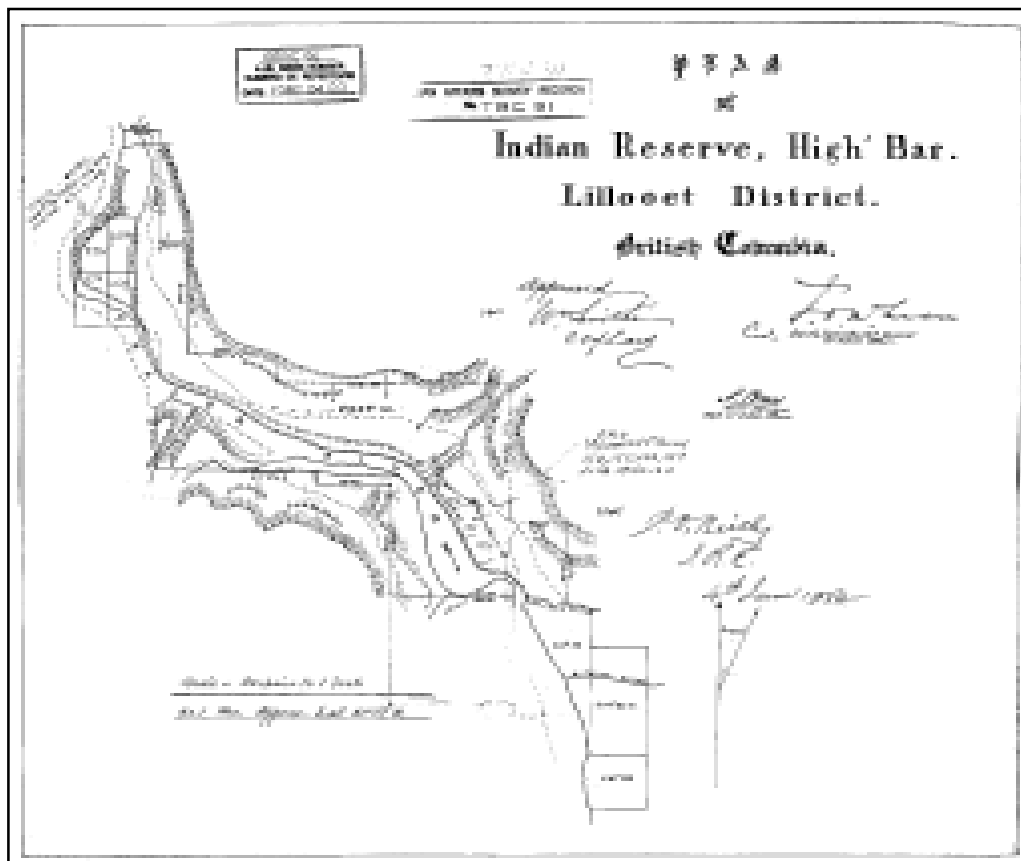
See Chapter 15: Pre-Confederation Reserves for more information on colonial land surveys. See also *Papers Connected with the Indian Land Question*, (Victoria: Queen's Printer, 1875) for background information on colonial government policy and the surveying of Indian reserves.

## Royal Navy Hydrographic Maps

**Hydrographic maps** document coastal waterways. (They are sometimes called marine charts.) They include information on the shape of the coastline, water depth, currents, anchorages, hazards to navigation and the location of landmarks and communities along the coast and up the Fraser River. In BC, hydrographic maps were produced by the Royal Navy. The BC Archives has original hydrographic maps in their map collection. See the entry on BC Archives in this chapter for details on gaining access to maps in their research collections. You can also get copies of the maps at the BC Surveyor General Division.

## Joint / Indian Reserve Commission (J/IRC) Surveys

J/IRC surveys are maps outlining of the location, boundaries and acreage of Indian reserves. They were created using the information produced by the Joint Indian Reserve Commission (1876-1878) and the Indian Reserve Commission (1878-1910) in their **Minutes of Decision** (MOD).



Indian Reserve Commission survey plan (tracing) of High Bar Indian Reserve No.1.<sup>1</sup>

## Royal Commission on Indian Affairs for the Province of BC (McKenna- McBride Commission), 1913-1916, Minutes of Proceedings and Agency Maps

Among the many documents produced by the Commission, the Minutes of Proceedings the Agency Maps will be the most useful. They record evidence about the use and quality of reserve lands.

## Indian Reserve Survey Records

The federal and provincial governments have surveyed many reserves in BC several times since the original allotments. The records produced in the process include information

on changes to original allotments, such as cut-offs or environmental changes. The records take many different forms, including:

- Survey plans. These are maps of the surveyed places, drawn true to scale, to shape and direction. They show length and direction of boundaries, important features such as trails, and enough information to allow officials to identify the specific piece of land. They are generated from the information contained in the survey field notes.
- Field notes. Field notes are the records of what the surveyor encountered on the ground as he actually marked out and measured the boundaries set out in his instructions. Sometimes there may be more than one set of field notes, and they may not always be the same. See the discussion of analyzing field notes later in this chapter.
- Map tracings. Tracings of survey plans are made by a drafting professional. These are usually much clearer than the pencil and pastel originals and they may show developments that have occurred since the original survey, such as road or hydro rights-of-way. It is useful to compare map tracings to the official plan because they are usually much cleaner and easier to read and photocopy, but remember they are not the official or legal reserve plan. Tracings are identified by the designation “TBC” followed by a number, while official reserve plans started with “BC” followed by a number. So, for example, a record titled BC469 would be the official plan, while TBC469 and TBC471 would be the tracings.

A comprehensive collection of surveys, notes, maps and plans of all Indian reserves in Canada is maintained by the Legal Surveys Division of Natural Resources Canada (NRCan). Library and Archives Canada (LAC) also maintains a collection of maps of Indian reserves of western Canada. Note that while these sources are available on the NRCan website it is always best to work with hard rather than digital copies because some information may be hard to see on digital versions.

Also, look for additional information about reserve surveys, as survey records never tell the whole story. Some examples of additional survey-related documents you will want to study include:

- Letters between the Indian Reserve Commissioner, the BC Indian Superintendent and the Department of Indian Affairs in Ottawa. These may be archived, or microfilmed as part of LAC’s **RG 10** (Record Group 10), or they may still be active departmental headquarters or regional files that must be requested through Indian and Northern Affairs Canada (INAC). You may also find correspondence between the surveyor and the Canadian Surveyor General, but only during the 1900s.
- Survey Reports or Surveyor’s Diaries. Some surveyors kept diaries or wrote reports. These may be included in a field book or they might be incorporated into an Indian Affairs or provincial Department of Lands & Works Annual Report. They could also be included in RG 10.
- INAC’s Survey and Reserve (SSR) files: These may be archived, or microfilmed as part of the RG 10 Black Series, or still active departmental

headquarters or regional files that must be accessed through the local INAC office. You can also check with the Legal Surveys Division of NRCan to see if they have a reserve file that you can consult.

## Other Historical Map-Related Documents

The following map-related documents will be particularly useful:

- BC Land District Registers
- BC Lands Files at the BC Archives and the BC Surveyor General Division
- Crown grants
- Land Title records
- Pre-emption records

## Maps at the BC Archives

The BC Archives in Victoria is the best source of archival maps for Indigenous lands in the province. They have a variety of different types of maps, including plans, charts, and drawings.

There are two cartographic card catalogues that you need to consult if you are visiting the Archives in person. The cartographic catalogue is online and can be browsed from the BC Archives homepage. If you have access to the Internet you can do a lot of work before you leave home or even order map copies without even traveling to Victoria (if you have an account with BC Archives). If you are ordering records always be careful to specify what format you prefer for your map copies. If you do not, you may receive an oversized and extremely expensive photograph when a regular photocopy or fiche would have been much cheaper and served your purposes better.

It is possible to view some historic cartographic records at BC Archives in digital format if you have Internet access. These include some admiralty (coastline) charts, National Topographic System (NTS) Indexes, miscellaneous BC Lands districts, **pre-emption** maps (showing alienated parcels within a Land Recording District), land status maps, and mineral reference maps. The catalogue description for these records will indicate if the files are available in digital form on the Internet.

## Maps in The National Map Collection

This is a collection maintained by LAC of about 40,000 maps and map-related documents on various historical issues. The collection includes extensive Railway Belt and forestry-related maps, such as those included in the Boyd Collection.

The map catalogue is accessible online. Check the list of resources on ArchiviaNet, LAC's online research tool. About 4,000 of the images have been digitized and are available on the site.

## Contemporary Maps

### Air Photos

The federal and provincial governments have taken air photos covering many parts of the province since the 1930s. These photographs show a view of the land from the air. They can be helpful for any type of research project where you are examining changes to the landscape, such as road construction, urban development, logging, or erosion. It is a good idea to find the photo for the time period you are studying, then view all the photos that were taken up until that time to track any changes to the landscape.

You will need to choose the appropriate type of air photo for your project. Black and white air photos will work fine for many projects. Colour photos are slightly more expensive but they can be helpful for projects that require you to identify information about the type of ground cover, such as forests, moose pasture, or grasslands.

If you are looking for air photos of an Indian reserve you can contact Public Works and Government Services in the Vancouver office of INAC. The photos are available to view but they cannot be copied.

There are a number of resources to consult for air photos of non-reserve lands in your traditional territory:

- LandData BC has indices of air photos from 1993 to 2001 (<http://www.landdata.gov.bc.ca>). You can log onto their website as a guest and request copies of the indexes. For further information see the guide to finding air photos at LandData BC at: [http://srmwww.gov.bc.ca/bmgs/catalog/ldbc\\_air\\_photo\\_indexes.pdf](http://srmwww.gov.bc.ca/bmgs/catalog/ldbc_air_photo_indexes.pdf).
- The National Air Photo Library of Natural Resources Canada ([http://airphotos.nrcan.gc.ca/index\\_e.php](http://airphotos.nrcan.gc.ca/index_e.php)). By registering as a user on this site you can find information for millions of air photos and order specific documents.
- The Geographic Information Centre (GIC) at the University of British Columbia Geography Department ([http://www.geog.ubc.ca/resources/gic/air\\_photo.html](http://www.geog.ubc.ca/resources/gic/air_photo.html)).
- The Provincial Air Photo Library in Victoria (<http://srmwww.gov.bc.ca/bmgs/airphoto>).

### Agricultural Land Reserve Maps

The Agricultural Land Reserve (ALR) is a provincially designated zone in which agriculture is the priority activity. The Provincial Agricultural Land Commission regulates the ALR.

Large-scale ALR maps are available for several regions within BC. These maps show rights-of-way, easements, lot boundaries, and other physical features. ALR maps can be useful in the early stages of a land research project because they provide a comprehensive overview of the land in a given area.

For more information or to find maps for your study area, visit the Agricultural Land Commission website: <http://www.alc.gov.bc.ca>. The Commission does not provide ALR maps but can direct you to the appropriate agency.



## Topographical Maps

Topographical maps show natural surface features (lakes, rivers, streams, mountains, valleys and slopes), place names, water feature names, and highway names. They often also identify many cultural (human-made) features such as roads, buildings, boundaries, railroads and power transmission lines. Topographical maps can be very useful if you are researching changes or alterations in a landscape or plotting locations such as traditional use sites or travel routes.

**Scale** is an important factor in choosing or using topographical maps. Scale is the ratio of a distance on the map to the actual distance on the ground. A small-scale map shows a lot of territory, but not in much detail (a 1:250,000 scale map sheet covers about 17,000 square kilometres). A large-scale map shows a small area in great detail (a 1:50,000 scale map sheet covers about 900 square kilometres).

The federal government produces maps under the National Topographic System (NTS), in which all of Canada is divided into quadrangles measuring four degrees latitude by eight degrees longitude. The NTS map sheet reference for your area is available online at the Natural Resources Canada website: <http://maps.nrcan.gc.ca/search/mapsearch.html>. You can also gain access to these at the Geographic Information Centre (GIC) at the UBC Department of Geography or the geography departments at Simon Fraser University and the University of Northern BC. They may also be available at larger municipal libraries, such as the Vancouver Public Library.

The British Columbia government produces maps using its own system called the “British Columbia Geographic System.” For information on this system and how it relates to the NTS system see the “Mapping System” website of the BC Ministry of Forests: <http://www.for.gov.bc.ca/dfn/bcgs.htm>.

You can obtain topographical maps through the Topographical Maps division of Natural Resources Canada. See their website at <http://maps.nrcan.gc.ca/topographic.html> for more information. The Geological Survey of Canada, specialty map supply retail outlets, and major university map libraries also have topographical maps. If you do not have access to the repositories in the larger cities, local BC government agent offices are good sources. Topographical maps have also recently become available on CD. These digital maps are convenient but they are also costly. For more information on digitized topographical maps visit: <http://www.etopo.com>.

## Thematic Maps

Thematic maps show information on specific features such as roads, water resources, traditional use areas, forest cover, mineral claims, geology, or recreational sites. You can obtain thematic maps from certain provincial government offices such as archaeological site maps from the BC Archaeology Branch; forest cover maps from the Ministry of Forests; road or highway plans from the Ministry of Transportation and Highways; and water use maps from the Water Management Branch. A wide range of individuals and private companies have also produced thematic maps. Your community may also have produced its own thematic maps for its own purposes.

A selection of thematic and other maps appears in the excellent volume edited by Keith Thor Carlson, *Sto:lo Coast Salish Historical Atlas* (Vancouver: Douglas & McIntyre, 2001).

## Interpreting and Analyzing Maps

Maps and map-related resources are distinct from other types of documentary evidence you will encounter in your research. Finding the information you need from these resources requires some general knowledge about how maps work. This section outlines some important context information to help you. It discusses two stages of the research process: performing background research on your topic and interpreting maps and field notes.

### Background Research

It can be helpful to get a recent map and use it as a working copy that you can mark with notes.



It is helpful to obtain a copy of a recent map that shows the area that you are going to research before you begin. You can use this as a working copy that you can mark with notes of the information you gather in your research. You may want to use a piece of acetate overlay and a variety of different coloured pens to identify the different types of information if your research issue is complex.

Start your research by exploring resources in your community. Check to see if anyone

has collected maps or map-related resources in the past, or has knowledge of past surveying or mapping projects. If your community has a museum, band archive, or lands management department or office that deals with resource use in your territory, they will likely have copies of useful maps and resources. Check to see what resources they have and if there is anyone who knows about interpreting maps and map-related documents. They may have valuable information to share or they may be able to advise you where you can find this information.

Next, try to develop a basic overview of the history and status of the land you are studying. For example, if you are concerned about the history of a particular parcel or area, you need to be aware of the jurisdictions (colonial, provincial, or federal) under which it has existed at different times. Each one of these governments may have created records that will be of interest to you. Some examples are listed below. For additional information on the documents listed here see Chapter 4: Documents. See Chapter 3: Resource Institutions for contact information.

- **Colonial Records:** If you are researching a colonial government land grant or policy you will have to check colonial records at the BC Archives. See Chapter 15: Pre-Confederation Reserves for more information on researching the colonial period.
- **Provincial Records:** If you are investigating land that is (or was) Crown land after Confederation, you will want to consult provincial government records at the BC Archives and BC Lands files at the Surveyor General Division. You may also want to obtain records from government ministries. The main sources would be the old land status maps that the

provincial government used to keep track of alienations. These maps showed names and file numbers for pre-emptions. You can also check for records at the BC Land Title Office.

- Federal Records: If the lands you are studying are federal (Indian reserve, national park, or military reserve) you will have to check various federal record groups. See Chapter 5: Basic Reserve Research for more information on conducting this type of research.
  - Check the nine-volume *Catalogue of Maps, Plans & Aerial Photographs on Indian Lands in BC* at Lands & Trusts Services at the INAC BC Regional office.
  - If the land you are interested in falls within the Railway Belt or Peace River Block, you may need to consult both federal and provincial maps, as these areas were administered by the federal Department of the Interior between the 1870s and 1930s and by the Province after that. If the land has been alienated and is now privately owned, you will have to research historic land transactions between individuals. See Chapter 17: Surrenders for more information on researching reserve lands that were surrendered or cancelled.

## Interpretation and Analysis of Maps and Plans

It can be difficult to interpret information on maps and map-related resources. Often there are specific codes and abbreviations that are not explained, or unfamiliar units of measurement that are used. Take note of all the features of a map and analyze the data you have assembled. Key information to record includes:

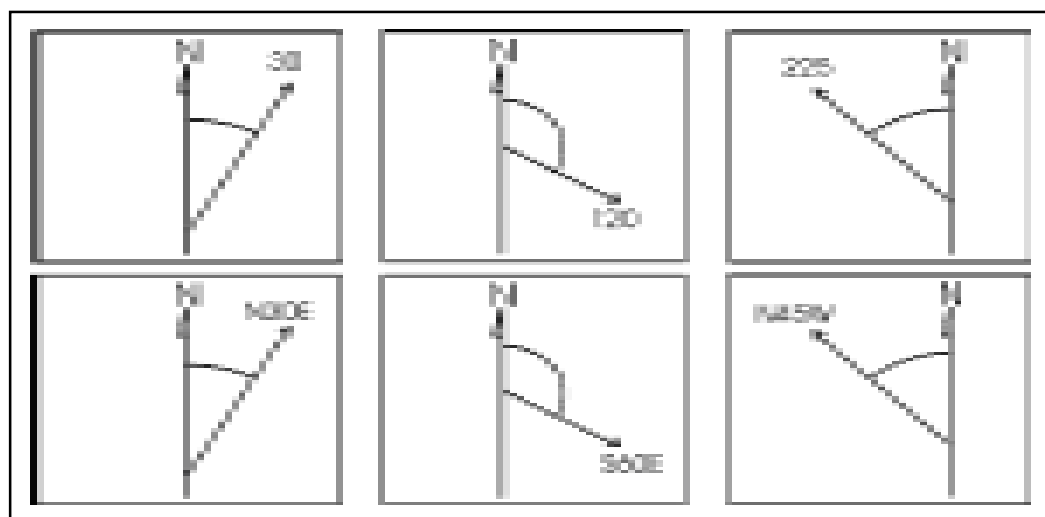
- Place Names. In many cases, Indigenous place names are spelled phonetically or incorrectly. In other cases, names may have been replaced by explorer, settler or missionary names. Similarly, spellings of place names change over time. Make a list of all of the variations on names and then keep your lists with you as you work.
- Dates. Sometimes it is hard to find accurate dates on historic maps. You will have to determine if the date shown refers to the date the mapping information was gathered, the date the map was published or the date the survey and/or reserve allotment was approved.
- Systems of Measurement. When you look at original maps and map-related documents, you will notice that different units of measurement have been used over time. It is useful to have a conversion chart available if you are working with a lot of maps. The following is a general introduction to commonly used systems of measurement:
  - Area: Surveyors until recently used the “acre” as the unit for measuring land area. Worldwide, there are approximately 40 different definitions of how much land is in an acre. In the British system the current definition was established by order in council in the 18th century. An acre covers exactly 43,560 square feet, or 640 acres to the square mile. A square mile may sometimes also be called a “section.”

- o Distance: Until the 1950s surveyors used a device called a Gunter's chain, or "chain," to measure distance. Some government ministries such as the Ministry of Forests used this system until the late 1960s when Canada converted to the metric system. The chain is 22 yards or 66 feet long, or 80 chains to the mile. It is divided into 100 "links," each link being 7.62 inches. The device was also used to measure area. While the system may sound complicated, it was easy to use in practice.

The system works like this: 10 square chains or 10,000 square links equals one acre. That is, a plot 10 chains long and one chain wide is 10 square chains, or 1 acre. Similarly, 5 chains by 2 chains is also an acre; and 10 chains by 4 chains is 4 acres. The rule is: multiply length (in chains) by width (in chains) and divide by 10 to get your acres. 80 chains by 80 chains (1 square mile) equals 6400 square chains, or 640 acres. The same rule applies if you are combining chains and links in your measurement. Just use the number of links as a decimal place after the number of links. For example, a plot of land 20 chains plus 45 links long is 20.45 chains in length. If the plot is 5 chains wide, the size is  $5 \times 20.45 = 102.25$  square chains, or 10.225 acres.

Distances on maps are measured horizontally, and not necessarily along the surface of the ground. A surveyor could encounter a steep cliff 100 feet high. But the distance from the top of the cliff to the bottom might only be a few feet as shown horizontally. On an ordinary map, only the horizontal distance would be shown. To compensate surveyors used what are called "correction tables" to convert on the ground measurements to a horizontal or flat measurement. It is very important to know the scale of the map you are using in order to ensure you get the correct interpretation of the information you are studying.

- o Direction: There are two main methods to indicate direction in surveys under the scientific (Cartesian) system. The most common modern method is to find North, then measure clockwise from



Comparison between the 360-degree "azimuth" directional system (top) and the north-south axis system.

North to the angle in question. This is the azimuth direction. The second main method is to measure the angle that the directional arrow makes with the north-south axis. The technique is to first name the direction (i.e. north or south) that is closest to the directional arrow, and then state the angle (east or west) by which the directional arrow points away from the North-South line.

- Potential errors: As with all historical documents, you will have to look out for potential errors in map documents. You may find inaccuracies that are the result of a variety of factors, including:
  - Misinterpretation of specific features in the land or confusion over distances.
  - Instrument errors, mistakes in recording data, failure to perform the survey as instructed, or even surveys of the wrong ground. During some periods in BC there were shortages of qualified or competent surveyors, which could lead to delays, or errors in the survey.
  - The process of converting survey notes into maps. Many errors came from the improper identification of the Point of Commencement (PoC). This was the official location of where a survey started. In setting the legal description, the PoC was located then a legal description was written, which is known as a “Metes and Bounds” description.

To guard against reproducing these and other inaccuracies try to obtain as many sources as possible and compare them to see if they support (or contradict) each other. Always study any instructions, sketch maps, field notes, official survey plans and associated documents very carefully to check whether they are consistent.



Surveyors at work, Taku Lake, c.1912.  
-BC Archives 95681

### *Field notes*

It is helpful to understand the process of land surveying in BC in order to extract the important information from surveyors' field notes. One of the most important features to note is that surveyors normally conceive of land in terms of straight lines of measured distance and direction from a known starting point that was called the Point of Commencement. The starting point and end point are survey "stations." In most cases, stations are the points at which the surveyor's path changes direction. Each straight line from the station is a "leg" of the survey. True-to-scale and true-to-direction representations of those legs may be drawn as lines on paper, and linked end to end, in sequence, to represent the surveyor's line of travel. In the end, this creates a line drawing of the surveyed parcel.

Also, field notes are usually written (and read) from the bottom of the page to the top. The reason for this is that everything that is to the left of the line of travel is on the left of the page and the features to the right are represented on the right side. When reading a surveyor's field notes, it may help you to imagine the surveyor shrunk to a very small size, walking along a centre line drawn on the page, and stepping to the right or left of centre in order to draw symbols to represent what he sees. The distances to the left or right of the survey line are also known as offset distances.



A portion of a page of field notes by the Royal Engineers.<sup>2</sup>

## Notes

<sup>1</sup>Jemmet, W.S. "Indian Reserve, High Bar. Lillooet District, British Columbia." [Plan BTBC91 CSLR BC.] Canada Lands Survey System. Ottawa: Natural Resources Canada. January 1, 1884.

<sup>2</sup>Portion of page 1 from "Royal Engineers, vol.28A." British Columbia Surveyor General Map Vault, Row 18, Cabinet 4, Drawer 3 (n.d.).

## Resources

Akrigg, G.P.V. and Helen Akrigg. 1997. *British Columbia Place Names*. Vancouver: UBC Press.

Beattie, Judith Hudson. June 1985. *Indian Maps in the Hudson's Bay Company Archives*. Association of Canadian Map Libraries Bulletin: 55.

Cail, R. E. 1974. *Land, Man and the Law: The Disposal of Crown Land in British Columbia, 1871-1913*. Vancouver: UBC Press.

Geomatics Canada, Legal Surveys Division. 1996. *Canada Lands in BC - Indian Reserves and National Parks*. Ottawa: Government of Canada.

Laing, F.W. 1939. *Colonial Farm Settlers on the Mainland of British Columbia, 1858-1871*. Victoria: BC Archives and Record Service.

North, M., and D. Summer 1977. Holdsworth and J. Teversham. Summer 1977. A Brief Guide to the Use of Land Surveyors' Notebooks in the Lower Fraser Valley, BC 1859-1890. *BC Studies*: 34: 45-60.

Ruggles, Richard I. 1991. *A Country So Interesting: The Hudson's Bay Company and Two Centuries of Mapping 1670-1870*. Montreal: McGill-Queen's University Press.

Surveyor General Branch, Ministry of Environment, Lands & Parks. 1994. *Descriptions of Land*. Victoria: Queens Printer.

## Websites

Aboriginal Mapping Network  
<http://www.nativemaps.org>

BC Online Cadastre  
<http://srmwww.gov.bc.ca/sgb/IMF/index.html>

BC Ministry of Energy and Mines Map Place  
<http://www.em.gov.bc.ca/Mining/Geosurv/MapPlace>

Crown Land Registry  
<http://srmwww.gov.bc.ca/clrs>

Land Data BC  
<http://www.landdata.gov.bc.ca>

BC Geographical Names Information System  
<http://srmwww.gov.bc.ca/bcnames>

Canadian Geographic Names Database  
[http://www.geonames.nrcan.gc.ca/index\\_e.php](http://www.geonames.nrcan.gc.ca/index_e.php)

BC Government website for Management of Survey Control Operations and Tasks (MASCOT)  
<http://mascot.gdbc.gov.bc.ca/mascot>

Natural Resources Canada Map Based Plan Search page  
<http://www.wroc.nrcan.gc.ca>

NRCan Gazetteer Map Service  
<http://atlas.gc.ca/site/english/dataservices/gazetteer.html>

BC Geographical Names Gazetteer  
<http://srmwww.gov.bc.ca/bcnames/gaz.html>

Inforain Map Archive (Ecotrust)  
<http://www.inforain.org/maparchive>





# Chapter 11

## Legal Resources

This chapter provides an introduction to legal resources. It includes information on Canadian primary legal sources (case law and legislation) and secondary legal sources (background). It will help you to find legislation or court cases referred to in correspondence, articles in newspapers, journals or books, or in other materials that you come across in your research. It will also help you to find a copy of a current law or case as well as resource institutions, guides and Internet sources.

The law constantly changes. Legislation can be amended (changed) or repealed (cancelled). The courts are constantly reinterpreting laws or previous cases. It is important to keep in mind that you must look at the law as it existed at the time under study, and not the law as it stood at an earlier or later time. For example, if Indian Affairs transferred reserve land in your community to the Province in 1920, you will want to find the relevant sections of the *Indian Act*, and possibly other legislation, as it stood in 1920.

### Primary and Secondary Sources of Law

#### Primary Legal Sources

Primary sources can be divided into two categories: **legislation** (statutes and regulations) and **judicial decisions** (the body of decisions written by judges).

#### *Legislation*

Legislation is laws (statutes and regulations) that are enacted by the federal Parliament or provincial legislatures.

The **Constitution** is the supreme law of Canada. All other laws, whether enacted by Parliament or made by judges, must be consistent with the Constitution.

**Statutes** are laws passed by the federal Parliament or provincial legislatures. They are created and amended by **bills**, which are introduced in the Parliament or provincial legislatures. Examples are the *Indian Act* (federal) and the *Wildlife Act* (provincial).

**Regulations** give effect to a specific law or set out specific details. For example, if the *Wildlife Act* states that a minister may establish prohibited hunting zones or hours, a regulation could be passed stating it is prohibited to hunt in area “X” between the hours of 7:00 a.m. to 7:30 p.m. Regulations have the same binding legal effect as statutes. However, unlike statutes, regulations are not made by Parliament or the Legislature. Regulations are made by individuals authorized by Parliament or the Legislature (for example, regulations

made by the Governor in Council). Federal regulations are published in the Canada Gazette and provincial regulations are published in the BC Gazette. For more information on Gazettes, see Chapter 4: Documents.

### ***Judicial decisions***

Judicial decisions are called “case law.” Statutes and regulations are subject to interpretation by judges. The law in an area that is governed only by case law (where there is no statute or regulation on the topic) is known as “common law.”

When a case is overturned on appeal, the lower court decision that has been overturned is of little or no precedential value. It is therefore important to know how a particular case has been treated. Second, the case may be used as a precedent for the interpretation or application of a law in the cases that follow it.

The decisions of the appeal courts are binding (must be followed) on the judges of lower courts. Where the facts of the earlier case are different, a court can distinguish the ruling of the earlier case and reach a different result. The decisions of the Supreme Court of Canada are binding on all other courts in Canada. The decisions of the BC Court of Appeal are binding on the BC Supreme Court and on the BC Provincial Courts. See the Courts of BC website: <http://www.courts.gov.bc.ca>.

There are some matters that only the Federal Court system can address. The Federal Court system consists of the Trial Division and the Federal Court of Appeal. Appeals from the Federal Court of Appeal are heard in the Supreme Court of Canada. See the Federal Court of Canada website at <http://www.fct-cf.gc.ca> for more information.

### ***Secondary legal sources***

There are many textbooks, digests and periodicals that review the law and discuss recent developments. The *Canadian Native Law Reporter* (CNLR) contains most important court decisions in the area of Indian or Indigenous law. It was first published in 1977 and continues to be published quarterly. The CNLR series is available at the UBCIC Resource Centre.

You can use legal dictionaries to find the meaning of a legal word or term. The legal meaning of words is often quite different or distinct from the ordinary, plain language meaning. These sources are available at law libraries. Also check your local public library.

## **Research Tools**

### **Legal Resource Institutions**

There are several locations throughout the province that offer access to law libraries and legal materials. BC Courthouse libraries throughout the province are open to the public. Their website (<http://www.bccls.bc.ca>) has links to judgments from BC courts, BC statutes and regulations, regional courthouse libraries around the province, and a number of online legal services.

The Union of BC Indian Chiefs Resource Centre has a small collection of legal materials, including texts and a complete set of the *Canadian Native Law Reporter*.

You can also find published legal materials in law school libraries. There are two in BC: the University of British Columbia and the University of Victoria. Their catalogues are accessible on the Internet. See Chapter 3: Resource Institutions for contact information. They provide an excellent starting place for learning about legal research and for providing links to law-related resources.

If you are unable to travel to the libraries at the law schools, your local public library may have a loan arrangement that allows it to arrange an **inter-library loan** for the materials you need.

The most important resource at any law library is the library staff. Explain your research issue to the librarian and ask for assistance in locating materials.

## Legal Research Guides

All of Canada's law school libraries and the BC Courthouse libraries have their own legal research guides available on the Internet. These can be very helpful. Their websites also provide links to law-related resources.

See also the *First Nations Research Guide* for finding relevant law-related information: <http://www.law-lib.utoronto.ca/resguide/aborig.htm>.

## Legal Resources in Electronic Format

Many excellent law-related resources are available at no cost on the Internet. Governments, courts, universities, law firms and law-related organizations are all good online sources.

Commercial online legal databases (such as QUICKLAW, Westlaw and Lexis-Nexis) and Internet subscription services (such as eCarswell and CCH iWorks) can be quite expensive and are generally not available to community researchers with limited budgets. In addition, these online services can be difficult to use.

Many online resources do not keep historical, archival or older information in their databases. Recent judgments from various federal and provincial courts are now available on the Internet. However, many Canadian databases have cases only from about 1986 onward and only recent legislation. This means that for historical research, electronic resources (especially those that are free) are often only a first step. Be prepared to use law libraries and consult your local library to see what holdings they might have.

It is easy to overlook important information if your search is restricted to the computer. The information you find depends on the search words you enter. For example, if you list the word "Indian," decisions that use the words "aboriginal," "native," and "Indigenous" will not be called up. If the search terms you enter are not indexed in the computer's database, you could miss valuable information. Spend time thinking of alternative search terms, including alternative spellings.

## Finding Legislation

You can find legislation at law libraries or through a computer search. The federal and provincial governments now provide access to legislation on the Internet. However, the scope and coverage of materials available at these websites varies.

You may need to find out if the statute you are researching has been amended (changed) or repealed (cancelled). Tracing the history of a statute or regulation (or a section of either one) as it has been published over the years will help you to understand its history and how it has changed over time. The *Canadian Abridgment*, available at law libraries, is a legal tool that can assist you. Ask a librarian for help.

**Annotated** versions of legislation contain the actual text of the legislation along with section-by-section commentary. The commentary explains how the legislation has been interpreted and if there are regulations that accompany the legislation. The commentary usually contains the legislative history of the section, or references to cases considering the section, or both.

Useful examples of annotated legislation relating to Indigenous issues and Aboriginal Title and Rights are:

1. Shin Imai (Ed.), *2004 Annotated Indian Act and Aboriginal Constitutional Provisions* (Toronto: Carswell, 2004).
2. Sharon Helen Venne, *Indian Acts and Amendments 1868-1975 - an indexed collection* (Saskatoon: University of Saskatchewan Native Law Centre, 1981).

## Federal Statutes

Federal statutes are published in bound volumes each year called the *Statutes of Canada*. The most recent revised version is the *Revised Statutes of Canada, 1985*. There are indexes to assist you in searching for a federal statute, with listings by subject or name. Free web access is available from the federal Department of Justice website: <http://laws.justice.gc.ca>. In addition, this site has a “Related Statutory Resources” section that provides access to information about federal Parliament, including bills. Check the listings on the Parliamentary Internet website: <http://www.parl.gc.ca> to find current bills.

The Library of Parliament’s LegisInfo website (<http://www.parl.gc.ca/LEGISINFO>) provides a wide range of information about individual bills from parliamentary sessions from January 2001 onwards. Information on this site includes the text of the bill at various stages, plus legislative summaries from the Parliamentary Research Branch, and important speeches at second reading. The full text of all bills introduced during a current session of Parliament can be found at the Canadian Parliamentary website.

### *Examples of citing federal statutes*

*Indian Act*, R.S.C. 1985,<sup>1</sup> c.I-5,<sup>2</sup> ss. 35(1), 52.<sup>3</sup>

*Nisga’a Final Agreement Act*, S.C. 2000, c.7, s.15.

- 1 If the Act was passed after the publication of the 1985 revision, cite the sessional or annual volume for the year that the statute was enacted.
- 2 Chapter number including the first initial of the Act.
- 3 Reference to any particular section (s.) or sections (ss.) mentioned.

## Federal Regulations

Federal regulations are published in the “Consolidated Index of Statutory Instruments” in Part II of the Canada Gazette.

### *Examples of citing federal regulations*

*Pacific Herring Fishery Regulations*<sup>1</sup>, SOR<sup>2</sup>/84-324<sup>3</sup>, s. (3).

*Indian Oil and Gas Regulations*, C.R.C.<sup>4</sup> 1978, c.963.

- 1 Name of the regulation.
- 2 *Subordinate Legislation, Ordinances and Regulations* published in Part II of the Canada Gazette.
- 3 Number of the regulation.
- 4 C.R.C. is the *Consolidated Regulations of Canada*

## BC Statutes

BC statutes are published each year in bound volumes called the *Statutes of British Columbia*. Every few years, all the Acts are printed in one set called the *Revised Statutes of British Columbia* (the most recent version was published in 1996). These are available at law libraries and courthouse libraries. Your local library may also have copies.

Free web access to the *Revised Statutes of British Columbia* is available online at public libraries, government agent offices, and select university and college libraries. Online access from anywhere else requires a subscription. For more information, check the website at <http://www.qp.gov.bc.ca/statreg>. Always check the currency date (the statutes are updated to the date posted at the top of the website page) when using this site as it may be less current than the published bound volumes.

### *Examples of citing provincial statutes*

*Treaty Commission Act*,<sup>1</sup> R.S.B.C. 1996,<sup>2</sup> c. 461,<sup>3</sup> s. 5.<sup>4</sup>

*Wildlife Act*, S.B.C. 1982, c.57, s.29.<sup>5</sup>

- 1 The short title of the statute, as provided in the statute itself.
- 2 Whenever possible, cite a statute as it appears in the latest revision of provincial statutes. For B.C., the latest revision was *Revised Statutes of British Columbia 1996* published in 1996. If the Act was passed after the publication of the 1996 revision, cite the sessional or annual volume for the year when the statute was enacted.
- 3 Chapter number, as listed at the beginning of the statute.
- 4 Reference to any particular section or sections mentioned.
- 5 This is now the *Wildlife Act*, R.S.B.C. 1996, c.488. However, for the time period of interest to the researcher, she needed to find s.28 of the Act in force in 1983.

## BC Regulations

BC regulations are published in the *Consolidated Regulations of British Columbia* and the BC Gazette, Part II. These are available at law libraries and BC Courthouse libraries. Most current BC regulations are available online at <http://www.qp.gov.bc.ca/statreg>. Again, free public access is available at public libraries, government agent offices, BC Courthouse libraries, and select post-secondary institutions. Always check the currency date (the regulations are updated to the date posted at the top of the website page) when using this site, as it may be less current than the published bound volumes.

### *Examples of citing provincial regulations*

*Wildlife Regulation*,<sup>1</sup> B.C. Reg. 340/82,<sup>2</sup> s. 16.01(b)<sup>3</sup>.

*Adult Guardianship (Abuse and Neglect) Regulation*, B.C. Reg. 13/2000.

- 1 The title of the regulation as it appears in the regulation.
- 2 The regulation number as it appears on the regulation. From 1958 through 1999 the number took the form of B.C. Reg. 15/83. Commencing with January 2000, the numbers are in the form B.C. Reg. 111/2000.
- 3 The reference to any particular section (s.) or sections (ss.) mentioned.

## Old Legislation

If you are researching an historical issue (for example, reserve allotments made in the 1880s) you will have to find a copy of the *Indian Act* (and possibly other legislation) that was in force at that time. Although public libraries and computer searches are good tools, for historical research you may have to go to a library that actually has copies of old legislation.

Here are some helpful resources for obtaining copies of historic legislation and other materials:

1. Early Canadiana Online. This is a digital library containing a variety of early Canadian materials. Their website is: <http://www.canadiana.org/eco>.
2. Sharon Helen Venne. *Indian Acts and Amendments 1868-1975* (Saskatoon: University of Saskatoon Native Law Centre, 1981).
3. Derek G. Smith, (ed.), *Canadian Indians and the Law: Selected Documents, 1663-1972* (Ottawa: Carleton University Institute of Canadian Studies & McClelland and Stewart Ltd, 1975). This includes copies of the Royal Proclamation of 1763, the Jay Treaty, as well as pre- and post-confederation legislation.
4. *Consolidated Native Law Statutes, Regulations and Treaties* (Scarborough, ON: Carswell, 2000).
5. *Indian Treaties and Surrenders: from 1680 to 1890* (Saskatoon: Fifth House Publishers, 1992). This is a reprint of a series originally published by the Queen's Printer in 1891. This series of books contains the text of the pre-confederation treaties, including maps and commentary of participants.

## Legislative Materials

One of the best starting points for finding links to federal and provincial legislative materials available on the Internet is the Department of Justice website (<http://laws.justice.gc.ca>). Federal resources such as *Consolidated Statutes and Regulations of Canada* (updated until December 31, 2000), Canada Gazette (Parts I, II, III), and the full text of constitutional documents are available on this site.

The Parliamentary Internet, maintained jointly by the Senate, the House of Commons, and the Library of Parliament is a good site for locating debates, bills, minutes and proceedings of parliamentary committees, and Status of House Business.

The House of Commons Daily Debates, more commonly known as Hansard, is the edited verbatim (word for word) report of proceedings in the House of Commons. The Canadian House of Commons has had a full Hansard report since 1880. British Columbia's Hansard was not started until 1970. Until then, BC had only the Journals of the House, the official record of what motions were debated and passed. See Chapter 4: Documents for more information on Hansard.

## Finding Cases

Many band offices or other Indigenous organizations follow legal developments carefully and often have copies of recent decisions on hand. Court registries can also provide you with copies of cases decided in their courthouse. Court registries are listed in the blue pages of telephone books. There may be a small fee to look at the decision, plus a charge for photocopies.

Online legal resources, which allow for keyword searches by subject or by case name, are an excellent means of finding cases. Recent judgments from the federal and provincial courts are available on the Internet. Some specific sites to look for are:

- Courts of British Columbia. This database contains the full-text decisions of the BC Court of Appeal and the Supreme Court (as of January 1996), and the Provincial Court. You can search for decisions by a content query. If you prefer to gain access to cases through an index arranged by date or topic you can visit the sites of the Court of Appeal and the Supreme Court: <http://www.courts.gov.bc.ca>.
- Supreme Court of Canada. This site has information on decisions, reports and bulletins of the Supreme Court of Canada from 1985 to the present: <http://www.scc-csc.gc.ca>.
- *The Canadian Native Law Cases*, at the Native Law Centre, University of Saskatchewan. The Internet version of this resource provides access to all reported Canadian Native Law Cases as well as those that went to the Privy Council on appeal from Canada between 1763-1978. The print version of the *Canadian Native Law Cases* is available from the Native Law Centre. The website is: <http://library.usask.ca/native/cnlch.html>.

### *Examples of how to cite cases*

R.<sup>1</sup> v.<sup>2</sup> *Nikal*,<sup>3</sup> [1996]<sup>4</sup> 3 CNLR 178<sup>5</sup> (S.C.C.).<sup>6</sup>

- 1 R. or “Regina” refers to the Crown
- 2 v. means versus
- 3 Nikal is the last name of the person charged
- 4 1996 indicates the year the decision was issued by the court
- 5 It is located in the Canadian Native Law Reporter at page 178
- 6 It is a Supreme Court of Canada decision

*Guerin*<sup>1</sup> v.<sup>2</sup> *The Queen*,<sup>3</sup> [1984]<sup>4</sup> 3 2 S.C.R.<sup>5</sup> 335.<sup>6</sup>

- 1 Guerin is the name of the chief representing the Musqueam First Nation
- 2 v. means versus
- 3 The Queen refers to the Crown
- 4 1984 is the year the decision was issued by the court
- 5 S.C.R. refers to where the decision was published (the Supreme Court Reports)
- 6 The decision begins at page 335

## Resources

Imai, Shin and K. Logan and G. Stein. 1993. *Aboriginal Law Handbook*. Scarborough: Carswell.

McGill Law Journal. 2002. *Canadian Guide to Uniform Legal Citation*. 5th ed. Scarborough: Carswell.

Sandy, Nancy. 1988. *The Indian Act and What it Means*. Vancouver: Union of BC Indian Chiefs.

Woodward, Jack. 1989. *Native Law*. Scarborough: Carswell. [Updated regularly].

## Websites

Bill Henderson’s “Aboriginal Law and Legislation online” website  
<http://www.bloorstreet.com/300block/ablawleg.htm>

Continuing Legal Education Society of BC  
<http://www.cle.bc.ca/cle>  
 Click on “Practice Points” and then “Aboriginal Practice Points.”



# Chapter 12

## Village Sites and Burial Grounds

This chapter provides background information and lists resources for research projects relating to Indigenous village sites and burial grounds. If your community has a village site or burial ground that was not included in the original reserve allotments, this chapter will help you uncover important information to track its history. The process for researching burial grounds and village sites is similar, but each has specific issues you will want to consider.

### Historical Overview

#### Settlements and Village Sites

Government legislation and policy in British Columbia directed that Indigenous settlements and village sites were to be protected for the use and benefit of Indigenous People. Among the various decisions and policies, the following are important:

- The first colonial Land Ordinance of 1860, which set out the rules for **pre-empting** unsurveyed agricultural land, stated that Indian villages were not eligible for pre-emption.
- Governor James Douglas' reserve policy directed that lands used by Indian people were to be set aside for them as reserves.
- The policies of the Joint/Indian Reserve Commission (J/IRC) of 1876 to 1878 and 1878 to 1910 were to reserve tracts of land to which Indigenous people had some "attachment."

Regardless of these decisions and policies, many Indigenous settlement and village sites were never set aside as reserves. Some of those that were set aside were later cancelled, cut off or otherwise changed. In many cases, this took place because the Indian Reserve Commissioners who visited the communities to create new reserves or assess previously established reserves assumed that if the land was not being used in the way they expected, it was not being used at all. For example, if village sites were not used year round or for the type of agriculture practiced by immigrant settlers, Commissioners noted that it had been neglected. This misconception was responsible for many of the reductions and cut-offs made to allotted reserves, and many omissions of lands that should have been included. For many Indigenous communities, knowledge of these valuable areas and the important role they played in the community's connection to the land and resources of their traditional territory has only survived because it has been passed down through oral history.

## Burial Sites and Graveyards

Government policy and legislation in BC directed that Indigenous graveyards and burial places were to be protected. Governor James Douglas' reserve policy made provisions for burial sites to be set aside for Indians. Subsequent legislation, the 1865 *Indian Grave Ordinance* and the 1867 *An Ordinance to prevent the violation of Indian Graves*, was passed to ensure some protection for Indigenous graves.

The J/IRC included some burial grounds in the reserves they allotted. They also set aside reserves to be used solely for graveyard purposes. Many of these graveyard reserves were small in size or they were not properly surveyed or protected as reserves. Also many of them were subsequently alienated to **third parties**.

The McKenna-McBride Commission of 1913-1916 also had a policy of protecting Indian graveyards and burial grounds. Correspondence, Minutes of Decision sketches, surveyors' field notes, diaries, local histories and official surveys often refer to one or more Indigenous graveyards set aside as a reserve or graveyards included within the boundaries of a reserve.

Regardless of these policies, some Indigenous graveyards/burial places were not reserved. Many communities are aware of these unreserved burial sites. They may be informally recognized or they may be registered as archaeological sites with the Heritage Conservation Branch (provincial Archaeology Branch) or as cemeteries with the provincial Cemeteries Registrar. In all cases, the BC *Heritage Conservation Act* protects sites containing

archaeological or cultural material. (At the federal level there is no legislation for the protection of Indigenous burial grounds.) The legislation makes it illegal to damage, change, vandalize or remove anything of historical or archaeological value, (including human remains) from a burial place, whether or not it is registered with the provincial Archaeology Branch. See Chapter 9: Archaeology for more information on this topic. The



Cemetery,  
Lytton  
-BC Archives  
E01938

BC *Cemeteries Act* also offers some measure of protection to cemetery sites in BC. However, since many Indigenous graves and burial sites are located on what is now third party land, the issue of adequate protection remains a serious concern.

## Researching Village and Burial Sites

Village sites and burial grounds are distinct topics for research. However, the process of searching for information on both topics is similar. They are discussed together here so

you can make the best use of your resources and research both topics at the same time if necessary.

## Researching Unreserved Village and Burial Sites

If your community knows about a village or graveyard site that was not set aside as a reserve, or was reserved and then cancelled, you will want to thoroughly research your community's history. Various research techniques involving the examination of settlement patterns and burial practices in your area, or your community's traditional use and occupancy will help you to establish a foundation for your research. Start by researching land use and occupancy patterns in your territory for evidence of these sites. For more information on land use and occupancy research, please refer to the UBCIC-Ecotrust Canada publication, *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design, and Data Collection* (2000) by Terry Tobias. When conducting this type of research, it is important to be aware of how place names change over time. Such changes occur frequently in government records.

You may also want to consult the following chapters in this guide for help answering your research questions:

- Chapter 4: Documents lists several archival documents that may include information on village sites and burial grounds. Archival documents will help you by providing documentary evidence that the land was used as a village or burial site. The files that you will want to review include:
  - The numerous record groups at BC Archives, particularly Department of Lands **Government Records (GRs)**, and the Library and Archives Canada, particularly Indian Affairs, Record Group 10 (**RG 10**), as well as your local archives.
  - You may also want to look at Hudson's Bay Company records and church records, accounts by explorers, surveyors and settlers, and local histories.
- Chapter 6: Oral History offers detailed information about interviewing community members. There is a good chance that Elders or other community members have information relevant to your research.
- Chapter 8: Anthropology Resources directs you to a wide range of ethnographic studies and academic studies that deal with the subject of Indigenous settlement patterns and Indigenous ceremonial and burial practices in BC.
- Chapter 9: Archaeology Resources outlines the process of searching for recorded archaeological sites. This chapter will help you determine if there were any archaeological excavations in the area you are researching. If there were, the records may include information about historic village or burial sites.
- Chapter 10: Maps and Surveys offers information on early colonial maps which reference reserved, as well as unreserved, village and burial sites. Early British Admiralty charts sometimes show features such as longhouses, and many surveys and field notes show Indian dwellings, gardens and graves. Reports on survey expeditions, such as those carried

out by the Royal Engineers for the Canadian Pacific Railway or the Canadian Geological Survey can also be very good sources of information. Pilot and navigation guides can also be helpful.

## Researching Reserved Village and Burial Sites

When researching reserved villages, reserved graveyards, or reserves that include graveyards, you will want to do some basic reserve research to get an overview of the history of your community's allotted reserves. See Chapter 5: Basic Reserve Research for information on this topic. Basic reserve research will assist you in determining if your community's village or burial sites were reserved, alienated, or cut off. During this research you may encounter references to unreserved lands. These references may help you determine why specific sites were not included with your community's reserves.

If your topic is specific to reserved burial grounds/graveyards the following resources may help you:

- Check with the provincial Cemeteries Registrar to see if any of your community's graveyards have been registered under the *Cemeteries Act* (the registration of cemeteries in BC started in the 1960s). If they have been registered, the Registrar will have a file, which you can ask to see. You can contact the Registrar at:  
 Registrar of Cemeteries and Funeral Services  
 Consumer Services, Ministry of Attorney General  
 5th Floor, 1019 Wharf Street, Victoria, BC V8W 2Y9  
 Ph: 250-387-1271 Fax: 250-953-3533
- UBCIC and Thalassa Research co-authored a research report in 1989 that has information on reserved graveyards that were cut off or alienated. This report contains a useful table of reserved graveyard cut-offs that can tell you how many graveyards were reserved for your community, who allotted them and when, the acreage of the graveyards, and the documents that list them. For instance, a reserved graveyard may be documented in the 1913 reserve schedule but is omitted in the 1924 reserve schedule. Contact the UBCIC Research Department to obtain a copy. The report will be of most use when read alongside primary documents.
- If you are looking into a reserved graveyard that was alienated by a third party, check provincial lands files or pre-emption records at the BC Archives. You will want to find the legal description of the parcel of land containing the graveyard and follow up the information you find in the land district register. To find a legal description contact the Land Titles Office or Land Registry Office. Contact information is available in Chapter 3: Resource Institutions. You should also consult field notes and official surveys such as those described in Chapter 10: Maps and Surveys. Chapter 17: Surrenders may provide you with additional information, depending on your community's history.

## Other Considerations

### Human Remains

The issue of human remains and burial places is a sensitive one. It can lead to conflict, not only with developers, but also within communities. It can be useful for communities to give some consideration to the different perspectives on this issue. For example, what should be done if a burial site is found or disturbed within your territory? What steps or ceremonies should be involved in reburial? Should there be some controlled study of human remains? Elders will play a critical role in this decision-making process on these topics.

### Sacred Sites

Like burial sites, sacred sites are places of tremendous importance to Indigenous communities. Researching sacred sites is controversial because knowledge and information about these sites is often restricted and privileged. Therefore this type of research should only be undertaken following the initiative of the community. Since knowledge of sacred sites often exists in the oral tradition of your community, your research will rely upon oral history for information. The sensitive and sometimes confidential subject of sacred sites should only be discussed if you have the trust of all of the people you interview and the backing of the community. You will be required to be very clear about the information you want, why you want it, and what you are going to do with it once you have it. While there may be many good reasons collecting this information, most communities understandably will want to take measures to ensure that the information remains confidential and protected. These measures should be clearly established before you approach people to do interviews. For more information on obtaining and protecting sensitive information see Chapter 6: Oral History.

If you do conduct oral history research on sacred sites you should compare the information you obtain with information from other sources. Compare the sites on your list with reported archaeological sites and check as many archival sources as you can, paying particular attention to anthropological, ethnological, and local history literature. Cast the widest possible research net but do not be surprised if you come across very few documented references for this particular subject.

## Resources

Cole, Douglas and Bradley Lockner (Eds). 1989. *The Journals of George M. Dawson: British Columbia, 1875-1878, Vols. 1-2*. Vancouver: UBC Press.

Laing, F.W. 1939. *Colonial Farm Settlers on the Mainland of British Columbia, 1858-1871*. Victoria: N.p.

Oakes, J., R. Riewe, K. Kinew & E. Maloney (Eds). 1998. *Sacred Lands: Aboriginal Worldviews, Claims and Conflicts*. Edmonton: Canadian Circumpolar Institute Press.

Landau, Patricia M. & D. Gentry Steele. Spring 1996. Why Anthropologists Study Human Remains. *The American Indian Quarterly*: 20 (2): 209-228.

Duff, Wilson. 1964. *The Indian History of British Columbia; Vol. 1 The Impact of the White Man*. Victoria: Royal British Columbia Museum.

## Websites

Early Canadiana Online  
<http://www.canadiana.org>

Two important documents about settlements available on Early Canadiana Online are:

Jarrad, Frederick William Sharp, William Henry. 1888. *The British Columbia pilot, including the coast of British Columbia, from Juan de Fuca Strait to Portland Canal, together with Vancouver and Queen Charlotte Islands*. Great Britain. Hydrographic Office (London: Printed for the Hydrographic Office, Admiralty, 1888.) London, England: Printed for the Hydrographic Office, British Admiralty.

Henry, Sir Bedwell George and E.P Richards. 1864. *The Vancouver Island pilot: containing sailing directions for the coasts of Vancouver Island, and part of British Columbia compiled from the surveys made by Captain George Henry Richards, R.N., in H.M. ships Plumper and Hecate, between the years 1858 and 1864*. London, England: Printed for the Hydrographic Office, British Admiralty.

Ministry of Sustainable Resource Management, Land and Resources Registries Portal  
<http://srmwww.gov.bc.ca/sstu/portal>

# Chapter 13

## Fisheries and Fishing Rights

This chapter provides background information and lists resources for research projects relating to fisheries and fishing rights in British Columbia. Researching these topics can be a complex but rewarding project. The materials that you gain access to will depend largely on the focus of your research project. This chapter guides you through researching two major topics in fisheries and fishing rights research: 1) your community's traditional fisheries and fishing practices and 2) non-Indigenous (government) regulation of fisheries and fishing in your territory.

### Historical Overview

Traditionally, Indigenous Peoples regulated fisheries and fishing in our own territories according to our own beliefs and practices. This changed in the 1850s with the arrival of European settlers who imposed their own laws in our territories. At the beginning, settler governments showed some recognition for fishing rights. The Douglas Treaties (1850-1854) stipulated that the Indigenous signatories were at liberty to carry out their fisheries “as formerly.” In 1899, Treaty 8 affirmed Indigenous fishing rights throughout the territories covered by the treaty. The Joint/Indian Reserve Commission (J/IRC) (1876-1878 and 1878-1910), which allocated Indian reserves, also recognized and attempted to secure some fisheries and fishing stations for Indigenous communities. A fishery secured Indigenous rights to fish in a certain area, but it did not necessarily include an Indian reserve allotment. A fishing station is land that was allotted as a fishing reserve along or near fisheries, used for capturing, curing and drying fish. When searching the J/IRC documents it is important to note the existence of both fisheries and fishing stations and to keep in mind that the allotment of a fishery does not necessarily indicate an allotment of land.

While the J/IRC was conducting its work, the BC commercial fishing industry was established and federal and provincial governments introduced fishing regulations to restrict Indigenous fishing rights. For example, BC initiated Barricade Agreements, which promised



A fishing station is land that is used for capturing, curing, and drying fish.  
-UBCIC Collection

Indigenous people compensation in exchange for abandoning their traditional fishing weirs. Since this time, Indigenous fisheries and fishing rights have been eroded and subject to various federal and provincial regulations, usually enforced by the federal Department of Fisheries and Oceans and the provincial Ministry of Fisheries and Wildlife.

When researching fisheries and fishing rights it is important to be aware of evolving fisheries laws and legislation, as they often affect the location, duration and continuation of fisheries over time. For an historic overview of policies, laws, and legislation affecting Indigenous fishing in British Columbia, see:

- Douglas C. Harris, *Land, Fish and Law: The Legal Geography of Indian Reserves and Native Fisheries in British Columbia, 1850-1927* (PhD Thesis, Osgoode Hall Law School, York University, 2004). Available at: <http://faculty.law.ubc.ca/harris/thesis.htm>
- Douglas C. Harris, *Fish, Law and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto: University of Toronto Press, 2001).
- Diane Newell, *Tangled Webs of History: Indians and the Law in Canada's Pacific Coast Fisheries* (Toronto: University of Toronto Press, 1993).
- Rueben Ware, *Five Issues, Five Battlegrounds: An Introduction to the History of Indian Fishing in British Columbia, 1850-1930*. 1978 (Vancouver: Union of BC Indian Chiefs.)

## Researching Fisheries and Fishing Rights

### Traditional Fisheries and Fishing Practices



Woman cleaning fish. If possible, start your research by talking to community members who are involved in fisheries.  
-UBCIC Collection

If you are interested in finding out about traditional fisheries and fishing practices you may want to start by researching land use and occupancy patterns in your territory. For more information on land use and occupancy research, please refer to the UBCIC-Ecotrust Canada publication, *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design, and Data Collection* (2000) by Terry Tobias. You may also want to consult the following chapters in this guide for help answering your research questions:

- Chapter 4: Documents lists several archival documents that may include information on fishing and fishing practices. Archival documents could provide you with



documentary evidence to prove the existence of traditional fisheries, fishing stations and other sites used for fishing or fishing-related activities. Archival information about traditional fisheries and fishing practices may be found in:

- o The Federal Collection of **Minutes of Decision**, Correspondence and Sketches of the Joint/Indian Reserve Commission. Commissioners were directed not to disturb traditional fisheries and often reserved these fisheries for the use of Indian bands, either exclusively or in common with other bands.
- o Indian Affairs **RG 10** at Library and Archives Canada (LAC), which contains records of correspondence and reports regarding Indigenous fishing and fishing places beginning in 1878.
- o The Henry Doyle Papers, which are in Rare Books and Special Collections at the University of British Columbia.
- o Testimony from the Royal Commission on Indian Affairs for the Province of BC (McKenna-McBride) may also be a source of community-specific fishing information.
- Chapter 6: Oral History offers detailed information about interviewing community members. There is a good chance that Elders or other community members will have some of the answers you are seeking. It is always a good idea to start your project in your community and talk to as many people as possible about the issues you are researching.
- Chapter 8: Anthropology Resources provides information on how to gain access to a wide and growing range of ethnographic studies and reports, many of which deal with the subject of Indigenous fisheries and fishing practices in BC.

## Government Regulation of Fisheries and Fishing Rights

Government regulation of fisheries in BC is somewhat complex. Generally, either the federal or the provincial government regulates fisheries, depending upon whether the fishery is a marine or a freshwater fishery. Federal control is exercised through the Department of Fisheries and Oceans, which is concerned primarily with ocean and coastal areas. Provincial control is exercised through the BC Department (or Ministry, as it was known in the past) of Fisheries, which is responsible for fresh-water and inland lakes and rivers. Given this division of responsibility, your specific research project will determine whether you should look into federal and provincial issues separately, or together (in the instance of salmon fisheries, for example).

Investigating the general history of your community's reserve lands is a good place to start your research. This will help you determine if your community was allotted a fishery and/or a fishing station and where they are located. Here you will want to check whether access to your community's fishery or fishing station has been denied through alienation to a third party, cancellation or actual physical barriers (such as fences, canals, log booms) since its establishment. See Chapter 5: Basic Reserve Research for information on investigating the

history of your community's reserve lands.

There are other important government records that contain information about fisheries. Be sure to check the minutes of decision, correspondence, and sketches of the Joint/Indian Reserve Commission, particularly the *Schedule of Fisheries Allotted to Indians in British Columbia by the Indian Reserve Commission, 1898*. Look through the minutes of decision, proceedings and reports of the Royal Commission on Indian Affairs for the Province of BC, (McKenna-McBride, 1913-1916), particularly the *Memorandum and Evidence on Fishing Rights & Privileges of the Indians of BC*. Also check the Indian Affairs records (RG 10) and correspondence for records of petitions or protests regarding the size or location of fisheries or fishing stations that had been reserves (or not reserved) for your community.

There are also other relevant archival records in RG 10 and the Department of Marine and Fisheries Record Group 23 (RG 23) at LAC. RG 10 records contain information and correspondence regarding BC fisheries laws and restrictions, the Barricade Agreements, protest regarding the size or location fisheries or fishing stations that had been reserved (or not reserved), and Indigenous fishing practices, places, rights and privileges in BC. RG 23 records include the minutes, proceedings and reports of the BC Fisheries Commission (1891-1893) and the Dominion-BC Fisheries Commission (1905-1907). Many of these records are held at LAC's Pacific Region Federal Records Centre in Burnaby. Many are also available at the University of British Columbia Libraries and Special Collections. See Chapter 3: Resource Institutions for information on accessing these documents.

Once you have searched the federal archival records, you may want to look through provincial records. Many of the records you will need are available at the BC Archives. Check the archival records of the following government departments:

- BC Attorney General
- BC Department of Fisheries
- BC Department of Lands
- BC Executive Council
- BC Fish and Wildlife Branch
- BC Marine Resources Branch
- BC Premier's Office
- BC Provincial Secretary
- Great Britain, Colonial Office

In addition to departmental records and correspondence, annual reports and sessional papers will be of interest (see Chapter 4: Documents).

If the issue you are looking into is more recent, you may also want to request active files from Indian and Northern Affairs Canada and the Department of Fisheries and Oceans Canada. Also look for documents at the following provincial government offices:

- The Attorney General of BC
- Ministry of Agriculture, Food and Fisheries
- Ministry of Sustainable Resource Management
- Ministry of Water, Land and Air Protection, Fish and Wildlife Branch

See Chapter 3: Resource Institutions and Chapter 4: Documents for information on gaining access to active records.

## Resources

- Gladstone, Percy H. 1959. *Industrial Disputes in the Commercial Fisheries of British Columbia*. (MA Thesis). Vancouver: University of British Columbia.
- Harris, D.C. 2004. *Land, Fish and Law: The Legal Geography of Indian Reserves and Native Fisheries in British Columbia, 1850-1927*. PhD Thesis, Osgoode Hall Law School, York University. Available at: <http://faculty.law.ubc.ca/harris/thesis.htm>.
- Harris, D.C. 2001. *Fish, Law and Colonialism: The Legal Capture of Salmon in British Columbia*. Toronto: University of Toronto Press.
- Knight, Rolf. 1996. *Indians at Work: An Informal History of Native Labour in British Columbia 1858-1930*. Vancouver: New Star Books.
- Lane, Barbara and Robert. 1978. *Recognition of BC Indian Fishing Rights in Formal Treaties with the Indians & Foreign Government*. Vancouver: Union of BC Indian Chiefs.
- Newell, Dianne and Rosemary E. Ommer. 1999. *Fishing Places, Fishing People: Traditions and Issues in Canadian Small-Scale Fisheries*. Toronto: University of Toronto Press.
- Newell, D. 1993. *Tangled Webs of History: Indians and the Law in Canada's Pacific Coast Fisheries*. Toronto: University of Toronto Press.
- Ware, Reuben and M. Spring. 1981. The Indian Reserve Commission and the Upper Stalo Indian Fisheries, 1876-1890. *BC Historical News*: 14 (3).
- Ware, Reuben. 1978. *Five Issues, Five Battlegrounds: An Introduction to the History of Indian Fishing in British Columbia, 1850-1930*. 1978. Vancouver: Union of BC Indian Chiefs.

## Websites

- BC Ministry of Sustainable Resource Management, *Fish Info BC*  
<http://www.bcfisheries.gov.bc.ca/fishinv/fishinfobc.html>
- Department of Fisheries and Oceans, *Fisheries and Oceans Canada Online*  
<http://www.dfo-mpo.gc.ca/index.htm>
- Ministry of Sustainable Resource Management, Land and Resources Registries Portal  
<http://srmwww.gov.bc.ca/sstu/portal>
- UBC Fisheries Centre, *Aboriginal Fisheries Initiatives*.  
<http://www.fisheries.ubc.ca/aborig>

UBCIC Research

<http://www.ubcic.bc.ca/department/research.htm>

University of Calgary, *Our Roots: Canada's Local Histories Online*

<http://www.ourroots.ca>



# Chapter 14

## Hunting and Trapping

This chapter discusses the historical background for Indigenous hunting and trapping research and lists useful resources. Depending on your research questions, you will likely begin by investigating two related research areas: 1) your community's traditional hunting and trapping practices and 2) non-Indigenous (government) regulation of hunting and trapping in your territory. This chapter will guide you through these two research areas.

### Historical Overview

Traditionally, Indigenous People regulated hunting and trapping in our own territories according to our own beliefs and practices. This changed in the 1850s with the arrival of Europeans who imposed their laws in our territories. Government interference with Indigenous hunting and trapping began with the Douglas treaties (1850-1854), which state that Indigenous people are “at liberty to hunt over the unoccupied lands” (lands that had not been **pre-empted** by settlers) of the treaty areas. As settlement grew, Indigenous hunting and trapping areas were reduced. Soon, Canada enacted the *British North America (BNA) Act, 1867*, establishing federal authority over Indians and Indian reserves. The *BNA Act* also guaranteed provincial jurisdiction over hunting and trapping. In 1899, Canada extended Treaty 8 into BC. The written treaty states that Indian people can hunt and trap throughout the treaty lands, subject to regulation by Canada.

In the 1900s, Indigenous hunters and trappers faced increasing government interference. In 1912, BC introduced registered traplines and later required licensing of all firearms. In 1926, trapline boundaries were surveyed. Meanwhile, the provincial police were authorized to enforce hunting and trapping regulations. From 1918 until the 1930s, all provincial police constables were also game wardens. With increasing regulation and enforcement, many Indigenous people hunted and trapped “illegally.” The secretive nature of this activity creates some challenges for the researcher trying to uncover archival information during this period.

Responsibility for hunting and trapping regulation began to shift away from the provincial police when the BC Game Commission was established in 1920. In 1957, the BC Game Commission was replaced by the BC Fish and Game Branch, which later became the Fish and Wildlife Branch. This agency is now known as the Ministry of Water, Land and Air Protection, Fish and Wildlife Branch, and is still responsible for regulating hunting and trapping in BC.

## Researching Hunting and Trapping

### Traditional Hunting and Trapping

Hunting is one of many land use activities studied through land use and occupancy research -UBCIC Collection



A common method of researching traditional hunting and trapping is land use and occupancy research, which involves investigating your community's traditional hunting and trapping patterns. This includes researching cultural practices and important hunting and trapping locations in your territory. For more information on land use and occupancy research, please refer to the UBCIC-Ecotrust Canada publication, *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping*,

*Research Design, and Data Collection* (2000) by Terry Tobias. As well, you may want to consult the following chapters in this guide:

- Chapter 4: Documents lists several archival documents that may include information on hunting and trapping. Archival information about traditional hunting and trapping practices may be found in the following:
  - Hudson's Bay Company records are the best specific source of information about hunting and trapping. These records are useful for getting an idea about the types and amount of furs that were traded in a particular area at a given time. It is important to note that they do not shed much light on site-specific activities because they are essentially trading records.
  - Indian Affairs records of game law violations beginning in 1896 may provide information about traditional hunting and trapping practices. These are available in Record Group 10 (**RG 10**), at Library and Archives Canada (LAC).
  - Testimony from the Royal Commission on Indian Affairs for the Province of BC (McKenna-McBride Commission) may also be a source of community-specific hunting and trapping information.
- Chapter 6: Oral History offers detailed information about interviewing community members to find information. It is always a good idea to start your project in your community and talk to as many people as possible about the issues you are researching.
- Chapter 8: Anthropology Resources discusses the wide range of ethnographic studies and **theses** that deal with the subject of Indigenous resource use in BC. See this chapter for information on how to gain access to these materials.

- Chapter 9: Archaeology Resources outlines the process of searching for recorded archaeological sites. This chapter will help you determine if there were any archaeological excavations in the area you are researching. If there were, the records may include information on historic hunting sites or trapping routes.

## Government Regulation of Indigenous Hunting and Trapping

Government regulation of hunting and trapping is largely a provincial issue. The province asserts control over hunting and trapping in BC, whether or not a treaty exists. Thus, your best source of information is the BC Archives, which has provincial records relevant to hunting and trapping regulation in BC. These include records of the various agencies that have regulated hunting and trapping over time (several changes have occurred so records are spread across many different collections). The BC Archives also has maps showing administrative boundaries, registered traplines and guiding territories. Some departments you may want to investigate are:

- Office of the Provincial Game Warden
- BC Provincial Police Force (1913-1931)
- BC Fish & Game Branch
- BC Fish & Wildlife Branch
- BC Department of Recreation & Conservation
- BC Attorney General
- BC Game Commission

Next, you may want to look through the federal records. RG 10 is a good place to look for any information relating to Indian policy. Documents of particular interest are G.M. Sproat's 1878 *Letter Regarding Agreements between the Crown and Indians on Hunting Rights*, various files on British Columbia Game and Fisheries Laws and General Correspondence Regarding Fur Conservation and Traplines. Other relevant federal record groups include:

- Royal Canadian Mounted Police, 1863-1982 (RG 18)
- Canadian Parks Service, 1873-1986 (RG 84)

In addition to departmental records and correspondence, Indian Affairs annual reports and Sessional Papers will be of interest. See Chapter 4: Documents for information on these resources.

If the issue you are looking into is more recent, you may want to request active files from Indian and Northern Affairs Canada. Also look for documents at the following provincial government offices:

- The Attorney General of BC
- Ministry of Water, Land and Air Protection, Fish and Wildlife Branch

See Chapter 3: Resource Institutions and Chapter 4: Documents for information on gaining access to active records.

## Resources

- Abel, Kerry and Jean Friesen (Eds). 1991. *Aboriginal Resource Use in Canada: Historical and Legal Aspects*. Winnipeg: University Of Manitoba Press.
- Ball, Georgina. 1981. A History of Wildlife Management Practices in BC to 1918 (M.A. Thesis). Victoria: University of Victoria.
- British Columbia. 1975. *Survey of Native Rights as they Relate to Fish and Wildlife Protection in British Columbia*. Victoria: Department Of Recreation And Conservation. Fish And Wildlife Branch.
- British Columbia Hydro and Power Authority. 1981. *Registered Trapline Program*. Victoria: BC Hydro And Power Authority.
- Canada. 1965. *Report of Interdepartmental Committee on Game Laws and Indian Treaties*. Ottawa: Interdepartmental Committee on Game Laws and Indian Treaties.
- Davidson, D. S. 1928. *Family Hunting Territories in Northwestern North America*. New York: Museum of the American Indian, Heye Foundation.
- Hammond, Lorne. 1985. Any Ordinary Degree of System: The Columbia Department of the HBC and the Harvesting of Wildlife, 1825-1849 (M.A. Thesis). Victoria: University of Victoria.
- \_\_\_\_\_. January 1993. Marketing Wildlife: The Hudson's Bay Company and the Pacific Northwest, 1821-1849. *Forest & Conservation History*: 37: 14-25.
- Ireland, Brenda Marie. 1995. Working a Great Hardship on Us: First Nations People, the State and Fur Conservation in British Columbia before 1935 (M.A. Thesis). Vancouver: University of British Columbia.
- Paish, Howard & Associates. 1973. *Status Report on Wildlife Resources in British Columbia in Relation to the Indian People of the Province*. Ottawa: Department of Indian Affairs and Northern Development.
- Union Of BC Indian Chiefs. 1987. *Trapping & Hunting Forum: December 18, 1987*. Prince George, BC: Union of British Columbia Indian Chiefs.



# Chapter 15

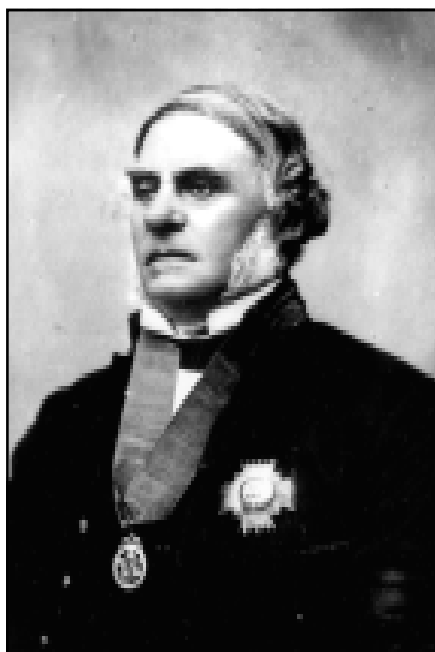
## Pre-Confederation Reserves

If your community has a pre-confederation treaty or reserve allotted by James Douglas you will want to research the policies and practices that led to its creation and, in many cases, its elimination or reduction under the Chief Commissioner of Lands and Works, Joseph Trutch. This chapter gives information on how to begin your research. It outlines an historical context for research and points out specific documents that you can use to find out if your community has a pre-confederation reserve or treaty and if it was formally recognized and included in later reserve allotments. This chapter also lists documents that will help you look for evidence of traditional land use and occupancy and track the way colonial policy was carried out in your area.

### Historical Overview

As Chief Factor of the Hudson's Bay Company, James Douglas entered into treaties with Indigenous Peoples from communities around Victoria, Nanaimo and Fort Rupert between 1850 and 1854. The 1873 Indian reserve schedule lists 14 Vancouver Island Indian reserves that had been created as part of these treaties. According to the colonial version of these treaties, the Indigenous signatories surrendered their entire territories forever in exchange for cash payments, Indian reserves and certain hunting and fishing rights. However, Indigenous oral histories indicate that these treaties were considered peace treaties that would ensure Douglas and his people no longer interfered with the Indigenous Peoples and their territories. See *The Oral History of the 1852 Saanich Douglas Treaty: A Treaty for Peace* by Janice Knighton (University of Victoria, 2004) for transcripts of oral history related to Douglas treaties and reserves in Saanich territories. The text of 13 Douglas treaties can be found in *Papers Connected with the Indian Land Question, 1850-1875* (see the full citation in Chapter 4: Documents). There is no surviving text of the Nanaimo treaty.

When Douglas became governor of the colony of British Columbia in 1858, he directed



Sir James Douglas established reserves in the pre-confederation period.  
-BC Archives  
A-01229

his colonial officials to survey and reserve lands for Indigenous people on the mainland. He established Indian reserves in the Fraser Valley, the Fraser Canyon, Kamloops, the Nicola Valley, the Okanagan, and the Shuswap Lakes areas. Douglas' treatment of Indigenous lands and resources was based upon British colonial law and policy. His policy directed that reserves should include all lands "pointed out by the Natives themselves."<sup>1</sup> This included all sites that Indigenous people indicated that they lived on or used such as permanent village sites, fishing stations, burial grounds, cultivated fields and "resorts." These sites were meant to be reserved "to the extent of several hundred acres round each village."<sup>2</sup> In the end, some Douglas reserves were never surveyed, but only staked out and sketched. In other cases there are no surviving surveys or sketches or the records have been lost. In these cases, the only surviving information is preserved in oral tradition.

In 1864 Joseph Trutch became the Chief Commissioner of Lands and Works and Surveyor General for the Colony of British Columbia. He assumed responsibility for the creation of Indian reserves. He allotted very few new reserves. In many cases he even denied that the reserves had been laid out or surveyed, despite the details of such reserves appearing in documents of the period. Trutch reversed Douglas' policy and systematically reduced many of the reserves that had already been established. These are known as "Trutch reductions" or "Trutch cut-offs." Fortunately, some scattered documents remain to verify the establishment of the earlier reserves and the authority of the officials involved.

## Researching Pre-Confederation Reserves

Pre-confederation treaty and reserve policy is set out primarily in official correspondence, instructions, directives and proclamations made during the colonial period. For some individual reserves there is a considerable amount of documentation, including detailed survey plans. For others, correspondence may suggest that a pre-confederation reserve was laid out, but there is little documentary or survey evidence to precisely quantify or locate it.

The information in this section has been divided into two parts. The first part outlines issues you will want to take into consideration when you are looking for and analysing research materials. The second part lists specific documents to review.

### Research Analysis

There are some specific issues that you will want to take into consideration when you are searching for documents and analyzing research materials.

- **Record keeping:** In the pre-confederation period record keeping was haphazard. Letters were often passed back and forth between departments. As a result, they can be hard to locate. They could be filed under the name of the author and/or under the name of the government department(s) in which he served, or in the files of the person to whom he reported. Also, important commentaries and instructions can be difficult to find, as they were often written in the margins.
- **Use of the word "reserve:"** Before Confederation, parcels of land were "reserved" for a variety of reasons. The term "reserve" was used to refer to any piece of land that was not available for **pre-emption**, sale, or grant to private individuals. This

not only included Indian reserves but also reserves for military, school, town, church or other purposes. They were often called “land reserves” or “government reserves.” In many cases the original purpose for setting aside a reserve changed. So, for example, a “town reserve” might later be called a “public reserve.” There are examples of a “government reserve” or “land reserve” turning into an “Indian reserve” or an “Indian Government Reserve.” This can be confusing if you are looking for references to Indian reserves. It is important to search for the evidence you need under all of these names.

## The Research Process

There are several components to researching pre-confederation reserves. The various documents and research issues are listed below. For additional information on these sources and where to find them see Chapter 4: Documents.

- It is always a good idea to start your research in your community. See if there are any Elders or community members who know about a Douglas reserve or treaty. For information on interviewing community members see Chapter 6: Oral History.
- The *1871 Schedule of all Indian Reserves (surveyed) in the Province of British Columbia* lists 76 reserves in BC prior to confederation and provides the text of the treaties. The schedule of reserves appears in the *Report of the Superintendent for Indian Affairs for British Columbia* for 1872 and 1873. The schedule may have information about whether your band had a Douglas reserve (either an intact Douglas reserve, a Douglas reserve that was cut off by Trutch, or a Douglas reserve that was later enlarged). Note that the title of the schedule is misleading because evidence exists that many other Indian reserves were laid out and/or surveyed but were not included in the schedule. As a result, it may only help you find one piece of the puzzle.
- *Making Native Space* by Cole Harris (Vancouver: UBC Press, 2002) contains an “Appendix of Indian Reserves in British Columbia during the Colonial Period.” This is the most complete existing list of pre-confederation reserves. It contains the information from the *1871 Schedule of all Indian Reserves (surveyed) in the Province of British Columbia* and includes additional information.
- You will also find copies of correspondence about Douglas reserves in *Papers Connected with the Indian Land Question, 1850-1875* (Victoria: Queen’s Printer, 1875). If you are researching Douglas treaties this will be a valuable resource. It includes the 1871 reserve schedule mentioned above.
- The four-part series, *Papers Relative to the Affairs of British Columbia* (London, England: George Edward Eyre and William Spottiswoode printers, 1859) is also a useful collection. It contains reproductions of the original documents; however, it does not carry the responses, observations or instructions for follow-up that various officials wrote in the margins of the original (**marginalia**).
- The BC Archives’ Colonial Correspondence collection contains original correspondence regarding Douglas’ reserve policies.
- The *Revised Statutes of BC, 1870* has pre-confederation proclamations from this period. You will also want to look at other record and manuscript groups at the BC Archives dealing with the colonial period. These include the records of the Hudson’s Bay Company, British Colonial Office, Colonial Secretary, Provincial

Secretary, Chief Commissioner of Lands and Works, Royal Engineers, Gold Commissioners, Magistrates, Government Agents and early land records, among others. Check the blue government records reference binders (numbers 3, 3A, 4, 15, 15A, 15B, 15C, 15D & 25) in the Archives reference area to identify the potential government record groups you should be checking.

- Some Colonial Office and British Privy Council Office records are available on microfilm at the UBC Koerner Library and at Library and Archives Canada (LAC). The collections will have many of the letters regarding colonial policy written by officials in England.
- *Journals of the Colonial Legislature of the Colonies of Vancouver Island and British Columbia, 1851-1887* is a useful source if you are looking for an important decisions regarding a colonial policy. The originals are available at the BC Legislative Library. There is also a published collection of documents from the *Journals* (Ed. James Hendrickson, Victoria: Provincial Archives, 1980). It is available at the BC Archives and at university libraries.
- The surveys executed by the Royal Engineers (RE) are a valuable source of evidence of Douglas reserves. Copies are available at BC Archives and the UBCIC Resource Centre. The originals, as well as the original Royal Engineers **field books**, are in the Map Vault of the BC Surveyor General Branch.
- Government Gazettes for the mainland and for Vancouver Island regularly published notices of parcels that the government had reserved from pre-emption. The notices contain numerous references to Indian reserves. While the Gazettes themselves have only a small amount of information, they may help you identify additional areas of research. For example, they include public notices of the districts in which RE survey parties were active, with advisories to pre-emptors to contact them and point out their claims for survey. This will help you determine if the surveyors visited your area. Since the surveyors regularly laid out and/or surveyed Indian reserves wherever they worked, tracking their movements helps to narrow the search for records of Indian villages, burial grounds, gardens, fishing stations and trails at a particular place. The Gazettes also published the text of legislation as it was enacted, information about road building projects, and more.
- Hudson's Bay Company, church, explorer, settler and other early records may also provide some useful information.
- Archaeological and survey evidence may be helpful to support the documentary information you find. See Chapter 9: Archaeology Resources and Chapter 10: Maps and Surveys and for information on these approaches to research.

## Notes

<sup>1</sup> Acting Colonial Secretary to Chief Commissioner of Lands and Works, 15 January 1860 in BC Archives *Colonial Correspondence* file 317(2).

<sup>2</sup> *Circular from Douglas to the Gold Commissioners and Magistrates of British Columbia*, dated October 1, 1859, in BC Archives *Colonial Correspondence* file 485 "Douglas, James (Governor) 1859."

## Resources

- Harris, Cole. 2002. *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*. Vancouver: UBC Press.
- Duff, Wilson. 1969. The Fort Victoria Treaties. *BC Studies* 3 (Fall 1969). 3-57.
- Fisher, Robin. 1975. An exercise in Futility: the Joint Commission on Indian Land in British Columbia, 1875-1880. Canadian Historical Association. *Historical Papers*: 79-94.
- Kennedy, Dorothy. 1995. *A Reference Guide to the Establishment of Indian Reserve in British Columbia 1849-1911*. Ottawa: Claims and Historical Research Centre.
- Knighton, Janice R. 2004. The Oral History of the 1852 Saanich Douglas Treaty: A Treaty for Peace (M.A. Project). Victoria: University of Victoria.
- Laing, F.W. 1939. *Colonial Farm Settlers on the Mainland of British Columbia, 1858-1871*. Victoria: N.p.
- Tennant, Paul. 1990. *Aboriginal Peoples and Politics: The Indian Land Question in BC, 1849-1989*. Vancouver: UBC Press.

## Websites

British Columbia Courthouse Library Society  
<http://www.bccls.bc.ca/>



# Chapter 16

## Reserves Held in Common, Commonages, and Grazing Reserves

This chapter provides some basic background information and lists resources for research projects relating to reserves held in common, commonages and grazing reserves. The topics are discussed together because the research process is similar in many cases, although you will encounter some distinct issues in grazing reserve research.

### Historical Overview and Key Terms

#### Reserves Held In Common

The Joint/Indian Reserve Commission (J/IRC) (1876-1878 and 1878-1910) designated certain reserves as shared reserves to be used by two or more bands. They were designed to give two or more bands access to a shared resource, such as a fishing or ranching area. These reserves were identified as “reserves held in common” in **minutes of decision** and in reserve schedules. In some cases they were incorrectly referred to as commonages in these and other documents.

#### Commonages

The J/IRC created commonages for the shared use and benefit of Indigenous and non-Indigenous peoples. These were reserved areas of land to be used generally for the purpose of grazing cattle. The policy of the J/IRC indicated that, in the event that the commonage did not work out, the land was to become reserve land for the exclusive use of the band that had rights to it. However, these commonages were alienated by the provincial government without the consent of the bands and thrown open to settlement little more than a decade after they had been allotted.

There is another type of commonage that you may encounter in the course of your research that did not include Indigenous people. These were common lands set aside for non-Indigenous settlers. Under the 1876 legislation, *An Act to provide for the better protection of Cattle Ranges*, landowners could petition the provincial government to create grazing commonages. These areas are more accurately described as grazing lands.

## Grazing Reserves

Many communities in the Interior asked for land for grazing, hay meadow and pasture. Not all of these requests were fulfilled.  
-UBCIC Collection



Many of the Interior bands that addressed the McKenna-McBride Royal Commission (1913-1916) asked for more lands for the purposes of grazing, hay meadow and pasture. As a result, the federal government purchased some meadow and grazing land from the BC government in the 1930s and designated it Indian reserve land in the 1940s. This fulfilled the request of some bands, though not all requests were met.

## Researching Reserves Held In Common, Commonages, and Grazing Reserves

Researching these different types of reserves will involve gathering a variety of government documents. When you are doing research into a reserve held in common or commonage you should clearly identify it as a shared reserve in your findings. If you are looking into the circumstances around any transactions that occurred on such a reserve, you will find that there will be relevant information in files relating to all of the bands sharing the reserve. It is important to note any references to rights specific to the land in question, such as water, fishing or timber rights, and to individual bands.

You will want to start with the Joint/Indian Reserve Commission's Minutes of Decision. These documents will provide you with information you need about the establishment of your community's reserve(s). The reserve may also be listed under each of the individual band's names on the Reserve General Register and in reserve schedules. With these and other records you will want to determine if your community ever made any requests for additional lands or made complaints or petitions on the subject.

You will need to review Indian Affairs Record Group 10 (**RG 10**) records on microfilm for any additional information. Once you have collected everything that is publicly accessible you may want to review unfiled original Indian Affairs records from LAC offices in Ottawa and Burnaby (see Chapter 3: Resource Institutions for further information). For additional information on the documents listed here see Chapter 4: Documents.

## Researching Reserves Held in Common and Commonages

### *Specific issues to consider*

- It may be impossible to uncover the complete story of what happened in this type of situation without access to another band's files. While the information in another band's files should be virtually identical, it is possible that one or more key documents exist only in one band's files.



- If the issue you are looking into is more recent you may also want to request active files from Indian and Northern Affairs Canada (INAC). Normally, you cannot review original Indian Affairs files for another band if you do not have written (and current) authorization. However, because there may be some information in another band's files relating to the band for which you are researching, you are perfectly justified in making a request for access. You should be able to review any documents in the file that make reference to the band for which you are authorized to do research. The files you request access to will be screened, and any documents that are not directly relevant to your request will be severed (removed) to protect the privacy rights of the other band.

For more specific information about commonages created for the joint use of a band and its non-Indigenous neighbors, consult RG 10 records.

## Researching Grazing Reserves

You should try to get an overview of the policies and the legislation in this area before you get too far into your research. Remember that some key colonial and provincial officials with decision-making powers were in a conflict of interest when it came to decisions about Indigenous lands, especially in cases in which they had personal or political interests in cattle-ranching.

Both Indigenous and non-Indigenous people have used, and continue to use, Crown land for cattle grazing. Therefore, your research may involve investigations into Crown land that is leased by permit for grazing or range purposes. Grazing leases may extend for as long as 21 years. You may find some helpful information in BC Lands Registers, BC Lands files, annual reports and BC Gazette notices.

There are several good general histories about cattle ranching in BC, some of which are listed at the end of this chapter. You will probably find good information on ranching activities in local histories and settlers' accounts. Interesting material can also be found among the records of livestock and stockbreeders associations. These are often accessible at local archives.

Helpful provincial resources at the BC Archives include:

- BC Land Register entries
- BC Lands files (including the General Indian Affairs file 026076)
- Ministry of Forests files (including Range Branch file 028428 concerning Indian Grazing Lands 1920-1973)
- BC Gazette notices
- Ministry of Lands and Ministry of Forests Annual Reports (in some years, there were annual grazing reports).
- For a period of time, the province had a Grazing Commissioner who was empowered to investigate grazing issues and disputes. This correspondence is spread over several record groups. Check the blue binders describing the different Government Record (GR) holdings, particularly the binders for Agriculture (13), Forests (14, 14A, 14B), Crown Lands (15, 15A, 15B, 15C, 15D) and the Department of the Interior (21).

- If the land you are investigating is within the Railway Belt, you will also want to look at any GRs at BC Archives dealing with Dominion (Interior) lands.

Useful federal resources at LAC include RG 10 (particularly Inspector of Indian Agencies files) and Department of the Interior - Timber & Grazing Branch 1873-1953 (RG 15).

## Resources

Balf, Mary. 1978. *Bunch-grass & Beef: Ranching in the Kamloops District*. Kamloops: Kamloops Museum.

Cail, R. E. 1974. *Land, Man and the Law: The Disposal of Crown Land in British Columbia, 1871-1913*. Vancouver: UBC Press.

Harris, Cole. 2002. *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*. Vancouver: UBC Press.

Laing, F.W. 1939. *Colonial Farm Settlers on the Mainland of British Columbia, 1858-1871*. Victoria: N.p.

Okanagan Tribal Council. 1986. *A Study of the Commonages*. Penticton, BC: Okanagan Tribal Council.

Weir, Thomas R. 1964. *Ranching in the Southern Interior Plateau of British Columbia*. Memoir 4. Ottawa: Canada. Department of Mines & Technical Surveys Geographical Branch

Woolliams, Nina . 1979. *Cattle Ranch: the Story of the Douglas Lake Cattle Company*. Vancouver: Douglas & McIntyre.

# Chapter 17

## Surrenders

This chapter provides information on researching the surrender of Indian reserves. It provides some basic context information for research, outlines the general research process, and lists resources to consult.

### Key Terms

Surrender is the legal process by which a community extinguishes its interest in reserve lands and disposes of the lands to governments or non-Indigenous peoples. This process is in place because a community cannot sell, lease, give away, or otherwise part with reserve lands directly. All lands must be formally surrendered to the Crown and the Crown acts on the community's behalf to negotiate the transfer. Both parties must consent to the surrender. The Crown has an obligation to deal with the land or resources in accordance with the band's instructions and interests, before, during, and after surrender. In some cases, the Crown's surrender responsibilities may include compensation.

Surrenders are regulated under the *Indian Act*. Certain procedures must be followed or the surrender may be invalid. Under the present Act, a community may either make an **absolute surrender** (sell the land outright) or a **conditional surrender** (designate the land for a particular purpose, such as a lease, or surrender it with certain terms imposed). Lands that are surrendered absolutely are no longer part of a reserve.

### Researching Surrenders

#### Important Considerations for Research

Researching the actual procedures of a surrender is only part of the job. The circumstances leading up to and surrounding a surrender, the consequences of it, and compensation are all equally important. It is therefore essential that you track the process as accurately as possible from start to finish. Thoroughly investigate any references to consultations with the community, any opposition that was expressed, any disagreements over compensation, the validity of the signatures, and any information about land valuations that may have been carried out.

### *Prior to the surrender*

The circumstances leading up to and surrounding a surrender should be documented as completely as possible. For example:

- Who proposed the surrender? For what purpose?
- To what extent did the Crown inform and advise the band about the surrender?
- Was the surrender voluntary? Was the band under any pressure to surrender the lands?
- What was to be surrendered and what was not to be included in the surrender?
- Was the surrender necessary? Did it go beyond what was necessary?
- Were there alternatives to surrender?

### *During the surrender*

- Pay close attention to the surrender procedures followed and note whether they appear to be in accordance with the *Indian Act* in effect at the time. Clearly note any apparent errors or omissions in the procedures followed.
- When and where did the surrender take place and under what conditions or circumstances? Was there any community objection to the surrender process?
- What notice did members receive of the surrender vote?
- Did anyone provide an explanation of the surrender?
- How many band members could have voted? How many did vote?
- Were all the people that agreed to the surrender members of the band and were they eligible to vote?
- Did anyone propose conditions on the surrender? Were any conditions imposed?

### *After the surrender*

- Your findings should indicate what happened to the land that was surrendered and if it was used for the purpose for which it was surrendered.
- Note whether compensation was involved, track how compensation was received and distributed and clearly note any apparent errors or omissions in the procedures followed.

## **The Research Process**

### *Talk with community members*

Elders or other community members may have information about the surrender you are researching. It is always a good idea to start your project in your community and talk to as many people as possible about the issues you are researching. Chapter 6: Oral History offers detailed information about interviewing community members.

### ***Conduct basic reserve research***

Doing some basic reserve research (if the community has not already done so) will help give you an historical overview of the reserve involved and establish the nature of the surrender and its exact date. See Chapter 5: Basic Reserve Research for help identifying the documents you need to review.

### ***Gather documents connected to the surrender***

You should check any documents connected to the surrender at your tribal council or band office or elsewhere in the community. Cross-reference them with the Indian Affairs copies to see if there are any discrepancies. See Chapter 4: Documents for information on the documents listed here.

#### **The Surrender Documents/Instruments**

- Acquire all the official Indian Affairs **instruments**, legal documents about the surrender itself. These are available through INAC's Indian Land Registry System database.
- Track down any maps, surveys or field notes relating to the surrender. Information about these documents is available in Chapter 10: Maps and Surveys.

#### **Documents about the Process Surrounding the Surrender**

- Check to see if there are any relevant archived Indian Affairs records (**RG 10** at Library and Archives Canada LAC).
- Check to see if there are any relevant active Indian Affairs records.
- You may also wish to review active or archived provincial ministry files, especially if a provincial ministry was involved in acquiring the land.
- You may also want to search for land title records to see how the status of the land is currently recorded.

#### **Documents about the Payment of Monies Connected to the Surrender**

- You may need to track the history of any interest distribution payments that were connected with the transaction you are investigating. This information may be in either the archived or active Indian Affairs records.
- You may want to investigate the payment of royalties connected to the surrender. To verify that money owed the band was actually paid, you will need to arrange for access to Indian Moneys Directorate files at the INAC headquarters office. Review the section on archival research in Chapter 3: Resource Institutions. The Indian Moneys Directorate will be able to provide you with annual statements of your band's accounts. It is a good idea to request accounting for several years

surrounding the date you believe payments were made. Reconstructing the payment path from royalty statements to band accounts can be very challenging. You may need the advice of an accountant if your initial research appears to indicate significant discrepancies.

### ***Research the required surrender procedures***

Surrenders must be carried out in accordance with the provisions of the *Indian Act* as it stands at the time of the surrender. You will want to check the version of the Act for the time period you are researching to see if the procedures that were followed to obtain the surrender met the legal requirements of that time. If not, you may have a basis to challenge the surrender. If there is any question about the validity of a surrender you may wish to have a lawyer review it.

You need to review the *Indian Act* in effect on the date that the surrender took place. For example, if the surrender occurred in 1930, then the *Indian Act* in effect at that time is the text you must refer to in order to check whether the surrender procedure was done as required. There are a number of publications that provide a history of the *Indian Act* (see the “Resources” section below for some examples). Include a copy of the relevant *Indian Act* surrender provisions in your report documents.

For some types of surrender research, such as surrenders connected to road or railroad rights-of-way, you may also need to look at other legislation besides the *Indian Act*. Some legislation delegated authority or power to expropriate lands. For more information on this topic, see Chapter 21: Rights-of-Way.

## **Resources**

Kydd, Donna L. and Shira Lee Kredentser. 1993. *Land Use on Reserves, Surrenders and Designated Lands*. Vancouver: Legal Services Society of BC. (This publication is no longer in print, check UBCIC Resource Centre or local libraries.)

Imai, Shin (Ed.). 2004. *Annotated Indian Act and Aboriginal Constitutional Provisions*. Toronto: Carswell.

Venne, Sharon Helen. 1981. *Indian Acts and Amendments 1868-1975: an indexed collection*. Saskatoon: University of Saskatchewan Native Law Centre.

# Chapter 18

## Mineral and Timber Extraction

This chapter offers some basic guidelines for research projects relating to natural resources on Indian reserves and on traditional Indigenous territories in BC. Each Indigenous community has its own unique cultural relationship with the land. However, BC's history as a resource-based economy has had significant impacts on Indigenous territories. This chapter focuses on how to research mineral extraction and timber harvesting issues. These are large areas of investigation with a range of possible goals. Some of these goals could include obtaining compensation for past injustices; opposing the current exploitation of resources; organizing against future resource extraction projects; assessing environmental damages; pressuring governments and corporations to ensure that **Aboriginal Title** and Rights are respected; and developing alternatives for Indigenous control of resources. Whatever the goal of your project, it is likely that it will include gathering information from many different sources. For tips on organizing large research projects such as the ones described here, see Chapter 2: Research Methods.

### Historical Overview: Government Administration of Minerals and Timber<sup>1</sup>

#### Minerals and Mining

In the colonial period, Governor James Douglas proclaimed Crown ownership of all gold mines and minerals. He made this proclamation first on December 29, 1857 and again on February 14, 1859. Douglas also issued several proclamations imposing rules and regulations on mining activities. The colonial and provincial governments adjusted these rules and regulations as mining technology adapted to perform larger and different types of operations. Both governments also set out conditions for mining companies and their operations. The Gold Mining Ordinance of 1867 laid out the first provisions for mining company operations and the Mineral Ordinance of 1869 allowed coal to be purchased for the first time. Mining operations generally fell into three categories: precious metals (gold and silver), base metals and coal. Each operation required different sizes and types of land holdings. The government at the time would have issued either mining certificates or special licenses, mining **pre-emptions**, or Crown grants depending on the type of mineral and nature of the mining to take place.

After BC joined **Confederation** in 1871, the provincial and Canadian governments disputed which branch of government controlled precious metals in the Railway Belt. In

1889 the Judicial Committee of the Privy Council decided the Precious Metals Case, ruling that the provincial government held jurisdiction over the Railway Belt's precious metals. In 1890, Canada passed an **order in council** stating that all minerals in the Railway Belt except coal were to be administered by provincial regulations.

In 1901, BC Premier James Dunsmuir asked Canada for permission to administer base minerals under Indian reserves and to collect half of the royalties. Canada refused. The Premier also stated that the rights to gold and silver on Indian lands belonged to the Province. However, the federal government continued to administer minerals under Indian lands.

The dispute over legal and administrative authority continued until 1943 when Canada passed the *British Columbia Indian Reserves Mineral Resources Act*. The Act sets out the terms of an agreement between the federal and BC governments on the development and administration of mineral resources on Indian reserves as defined under the *Indian Act*. The *BC Indian Reserves Mineral Resources Act* states that precious metals under Indian reserves “belong beneficially to the Crown in the right of the Province of British Columbia.”<sup>2</sup> It also states that since precious and base metals cannot be mined separately, the province should control the development of all minerals under Indian reserves, subject to provincial laws, and “upon being surrendered pursuant to the *Indian Act*”<sup>3</sup>. The Act defines “mineral” and excludes from the definition coal, petroleum, natural gas or elements that form part of the agricultural surface of the land. The Act has never been cancelled and is the only form of BC Indian mineral regulation apart from the *Indian Act*.<sup>4</sup>

## Timber

Northwest Indigenous economies have traditionally depended upon wood for many different purposes. After visiting many communities, The Joint Indian Reserve Commission (JIRC) recommended that the province grant logging privileges to Indian bands. The province ignored this recommendation. Instead, in certain situations the JIRC and the commissions that followed allotted small tracts of land as timber reserves for the use of Indians. The timber reserves gave Indigenous communities rights to cut and use the wood, but not to the land itself. Communities also were not permitted to cut and sell timber on their own reserves. Instead, they had to surrender it. The land would then go up for sale through public auction.

In the colonial period, settlers could purchase Crown grants to timber lands. The province introduced a timber licensing system beginning in 1888 and lasting until 1907. BC passed its first *Forest Act* in 1912, which created a Forest Branch within the Department of Lands. Until 1948 the Act permitted access to timber through a system of short-term cutting licenses won by auction on certain areas of Crown land.

In 1945 the Sloan Royal Commission report recommended establishing a system of **tenure** (limited time) arrangements. The province adopted this recommendation into its 1947 *Forest Act*. Through this system, the provincial Crown leased forest land under various kinds of tenures or arrangements for logging timber on provincial Crown land.

Currently, there are two main types of tenure in BC, “volume-based” and “area-based.” “Volume-based” tenures deal with licenses to harvest a specific amount (volume) of wood; “area-based” tenures deal with licenses to harvest wood on specific sections of land. Forest Licenses (volume-based) and Tree Farm Licenses (area-based) are the most common licenses granted in BC. For more information on tenures and licenses see Marchak, Aycock and Herbert's *Falldown: Forest Policy in British Columbia* (Vancouver: David Suzuki



Foundation and Ecotrust Canada, 1999). For a history of the BC tenure system and a discussion of provincial forestry policy on Indigenous communities, see Jessica Clogg “Tenure Background Paper” (Vancouver: West Coast Environmental Law, October 1999), which is available online at <http://www.wcel.org/wcelpub/1999/13015.html>.



Logging train, Merritt  
-BC Archives F-01103

## Researching Mineral and Timber Use

The research information in this chapter is divided into two sections: researching resource extraction on reserve and in traditional Indigenous territory (off reserves).

### Resource Extraction on Reserves

If you are researching the history of resource extraction on your community’s reserve lands, begin by doing some basic reserve research. See Chapter 5: Basic Reserve Research for a list of materials that may indicate what resources may have been included with your community’s reserve allotments. Be sure to review the J/IRC and Royal Commission (McKenna-McBride) **minutes of decision** for any references to timber or other resources. Also check the Colonial Correspondence index entries for “Mining” and “Timber” for information on leases, ordinances, associated activities and references to individual mining companies.

Be sure to search the **instruments** related to your reserves. Instruments provide you with specific details about the taking of any reserve land. In particular, look for the existence of any **surrenders**. Mineral and timber rights on reserves are protected under government statutes and associated regulations. A band must legally surrender its rights before any resources are removed. The *Indian Act*, *British Columbia Indian Reserves Mineral Resources Act* and *Indian Timber Regulations* each set out specific procedures that must be followed for a surrender to be legally valid. Surrenders must be carried out in accordance with the *Indian Act* provisions as it stands at the time of the surrender. The actual procedures that were followed to obtain the surrender must meet the legal requirements in force at the time. If it appears that the surrender was not properly obtained, or that the government has breached its responsibilities, your community may have the right to challenge the legality of the surrender. If there is any question about the validity of a surrender, you may wish to have a lawyer review it. See Chapter 17: Surrenders for more detailed information about this type of research.

In addition to surrenders, note the existence of other instruments such as **band council resolutions** (BCRs), orders in council, or any licenses or permits that deal with natural resources on your reserves. When reviewing archived Indian Affairs records at Library and Archives Canada (Record Group 10 or **RG 10**) and active Indian Affairs records, pay special attention to any references to discussions with the community about proposed resource extraction activity or proposed surrenders. Note any instances of community opposition, environmental reports, land appraisals, discussions about compensation or other payments. Also note any disputes about the validity of signatures on any agreements.

Once you have completed your basic reserve research, you may want to look at the Indian Minerals Inventory maintained by Indian Affairs. It is available to view on CD at the BC regional office in Vancouver. The office's website is [www.ainc-inac.gc.ca/bc](http://www.ainc-inac.gc.ca/bc), and its phone number is: 604-775-7100.

There are a number of other sources to consult depending on the nature of your project. These sources are listed in the following section dealing with researching issues throughout your traditional territory.

## Resource Extraction in Traditional Indigenous Territory

Investigating the history of resource extraction in your traditional territory is a large-scale project that can be overwhelming because of the number of materials available to review. There are particular challenges you can expect to face. First, not all extraction activity has been documented. Second, some of the documents that do include valuable information may not exist any more. Third, the records that do exist may be in private hands and therefore inaccessible. Despite these challenges, it is possible to retrieve information. It is best to start close to home and talk to people in your community. This may help narrow down the issues you are dealing with and may help define the geographic areas you want to research.

This section discusses sources for government records. However, land use and occupancy data, anthropological research and oral history may be important aspects of your investigation. For information of conducting these types of research, please see Chapters 6, 8, and 10.

The information on resources and research issues has been divided into two sections: mining issues and timber issues. See Chapter 3: Resource Institutions for information on accessing materials and Chapter 4: Documents for additional information on specific documents.

### *Mining issues*

- Hudson's Bay Company records may contain important information related to coal mining.
- BC Archives is an important source of information on historical mining leases, certificates, administrative records and maps. Check the blue binders located in the reference section. These are inventories of record groups at BC Archives, organized by subject. The blue binders labeled 6A and 6B deal with mines.
- The BC Ministry of Energy and Mines holds several types of information that may be useful to you. The Ministry has an extensive website with

many links and contacts. A full list of contact numbers and addresses is available at <http://www.em.gov.bc.ca/WhoWeAre/contactlist.htm>.

- The BC Minister of Mines Annual Reports date from 1874 and provide administrative summaries of geological and industrial activities in the province, as well as sketch maps and resource tables. They are available to download in PDF format from the Ministry's website (noted above). They are also available on **microfilm** at the Union of BC Indian Chiefs Resource Centre, major public libraries and the Ministry library (located in Victoria). The Ministry library's phone number is: 250-952-0583.
- Historical mineral and placer mining title information can be reviewed at the Mining Division's Gold Commissioner office. The Gold Commissioner offices also provide information on the status and location of existing mineral and placer titles in BC. You can also check the Gold Commissioner's correspondence for any evidence of disputes about mineral title registration. Information on coal can be obtained from the Victoria office and other information may be accessed through the appropriate regional office. The Ministry of Energy and Mines website's "Programs and Services" link lists the Gold Commissioner office locations and contact numbers.
- The BC Ministry of Energy and Mines Geological Survey Branch maintains an inventory of mineral, coal and aggregate supplies and resources in BC. All maps and reports produced by the Geological Survey Branch are available for purchase through Crown Publications at <http://www.crownpub.bc.ca>. The Branch's maps and data on coal, mineral deposits and assessment reports are also available in digital format. Contact the Ministry for more information on accessing these materials.
- The BC government maintains a mineral title system dealing with the transfer of mineral rights from the Province to private, **third party** interests. The Mineral Titles Branch administers the title recording system, which allows industry to acquire and maintain mining rights. For general inquiries contact the Titles Division at Ph: 250-952-0542. As a result of recent legislative amendments, mineral claims may now be viewed, acquired, and maintained using an online digital GIS map of BC. See the Mineral Titles Online BC website <http://www.mtonline.gov.bc.ca>
- The Ministry also hosts a Mineral Statistics website: <http://www.em.gov.bc.ca/Mining/MiningStats/default.htm>. The site provides archival maps of mineral sites available to download, as well as background reports.
- Check the Registers and Maps Vaults at the BC Surveyor General Division, Ministry of Sustainable Resource Management for information on mineral claims.
- For information about mineral rights within the Peace River Block, Railway Belt and E & N Railway Land Grant, see W.A. Taylor, *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, the Railway Belt, the Peace River Block* (Surveyor General Branch, Ministry of Environment, Lands and Parks, 1993 [Reprint]).



### *Timber issues*

- The BC Archives' blue reference binders labeled 14, 14A, and 14B deal with forestry.
- The BC Ministry of Forests Annual Reports are available in PDF format on its website. The reports begin in 1911 and continue to the present day. You should also be able to find these reports in the government documents section of university and large public libraries, as well as the BC Archives.
- Under the *BC Forest and Range Practices Act*, all companies, groups and individuals with rights to log on Crown land (tenure holders) must prepare a Forest Stewardship Plan (formerly called Forest Development Plans). These plans should be released to any member of the public free of charge by submitting a request to the Ministry of Forests (MOF). Contact the MOF district office responsible for the area you are researching. Ask them for all tenures and plans that relate to your area of concern. Tree Farm Licenses and amendments are also available in PDF format on the MOF website.

### Notes

<sup>1</sup> This discussion is drawn from the following sources:

Robert Cail, *Land, Man and the Law: The Disposal of Crown Lands in B.C. 1817-1913*; Jessica Clogg "Tenure Background Paper", West Coast Environmental Law; Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*; and M. Patricia Marchak, Scott L. Aycok and Deborah M. Herbert, *Falldown: Forest Policy in British Columbia*, David Suzuki Foundation and Ecotrust Canada. See full citations in the "Resources" section.

<sup>2</sup> *BC Indian Reserves Mineral Resources Act* 1943-1944, c.19. Source: <http://www.laws.justice.gc.ca/en/B-8.4/text.html>.

<sup>3</sup> *British Columbia Indian Reserves Mineral Resources Act*, S.C. 1943-1944, c.19. Department of Justice. Available at: <http://laws.justice.gc.ca>.

<sup>4</sup> Since 1943, the issue of mineral ownership on BC Indian reserves has been addressed by Indian Affairs. In June 1967, Department of Indian Affairs legal consultant William Worrall produced a report entitled *Study and Recommendations for Development of the Mineral Resources on Indian Reserves in British Columbia*, (the "Worrall Report"). This report was followed by another two years later, written by the Head of the Indian Minerals Section of Indian Affairs, A.B. Irwin (the "Irwin Report"). Both of these reports are available at the UBCIC Resource Centre.

## Resources

- Abel, Kerry and Jean Friesen (Eds.). 1991. *Aboriginal Resource Use in Canada: Historical and Legal Aspects*. Winnipeg: University of Manitoba Press.
- Bartlett, Richard. 1990. *Indian Reserves and Aboriginal Lands in Canada: A Homeland - A Study in Law & History*. Saskatoon: University of Saskatchewan Native Law Centre.
- Cail, R. E. 1974. *Land, Man and the Law: The Disposal of Crown Land in British Columbia, 1871-1913*. Vancouver: UBC Press.
- Hives, Christopher. 1988. *A Guide to Fishing, Forestry and Mining Records in the Special Collections Division, University of British Columbia Library*. Vancouver: UBC Press.
- Marchak, Patricia M., Scott L. Aycock and Deborah M. Herbert. 1999. *Falldown: Forest Policy in British Columbia*. Vancouver: David Suzuki Foundation and Ecotrust Canada.
- Notzke, Claudia. 1994. *Aboriginal Peoples and Natural Resources in Canada*. North York: Captus University Publications.
- Smith, Donald Myles. 1988. Title to Indian Reserves in British Columbia: a critical analysis of Order In Council 1036 (LLM Thesis). Vancouver: University of British Columbia.
- Taylor, G.W. *Mining: The History of Mining in British Columbia*. 1978. Saanichton, BC: Hancock House.
- \_\_\_\_\_. 1975. *Timber: History of the Forest Industry in British Columbia*. J.J. Douglas.
- Vaughan, Patricia Elizabeth. 1978. Co-operation and Resistance: Indian-European Relations on the Mining Frontier in British Columbia, 1835-1858 (MA Thesis). Vancouver: University of British Columbia.

## Websites

West Coast Environmental Law

<http://www.wcel.org>

1001 - 207 West Hastings Street, Vancouver, BC Canada, V6B 1H7

Ph: 604-684-7378, Toll-free in BC: 1 800 330-WCEL, Fax: 604-684-1312

Email: [admin@wcel.org](mailto:admin@wcel.org)

Ecotrust Canada

<http://www.ecotrustcan.org>

Suite 200, 1238 Homer Street, Vancouver, B.C. V6B 2Y5

Ph: 604-682-4141, Fax: 604-682-1944

Email: [info@ecotrustcan.org](mailto:info@ecotrustcan.org)



# Chapter 19

## Water, Riparian, and Foreshore Rights

This chapter provides some basic background information and lists resources for research projects relating to water, riparian and foreshore rights. The type of research you do on these subjects will be different depending on whether you are investigating reserved water rights and other rights associated with them or **Aboriginal Title** to water. As well, your research project may be straightforward or complicated, depending on whether you want basic provincial water license information or a complete history of water rights since the time of reserve allotment.

### Key Terms

#### Water Rights

**Water rights** provide the authority to use water contained in a particular body of water, such as a stream, river, groundwater system, lake or ocean. Water rights can be substantial or narrow in scope depending on the particular circumstances of each situation. They can also be precisely documented, such as in certain Reserve Commission **minutes of decision**, or they can be implied, such as reserves allocated for agricultural purposes which arguably implied a right to enough water to grow crops. In BC, water rights are managed according to a **priority of registration system**, which will be explained later in the chapter.

#### Riparian Rights

**Riparian rights** are rights to water that occur as a natural result of rights to specific areas of land. They are the rights that belong to those who live on the shore of a river, lake or ocean *because* they live there. They include limited rights to use the water and rights to the water in its natural state, in the ordinary amount and quality of the flow. They include the authority to use the bank of a watercourse (such as a river, lake or stream) as well as the waterbed. Riparian rights usually include access to and from the water, protection of the property from erosion, and rights to certain uses of water, such as drinking and other domestic purposes. Riparian rights are recognized by **common law** (based on long-standing practices and case law) rather than by **statute** (a written Act of Parliament), although in certain situations the common law principle can come into conflict with specific statutes.

## Foreshore Rights

**Foreshore rights** are also concerned with rights to part of the waterbed and can include issues of access (such as to beachfront) and may include rights to harvest beach resources, such as shellfish. Foreshore rights deal with rights to waterbeds between high and low watermarks (tides), in the area called the “intertidal zone.”

## Historical Overview

Before BC’s entry into Confederation in 1871, the allotment of Indian reserves often mentioned water provisions. In the 1870s the Joint/Indian Reserve Commission (J/IRC) began allotting and adjusting Indian reserves throughout the province. The Commissioners were not given any specific instructions regarding the allotment of water rights. However, they often allotted water along with reserve land, especially in the Interior where access to water was crucial. The Commissioners often specified the amounts of water that could be used, measured in **miner’s inches** (flows of water through a cut hole per minute). They also specified the source, for example, which creek, river or stream from which the water could be drawn. The British Columbia government rejected the J/IRC’s allotments, and they continually asserted that the Indian Reserve Commissioners did not have the power to allocate water rights on reserves.

In 1884 the BC government passed the *Land Act, 1884*, which made no provision for the allotment of water on Indian reserves. The government amended the Act in 1888 and included a provision for the recording of water rights for Indians in the province.

In 1909 the BC government passed the *Water Act* which created a Board of Investigation to review all existing water rights and order the issue of water licenses. The Department of Indian Affairs appointed agents to represent the Indians at Board meetings.

On June 1, 1912, the Dominion government passed the *Railway Belt Water Act*, transferring part of the administration of waters in the Railway Belt to the province. It was amended the following year, confirming the water allotments made by the Indian Reserve Commissioners in the Railway Belt.

The BC government addressed the issue of Indian water rights with the 1921 *Water Claims Act*. Under the Act the province agreed to consider a number of water rights on reserve as set out in lists submitted to the province in the 1880s by local Indian agents. The province later



Irrigation  
flume,  
Kamloops  
-BC Archives  
F-08001



incorporated the lists into a licensing process. This licensing process also considered the status of existing licenses, water availability and water usage when issuing water licenses. The Water Rights Board of Investigation made the final decision regarding reserve water licenses. The water allotments under these licenses were considerably smaller than those granted by the Indian Reserve Commission. Since that time water rights on Indian reserves have continued to be administered by the province.


For a more comprehensive treatment of these events, please see the Union of BC Indian Chiefs' 1991 publication *Indian Water Rights in British Columbia*. It is available at the UBCIC Resource Centre.

## Researching Water Rights

### History of Water Allotments

The documents and records in this section may provide some useful background about the history of your community's water rights. However, there is limited documentation on Indian water rights until 1921. This is because the provincial government controlled water licensing and it did not acknowledge any Indigenous community's right to water until the 1921 *Water Claims Act*. See Chapter 4: Documents for more information on the documents listed here and Chapter 3: Resource Institutions for relevant contact information.

- In the late 1990s, the province published a series of reports titled *First Nations Water Rights in British Columbia*, in which they identified some 135 bands in BC holding water rights records. If such a report has been completed for your band, this may provide useful information. One note of caution: you must double check the material contained in the reports against other sources, as it has been known to contain errors. The reports are available through the provincial Water Management Branch (Land and Water BC Inc.) These reports are also available at the UBCIC Resource Centre.
- To get a complete history of your band's water rights, you will need to establish the facts around the early history of reserve water allotments. Begin by looking at the materials outlined in Chapter 5: Basic Reserve Research. There you will find a list of documents to review. You will want to devote special attention to the J/IRC Minutes of Decision for your band's reserves. This is where you will find the Commissioners' water allocation, if one was made. You may also want to review correspondence and reports of the J/IRC for additional information regarding a particular allotment.
- It may also be important to review the reserve allotments themselves, particularly if your reserve borders a waterway. Look for any material that discusses the intended reserve boundary: was it the shoreline or the middle of a river or stream? As well, consider the practical circumstances that may have affected water allotments. For instance, if a certain amount of water was allotted, was it easy to access and use? Was the allotment meant for a special purpose? How would not having the rights to water have affected the lives of band members? Is there anything now that is

- 
- preventing your community from accessing these rights?
  - Even if the J/IRC did not allot water to your community at the time of the original reserve allotments, the Indian agents may have done so at a later date. The lists produced by Indian agents in the 1880s and 1890s can be found in **RG 10** records at Library and Archives Canada (LAC). RG 10 Finding Aid 10-52 is particularly useful as it indicates a series of files that contain the Indian agent lists.
  - Check the Indian Affairs 1913 reserve schedule as it lists existing water records on BC Indian reserves. Also, check the 1916 Royal Commission (McKenna-McBride) Final Reports to note any changes to water allotments.
  - For a record of the provincial Water Rights Board of Investigation's decisions and orders regarding Indian reserves, contact the Water Management Branch of Land and Water BC Inc. Call ahead to make an appointment to view the documents related to your reserves.
  - You may also review archived land and water records at the BC Archives. Of particular note is the Archives' inventory of Records Relating to Water Rights in British Columbia, located in the BC Archives reference area. This provides an overview of how the province has administered water issues over time and a detailed listing of the many different government record groups within BC Archives dealing with water rights (including GRs 0884, 0972, 1086 and 1443, among others). BC Archives also has a number of water rights plans that would also be useful for this type of research.
  - For information about water rights within the Esquimalt and Nanaimo Railway Land Grant and details about ownership of beds of non-navigable water in the Peace River Block and Railway Belt, see W.A. Taylor, *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, the Railway Belt, the Peace River Block* (Surveyor General Branch, Ministry of Environment, Lands and Parks, 1993 [reprint]). It is available at the UBCIC Resource Centre.

## Water Licenses and the Priority of Registration System

The provincial government is responsible for issuing water licenses, which convey certain water rights to license holders. Water licenses are issued for many purposes such as irrigation, waterworks and providing water for livestock. The Water Management Branch of Land and Water BC Inc. also generates license reports. These reports indicate the amount of water each band is authorized to use and the priority date of the water license. For instance, a license with a priority date of January 24, 1969 has a prior right to water over a license with the priority date of June 1972. The next in line has second right and so on. This first right is crucial if there is a water shortage, as the party with the earliest priority date has its access to the available water protected by law. For this reason it is very important for you to note all licenses held by the band along with the priority date and amount of water licensed. Include this information for all other licenses on a particular water source so that you know how your band's priority date and water allocation compares to others.

The Water Management Branch of Land and Water BC Inc. is your best resource if you want to investigate the record of your provincially assigned water licenses. The Water Management Branch has a database that will provide you with information regarding your band's current and expired water licenses. This database can also supply you with file reference numbers for your band's water licenses. You can use these reference numbers to investigate the official correspondence relating to your license. The database can be accessed on the Internet at <http://srmwww.gov.bc.ca/sstu/portal>. Click on the "water rights" link and then "water license query."

You can also review Water Management Branch files relating to licenses allotted in the 1920s. In fact, any Indian band water license with a priority date in the 1880s or 1890s is likely based on a J/IRC allotment, and so is worth checking. The Branch can also supply you with data regarding all other licenses held on water sources of interest to you.

Some Water Management Branch record searches can be done using the Internet; other searches may have to be done by Water Management Branch staff. Note that the Water Management Branch charges a fee for database searches, copies and file access. While you can access water licenses online, you will have to contact the Branch directly for any correspondence in relation to a particular license.

## Researching Riparian and Foreshore Rights

Because riparian and foreshore rights exist in common law rather than as rights protected by statute, they may be explicitly limited by legislation. This is the case in British Columbia, where the Province owns nearly all the freshwater and saltwater foreshore. Furthermore, riparian and foreshore rights are the subject of a great deal of legal debate. So, although riparian and foreshore rights are clear under common law they are by no means clear in practice in the province of British Columbia. The BC government does not recognize Indigenous community ownership or right to the foreshore.

From a research perspective, your task should be to identify and document the area of land and the body of water in question. A basic history of the reserve, including a good selection of maps is essential. Some BC Department of Lands GRs at BC Archives have information on foreshore leases. Contact Land and Water BC Inc. for any recent information on foreshore leases.

As well as basic reserve research, traditional use research of foreshore areas could be helpful to press for recognition and protection of foreshore/riparian rights. Please see Chapter 10: Maps and Surveys and Chapter 6: Oral History for further information. You may want to consider consulting legal counsel for an analysis of current case law in this area.

## Resources

Bartlett, Richard H. 1988. *Aboriginal Water Rights in Canada: a Study of Aboriginal Title to Water and Indian Water Rights*. Calgary: Canadian Institute of Resources Law.

Barton, Barry. 1985. Water Resources and Native Peoples. Conference Paper: Canadian Waters: the State of the Resource. Calgary, AB. (Available at the UBCIC Resource Centre).

British Columbia. Ministry of Lands, Parks & Housing. July 1984, Revised 1995. *Riparian and Public Foreshore Use In the Administration of Aquatic Crown Land*. Occasional Paper No. 5. Victoria: Ministry of Environment, Lands and Parks

Cail, Robert. E. 1974. *Land, Man and the Law: The Disposal of Crown Land in British Columbia, 1871-1913*. Vancouver: UBC Press.

Doran, Janis. *History of Water Rights on Indian Reserves in British Columbia (Circa 1850-1930)*. 1982. Ottawa: Department of Indian Affairs and Northern Development.

Smith, Donald M. 1985. *Water Rights on Indian Reserves in British Columbia*. Ottawa: Department of Indian Affairs and Northern Development.

Starr, Vina. 1985. *Indian Title to Foreshore on Coastal reserves in British Columbia*. Ottawa: Department of Indian Affairs and Northern Development.

Tyler, Kenneth J. 1982. *Indian Resources and Water Rights*. Canada Land Survey Record: .4.

Wuerscher, Rose Boyko. 1982. *Title to the Water Bed: The Legal History of the Ad Medium Filum Aque Rule*. Ottawa: Department of Indian Affairs and Northern Development.

Union of BC Indian Chiefs. 1991. *Indian Water Rights in BC*. Vancouver: Union of BC Indian Chiefs.

## Websites

BC Ministry of Sustainable Resource Management, Land and Registry Portal  
<http://srmwww.gov.bc.ca/sstu/portal>

# Chapter 20

## Accretions and Erosions

Forces of nature and human activity have altered the waterways surrounding reserves since the time of original reserve allotment. Some examples of events that have had a significant effect on waterways around reserves are: normal sediment transfer, seasonal flooding, dyking, irrigation works, and fluctuating water levels caused by logging or hydro-electric installation activities. In some cases, Indigenous Peoples have been forcibly removed from our



Accretion and erosion are complicated natural processes that can affect reserves  
-Wade Grant 2005

reserves as a result of changes in water levels or the course of waterways caused by one or more of these problems. This chapter will help you research any changes to the waterways around your reserves. It discusses the two important issues of accretion and erosion, and lists resources to consult. **Accretion** is an increase in landmass, such as an increase to land adjacent to a body of water. **Erosion** is a decrease in such landmass.

### Researching an Accretion or Erosion

There are several different issues to look into if you are researching an accretion or erosion. These include:

- Determining what caused the change and if any actions elsewhere caused or contributed to it. You will want focus your attention on examining events nearby, such as upstream if it is a river or stream.
- The scale and nature of the change (i.e. if damage was caused, how much).
- The rate of the change (i.e. if the accretion was a gradual and barely noticeable addition to land through natural causes and if your community is able to live with it).

The steps for researching these issues areas are listed below. For more information on the documents listed here see Chapter 4: Documents. You may also want to refer to Chapter

19: Water, Riparian and Foreshore Rights. If you are researching accretion you should know that whatever the cause, an accretion to reserve land does not mean the automatic inclusion and incorporation of the new, accreted parcel to the existing reserve. The community will have to take special measures to get accreted land added to its reserve land base.

### *Collecting documents and other evidence*

If you are looking into a potential accretion or erosion issue, and the accretion or erosion is adjacent to reserve land, investigate the history of the issue, paying special attention to maps, surveys and aerial photos over time.

- Collect historic and contemporary maps, surveys, and aerial photos. See Chapter 10: Maps and Surveys for more information.
- It may be appropriate to obtain oral testimony from community members who have witnessed the effects of the erosion or accretion.
- Check to see if there are any relevant archived Indian Affairs records. These records will be in Record Group 10 (**RG 10**) at the Library and Archives Canada (LAC).
- Check to see if there are any relevant active Indian Affairs records.
- You may also wish to review active or archived BC Ministry of Lands files at the BC Archives or the BC Surveyor General Division.
- You may find information in provincial Department of Public Works records or municipal records at the BC Archives.
- If you are investigating logging, mining or hydroelectric development, you probably will have to consult relevant corporate records, if they are available.

You may also want to consult the following chapters in this manual for help conducting your research:

- Chapter 6: Oral History offers detailed information about interviewing community members. There is a good chance that Elders or other community members might have some of the answers you are looking for. It is always a good idea to start your project in your community and talk to as many people as possible about the issues you are researching.
- Chapter 8: Anthropology Resources discusses studies and theses that deal with the subject of Indigenous land use and occupancy patterns in BC. See this chapter for information on how to gain access to materials that may include information about land use and occupancy. See also the UBCIC-Ecotrust Canada publication, *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design, and Data Collection* (2000) by Terry Tobias.
- Chapter 9: Archaeology Resources outlines how to locate studies of recorded archaeological sites. It is a good idea to check to see if the erosion caused any damage to archaeological sites in your territory.

### *Examining documents*

Carefully compare the documentary record that you compile against historic maps, surveys and air photos. Look for photographs that clearly show the effects of the erosion or accretion. It will be critical to establish when and why the erosion or accretion began.

You should also establish when Indian Affairs learned of the problem and what measures, if any, were taken. For erosions, you will also want to accumulate evidence of how the eroded land had been used historically, and what the loss of this land has meant.

### ***Obtaining a technical assessment (if necessary)***

Much of the information you gather for this kind of research project will be highly technical in nature. Once you have uncovered the basic documentary and cartographic (map) history of what happened, you may need an expert technical assessment, either to supplement your research or to help lay out options for proceeding. This could involve a **hydrologist** (an expert on the movement of water in relation to land), a **photogrammetrist** (an expert in interpreting the forestry data from aerial photos) or some type of soil or vegetation specialist, among others.

If a decision is made to obtain expert technical help you should look around carefully. Ask for referrals at a university geography department, your tribal council, or other Indigenous communities in your area. Erosion issues usually affect an entire region so your neighbouring communities may already have had some technical work done and they may be in a position to recommend (or advise against) a particular expert. Try to get several recommendations, then arrange at least one exploratory discussion with all potential consultants (at no charge to you) to help determine if the individual in question is appropriate for the specific job you have in mind. Expert technical help is expensive so it is highly recommended that you take the time to find the most qualified and helpful candidates available.







# Chapter 2 |

## Rights-of-Way

This chapter describes some of the key issues related to rights-of-way research projects. A **right-of-way**, or **easement**, is a legal right to access and use someone else's land. Roads, railways, utility (hydro-electric, telephone and telegraph) lines and pipelines are some of the more common rights-of-way that crisscross British Columbia. Rights-of-way are usually granted to governments, Crown corporations, private companies, or individuals in exchange for compensation. The *Indian Act* sets out the terms under which Indian bands must be consulted and compensated before a right-of-way crosses Indian reserve land. In British Columbia, however, Order-in-Council (OIC) 1036 allows a certain percentage of reserve land to be taken for a public works right-of-way without compensation to the band.

While the basic research paths for all rights-of-way issues are similar, each type of project will lead you to investigate additional resources particular to the type of right-of-way in question. Regardless of specific details of your project, you will likely be dealing with a large volume of archival and active records. We suggest reviewing Chapter 2: Research Methods before you begin your research.

### Historical Overview

In 1938, OIC 1036 formally transferred ownership of Indian reserves from the Province of British Columbia to Canada (with the exception of Railway Belt and Peace River Block lands, which had been conveyed in 1930). The Province retained ownership of all existing roads in BC, including those on Indian reserves. The Province also reserved the right to take up to five percent of reserve lands for public works without compensation to the band, as long as there were no buildings, fences or gardens present on the land taken. OIC 1036 also provided that the Province may take “any gravel, sand, stone, lime, timber or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.”<sup>1</sup> See Chapter 4: Documents for more information about OIC 1036 and the Railway Belt/Peace River Block lands.

### Researching Rights of Way

Researching right-of-way issues on-reserve usually requires looking at three questions:

1. Was the right-of-way acquired lawfully and fair compensation paid?
2. Were there any negative impacts as a result of the right-of-way and have these impacts been satisfactorily addressed?

3. Has the right-of-way continued to be used lawfully, only for purposes that were authorized at the time the right-of-way was taken?

These topics are discussed below. You may require legal input into the research plan when investigating these issues since the statutes, regulations, and case law governing the taking of reserve land for different right-of-way purposes will vary and can often be quite complex.

## Acquisition of the Right-of-Way

A key research issue is whether or not the band gave its full and informed consent prior to the right-of-way taking. It is also important to determine whether the band's consent was obtained in the manner set out by relevant statutes, such as the *Indian Act*. If so, were the regulations properly followed?

If consent was given “conditionally,” whether through a **surrender** or a **band council resolution** (BCR), did the federal government, company and/or individual claiming rights to the right-of-way fulfill those conditions? Such conditions could have included compensation to be paid at a specified rate, compensation for specific community purposes, installation of safety features, or maintenance or use agreements.

Another key research issue is whether or not sufficient compensation was paid to the band collectively, as well as to individual band members for any improvements to reserve lands that were damaged or destroyed by right-of-way construction. If so, how were compensation payments calculated? Were they calculated according to a flat rate formula or was there an independent valuation of the specific right-of-way parcel?

Another important issue is whether or not the amount of land taken for the right-of-way was greater than that allowed by law. For example, the *British Columbia Railway Act, 1890* allows a maximum right-of-way width of 30 yards (90 feet) for expropriations, while the federal *Consolidated Railway Act, 1899* allows a maximum right-of-way width of 33 yards (99 feet) for such takings. The maximum width and length of expropriated railway station grounds were also prescribed by provincial and federal statute.

It is also important to note whether or not the location of the constructed right-of-way matched the preliminary and final survey plans approved by the Surveyor General of Canada, the Governor-in-Council and Indian Affairs. A related issue is whether or not a proper survey was undertaken before construction began and whether procedural requirements from Indian Affairs and the Surveyor General were met.

## Negative Impacts as a Result of Rights-of-Way

This area of research may require you to investigate impacts at the time of right-of-way construction, such as damages to gardens or the destruction of sacred sites, or impacts over a longer period of time. Examples of long-term negative impacts include:

- **Safety.** Were satisfactory safety provisions carried out as mandated by any relevant statutes and/or as a condition of a surrender or band council resolution?
- **Severance.** Did the location of the right-of-way cut off one part of the reserve from the rest and make it difficult for band members to use the

parcels for economic or social purposes? Was the economic and social “value” of the parcels reduced as a direct result? If so, was the band compensated for losses resulting from severance? Were efforts made to reduce these losses?

- Access. Did the construction and/or location of the right-of-way deny band members access to important fishing sites, hunting grounds, sacred sites, berry-picking areas or other important sites? Were any sites actually destroyed by construction related to the right-of-way, such as construction of roads or railways? If so, was the band compensated for economic and social losses resulting from denial of access? Were efforts made to reduce losses?
- Environmental Impacts. Did construction of the right-of-way and/or any operations as a result of the right-of-way negatively impact fish, wildlife, water, air quality noise or vegetation? If so, what were the consequences to the band in terms of erosion or accretion of the land base, community health, traditional pursuits, economic activity, and quality of life? Were efforts made to lessen environmental impacts? Was the band compensated for losses?

## Lawful Use of Rights-of-Way

Research into this issue looks at whether at some point a right-of-way on reserve ceased to be used exclusively for the purposes for which it was authorized. Try to document that after a certain date the right-of-way was no longer used for what it was intended. You will need to examine carefully all instruments that claim to authorize the right-of-way taking(s) in order to determine the explicit “purpose” for the transaction(s) at issue. These instruments can include surrenders, BCRs, OICs, and **letters patent**.

The key research issue in determining whether the right-of-way has been “used lawfully” is the specific language in the authorizing instruments. Do they state that the right-of-way taking is for “public works purposes” or, more narrowly, that the taking is for an exclusive purpose, such as “railway purposes”? Note whether or not all the instruments are consistent in their stated purpose for the right-of-way.

## Research Guidelines

When researching rights-of-way, begin by talking to members of the community. They can help you identify the location of the right-of-way and determine how it is being used. Community members and band employees can also help identify any outstanding concerns such as safety, access or environmental impacts. You may want to discuss the possibility of undertaking an oral history project to identify long-range impacts. In such cases, researchers will have to work backwards from the effects to try and establish linkages to particular aspects of right-of-way construction or use.

When beginning your documentary research, note the current location of the easement in question and its relationship to the current reserve boundaries. This can be done on site and also by looking at Registry Index Plans available at the Legal Surveys Division of Natural Resources Canada (NRCan) (available on site and on the NRCan website). They

can help you get an overview of what rights-of-way cross your reserve.

Next, it will be important to do some basic reserve research as outlined in Chapter 5. This will give you a good idea of your community's reserve land, and will provide details about where, when, and how existing rights-of-way were approved and constructed through your reserve. As you examine the early information about your reserve, the following tips may be useful depending on the nature of your project:

- The Joint/ Indian Reserve Commission (J/IRC) often mentioned the existence of trails and access routes in its correspondence and **minutes of decision**.
- The sketch maps accompanying the J/IRC minutes of decision may indicate the presence of village sites, trails, gravesites or “improved” areas such as gardens.
- Early surveys and field notes will often document the existence and location of trails, government or wagon roads, rail lines, gardens and gravesites.
- The Royal Commission (McKenna-McBride) Final Reports include supplementary tables (“Table A”) at the end of each volume that document access routes across specific reserves. Archived Indian Affairs records (**RG 10**) also contain correspondence between the commissioners and Indian Agents about “facilities of access.” The Royal Commission hearing transcripts may also contain testimony about existing rail lines, government roads, private roads used by industry, ferry crossings, trails, gardens and gravesites.
- Reserve schedules often list acreages taken from reserves for right-of-way purposes.

Record the existence of any **instruments** dealing with rights-of-way across your reserves. Instruments provide you with specific details about the taking of reserve land for each right-of-way or easement on your reserve, whether for roads, railways, canals or utility lines. The instruments you will be looking for can take different forms. They may be band council resolutions (BCRs) authorizing the right-of-way. They may be orders in council, which give legal effect to the right-of-way. Or if you are researching utility rights-of-way, you may be looking at permits granted under the *Indian Act* for rights to use reserve lands for defined periods of time. Relevant instruments will be listed in the Reserve General Abstract Reports. Electronic copies of instruments can be viewed and printed through the Indian Lands Registry System (ILRS) website, an INAC database of instruments relating to reserve lands. See Chapter 4: Documents for information on how to gain access to instruments and the ILRS database.

You should track the right-of-way transaction from the initial proposal and correspondence through to the signing of the appropriate instrument. This allows you to compare the expressed needs and wishes of your community with the requirements and conditions set out in the instruments. Much of this information will be found in RG 10 records and active Indian Affairs records ordered from INAC. You may find a lot of early correspondence or hardly any, depending on your community. Whatever you do find, always note any evidence of consultation and negotiation with the community. If there appears to be a lack of consultation, note this as well. Also note any changes in reserve acreage over time. There should always be an explanation for discrepancies in reserve acreage, missing instruments, or failure to consult or compensate the band. Record any evidence of negative

impacts as a result of the right-of-way or related construction. See Chapter 4: Documents for information on accessing these records.

Surveys and field notes are particularly important for researching right-of-way issues because they indicate exactly where on the reserve each right-of-way is located, the right-of-way dimensions, and what lies around it. You will probably refer to survey plans quite often throughout your research, so keep them handy by downloading and saving electronic copies from the Legal Surveys Division of NRCan website or by ordering hard copies from their Vancouver office. Field books are also available in both formats. See Chapter 10: Maps and Surveys for more information about accessing these documents.

As you go through the basic reserve survey plans and field notes, again, look for any indication of village, fishing or burial sites, “Indian trails,” cultivated areas such as gardens, or Indian ditches, fences or buildings. It is important to note these sites in case they are destroyed or access to them is later blocked by a right-of-way. Also note the existence of other trails or roads, their names if they have them, their width and route as recorded by the mapmakers and surveyors. Remember to compare survey plans with one another. Note any changes to routes, alignments, dimensions of the right-of-way itself or lands that border the right-of-way. Note any instances of “piggy-backing” utility lines inside other rights-of-way (e.g. putting a hydro or telephone line within a right-of-way authorized for a public road). When looking at more recent survey plans, you may come across some notations and symbols that are hard to decipher. The NRCan website provides a glossary that explains the symbols. It can be found on their website by going to the Legal Surveys Division homepage and following the links for “Survey Instructions” and clicking on “Appendix E1.”

After searching RG 10 records, you may want to look at the following federal government records at LAC, particularly if your reserve is within the Railway Belt or the Peace River Block:

- Department of Public Works (RG 11)
- Department of Transport (RG 12)
- Department of the Interior (RG 15)
- Canadian National Railways (RG 30)
- Department of Railways and Canals (RG 43)

To find out whether your reserve is in the Railway Belt, check the 1892 List of Reserves within the Railway Belt and the 1930 reserve schedule. More information about these sources is listed at the end of this chapter.

Once you have searched the federal records, it may be worthwhile to look through provincial government records. The early Department of Public Works Annual Reports (and later Ministry of Highways Annual Reports) can provide you with information on expenditures on public projects such as road and ferry maintenance and construction, name changes to public roads over time and general reports about the status of larger public works projects. They are organized by provincial electoral district and run from 1873 onward. The reports can be found at the UBC Main Library and Special Collections as well as the BC Archives. The BC Archives also has the records of the following government departments:

- BC Department of Lands and Works
- BC Ministry of Transportation
- BC Department of Public Works
- BC Railway Department
- BC Public Utilities Commission

If you are researching road or waterway rights-of-way, it will be important to look at

the BC Ministry of Transportation (MOT) records. Here you will find early reports by public engineers, diagrams and maps, internal memos, and any correspondence between MOT and Indian Affairs. MOT will often have completed its own surveys and reports. It is important to cross-reference this material with the RG 10 documents and the active INAC records, as well as the Canada Lands Survey Records (official survey plans) at NRCan. Keep an eye out for anything that seems out of place and note any errors or oversights that may have occurred.

To access these materials, you will need to submit a written request under BC's *Freedom of Information Act* (see Chapter 3: Resource Institutions for more information). In your request you must identify your band, the easements in question, and the reserves relevant to your research. The Ministry charges fees for time spent searching for documents and for photocopying but they cannot charge you for time spent removing personal or privileged information from files. If the volume of material to be sent is large, MOT will forward it to you as files are copied. This can take six months or longer for a large group of files, so you may want to review the files as you receive them. MOT will notify you in writing when it has completed your request. The volume of material may seem overwhelming and it is important to be as organized as possible.

If researching a right-of-way granted to a Crown corporation or private company, you will also want to access any relevant records. In the case of Crown corporations, many older records may be stored at LAC or BC Archives.

Because the volume of material required for rights-of-way research is often large, identifying and labeling useful documents is especially important. You do not want to go through a thousand pages of material in search of that crucial letter you saw a week ago last Monday! It is a good idea to create a searchable database that will help you organize, locate and reference important documents. See Chapter 2: Research Methods for more information on document management. This will allow you to find documents easily as you work through your research project and it will help others locate the important documents that you cite in your research findings.

## Researching Road Rights-of-Way

When conducting road rights-of-way research in BC you need to be aware of some issues unique to roads. First, the 1911 *Highway Reclamation Act* allowed the provincial government to take any land in BC, regardless of ownership, for road construction without notice, consent or compensation to the owner. The only lands exempt from "reclamation" were those that had been cultivated or built upon. The BC government then claimed ownership of all public roads in the province and declared them to be 66 feet wide. When Indian reserves were transferred to Canada under Order-in-Council (OIC) 1036, they became exempt from reclamation, though all existing public roads on reserves remained in the hands of the provincial government.

Since 1938, the BC government has used OIC 1036 and the *BC Highways Act* to claim ownership of all public roads on Indian reserves. Under OIC 1036, the province can claim ownership if the road existed before 1938, or if the road was built after 1938 but (combined with all other existing rights-of-way) takes up less than five percent of the reserve land. Any adjustments to the road as it existed in 1938, or granting of rights-of-way in excess of five

percent of the reserve's land base, require band consultation and compensation. Therefore, it is important in your research to establish whether a public road on reserve was built before or after 1938.

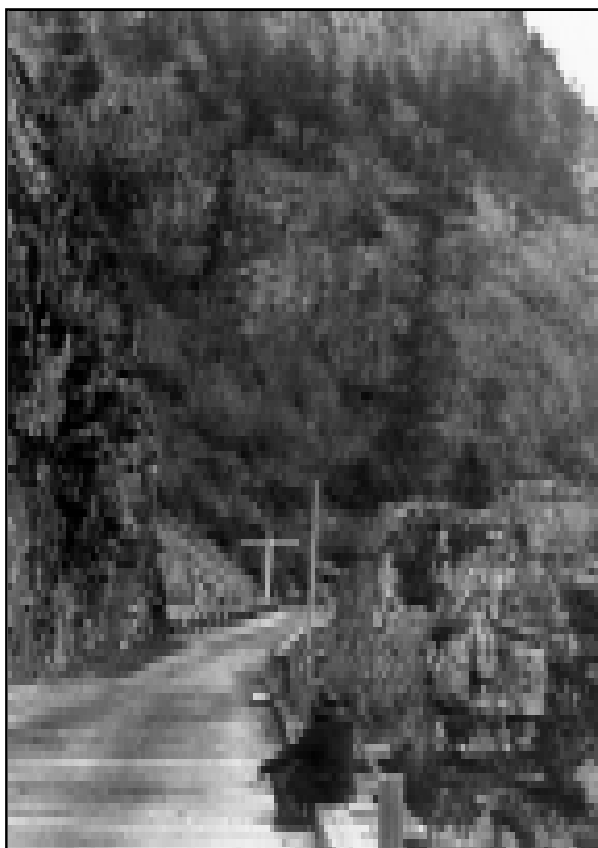
In addition to OIC 1036, the *BC Highways Act* allows the provincial government to claim ownership of all roads that they have regularly maintained and repaired. Keep in mind that regular maintenance and repair of a road does not necessarily mean it was constructed legally or appropriately. Nevertheless, investigating road maintenance records can be a crucial part of your road right-of-way research.

You should note in your research any claims the province may be asserting on the roads in question, and then you may wish to verify the validity of these claims. Your first step is to find out when the road was established. Be sure to check the reference plans at NRCan that show the location of all known roads on Indian reserves in BC in 1938.

If the road was established before 1938, you should track any adjustments made since that date. Begin by comparing the width of the road as recorded in survey plans with the widths set out in BC Gazette notices, BCRs, and orders in council. Also pay attention to the exact route of the road. Has it changed over time? If the road was widened or its route altered, see if the band was consulted and compensated before the work proceeded. Any acreage that was not included in the pre-1938 right-of-way should be treated as a “new” taking requiring band consultation and compensation.

If the entire road was built after 1938, you should find out whether the right-of-way exceeded five percent of the reserve. If so, note whether the band was consulted and compensated before the road was constructed. Again, if the road was widened or moved since the original construction, see if the band was consulted and compensated before this work proceeded.

If the provincial government claims the road through regular maintenance and repair, you can verify the claim by consulting Department of Public Works (and later Department/Ministry of Highways) annual reports. Again, these reports have detailed information regarding roadwork done in the province since 1873. Additional materials on provincial road maintenance are available through MOT and, occasionally, can be found in RG10 files. Once you have combined the MOT documents with your basic reserve research, you will be well prepared to present the full history of road rights-of-way across your reserves.



Wagon road  
along the  
Fraser River  
near Yale.  
-BC Archives  
D-04718

## Notes

<sup>1</sup> British Columbia Provincial Order-in-Council 1036. Victoria: Executive Council, Province of British Columbia. 1938 July 29.

## Resources

Cail, Robert E. 1974. *Land, Man and the Law: The Disposal of Crown Lands in British Columbia, 1871-1913*. Vancouver: UBC Press.

Harvey, R.G. 1999. *Carving the Western Path by River, Rail, and Road Through Central and Northern British Columbia*. Surrey, BC: Heritage House.

\_\_\_\_\_. 1994. *The Coast Connection: A History of the Building of Trails and Roads Between British Columbia's Interior and its Lower Mainland from the Cariboo Road to the Coquiballa Highway*. Lantzville, BC: Oolichan Books.

Meyer, Ron H. 1993. *Railroading in British Columbia: A Bibliography*. Vancouver: Canadian Railroad Historical Association, Pacific Coast Division.

Smith, Donald Myles. 1988. Title to Indian Reserves in British Columbia: A Critical Analysis of Order in Council 1036 (L.L.M. Thesis). Vancouver: University of British Columbia.

Taylor, Geoffrey W. 1982. *Builders of British Columbia: An Industrial History*. Victoria: Morris Publishing.

Taylor, W.A. 1991. *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, the Railway Belt and the Peace River Block*. Victoria: Ministry Of Environment, Lands And Parks.



# Chapter 22

## Treaty Land Entitlement

This chapter introduces some basic principles involved in Treaty Land Entitlement research in BC. It identifies the Indigenous communities that signed Treaty 8 and lists some technical points to consider and resources to consult.

### Key Terms

**Treaty Land Entitlement (TLE)** is a government term that refers to a specific claim made by those Indigenous communities that have not received the full amount of reserve land they were entitled to under their treaty. Outstanding TLE cases are frequently found in areas where the so-called numbered treaties have been negotiated, such as Northern BC, Manitoba, Saskatchewan, Alberta, parts of the Northwest Territories and North Western Ontario. In British Columbia, TLE is generally considered to apply to the signatories to Treaty 8.

The numbered treaties are based upon a **land quantum formula** (a certain amount of land per person) used to calculate the amount of reserve land an Indigenous community was entitled to receive. Treaty 8 entitlements are 128 acres of land per person up to a maximum of 640 acres per family of five or that in proportion thereof. Treaty 8 also includes a **land in severalty** clause that states that: “for such families or individual Indians as may prefer to live apart from band reserves, Her Majesty undertakes to provide land in severalty to the extent of 160 acres to each Indian.”<sup>1</sup>



Treaty 8 Map, 1900.<sup>2</sup> In British Columbia, TLE is generally considered to apply to the signatories to Treaty 8.

## Historical Overview

There are seven Indigenous communities that signed Treaty 8 between 1899 and 1961. They are: Doig River, Fort Nelson, Halfway River, Prophet River, Salteau, Tsekani and West Moberly. In April 2000 the McLeod Lake First Nation signed into Treaty 8 under the Treaty 8 Adhesion Settlement Agreement. The Canadian government accepted TLE claims from West Moberly Lake and Halfway River First Nations with the BC government joining the negotiations in February 2003.

## Researching Treaty Land Entitlement

The general principle applied to establish whether your community has an outstanding TLE is as follows: every Indian band is entitled to a certain amount of land based on the number of its members, and each individual who is eligible to be counted as a member of the band has the right to be included in an entitlement calculation.

The government often failed to fulfill TLE obligations because of inaccurate records of band members or incorrect allocations of land when reserves were first surveyed. Your job as a researcher is to piece together all the available information and provide proof of the population of your community's settlements that confirms or disputes the original calculations. You will need to undertake some of all of the following tasks:

- Identify your community's name(s) in historical records. The first important step is to determine the names that your community has been called. This will help you identify the specific treaty that applies to you. It is not uncommon for a community's current name to be different than the name originally entered on the treaty document, although the reasons for this are varied. Many Indigenous names on the treaty documents originally stem from the name of the first chief recognized by Canada at the treaty negotiations or the location of the treaty negotiations. The government treaty negotiators often imposed these names and many Indigenous communities have since changed the names by which they are known.
- Research the history of your community and treaty. It is important to understand the historic background to your treaty and decide if the claim is based on an unfulfilled outstanding treaty obligation. Indian and Northern Affairs Canada (INAC) has a treaty guide for the numbered treaties on their website. It includes the treaty text, maps and images, research reports and other printed resources and is available at: [http://www.ainc-inac.gc.ca/pr/trts/hti/site/guindex\\_e.html](http://www.ainc-inac.gc.ca/pr/trts/hti/site/guindex_e.html).
- Conduct some basic reserve research to understand the history of your community's allotted reserves. See Chapter 5: Basic Reserve Research for more information on this topic.
- Determine if your band **amalgamated** (joined with at least one other band). One of the federal government's main objectives in creating treaties was to open land for non-Indigenous settlement. At the same time, it wanted treaties to be concluded as economically as possible.

Canada would frequently attempt to amalgamate several smaller bands into one larger band for greater administrative convenience. The effect of this was to cut down on the cost of treaties so there would be less agricultural implements to distribute and fewer chiefs and councillors to pay. Many of the treaties were made with bands that had been forced to amalgamate. Often this information will become available once you have researched the history of your band.

- Research if your community was included in an **adhesion** agreement. Not all Indigenous communities are located in the treaty area to which they were signatories. In some cases, the community may not have signed the original treaty and they may have been added later in an adhesion. For example, in 1982 McLeod Lake made an application to pursue an adhesion to Treaty 8 and signed into Treaty 8 on April 29, 2000 under the Treaty 8 Adhesion Settlement Agreement. To research if your band made an agreement on an adhesion to a treaty you will need to check archived Indian Affairs records (**RG 10**).
- Find out the date of the first survey of your community's lands. The date of the survey has a direct impact on the land quantum calculations (minimum or maximum amount of reserve land due) for your community. See Chapter 4: Documents and Chapter 10: Maps and Surveys for further information on these documents.
- Research reserve lands received for entitlement purposes. Not all of your current reserve land may have been set aside for treaty entitlement purposes. For example, a community may have exchanged one parcel of reserve land set aside for entitlement purposes for other land. Or in some cases land may have been set aside for purposes other than the fulfillment of treaty. If reserve land has been surrendered for sale, this would also affect the calculation. In other cases, land may have been purchased and converted to reserve status. All of these factors affect the calculation of reserve land for entitlement purposes. It is important to refer to the text of the original treaty which can be found on the INAC website.
- Research population at the “date of first survey” (DOFS). The calculation of the amount of reserve land due under treaty is dependent on the population of the community at the DOFS. As a result, it is vital that all eligible community members are included in the calculations. There were no censuses done at the date of first survey for most Indigenous communities in the numbered treaty areas so the surveyors and Indian agents would most often use the previous year's treaty annuity pay sheets to determine the population base. The pay sheets would only include those members who were paid annuities in that year. There are five other categories applied to determine the full extent of eligible community members to be counted in the calculation of TLE:
  - Population: Those members that were paid annuity at the time of first survey.
  - Absentee/arrears: Individuals who were away at the DOFS and were paid arrears in subsequent years. Or, individuals who were



absent and not paid arrears but were entitled to receive payment if they were not included in another community's DOFS.

- o Late adherents: Individuals who transferred into the community after its DOFS who are entitled to be part of the treaty but had not yet entered.
- o Marriages to non-treaty women: Marriages to non-treaty women who were never included in a DOFS calculation. It must also be proven that these women are not descendants of a person who had been previously counted in a DOFS. Métis women may also be included in this category provided that they are not descendants of someone who had taken Métis Land Scrip.
- o Double counts: Individuals who have been included in a DOFS calculation for another band and then transferred in to the band that has yet to receive land for entitlement purposes.

## Notes

<sup>1</sup> Canada, Department of Indian Affairs and Northern Development (DIAND). 1996. *Treaty No. 8, Made June 21, 1899 and Adhesions, Reports, Etc.* Ottawa: Queen's Printer: 12-13.

<sup>2</sup> Treaty 8 Map, 1900. Library and Archives Canada. Online: <http://www.collectionscanada.ca/treaty8>.

## Resources

For more information about treaty land entitlement in BC, contact the Treaty 8 Tribal Association or visit the Treaty 8 Treaty and Aboriginal Rights Resource Centre in Fort St. John.

Treaty 8 Treaty and Aboriginal Rights Resource Centre  
10233-100<sup>th</sup> Avenue  
Fort St. John, BC V1J 1Y8  
Ph: 250-785-0612 Fax: 250-785-2021

# Appendix I

## Citation Examples

Below is a list of examples of how to reference certain important resource and document types. For the resources, we have used the bibliographic format from the *Chicago Manual of Style* (Chicago University Press, 2003). You will need to choose a system of referencing that works for you. Whatever system you use, make sure that you use it consistently.

### Resources

#### Books

Cail, R.E. 1974. *Land, Man and the Law: The Disposal of Crown Land in British Columbia, 1871-1913*. Vancouver: UBC Press.

#### Journal Articles

Evenden, M. 2004. Social and Environmental Change at Hells Gate, British Columbia. *Journal of Historical Geography* 30: 130-153.

#### Websites

Snuneymuxw First Nation Treaty Office. 2004. "The Douglas Treaty." [Webpage]. Snuneymuxw First Nation. Available at: <http://www.snuneymuxw.ca/treatydouglas.htm>.

### Historical Documents

#### Annual Reports

Dominion of Canada, E. Bell, Indian Agent, Williams Lake Agency, *Annual Report of the Department of Indian Affairs for the Year Ended June 30, 1900*. Ottawa: Department of Indian Affairs, 1900.

## Reserve Schedules

Dominion of Canada, *Schedule of Indian Reserves in the Dominion, Supplement to the Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1913*. Ottawa: Department of Indian Affairs, 1913.

Province of British Columbia, *Schedule of Reserves, Provincial Order-in-Council 1036, July 29, 1938*. Victoria: Government of British Columbia, 1938.

## Surveys

Marshik, L., *Plan of Resurvey of Part of the Rectilinear Boundaries of High Bar Indian Reserves No. 1, 1A and 2, Lillooet District, British Columbia, CLSR 78891*. Ottawa: Natural Resources Canada, 1992.

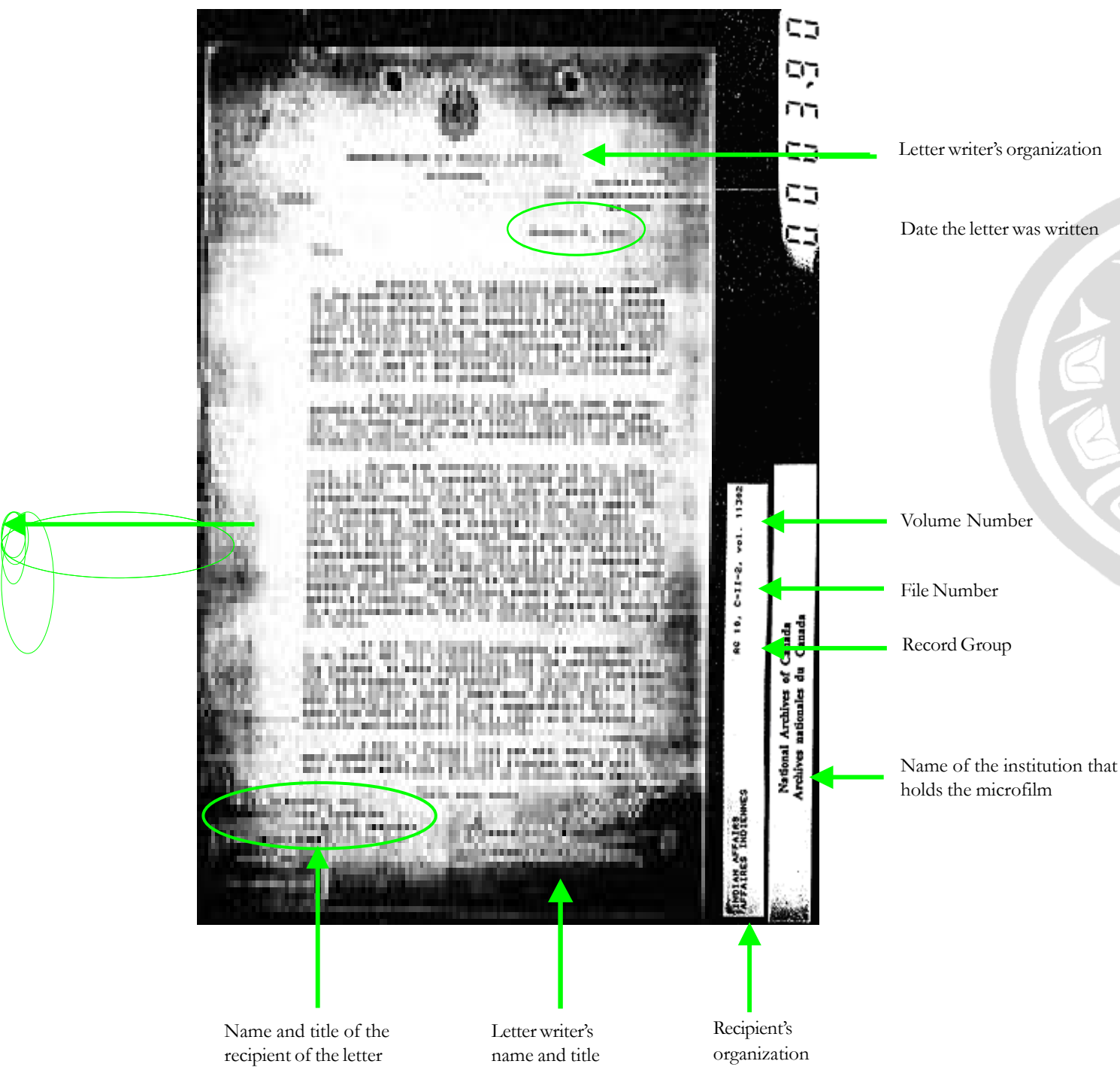
## Letters found in microfilmed RG 10 material\*

D.C. Scott<sup>1</sup>, Deputy Superintendent General<sup>2</sup>, Department of Indian Affairs<sup>3</sup> to W.E. Ditchburn<sup>4</sup>, Chief Inspector of Indian Agencies<sup>5</sup>, Department of Indian Affairs<sup>6</sup> October 6, 1920<sup>7</sup>, National Archives<sup>8</sup>, RG 10<sup>9</sup>, reel T-16114<sup>10</sup>, vol. 11302<sup>11</sup>, file C-II-2<sup>12</sup>.

\*See the document example (right), which points out where all of the specific citation information can be located on the document:

- 1 Letter writer
- 2 Letter writer's title
- 3 Letter writer's organization
- 4 Recipient of letter
- 5 Recipient's title
- 6 Recipient's organization
- 7 Date letter was written
- 8 Name of institution which holds the microfilm
- 9 Record group number ascribed to specific federal government department records at the National Archives
- 10 Reel number
- 11 Volume number
- 12 File number

*Example of a letter found in microfilmed RG10 material*







# Disclosure of Personal Information


## 8(2)(k) Form

Page 1 of an  
8(2)(k) form.



# Appendix 3

## Freedom of Information Request Form

 <b>BRITISH COLUMBIA</b>		<b>FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY</b>		<b>ARCS NO. 292-30/ 292-40/</b>	
<b>REQUEST FOR ACCESS TO RECORDS</b>					
<b>NAME OF PUBLIC BODY TO WHICH YOU ARE DIRECTING YOUR REQUEST</b>					
<b>YOUR NAME</b>					
LAST NAME	FIRST NAME	MIDDLE NAME	SEX <input type="checkbox"/> MISS <input type="checkbox"/> MS <input type="checkbox"/> MRS. <input type="checkbox"/> MR. <input type="checkbox"/> OTHER: _____		
<b>YOUR ADDRESS</b>					
STREET, APARTMENT NO., P.O. BOX, R.R. NO.		CITY / TOWN	PROVINCE / COUNTRY	POSTAL CODE	
<b>YOUR TELEPHONE / FAX NUMBER(S)</b>					
DAY PHONE NO. ( )		ALTERNATE PHONE NO. ( )		DAY FAX NO. ( )	
<b>DETAILS OF REQUESTED INFORMATION</b>					
INFORMATION REQUESTED: (PLEASE DESCRIBE THE RECORDS YOU ARE REQUESTING. BE AS SPECIFIC AS POSSIBLE, AS THIS WILL ASSIST THE REQUEST PROCESS. ATTACH A SEPARATE SHEET IF THE SPACE BELOW IS NOT SUFFICIENT.)				PLEASE SPECIFY ANY REFERENCE OR FILE NUMBER(S), IF KNOWN	
ARE YOU REQUESTING ACCESS TO ANOTHER PERSON'S PERSONAL INFORMATION? <input type="checkbox"/> YES <input type="checkbox"/> NO (IF SO, PLEASE ATTACH, AS APPROPRIATE: a) THAT PERSON'S SIGNED CONSENT FOR DISCLOSURE, OR b) PROOF OF AUTHORITY TO ACT ON THAT PERSON'S BEHALF.)					
PREFERRED METHOD OF ACCESS TO RECORDS <input type="checkbox"/> EXAMINE ORIGINAL <input type="checkbox"/> RECEIVE COPY	YOUR SIGNATURE			DATE SIGNED (YYYY MM DD)	
<b>FOR PUBLIC BODY USE ONLY</b>					
REQUEST NO.	REQUEST CATEGORY <input type="checkbox"/> ACCESS TO GENERAL INFORMATION (ARCS 292-30/)		<input type="checkbox"/> ACCESS TO PERSONAL INFORMATION (ARCS 292-40/)		
REQUEST CODE	DATE RECEIVED (YYYY MM DD)	NAME OF PUBLIC BODY RECEIVING REQUEST			
YOU MAY MAKE A REQUEST FOR ACCESS TO RECORDS WITHOUT USING THIS FORM, PROVIDED YOU DO SO IN WRITING. PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED UNDER THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT AND WILL BE USED ONLY FOR THE PURPOSE OF RESPONDING TO YOUR REQUEST.					



# Appendix 4

## Online Resources

This appendix includes all the websites listed in the manual. We have attempted to make it as comprehensive as possible but we can not guarantee that it is absolutely complete. Also, website addresses change over time. It is highly recommended that if you find a website that is no longer available you attempt to search around the main page to see if there is another link. For instance, if you are attempting to find a webpage on the Ministry of Forests website (<http://www.for.gov.bc.ca/mof/maps>) and it seems to not exist, simply focus on the main page of the Ministry of Forests (<http://www.for.gov.bc.ca>) and follow links to get to the information you need.

### Archives, Museums, Libraries and Online Databases

Anglican Church Archives

<http://aabc.bc.ca/aabc/anglican.html>

Archaeological Research Institute Arizona State University – Archnet

<http://archnet.asu.edu>

Bancroft Library

<http://bancroft.berkeley.edu>

BC Archives

<http://www.bcarchives.gov.bc.ca/index.htm>

BC Archival Info Network

<http://aabc.bc.ca/aabc/bcaul.html>

BC Courthouse Library Society

<http://www.bccls.bc.ca>

BC History Internet (BC related history links)

<http://www.freenet.victoria.bc.ca/Resources/bchistory.html>

BC Museums Association

<http://www.museumsassn.bc.ca/>

BC Studies Index

[http://www.bcstudies.com/cumulative\\_index/search.html](http://www.bcstudies.com/cumulative_index/search.html)

Bellingham Public Library

<http://www.bellinghampubliclibrary.org>

British Library

<http://www.bl.uk/collections/oes/oescanadian.html>

Canadian Archival Information Network

<http://www.archivescanada.ca/index2.html>

Canada's Digital Collections (misc sites)

<http://collections.ic.gc.ca/E/subject.asp>

Canadian Directory of First Nations, Métis and Inuit Library Collections (links)

<http://library.usask.ca/native/directory/english/index.html>

Canadian Heritage Information Network

<http://www.chin.gc.ca/English/index.html>

Canadian Library Gateway

<http://www.collectionscanada.ca/gateway/index-e.html>

Canadian Museum of Civilization (links to library and archives on site)

<http://www.civilization.ca/indexe.asp>

Canadian Native Law Cases

<http://library.usask.ca/native/cnlch.html>

Canadian Pacific Archives

<http://www.cprheritage.com>

Center for Pacific Northwest Studies

<http://www.acadweb.wvu.edu/cpnws>

Champlain Society Digital Collection

<http://eir.library.utoronto.ca/champlain/search.cfm>

City of Vancouver Archives

<http://www.city.vancouver.bc.ca/ctyclerk/archives>

Early Canadiana Online

<http://www.canadiana.org/eco/english/index.html>

First Nations Periodical Index

<http://www.lights.com/sifc>

Glenbow Archives

<http://www.glenbow.org/archives.htm>

Hudson's Bay Company Archives

<http://www.gov.mb.ca/chc/archives/hbca>

Library and Archives Canada

<http://www.collectionscanada.ca>

National Archives ArchiviaNet

[http://www.collectionscanada.ca/02/0201\\_e.html](http://www.collectionscanada.ca/02/0201_e.html)

National Archives and Records Administration USA

<http://www.archives.gov/facilities/wa/seattle.html>

National Museum of the American Indian

<http://www.nmai.si.edu>

Native Residential Schools in Canada - A Selective Bibliography

<http://www.collectionscanada.ca/2/35/index-e.html>

Museum of Archaeology and Ethnology, Simon Fraser University

<http://www.sfu.ca/archaeology/museum/index.html>

Museum of Anthropology, University of British Columbia

<http://www.moa.ubc.ca>

Okanagan University College Library

<http://www.ouc.bc.ca/library>

Online Resources for Canadian Heritage

[http://www.civilization.ca/orch/www00\\_e.html](http://www.civilization.ca/orch/www00_e.html)

Our Roots (local histories)

<http://www.ourroots.ca>

Outlook Online (municipal and post-secondary library catalogues)

<http://bcuc-agent.auto-graphics.com/agent/login.asp?cid=bcuc&lid=bcre>

Provincial Archives of Alberta

<http://www.cd.gov.ab.ca>

Public Records Office, UK

<http://www.nationalarchives.gov.uk>

Royal BC Museum

<http://www.royalbcmuseum.bc.ca>



Simon Fraser University W.A.C. Bennett Library (links to Map collection)  
<http://www.lib.sfu.ca>

Smithsonian Institution  
<http://www.nmnh.si.edu/naa>

Secwepemc Museum and Archives  
<http://www.secwepemc.org/museum.html>

Theses Canada Portal  
<http://www.collectionscanada.ca/thesescanada>

Union of BC Indian Chiefs – Our Homes are Bleeding  
<http://www.ubcic.bc.ca/resources/ourhomesare>

Union of BC Indian Chiefs – Research Department  
<http://www.ubcic.bc.ca/department/research.htm>

Union of BC Indian Chiefs – Resource Centre Catalogue  
<http://ubcic.andornot.com>

Union of BC Indian Chiefs – Resource Centre RG 10 Database  
<http://rg10.andornot.com>

University of British Columbia (links to Special Collections, main and law libraries)  
<http://www.library.ubc.ca/>

University of British Columbia – Guide to Microform Collections  
<http://www.library.ubc.ca/micset/hist.html>

University of Northern British Columbia Geoffrey R. Weller Library  
<http://library.unbc.ca>

University of Victoria Libraries Gateway  
<http://gateway.uvic.ca/index.html>

University of Washington Libraries  
<http://www.lib.washington.edu>

Vancouver Public Library Special Collections  
<http://www.vpl.vancouver.bc.ca/branches/LibrarySquare/spe/home.html>

Western Washington University  
<http://www.library.wvu.edu/>

XÁ:YTEM Longhouse Interpretive Centre  
<http://www.xaytem.museum.bc.ca/>



## Fishing

Aboriginal Fisheries Initiatives - UBC Fisheries Centre  
<http://www.fisheries.ubc.ca/aborig>

British Columbia Fishery Commission Report, 1892  
<http://www.ourroots.ca/e/toc.asp?id=2323>

Department of Fisheries and Oceans Canada  
<http://www.dfo-mpo.gc.ca/index.htm>

Fisheries and Oceans datasets links (links to various departmental resources)  
[http://www-heb.pac.dfo-mpo.gc.ca/maps/themesdata\\_e.htm#MWLAP](http://www-heb.pac.dfo-mpo.gc.ca/maps/themesdata_e.htm#MWLAP)

Fish Info BC - Ministry of Sustainable Resource Management  
<http://www.bcfisheries.gov.bc.ca/fishinv/fishinfobc.html>

*Land, Fish, and Law: The Legal Geography of Indian Reserves and Native Fisheries in British Columbia, 1850-192.* Harris, Douglas  
<http://faculty.law.ubc.ca/harris/thesis.htm>

## Forestry

BC Ministry of Forests E-Publications  
[http://www.for.gov.bc.ca/HFD/library/lib\\_pub.htm](http://www.for.gov.bc.ca/HFD/library/lib_pub.htm)

BC Ministry of Forests Annual Reports  
<http://www.for.gov.bc.ca/HFD/Pubs/Docs/Mr/Annual/annualrpt.htm>

Forestry Acronyms  
<http://www.for.gov.bc.ca/hfd/library/documents/acronyms>

Forest Region and District Map  
<http://www.for.gov.bc.ca/mof/maps/regdis>

Forestry Terms  
<http://www.for.gov.bc.ca/hfd/library/documents/glossary>

Ministry of Forests Library Catalogue  
<http://www.library.for.gov.bc.ca/#focus>

Tenure Background Paper, West Coast Environmental Law, October 1999  
<http://www.wcel.org/wcelpub/1999/13015.html>

## Genealogy

BC Genealogical Society  
<http://www.bcgs.ca>

British Columbia GenWeb  
<http://www.rootsweb.com/~canbc>

Canadian Genealogy and History  
<http://www.islandnet.com/~jveinot/cghl/cghl.html>

Canadian Genealogy Centre  
<http://www.genealogy.gc.ca>

Center for Life Stories Preservation  
<http://www.storypreservation.com/home.html>

Cloverdale Library Genealogical Collection Orientations  
<http://www.spl.surrey.bc.ca/Programs+and+Services/Genealogy/default.htm>

Congress of Aboriginal Peoples Links to Native Genealogy Sites  
<http://www.abo-peoples.org/NativeLinks/GenealogyLinks.html>

Family Tree Magazine (Genealogical Research)  
<http://www.familytreemagazine.com/>

## Government Websites

BC Archaeological Site Data Request Form - 2004 (online form for requesting site information)  
<http://srmwww.gov.bc.ca/arch/forms/datarequest.htm>

BC Digital Gazetteer (email contact for free gazetteer)  
<http://srmwww.gov.bc.ca/bcnames/gaz.html>

BC Hydro and Power Authority Library  
<http://www.bchydro.com/ard>

BC Land and Title Survey Authority (links to Survey General Division and Land Titles)  
<http://www.ltsa.ca>

BC Legislature  
<http://www.leg.bc.ca>

BC Legislative Library  
<http://www.llbc.leg.bc.ca>

BC Ministry of Community, Aboriginal and Women's Services  
<http://www.gov.bc.ca/mcaws>

BC Orders in Council (from 1997 to current)  
<http://www.qp.gov.bc.ca/statreg/oic>

BC Ministry of Transportation  
<http://www.th.gov.bc.ca>

BC Ministry of Transportation – Information Privacy and Records Branch  
[http://www.th.gov.bc.ca/mot\\_org/foi/foihome.htm](http://www.th.gov.bc.ca/mot_org/foi/foihome.htm)

Canada Gazette  
<http://canadagazette.gc.ca>

Crown Land Information (Tantalis GATOR - Crown Grants, plans, field books)  
<https://tantalis.clrs.gov.bc.ca>

Geological Survey of Canada  
[http://gsc.nrcan.gc.ca/org/vancouver/index\\_e.php](http://gsc.nrcan.gc.ca/org/vancouver/index_e.php)

Government of Canada Digital Collections  
<http://collections.ic.gc.ca>

Industry Canada  
<http://www.ic.gc.ca>

Land and Resource Registries Portal  
<http://srmwww.gov.bc.ca/sstu/portal>

Land and Water British Columbia Inc.  
<http://www.lwbc.bc.ca>

Land Information BC  
[http://www.gov.bc.ca/bvprd/bc/keyInitiativeHome.do?action=landInfoBCUser&navId=NAV\\_ID\\_province](http://www.gov.bc.ca/bvprd/bc/keyInitiativeHome.do?action=landInfoBCUser&navId=NAV_ID_province)

Ministry of Sustainable Resource Management  
<http://srmwww.gov.bc.ca>

Ministry of Sustainable Resource Management - Archaeology  
<http://srmwww.gov.bc.ca/arch>

Ministry of Sustainable Resource Management – BC Geographical Names  
<http://srmwww.gov.bc.ca/bcnames>



Ministry of Sustainable Resource Management – Crown Land Registry  
<http://srmwww.gov.bc.ca/clrs>

Ministry of Sustainable Resources - Remote Access Archaeological Data  
<http://srmwww.gov.bc.ca/arch/RAADintro.html>

National Air Photo Library  
<http://airphotos.nrcan.gc.ca/>

Natural Resources Canada (NRCan)  
<http://www.nrcan-rncan.gc.ca/>

Parks Canada  
<http://www.pch.gc.ca>

Parliament of Canada  
<http://www.parl.gc.ca>

Privy Council Office  
<http://www.pco-bcp.gc.ca>

## **Indian Affairs**

Annual Reports  
<http://www.collectionscanada.ca/indianaffairs/index-e.html>

First Nations Profiles  
[http://pse2-esd2.ainc-inac.gc.ca/FNProfiles/FNProfiles\\_home.htm](http://pse2-esd2.ainc-inac.gc.ca/FNProfiles/FNProfiles_home.htm)

Indian Act  
<http://laws.justice.gc.ca/en/I-5/index.html>

Indian and Northern Affairs Canada  
<http://www.ainc-inac.gc.ca/>

Indian and Northern Affairs Canada – Services  
[http://www.ainc-inac.gc.ca/esd/index\\_e.html](http://www.ainc-inac.gc.ca/esd/index_e.html)

Indian Affairs and Northern Affairs Canada – Treaty Guide  
[http://www.ainc-inac.gc.ca/pr/trts/hti/site/guindex\\_e.html](http://www.ainc-inac.gc.ca/pr/trts/hti/site/guindex_e.html)

Indian Land Registry System  
<http://pse3-esd3.ainc-inac.gc.ca/ILRS>

Photo library  
[http://www.ainc-inac.gc.ca/bc/capital/english/pdf/apl\\_e.pdf](http://www.ainc-inac.gc.ca/bc/capital/english/pdf/apl_e.pdf)

Royal Commission on Aboriginal Peoples, 1996  
[http://www.ainc-inac.gc.ca/ch/rcap/index\\_e.html](http://www.ainc-inac.gc.ca/ch/rcap/index_e.html)

Specific Claims Branch  
[http://www.ainc-inac.gc.ca/ps/clm/scbul\\_e.html](http://www.ainc-inac.gc.ca/ps/clm/scbul_e.html)

## Legal Resources

Bill Henderson's "Aboriginal Law and Legislation online" website  
<http://www.bloorstreet.com/300block/ablawleg.htm>

Canadian Native Law Cases, Native Law Centre, University of Saskatchewan  
<http://library.usask.ca/native/cnlch.html>

Continuing Legal Education Society of BC  
<http://www.cle.bc.ca/cle>

Courts of British Columbia  
<http://www.courts.gov.bc.ca>

Federal Court of Canada  
[http://www.fct-cf.gc.ca/index\\_e.html](http://www.fct-cf.gc.ca/index_e.html)

First Nations Research Guide  
<http://www.law-lib.utoronto.ca/resguide/aborig.htm>

Privy Council Orders in Council  
<http://www.pco-bcp.gc.ca/oic-ddc>

Revised Statutes of British Columbia  
<http://www.qp.gov.bc.ca/statreg>

Revised Statutes of Canada  
<http://laws.justice.gc.ca/en/index.html>

Supreme Court of Canada  
<http://www.scc-csc.gc.ca>

## Mining

BC Ministry of Energy and Mines  
<http://www.em.gov.bc.ca>

BC Minister of Energy and Mines - Annual Reports  
[http://www.em.gov.bc.ca/Mining/Geolsurv/Publications/catalog/cat\\_arpts.htm](http://www.em.gov.bc.ca/Mining/Geolsurv/Publications/catalog/cat_arpts.htm)

BC Minister of Energy and Mines - Mineral Statistics  
<http://www.em.gov.bc.ca/Mining/MiningStats/default.htm>

Mining Division's Gold Commissioner Office  
<http://www.em.gov.bc.ca/Mining/Titles/TitlesSearch/gold.htm>

## Mapping

Aboriginal Mapping Network  
<http://www.nativemaps.org>

Atlas of Canada  
<http://atlas.gc.ca/site/english/index.html>

BC Mapper  
[http://webmap.em.gov.bc.ca/mapplace/minpot/bc\\_mapper.cfm](http://webmap.em.gov.bc.ca/mapplace/minpot/bc_mapper.cfm)

BC Ministry of Energy and Mines Map Place  
<http://www.em.gov.bc.ca/Mining/Geolsurv/MapPlace>

Centre for Topographical Info  
<http://maps.nrcan.gc.ca>

Eastern Topographics  
<http://www.etopo.com>

Geographic Names of Canada  
<http://geonames.nrcan.gc.ca>

Inforain  
<http://www.inforain.org/maparchive>

Land Data BC  
<http://www.landdata.gov.bc.ca>

Management of Survey Control Operations and Tasks – Ministry of Sustainable Resource Management  
<http://mascot.gdbc.gov.bc.ca/mascot>

National Map Collection- Library and Archives Canada  
[http://www.collectionscanada.ca/archivianet/020154\\_e.html](http://www.collectionscanada.ca/archivianet/020154_e.html)

Natural Resources Canada (NRCan) Legal Surveys Division  
<http://www.lsd.nrcan.gc.ca>

NRCan Gazetteer Map Service  
<http://atlas.gc.ca/site/english/dataservices/gazetteer.html>

NTS map index  
<http://www.em.gov.bc.ca/Mining/Geolsurv/Minfile/products/providx.htm>

Online Cadastre  
<http://srmwww.gov.bc.ca/sgb/IMF/index.html>

## **Societies and Organizations**

American Philosophical Society  
<http://www.amphilsoc.org/library>

Assembly of First Nations  
<http://www.afn.ca>

Archaeological Society of British Columbia  
<http://www.asbc.bc.ca>

BC Association of Consulting Archaeologists  
<http://www.bcapca.bc.ca>

Canadian Archaeological Association  
<http://www.canadianarchaeology.com/>

First Nations Development Institute – First Peoples Worldwide  
<http://www.firstpeoples.org>

Society for American Archaeology  
<http://www.saa.org>

Union of British Columbia Indian Chiefs  
<http://www.ubcic.bc.ca>

West Coast Environmental Law  
<http://www.wcel.org>

## **Water**

BC Ministry of Water, Land and Air Protection  
<http://www.gov.bc.ca/wlap>

Land and Water BC Inc.  
<http://www.lwbc.bc.ca>

Water Licence Queries

[http://www.elp.gov.bc.ca:8000/pls/wtrwhse/water\\_licences.input](http://www.elp.gov.bc.ca:8000/pls/wtrwhse/water_licences.input)

## Other

Aboriginal Canada Portal

<http://www.aboriginalcanada.gc.ca>

Anthropological Index Online

<http://aio.anthropology.org.uk/aio/AIO.html>

First Nations Languages of British Columbia

<http://www.ydli.org/fnlgsbc.htm>

Human Relations Area Files

<http://www.yale.edu/hraf>

Prince of Wales, Northern Heritage Centre, *Researchers Oral Traditions Manual*.

<http://pwnhc.learnnet.nt.ca/research/otm/otrman.htm>





# Glossary

**Aboriginal Title:** the right of an Indian nation or band to use and occupy their lands.

**Access to Information and Privacy Act (ATIP):** federal legislation designed to balance public information to information held in government files with the need to protect individual privacy and national security.

**Access officers:** government personnel who review government files to decide what is to be made available to the public, subject to the Access to Information Act and Privacy Act.

**Accession:** an addition of a group of records to a permanent archival collection.

**Accretion:** an increase in landmass, such as an increase in land adjacent to a body of water, as a result of the gradual buildup of material as a result of human or natural processes.

**Acre:** a unit of land measurement equal to 43,560 square feet, or 1/640<sup>th</sup> square mile.

**Active file:** a file that is still operational (i.e. in use by the office).

**Adhesion:** one who becomes a party to a treaty after it has been signed.

**Agency:** a department or other administrative unit of government.

**Aggregate census:** census records that give only statistics and no names.

**Allotment:** the process by which the federal (and/or provincial) government grant an individual band lawful possession of reserve land or resources.

**Amalgamate:** to merge into a unified single body.

**Annuity:** an amount payable yearly or at other regular intervals.

**Annotated:** having explanatory remarks.

**Anthropology:** the academic study of human cultures and their customs.

**Archaeology:** the study of human cultures through physical remains. A field within anthropology.

**Archives:** homes for collections of unique unpublished materials that may include files,

ledgers, maps, photographs, video and sound recording.

**Band council resolution (BCR):** an administrative declaration by a band council.

**Bias:** an unacknowledged preference for a specific perspective or topic.

**Bibliography:** a list of books, articles, or works on a particular subject.

**Black series:** part of RG 10 that contains files mostly dealing with western Canada.

**Cadastral map:** a map showing property boundary lines.

**Case law:** decisions of courts and administrative tribunals.

**Catalogue:** a list of items, such as books in a library.

**Cardex holding:** Indian Affairs abbreviation for “no history of paperwork.”

**Cartography:** the science or art of making maps.

**CD-Rom:** compact disc, read-only memory.

**Census:** an official count of a population, usually at regular intervals and including the collection of demographic information.

**Certified true copies:** copies identified as authentic by the institution at which they are held.

**Certificate of Possession:** records by which the federal government recognizes (under the *Indian Act*) an individual band member's right to use a particular parcel of reserve land on a permanent basis.

**Census:** an official count of a population, usually at regular intervals and including the collection of demographic information.

**Chain (Gunter's):** a unit of land measurement measuring 66 feet.

**Chronology:** the organization of events over time

**Circa:** about or around (an approximation).

**Citation:** a short description of a specific information source, used to give credit to that source for any information used, and providing the details needed to locate the source, such as

author, title and name and location of the publisher.

**Colonial:** relating to a colony.

**Common law:** law in an area that is governed only by case law, where there is no statute or regulation on the topic.

**Commonage:** a shared piece of land.

**Conditional surrender:** to give up possession of land with certain terms imposed.

**Confederation:** the creation of the country Canada in 1867 by the joining of different regions.

**Confidentiality:** the treating of information as private and not for distribution beyond specifically identified individuals or organizations, nor for use other than for specifically identified purposes.

**Confidentiality agreement:** written documents that identify specific information as private, establish the standards for storage, security, and protection of information, and limit distribution and access of research materials to designated individuals for identified purposes.

**Constitution:** the set of fundamental, underlying laws that establish the system of government of Canada. The supreme law of Canada.

**Copyright:** the exclusive, legally secured right to reproduce (as by writing or printing), publish, or sell the content or form of a work.

**Conversion list:** a list that explains how a file number or microfilm reel has been changed.

**Crown grant:** a legal document conveying land from the government to a third party.

**Crown land:** land maintained by the federal or provincial government.

**Cultural anthropology:** the study of human behaviour.

**Cut-off:** a reduction of reserve land without the consent of the band.

**Digest:** to compress a piece of literature or a body of information into a short summary form containing the essential core of the matter.

**Dissertation:** substantial paper that is submitted to the faculty of a university by a candidate for an advanced degree, typically based on independent research.

**Dominion:** something that is subject to sovereignty or control. A governed territory.

**Donor agreement:** terms by which an individual or organization makes its records available to an archives.

**Easement:** a right extended to a non-owner to use or enjoy the land of another party.

**Electronic database:** a computerized system that organizes data entries in specific fields.

**Ephemera:** printed materials, such as posters and tickets, not intended to have lasting value.

**Erosion:** decrease in landmass as a result of a number of different processes (both natural and human-induced) including the movement of water.

**Exemptions:** Relating to government files, when an Access Officer decides to block public access to restricted materials, usually for reasons of privacy or national security.

**Ethnography:** the study of culture based on first-hand observation.

**Fiche:** see microfiche.

**Field book:** a diary of a surveying expedition, including descriptions of human and natural features.

**Field minute:** a covering letter accompanying a Minute of Decision.

**Finding aid:** tools designed by archivists to assist you in identifying exactly which files and items you need to consult. Although they often take the form of file lists, finding aids may also be indexes, registers, and guides to collections.

**Footnote:** reference or note at the bottom of a page.

**Fond:** a body of records, belonging together, held at an archive(s).

**Foreshore rights:** rights to part of the waterbed between high and low watermarks (tides), in the area called the “intertidal zone.”

**Freedom of Information (FOI):** Provincial legislations that governs access to records created by provincial government offices.

**Gazette:** an official government publication containing notices of government activities.

**Geographic Information Systems:** computer systems for collecting, organizing, and storing geographic data

**Government records:** documents created by government offices.

**Hansard:** minutes of government parliamentary or legislative sittings.

**Hectare:** a unit of land measurement measuring 10 000 square meters (or 2.471 acres).

**History cards:** a system used by Indian Affairs for tracking its files.

**Honorarium:** a payment to an individual for work done where no fee was set.

**Hydrologist:** an expert on the scientific study of

the properties, distribution, and effects of water on the earth's surface, in the soil and underlying rocks, and in the atmosphere

**Index:** an alphabetical list of names or subjects, with references.

**Indian agency:** the administrative units of Indian Affairs within specific jurisdictional boundaries.

**Informed consent:** A written agreement from research participants to voluntarily take part in a research project based on knowledge and understanding of the purpose of the research, the type of information being collected, how the information will be used, as well as the risks, benefits, and uncertainties of the project.

**Instrument:** a legal document authorizing transactions between parties.

**Interpretation:** the process of turning one language into another language in the oral form.

**Inventory:** Listing of records within a record group.

**Inter-library loan:** a loan from one library to another.

**Inventory:** a listing and description of items contained within a group of records

**Judicial decisions:** the body of decisions written by judges. See also "Case law."

**Jurisdiction:** the right and power to interpret and apply the law.

**Land quantum formula:** a formula of a certain amount of land per person, used during treaty negotiations to calculate the amount of reserve land an Indigenous community was entitled to receive.

**Lease:** a contract to use or occupy property during a certain period in exchange for a specified rent.

**Legal description:** a detailed description of a piece of land, used in legal documents.

**Legislation:** government statutes, regulations, and orders in council.

**Letters patent:** legal document by which the Crown grants land to a private owner.

**Linguistics:** the study of human languages.

**Link:** a unit of land measurement 7.92 inches long. One hundred links equal one chain.

**Manuscript group:** the papers of an individual or private agency.

**Marginalia:** handwritten notes or comments in the margins of a text.

**Memorandum:** a written record or communication. In law, a short written statement outlining the terms of an agreement, transaction, or contract.

**Methodology:** the processes, techniques, or approaches used in the solution of a problem.

**Microfiche:** a film card containing many frames of microfilm.

**Microfilm:** film on which documents and images are photographed.

**Microform:** general term for records that are in microfiche or microfilm format.

**Midden:** A refuse heap of debris from human occupation, which can include ashes, shells and bones. An archaeological site that provides important evidence of traditional use and occupancy.

**Miner's inch:** a measurement of the flow of water through a cut hole per minute, used in the allocation and regulation of water.

**Minutes of Decision:** the executive orders that recommended specific reserve allotments.

**Nominal census:** an official count of a population that identifies by name each individual counted and collects personal information.

**Non-circulating:** refers to documents that may be consulted but are not loaned out.

**Noting up:** how a case or statute has been followed or judicially considered.

**Order in council:** an executive order by the federal or provincial government.

**Ordinance:** a rule established by authority (see also statute).

**Paylists:** lists prepared every year when the government granted gifts or monies to the various Indian bands.

**People's evidence:** the testimony of Indian people before the Royal Commission on Indian Affairs for the Province of BC (the McKenna-McBride Commission).

**Periodical:** a publication such as a magazine or journal, issued at regular intervals of more than one day.

**Permit:** a written warrant or license granted by one having authority.

**Photogrammetrist:** an expert on interpreting forestry data from air photos.

**Physical anthropology:** the study of the evolution, adaptation, and variability of human beings.

**Placer gold mining:** an open-pit form of mining where minerals are extracted from other materials using water pressure.

**Precedent:** an act or instance that serves as an example for dealing with other similar instances.

**Pre-emption:** a process that allowed individuals to claim provincial land for settlement and agriculture.

**Pre-emption record:** documentation of the settling of a person on public land.

**Primary source:** an original document, file, or book.

**Priority of registration system:** a system of allocating water rights where the rights of people who register earlier take precedence over the rights of those who register later.

**Privy Council Order in Council (PCOC or OCPC):** an executive order of the federal government.

**Provincial order in council:** an executive order of the provincial government.

**Provenance:** place of origin or source.

**Public archives:** an institution that holds unique unpublished materials, which make these historical documents open to members of the public.

**Railway Belt:** block of land 40 miles wide established to facilitate the building of the transcontinental Canadian Pacific Railway.

**Railway grant:** a block of land set aside for the construction of a railway line.

**Red series:** part of RG 10. Mostly files from the Headquarters and dealing with Central Affairs.

**Reference:** a note in a publication referring the reader to another passage or source.

**Regional archives:** homes for collections of unique unpublished materials, which hold materials related to a specific geographical region.

**Regulation:** a rule made by individuals authorized by Parliament or the Legislature to give effect to a specific law or set out specific details.

**Repatriate:** to restore or return to the place of origin or birth.

**Repository:** place where items are put for safekeeping.

**Research Protocol:** a code of conduct for a research project.

**Reserve:** land reserved for Indians under the *Indian Act*.

**Reserve General Abstract Report (RGAR):** a listing of all government registered transactions on reserve lands. Provides basic information on reserve size, date of allotment, surrenders, leases, permits, and rights-of-way.

**Reserve General Register:** one of three registers making up the INAC Indian Land Registry containing information about a particular reserve, such as date of reserve establishment, size, existence

of easements, and surrenders.

**Reserve schedule:** Indian Affairs document that gives official descriptions of all Indian reserves in BC.

**RG 10 (Record Group 10):** archived Indian Affairs records at Library and Archives Canada.

**Right-of-way:** the right for one party to use or occupy a corridor over the lands of another.

**Riparian rights:** rights to water that occur as a natural result of rights to specific areas of land.

**Scale:** A proportion used in determining the dimensional relationship of a representation to that which it represents. In maps, scale is the ratio of a distance on the map to the actual distance on the ground.

**Scrip:** a certificate which could be exchanged for land that was given to Métis families between the 1880s and 1920s.

**Secondary source:** published source based on primary (original) material.

**Section:** a unit of land measurement equal to one square mile, 640 acres, or 1/36 of a township.

**Sessional papers:** regular (annual) reports by government.

**Sever:** to temporarily remove protected documents from a file.

**Shannon file:** a large multi-part (unfilmed) file.

**Specialized libraries:** repositories of rare published and unpublished books, private journals, department or agency files, periodicals, magazines, and newspapers.

**Specific claims:** Specific claims arise where Canada has failed to fulfill the terms of treaties or its legal obligations to properly administer and protect First Nations' land and other assets.

**Specialized collection:** material that concentrates on a particular branch of study.

**Statute:** a written law made by a federal parliament or a provincial legislature.

**Statutory declaration:** a legally admissible statement that has been witnessed by a lawyer, Notary, or other commissioner.

**Subject database:** computerized lists and subject indices that allow you to search by key word or terms.

**Surrender:** to give up possession.

**Survey plans:** maps of surveyed places, drawn true to scale, shape and direction. They show length and direction and provide enough information for people to be able to identify the specific piece of land.

**Tenure:** the act or right of holding property.

**Terms of Union:** the terms under which BC entered Confederation and became a province of Canada.

**Terra Nullius:** a Latin term referring to the idea that explorers found an empty land when they reached the “New World.”

**Thematic:** organized according to a common theme or idea.

**Thematic maps:** maps that focus on a particular aspect of the landscape, such as forests, roads, or land use.

**Thesis:** a graduate paper. The plural is “theses.”

**Third party:** a person or group other than the two principal people or groups. In this context, the term refers to an actor other than the government and the particular Indigenous community involved.

**Township:** a unit of land measurement equal to 36 square miles.

**Transcript:** a written or type-written copy.

**Transcription:** the process of producing a written record from recorded interview.

**Treaty Land Entitlement:** a government term that refers to a specific claim made by those Indigenous communities that have not received the full amount of reserve land they were entitled to under their treaty.

**Utility:** a company providing service to the public, such as electricity or water

**Vertical files:** files that contain clippings from newspapers, pamphlets, letters, and other small publications.





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