

NORTHWEST COAST ADAWX STUDY

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I. INTRODUCTION

This project was designed to gain insight into issues concerning First Nations intellectual property and heritage resources with a view to discovering or devising legal means to address these issues. There is, however, an inherent contradiction in the design of this project, namely that we have predefined the issues and the nature of the case studies in a non-Aboriginal context.¹ The concepts of intellectual property and heritage resources arise out of a way of viewing the world that either excludes or is antithetical to that of many First Nations and therefore precludes a real understanding of Aboriginal culture and society.

The term “intellect,” for example, is defined as “the faculty of reasoning and understanding objectively, one’s mental powers”² and assumes its opposite, emotion. The Gitksan word for “to think” is *ha’niigoot* and the Tsimshian, *ha’ligoot*, literally “used for - on - heart,” and the same root, *goot*, is a component in the numerous words that convey feelings. For the Gitksan and Tsimshian then, thought arises from the heart—not the heart as the seat of the emotions, but as the seat of both feeling and thinking.

The term “property” implies separation—this thing that I own is outside of me, is controlled by me and can be taken from me. There is no equivalent concept in Gitksan and Tsimshian thought. As we will see, for these societies, in cases of what might be considered “intellectual property” it is not so much “I own this” as “I *am* this” and “this *is* me,” or perhaps more accurately, “we *are* this” and “this *is* us.” Like property, heritage is not something outside of us that has come down from the past, “it is us;” moreover, not only is the identity of our ancestors also our identity, but as their reincarnation, “we *are* our ancestors.”

“Resources,” like property, is also a concept that flows from the objectification of the world, the transformation of a living, vital, spirit-filled world into a collection of things that exist as potential to be owned, sold, or stolen. For the Gitksan and Tsimshian, there is no separation between people and the cultural “things” collectively called heritage, nor is there a separation between people and the world they inhabit. In fact, central to Gitksan and Tsimshian thought is the principle of respect, and an understanding that dividing the world into subject and object—forgetting that animals are our brothers, for example—leads to disrespect and ultimately to catastrophic events.

While it is not within the scope of this paper to discuss this way of seeing in a broader philosophical context, it should be noted that when these Gitksan and Tsimshian concepts are considered, they seem to describe not so much another cultural reality, but a deeper reality shared by all peoples. While these concepts may be absent from western secular thought, they are akin to the understandings of some European existential philosophers and to such oriental philosophies as Buddhism.

Concerning this project, however, is it possible to remain faithful to its spirit but to frame the issues it seeks to address in a more indigenous context? How can we avoid the pitfall of acknowledging Aboriginal thought only inasmuch as it is comprehensible or compatible with that of non-Aboriginal society?

Like the project as a whole, this particular case study of Tsimshian and Gitksan *adawx* was conceived from a perspective outside these cultures and was initially defined as a review of recorded *adawx* with the purpose of discovering information on the nature of “intellectual property” within these societies. While this initial intent was based on a misunderstanding of the nature of “*adawx*,”

it is the *adawx*, with the constellation of cultural institutions of which they are a part, that can help us to develop new and more appropriate perspectives on the issues we are attempting to address.³

II. THE GITKSAN AND TSIMSHIAN, NORTHWEST COAST NATIONS

The *adawx* and the associated concepts of identity and history are central to Gitksan and Tsimshian society. As John Brown, Kwiiyeehl of the *Gisgahaast* (Fireweed) clan of the Kispiox tribe of the Gitksan, explained:

It was customary to transmit the *adawx* so that they may be preserved. A group that could not tell their *adawx* would be ridiculed with the remark, ‘What is your *adawx*?’ And if you could not give it you were laughed at. ‘What is your grandmother’s name? And where is your crest? How do you know of your past, where have you lived? You have no grandfather. You cannot speak to me because I have one. You have no ancestral home. You are like a wild animal, you have no abode. *Niye’e* and *adawx*, grandfather and history are practically the same thing.’⁴

Art Mathews, T’eningyet of the *Laxgibuu* (Wolf) clan of the Gitwingax tribe of the Gitksan, also expressed this idea. “Even children had to get names to get into the feast house...so they don’t get embarrassed standing outside the feast hall and somebody walking up to them ‘What’s your name, where are you from, where is your linkage?’”⁵

As John Brown and Art Mathews described, identity is defined by lineage and history, and without identity a person is not part of society. Each lineage maintains its history and identity through a sophisticated interweaving of verbal record, song and image. The verbal record, termed *adawx*, includes ancient songs, or *limx’oy*, and is perpetuated by the memory training of heirs to chiefly positions. The *adawx* tell the history of the origins, migrations, and territories that shaped the unique identity of the lineage. It tells of natural disasters, wars in defence of territory and other

extraordinary, often epic events and was related over many hours at important feasts, or *yukw*. Images, called crests or *ayuuk*, that commemorate the historical events are recorded on totem poles, or *xwtsaan*, housefronts, chiefly regalia and on many of the chief's feasting items. The power of a lineage arising from its history and its place in the world is called *daxgyet* and is a central concept in Gitksan and Tsimshian society. *Daxgyet* means "the strength of a people" and connotes those that are "firmly placed" or rooted.

The *adawx*, *limx'oy*, and *ayuuks*, their representations on *xwtsaan* and their validation in the *yukw* are not only the manifestation of identity or power, of *daxgyet*, but also they are deeds to territories. This relationship between *adawx*, *limx'oy*, *ayuuks*, *yukw* and title is fundamental to the Gitksan system of land ownership. The *adawx* record the ownership rights, the *ayuuks* are a material expression of *daxgyet* and the *xwtsaan*, on which the *ayuuks* are carved, is planted in the ground, rooting the lineage and their *daxgyet* in their village and throughout their territory.⁶

The lineage and its territory are woven together by history. Their relationship is an alliance in the deepest sense; in ancient times, when an ancestor first acquired the territory, a cane was sometimes touched to the land to signify the power of the lineage merging with that of the land. The *adawx* of Xamlaxyeltxw, of the *Ganeda* (Frog/Raven) clan of the Gitanyaw (Kitwancool) tribe of the Gitksan, describes how this chief and his people first came to own their lands on the Nass River.

They reached another river which they named Xsigigyeenit, meaning 'river above.' It was a good salmon fishing river in a good country; they built a permanent village here and put their mark on the river, thus claiming ownership of it...Once more they moved, leaving their power and mark which made this country theirs. Still travelling they arrived here at Gitanyaw...by following what is now the Cranberry River (Xsiyagasgiit - 'river that descends gradually')....

The chiefs established themselves at Gitanyaw and raised their poles. The poles gave them their power or coat of arms and gave them the right of ownership of all the

lands, mountains, lakes and streams they had passed through or over and camped or built villages in. The power of these poles goes unto the lands they had discovered and taken as their own. The power from the house of this chief and his council goes as far as Gitxsits'uuts'xwt, the place of the seagull hunter [Singewin], and includes Xsigigyeenit, the 'upper fishing station.' The power of the pole still goes on and belongs to Sindihl.⁷

Like the cane, the pole links the lineage to its territory and through the feast, especially the pole raising feast, or *baxmaga*, the society as a whole acknowledges this relationship. The term *baxmaga* means to "erect upwards." In the *baxmaga*, after the pole is raised, the chief names the mountains, lakes and rivers of his lineage's territories, thereby recreating and validating the original act of naming that first established their ownership. He recreates the time when his ancestor walked the land and put his power, the power of the pole, or cane, into the land. The names that were created out of the lineage's experience of its land embody the bond between the lineage and the land.⁸ Stanley Williams, Gwisgyen, of the *Gisgahaast* clan of the Gitksiyukla tribe of the Gitksan, tells how the boundaries of the lineage's territory are acknowledged in the feast.

In the chief's houses we have our laws, our laws concerning the boundaries. Each chief knows his own boundaries and this is held in their house. They know where their boundaries are and they know that no one could trespass on a different boundary. They mention their boundaries in the feast hall, and they have chiefs and other Gitksan people listening to him and they are witnessing this while he describes his—the boundary of his territory.⁹

The boundaries are described in the feast by naming the places or natural features at the outer reaches of the territory. Like Stanley Williams, James Morrison, Txawok, of the *Laxgibuu* clan of Gitanyaw tribe of the Gitksan, referred to the naming of boundaries and further explained the Gitksan concept of boundaries.

People sitting in the feast hall hear what you saying that identified boundary, and they know where the boundary is. You name the place where the post is, like *an'liidiks*, and they know where the boundary is. It's in the feast, and anyone that is sitting in the feast listen to you, what you said in the feast, *an'liidiks*....

[*An'liidiks*] means that landmark where the post on the corner of the boundary, also known as a creek or a mountain, that's never moved, or the creek that they use that's not dry, it always runs, a creek all the time. So that's the reason why they use this boundary, they call *an'liidiks*, it does not move. They don't use anything that move.... It's still the same today. They never changes. No one can change that.¹⁰

An'liidiks means “place on - firmly placed” and shares the root word “*dax*” with the term *daxgyet*. As Solomon Marsden, Xamlaxyeltxw, explained, the strength, or *daxgyet*, of the chief is rooted in his land:

I could talk about my own territory [in the feast] and when I mention my territory, this is where the basis, the foundation of my strength [*daxgyet*] with the other Gitksan people, with the territories, I have to describe my land, my territory where my power and my authority is.¹¹

James Morrison also alluded to the nature of the relationship between the lineage and the land when he described how the ancestors tell the shared history of the lineage and its territory through the natural forces in the land.

You have to go out there [to the territory], and sometimes when you feel like to, you have to be out there to be out at the rivers or lakes, wherever you going to sit yourself and feel you can hear the creeks and the rivers to remind you what happened in the past. That's one of those things that people—to go out there and sit in some of those areas and listen to the creeks, what these people in the past used to speak about these territories. That's one reason why they went out there, to listen to this. And you can feel the presence of the creators when you have that—the reflection of this of your territory and yourself.¹²

Stanley Williams explained the relationship between the lineage's history, crest pole, power and territory.

We have a totem pole there that contains the history of our territory and the history of our people. The totem pole holds the power wherever the totem pole is, is where your territory is, the power of your territory is there.¹³

Solomon Marsden also referred to this relationship.

When a chief is planning to raise the pole, it is very important because he thinks back on his territory where he would put all—on this pole he would put all the power and authority that he has and he will put all the crests in his *adawx* on this pole...and even around this area we see totem poles and it's—the Indians know how important it is to our people, because it shows where our power and authority and jurisdiction is. This is what these poles show where it lies. And this pole is called *xwts'aan*....

The pole represents...the power and ownership of the territory. The...totem poles that you see standing have these—and they're not just standing there for nothing.¹⁴

Fred Johnson, Lelt, of the *Ganhada* clan in the Gitwingax tribe of the Gitksan, described how the crest pole links the lineage with the spiritual world.

“There was a Simooget [Chief] in the sky, Simooget, that gives certain powers with the totem pole and with our *ayuks* and he gives it to us and it is just like cement to us. We see it, just like cement, it is ours.”¹⁵

In his reference to cement Fred Johnson evokes again the important idea put forth by the other chiefs—that identity and power transcend the material world, yet are firmly rooted and immovable.

The distribution of gifts at the feast honours the relationships of the lineage with others in its society and acknowledges their role in validating its *daxgyet*. As well, the chief by hosting the feast and distributing wealth shows that he has properly overseen the relationship between the

lineage and its land and that, as a result, the lineage has prospered. Through the giving out of their wealth, the people of the lineage show that they have fulfilled the law, and this is acknowledged by the guests when they accept their hosts' food and goods.

In one of the few written descriptions of a specific feast, William Beynon described how the Tsimshian—in this case the house of Nisyaganaat of the Raven clan of the Gitsiis tribe—named the territories where each of the foods being distributed had been harvested.

Then the guests started to eat. As soon as they started eating, one of the leading Gitsiis headmen stood up and said, 'Take your time eating, Chiefs, take your time eating, for this is what your grandfathers did. And the meat you are eating is mountain goat taken from the valley of Kiyaks.'

Then another stood up and said, 'Take your time eating, Chiefs, some of this meat is the seal meat the chief himself caught in his seal traps at the headwaters of Kts'm'at'iin, his own territory.'

Then another stood up and said, 'Take your time eating, Chiefs, these are the high bush cranberries and crabapples which you will eat gathered by the chief, my master at his own berry grounds at Kts'mkwuun.'

Then they finished naming all the rivers owned by the Gitsiis so as to make them known to the tribes of the Tsimshian, that is why they spoke this way.¹⁶

Art Mathews referred to this practice in the feast.

[The territorial names] were announced in various ways. They announced as an *adawx* and they were announced when you bring your soup...whatever, they announced and said this so and so, this meat comes from, and they specify each mountain or its territory where it comes from. Each creek is mentioned. So in our rule and laws we say that if you eat and digest the words, it's within your very soul. That's why they do these things. [The chiefs from Gitwingax and from all the other villages were present]¹⁷

All what you take off your territory, then these feasts would be put up, and each—if it was meat or wherever you got the meat—would announce where it came from. It's a show of wealth you would say, and you would mention each name of your territories where it came from...that's why they do while you are eating this, you

digest it, it's within you. It's a spiritual belief that you mention this, that part of the territory where it came from.¹⁸

This ceremonial distribution of food demonstrates the successful relationship between the chief and his territory, his ability to feed the people and thus the power of the chief and his lineage. In consuming these foods as the territories are named, the guests acknowledge the *daxgyet* of the host lineage and the ownership of their territories.

As Stanley Williams explained, it is the law that each generation raise a crest pole and host a *baxmaga*.

This is when the food is given out and the materials are given out. After the guests have eaten and the...chiefs have been paid for all the help they have given, all the expenses are paid when the totem pole was erected, this totem pole would have all their crests. The reason why this pole is erected because it holds the—power of the—and it holds the power and the law of our people and this is the reason why it's been erected.

If the '*niidil* and Gitwingax, Kitwancool, Kispiox and Gitanmaax chiefs agree with what is going on and what has been said in the feast house by the new chief, then it gives more strength to the new chief that everything is right...this is the law...that all the Gitksan people use.¹⁹

A successful pole raising feast is evidence that the chief has respected the land, the members of his lineage and the other lineages in his society and has thereby fulfilled the law.

The role of the chiefs in leading the people and ensuring the peace and prosperity that leads to a successful feast is demonstrated by the *naxnox* rituals which always precede the pole raising feast. These rituals dramatize *naxnox* names, names representing negative human qualities that flow from a lack of respect for the authority, rights and territory of others, and threaten the social order. In the *naxnox* performance these qualities are dramatized as a destructive force that threatens

everyone but that is tamed by the chief. When these performances are complete, the chief scatters swan or eagle down on his guests to ensure the peace and harmony necessary for the ensuing feast.

Naxnox performances in their totality might be considered an enactment of the process of civilization. The *naxnox* names that are acted out represent negative human qualities, such as stingy, beggar, proud, crazy, restless, hoarder. They are the mirror image of Gitksan and Tsimshian law and its fundamental principle of respect. These human qualities that work against the fulfillment of the law are seen as spirit forces that must be taken on and controlled in the person of the chief. He and the other chiefs in his house are the only ones who have the spiritual strength to mitigate their destructive effect on society. The chief controlling one of these forces takes on its name as one of his own. If the person taking a *naxnox* name is not sufficiently strong, the spirit force in the name controls him and he himself becomes restless, thoughtless or stupid. Each chief holding a *naxnox* name personally tames that anti-social force for the people as a whole. The full range of such undesirable human qualities is represented in the totality of the *naxnox* names of all the lineages. Through the taming of these aspects of human nature, the foundation of culture is created and the social order maintained.²⁰

William Beynon witnessed a number of these *naxnox* performances in the Gitksiyukla in 1945. The following is his description of the *bighaw*, or liar, *naxnox* of the chief T'ewelasxw of the eagle clan at Gitwingax.

Then another man came and sat in the middle of the gathering and was apparently indifferent to all the people. The attendants came to him and spoke saying, 'All of your guests are here now why don't you dance for them?' He looked about and then calmly stated, 'I'm the only chief on the Skeena, I control the water and land and all these totem poles are mine and I am many thousands years of age.' This he kept on repeating for a length of time, until the attendants took him and forcibly threw him

out of the hall, saying to him, ‘You liar,’ using the Tsimshian phrase *bighaw*, liar’ a *naxnox* privilege...of this house.

Immediately after being ejected, the attendants and songsters were in an argument as to whether they had done right in putting out the man. While they were still arguing a large stone was thrown against the building and many men came in terrified and with exclamations, ‘Why did you put out that *halayt* person, now something terrible has come. We do not know what it is, some very strange being, it is no doubt something come to harm us and destroy us all. Be on your guard.’ Then another came in with even more terrifying news that this monster or being was destroying everything in its way. He admonishes the guests and chiefs to be careful lest harm should befall them. Then he turned to the *halayt* attendants and said, ‘You have invoked the destroying powers of some fearful being. See it come in.’

With that there entered a being dressed as a warrior with a bearskin armour, a huge mask about two feet high and the same across and having a barbed lance and quiver of arrows and a bow, and hung from his belt was a *hagaloo*’ (war club). The attendants ran around the being in an endeavour to overcome it and it went around as if to grab several of the attendants who fled in terror and the being came to where the guests were sitting and then attempted to try and wreak harm on the guests. The attendants finally overcame it and it fell as if in a stupor and then the singers at the rear of the house [sang] and after, this being began to revive and show signs of life and was able to go to the rear of the house into an enclosure.

After this, the chief T’ewelaxw came forward...attired in a Chilkat blanket with leggings and an apron adorned with puffin bills. On his head was an eagle headdress, *amhalayt*, which was filled with swans down, *mixk’aax*, and the singers singing the *halayt* songs and the chief...dancing with the rattle, and as he came upon where the visiting chiefs sat, he, nodding his head, scattered the swans down upon the guests.²¹

Naxnox is translated as supernatural force or spiritual power . The power in the *naxnox* name is that of the chief who tames these anti-social forces. Taming is not the same as elimination, however; *naxnox* performances acknowledge the ever-present reality of anti-social forces and the need for the spiritual power of the chiefs to control them on behalf of their people.

Art Mathews described how *naxnox* power overcomes fear and how this strength is part of one’s spiritual relationship to territory.

[The *naxnox* is performed at the feast and demonstrates] the spiritual relation you have with your territory...you relate yourself spiritually to the territories you own in various *naxnox*....

The actual name of showing your *naxnox* is in our language, *luuhetxw halayt*...which means you're going to show your power which I described as *daxgyet*, is going to be transferred to another person to exact its rightful line of that name. [It is enacted a day before the *yukw*. ...The actual name power is *naxnox*...it says fearless...we look anybody in the eye and we don't get scared of them.... [The performance] is unforgettable. You could feel the spirit actually coming in you and...you relate *naxnox* your land to your territory, to the whole house, spirit is given there through *naxnox*.... It was a very lengthy—if I went through all the *naxnoxs* that had to be performed, I think they started around one o'clock in the afternoon and they'd end at about four o'clock in the morning.²²

After the *naxnox* performances, the chief dances the welcome dance in which he scatters eagle down from his *amhalayt* (literally good for spiritual power - headdress) on his guests. In so doing he moves the feast out of everyday life into a context in which the spiritual aspects of life and the laws of respect, harmony and balance prevail. Every action is formalized according to the law. Even a higher language is spoken in which words of respect and affection create a mood in which human differences fall away and people focus on the spiritual reality that joins them all. Here events are witnessed in their essence in the light of the law, as part of the flow of spirit through time.

But when I enter the feast house, I will leave this all behind because this is where our law is. The chief is not supposed to be looking around and talking in the feast house because our ancestors really take the feast house very seriously and our laws seriously. This is why we take everything in that is said in the feast house. We listen closely and we pay attention closely. We learn what is going on in the feast house.²³

In the feast, the chief, like the crest pole, manifests the spiritual centre of the lineage; in a sense, the pole and the chief are one. The power that flows through the pole also flows through the spinal column of the chief and not only links the lineage to its territory and the animals and plants

that feed them, but also spreads throughout the society, strengthening the network of human relations forged by this and other feasts.

At the finale of the feast, the chief displays his *hayetsxw*, or copper and in so doing displays both his spiritual centre, in yet another form, and also the wealth of all the feasts held by this lineage over the centuries. The ridge that runs vertically up the lower half of the copper, represents the spine of the chief, the crests on the upper half, the power of the chief and his lineage. When the copper is broken and distributed it reinforces, along with the food and goods distributed, the interconnection of all the lineages in the society. At the same time it represents the giving out of many centuries of wealth and the confidence of the lineage that they will continue to live and flourish, and create and give away new wealth in the future.

The pole raising feast also completes the burial of the previous chief and other leading chiefs of the lineage and marks the moment when the current leader is fully acknowledged as a chief. At the same time, the feast establishes the status and worth of the present chiefs and thereby upholds these chiefly names for another generation. These names, like the pole and the copper, represent the cumulative power of the chiefs and their lineage and must be validated and renewed in each generation.²⁴

The history and identity of the lineage and its power and authority, are in this way kept alive through each generation. As Solomon Marsden explained, it is one of the chief's main responsibilities to ensure that the knowledge that underlies the *daxgyet* of the lineage is kept alive in his generation and passed on to the next.

In the beginning when there were Gitksan people here they used to live in big houses, which is known as long houses. There is no rooms in a long house, it's just one big room. The Chief would sleep in the back centre of the house and then they

would have their—his brothers and nephews on the sides. Early before morning the Chief would rise and he would tell his brother and nephews and the house members of the *adawx*. He would go over the *adawx* and then he would go over his plans of what they're going to do, if they're going to have a feast, planning a feast. When the—when the older Chief passes on, the new Chief comes on and he does the same thing, and this keeps going on and on and they keep changing Chiefs and they still do the same thing, telling of the *adawx* and what has happened during the lifetime. And this is the reason why today we know the *adawx*, it's been passed on, because this is what they did from the beginning of time.²⁵

In the beginning of time when a man becomes a Chief what the law he has to follow is that he sleeps the back centre of the long house and what he does is he takes a name and he's responsible for the house members and we don't write anything down. We don't write—there was no writing down in those days. So what happens as soon as the chief wakes up in the morning, he gets up and he starts telling the *adawx*, what *adawx* they had in that house and then he tell his other house members what to do and how they should do it. And this was the law of the Gitksan people. It gets passed on from generation to generation. And the hard work of the chiefs in the ancient times was to pass the *adawx* and the history from generation to generation and their hard work reached us. This is why we know our *adawx* and history because this is what the chief did back then passing from generation to generation... the long houses are really called *Wiluuski yuuhlxamtaw*, which mean where the—where the history of people are.²⁶

As Fred Johnson expressed it:

Showing the other high chiefs that I am a *Simooget* and they would acknowledge whatever I say. And the law will never be lost. And that our nephews will learn that they will follow our traditions, take over our names. The law still exists today, still good today.²⁷

Ayuks is power of our forefathers and grandfathers that listened. Beautiful living... it is something you don't play around with...it's something that is treasured.²⁸

Martha Brown, Xhliyamlaxha, of the *Laxgibuu* clan of the Kispiox tribe of the Gitksan, referred to this also. "It's a true history. Whatever happens to, to the old Indian people it's old and passed on what today is called generation from generation."²⁹

III. THE GITKSAN AND TSIMSHIAN: ENCOUNTERS WITH FOREIGN NATIONS

Periods of significant change in the life of a lineage are historical in nature; they add to the identity of the lineage and are recorded in *adawx*. Since, within Northwest Coast societies, people and institutions are intricately interconnected over space and time, the introduction of new and foreign elements provoke changes that move through the network of complex relationships. Encounters with foreign peoples take place at the borders of the nation and are recorded in the *adawx* of the lineages that first experience them. While such encounters were unusual in the thousands of years of Northwest Coast history, the *adawx* that grew out of them record the same ceremonial response as encounters with known groups, the same display of identity in response to the questions described by John Brown, “What is your grandmother’s name? And where is your crest? How do you know of your past, where have you lived?”³⁰ The following *adawx* relates the first meeting in ancient times of Xamlaxyeltxw and Luuxhon, chiefs of the Raven clan of the Gitanyaw, with the ancestors of the Nisga’a.

Xamlaxyeltxw and Luuxhon travelled south along the Nass River looking for a new and unoccupied area that would sustain them. Over many generations, they established new villages at Anxts’imilixnaagets and at Aksnagyalga and laid claim to the surrounding lands. Finally, they settled, after a number of generations, at Winsgahlgu’l and Gitxsits’uuts’xwt. From there they established formal ties with the people of Gitwillaxgyap, an ancient village near what was later Gitlaxdamks, on the Nass River. The people there were a different people and spoke another language. Both Xamlaxyeltxw and Luuxhon gave major feasts at which they identified themselves to these people and at which ties of friendship were formalized. The *adawx* of Xamlaxyeltxw and Luuxhon details these events.³¹

After living here [at Aksnagyalga] for sometime, they left and came close to a Nisga’a village, at a place named Winsgahlgu’l Ts’ilaasxw (Place of Narrow Canyon). They built their houses at a spot named Sgathlao (in Tsimshian). This is the name of the house type. It became the crest of the house, a special type with posts leaning inward and

supporting big beams. Here they settled. They erected four houses, those of 1. Xamlaxyeltxw, 2. Singewin, 3. Ts'iigwa, and 4. Luuxhon.

Luuxhon did not want to stay there. He preferred to roam about. So he went across the river to the opposite shore and down the river....He travelled until he came to a pretty big river down the Nass and he went up its course until he stopped at a large waterfall. There were plenty of beaver here, in the spring of the year. He was very impressed with the river, as the game abounded....

While he was preparing bear meat and the meat of the beaver he had killed someone appeared in front of him. He called this place Winluundeldehl'aks, Where Meets Water (Where Two Rivers Meet). Those he suddenly met there were his own...[clan] brothers...They wept and one of them told them, 'You will now become my real brothers. I have taken this river to be mine alone, while my brother Xamlaxyeltxw has already erected a village farther up the river at Winsgahlgu'l...At a distance on this river towards the mouth, Luuxhon erected a house at a place called Gitxsits'uuts'xw, People Water Birds or Place of Many Birds.

This encounter is recorded in Xamlaxyeltxw's *adawx* as it represents an historic event in the lives of this people, their first meeting with a foreign group since their departure from their homeland. The practice of feasting to establish formal relations was clearly well-developed by this time and the establishment of peaceful relations was accompanied by a full display of *naxnox*, or spirit powers, and *ayuuks*.³²

When he began this house, one of his brothers came to him and said, 'We have discovered a village down below us on the main river (the Nass) and the people that live there are fighters and warriors.' The Gitksan Luuxhon was now speaking Tsetsaut. He and the rest of the Ganeda at that time were speaking the Tsetsaut tongue. This man said, 'These people at the village do not speak the same language as ourselves, but theirs is a foreign tongue.'

The younger man and his party prepared themselves to go down to this new village, Xamlaxyeltxw, Hlewa'nst and Tsigwe...Xamlaxyeltxw was going to this new village to invite them to his *yukw* and announce the establishment of his new village of Winsgahlgu'l. They went to the people who afterwards were known at Gitlaxdamks, the Gitwillaxgyap. It was those people whom Xamlaxyeltxw invited, and they went to his *yukw* at Winsgahlgu'l. In

front of those that had come up from this Nass village they placed gifts of bear skins...

Before the guests had arrived they had painted the front of the houses with a design known as *Kawax* or *Kawangaak*, Raven-House-front Painting. It was a single raven and two smaller ravens under each wing. This he exhibited to his guests and he dramatized his name of *Xamlaxyeltxw*, meaning a person backwards to and backwards, representing his journeys from one place to another.

Luuxhon at that time was working on his own house at *Gitxsits'uuts'xw*. The rest of the *Ganedas* at *Winsgahlgu'l* went down to assist him. Luuxhon made a crest that he exhibited, known as *Lademxsimgyet*, Ladder of People, a ladder like an entrance through a being: two huge frogs which were surrounded by many human-like beings. Then he made a huge wooden frog, inlaid with abalone pearl and placed it on the rear platform of the house. Around the edge of this frog were caribou hoofs. He called this *Ganaaw'm Laxptaw*, 'Frog On Partition. After that he carved a being wearing a *lanemgayt* (like that on the pole at the present *Gitwinhlgu'l*) with four layers.

He was now determined to give a *yukw*, inviting the people of 'Wiilaxgyap (*Gitlaxdamks*), to exhibit his own exclusive crests. He took his guests to his village, but for two days he asked them to fast, as he was also to exhibit a *naxnox* called *Tigyet*. As his guests arrived before the *yukw* proper, he had a *halayt* at which he distributed raw foods, and meats. When his own *yukw* was finished, and he had distributed garments of goats and other animals, his guests departed for their own village.

Xamlaxyeltxw and his people had discovered new territories and a new people at their borders. Their relationship with the *Gitwillaxgyap*, a previously unknown people, was formalized at their *yukw*, in which the elaborate crests of the lineage, its histories and *naxnox*, established the power of the lineage and its right to the ownership of its territories. The presence of the *Gitwillaxgyap* at these feasts represented their acknowledgment of *Xamlaxyeltxw* and his peoples' ownership of their lands and their peaceful relationship with them.³³

Although these peoples were foreign to each other and spoke different languages, they were both peoples of the Raven Clan and as such relatives who shared a common ancient ancestry. Where foreign peoples met and could not draw on any shared identity, the establishment of peaceful coexistence took place through marriage. A marriage alliance, as with all new relationships, developed over time and was established through a series of feasts and the distribution of considerable wealth. It followed a period during which each people came to know the other and found mutual benefit in an alliance, or a period of warfare or other hostilities such as raiding.³⁴

These events recorded in Xamlaxyeltxw's *adawx* took place in ancient times when new territories could still be claimed, probably several thousand years ago. In more recent times, around 1500 years ago, long after the territories of the Tsimshian and Gitksan were well established, large numbers of northern peoples migrated south causing a period of significant political and social disruption for these two nations. The oral histories concerning this period offer a glimpse of the range of responses available to these nations when faced with foreign peoples at their borders. Those foreign groups that had ancestral ties to lineages within these nations were absorbed into existing tribes and formed new house groups among them, while others that had simply invaded Tsimshian territory, settling in remote inlets, were attacked and driven off. The foreign peoples were accepted only after they had demonstrated the power and status they would bring to the tribe by hosting a feast. Here they told their *adawx*, displayed their crests, songs and *naxnox*, and distributed considerable wealth to show their ability to sustain themselves without relying on the resources of others. In cases where they could not, or there were insufficient resources for the newcomers, they were expelled and forced to move on to new regions.

During this period, very large numbers of people were assimilated into Tsimshian, Gitksan and Nisga'a society. The many *adawx* that describe the warfare and political and social upheaval of this period also offer insight into the process by which these challenges were overcome. They relate how these nations retained their institutions and laws in the face of massive immigration and invasion. Their societies adapted to change by becoming more integrated and developing a more complex economy without changing their institutions and their laws.

In the centuries following the reestablishment of stable societies on the northern Northwest Coast, the economy of these societies evolved, resulting in new relationships with the foreigners at their borders. For complex reasons, some arising from this period of change, others from the evolution of transportation technology, trade became a more central aspect of the Tsimshian and Gitksan economies. Exclusive clan and marriage alliances between lineages within and beyond national boundaries created a trade network over the entire northern Northwest Coast region. As well, lineages controlled travel through their territories, and those positioned along important trade routes gained considerable power and economic benefit.

The establishment of alliances and exclusive trade rights had to be formalized through ceremony. The formation of a new alliance with a previously unknown or foreign nation was an historical event and became part of the *adawx* record. Harriet Hudson, of the Kitselas tribe of the Tsimshian told the *adawx* of the formation of one such alliance, between the Eagle clan lineage of Gitxhon of Kitselas and the Raven clan group of Hlengwax of Gitlusek, then the first tribe on the Gitksan side of the Tsimshian Gitksan border.

Ages ago the Kitselas tribe was the uppermost on the Skeena River. Its home village was situated at the canyon. These people of the Tsimshian did not know of any other people above them on the river, and although their hunters went a considerable

distance upstream, they never found any other folk living there. There were a great many Kitselas, who made two villages, one on each side of the canyon. One of these was under Gitxhon. His village was on the high part of the canyon and was known as Gitxseex....

One day, a group of young women from the Eagle went out to pick berries. Among these was a niece of the chief Gitxhon. She had gone somewhat farther than the rest and strayed away from them. When it was about dusk, she met some young men who took her and lead her to their camp, which they reached by night. Next morning, very early, they set off travelling very swiftly, the young woman could hardly understand them, but soon they came to where their canoes were hidden. Then they travelled up the river. For many days they went on, and finally came to a very large village of many people. The young men took the woman to the house of their chief Hlengwax who at once took her for his wife....

After many years, Gitxhon's niece returned with her children to her uncle's village.

Gitxhon called together all the Kitselas, and presented his nephews and his nieces to his people saying, 'These were the ones whom we thought were dead, but are alive. Now I am about to return my niece together with her children to her husband, who is a great chief, and I want you to come with me.' Gitxhon then gathered all the coast foods he had, such as dried herring eggs, seaweed, dried halibut, and clams, and all kinds of sea foods. With his folk he set out. When they arrived at Giwingax, they were greeted by these people and a great *halayt* was at once given by Hlengwax in honour of Gitxhon. After these exchanges, Gitxhon spoke, 'My niece has told me how well you have looked after her. She wanted to return after having shown her children to her own people. So, although you have much food, she has brought sea coast treats and this she now places before you. When we return she will remain behind with you.' Hlengwax, the Gitwingax chief, replied, 'So, what you say is right. I am very happy you are here with us. And I want to proclaim this, that only you shall have the privilege to trade with us, in this way. You may come often to see us. And this will give you also the right to trade with all the other villages above and there are many others [upriver].'

Gitxhon had now come upon a very valuable trading privilege. It was well protected, as his own village was situated in the canyon through which any canoe going up would have to pass. To protect further this watch, he made rope of cedar bark which canoes passing would contact and this would shake an alarm of puffin beaks and deer hoofs. So that anyone trying to go through the canyon at night would shake the cedar rope, thus giving the alarm. Then those in the Gitxhon village would be able to capture the canoe. It was almost impossible to pass through without the knowledge of the Kitselas people.³⁵

Sometimes, in more recent times, alliances were created in situations where no lineage or marriage ties existed, by a process the Gitksan called *ne'amex*, making oneself kin. This process also involved feasting and could be formalized by an exchange of chiefly names. Thereafter, during the lifetimes of the individuals involved, they were considered kin. After their death the relationship had to be renewed in some way, or it ceased to exist and the names were returned.³⁶

When Europeans first started arriving on the northern Northwest Coast, they were received as any foreigners. Both peoples sought trade in one form or another and both sought access that excluded others. However, most of the Europeans stayed on or near their ships and failed to understand or ignored the invitations they received to visit various Tsimshian villages. The first encounter between the Tsimshian and the Europeans took place when Colnett landed in the territory of the Kitkatla tribe in 1787. The first people from Kitkatla to encounter members of the crew were members of the Ganhada (Raven) clan lineage of Saaban at their halibut grounds off Pitt Island. This historical event is recorded in their *adawx*.³⁷ It was Seeks, however, a chief of the leading lineage of Kitkatla (of the Gispwudwada—Killerwhale—clan), who was entertained on the ship by Colnett.

It wasn't until 1792 that a European attended a Tsimshian feast. In that year Jacinto Caamano's vessel, anchored near the south end of Pitt Island, was approached by Homts'it, a Raven clan chief of the Kitkatla tribe who danced the peace dance for him. He and his people were invited on board. Homts'it gave Caamano the gift of an otter skin and Caamano served refreshments, after which Homts'it exchanged names with Caamano, making them allies. Three weeks later Caamano attended a feast at Tuwartz Inlet. Caamano described a series of feasting events in considerable detail, the first of which took place on August 28, when Homts'it visited the ship to invite Caamano

to a feast. Since the main elements in these ceremonial invitations are a peace dance and a *naxnox* demonstration, the feathers to which Caamano refers were probably eagle down, the symbol of peace, and his various masks probably represented his various *naxnox* powers.³⁸

Homts'iit came to visit me in the afternoon, accompanied by upwards of forty of his relatives, all singing and bringing feathers. He, together with his nearest relations, arrived in one of two canoes lashed alongside each other. Homts'iit's head appeared from behind a screen formed of brilliantly white deerskin; on it, accordingly as the action demanded or his own particular fancy dictated, he would place various masks or heads of different animals that he proposed to imitate; the deerskin serving as a curtain by which he was entirely hidden when he wished, unseen to put on or change one of these masks or faces. They remained alongside thus for some time, singing and continuing their antics, until Homts'iit with great eagerness explained that he was come to conduct me to his village. Curiosity to see it, as well as the fete for which such extensive preparations were being made, induced me to comply with his entreaties....³⁹

Camano and his men travelled to the village by cutter and were welcomed on the shore by six men with a "very clean deerskin." Clearly in what follows Caamano is treated with the highest respect.

[They] at once dashed into the water up to the waist alongside our boat, making signs for me to sit on the skin to be carried ashore on their shoulders. The moment that I place myself on the deerskin these six fellows hoisted my 150 lb. carcass on their shoulders and carried me at a run across the shingle and up the pretty steep slope leading from it to the village, whither they brought me at a surprising speed. To pass through the narrow doorway of the chief's house, over which was painted a huge mask, it was necessary to make a litter or hammock of the deerskin.... Once inside I tried to get on my feet, but this they would not allow before bringing me to the place for my seat, which was to the right of the entrance. The seat was formed of a case or chest, raised higher than those of the others, fitted for only one person, and covered with a new mat; while a similar one was spread before it. The seats for my officers, ranged on either side of mine, were made in similar manner; those for my men, were formed of mats spread out on the floor.... By this time the whole native company, amounting to about eighty people of both sexes, was arranged on the floor....⁴⁰

Caamano described a series of performances, probably *naxnox* displays, by Homts'it.

Homts'it began to emit piercing howls in a pitiful key; after which, throwing back his head as if about to faint, he sat down, clutching at the collar of his cloak, as if wishing to throw it off. Several of his family nearby, who were watching to give him any help that might be necessary, when they noticed this, gathered around him forming a screen so that he might not be seen as changing his garments in which some of the others were assisting him.... So soon as he had put on the ones in which he was to show himself, they would break up and sit down out of his way, leaving only a couple of his nearest relations standing by ready to help him as he might require. When he was ready, these also left him, and the actor arose.⁴¹

The first performances were interrupted briefly when “two tubs or small troughs were brought in, filled with freshly boiled fish for our refreshment.”⁴² Later Homts'it presented Caamano

with a nutria skin and returned to his place, when all the rest of the Indians rose up from theirs. I thereupon did the same, which being seen by my native escort, they at once got ready my coach (the large deer skin as a litter), put me into it, and quickly carried me down to my boat.⁴³

Caamano's departure may have been premature as his boat

had hardly cleared the beach before the Indians leaped into their canoes and were making for the ship, which they reached simultaneously with us. Here, started again to sing with even greater vigour than before. I gave them to eat and drink and towards nightfall they returned ashore with expressions of gratitude and pleasure.⁴⁴

Such invitations to attend feasts and to form trade alliances continued along the Tsimshian coast, but there is no record of any other captains accepting them. In 1793, Vancouver explored the mouth of the Nass River with three vessels. Archibald Menzies, a member of the expedition recorded descriptions of the invitations by groups in the area to visit their villages.

Jul 31 We stopped for the purpose of dining [near hidden Inlet] and were visited by a canoe, in which there were three persons; they approached us with little hesitation, and seemed well pleased on receiving a few trivial presents. The earnestly solicited our return to the head of this little arm, where, it appeared, their chief resided, and who had abundance of furs to barter for our commodities; but as it was out of our way, we declined their proposal; at which they seemed hurt and disappointed, but retired in perfect good humour.

[Returning to Pearse Canal, the boats landed for the night.] Soon after we perceived that we were followed by one of the canoes that visited us at dinner time with [the chief of their party and] a chorus of women singing as they approached our encampment.... All the women had their lower lip pierced and stretched round oval pieces of wood...they staid in a cove close by us all night and were very clamorous and noisy, being joined by another canoe in the night time.⁴⁵

In 1795, the *Ruby*, a British ship out of the UK, anchored at Wales Passage near the mouth of Portland Canal. Charles Bishop described in the ship's log the invitations they received.

July 16 [About to leave], when a canoe came up the Sound and shortly afterwards another made its appearance. They came alongside with a great deal of confidence and the chief presented me with a curious carved wooden mask....the mask he presented is adorned with teeth.... These people appeared to have seldom seen a ship by their curiosity and surprise.⁴⁶

As in previous times, when foreigners invaded their territory, the crews of the first ships were greeted with hostility when they landed on shore—to cut wood, draw water and explore. From Colnett on, there are descriptions of attacks by the Tsimshian when the foreigners were perceived to be invading or taking, without permission, what was not theirs. The intervention of a chief with a relationship to the captain usually led to a peace ceremony and the end of hostilities.

In all these encounters, the Tsimshian sought to communicate their identity, including their territorial ownership, and to have it acknowledged and respected. Whatever the ships' captains and officers understood of their interaction with the chiefs and others with whom they traded, they knew

they would not acquire the trade they desired without following sufficient protocol to satisfy the people. They may not have known that they were acknowledging the legitimate rights of traders and their territory but they did understand that it was very much to their benefit to have an alliance with the prominent chiefs.

IV. THE GITKSAN AND TSIMSHIAN AND EUROPEAN COLONIALISM

The nature of the forces inherent in this foreign culture were fully revealed to the Tsimshian only over several decades: the symbiotic forces of capitalism and Christianity and their offspring, colonialism, whose roots were to be found in a worldview fundamentally opposed to that of the Tsimshian and other nations of the Northwest Coast. Founded in a European rationalist tradition, it was based on the separation of intellect and emotion, mind and spirit, to the extent that religion—or rather human understanding of the spiritual aspects of life—became rigorously rational and secular. The emotional and spiritual aspects of human nature were left to find expression in religious fervour, and dogmatism. These foreigners not only believed, like many others, that their way of seeing the world was divinely inspired, but, unlike many others, they also held the unshakable conviction that their way of seeing inevitably was to be adopted by all human kind. The leaders of these foreigners for the most part believed that they as individuals had a key role to play in this “enlightenment” of others.

Particularly unfortunate for the Tsimshian was the economic philosophy of the time, a product of the new Protestant religion, which, while defining work as the only way to a righteous life and salvation, at the same time decried the leisure and enjoyment that could come from it. This worldly asceticism resulted in the accumulation of capital and the consequent need to re-invest it

in future work. At the same time salvation became very much an individual enterprise with each person rationally planning his or her life in accordance with acceptable standards of conduct, thus laying the foundation for colonialism and bureaucracies that spread around the globe. Finally, the philosophy that separated individuals from all that was then deemed to represent the wild uncivilized aspect of their human nature also separated them from the wildness outside of them, untamed nature and all peoples who were, according to their philosophy, less evolved in their inevitable progress toward civilization.⁴⁷

The Hudson's Bay Company (HBC), beginning with their first establishment on Tsimshian lands, was part of what Cole Harris describes as this "discourse of capitalism [that] turned around management, order and property. As much as possible, it avoided irregularity and uncertainty, and encouraged system. It tended to regulate time, and to commodify nature and work. It valued hard work, thrift, and steady reliability," those qualities internalized through Protestantism.⁴⁸ The Company sought, to "create familiar, safe spaces for themselves...[and] to Europeanize and defend patches of land" in the form of forts.⁴⁹ The 'gentlemen' who ran the forts were men selected for their "system and regularity" to be efficient managers of a commercial empire.⁵⁰

The HBC, like the maritime traders before them, were not intentionally agents of British state colonialism; they were more concerned with eliminating their rivals from the fur trade and establishing a monopoly to derive more profit from the trade. The Tsimshian, on their side, were motivated by similar goals and used their clan and marital relationships to ensure that furs did not reach the fort without first providing revenue to them as middlemen. As well, marriage relationships were sought on both sides to facilitate the trade. Ligeex, the leading chief of the Tsimshian, not only offered his daughter in marriage to the surgeon Dr. Kennedy, but also encouraged the fort to relocate

from the mouth of the Nass River to his land at Laxhlgu'alaams, thus ensuring Tsimshian control over access to the fort.⁵¹

While there were no journals recording the extent of the involvement by HBC personnel in the ceremonial events at Laxhlgu'alaams, there are references in their daily logs to individuals among “the men” going out of the fort to help their Tsimshian wives to prepare for feasts and to attend them, and the close relationship between Dr. Kennedy and Ligeex makes it hard to imagine that he did not participate with his wife in the ceremonial life of her people. Certainly, there is every indication that the HBC acknowledged, both in their own terms and through indigenous ceremony, the *daxgyet* of their Tsimshian trading partners and relatives.⁵²

The virulence of the European world view for indigenous societies would not be felt until the arrival of its most aggressive and fundamentalist proponents, the missionaries, followed by the military, surveyors, government officials, many settlers, Indian Agents, and police and their jails, who used the pulpit, schools, laws, regulations and the constant threat of violence or incarceration to attack the philosophy, social and political structure, spiritual knowledge, economic system and emotional life that made up the tightly woven fabric of Northwest Coast society.

The missionaries as the forward flank of colonialism and the spokesmen for its philosophy, attacked the transmission of culture by preaching in churches and schools and then using various forms of coercion against the transmission of Tsimshian knowledge in the longhouses, the *Wiluuskiyuuhlaxamtxw*, “where the history of the people are.” They also attacked the authority of the chiefs and other hereditary leaders and their relationships with each other, their land and the spirits that surrounded them. This proselytizing made little headway among the Tsimshian at the fort, the first to be exposed to it, until the smallpox epidemic of 1862 when the Tsimshian were told that the

reason they were dying in the hundreds was their failure to give up their identity and adopt Christianity.⁵³

June 21 1862 Clah

and all the Indians in Tsimshens they will burned, as all lots the things with fire about in half day, and they wants sacrifices to God, and want they will God take away sickness from them, this the way burned, all bad things, and all the chiefs in Tsimshen burn all his music with *teine*. Called *naxnox*, and other kinds we call *amiilk* [masks], burnt them all. Poor all Tsimshian, they afraid to gone to die. They make God angry and in every year they always telling lies, and stealing. Murder killing another. Drunkenness and fighting. And we never do right in God sight. But we often doing wrong. And in our life and after that, and when all the people done burned all things.⁵⁴

The missionaries and visiting officials, motivated by their own way of seeing the world and their fanatical belief in their “divine” mission, attacked the Tsimshian political and economic system at its heart. After years of receiving their complaints, the government banned the feast, primarily for its economic impacts, which stood in opposition to the essence of protestant/capitalist thought. The emotional intensity of the opposition to the feast by government officials in the 1870s and their concern with property, civilization and industry is made clear in this summary by Douglas Cole.

The baneful aspects of the potlatch had been brought to the attention of the dominion government soon after Ottawa assumed control of Indian affairs in the newly confederated province of British Columbia. In January 1873, only months after his appointment as Indian superintendent in Victoria, Dr. I. W. Powell commented that potlatches ‘quite common’ on the coast, retarded civilizing influences and encouraged idleness among the less worthy Indians. Wise administration, he trusted, would in time make them obsolete. Other officers made similar statements.

George Blenkinsop, an agent with the Indian Reserve Allotment Commission on a fact-finding tour of Barclay Sound, reported that, until the local Indians were cured of their propensity for potlatching ‘there can be little hope of elevating them from their present state of degradation.’ Feasting and giving away property took up too much time and interfered with other, more industrious pursuits. ‘These people,’ he

wrote, 'are the richest in every respect in British Columbia and were a proper disposal made of the immense gains they could furnish themselves with every comfort they could possibly wish for.'

...In October 1879 he [Gilbert Sproat one of the members of the Indian reserve commission] addressed a letter to Sir John A. Macdonald expressing doubt as to whether the federal department 'fully appreciates the giant evil which in this inveterate and most pernicious custom has to be met and overcome.' The potlatch was 'the parent of numerous vices which eat out of heart of people.' It produced indigence and thriftlessness, forced women into prostitution and 'promoted habits inconsistent with all progress.' 'It is not possible,' he wrote, 'that the Indian can acquire property, or can become industrious with any good result, while under the influence of this mania.' Sproat was shocked that the federal government, after eight years of administering Indian affairs in the western province, had done virtually nothing to aid missionaries in their fight against such a soul-corroding system. He urged Ottawa to warn, rebuke and, if necessary, 'lay an iron hand upon the shoulders of the people' in order to eradicate an evil that sprawled 'like a huge incubus upon all philanthropic, administrative or missionary effort for the improvement of the Indians.'

In the face of such reports, Ottawa decided to accept Sproat's recommendation. The deputy superintendent general, Lawrence Vankoughnet, issued instructions to Superintendent Powell, James Lenihan, his newly appointed counterpart in New Westminster, and Sproat himself to discountenance 'the foolish, wasteful and demoralising custom.' One means to the eradication of the potlatch, Powell hoped, would be through the influence of Band Councils, created under the 1881 Indian Improvement Act. He had no doubt that councillors would be chosen from among 'the younger and more advanced Indians' who would be willing to exercise 'a vigorous civilizing power' by introducing bylaws or regulations against potlatching. Nevertheless, Powell informed his newly appointed Cowichan agent, with or without a council, the Indians could not be permitted to continue the custom. No law, he admitted, prohibited the practice; it's cessation rested entirely upon the persuasion of the agent.⁵⁵

On 7 July 1883 the Canadian cabinet was advised by the prime minister, Sir John A. Macdonald, acting in his capacity as superintendent general of Indian Affairs, that measures should be taken to suppress the potlatch. Cabinet accepted his recommendation that, pending the introduction of legislation at the next session of Parliament, the governor general issue a proclamation discountenancing the custom and requesting that Her Majesty's Indian subjects abandon it. Less than a year later, on 19 April 1884, an amendment to the Indian Act made engaging in the potlatch a misdemeanor. Outlawed at the same time was the *tamananawas* dance. Both ceremonies were to be declared offences effective 1 January 1885.⁵⁶

As the reference to Powell's strategy makes clear, the dominion used the Band Council system and legislation in their efforts to destroy the indigenous societies they sought to take over.

J. R. Miller summarized this policy and the legislation associated with it.

The statutory instruments that the Dominion utilized to impose political control on the Indian peoples were mainly the Indian Act, in its successive amendments, and the Indian Advancement Act of 1884. Both these statutes aimed at replacing Aboriginal political and judicial institutions with Euro-Canadian ones. The Indian Act of 1876 incorporated a provision from an earlier statute that specified electoral mechanisms to select leaders and gave the minister power to instruct a band to use elective practices when vacancies occurred; the 1880 amendment of the Act provided explicitly for setting aside life chiefs and replacing them with elected leaders and headmen. The so-called Indian Advancement Act of 1884 dictated a larger role for the Department of Indian Affairs in both the election and operation of Band Councils. As well, it widened the grounds on which even elected leaders could be deposed by Ottawa.

What was going on was a concerted attack on the Aboriginal, autonomous and self-regulating qualities of Native Peoples, particularly in the West and North.... Ottawa, said the Department's report in 1897, 'kept before it as an ultimate end, their [Native People's] transformation from the status of wards into that of citizens.' Unfortunately, 'the hereditary system tends to retard the inculcation of that spirit of individuality without which no substantial progress is possible.' That was why 'Indian Affairs' policy was 'gradually to do away with the hereditary and introduce an elective system, so making (as far as circumstances permit) these chiefs and councillors occupy the position in a band which a municipal council does in a white community.'⁵⁷

Powell also indicates another aspect of the government's strategy when he refers to the role they hoped "the younger and more advanced Indians" would play in the destruction of their political and social structures.⁵⁸ This approach runs through the documents of the time that reflect the efforts of the federal government to interrupt the transmission of culture, knowledge and thought, efforts which escalated to include the forced separation of children from their parents, other family members and their chief through the institution of residential schools. These efforts to drive a wedge

between generations and to pit them one against the other began with European style housing and missionary schools and were not simply misguided attempts to help people, but rather explicit policies designed to achieve assimilation and cultural genocide.

While not immediately apparent to the Tsimshian and Gitksan, the foreigners were using the same legislative approach to attack their ownership of their territories. It is not possible here to adequately present the march of government measures and broken promises that resulted, after decades, in the foreigners overlaying the land with a web of ownership claims and pursuing an economy that ravaged the landscape and destroyed its creatures. In many cases, however, laws were on the books for decades before there was any possibility of enforcement, and enforcement, when it was initiated, was inconsistent in its success.

In the face of this ever-expanding intrusion into their territory and their lives, from the very beginning the Tsimshian and Gitksan defended their territory and preserved their identity, their *daxgyet*. They both perpetuated their own institutions and sought to transform those imposed upon them by reshaping them to their purposes. The feast continued behind blacked out curtains and in people's houses or, in more remote regions, in the feast hall; chiefly positions and territories continue to be passed from one generation to the next; exchange of goods continue between families allied by ties of clan and marriage, children are still educated in their identity at home and now at school; and through it all, for a hundred years, the protests, the delegations, the court cases, the negotiations have continued from the attempt in 1910 to impose reserves, when Xamlaxyeltxw, Maggie Good of Gitanyaw, told the surveyor Alfred Green, "we do not want reserves, we are not so foolish. We know the land belongs to us and we will hold it till we die,"⁵⁹ to 2004, when Sats'aan, Herb George of the Gilseyuu clan of the Hagwilget tribe of the Wet'suwet'en, stated:

If we have 100 percent of the title interest in our land base, why are we going to give up 95 percent of it to have a relationship? It doesn't make any sense. Why do we have to give up anything? We're not asking you to give up anything. We're not asking you to adopt our government structures. We're not asking you to live on reserves. We're not asking you to live on transfer arrangements from us to live.... Question yourself about what you ask of us, because the standard that you set is simply too high. It's higher than your own society can bear.⁶⁰

The chiefs continued to act, as Solomon Marsden and Stanley Williams explained above, within their own indigenous contexts and fulfilled the responsibilities passed on to them by their ancestors. A series of totem pole raising feasts in Gitksiyukla in 1939 indicates the conviction of the chiefs as they overcome both the potlatch law and the outside influences that had entered their societies through their young people. William Beynon who devoted his life to recording the history and ceremonial events of the Tsimshian and Gitksan, described the sequence of events. In 1936, there was enormous flooding along the Skeena River and many totem poles were destroyed. In 1943, when the potlatch ban was still in effect, "a strong feeling sprung up among the Gitksan villages on the Upper Skeena...to try and save the remains of these poles and, where these had been totally destroyed, to replace them."⁶¹ Several poles were raised in Gitanmaaxs (Hazelton) and then in Gitwangax and Gitanyaw. At each of these villages ceremonies were "patterned after the older procedures."⁶²

This at first started a controversy among the younger thought and the remnants of the older thought. The younger men, feeling that as they were now in modern times and that these totem poles were simply a reminder to the coming generation of what the right and uses of the totem poles were and that aside from being just a memory of the past [they] also showed the art. These wanted to adopt new methods of erection ceremonies, which were to send out to the invited guests written invitations advising the guests to come at a certain date.

The older men felt that they were reviving more than a memory. This did not simply mean the erection of the pole, but also a display of the many *naxnox*s in the possession of each of the Houses, these to be dramatized and their songs sung by the members of the House and if necessary all of the village would assist in the rendering of these songs. These olden chiefs also claimed that the dirge songs would have to be sung, also narratives explaining what crests were to be shown on these poles and also as they would be in full costumes, the guests also should come as invited in full regalia and thus show an acceptance of the rights of each pole erected in the same manner as they [had] formerly done. At Kitwancool (Gitanyaw) and Gitwingax the older thought very soon overcame the protests of the younger groups, and messengers they sent out went in groups to represent the clans of the people giving feasts. That is, the *Gisgahaast* group of Gitwangax sent their own men, and the *Ganeda* and *Laxskiik* (Eagle clan) and *Laxgibuu* sent their own, inviting the people of Kitwancool. These were dressed according to their rank and standing, each clan chief being accompanied by his own group.

Now this idea was not acceptable to the younger people of Gitksigyukla who wanted that the ceremonies should be all combined and gotten over with in a few days. Most of the younger chiefs were with this plan and wanted to do everything in a modern way: that no messengers be sent out; and further there would be no formal Indian dancing, that all the dancing would be modern; and no word of mouth invitation. The majority of the younger chiefs wanted this. The older thought said nothing, thus signifying their disapproval to this modern suggestion. 'Wiiseeks, one of the Head chiefs of the tribe even moved away and went to visit among his wife's people, who were the Hagwilgets. Then another leading chief, Haxpegwootxw, also refrained from making any expression of thought. So, unexpected to the younger group, the older thought took matters in their own hands and were making preparations to send their own messengers to invite their own guests and to proceed to carry out their own ceremonies in the regular prescribed manner. This caused considerable feeling among the younger men, who saw that they were going to be made the butt of many references, so they gathered together and then agreed to the matter being conducted on the old plans.⁶³

At the same time as people struggled to perpetuate their societies and *daxgyet*, they also actively resisted government attempts to appropriate their land. In fact the political life of the Gitksan and Tsimshian for the last century and a half has been one of resistance. While the foreigners allocated land according to their newly formed political systems, the owners of the land

defended it on the ground. A brief overview of the history of resistance by the Gitanyaw conveys an impression of the times.

1898 - Indian reserve Commissioner Vowell was told to 'keep his hands off their country' and while he intended to establish reserves at that time he left without doing so.

1907 - The provincial and dominion governments begin their dispute over reserve lands.

1909 - Samuel Douse and two other men from Gitanyaw are convicted for intimidating two prospectors in their territories. They state they were acting on the authority of a decision made by the Gitanyaw chiefs to stop any white man who entered the territories with the object of taking their land.

1910 - Albert Douse sent a telegram to Prime Minister Laurier stating that their land was being 'surveyed for white men.'

1910 - Ashdown Green arrived in Gitanyaw to be told that they did not want reserves. He prepared surveys but they were not allocated.

1913 - Ebert Palmer, Arthur Wilson and Albert Williams of Gitanyaw were charged with molesting the BC land surveyor Harold Price who attempted to enter their territories and were given a suspended sentence.

1915 - Albert Williams, the speaker for Gitanyaw, addressed the McKenna McBride Commission ignoring their efforts to obtain specific information about lands for reserves and stating: 'It is all good land all the way up to the [Kitwancool] lake and also on the west side of the lake.' He produced a map of his own which encompassed Gitanyaw territory and added, 'All different families live where these little red spots are, and that is the reason we signed the petition to get this land back for our own people.'

1919 - The Indian Agent's report describes the ongoing resistance by the Gitanyaw: as usual at every season recurring feature again...namely, the Indians of Kitwancool tried to resist the entrance of white settlers to the valley...they seemingly possess qualities of a peculiar opposing type that is almost as effective at time as active resistance.

1919 - Stakes are again removed in Gitanyaw territory.

1920 - Chief Inspector Ditchburn of Indian Agencies received a letter from a settler in the region stating that a man 'possessed with ample Capital' was turned away at 'Kitwancool Lake Village' and he was informed by Rattenbury lands Ltd. on application for a piece of hay land in the Gitanyaw's territories that, 'owing' to the Indian attitude they could not come to terms.

1920 - Tom Derrick of Gitanyaw threatened a prospector's life when he attempted to prospect in Gitanyaw territory on the upper Nass. Derrick warned him that their 'hands were clean now' but if they returned to Gitanyaw they would kill them.

1923 - A timber cruiser was advised not to enter Gitanyaw territories as 'the Indians living at Kitwancool Lake would not allow timber cruisers to look over land or timber in that locality.'

1924 - A forestry engineer is apprehended and brought before Gitanyaw hereditary chiefs. Xamlaxyeltxw states, 'when we effect a settlement with the government, we will dispose of the said products on a royalty basis, but until that time no white man shall enter there and you are requested to return at once.'

1927 - Four Gitanyaw leaders are jailed for resisting the creation of reserves, the same year as the Indian Act was amended to make raising or accepting monies for land claims illegal. Gitanyaw village reserve becomes known as the 'Oakalla Prison Reserve.' Albert Williams wrote to provincial leaders pointing out that they were not engaged in illegal resistance, stating, 'we could not see why any litigation should be necessary, we STILL possess the said mother lands, and this is absolutely LOGIC.'

1929 - Albert Williams wrote to provincial officials stating that the jailing of their leaders was a 'very unlawful way to obtain lands from their owner.'⁶⁴

Such protests occurred throughout the territories of the Tsimshian and Gitksan and started considerably earlier on the coast, in the 1880s. Soon after the initial Tsimshian protests, legal efforts to resolve "land claims" began and continue to this day. The Gitksan, a century later, began their landmark *Delgamuukw* case, in which once again they attempted to convey who they are to the foreigners on their lands. Over a period of three years, in thousands of pages of testimony they presented their history and identity. While the first judge had a "tin ear"⁶⁵ and did not hear, they received some acknowledgment and respect from the Supreme Court of Canada. The chiefs and

matriarchs made it abundantly clear that decades of efforts to destroy their *daxgyet* had failed. As Stanley Williams stated on their behalf:

In the beginning we have our own laws that was—that was used by our people, the Gitksan people, *aluugiyet*. These laws were used and after the arrival of white people, they forced us to use their laws, they pushed their laws onto us... The white people have always tried to make us follow their ways, and they don't realize that we have our own laws and our own ways, and now they say this is—this land belongs to the Crown. This is not true, because the Crown never did—never bought this land from us. When the Queen usually comes, she only goes to Edmonton, to Winnipeg, she never comes here and sees the way—takes in the way we are living, our customs, our traditions, she doesn't see these things. And it's not for us to give our land away to her, this is our land, not hers. As long as we live we will always fight for our land, we will always have our land. We have our—the laws of our ancestors and *aluugiyet*, and we've always—and we've always had this law and we are going to put it into action.⁶⁶

The strength and success of this resistance is made powerfully clear in the testimony of Arthur Mathews who gave evidence of the unbroken transmission to him of his *daxgyet*, in all its manifestations, from the leaders of his lineage. When he gave this testimony in 1988, he was in his forties, part of a large extended family who shared their responsibilities on the land and in the feast. He had recently taken on the leading chiefly name of the lineage. The scope of his contribution to the case was outlined first by Peter Grant, legal counsel for the Gitksan and Wet'suwet'en in *Delgamuukw*.

Peter Grant: The focus of Mr. Mathews' explanation of his house's authority system will be his two territories and his fishing sites on the lower Skeena River. He will show how the *adawx* of his *wilnaat'aahl* establish and demonstrate his house's long-term ownership of the territories and fishing sites and how certain historical events on the territory came to be recorded by crests and songs. He will describe how the *adawx* teach house members the laws about their relationship to their territory and the animals on it. The application of those laws to present day management of the territories' resources will be described as well as the management changes made by the house during the witness' own lifetime. Art Mathews will relate how actions by

the Federal and Provincial defendants have changed the management options available to his house and the actions he and other house members have taken in response to those changes. In other words there will be some detail about the relationship of this witness and his house to his territory.

And all of this witness' evidence will be related to the jurisdiction exercised at the feast and how his network of kinship-based responsibilities are discharged. However, evidence of these broad relationships can only be found by examining detailed relationships between oral history, territory place names and boundaries, resource law and practice and feast procedures.... So in some sense, my Lord, this witness' evidence in some ways will be a paradigm of how the Gitksan houses, and in particular the western Gitksan houses relate to their territory and the historical ties to their territory.⁶⁷

Art Mathews told of the role of *adawx* in his life and in his education.

Art Mathews: I was trained from a young age; these *adawxs* being told to me in short form, in medium form...when you're just a young kid they just give you the general outline of an *adawx*, and as you get older more detailed...progressed until the full form of the *adawx* is fulfilled and its full length and the *yuuhlxamtxw gan didils*, everything that's in it you have to understand...*Yuuhlxamtxw* is when they give you advice on when—how to live your life and show respect to people...*Yuuhlxamtxw* is wisdom, to give me wisdom, the understanding, the various spirituality of our land. *Gan didils* is the way of life, how to react, how not to react. In other words it's a doctrine of one's *adawx*, it's a realism, it's philosophy, and it's epics, both life and death.⁶⁸

As you grow older the *adawx* expands, in more detail, and everything that's gone into it, the spirituality—we call *sesatxw*, purification.... It's a purification, the purifying of your very soul, your spirit, not physically, external.

These types of things, they expand and expand, but with the territorial names, the trails, the cabins, the exterior boundaries. It encloses everything after, it just expands, expands. It's similar like going to university where you hear these lectures daily hammered into you.

...[It takes] up to four months [to tell in its greatest detail]. You fill in the details, it's really vast. Like I said this morning, it covers philosophy, it covers epics. It's life, death, survival, covers everything, covers reincarnation, it covers everything that we do day to day. It covers spirituality, why we have *naxnox*s today, for instance.... [When the *adawx* is taught in detail] This is where we get serious. Just the family hears—a *simooget* tells an *adawx* in its—it's like I described, all these material

things, and nobody is allowed to hear this, because wisdom leaking out about our *sesatxw*, how we do it and how we recognize things, hunting signs, all other things they say belongs to that house itself. But actually the actual *adawx* itself publicly is told in the feast halls, but not the secret parts of it. That belongs to the house itself.⁶⁹

At this point Art Mathews told the *adawx* of a woman who was taken away to the world of the bears where she married a bear and had two cubs. When she returned to her people, she taught them the laws of respect for bears. One of the laws taught by the *adawx* is that one should never kill a bear in its den. Art Mathews refers to this and then refers to the special way that bears must be treated if they are killed. He then tells of how this training was completed on his territory.

I was just talking about our—the loss of the bear, that they’ll never kill anybody inside the den, or they will have their cubs inside the den...[after they killed the bear] they put his body on—they prepared these hemlock branches, where his body was going to be laid after they killed him. This is the instructions left by—and they did. And they followed the instructions right to the T like we said when they field dress him, keep his body off the ground, not to get it dirty.⁷⁰

In our laws, ways, traditions, your grand—your uncle is responsible for field training. When I say field training, it involves hunting, survival and the *sesatxw* that I talked about. I remember one time at Xsigwinlikst’aat at Pacific Place on our berry patch called Winluugan, in the Wilson Creek area. We went out early in the morning. He didn’t tell me where we’re going. He just said ‘Come.’ We went, and we went up the trail to this berry patch, and there he knew a bear den; took me there, and this was around early March. You could see it’s starting just to melt at the mouth of the cave. He went, sharpened the end of a stick, so long...[between two and three feet long]...gave it to me and said, ‘Get in there and wake the bear up.’ With great respect and honour for my uncle, I went in. I went half way in and just like anybody else I chickened out and came crawling back out again. Then he told me about the things, Xpiisoon—I was telling you a while ago that this bear instructed that he’ll never kill inside the den, so he told me, ‘Just go in there. It’s not going to kill you. Just wake him up,’ which I did. I felt better when he told me this from our *adawx*, because I had great belief in the *adawx*, spirits, belief. So I went in there and give it a good poke. I could feel it moving around. I then came back out, and the bear was right behind me. When they’re in the den, they’re blind anyway. When they come out, they don’t know. And he killed him, shot him once. And as the bear was still half dead, you might say, it’s still going like that, he grabbed me and rubbed my face on its mouth, indicating that we will be fearless and fear nobody; we would have power,

same power as this grizzly had. And that's one of the trainings I had. (13 years old)...

Even today, when my mother and father are fishing down at this area, Wilson Creek, Xsigwinlikst'aat, through the training of this great grizzly, we—whatever fish that's too badly damaged by seals and whatever, they're old, some of them catch them that way, we put them on the beach just a little further down above our smokehouse to feed the bears.⁷¹

Art Mathews then described the territories of his lineage, Xsigwinlikst'aat and Ts'ihlgwellii and told how his grandfather had taught him “the boundaries...of our territory that touches off with some of our relatives from the Kitsumkalum area and the relatives from the Nass. They took me up there to show me where our boundaries start...and the corner posts.”⁷² In referring to the specific site called Xsigwinlikst'aat, after which the territory is named, he wove its ancient identity into the present.

[Xsigwinlikst'aat] is a strategic point. Like I said, that they place the sentinel guard, a watchman at the mouth of the river...and this, the look-out you might say a first like of defence against intruders, war years from down river.... And it's one of our look-outs. If you are going through somebody's territory you have to stop at this particular place we call *anjok*.... The people going through our territories have to report at this *anjok* to the chief that they are going to use your territory to go through it for access of their territory maybe or trading or whatever. The rule specifies the law you have to stop and check in like and tell the owners of that territory your intentions. And then in turn they give you a pilot to go through your territory in a friendly manner. If you do not stop at this particular site, or just using our site for an example but all sites are the same, if you don't report into this *anjok*, then they had—they know you had other intentions. You might not attack this village, but they will stop you and ask for your—whatever intentions you have of governing up—further up the river.... Even today people that are riding up and down the river stop off and just chat for a minute and take off.⁷³

In addition to protests and court challenges, for decades, Tsimshian and Gitksan leaders have made speeches at conferences and meetings, given interviews, lectured at universities, initiated

publications and feasted members of government, all with the intent of communicating their way of seeing the world, their identity. They have always acted on the assumption that once the foreigners in their midst come to know them, they will respect them. They themselves have always acted from a position of respect in their dealings with foreigners. Were this not the case, they would have pursued violence rather than petitions and court challenges.

While there have been victories over the decades—the repeal of oppressive legislation such as the potlatch law, for example—it is difficult to understand why in so many cases these efforts to communicate fall on “tin ears,” why those who should hear remain locked in the world of their own thinking, unable to see beyond it and therefore unable to respect other worlds. A recent statement by Delta-South Richmond MP, John Cummins comes to mind:

Contact with Europeans and other societies did improve the life of Indians in BC whether it was iron tools or firearms...or the benefits of today's...health care and society safety net. Most importantly, the stability and security guaranteed by imposition of British rule of law added a certainty to life in Native communities that was lacking. The benefits of European contact are rarely discussed and never considered in the calculation of paying redress for past wrongs.⁷⁴

In other cases, people are attracted to aspects of First Nations society but do not understand their meaning and importance and therefore do not respect the society itself. This results in situations that lead to commercial exploitation, cultural commodification and the appropriation of identity and its material elements, issues this project seeks to address.

Northwest Coast societies have survived in spite of efforts by church and state to impose foreign systems on them through laws, policies and programs, and in spite of the failure of the foreigners among them to respect and acknowledge their societies. Without significant changes to

the way institutions understand and interact with First Nations, the Gitksan and Tsimshian will continue to experience the destructive consequences of these attitudes and approaches.

V. CONCLUSION

In conclusion it would seem that for the Tsimshian and Gitksan the greatest issue associated with what the Euro-Canadian world calls 'intellectual property' is the lack of acknowledgment and respect for their identity in its fullest and deepest sense. Every issue that arises can only be understood and addressed in this greater context. The Gitksan and Tsimshian have chosen to make themselves known to the foreigners in their midst in every peaceful way possible. The danger that we face in this project is violating that trust, failing yet again to understand, acknowledge and respect what we have been told for a century and a half, and imposing yet again a process based in foreign ideas and structures.

NOTES

1. This contradiction reveals the challenge of this project, namely whether it is possible to respectfully address First Nations issues with western notions of property and law.
2. Judy Pearsall, ed., *The Concise Oxford Dictionary*, 10th ed. (Oxford: Oxford University Press, 1999) s.v. “intellect”.
3. While Gitksan and Tsimshian *adawx* are a primary source for this study, other sources have also been used to describe Tsimshian and Gitksan society. Where necessary lengthy excerpts are included to maintain the integrity of the *adawk*.
4. Account of John Brown, “The Tradition of Kwiyaihl of Kispayaks” (1920) in Marius Barbeau and William Beynon, *Temlarh’am: The Land of Plenty on the North Pacific Coast 1915-1959* (n.d.) [unpublished, archived at Canadian Museum of Civilization Folklore Division] account no. 95.
5. Direct examination of Art Mathews Chief T’enimgyet (March 14, 1988) in the *Delgamuukw v. British Columbia*, [1989] 6 W.W.R. 308 (B.C.S.C.), Proceedings at Trial No. 0843, vol. 73 at 4528.
6. Susan Marsden, “An Historical and Cultural Overview of the Gitksan” (1987) [unpublished, archived at the Gitksan Treaty Office Library] [Marsden]. Also, Neil Sterritt *et al.*, *Tribal Boundaries in the Nass Watershed* (Vancouver: UBC Press, 1998) at 11-14 [Sterritt].
7. Wilson Duff, ed., *Histories, Territories, and Laws of the Kitwancool* (Victoria: BC Provincial Museum, 1959) at 23-24.
8. Marsden, *supra* note 6.
9. Direct Examination of Stanley Williams, Gwisgyen (April 20, 1988) in *Delgamuukw v. British Columbia*, [1989] 6 W.W.R. 308 (B.C.S.C.), Proceedings at Trial No. 0843, Commission Evidence, Exhibit 446C, vol. 3 at 197.
10. Direct Examination of James Morrison, Txawok (April 18, 1988) in *Delgamuukw v. British Columbia*, [1989] 6 W.W.R. 308 (B.C.S.C.), Proceedings at Trial No. 0843, vol. 82 at 5133.
11. Direct Examination of Solomon Marsden, Xamlaxyeltxw (May 10, 1988) in *Delgamuukw v. British Columbia*, [1989] 6 W.W.R. 308 (B.C.S.C.), Proceedings at Trial No. 0843, vol. 95 at 5991.
12. *Supra* note 10 at 5135-5136.
13. *Supra* note 9 (April, 1998) at 183.

14. *Supra* note 11 (May 9, 1988) vol. 94 at 5963 and (May 11, 1988) vol. 96 at 6066 respectively.
15. Direct Examination of Fred Johnson, Lelt (March 6, 1988) in *Delgamuukw v. British Columbia*, [1989] 6 W.W.R. 308 (B.C.S.C.), Proceedings at Trial No. 0843, Commission Evidence, Exhibit. 69 A at 34.
16. William Beynon, “The Feast of Nisyaganaat, Chief of the Gitsiis” in William Beynon, *The Beynon Manuscripts*, (n.d.) [unpublished, archived at University Microfilms Inc.].
17. *Supra* note 5 (March 15, 1988) vol. 74 at 4607.
18. *Ibid.* (March 16, 1988) vol. 75 at 4675.
19. *Supra* note 9 (April 12, 1988) vol. 1 at 43.
20. Marsden, *supra* note 6 at 148-165.
21. William Beynon’s Kitsegukla (Skeena Crossing) Field Notes, (1945) [archived at Ottawa, Canadian Centre for Folk Culture Studies, Canadian Museum of Civilization, vol. 1 at 7-9].
22. *Supra* note 5 (March 15, 1988) vol. 74 at 4615.
23. *Supra* note 9 (April 11, 1988) vol. 1 at 39.
24. Marsden, *supra* note 6.
25. *Supra* note 11 (May 6, 1988) vol. 93 at 5896.
26. *Ibid.* (May 9, 1988) vol. 96 at 6060-6061.
27. Direct Examination of Fred Johnson, Lelt (March, 1988) in *Delgamuukw v. British Columbia*, [1989] 6 W.W.R. 308 (B.C.S.C.), Proceedings at Trial No. 0843, Commission Evidence, Exhibit. 69 A at 46.
28. *Ibid.* at 38.
29. Direct Examination of Martha Brown, Xhliiyemlaxha (March, 1988) in *Delgamuukw v. British Columbia*, [1989] 6 W.W.R. 308 (B.C.S.C.), Proceedings at Trial No. 0843, Commission Evidence, Exhibit. 68B at 15.
30. *Supra* note 4.
31. Sterritt, *supra* note 6. Excerpt from text at 20-21 and then quoting account of George Derrick, “Origins of Lurhawn in the Groundhog County” in Marius Barbeau & William Beynon, *Raven Clan Outlaws of the North Pacific Coast* (1924), [unpublished, archived at

- Canadian Museum of Civilization Folklore Division account no. 57.
32. *Ibid.* at 21-22.
 33. *Supra* note 5 (March 16, 1988) vol. 75 at 4675.
 34. Susan Marsden, *Defending the Mouth of the Skeena: Perspectives on Tsimshian Tlingit Relations* (Vancouver: Tin Ear Press, 2000); Susan Marsden, "Adawx, Spanaxnox and the Geopolitics of the Tsimshian," (Autumn 2002) 135 BC Studies 101.
 35. Account of Harriet Hudson, "Githrawn's Trading Privileges on the Upper Skeena," in Marius Barbeau & William Beynon, *The Gwenhoot of Alaska: In Search of a Bounteous Land* (1949) [unpublished, archived at Canadian Museum of Civilization Folklore Division] account no. 33.
 36. *Supra* note 6.
 37. Dorothy Brown of the Kitkatla, "Saaban" in Susan Marsden, ed., *Suwilaay'msga Na Ga'niiyatgm, Teachings of Our Grandfathers* (Prince Rupert: School District 52, 1992).
 38. Henry Wagner and W.A. Newcombe, eds., "The Journal of Don Jacinto Caamano" (1938) 2:3 British Columbia Historical Quarterly 189-222, cited in Margaret Seguin, *Interpretive Contexts for Traditional Feasts* (Ottawa: National Museum of Man, 1985) at 28-29.
 39. *Ibid.* at 29.
 40. *Ibid.* at 29-30.
 41. *Ibid.* at 30-31.
 42. *Ibid.* at 31.
 43. *Ibid.* at 32.
 44. *Ibid.*
 45. George Vancouver, *A Voyage of Discovery of the North Pacific Ocean and Round the World*, ed. by W. Kaye Lamb (London: The Hakluyt Society, 1984) at 996-997.
 46. Charles Bishop, "Excerpts from the log of the Ruby" (1795) [unpublished, archived at the Tsimshian Tribal Council].
 47. See for example, William Duncan, *Correspondence, Diaries, Notebooks, Entry Books, Mission Records* (1853-1916) [unpublished, archived at Vancouver: Microfilm, University of British Columbia Library]; Church Missionary Society, *North Pacific Mission Correspondence* (1857-1900) [unpublished, archived at Vancouver: Microfilm, University

- of British Columbia Library]; Governor James Douglas, *Papers Relative to the Affairs of British Columbia* (London: George Edward Eyre and William Spottiswoode Printers, 1859); Jane Usher, *William Duncan of Metlakatla: A Victorian Missionary in British Columbia* (Ph.D. Dissertation in History, University of British Columbia, 1969). See also Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Charles Scribner's Sons, 1958).
48. Richard C. Harris, *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change* (Vancouver: UBC Press, 1997) at 34.
 49. *Ibid.*
 50. *Ibid.*
 51. Susan Marsden & Robert Galois, "The Tsimshian, the Hudson's Bay Company, and the Geopolitics of the Fur Trade, 1787-1840" (1995) 39:2 *Canadian Geographer* 169 at 183.
 52. Fort Simpson Journals, Winnipeg, Hudson's Bay Company Archives.
 53. *Arthur Wellington Clah Diaries and Papers*, WMS/Amer 140, London, Wellcome Institute for the History of Medicine (Microfilm at June 21 1862).
 54. *Ibid.*
 55. Douglas Cole & Ira Chaikin, *An Iron Hand Upon the People, The Law Against the Potlatch on the Northwest Coast* (Vancouver: Douglas and McIntyre; Seattle, Wash.: University of Washington Press, 1990) at 14-16.
 56. *Ibid.* at 14.
 57. Jim R. Miller, "The Historical Context of the Drive for Self-Government" in Richard Gosse, Roger and James Youngblood, eds., *Continuing Poundmaker and Riel's Quest: presentations made at a conference on Aboriginal peoples and justice* (Saskatoon: Purich, 1994) at 41.
 58. *Supra* note 55 at 16.
 59. Sterritt, *supra* note 6 at 61.
 60. Satsan (Wet'suwet'en Chief Herb George), "A Conversation after Dinner" in Owen Lippert, ed., *Beyond the Nass Valley National Implications of the Supreme Court's Delgamuukw Decision* (Vancouver: The Fraser Institute, 2000) at 537.
 61. *Supra* note 21.
 62. *Ibid.*

63. *Ibid.*
64. Namaste Marsden, *Gitanyow historical research chronology of Gitanyow resistance to incursion on Gitanyow territories 1884—1928* (2003) compiled from the following sources: Author unknown, *Kitwancool Research for Submission to Hugh Faulkner, Department of Indian and Northern Affairs Canada*, (n.d.) [unpublished] ch.3; The Establishment of Kitwancool Indian Reserves; and Robert Galois, "Research Report and Notes The History of the Upper Skeena Region, 1850 to 1927" (1993-1994) 9:2 *Native Studies Review* 113; and Namaste Marsden, *The Myth of Crown Sovereignty in Gitanyow's Territories Pre-Contact Gitksan History & Law, Encounters in the Colonial Period 1880-1927* (Faculty of Law, University Victoria, n.d.) [unpublished].
65. Judge McEachern, in the *Delgamuukw v. British Columbia*, [1989] 6 W.W.R.308 did not want a Gitksan matriarch, Mary Johnson, to sing her limx 'oy in court, saying, "I can't hear your Indian song, Mrs. Johnson. I've got a tin ear." A cartoon in the Three Rivers Report (July 15, 1987) showed Mary Johnson replying "That's OK your highness, I've got a can opener." Walt Taylor, the journalist who wrote the accompanying article, said "Most of us non-Aboriginal Canadians also wear a tin ear.... We are not even aware of the significant sounds we cannot hear." This phrase has come to stand for ethnocentric barriers to understanding. In Don Monet and Skanu'u (Ardythe Wilson), *Colonialism on Trial, Indigenous Land Rights and the Gitksan and Wet'suwet'en Sovereignty case*. (Gabriola Island and Philadelphia: New Society Publishers, 1992) at 43.
66. *Supra* note 9 at 204.
67. *Supra* note 5 at 4514-4515.
68. *Ibid.* at 4524.
69. *Ibid.* at 4562.
70. *Ibid.* at 4575.
71. *Ibid.* at 4581.
72. *Ibid.* at 4543.
73. *Ibid.* at 4634.
74. Windspeaker, "Throw Him Out," Editorial, *Windspeaker* (January 2004), online: *Aboriginal multi-media society* <<http://www.ammsa.com/windspeaker/editorials/2004/wind-editorial-1.html>>.