

The Chilcotin War

Unit Plan and Resources

(designed with BCFN12 and Law Studies 12 in mind)

Created by School District #27 Curriculum Team, in direct consultation with the Tsilhqot'in National Government.



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Time: 60 min	
Unit – Chilcotin War	Lesson One: Introduction to the area
Materials:	
<ul style="list-style-type: none"> - Blank Map of BC - First Nations Map of BC - Pronunciation guide to FN names - Handout on meaning of names 	

Plan of the Day	What's the student doing?	What's the teacher doing?	Assessment
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Introduction	"Do now"	When students enter the class, have a blank map of BC up on the board or projected. Have students reflect on what they know about this map and the geography of BC. (Assessing prior knowledge). Have them write down everything they think they know about the names and areas of BC.
		<p>What's the teacher doing?</p> Review what is on board, ask questions to ensure students understand what is expected of them in this reflection.
Transition		Have student collect the handouts of BC's Political and First Nation maps
Think-pair-share	Discussion	<p>As this is an introduction to the geography of the area, have students start by labelling on the map of BC, where this conflict takes place.</p> <p>Then in partners have them brainstorm a set of questions they have regarding the geography of the area and how the land would play into this trail. For example some questions might be:</p> <ol style="list-style-type: none"> 1. How big is the area? 2. Is it mountainous? 3. Are there lakes, rivers, other major water ways? 4. How do the T̓silhqot'in people get around? <p>Once they have brainstormed a set of questions, have them read over the handout and reflect on the names of the area. Have them then brainstorm a set of questions they are wondering about the First Nations and the Colonial names for the areas on the map.</p>

Deeper Thinking		<ol style="list-style-type: none">1. Have students read handout (p. 160 of the text) "How do places get their names?"2. Answer the questions from the sidebar3. Discuss answers in the next class.
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Time: 60 min	
Unit – Chilcotin War	Lesson Two: Geography of the area
Materials:	
<ul style="list-style-type: none"> - Handout from page 155 of the textbook - Handout – or six handouts – on the T̓silhqot̓in Nations and Chiefs 	

Plan of the Day	What's the student doing?	What's the teacher doing?	Assessment
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Introduction	“Do now”	Discussion
		Start with discussion about the article from yesterday about how do places get their names? As a bell ringer, you could have students respond to the idea of changing major city names back to their Indigenous name – Thoughtful reflection.
Mapping Story		Hand-out from page 155 of Text (Using maps to tell a story). Have students write an account using just the maps of the area, about the details of what happened in 1864. Make sure they are verifying the names and using the aboriginal names when possible.
Transition		Divide students in to 6 groups
Research	On Computers	Assign each group one of the 6 T̓silhqot̓in Nations and their Chiefs. Have them research their nation and create a presentation to the class on each of the nations. This may take a couple of classes.

Time: 60 min	
Unit - Chilcotin War	Lesson Three: Geography
Materials:	
- Access to the teacher computer to present their power points if that is their presentation.	

Plan of the Day	What's the student doing?	What's the teacher doing?	Assessment
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Introduction		Have students reflect on the quote on the board. "In many ways, the T̓silhqot'in Nation is not part of Canada. We were never part of any form of confederation in 1871. This, along with our treatment as Indigenous peoples, has placed us outside of the governing body called Canada." Chief Russell Myers Ross – Yunešt'in, T̓silhqot'in National Government
Transition		Into their groups for presentation
Presenting		Have each group present their nation to the class. Students should save questions for the discussion at the end. Encourage students to have at least one question per group, for another group on their nation or their presentation.
Closing		Have students write an exit card, reflecting on the geography and nations of the area and thoughtfully respond to the challenges this may or may not present when organizing a military rebuttal to advancing people on their land.

Time: 60 min	
Unit – Chilcotin War	Lesson Four: Background to the war
Materials:	
<ul style="list-style-type: none"> - Quote on the board - Primary source documents - Chart paper - Access to computers (if doing extension activity) - Picture of Lhat’s’aŝ’in - Reading from the textbook on Lhat’s’aŝ’in 	

Plan of the Day	What’s the student doing?	What’s the teacher doing?	Assessment
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Introduction	“Do now”	<p>When students enter the class, have the following quote on the board, or projected on to the screen.</p> <p><i>“There is room on this land for all of us and there must also be, after centuries of struggle, room for justice for Indigenous peoples. That is all we ask. And we will settle for nothing less.”</i></p> <p>– Arthur Manuel, <u>Unsettling Canada: A National Wake-Up Call</u></p> <p>Have them consider what the quote means, do they agree or disagree with it. Have them spend 5-10 minutes writing a reflection on the quote and how it might tie into today’s lesson.</p>
		<p>What’s the teacher doing?</p> <p>Review what is on board, ask questions to ensure students understand what is expected of them in this reflection.</p>
Transition		Get students to move so they are sitting beside someone else.

<p>Think-pair-share</p>	<p>Discussion</p>	<p>Have student’s pair off and share what they have written. After reading what they have to their partner, encourage them to ask each other questions about what they wrote about or perhaps to help them define or expand upon their understanding.</p> <p>Have the class reconvene as a group and ask students to volunteer to share out what they have discussed with the rest of the class. Number them off to create smaller groups (4-5).</p> <p>In their groups give them each a primary source document from the court and have them record their discussion on a piece of paper. Some things to have them write might be the following:</p> <p>“What problems might there be with using this source in a trial of the T̓silhqot’in warriors?”</p> <p>“How would you decide the importance of this document?”</p> <p>Have them record their ideas and discussion about these two questions on their chart paper. After about 15 minutes bring them back as a class and ask them to share some of their thoughts.</p> <p>Ask them where else they could look to find other perspectives on an issue.</p> <p>EXTENSION: Have them look through documents in the archive section of the website https://www.canadianmysteries.ca/sites/klatsassin/home/indexen.html Here the students can choose from diary and journal entries, to newspaper articles, to recorded oral histories. Have students choose a couple on their own and analyze their worth in investigating this event, and then share with others their thoughts on the importance and complications with using the document they have chosen.</p>
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Transition		Hand out the handouts... “What are the different perspectives on the Chilcotin War”. (Taken from Textbook <u>First Peoples and European Contact</u>)
		1. Have students answer the reflection questions after reading the handout. Allow them to do this quietly and independently.
		What’s the teacher doing? Ensuring silence so students have space to reflect and answer thoughtfully.
		What’s the student doing? Recording their reflections
		Assessment: Assess their answers after class to ensure they are thinking and reflecting thoughtfully about the questions.
Journal Entry (10 minutes)	Picture of Head War Chief Lhat’s’aŝ’in	Show students a picture of Head War Chief Lhat’s’aŝ’in on the projector. Have them reflect on what they have learned this class about perspectives and have them make some educated inferences about this Chief and what kind of man he was, just by the picture.
		What’s the teacher doing? Circulating to ensure everyone is writing a full and complete journal entry and if anyone has any questions about the picture. Encourage them to just use their own thoughts though and to reflect deeply on what they have learnt.
		What’s the student doing? Thoughtful writing.
Closure	Hand in	<ol style="list-style-type: none"> 1. Make sure everyone turns in their assignments and reflections from today and that their name is attached to every piece. 2. Give them the hand-out on Lhat’s’aŝ’in (p. 152 and 153) and ask that they read it tonight for homework.

Time: 60 min	
Unit - Chilcotin War Lesson Five: Analyzing documents from the trial	
Materials: <ul style="list-style-type: none"> - Quote on the board - Picture of the Head War Chief Lhatš'aš'in - Article from pages 154, 156, 157 of Textbook - Chart paper - Access to computer and other documents regarding the War. 	Big Idea:

Plan of the Day	What's the student doing?	What's the teacher doing?	Assessment
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Introduction	"Do now"	When students enter the class, have the following quote on the board, or projected on to the screen. "We meant war, not Murder" from Head War Chief Lhatš'aš'in. Reflect on what significance that might have on someone's understanding of the events that took place. How does that affect a trial or a jury when they consider the actions taken?
		What's the teacher doing? Review what is on board, ask questions to ensure students understand what is expected of them in this reflection.
Transition		Get students to move to the tables where there are big sheets of paper.
Table Texting	Silent thinking	<ol style="list-style-type: none"> 1. Have students read the article in the center of their page (taken from pages 154, 156, and 157 of the text). 2. Have them silently record their thoughts about the text on the chart paper. After they have written their response, have them respond to at least one other student's response...either with a question or an addition to the chart. 3. After they have read everything at their table, they are to circulate to the other tables and record responses to the ideas there. 4. Once everyone has circulated, bring them back as a class and ask them to share their thoughts with everyone. Go

		<p>around the circle to ensure everyone has a chance to add to the discussion and share what they are thinking.</p> <p>What's the teacher doing Circulating and ensuring that the responses and questions are thoughtful and considerate.</p> <p>Assessment: Students will be assessed on both their written thoughts on the topic as well as their participation in the discussions and with their partners.</p>
Transition		Put the following question on the board – ask students to return to their seats and take out a piece of paper.
Analysis of the documents		<ol style="list-style-type: none"> 1. Question “Why did the T̓silhqot’in feel that they needed to defend themselves? Do you think the colonial government understood their perspective? Why or why not? Use evidence (have evidence from the Canadian Mysteries website and the Tom Swanky book, available to the students) and act as though you were a lawyer in this trial. What further information would you need in order to ensure a fair and equitable trial? 2. This process may take a few classes. Teacher may want the students to work in teams or groups.

Time: 60 min	
Unit - Chilcotin War	Lesson Six: Analysis and presentation of documents from trial
Materials: - Access to information if still needed.	Big Idea:

Plan of the Day	What's the student doing?	What's the teacher doing?	Assessment
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Introduction	"Do now"	When students enter the class, have the following quote on the board, or projected on to the screen. "A tale of corrupt practices and self-dealing is not the only set of cultural influences we can discover leading to the courtrooms of 1864/65 and the hanging of the T̓silhqot'in Chiefs" (p. 37 – <u>The True story of Canada's "war" of extermination on the Pacific.</u>) Have them consider what the quote means, do they agree or disagree with it. Have them spend 5-10 minutes writing a reflection on the quote and how it might tie into today's lesson.
		<p>What's the teacher doing? Review what is on board, ask questions to ensure students understand what is expected of them in this reflection.</p>
Transition		Get students to move so they are sitting beside someone else.
Legal Discussion Analysis of the facts available and debate amongst legal teams.	Discussion	1. Have students sit in their teams, that they were in when analyzing the documents. Have them review their thoughts and findings regarding the position of the Chiefs and their view that this was war. Prepare them to discuss and defend their position to the class. 2. Class discussion, defence of position.
		<p>What's the teacher doing Facilitating discussion and ensuring students have a sound understanding of the information in the handout.</p>
		<p>What's the student doing? Participating in the discussion.</p>
		<p>Assessment: Students will be assessed on both their written thoughts on the topic as well as their participation in the discussion.</p>

Time: 60 min x 2	
Unit - Chilcotin War	Lesson Seven and Eight: Exoneration process
<p>Materials:</p> <ul style="list-style-type: none"> - Chilcotin War Timeline <p>The following videos from the TNG YouTube channel (search T̓silhqot̓in National Government on YouTube)</p> <ul style="list-style-type: none"> - What does “Exoneration” mean - Federal Exoneration of T̓silhqot̓in War... - Exoneration speech by Canada in T̓silhqot̓in (optional extension) - War Chiefs Exoneration Video viewing notes - Exoneration of "The Chilcotin Chiefs" - Shawn Swanky 	Big Idea:

Plan of the Day	What’s the student doing?	What’s the teacher doing?	Assessment
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Introduction	“Do now”	<p>When students enter the class, have the following quote on the board.</p> <p>“I know that this posthumous exoneration cannot by itself repair the damage that has been done. It is my sincere hope, though, that it will allow healing to begin as Canada and the T̓silhqot̓in Nation embark on a new journey together toward reconciliation. This is another important step forward to recognize and support the implementation of the rights of the T̓silhqot̓in and all Indigenous Peoples, enshrined in our Constitution.”</p> <p>—<i>The Rt. Hon. Justin Trudeau, Prime Minister of Canada</i></p> <p>Reflect on what significance of the quote and its meaning to the people and descendants of the Chiefs.</p>
		<p>What’s the teacher doing?</p> <p>Review what is on board, ask questions to ensure students understand what is expected of them in this reflection.</p>
Transition		Have students collect any hand-outs for lesson.

PowerPoint review	Class discussion and review of timeline.	Explain that students should make some notes about the timeline from the PowerPoint.
		<p>What's the teacher doing? If the teacher has created a PowerPoint of the T̓silhqot'in historical timeline, go through the slides as a class and ensure there is understanding of all the events leading to the hanging of the Chiefs. If no PowerPoint, just photocopy document from the appendix and work through the information as a class discussion.</p>
		<p>Assessment: Students will be assessed on their engagement in the discussion and participation in any discussion about the events leading to the hanging.</p>
Transition		Set up the videos to play, any handouts on videos, or note taking required for the videos.
Video watching and discussion/reflection		<p>Show the videos to the class one at a time. Have students take thoughtful notes about the events, the Exoneration, tone, importance, etc. After each video, have the class think/pair/share their thoughts on the video and any questions they have. Come back together as a class to answer any questions or share out any ideas any thoughts. After all videos have been shown, have the students write down what they felt about the Exoneration. Some guiding questions for their responses could be: Why was it so important to the T̓silhqot'in people to have this exoneration? Even though it's years later, why would this still have an impact on the community or nation? Is there anything more the Federal government could or should have done? The optional video is entirely in the T̓silhqot'in language and so should not be shown in its entirety, just intended to give students a sense of the story told through traditional language.</p>

Time: 60 min	
Unit - Chilcotin War	Lesson Nine (a): Final Assessment - Socials Class
Materials: - Computer program such as Sway or Prezi or PowerPoint	Big Idea:

Plan of the Day	What's the student doing?	What's the teacher doing?	Assessment
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Introduction	"Do now"	Have students read through newspaper articles from the 20 th Century on the Chilcotin War.
On Computers	"Re-writing" history	<p>Teacher can create a worksheet for this activity if they wish.</p> <p>Students will create a news story "re-writing" history. They will report on the story, given their new knowledge on the events, the fall out that happened, the apologies given by today's government. With all that knowledge, they will travel back in time and write the newspaper article taking in to account their views today, changing and thereby acknowledging the bias that existed in the past.</p> <p>Students will have to rethink what the judge and police response would be if they were using the biases of today's society. They will have to rethink public opinion.</p>

Time: 60 min	
Unit - Chilcotin War	Lesson Nine (b): Final Assessment - Law 12
Materials:	Big Idea:

Plan of the Day	What's the student doing?	What's the teacher doing?	Assessment
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Introduction	"Do now"	When students enter the class, have the following quote on the board, or projected on to the screen. "We meant war, not Murder" from Head War Chief Lhat's'a?in. They reflected on this towards the beginning of the unit, have them now reflect on the legal implications of war vs murder. How does that change the public reaction? How does it change how it is dealt with by the court system?
Transition		Have student form groups of 3-4
Acting lawyers	We meant War not murder	<p>In their "legal teams" have the students review the documents they have looked at throughout the course of this unit.</p> <p>Have them decide if they need more information or not and what more they would need to try this case.</p> <p>First they will need to decide if they are looking at this case as War or whether it falls under the charge of Murder.</p> <p>Second they will gather the documents they would need to proceed with the case and the defence they would mount. Students can also take the prosecution's side of the case, though caution them about racism and revisiting history since the Chiefs have since been exonerated.</p> <p>Once their legal team has all the information they would need to defend the Chiefs in this case, they will then write their opening and closing statements for the trail. I do not recommend a mock trial, as this could be a racially charged debate and would negate the exoneration of the Chiefs.</p>

		However, with opening and closing statements, they will defend their position and provide reasoning and explanation, showing their understanding of the issue and their examination of the documents.
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Appendix and Resources

Chilcotin War Unit Plan – Reference Page

- (1) First Peoples and European Contact: Pearson Publishing
- (2) T̓silhqot̓in National Government – transcripts, some maps, and biographies
- (3) www.tsilhqotin.ca - background documents
- (4) The True Story of Canada’s War of Extermination on the Pacific by Tom Swanky
- (5) Canadian Mysteries Website – UVIC

**Please Note: The T̓silhqot̓in National Government has not endorsed the Canadian Mysteries Website as a recognized source, as it lacks in the leading factors driving the attack on the road crew, such as the threat of small pox, incursion into the territory, disrespect of women, betrayal of the Chiefs at peace talks. **

<https://www.canadianmysteries.ca/sites/klatsassin/home/indexen.html>

- (6) T̓silhqot̓in National Government YouTube page – Exoneration Videos
https://www.youtube.com/channel/UC2-7dFH9j_3CoOf-Wl0EmeA
- (7) Other:
 - a. Audio translation of T̓silhqot̓in pronunciations, place names and warriors names provided by William Myers.
 - b. Mabel Alphonse’s story, “they were in battle with each other” ʔElht̓suw̓elt̓i, the Chilcotin War recorded and translated by Bella Alphonse.
 - c. Peyal Laceese recorded song from Ottawa House of Commons Exoneration.



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George's Story

April 30, 1864

This is a rewritten story based on historical events. It shows one perspective on the Chilcotin War. What can we learn from this account? Where should we look for other perspectives?

The sound of swarming insects and the roar of the river seemed to go quiet as George, a fourteen-year-old boy, looked up from the breakfast dishes he was washing. George stared at six men armed with knives, axes, and guns. George knew who these men were. They had been working in the road-building camps for little or no pay because smallpox was ravaging their villages and food was scarce.

"Where are the other men?" one warrior demanded.

These were not George's people. He was Homalco, and these men were Tsilhqot'in. George worked as the cook for Mr. Waddington's road-building crew. Mr. Waddington was the "tyhee" (boss) who wanted to build an impossible road through the mountains to the gold fields of the Cariboo, right through Tsilhqot'in territory.

George's boss, Mr. Brewster, and three other road builders had just finished breakfast and were now cutting the trail just outside camp. They were days and days away from Barkerville or Victoria, and at least ten miles upriver from the ferry to the nearest village.

Before George could answer the warrior's question, the Tsilhqot'in warriors moved toward the forest, where the road builders were starting their work. One of the men stayed behind, as if part of a well-thought-out plan. Within minutes, George saw two road builders shot dead.

The man who stayed behind said, "Take this." He gave George a knife. "You will need protection." Pointing back down the trail, he commanded, "Klatawaw! Run!"

George dropped dishes and knocked over pots as he fled the camp. He had run only a few minutes when he heard more gunshots crack through the clear morning air. He did not look back.

George was halfway down the trail when he suddenly ran into a larger group of Tsilhqot'in. It was a group of women carrying packs of goods taken from the other builders' camp. There were also several warriors. One looked very determined, strong, and confident. George knew this man was Lhatsassin. Months later, George would testify against him in the newcomers' court.

Already afraid, George was very surprised when they ignored him. "Why didn't they hurt me?" he thought as he continued to run. Not much further along, George saw signs of more fighting along the trail. Too frightened to stop, George ran faster and faster...

- According to George, what happened that day at the road builders' camp?
- What were the reasons for the attack? How can you tell?
- How would you decide the importance of this story?

THINKING LIKE AN... Historian

Sometimes the evidence historians find does not give a full picture of an event or person. So they look for more evidence.

- The story told on these pages was adapted from an article written by an historian. That historian used George's testimony at the trial of the Tsilhqot'in warriors as evidence. What problems might there be with using only one source?
- See if you can find George's testimony at the trial of the Tsilhqot'in warriors. How does it support this story?

What are different perspectives on the Chilcotin War?

What George experienced that day in 1864 really happened. George ran more than ten miles down the trail, swam across a river, and told others what he had seen. He later joined a group sent from Victoria to find and capture the Tsilhqot'in men, and he was a translator at their trial. The event is most commonly known today as the "Chilcotin War."

This event was described in newspapers, letters, court records, and stories at the time. What are the different perspectives on this event today?

When we are talking about the Tsilhqot'in War, we are not talking about only the past. We are talking about the future.

—Ray Hance, *Tsilhqot'in National Government* (1994)

You cannot spend too long in Tsilhqot'in country before you hear of the "Chilcotin War." To hear local people discuss it, it might have happened a few years back instead of 1864, so vivid are the memories, so precise the details. [It is] much less well known to Canadians than the other violent western confrontations—the Cypress Hills Massacre, the Red River Rebellion [Resistance] and Northwest Rebellion.

—Historian J.S. Lutz (2008)

Though for a time it took up so much of the attention of colonial [officials], the Chilcotin Uprising can hardly be termed a major event in the history of British Columbia.

—Historian Edward Hewlett (1973)

REFLECT

- How much importance does each person place on the Chilcotin War?
- How is the Chilcotin War remembered differently?
- How could we make a fair judgment about how to remember this event? What else do we need to know about it to determine the importance of this event?

How Do Places Get Their Names?



How did your school get its name? Who decided?

Most of the places on maps of British Columbia were named by the European mapmakers, explorers, and government officials. These names come from people and places that were well known in the 1700s and 1800s. However, these places already had names given by the original inhabitants. First Peoples often used names that reflected their connection to the land and their history in a certain place.

The highest mountain entirely within British Columbia is named Mt. Waddington, after the businessman (above) who tried to build a road through Tsilhqot'in territory. The original name for the mountain was never recognized by newcomers, and now seems lost.

- What are the pros and cons of naming a place after a person who is famous?
- Find an example of a place in BC that has reverted back to the original name. Should Mt. Waddington be renamed? Explain why or why not.
- Find out more about the origins of place names around your community. What do they tell us about what people think is important to remember? What do they tell us about who has the power to name places?

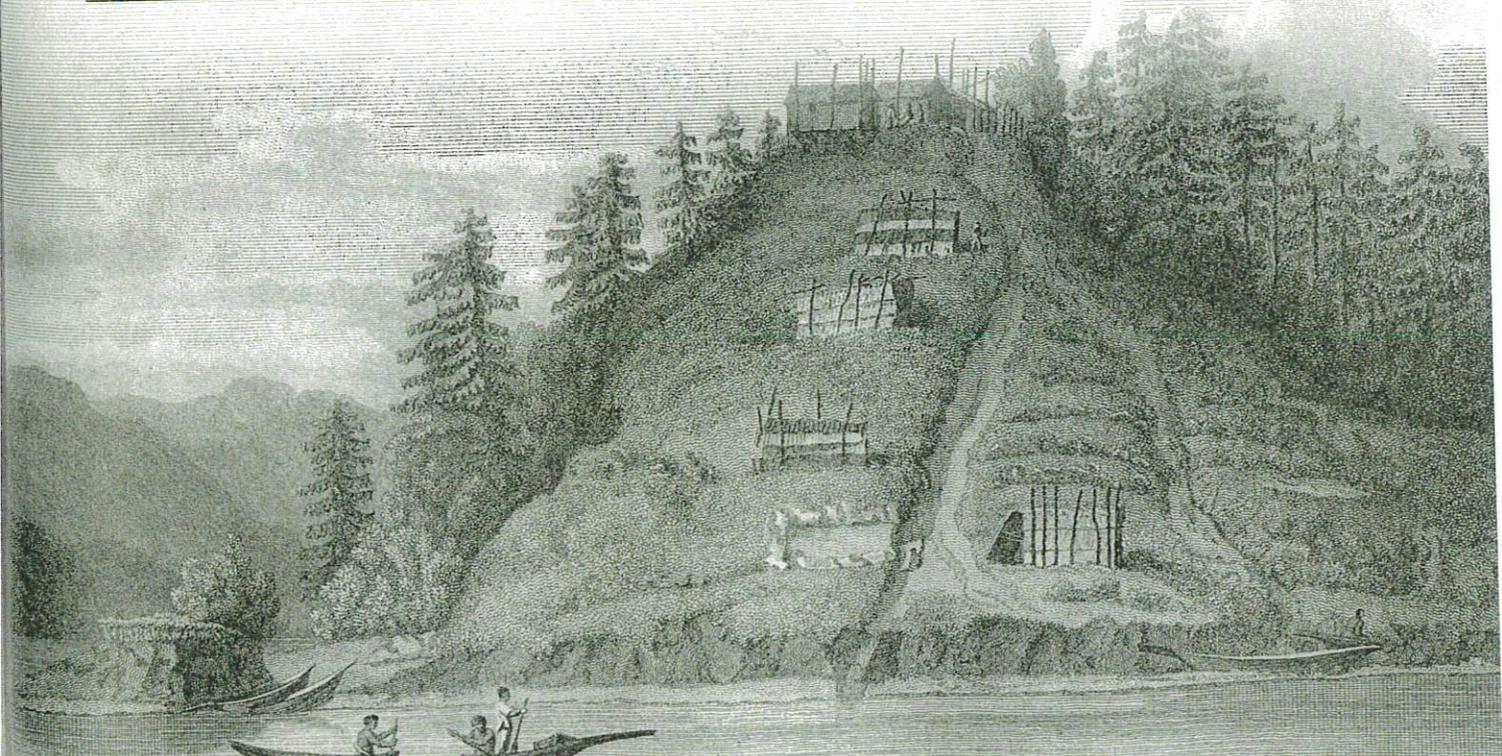
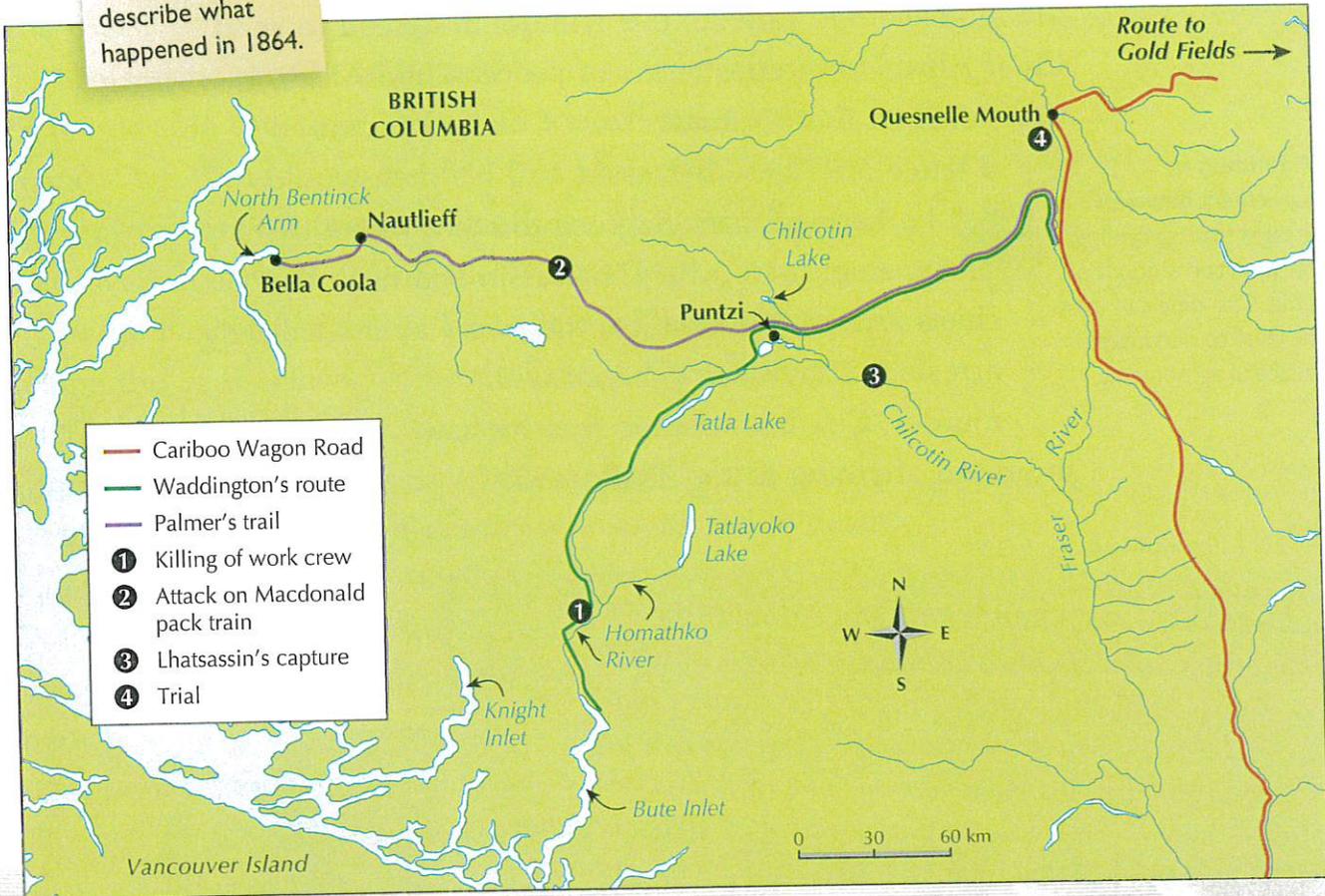


▼ Tl'etinqox-t'in (Anaham First Nations) territory highway sign near Williams Lake, BC. The Tl'etinqox-t'in are the largest of the communities belonging to the Tsilhqot'in. Why might having a highway sign naming their territory be important?



Using Maps to Tell a Story

Use the map to describe what happened in 1864.



Lhatsassin

When work on the Waddington Road began, some Tsilhqot'in people chose to work for Waddington as guides, cooks, and packers (taking supplies to workers). At first they were paid well. However, as work went on, Tsilhqot'in workers were often given less than the other workers. Some Tsilhqot'in women were also abused by the road workers.

These events, along with the threat of smallpox, were too much for the Tsilhqot'in leaders. They spoke of defending themselves from disease and invasion. They planned to fight the newcomers who were invading their lands, spreading disease, and hurting their people. Several Tsilhqot'in Chiefs, including a man named Lhatsassin, declared war.

We Do Not Know His Name

Lhatsassin's name is mysterious. It has also been spelled as Lhats'as'in or Klatsassin. Some have suggested the name literally means "we do not know his name." He earned great respect as a leader among the Tsilhqot'in.

This sketch of Lhatsassin was drawn from a description of him. Why do we have fewer pictures and drawings of First Peoples compared to the fur traders, map makers, miners, and settlers who came to BC?



According to testimony at the trial, on April 28, 1864, a road worker stationed at a river was approached by some Tsilhqot'in men asking for food. When the worker refused, he was shot and killed, and the supplies were taken. On April 30, nine workers were killed at the road workers' camp. (This is what George witnessed.) Three workers were able to escape. The following day, four more workers were attacked on the trail, and three more leading a pack train were also killed. The last man to be killed was a farmer named William Manning, who had settled on Tsilhqot'in land at Punzi Lake. Manning had been warned, but he did not take the threat seriously.

By June, the road project had been abandoned and any settlers living in Tsilhqot'in territory had left.

Newspapers were one of the main sources of information at this time. What details does this article give? How does it compare to the other information you have read? How can we decide what sources are reliable?

DAILY BRITISH COLONIST,

date unknown

From Peter Cargatich, who formerly kept the oyster saloon in the Occidental, in this city, and who left Williams Creek on the 25th of June, coming down from Yale to New Westminster in a canoe, we have the following appalling statement: — While at the 74-mile house, last Wednesday, on his way down, a man direct from Alexandria arrived post-haste, bringing the startling report that the [Tsilhqot'in] had made an attack on Cox's party, and had killed McLeod, his son, and forty men!...The news was brought to the Hudson Bay [Company's] agent in charge at Fort Alexandria by a friendly Indian. No additional particulars of the massacre had come down.

The Colonial Government Responds

- What do the actions and words of Brew, Cox, and Seymour show about their viewpoints towards the Tsilhqot'in?
- Are these actions justified if it was a war?
- If it was not a war, were the actions justified?

News of the attacks reached New Westminster, the capital of the colony of British Columbia, four weeks later. The new governor, Frederick Seymour, sent police constable Chartres Brew and 28 armed volunteers to Bute Inlet.

Brew reported that other First Nations in the region were afraid of the Tsilhqot'in. He also learned that Waddington had traded guns and ammunition to the Tsilhqot'in months earlier. Brew reported to the government that he believed Waddington was responsible for creating the conditions that led to the attacks.

Brew and his men then joined Gold Commissioner William Cox. They searched for Lhatsassin and his men for several weeks. The volunteers then destroyed Tsilhqot'in homes and fishing grounds and burned their food supplies, hoping to bring the Tsilhqot'in under their control.

A [Tsilhqot'in] woman, who formerly lived with Manning, had remained near the ruins of his farm. Mr. Brew...urged her to go to Alexis and explain how matters stood. That this was no war with the Tribe, but merely the pursuit of certain bad men who had, without provocation, murdered a large number of whites.

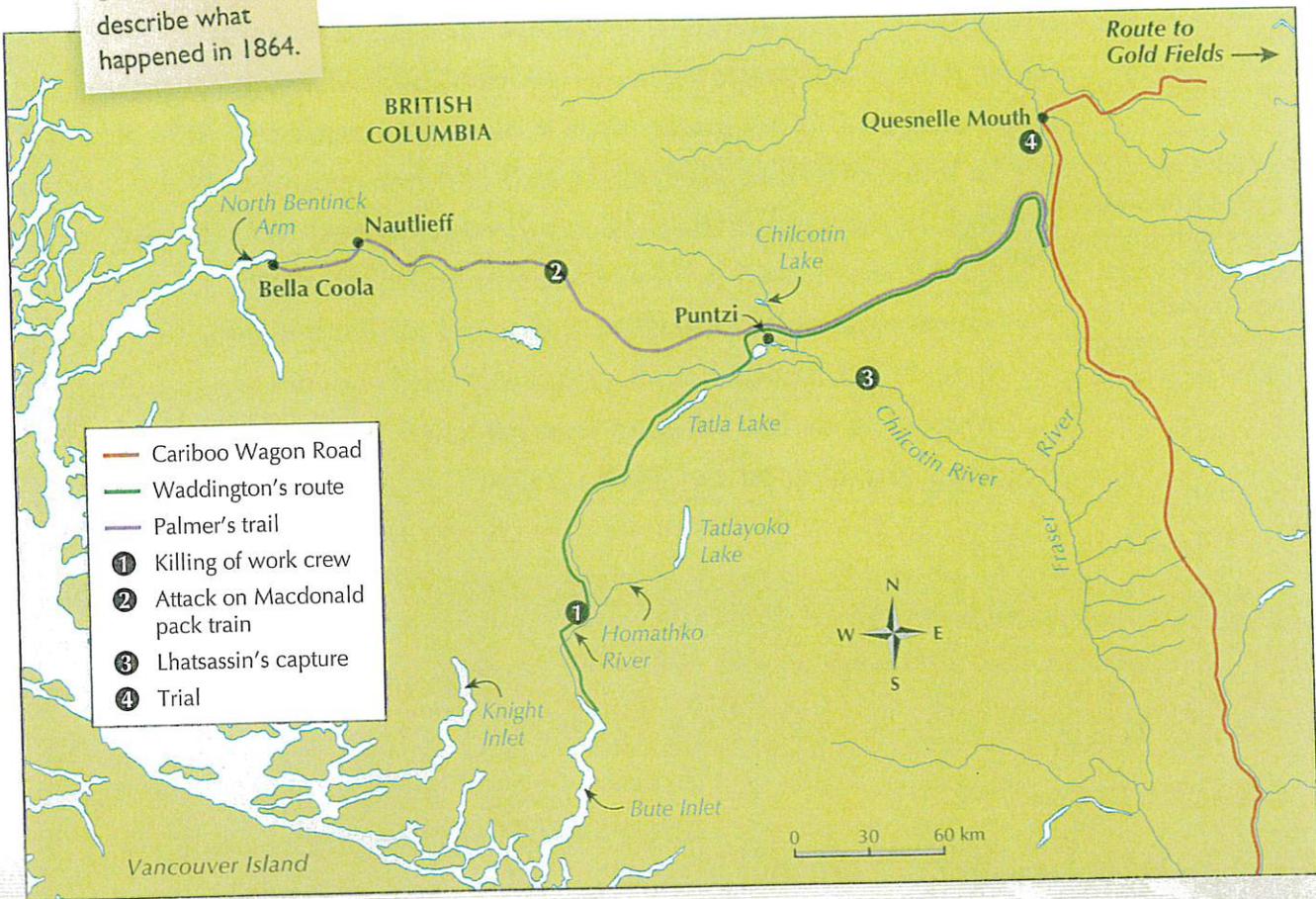
—Governor Seymour, in a Colonial Dispatch, September 1864



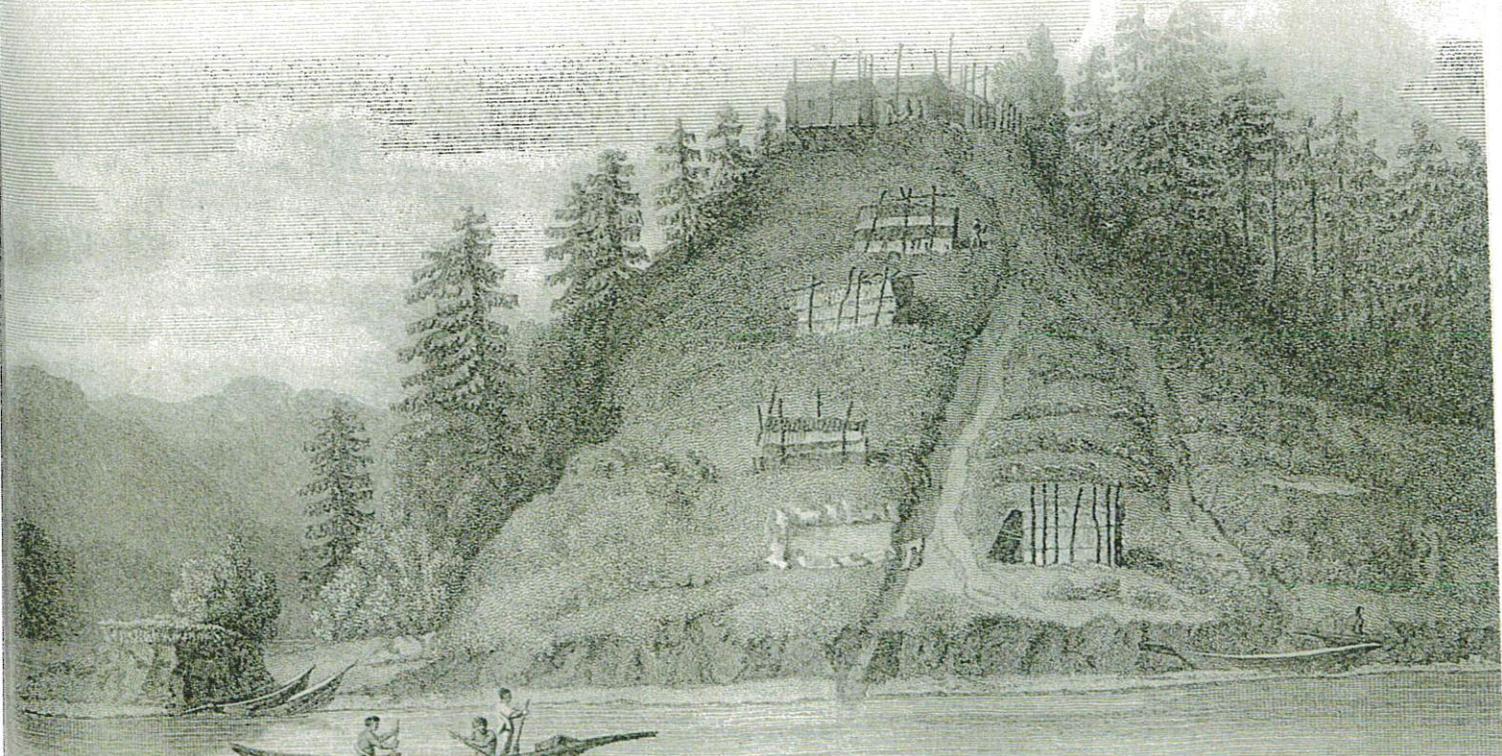
▲ Frederick Seymour was the first governor of the Colony of British Columbia, from 1866 to 1869.

Using Maps to Tell a Story

Use the map to describe what happened in 1864.



- Cariboo Wagon Road
- Waddington's route
- Palmer's trail
- ① Killing of work crew
- ② Attack on Macdonald pack train
- ③ Lhatsassin's capture
- ④ Trial



Did the Colonial Government Act Justly?

Cox was under pressure from the government and the newspapers in New Westminster and Victoria to stop the violence. On July 20, the Tsilhqot'in agreed to send Chief Alexis to discuss terms of peace. Chief Alexis later testified that Commissioner Cox had promised

A **truce** is an agreement between groups to stop fighting for a certain amount of time. This time can then be used to negotiate a peaceful agreement.

a **truce** and that Lhatsassin and his men would not be harmed if they agreed to meet with Cox.

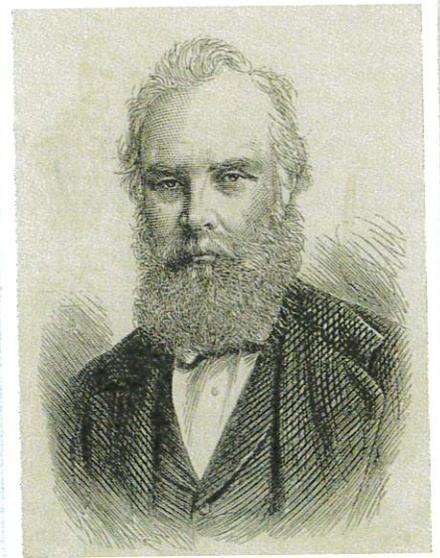
On August 15, when Lhatsassin and five other chiefs arrived to meet Cox, they were all immediately arrested. They were charged with murder. Cox later denied that he had promised anything to the Tsilhqot'in.

Read the notes below, which were taken by Judge Begbie when he interviewed Lhatsassin before the trial. What does Begbie think happened? How would the Tsilhqot'in have felt about the offered truce, and the actual result?

Both Mr. Cox and [Lhatsassin] leave me under the impression...that [Lhatsassin] was completely in the dark as to the consequences of his entering Mr. Cox's camp on the 15th August. After [the interpreters] Baptiste and Fitzgerald were in camp there is no doubt that everything was thoroughly understood...But he was then a prisoner, and the explanation came rather late. In answer to my question, whether he would have come in if he had known that he was [to be held and put on trial for murder] he gave a decided negative. But when I [asked] "What then would you have done? You had no flour, you could not hunt, you had no fish, you could not light a fire. Must you not have come in soon, on any terms?" He gave a very frank affirmative reply.

...I think they [believed] the idea of a conference; to which perhaps they were encouraged by the gift on the part of Mr. Cox in the last message he sent them, of a couple of pieces of tobacco. This [Lhatsassin] said they brought with them to Mr. Cox's camp...and smoked it there...then, said [Lhatsassin], we thought ourselves safe...Mr. Cox probably as unthinking as I should have been, tells me he never noticed it at all.

*—Judge Begbie to the Governor of British Columbia,
September 30, 1864*



▲ Judge Begbie traveled throughout the colony conducting trials under British law. Some First Peoples respected him because he often defended their rights. However, Begbie always ruled by British law, not by First Peoples' laws and customs.

The Trials: “We meant war, not murder.”

The trials were held in Quesnelle Mouth (now called Quesnel) that September. Judge Begbie conducted the trials.

Lhatsassin argued that he and his men were not guilty of murder. He saw their actions as acts of war. A witness named Ach-pic-er-mous testified that Lhatsassin blamed the newcomers for bringing smallpox. The attacks, he said, were meant to defend the Tsilhqot'in.

Judge Begbie wrote that he believed Lhatsassin was telling the truth. However, he thought that the Tsilhqot'in were still responsible for the deaths of nineteen men. On October 26, 1864, Lhatsassin, Telloot, Piel, Tahpit, and Chessus were convicted of murder and sentenced to death.

Months later, in early 1865, two other Tsilhqot'in named Ahan and Lutas turned themselves in. They believed that they could pay compensation for their parts in the attacks. This was a Tsilhqot'in custom. However, they were arrested, taken to New Westminster, and tried for murder. Lutas was set free, but Ahan was executed.

Why were the trials held under English law? Was that fair?



▼ Quesnelle Mouth in 1863



Check Your Learning

1. Create a timeline of the events leading to and including the Chilcotin War. Use notes to identify causes and consequences.
2. Why did the Tsilhqot'in feel that they needed to defend themselves? Do you think the colonial government understood their perspective? Use evidence to explain your thinking.

Make Connections

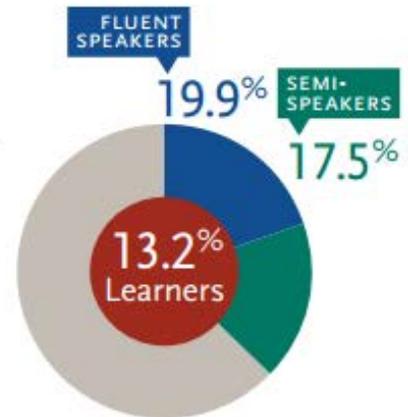
3. What was the attitude of the colonial officials toward the Tsilhqot'in people? Could having different attitudes have led to cooperation and possibly have helped to avoid violence? Explain.



Tsilhqot'in (*Dene language family*)

Tsilhqot'in is spoken in central interior B.C. Compared to many other B.C. languages, Tsilhqot'in has a larger number of younger people fluent in the language. Of languages that are contained within B.C. (without speakers in other provinces or states), Tsilhqot'in has the largest number of speakers.

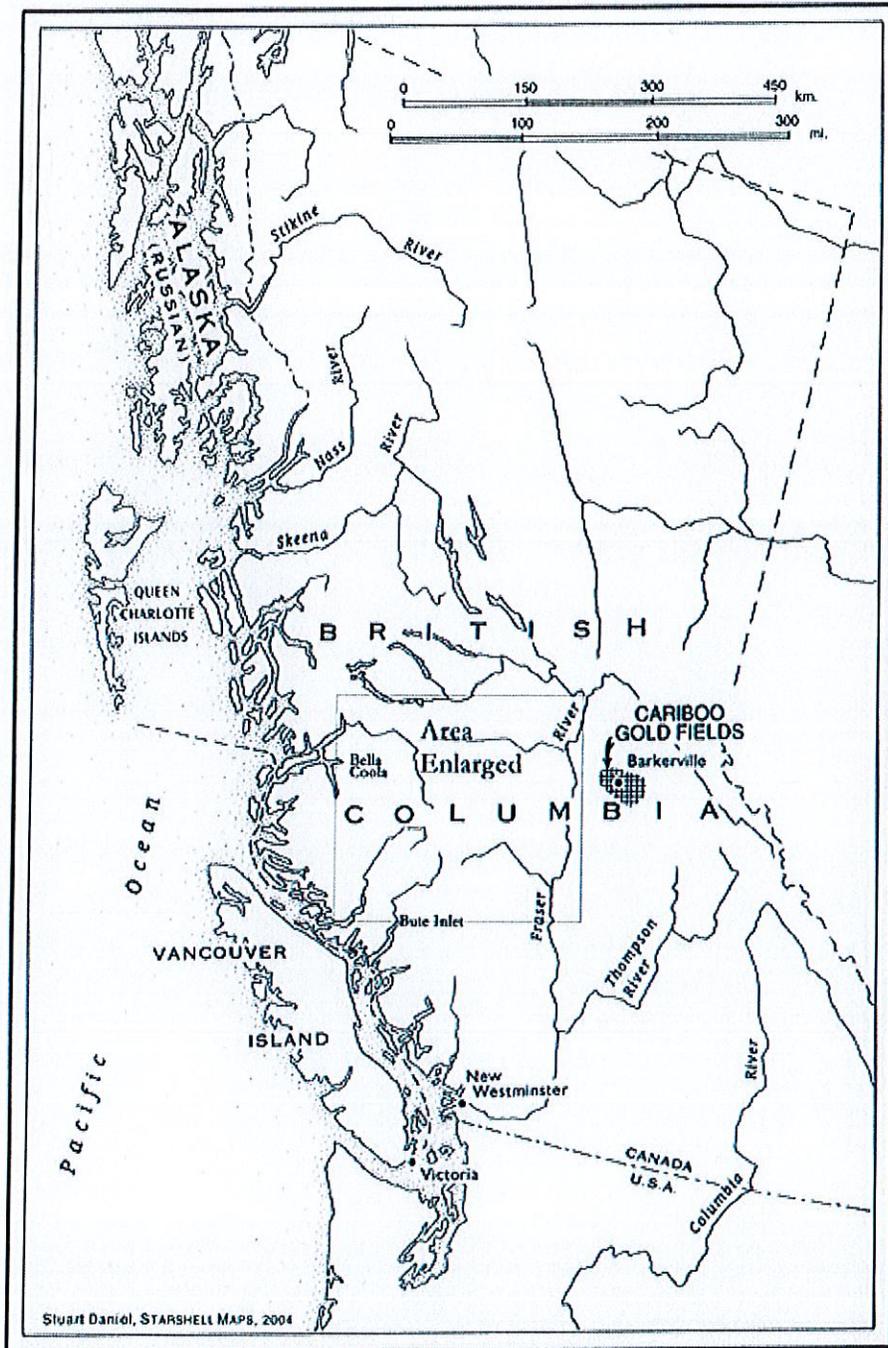
Total # of B.C. Communities	# of Communities Reported to us	Population Reported to us	
7	7	4,352	
First Nations operated schools	Ave. hrs/wk spent on language in schools	Head Start Programs	Ave. hrs/wk spent on language in Head Starts
4	12.75	4⁶	12.25
Communities with language recording	Communities with language curriculum	Communities with access to <i>FirstVoices</i>	
2	2	1	

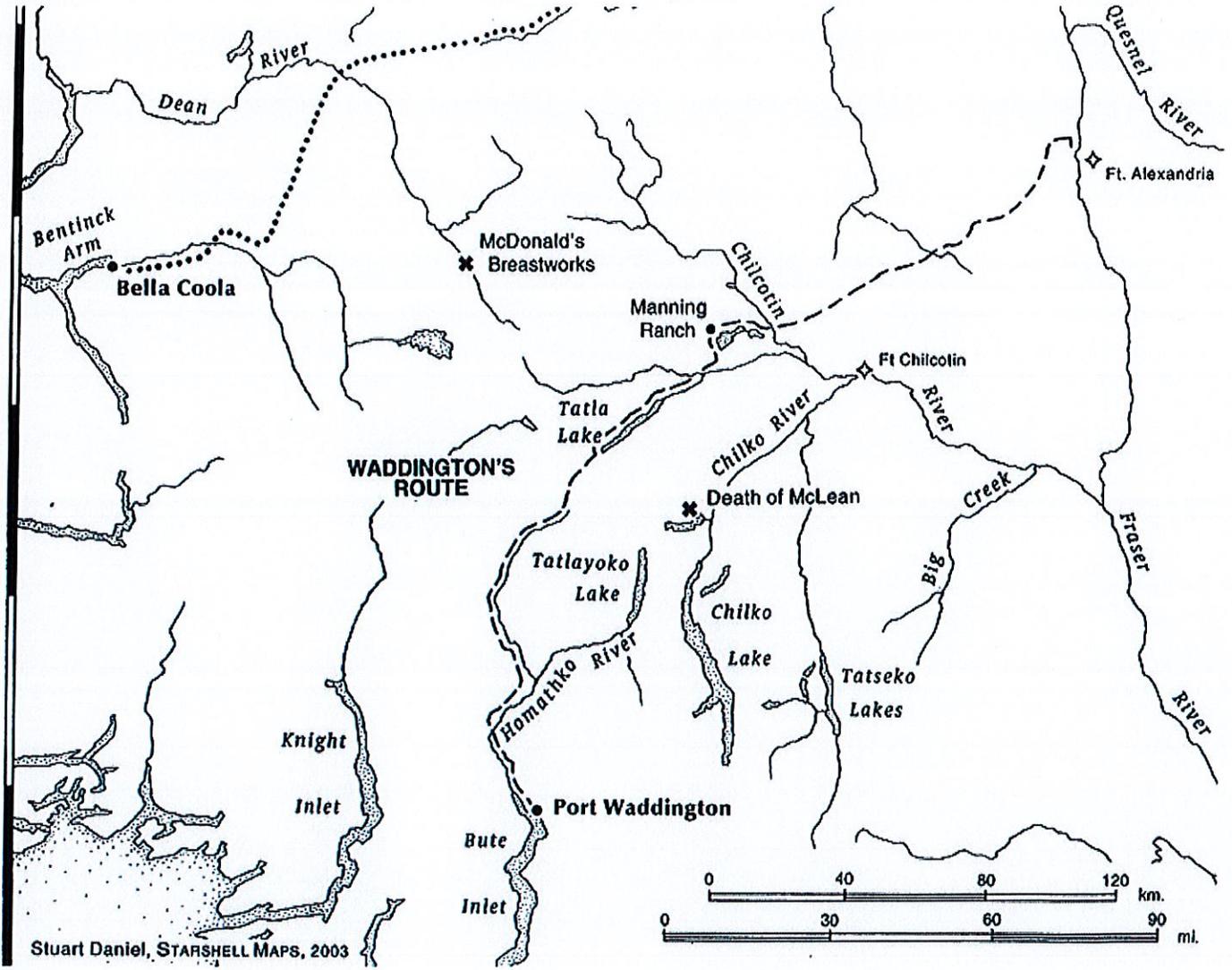


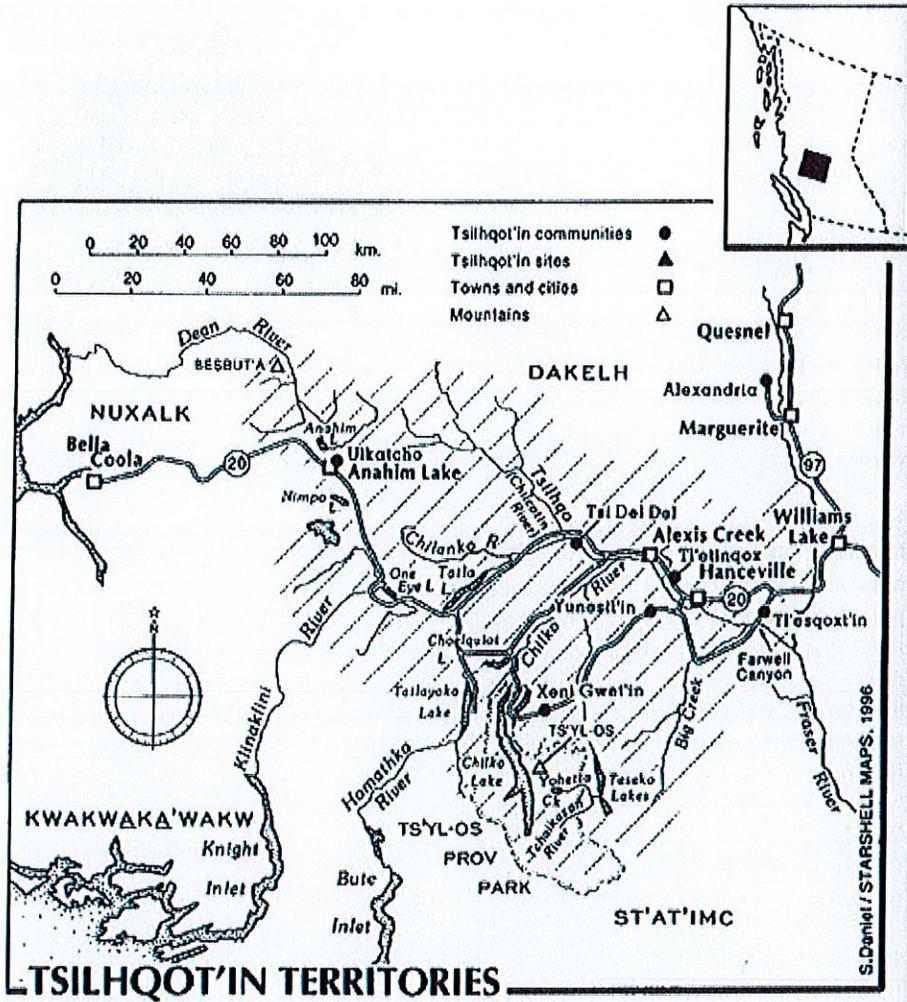
Communities where spoken:

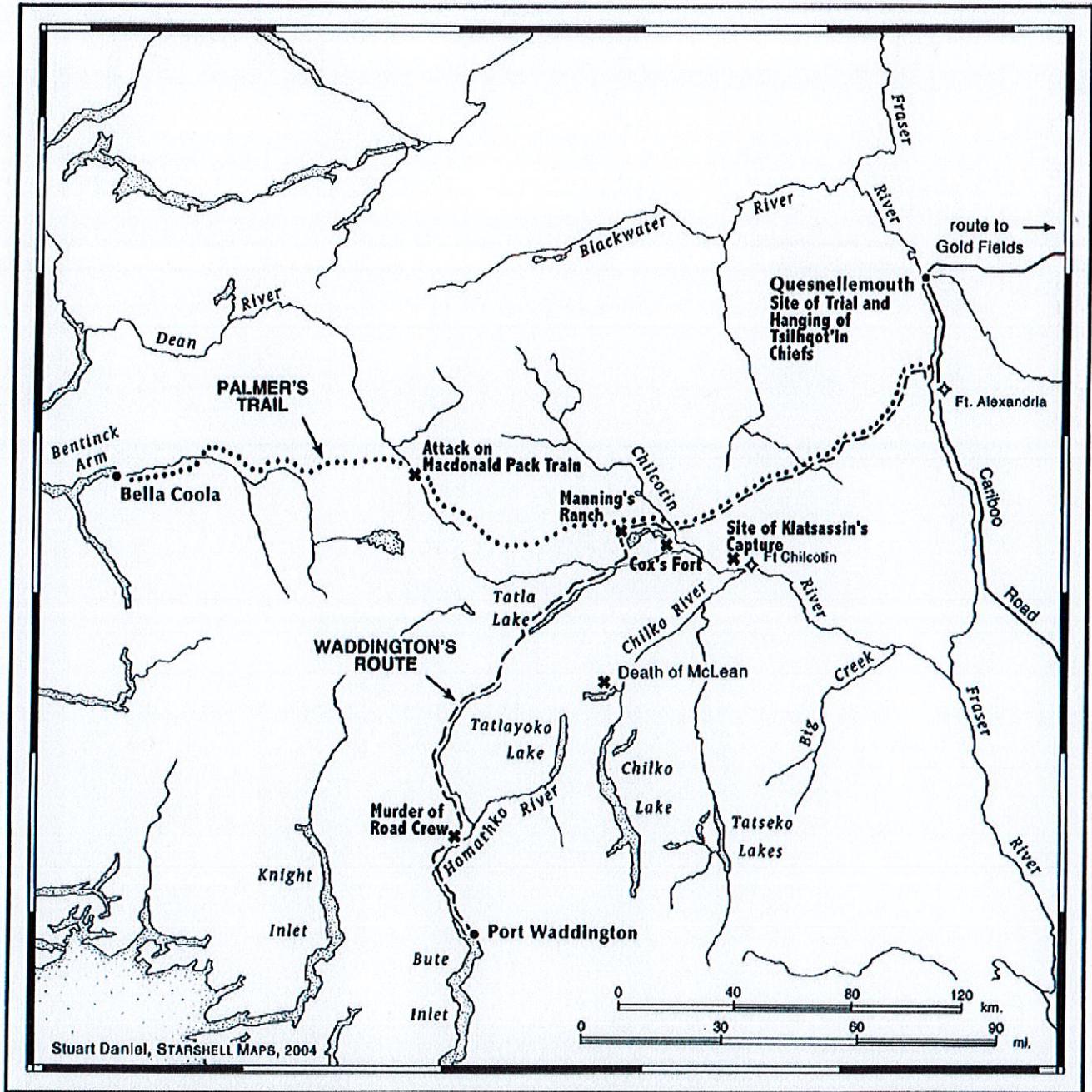
- ʔEsdilagh First Nation
- T'lesqox Indian Band
- T'letinqox-T'in Government
- Tsi Del Del First Nation
- Ulkatchot'en First Nation
- Xenigwet'in First Nations Government
- Yunesit'in Government
- Urban areas, especially Williams Lake

⁶ This includes 1 language nest immersion preschool.





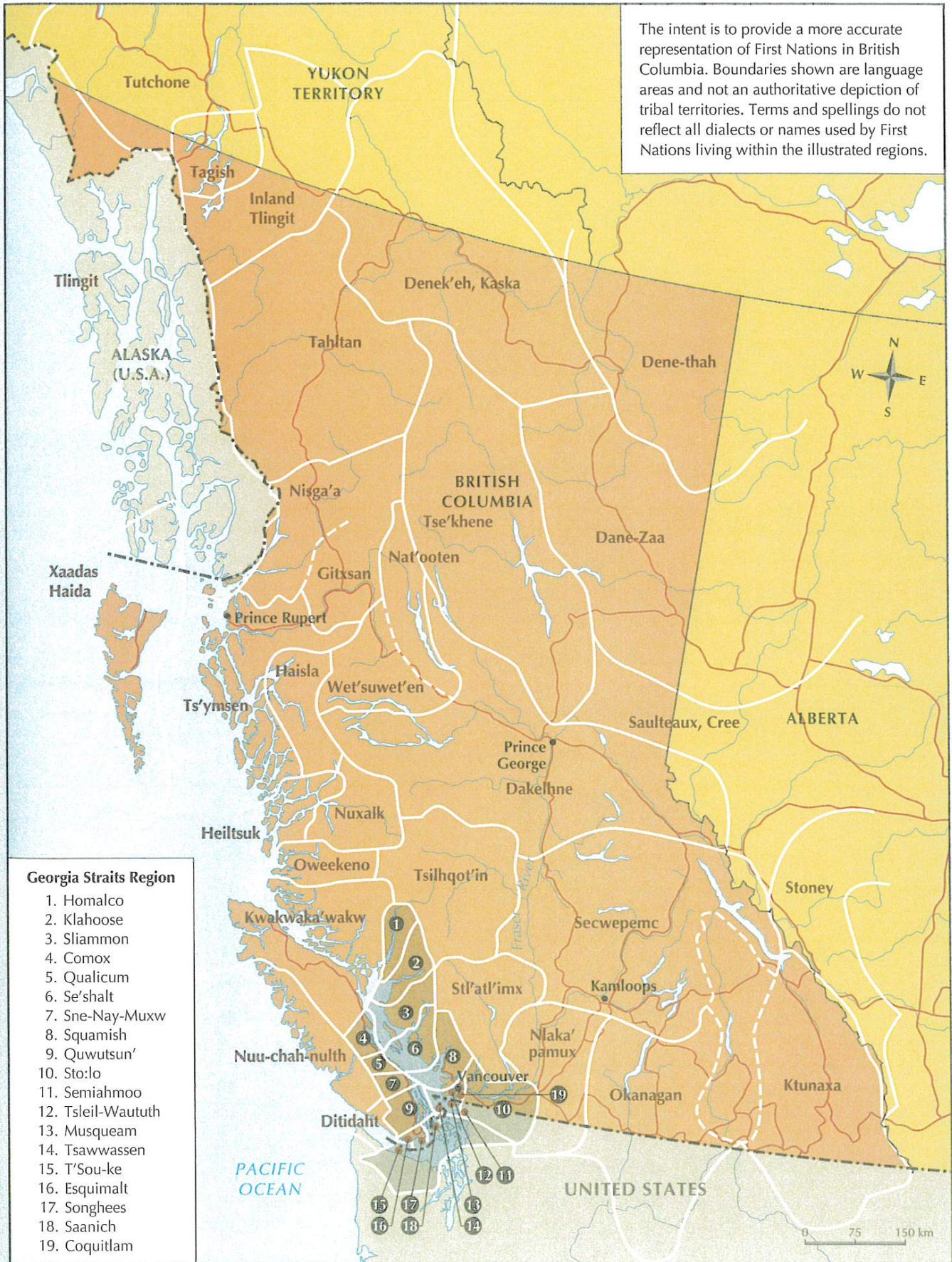




British Columbia political



First Nations of British Columbia



Court Testimony – Primary Source Documents

Testimony of Ahan

British Columbia to Wit

The statement of Ahan charged with being concerned in the wilful murder of Alick McDonald Clifford Higgins and Peter McDougald who being duly cautioned that he was not bound to criminate himself that he need not answer any questions put to him and that anything he said would be taken down in writing and may be used against him at his trial.

Says I knew Alick I knew Higgins and I knew McDougald. I remember the time they were killed. I saw McDougald killed I fired at him and three other Indians fired at him also. I cannot say whether or not I hit him but I think not as my gun was loaded with shot and McDougald had a hole in his stomach made by a ball. The first wound did not kill McDougald but afterward an Indian of the Taikla tribe shot him in the breast and killed him. Lutas was present at the attack he fired but did not hit anyone. Ach-pic-er-mous was not present at the attack he remained far away. Klattassin lent me the musket with which I fired. Chicatinin threatened to shoot me if I did not fire. Alick was shot by Yahooslas who also killed Higgins. There was one Indian killed.

Ahan X his
mark

Made to me this 31st day of May 1865

C. Brew

Witness and Interpreter
Morris Moss

Source: BCA, H.P.P. Crease: Legal Papers 1853-1895, Add. Mss - 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Ahan, May 30, 1865, 1610-1611.

Murder Indictment of Ahan and Lutas

Supreme Court of
New Westminster
British Columbia
To wit

The Jurors of our Lady the Queen upon their oath present that:

Ahan & Lutas two Indians not having the fear of God before their eyes but being moved and seduced by the instigation of the devil on the Thirty first day of May in the year of our Lord one thousand eight hundred and sixty four feloniously wilfully and of their malice aforethought did kill and murder one Peter MacDougald against the peace of our Lady the Queen her Crown and dignity.

And the Jurors aforesaid upon their oath aforesaid further present that Ahan an Indian not having the fear of God before his eyes but being moved and seduced by the instigation of the devil on the thirty first day of May in the year of our Lord one thousand eight hundred and sixty four feloniously wilfully and of his malice aforethought did kill and murder one Peter MacDougald against the peace of our Lady the Queen her Crown and dignity.

And the Jurors aforesaid upon their oath aforesaid further present that Lutas an Indian ~~not having the fear of God before his eyes but being moved and seduced by the instigation of the devil~~ on the day and year aforesaid feloniously was present aiding abetting and assisting the said Ahan [in] the felony aforesaid to do and commit against the peace of our Lady the Queen her Crown and dignity.

Source: BCA. H.P.P. Crease: Legal Papers 1853-1895. Add. Mss - 54 box 3, file 12. H.P.P. Crease. Murder Indictment of Ahan and Lutas. May 31, 1865, p. 1598.

Testimony of Morris Moss

British Columbia
To Wit

Before C. Brew one of Her Majesty's justices of the peace for said Colony.

The information of Maurice Moss who being duly sworn and examined states. On the 16th inst. I was at Bella Cooola preparing a party of Indians to go in pursuit of Antoine, charged with the murder of Mr. Oglivly when two of the Niconctlen Indians came down the river and said they were sent by Anaheim to give information that he was at Newseult with all his tribe and that Ahan and Lutas (two of the Sutless Indians charged with the murder of Alick McDonald and his men) were with them. The messengers said that Ahan and Lutas were not prisoners but were coming down to buy their pardon from the Whites. I started up the river with 12 Bella Cooola Indians in two canoes. About two miles below Newseult we met Anaheim and his men descending the river in a canoe. Anaheim requested me not to arrest Ahan and Lutas till we arrived at the first portage. And accordingly we accompanied his party down till we arrived at [Sennochleinp?] where we landed. I then informed Ahan and Lutas that they would have to accompany me to New Westminster. Lutas said he was quite willing to come but Ahan said he would not go any farther than where he then was and he became very saucy. I then seized Ahan and the Indians seized him by the arms and bound him with a rope. Lutas was seized at the same time by the Indians and I afterwards bound him also.

The next day I started with the two prisoners in a canoe to deliver them at New Westminster where we arrived on the night of the 29th inst.. Ahan several times began a voluntary confession to me and each time I warned and cautioned him not to tell me anything. I even had him cautioned in his own language but he said he did not care about the caution that he would speak the truth and what he had to say he would say before the Judge. He then stated that Klattassin had threatened to shoot him unless he joined him in the attack. He said that he had with three other Indians fired at McDougald but he could not say whether or not it was his shot killed him - he said also that he was one of the Indians who chased Barny Johnson that after they had run some distance his heart changed and he made the other Indians stop. He said he got his share of the plunder. Lutas who was also cautioned said that he was present at the attack on McDonald's party that he saw Ahan shoot, that he had a gun in his hand but did not shoot himself. He admitted that he got a portion of the plunder. I found on Lutas a knife which once was my property and which I sold to Alick McDonald who was murdered.

Morris Moss

Sworn before me this 31st day of May 1865.

C. Brew

Source: BCA, H.P.P. Crease: Legal Papers 1853-1895, Add. Mss - 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Morris Moss, May 31, 1865, 1601-1603.

Testimony of Ach-pic-er-mous

British Columbia to Wit

Before C. Brew one of Her Majesty's justices of the peace for said colony.

The information of Ach-pic-er-mous a [Nicountlin?] Indian who being duly cautioned to tell the truth the whole truth and nothing but the truth states. I remember the time that Alick McDonald's party was attacked and plundered near Sutless and Alick and Higgins and McDougald killed. Three days previous to the attack Klattassin with five of his Taikla Indians came to our camp at Sutless in the evening. Anaheim and his party had that morning started for Bella Coola. Klattassin began making presents to the Indians in our camp. Ahans father asked Klattassin what brought him and his men there armed. He said at that time that he had only come to make them presents but the next day he said that Alick McDonald had brought the smallpox to Benshee and that the white men at Bute Inlet road had done bad things to them, that they were angry at Klattassin's men for stealing and that one of them said that to punish them next "warm" he would send the smallpox amongst them. Klattassin said that in consequence he had killed the whitemen at Bute Inlet and that he was resolved to kill all the whitemen he could find.

There were five Sutless Indians in the camp at the time - Ahan, his father, Lutas, Teechit and myself. Ahan at once said it would be a good thing to do so and after some hesitation Lutas and Teechit agreed. Ahan's father and I objected. I forgot another Sutless Indian who was present and agreed to join Klattassin, [Tineatineu?], the man who wounded Alick McDonald and was shot by him. There were several other Indians joined afterwards amongst the rest [Tom?] and another Indian who had been employed by Alick McDonald. The next day Alick McDonald's train arrived. Klattassin and his men were going over to his camp and Ahan's father asked them why they were blackening their faces - he knew by that that they were going to fight. Ahan's father went over to Alick's camp with Klattassin and he told Alick that Klattassin and his men intended killing him and his companions. Klattassin upon this quitted Alick's camp without attempting anything. Alick said that he was determined to go on to Benshee and Klattassin and his men went out on the trail towards Benshee to lie in ambush for him and his party. I went and told Alick and I advised him not to move out of his entrenched camp till Anaheim returned when he would be safe, but instead of doing so he attempted to return to Bella Coola.

Klattassin was informed in some way that Alick's party had turned back so Klattassin's party passed through the forest and headed them and lay in wait for them. I was anxious to warn Alick but I was afraid of Klattassin. I would not fire at the white men so I kept back. When I heard the firing I went on to where it took place and there I saw McDonald, Higgins and McDougald dead. Ahan was standing over McDougald's body in a very excited state. He said that he had shot McDougald in the stomach and that Lutas, who was present, had fired at his head and missed him. Lutas said it was so. Ahan called me a coward and woman for not firing he said if I had done so there would be more white men dead.

After the murders Klattassin as chief of the party claimed all the plunder and he then divided it amongst the Indians in proportion to the part each took in the attack. He called me a woman and gave me only a few worn things.

Klattassin only remained one day, he was away before Anaheim returned. If Anaheim at been at home the murder would not have been committed but Ahan's father had no power to prevent it. Although he did all he could to dissuade Klattassin from the attack. The first Anaheim knew of what occurred was seeing the murdered men's bodies on the trail. He then met me and asked about it. I told him, he asked me had I any hand in it. I said not, he replied I am glad of that. Before Anaheim returned all the Sutless Indians who were engaged in the murders had gone away.

Ach-pic-er-mous X

his mark

Taken before us this 31st day of May 1865

C. Brew

C. Prichard

Maurice Moss

Interpreter and Witness

Source: BCA, H.P.P. Crease: Legal Papers 1853-1895, Add. Mss - 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Achpic-er-mous, May 31, 1865, 1604-1605-1600.

Testimony of Lutas

British Columbia to wit

The statement of Lutas charged with being concerned in the murder of Alick McDonald, Clifford Higgins, and Peter McDougald who being duly cautioned not to say anything to criminate himself that he need not answer any questions put to him and that anything he said would be taken down in writing and may be used against him at his trial.

Says I knew Alick, I knew Higgins, and I knew McDougald. I remember the time they were killed. I saw [Yahooslas?] kill Higgins and Alick. I saw Ahan shoot McDougald. Ahan does not tell the truth when he says that four Indians shot at McDougald. Ahan alone fired at him and killed him. I fired a shot but I did not kill anyone. I shot at a horse and killed it. I had a musket of Anaheim's. A few days before the attack Anaheim came over from Benshee and he told us that some white men had been murdered by Klattassin. He then gave me the musket as he was going to Bella Coola and he said that it was possible that Klattassin would come over to attack Alicks party and if so desired me help Alick and not Klattassin but I joined Klattassin because he persuaded me that he had arranged with Anaheim at Bella Coola that he Anaheim was to go down to Bella Coola and kill the white people there and Hamilton's family and that we were to join Klattassin in killing Alicks party so I joined Klattassin. But Anaheim did not tell us anything about such an arrangement. The knife found on me by Mr. Moss which belonged to Alick I got from Ahan who states that Klattassin gave it to him.

Lutas X
his mark

Taken before me the 31st day of May 1865.

C. Brew

Morris Moss witness

Source: BCA. H.P.P. Crease: Legal Papers 1853-1895. Add. Mss - 54 box 3. file 12. Supreme Court of New Westminster. Testimony of Lutas. May 31, 1865, 1608-1609.

Testimony of Frederick Harrison

British Columbia to Wit

Before C. Brew on of Her Majesty's justices of the peace for said colony.

The information of Frederick Harrison who being duly sworn and examined states. I was one of the party who accompanied Alick McDonald from Bella Coola in the month of May 1864. Our intention was to travel by the Bella Coola trail through Benshee to Alexandria. We met Anaheim and his men on the top of the Slide. We arrived at Sutless about 9 days after we left Bella Coola. The entire party consisted of Alick McDonald, Barny Johnson, McLeod Ferguson, Higgins McDougald Grant and myself. Higgins Grant and McDougald arrived at Sutless the day before the rest of us. They were lightly laden and on the way they gained a days march ahead of us. When those with me arrived at Sutless the three men who were in advance told us that the Indians had stopped them and said they should not go any further. By that time the Indians pretended to be friendly. They said there were some bad Indians about from Bute Inlet but that we might go ahead and that we would be safe. But McDougald Indian woman warned us not to go on as the Indians meditated doing us mischief, she recommended us also not to turn back but advised us to remain in our camp which we had entrenched.

Several of the Indians were in our camp during the three days we were at Sutless amongst them I saw Ahan and Lutas the two men I pointed out in the jail today. Ahan was in our camp the morning we left it to return to Bella Coola. We started from our camp at about 9 of a.m. on the 31st of May to return to Bella Coola. We were afraid to advance toward Benshee in consequence of what McDougald's woman told us. We had marched on our return between four and five miles when we were attacked by the Indians. There must have been fifty or sixty shots fired at us. I saw two or three of the Indians behind the bushes but I would not know them if I saw them again. I saw McDougald put his hand to his breast and heard him exclaim that he was shot. I did not see any other man shot. I managed to escape in company with McCleod. In four days we arrived at Bella Coola. I omitted to say that I saw Grant wounded. I was slightly wounded myself.

Frederick Harrison

Sworn before me this 23rd day of June 1865 at New Westminster.

C. Bre
w C. Prichard,
J.P.

Source: BCA, H.P.P. Crease: Legal Papers 1853-1895, Add. Mss - 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Frederick Harrison, June 23, 1865, 1606-1607.

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**ROGER WILLIAM, on his own behalf
and on behalf of all other members of the Xenigwet'in First Nations Government
and on behalf of all other members of the Tsilhqot'in Nation**

PLAINTIFF

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, THE REGIONAL MANAGER OF THE
CARIBOO FOREST REGION and
THE ATTORNEY GENERAL OF CANADA**

DEFENDANTS

ARGUMENT OF THE PLAINTIFF

VOLUME 3

**WOODWARD &
COMPANY**

Barristers and Solicitors
844 Courtney Street, 2nd Floor
Victoria, BC V8W 1C4
Solicitors for the Plaintiff

**ATTORNEY GENERAL
OF BRITISH COLUMBIA**

Civil Litigation Section
3RD Floor, 1405 Douglas Street
Victoria, BC V8W 9J5
Solicitor for the Defendants, Her
Majesty the Queen in the Right of
the Province of British Columbia
and the Manager of the Cariboo
Forest Region

**DEPARTMENT OF
JUSTICE, CANADA**

Aboriginal Law Section
900 - 840 Howe Street
Vancouver, B.C. V6Z 2S9
Solicitor for the Defendant,
The Attorney General of Canada

**ROSENBERG &
ROSENBERG**

Barristers & Solicitors
671D Market Hill Road
Vancouver, BC V5Z 4B5
Solicitors for the Plaintiff

**BORDEN LADNER
GERVAIS LLP**

Barristers & Solicitors
1200 Waterfront Centre, 200
Burrard Street
Vancouver, BC V7X 1T2
Solicitor for the Defendants, Her
Majesty the Queen
in the Right of the Province of
British Columbia and
the Manager of the Cariboo Forest
Region

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(l) The War at Graveyard Valley: Following a Lillooet incursion into Tsilhqot'in territory, Tsilhqot'in warriors gathered from several communities and killed the Lillooet before they left Tsilhqot'in territory.

(m) The War leading to Klatassin taking a second wife: The Tsilhqot'in response to another First Nation's use of a Tsilhqot'in hunting and fishing ground, was a war in defence of their territory.

(n) The War at Beece Creek: (see below)

(o) The Chilcotin War: (see below)

1096. This history demonstrates the intention and capacity of the Tsilhqot'in to maintain exclusive control over their territory. For mapping of these wars, see **Appendix 6, Map GG**. Each of these wars is discussed in detail in **Appendix 4**, but in addition, the Chilcotin War of 1864 and the Beece Creek War of 1839, will be discussed in the following paragraphs. The Chilcotin War is the only conflict with non-Indians. The Beece Creek War is one of many conflicts with neighbouring First Nations, but is distinguished by having contemporary non-Indian documentation. Thus, these two conflicts are easier to study than the rest, which rely almost entirely on the oral history.

1097. All of these wars demonstrate a pattern. The Tsilhqot'in fought wars in their national interest, primarily to defend their lands. These were not gratuitous pillaging expeditions outside the home territory, like the popular view of Viking attacks. The pattern was one of collective Tsilhqot'in action in response to an unwelcome incursion into their territory.

(A) THE CHILCOTIN WAR OF 1864

1098. The Chilcotin War demonstrates the Tsilhqot'in capacity for significant collective action, across band lines, in defence of their lands and way of life. Indeed, it is compelling evidence in this regard, as it represents "the only instance of armed resistance to colonial authority by an indigenous nation in what becomes British Columbia since first contact".¹²⁵¹ Because it is the

most thoroughly documented of Tsilhqot'in conflicts in the historical record, supplemented by a rich and enduring oral history, its events bring into stark relief the intention and capacity of the Tsilhqot'in people to resist threats to their lands and people.

1099. The events of the Chilcotin War have been canvassed at length by other sources and will not be re-visited again here.¹²⁵² For reference, see **Appendix 6, Map FF**.

1100. There is no question that the events of the Chilcotin War involved "significant group action"¹²⁵³ on the part of the Tsilhqot'in, including coordination of efforts across internal band lines. Tsilhqot'in oral history indicates that the warriors involved were all Tsilhqot'in¹²⁵⁴ and were from many different Tsilhqot'in communities.¹²⁵⁵ The Tsilhqot'in war was a national effort¹²⁵⁶ and the warriors were fighting on behalf of the Tsilhqot'in nation.¹²⁵⁷

1101. A number of the warriors involved in the Tsilhqot'in war can be traced to different Tsilhqot'in communities within the Tsilhqot'in nation. Qaq'ez was from Naghatalhchoz.¹²⁵⁸ Sit'ax was from Nemiah.¹²⁵⁹ Nen Gut'in was from Chief Alexis' community.¹²⁶⁰ Old Guichon and Old Guichon's father were involved in the Tsilhqot'in war and were from Tatla Lake.¹²⁶¹ Nezulhtsin fought in the Chilcotin war, and he was from the Naghatalhchoz, Mountain House and Tsuni?ad areas.¹²⁶² Tahpitt was from the Puntzi Lake area.¹²⁶³

1102. For its part, the colonial government certainly viewed the Tsilhqot'in resistance as national in character. Governor Seymour, in his despatches, described the situation in the following terms:

The Chilcotens who massacred Mr. Waddington's road party at Bute Inlet... marched into the Interior **where joined by other members of the tribe**, and succeeding in murdering or expelling every white person from the sea to the upper Fraser."¹²⁶⁴

The murderers... marched with great rapidity to Benshee Lake. **They appear to have picked up recruits along the way.**¹²⁶⁵

It suited our purpose to treat officially these successive acts of violence as isolated massacres, but there is no objection to our now avowing that **an Indian**

Insurrection existed, extremely formidable from the inaccessible nature of the country over which it raged. It seemed that **the whole Chilcoten tribe was involved** in it.¹²⁶⁶

There was no use any longer shutting my eyes to the fact. ... **we were engaged in a war ... with the greater part of the Chilcoaten nation.**¹²⁶⁷

1103. Governor Seymour was convinced that the events of the Tsilhqot'in war demonstrated coordinated Tsilhqot'in leadership. Indeed, as Professor Foster observes, one of his reasons for concluding that "the whole Chilcoaten tribe was involved" was that "Benshee where Manning was murdered is under the jurisdiction of Alexis [and] Sutleth where MacDonald and his two men fell, under that of Anaheim".¹²⁶⁸

1104. This view accords with Tsilhqot'in oral history. Gilbert Solomon recounted Tsilhqot'in oral history to the effect that, after the initial attack on the road crew at Bute Inlet, all of the Tsilhqot'in communities communicated with each other and decided to act together to push all whites out of Tsilhqot'in territory.¹²⁶⁹ Reverend Lundin Brown, the priest who interviewed Klatsassin before he was hanged in 1864, corroborates this account. He records, "Klatsassin called a council of the Chilcoatens, to consult as to the best way of exterminating the whites".¹²⁷⁰

1105. This war council between several different Tsilhqot'in communities is also supported by Lutas one of the Tsilhqot'in warriors, who later gave a sworn statement before C. Brew, at the Supreme Court of New Westminster in 1865.¹²⁷¹ Lutas described an arrangement between Chief Anaheim and Klatsassin to work together to kill the whites.¹²⁷² British Columbia's expert historian, Dr. Marshall, accepted that Lutas was under the impression that Klatsassin and Anaheim had come to an arrangement whereby Anaheim was to go to Bella Coola to kill the last of the white people, the Hamilton family, while Klatsassin was to attack Macdonalds's party.¹²⁷³ In fact, Dr. Marshall accepted the possibility that at least three Tsilhqot'in chiefs were acting in concert in the plan to exterminate all "whites" from Tsilhqot'in territory.¹²⁷⁴

1106. Dr. Marshall admitted that the primary documents establish Chief Klatassine was involved in the killing of Manning.¹²⁷⁵ Dr. Marshall further conceded that Chief Anaham was involved in the war and that the traditional Tsilhqot'in leadership included Chief Anaheim.¹²⁷⁶

According to Dr. Marshall, the historical documents raised the possibility of Chief Alexis being involved in the war,¹²⁷⁷ and Dr. Marshall admits that members of the Tsilhqot'in people affiliated with Chief Alexis were involved in the war.¹²⁷⁸ Indeed, the historical documents establish that all three Tsilhqot'in chiefs were involved in the Tsilhqot'in war and that it was a concerted effort.¹²⁷⁹

1107. In addition to demonstrating the significant capacity of the Tsilhqot'in for collective action, the events of the Chilcotin War show the commitment of the Tsilhqot'in to defending their ancestral lands and their way of life.

1108. As with most historic events, the Chilcotin War cannot be attributed to a single causative factor. It emerged from the convergence of several, interrelated factors, all of which may have contributed to the decision of the Tsilhqot'in to expel all whites from their lands. These factors include:

- The poor treatment of Tsilhqot'in workers by members of the road crew;¹²⁸⁰
- The abuse of Tsilhqot'in women by the white road crew in violation of Tsilhqot'in law;¹²⁸¹
- The failure of the road crew to pay tolls for crossing Tsilhqot'in land in violation of Tsilhqot'in law;¹²⁸²
- The behaviour of white settlers pre-empting land within Tsilhqot'in territory;¹²⁸³ and
- The threat of smallpox.¹²⁸⁴

1109. While all of these factors likely played a role in precipitating or triggering the conflict, the evidence demonstrates that the nature of the conflict was a matter of Tsilhqot'in national policy, not private retribution. The mistreatment of the Tsilhqot'in workers, the failure of the road crew to pay the required tolls, the threat of smallpox, the illegal abuse of Tsilhqot'in women

and children and the tensions between Indian land use and the arrival of white settlers all contributed to Tsilhqot'in concern; but threaded through all of this was the certainty that if the road continued to be built into Tsilhqot'in territory, such abuses of Tsilhqot'in people and laws would penetrate further into their lands and their lives.¹²⁸⁵ Minnie Charleyboy relayed the words of Tsilhqot'in warrior Qagez, (the father of the woman who raised her):¹²⁸⁶

If we do not go to war with them now and if they come to our land, the way they treated us here, it's gonna be worse when they come into our land. So we do not want the white people to live in our land. And look what they did to this child [Lhats'as ?in's daughter]. They're gonna be worse when they come into our land with our other children that are in our land."¹²⁸⁷

Mrs. Charleyboy testified, "[t]hat was the reason why they killed all the white people that were in that camp."¹²⁸⁸

1110. Oral history accounts of the war are rife with such statements, describing the Chilcotin War an action in defence of territory.¹²⁸⁹ From the Tsilhqot'in perspective, stopping whites from coming into the land was synonymous with protection of the land. For example, Norman George Setah explains: "If we didn't kill them all, they would—there would be a lot of them that would come into our—into our country. We did this to protect our land and to put a stop to them."¹²⁹⁰ Elizabeth Jeff similarly testified: "Since they were mistreating the Tsilhqot'in by doing things like this, the Tsilhqot'in den Jutalhtax (warriors) disagreed with the white man coming. They did not want white men to move onto Tsilhqot'in land and start settling"¹²⁹¹

1111. According to Francis William: "It was said that the Tsilhqot'in went to war against those white people because they saw the white people were crooked. They didn't pay the Tsilhqot'in any money or give them food- those midugh [white people] just let the Tsilhqot'ins go hungry. The white men raped the Tsilhqot'in women. The Tsilhqot'ins were worried that lots of midugh like the ones at the work camp would come to Tsilhqot'in country if they built the road from Bute Inlet".¹²⁹²

1112. Hamar Foster, relying only on the documentary record, described these same concerns as prompting the Tsilhqot'in warriors to take arms in defence of their territory:

... [T]he Chilcotins who were involved in the uprising were generally those who had the least contact with whites, and what contact they had was **disconcerting**. The miners who came through brought disease and, unlike the fur traders, they "were there to take something of which the Indians had learned the value but for which the miner did not expect to pay the Indians". Moreover, the accusation of flour stealing was linked to refusals to give food to Indians who were hungry, refusals by men who were in Chilcotin territory, eating Chilcotin fish and game. **The Chilcotins therefore would have seen the Bute Inlet trail as bringing more of this sort of white man into their territories ...**¹²⁹³

1113. Contemporaneous observers and participants cited Tsilhqot'in defence of their territory as a cause of the Chilcotin War. Governor Seymour, writing at the time, observed that "some people say that Mr. Waddington's party may have given offence by carrying the road into the Territory of the Chilcotin Indians without asking permission".¹²⁹⁴

1114. In 1872, Chief Justice Begbie wrote a report to the Hon. H.L. Langevin, (Federal) Minister of Public Works, describing the Chilcotin War. As the judge who presided over the prosecution of the Tsilhqot'in chiefs, he was well situated to comment on the war and its causes. He wrote,

... [S]ome white men had, under color of the pre-emption act, taken possession of some Indian lands (not, I believe, reserved as such, --- the whole matter arose on the west of Fraser River, where no magistrate or white population had ever been, -- **but de facto Indian lands**, their old accustomed camping place, and including a much-vaulted spring of water), and even after this, continued to treat the natives with great contumely, and breach of faith. The natives were few in number, but very warlike and great hunters. They had no idea of the number of the whites, whom they had not seen. They shot down every white whom they did see, twenty-one I think, including a trail party of Mr. Waddington's-- one or two escaped their notice. Six Indians were induced to surrender, and were hung. The expense to the colony was inordinate. Except in such cases, which cannot affect the progress of society for good or evil, no trouble is to be apprehended.¹²⁹⁵

1115. Even while dismissing the events as insignificant to the progress of society in British Columbia, Begbie observes that the Tsilhqot'in were doing no more than defending their "de facto Indian lands".¹²⁹⁶

1116. The colonial press expressed this same view, shortly after news of the events reached Victoria. One newspaper observed that while “[p]lunder was certainly one of the chief incentives; there can be little doubt ... that the main object in view was to put a stop to a road through Chilcoaten territory”. It further noted that the events proved “the aversion of the Chilcotens to the opening up of their country by the whites”.¹²⁹⁷ Waddington himself agreed that there was more than one cause to the conflict, and was reported in the press as having said, “the object of the Indians was to stop the road from going through their country”.¹²⁹⁸ As Professor Foster observed, “[w]hen colonists themselves speak in this way – whatever axes they have to grind – we should take notice”.¹²⁹⁹

1117. Numerous authorities have identified the incursion into Tsilhqot’in territory as a catalyst for the Tsilhqot’in war.¹³⁰⁰ This is the considered opinion of Professor Foster, who was recognized by the Province’s expert historian as holding “an outstanding reputation in the academic community”.¹³⁰¹ Professor Foster notes that the immediate cause of the Chilcotin War was the ill-advised threat of smallpox, but that “land was a key issue in the conflict”.¹³⁰² He quotes Margaret Ormsby, one of British Columbia’s leading historians, who wrote that Judge Begbie concluded “concern over Indian title to land was a more important factor than either plunder or revenge”.¹³⁰³

1118. Hewlett, in his thesis on the Chilcotin War, concludes that a possible cause of the Tsilhqot’in war was

the fact that the road was about to enter or had entered Chilcotin territory. Whether or not it had reached what was regarded as Chilcotin territory at this time, the Chilcotins knew its direction and purpose, and in 1863 there had been numerous signs at the townsite and further up the river that the coming of the white man’s road meant the coming of the white settler.¹³⁰⁴

Canada’s expert historian, Dr. von Gernet, found no reason to dispute Hewlett’s statement that a possible cause of Tsilhqot’in enmity towards the whites was the fact that the road was about to enter or had entered Tsilhqot’in territory.¹³⁰⁵

1119. Historian Robin Fisher concluded that while the "motivation behind this attack was complex... one of the underlying causes was the Indians' dislike of European intrusion into their territory".¹³⁰⁶ In his expert opinion for this case, Dr. Dinwoodie concluded that, "the so-called Chilcotin War represented an effort to curtail the influx of Europeans into their traditional de facto territory."¹³⁰⁷ Dr. Coates similarly indicated that, "when Europeans began to intrude, as shown in the Chilcotin War of 1864, the Tsilhqot'in viewed the intrusions of the newcomer with alarm and were determined to maintain their hold on their traditional lands".¹³⁰⁸

1120. The results of the Chilcotin War demonstrate the intention and capacity of the Tsilhqot'in people, even after the Crown's assertion of sovereignty, to exercise exclusive control over their lands. Through the coordinated attacks that marked the pivotal events of the war, the Tsilhqot'in removed all whites from their territory, and slowed the pace of future attempts at settlement. Indeed, Waddington's road has never been built, even to this day.

1121. The Chilcotin War occupies a central place in Tsilhqot'in history and identity. As Dr. Dinwoodie observes, "[u]nlike most First Nations people, the Tsilhqot'in have a shared memory of a military victory against an occupying western state".¹³⁰⁹ At the same time, the sense of injustice arising from the circumstances surrounding the capture and hanging of their chiefs is still felt so keenly today that it led Judge Sarich, as the head of a Royal Commission, to recommend that the Province apologize to the Tsilhqot'in. The Province did apologize.

1122. Responding to complaints about the treatment of native people by the justice system in British Columbia, the Attorney General asked Judge Anthony Sarich to look into the matter and see if a full inquiry was warranted. On October 1, 1992, the Cariboo Chilcotin Justice Inquiry was formalized, and Judge Sarich was made Commissioner. Judge Sarich said this:

In the Chilcotin, the other matter was the controversial, so-called Chilcotin War. **In every village, the people maintained that the Chiefs who were hanged at Quesnel Mouth in 1864 as murderers were, in fact, leaders of a war party defending their land and their people.** Much has been written but little is known with any certainty of the facts that led to the trial of those chiefs before Judge Matthew B. Begbie. The people of the Chilcotin have long memories. They hold the memory of those chiefs in high esteem and cite the effect of

smallpox on their ancestors, the incursions onto their land, and the treatment of their people by the road builders hired by Alfred Penderill Waddington as justification for the war. Many natives consider the trial and subsequent hanging as a political event in a deliberate process of colonization.¹³¹⁰

1123. The Sarich Commission made a number of recommendations including that Victoria grant a post-humous pardon to the Tsilhqot'in men who were executed, locate their remains and re-bury them and erect a suitable memorial. Judge Cunliffe Barnett also recommended that the hanged men be pardoned. The Attorney General eventually issued an apology for the hangings. On October 26, 1999, 135 years to the day after the hanging of Klatsassin and the other Tsilhqot'in chiefs, Tsilhqot'in Chief Irvin Charleyboy unveiled a plaque on the lawn of the hospital in Quesnel. In both English and Tsilhqot'in it bears Klatsassin's last words: "We meant war, not murder!"¹³¹¹

1124. Perhaps most significantly, this commemorative plaque, erected jointly by the Province of British Columbia and the Tsilhqot'in National Government, expressly states that it is raised **"to honour those who lost their lives in defence of the territory and the traditional way of life of the Tsilhqot'in"**.¹³¹² This captures the deep belief of the Plaintiff and the communities that he represents. It expresses the motivation of the Tsilhqot'in in waging the Chilcotin War, and the price that they paid, and were willing to pay, to keep their lands free from intrusion.

(B) **WAR AT BISQOX (BEECE CREEK) WITH THE LILLOOET IN 1839**

1125. The oral history, historical documents and expert testimony in this case all shed light on a series of conflicts that raged between the Tsilhqot'in and the Lillooet in 1839.

1126. As recounted earlier, the HBC records for this year describe two attacks by the "Ash-Sket" or Lillooet Indians within Tsilhqot'in territory.¹³¹³ The first attack took place near Chilko Lake in May and resulted in Tsilhqot'ins from Putzi Lake joining the Tsilhqot'ins at Long Lake (Chilko Lake) in a "general attack" against the Lillooet. The second attack took place in August, when the Lillooet plundered and destroyed one of Chief Allaw's fish weirs. Several Tsilhqot'in bands pursued the Lillooet.¹³¹⁴

1127. Tsilhqot'in oral history appears to illuminate what occurred after the HBC records of the event conclude. According to oral history evidence, there was a battle between Lillooet people and the Tsilhqot'in at Bisqox (Beece Creek),¹³¹⁵ which is within the Claim Area,¹³¹⁶ and warriors from many different Tsilhqot'in communities were involved.¹³¹⁷ Oral history describes how the Tsilhqot'in warriors "wiped out and buried" the Lillooet under rocks at Beece Creek.¹³¹⁸ When the Tsilhqot'in attacked, the Lillooet tried to escape by diving into the water and swimming down the creek,¹³¹⁹ but the Tsilhqot'in used spears, arrows and war clubs to kill the Lillooets.¹³²⁰

1128. According to Norman George Setah, the battle at Beece Creek took place during the time of some of his informants' grandfathers. Mr. Setah's informants were Louis Quilt, Hadediny, ?Eweniwen and Alec Jack.¹³²¹ While it is difficult to determine precise dates using oral history alone, through expert opinion, genealogy, baptismal records, vital statistic records and oral history, the birthdates of all four of Norman George Setah's informants are established, as are three of the birthdates of their fathers. Three of the four grandfathers involved in the fighting at Beece Creek were born in the generation before the 1840s and the fourth was born two generations before 1898.¹³²² As such, the warriors themselves would likely have been born earlier than the 1820s, placing the date of the war with the Lillooet at Beece Creek approximately between the 1830s and 1850s.

1129. As stated above, in his expert report, Dr. Brealey mapped out where conflicts arose between Tsilhqot'ins and non-Tsilhqot'ins on Map 2. One of the conflict vectors he mapped for Tsilhqot'in/Lillooet conflicts points at Beece Creek. In all likelihood, the 1839 references in the Chilcotin Post Journal to a Lillooet incursion into Tsilhqot'in territory, which initiated a concerted effort by the Tsilhqot'in, is the first half of the same event Mr. Setah describes at Beece Creek.

1130. Mr. Dewhirst cited the 1839 Tsilhqot'in-Lillooet conflict as one of "several examples of multi-band or Tsilhqot'in solidarity" when "Tsilhqot'in bands mobilized together to repel trespassers and raiders".

(iv) *Peace Treaties and Peaceful Relations*

1131. As set out above, the Tsilhqot'in engaged where necessary in "overt acts of exclusion" (*Bernard*). At the same time, they reinforced their control of their territory, and reduced the need to resort to warfare, by engaging neighbouring First Nations from time to time in treaties and other bonds of peace. As recognized in *Bernard*, this is another relevant factor in assessing the effective control exercised by the Tsilhqot'in over their territory.

Bernard (SCC), para. 64.

1132. The Tsilhqot'in fostered peace with some neighbours through harmonious trade and kinship relations. Gilbert Solomon testified that prior to contact, the Tsilhqot'in made peace with the Bella Coola¹³²³ and with the Canyon Shuswap.¹³²⁴

1133. The Tsilhqot'in maintained peaceful relations with the Canyon Shuswap through mutually beneficial trade relations and close community relations.¹³²⁵ The evidence indicates that border conflict with the Canyon Shuswap was negligible. Hewlett quotes from Teit, who remarked that: "[i]t seems that had it not been for the Canyon Indians, who acted as peace-makers, there would have been an almost constant state of warfare between the Fraser River bands and the Chilcotin".¹³²⁶

1134. Oral histories and historical documents also record peace accords with the Talkotin Carrier in the 1820s,¹³²⁷ with the Coastal Tribes in 1860s,¹³²⁸ and with the Lillooet in the 1890s.¹³²⁹

1135. According to Martin Quilt, a peace treaty was made between the Tsilhqot'in and Lillooet people after the battle at Graveyard valley. A messenger was sent, and the two nations met at ?etsanz Dzelhch'ed, they traded gifts and played lehal and all kinds of games.¹³³⁰ Chief Roger William stated: "There used to be wars between the two nations, [Lillooet and Tsilhqot'in] and what they did is start having gatherings instead of wars, and they would play lehal and do different activities, different events".¹³³¹

(v) *Tsilhqot'in Control of Territory – Permission, Rents, and Tolls*

1136. The Tsilhqot'in also exercised control over their lands by permitting use and occupation of the land by non-Tsilhqot'in, under the authority and according to the terms set by the Tsilhqot'in people. The presence of other Aboriginal groups by consent in such a manner reinforces a finding of exclusivity. As Lamer C.J. observed in *Delgamuukw*, “[w]here others were allowed access upon request, the very fact that permission was asked for and given would be further evidence of the group’s exclusive control”.

Delgamuukw (SCC), para. 156; *Bernard* (SCC), para. 64.

(A) PERMISSION/INVITATION

1137. The Tsilhqot'in exercised exclusive control over their lands by granting (or denying) permission to non-Tsilhqot'ins to use, occupy or traverse Tsilhqot'in lands, and by dictating the terms upon which this permission was granted. For example, given the involvement of the Tsilhqot'in in extensive trade networks (both pre- and post-contact), Aboriginal traders were typically permitted on Tsilhqot'in lands to conduct trade.¹³³² The evidence also shows that other First Nations were invited into Tsilhqot'in territory for gatherings in which games were played and trading conducted.¹³³³

1138. Indeed, the available evidence suggests that the Hudson’s Bay Company was initially invited by the Tsilhqot'in to establish a trading post within Tsilhqot'in territory.¹³³⁴ However, as this example demonstrates, the Tsilhqot'in retained the authority to subsequently revoke permission to use or occupy Tsilhqot'in lands. A notable example, already referenced, occurred when Chief Allaw acted on his mounting grievances against Chilcotin Post employees (particularly head trader McBean) by ordering him “off from his Lands immediately, so that they [Tsilhqot'in] might have the pleasure of burning the fort”.¹³³⁵ It is clear that the traders did not consider this an idle threat.¹³³⁶

1139. Permission to use or occupy Tsilhqot'in lands could also be acquired by marriage, although this was not an absolute right.¹³³⁷ Several Tsilhqot'in witnesses provided examples of

non-Tsilhqot'in people gaining access to Tsilhqot'in territory through marriage,¹³³⁸ including some of the first white settlers.¹³³⁹ For example, Manning was married to a Tsilhqot'in woman,¹³⁴⁰ thereby acquiring a tolerated pass to access Tsilhqot'in land.¹³⁴¹ According to Chief Ervin Charleyboy, the only reason why Manning was permitted to stay in Tsilhqot'in territory was because "he was living with Chief Alexis's daughter. That's the only reason why he was there".¹³⁴²

1140. Again, the Tsilhqot'in always retained the right to revoke lawful permission to enter and stay on Tsilhqot'in lands. Manning again is an apt example. Although he initially entered the territory and was tolerated due to his relationship with a Tsilhqot'in woman, he wore out his welcome by fencing off a prime occupation site of the Tsilhqot'in,¹³⁴³ preventing Tsilhqot'ins from using it¹³⁴⁴ and tilling the land,¹³⁴⁵ which was perceived by the Tsilhqot'in as "wrecking the land".¹³⁴⁶

1141. Permission to use or occupy certain Tsilhqot'in lands could be denied. A clear example is provided by the conflict between Chief ?Achig, a Xení Chief, and Ed Elkins, the first white settler to attempt to settle in the Nemiah Valley, in 1897. Mabel Williams recounted this incident, as passed down in the Tsilhqot'in oral history:

Nits'il?in (Chief) ?Achig went there. **He told them Ed Elkin cannot take this land, it is too important to Tsilhqot'ins** ... He warned Elkin, "If you move into this area I will fight you every time I come around. If you do not listen I will kill you."

?Achig told Ed Elkin that there was a little piece of land where he could stay ...

Ed Elkin and his brother didn't listen. Nits'il?in (Chief) ?Ach&g went to Lhiz Bay (Lezbye) a second time to tell them. They were making coffee for themselves. ?Ach&g grabbed the coffee pot and threw it at them. That's when he got in a fight. ?Ach&g bit into Ed Elkin's ear. He got the best of them.

So Ed Elkin moved to that piece of land. He stayed there with a Tsilhqot'in woman named Galtses. That's why people call that creek Elkin Creek.¹³⁴⁷

1142. Several other Tsilhqot'in witnesses corroborate Mrs. William's account of the first settler in the Nemiah Valley.¹³⁴⁸ The oral history account of Elkin's interactions with Chief ?Achig are

confirmed by Mr. Elkin's own account of these incidents, as set out in a letter to the Attorney General.¹³⁴⁹

1143. These incidents illustrate the basic premise that while non-Tsilhqot'in were permitted to use or occupy Tsilhqot'in lands, it was on the terms and conditions set by the Tsilhqot'in. As demonstrated by Elkins' eviction, the Tsilhqot'in proceeded to enforce their laws long after the Crown's assertion of sovereignty, into the 20th century. Settlers, like Hance,¹³⁵⁰ Robertson,¹³⁵¹ Riske and McIntyre¹³⁵² who respected or at least abided by Tsilhqot'in law and authority were permitted to stay, whereas settlers who flouted Tsilhqot'in law and authority, including Manning,¹³⁵³ the Elkins brothers, Franklin,¹³⁵⁴ Hewer¹³⁵⁵ and Salmon¹³⁵⁶ were driven from Tsilhqot'in lands or killed.

1144. As David Setah testified, "[t]he first Europeans to enter our country did so only with our permission, and when we told them to leave, they left... [and] when men settled in our country without permission we drove them out".¹³⁵⁷

(B) RENTS AND TOLLS

1145. Tsilhqot'in control over their territories is further demonstrated by the fact that the Tsilhqot'in demanded, and received, payment for granting permission to enter into or settle on Tsilhqot'in lands. As described by Foster, "[t]he Tsilhqot'in had a long history of expecting, and requiring, payment of some kind for using their land, as the fur traders discovered when they tried to maintain Fort Chilkotin on a permanent footing".¹³⁵⁸ Chief Ervin Charleyboy expressed the same principle when he testified, "When you're using Tsilhqot'in nen [land], you have to pay".¹³⁵⁹

1146. Tsilhqot'in expectations of payment recur as a theme throughout the Chilcotin Post journal. Once the Post was established, Chief Allaw expected payment for permitting this occupation of Tsilhqot'in lands. There are several references in the Chilcotin Fort journal to "presents" given to Chief Allaw,¹³⁶⁰ including a notation on October 25, 1837, which states, "The Chief Allaw has come in... I gave him his usual full present".¹³⁶¹ In addition to these

“presents” to Chief Allow, the historical record shows a number of other gifts presented to Tsilhqot’in chiefs¹³⁶² and to other Tsilhqot’ins who did business with the fur traders.¹³⁶³

1147. Handing over the presents was done with an air of expectation on the part of Tsilhqot’ins, rather than generosity on the part of the newcomers. For example, the gifts were referred to as the “usual present”¹³⁶⁴, “ordinary present”¹³⁶⁵, “ordinary allowance”¹³⁶⁶, “annual present”¹³⁶⁷, “customary present”¹³⁶⁸ and “accustomed present”¹³⁶⁹. Dr. Coates, an eminent authority on the contact experience, stated, “[t]he giving of presents indicated acknowledgement of the Chief’s role and, in my opinion, an implicit recognition that the traders knew they were on Tsilhqot’in territory”.¹³⁷⁰

1148. Tsilhqot’in expectations of payment for use of their lands is further demonstrated by the experience of early settlers on Tsilhqot’in lands, a few years after the Chilcotin War cleared the territory of whites. As Professor Foster observed, at first the very few settlers that dared enter the territory “did so only after obtaining the consent of the Tsilhqot’in”.¹³⁷¹

1149. Two of them, Riske and McIntyre, were permitted to settle on plots of Tsilhqot’in land in exchange for payment. They described their situation in a letter to Governor Trutch, written in 1872:

On our coming to this place the Indians here professed themselves friendly and agreeable to our settling here, and on the whole they have acted so far towards us very peaceably. **They have always however considered the land theirs, and that we are beholden to them for it, and occupy it on sufferance.** We have always avoided arguing it with them till some one in authority could come and explain to them their duties and rights. Our all being invested here, **we have been anxious to conciliate them, and to that end we enclosed and ploughed land for them, giving Potatoes to plant and water to irrigate as also Potatoes to many out back, and the privilege of gleaning in the fields in harvest.**¹³⁷²

Ten years later Riske and McIntyre were still describing themselves as “inhabitants of the Tsilhqot’in who were living at... sufferance.”¹³⁷³ In other words, as Professor Foster notes, “**the Tsilhqot’in were behaving like landlords ...**”¹³⁷⁴

1150. Riske and McIntyre's letter to the Governor was prompted by a more recent arrival, John Salmon, who had taken up Tsilhqot'in lands and was not behaving like a prudent tenant.¹³⁷⁵ As a result, wrote Riske and McIntyre, Salmon was:

told by the Indians that he must leave that that was their land and they did not want White men to live on it.... Alexis as Chief of his band had promised his protection and that none would be allowed to molest any going in there. But lately he has been telling Mr. Salmon that he did not want him to stay there and a few days ago told him of his being about to go out to Alexander and that he must be gone ere so many days or expect to be killed and have his stock run off as some of the Stone Indians were determined on doing so Mr. Salmon had full information from others that such would be the case.¹³⁷⁶

Chief Justice Begbie later recorded Salmon as stating "the Indians were about to take my life if I did not leave immediately".¹³⁷⁷

1151. In addition to "rents" for settling on Tsilhqot'in lands, the Tsilhqot'in expected and exacted what were effectively "tolls" for traversing their territory. The historical record furnishes numerous examples. In 1861, Robert Homfray, who attempted to survey Waddington's possible route from "Bute Inlet across the Chilcotin Plains to the rich gold fields of the Cariboo", took with him "some beads and trinkets as presents for the Indians in order that they might deal kindly with us while we were passing through their territory"¹³⁷⁸

1152. Professor Hamar Foster recounts the troubles encountered by Peter O'Reilly, as a commissioner, and Marcus Smith, as a surveyor and representative of the federal government, in accessing Tsilhqot'in territories until they hired Tsilhqot'in guides.¹³⁷⁹ As summarized by Foster, "[b]eginning with Robert Homfray's expedition in 1861 ... it appears that every party that passed that way had to obtain guides and give presents in order to ensure safe passage into Tsilhqot'in territory".¹³⁸⁰

1153. Dr. Coates agreed that the most important illustrations of Tsilhqot'in law and authority were found in "the 'newcomers' acknowledgement of, and respect for, Tsilhqot'in control over traditional territories and their pattern of extracting payment for traversing their lands".¹³⁸¹ Dr. Coates describes Marcus Smith's journeys into Tsilhqot'in territory on behalf of the Canadian

Pacific Railway and the federal government, and stresses “[t]he significance of these initial exploratory journeys rests primarily with the fact that Marcus Smith, Deputy Engineer in Chief of British Columbia, worked with the Tsilhqot’in guides and, in 1872, paid them a fee, or a toll, for access to their territories”.¹³⁸²

1154. Similarly, “in 1875, Marcus Smith was scheduled to return once more to the area between the Fraser River and Bute Inlet.”¹³⁸³ In anticipation of that trip, Smith was authorized by the Hon. David Laird, Superintendent General for Indian Affairs for Canada, to provide presents to the aboriginal people of the region”.¹³⁸⁴ Smith reports on August 21, 1875, that he did in fact make presents to the three chiefs he met on his journey, Eulas, Alexis and Anaheim.¹³⁸⁵

1155. If payment for use of Tsilhqot’in land was not made voluntarily, it was sometimes taken.¹³⁸⁶ As discussed earlier, this is a classic example of different legal perspectives colliding – what trader and settlers labelled as “theft” was, to the Tsilhqot’in, simply the enforcement of their law.¹³⁸⁷ The challenge is to view such encounters not from one legal perspective or the other, but in their totality, in light of the fact that they occurred in a bi-juridical world.

1156. Perhaps the most striking example in this case is the embittered Tsilhqot’in response to allegations of thievery that set into motion the events of the Chilcotin War: **“You are in our country; you owe us bread”**.¹³⁸⁸ As Hamar Foster observes, this can be read “simply as the words of extortionists”, but it is “much more likely the application of a legal principle”.¹³⁸⁹ As he observes, “[t]he road crew was in their country, cutting their trees, catching their fish, killing their game” and yet they had paid nothing for these privileges. Even Canada’s anthropologist concedes, “this is a suggestion that there should be a *quid pro quo*”.¹³⁹⁰ Not surprisingly, Tsilhqot’in oral history identifies the failure of Waddington’s crew to make appropriate payment for the use of the lands as a contributing factor in the ensuing war.¹³⁹¹

1157. In summary, to be safe in Tsilhqot’in country, “one had to be accompanied by Tsilhqot’in, paying what in effect was a ‘toll’ to enter and ‘rent’ if you wanted to stay and settle down”.¹³⁹² The fact that the Tsilhqot’in permitted such use and occupation of their lands, by

consent, and at “their sufferance” reinforces their exclusive control over the lands that “[t]hey have always ... considered ... theirs” (as described by Riske and McIntyre).¹³⁹³

(C) FEDERAL CROWN RECOGNITION

1158. In what Dr. Coates described as “an extraordinary step in the history of First Nations-government relations in British Columbia”, the federal government recognized Tsilhqot’in authority and control over their lands, and that the Tsilhqot’in were the appropriate authority to deal with concerning entry and use of their traditional territory.¹³⁹⁴

1159. In 1872 and 1875, Canada sent its surveyor Marcus Smith into Tsilhqot’in territory as part of its reconnaissance into a pacific route for the railway promised to British Columbia at Confederation. That the Tsilhqot’in had exclusive control of their territory is supported by the fact that Marcus Smith, on behalf of **the federal Crown**, in a very unusual transaction, paid the Tsilhqot’in in respect of the proposed railway.¹³⁹⁵

1160. Dr. Coates explained that the position of the Government of Canada in 1875 was that, “native people had an interest in the lands of British Columbia that limited the absolute property of the province and should be extinguished by treaty”.¹³⁹⁶ Given this historical context, Dr. Coates indicated that the federal government well understood the significance of the gifts given to the Tsilhqot’in and the recognition of Tsilhqot’in demands for payment to cross their territory. “The nature of the commentary between Marcus Smith and government officials makes it quite evident that the government knew precisely what it was doing, including raising Tsilhqot’in expectations” but that the government went ahead with their plans because of the high priority attached to construction of the railway.¹³⁹⁷

1161. Dr. Coates concluded that, “the federal government, through the instructions given to and actions of Marcus Smith, **recognized the Tsilhqot’in to be an organized society with control over their traditional territories**”.¹³⁹⁸ Further, “Marcus Smith established formal and politicized relationships with the Tsilhqot’in, in accordance with their understanding of their control over their traditional lands”.¹³⁹⁹ Dr. Coates explained:

the federal government, through agents and officials like Marcus Smith, provided the Tsilhqot'in with specific indications that **they recognized the Tsilhqot'in as a people, acknowledged their control over traditional territories, and were anxious to resolve outstanding land issues** through some form of formal process, consistent with the federal treaty-making activities elsewhere in Western Canada.¹⁴⁰⁰

(vi) *The Effectiveness of Tsilhqot'in Exclusive Control*

1162. Finally, the facts of Tsilhqot'in exclusivity speak for themselves. The intention of the Tsilhqot'in to control their ancestral lands, and their capacity to do so, is evident from the fact that, from long before contact until well after sovereignty, the Tsilhqot'in maintained exclusive control over lands that included the Claim Area.

1163. From the onset of the written record, no credible evidence reveals any other First Nation maintaining a sustained presence in the Claim Area. To the contrary, Dr. Hudson concluded that "the available historical and ethnographic literature indicate that there is no evidence that any other First Nation other than the Tsilhqot'in occupied the Claim Area in the period prior to 1846."¹⁴⁰¹ Mr. Dewhirst similarly indicated that the available record points forcefully to exclusive Tsilhqot'in occupation of the Claim Area from a period long before sovereignty.¹⁴⁰² Indeed, the archaeological record indicates that Tsilhqot'in occupation of the Claim Area has been exclusive for centuries.¹⁴⁰³

1164. These results speak to the effectiveness of the Tsilhqot'in system of control. Hewlett notes, "[w]hereas another group might have developed a pattern of avoidance and retreat in the face of encroachments or threatened conflict with others, the Chilcotins had developed a pattern of warfare in self-defence and in aggression against weaker groups such as the Homathkos".¹⁴⁰⁴ By the time European explorers arrived in what is now British Columbia, the Tsilhqot'in had an established reputation as fierce warriors, who were prepared to protect their territory and their people from unlawful incursion.¹⁴⁰⁵

1165. This view of the Tsilhqot'in recurs frequently in the historical record.¹⁴⁰⁶ The depth of the fear of the Tsilhqot'ins may be measured by Connolly's Report of 1827, in which he states

that even those First Nations who had not been involved in conflict with the Tsilhqot'in preferred starvation to risking conflict with the Tsilhqot'in:

For altho' the Indians residing in the immediate neighbourhood of Alexandria only, were concerned in this war, all others attached to that post were nevertheless influenced thereby, and **from an apprehension of being involved in the quarrel, retreated**, on the first appearance of hostilities to the eastward of Frasers River from which they must not return until the commencement of winter... **Some idea can be formed of the Terror which existed amongst them, from the circumstances that they chose rather to expose themselves to certain starvation than to the main chance of being molested by the Chilcotins**, for their retreats after did them no possibility of providing salmon for the winter, and they have in consequence suffered much.¹⁴⁰⁷

1166. In 1829, George McDougall, the man in charge of establishing a trading post in Chilcotin country wrote: "I have not been able to prevail on any Indian of this place [Alexandria] to go to the Chilcotin country, several promised but afterwards declined going under various reasons."¹⁴⁰⁸

1167. Even when other First Nations were in Tsilhqot'in territory by invitation or consent, it was apparent that they understood that they were guests in Tsilhqot'in territory, under Tsilhqot'in authority, and more importantly, that permission to stay could be revoked at anytime. In 1839, the Chilcotin Post Journal recorded that, "[t]he Chilcotin gave our Atnah (Barre) a broad hint to leave the Ft. along with a few, say 3, of his friends here, & to lose no time to be off at their own place, which they readily obeyed so that I and Charlos are the only two in the Ft."¹⁴⁰⁹

1168. Hewlett noted that in 1861 an exploration party at Bute Inlet "ran into difficulties due to the inter-tribal hostilities which existed, probably between the Homathko and Chilcotins. The Bute Inlet groups asserted "...that two days journey up the river a tribe of Indians dwelt [Chilcotins] who would kill them."¹⁴¹⁰ In spite of being offered a large sum of money the coast Indians refused to go with the explorers."¹⁴¹¹ Hewlett adds, "Major Downie's party also experienced the Homathkos' fear of the Chilcotins"¹⁴¹² and The Daily British Colonist reported that Captain Taylor's party "proceeded three or four miles up the river [Me-mi-er, Mimiaya or Southgate] against a rapid current and encamped for the night. The Indians at the head of this

river are called the Ech-e-nam [implicitly the Chilcotin], and were represented by the Indians (who seemed much alarmed at the prospect of encountering them) as very bad and warlike".¹⁴¹³

1169. In 1864, immediately following the events of the Chilcotin War, Chartres Brew travelled to the site where the road crew were killed just above the Canyon in the Homathco watershed and wrote to the Colonial Secretary that his guides, "the lower Country Indians [were] so scared that they would not venture one hundred yards into the interior unprotected".¹⁴¹⁴ Implicitly, the lower Country Indians were afraid that they had crossed into Tsilhqot'in territory and were risking the consequence of doing so without permission. Mr. Brew's companion at the time, Alfred Waddington, later confirmed that the initial road crew and now Brew's party had indeed ventured across the border of Tsilhqot'in territory when he stated in his deposition that, "the massacre of the party took place on Chilcoaten territory, which the trail had entered for several miles".¹⁴¹⁵

1170. Six years later, while on a survey of the Homathko River and located in the same proximity of the massacre site, George Hargreaves recorded in 1872 that his party's Indian guides, "will not go into the Chilcootan Country for love nor money."¹⁴¹⁶ The same year, Marcus Smith noted that, "the Clahoose Indians were getting tired of the work and would not in any case go beyond the foot of the Canyon, as they were afraid of the Chilcotin Indians"¹⁴¹⁷

1171. The conclusion to be drawn from such incidents is inescapable: non-Tsilhqot'in guides deserted 19th century explorers and government officials at the borders of Tsilhqot'in territory because they "recognized they were at a boundary, and that, without permission to enter, they risked violating Tsilhqot'in law".¹⁴¹⁸ Marcus Smith reported that even the "warlike" Eucletahs, secured by Smith as packers for O'Reilly, "threw down their loads, ran to their canoes and made for their homes with all possible speed ..." when they heard news of Tsilhqot'in approaching.¹⁴¹⁹ In Professor Foster's words, "they behaved as though a legal regime other than the British was still in place, one that was also backed by force".¹⁴²⁰

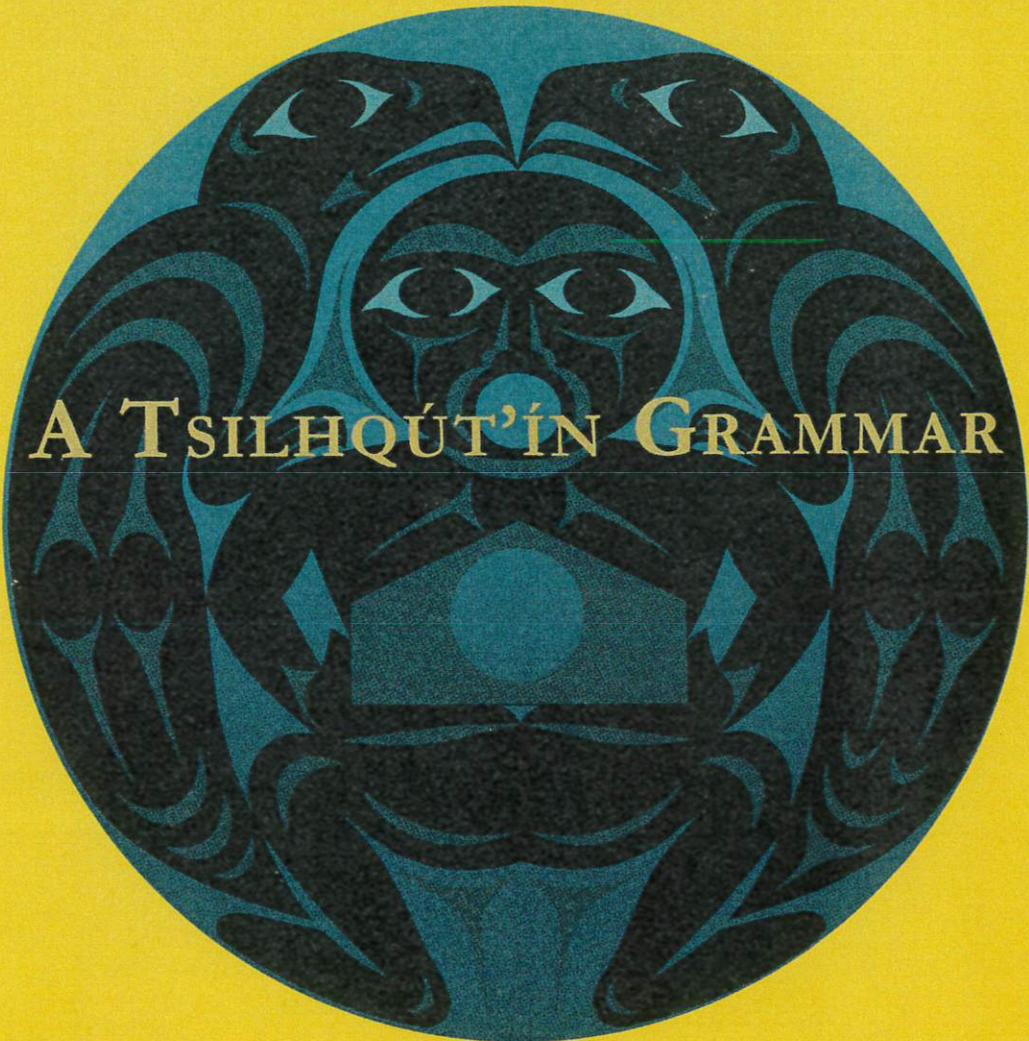
1172. It is worth recalling the distinguishing features of Aboriginal title. McLachlin C.J., in *Bernard*, described the type of facts that demonstrated Aboriginal title to the land, in the following passage:

Aboriginal societies were not strangers to the notions of exclusive physical possession equivalent to common law notions of title ... They often exercised such control over their village sites and larger areas of land which they exploited for agriculture, hunting, fishing or gathering. The question is whether the evidence here establishes this sort of possession.

1173. The evidence here clearly “establishes this sort of possession”. The Tsilhqot’in were “not strangers to the notions of exclusive physical possession” over their lands – this was a central operating principle from the time of their distant ancestors, and a law that they enforced without impunity on all who would intrude into “their village sites” and the “larger areas of land which they exploited for ... hunting, fishing or gathering”. They marked their possession of these lands by means as obvious, unmistakable and at least as effective as the fence that a farmer erects around his fields.

1174. Aboriginal title is established by Aboriginal practices that, from the Aboriginal perspective, resonate with the concept of exclusivity. Tsilhqot’in occupation and control of their territory cannot be described in any other way. Professor Foster made this point forcefully in his expert report,

In a celebrated essay on the concepts of property and adverse possession, **Carol Rose wrote that “possession means acts that ... arrest attention, and put others claiming title on notice.”** She added, “Possession as the basis of property ownership, then, seems to amount to something like yelling loudly enough to all who may be interested.” **In my opinion, from the time of first contact the Tsilhqot’in did things that definitely got the attention of the traders and colonists, putting them on notice. And often – at Fort Chilcotin, during the Chilcotin War and in the 1870s, for example – they yelled very loudly, indeed.**¹⁴²¹



A TSILHQÚT'ÍN GRAMMAR

EUNG-DO COOK



FIRST NATIONS LANGUAGES

The Chilcotin War

ʔElhts'uwelt'i

'they were in battle with each other'

The Chilcotin War

This story was told by Mabel Alphonse to Bella C. Alphonse in November 1979. It was transcribed and translated by Bella C. Alphonse in March 1980.

...

Yagh ... Béndzí háts'at'in, nadah ʔetsu.

Nénján, néndéwh nén gágúlhchúw Nénqayní nén.

Lha miduw deni towh wedílh ts'egút'in.

Miduw nén deni baxágwétalyilh, lha ts'egút'in.

"Deni néndán-ah nexwetah héyash ʔeyen ts'ádilʔish haghút'in-ah" jedih ts'edih.

ʔAn ʔegúh gájet'in.

ʔAn xenínk'an, múla sáyélhdághiní, ʔeyi sáh, ʔetsu ghilí.

Bedzagh dináz sínsh. Bechí t'ád ʔelhidáxétl'un.

Hink'an beyeʔlghíl ʔeyi ts'alilh.

Gúyen, ʔÁntéwán betsu ghilí ʔeyen miduw gha šedah.

"Lha miduw towh saghiyálh. Nélh ʔelhétáchelh ghun."

"Seqén húnest'in. Tawest'in, seqén ts'én ʔeslax."

ʔElhtín ʔigwedetíštš'an. ʔAn, gúy[i] múla chuh ʔelhanx gwetah dálhdíl.

?Hyán, ?an gán lhajíd chuh ?agúwét'i gúlih. Deni lhe?alháh bélh ?ágwat'in.
 ?An ?eyen besqi ?Íyáyí ts'édághini, ?eyen chuh bélh ?ágwat'in.
 ?An gú?én deni lhan bélh ?ágwat'in. ?An, sid lha deni ghuzi ?egwébiyenešén.
 ?An, ?egú ?ántah ?eyen-a, ?uqich'id deni ts'én jegwaghilh.
 Gú didáh gátš'i ?eyí.
 Ts'eyan, gú ?elhtín hánt'i tah, gú sugh, lhíz. Didáh gátš'i. Miduw' ts'eyan, gátš'i.
 ?Uqich'id jegwaghilh ?eyen háguts'aghilh?ín.
 K'és ch'éléguts'ežghán ghilí sah, xádedáh, ?egúh lha ?egwéyenešén.
 Xeyáh néyáx Kenál ts'én guts'éníghin.
 ?An gugán chuh ?elhidál?ún. Chín bíd ?elhidál?ún.
 Našlhiny boyex gwah chuh guqts'en chín bíd ?elhidál?ún.
 K'án, sid setsl ghilí, ?etsu betá ghilí ?eyen, "*Síd lha deni ch'ádésilil hást'ih. Lha deni
 ch'ádésilil hást'i*" ní.
 ?Egwéchúh nengágúnt'áh guts'aghilhtin.
 ?An gúyén besqi ?Íyáyí ts'edaghini ?eyen chuh ?ihudaghintén.
 "*Nín nentá nalchúd ?egúh nín lha nežétásil'ux*" ts'édih.
 ?Egúh gájágh, betá nalchúd.
 ?An gúyén betá lha deni ch'ádífil ?eyen nayilchúd.
 ?An ?Íyáyí deni xeded deni ch'ádilágh saghint'í, ?an k'án ?eyen lha títš'élh.
 ?An, yáx Kenál guts'énflah gun gužédéts'ežtl'un.
 ?Etsu betá ghilí ?eyen našlhiny ?esdéd, jaded gulí, ?esdéd ch'its'ilhtin ?eyí gun
 ts'enilhtin.
 Gú fadateš gwení?a ?egun hinlechuh nánambin.
 Gú, nénján be?adqi nádilhya ?eyí yetowh nádilhya náltšán denish.
 ?Etsu ghilí gádenish. Chežich'ed jedalíš'í, ?egun nántled denish.
 ?Etsu ghilí, betá ghilí, lha ?egwébiyenešén.
 Gú[ye]n ?Íyáyí dzá gwébiyenešén.
 ?Íyáyí lhésní ?eyen ?Etsu gunagh ghághint'í.
 K'an gú[ye]n betá ?eyen lha deni ch'ádilil, gán ts'ilhchúd.
 Néyáx Xení dení shuh bélh ?agwat'in ts'edenish. Lha gughuzi gweyenešén.
 ?Úl táyma, lha gughuzi gwebiyenešén. Gán, ?Etsu ?egúh dzá jid sélh nagwelnish.
 Lha ... deni sínehuh hughizin ghilí sáh, gán jínasesned.

?An, né
 Gún, P
 Néyáx
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 ságh
 Betá ?e
 Gužédé
 Gángú
 Nen'c
 K'an dí
 ?Alh?á
 Lha der
 ?Ilhés I
 ?Egúh I
 Gásélhr

Yagh ...
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¹ Note i
 tence is
² deni t

ʔAn, néndíd, tixénídax-án. Kʔan ʔeyi, yád, guchʔáh nínatsʔendil.
 Gún, Pául Dóminic betá ghilí, Dóminic tsʔédí hághintʔí.
 Néyáx Kenál denizéʔéstlʔux ʔegun deni chʔáh nínanjah.
 Chunchuh néyád, yáx Lhušchʔež dení, yagh, Láshwi Shádiman, Shádiman tsʔédí
 sághintʔí.
 Betá ʔeyen deni chʔáh nínanjah.
 Gužédétsʔetatlʔulh, qúnw̄ gunchágh nendágútsʔénflah.
 Gángú sátlʔul gántʔi yáx nádásetʔí.
 Nenkʔed ʔeyi gužánábilhtsʔedenaghilah.
 Kʔan díđ jeyechʔed tenádalyá ʔeyi gweʔagúntʔí, ʔilhchʔes tah gúghízúz. Nádájaghílʔíl.
 ʔAlhʔádáh hádaghiní nih, "Lha deni chʔádésílil, síđ lha deni chʔádésílil" ní ʔegúh.
 Lha deni chʔá chʔáđíníl.
 ʔÍlhés lheʔagúlhchéd jíđ ʔegun, lheʔagúséd hághintʔí.
 ʔEgúh hínkʔan chʔádéjágh, gúyen ʔEtsu betá ghilí ʔeyen.
 Gásélhnh ʔegúh, ʔegúh dzá jíđ ʔegwéyenešen.

...

Yagh ... Béndzi hátsʔatʔín, nadah ʔetsu.
 ah Puntzi-Lake they-díđ-that she-narrated Grandmother
 'Ah, Granny [Tudud] said that it [war] happened at Puntzi Lake.'

Nénján, néndéwh nén gágúlhchúw̄ Nenqayní nén.¹
 right-here around-here land all-over Indian land
 'It was Chilcotin Indian land, all over around here.'

Lha miduw̄ deni tow̄h² w̄edílh tsʔegútʔín.
 not whiteman person amongst they-will-come they(not)want

¹ Note that there is no verb in this sentence. With a zero copula, the subject of the sentence is *nén* 'land'. *Nenqayní nén* is a complement (predicate NP).

² *deni tow̄h* 'amongst people'; *deni* refers to Chilcotin people.

'They did not want the white man to come into their territory.'

Miduw̄ nén deni baxágwétalyih,³ lha ts'egút'in.
whiteman land person from-him-he-take-away not one-want
'They did not want white men to take land from their people.'

"Deni néndán-ah⁴ nexwetah héyash⁵ ?eyen⁶ ts'ádil?ish
person who us-amongst he-come him we-kill-him
haghút'in⁷-ah" jedih ts'edih.
we-will-do-that they-said one-said

'It was said that they said, "We will kill whoever comes into our territory."'

³ This is a complement clause, which has an incorporated P (*ba* ← *be-gha*). Note that the matrix clause is preceded by *lha* (negative proclitic).

⁴ The enclitic *hah!-ah*, which occurs with or without a high tone, has no definable lexical meaning. It is often affixed to a question word. It is also affixed to a verb.

⁵ The lexical aspect of this and the following verb is usitative (marked by *-sh* in the stem). This is a relative clause, which is a topic/object of the following clause. The stem *-?ish* has a very broad meaning 'to do', the exact meaning of which is determined by the context.

⁶ This is a topic marker referring to *deni néndén* 'whoever', which is the object of the following verb.

⁷ This is the last clause of a direct quote, which is a complement of *jedih* 'they say', which in turn is a complement of *ts'edih* 'one says/it is said'. The whole sentence has the following nested embedding structure:

[[[[[deni néndán-ah nexwetah héyash]_{XP} ?eyen ts'ádil?ish]_{S4}
person who amongst-us he-come Top we-kill-him
haghút'in-ah]_{S3} jedih]_{S2} ts'edih]_{S1}.
we-will-do they-say one-say

(lit. 'It is said that they said that "we will do that we usually kill whoever comes amongst us."')

?An⁸ ?egúh gájet'in.
 then that-they-are-doing
 'That's what they were doing.'

?An xenínk'an, múla sáyélhdághini, ?eyi⁹ sáh, ?etsu ghilí.¹⁰
 finally mule she-probably-meant that probably grandmother she-was
 'Finally, my late Grandmother must have been referring to those mules.'

Bedzagh dináz sínsh. Bechí t'ád ?elhidáxétl'un.
 it's-ears it's-long really it's-tail by they're-tied-together
 'It had really long ears. They were tied together by their tails.'

Hínk'an beye?ilghíl¹¹ ?eyi ts'alilh.
 and their-back-is-packed that one-is-bringing-them
 'They were leading them with packs on their backs.' (lit. 'their backs are packed, that people are bringing')

Gúyen, ?Ántéwán betsu ghilí ?eyen¹² miduŵ gha šedah.
 that-person Antoine his-grandma she-was her whiteman for she-stay
 'The late Antoine's grandmother was living with a white man.'

⁸ This word, which has no definable lexical meaning, often occurs at the beginning of a sentence. This must be an idiosyncrasy of the narrator. See the following sentence.

⁹ This demonstrative cum topic marker refers to *múla* 'mule'.

¹⁰ *?Etsu ghilí* 'my late grandmother' can be analyzed as a relative clause [*?etsu [ghilí]_S]_{NF} 'my Grandmother who had lived'.*

¹¹ This is an NP zero derived from a clause, to which *?eyi* (Top) refers, and the topic marker (*?eyi*) is a direct object of the verb *ts'alilh* {ts'e-ghe-lilh} 'they are bringing them (prog)'.

¹² This topic marker referring to 'Antoine's late grandmother' is the subject of *šedah* 'she is staying/sitting'.

"*T'ha miduŵ towh saghiyálh.*¹³ *Nélh ?elhétáchelh ghun.*"
 not whiteman amongst you-travel you-with it'll-happen it'll-be
 (she was told) "Do not travel with the white man or you will be involved."

"*Seqén húnesi'in. Tawest'in, seqén ts'én ?esláy.*"
 my-husband I-love-him I'm-not-concerned my-husband to I-will-be
 (she replied) "I love my husband. I'm not concerned about me. I will be with my husband."

?Bhítin ?igwedetištš'an.¹⁴ ?An, gúy[i] mǔla chuh ?elhanx gwetah¹⁵ dálhdil.
 gun it-start-to-be-heard that mule too all-over there-in they-ran-off
 'Gunshots were heard. The mules ran off into the wooded area.'

?Eyán, ?an gán lhajid chuh ?agúwét'i gúlih. Deni lhe?alháh
 and-then just noway still it-will-happen it-was person quite-a-few
 bélh ?ágwat'in.
 with it-happened
 'And it couldn't be avoided. Quite a few people were involved.'

?An ?eyen besqi ?Íyáyí ts'édághini, ?eyen chuh bélh ?ágwat'in.
 him his-child ?Íyáyí one-called that-one too with it-happened
 'His son called ?Íyáyí was also involved.'

?An gǔ?én deni lhan bélh ?ágwat'in. ?An, sid lha deni ghuzi
 furthermore person many with it-happened I not person name

¹³ There is no subject prefix *ne-* ($\rightarrow n$) in this verb. This is due to denasalization in the narrator's dialect; that is, *saghiyálh* = *saghinyálh*.

¹⁴ The prefix ?# (in this verb) is extensively discussed in the book. Its function is not yet fully understood, but it is interpreted as a contracted topic marker. In this sentence, it refers to the gun.

¹⁵ *tah* 'among' is a postposition, which is inflected with *gwe-* (impersonal prefix, referring to a place or time).

?egwébiyenešén.¹⁶

I-know-about-it

'There were many more people involved. I don't know the people's names.'

?An, ?egú ?ántah ?eyen-a, ?uqích'íd deni ts'én jegwaghilh.

then so-it-was that-one store person to they're-carrying

'It was really the people who were packing the store.'

Gú didáh gátš'i ?eyi.¹⁷

like what everything that

'They had everything.' (lit. 'whatever everything that [was]')

Ts'eyan, gú ?elhtín hánt'i tah, gú súdeh, lhíz. Didáh gátš'i.

groceries like gun it-is like-that like sugar flour what everything

Miduw ts'eyan, gátš'i.

whiteman groceries all

'Such as groceries, guns, sugar and flour. There (was) everything. All of white man's groceries.'

?Uqích'íd jegwaghilh ?eyen¹⁸ háguts'aghilh?ín.

store they-are-packing them somebody-did-that

¹⁶ It is worth discussing the morphology of this verb ('to think, to know') here, because the morphological structure is not transparent. The stem of this negative verb is voiceless (-šén), which is due to *s-* (1sg subj). The disjunct prefix(es) ?egwé# must be adverbial or thematic, *bi-#* {be-?i#} remains as a problem not fully understood, and *ye-* is thematic in position 4; then *ne-* must be an aspect prefix in position 3.

¹⁷ There is no verb in this sentence. Note that *didáh* is *did* + *-áh* (Q).

¹⁸ ?eyen is a topic marker (referring to 'the people who were packing the store') that is a direct object (of the verb that follows), i.e., ?eyen is co-referential with the object prefix *gu-* (of *háguts'aghilh?ín*), and the default subject prefix *ts'e-* (→ *ts'a-*) of the verb refers to the Chilcotin people who attacked the store.

'It was the people who were packing the store that they [the Chilcotins] attacked.'

K'és ch'éléguts'ežghán ghilí sah,¹⁹ xádedáh,²⁰ ?egúh lha ?egwéyenešén.
just-about they-all-got-killed it-was probably don't-know that not I-know-about-it
'They probably all got killed. I don't know about that.' (lit. 'it was probably the case
that all got killed. I don't know about that.')

Xeyáh néyáx Kenál ts'én guts'énighín.
that's-why over-that-way Quesnel to one-brought-them
'That's why they brought them over that way to Quesnel.'

?An gugán chuh ?elhidál?ún. Chín bíd ?elhidál?ún.
their-arms too they're-tied-together chain with they're-tied
'Their arms were also tied together. They were tied together with chains.'

Našlhiny beyex gwah chuh guqíš'en chín bíd ?elhidál?ún.
horse it-under there too their-legs chain with they're-tied-together
'Their legs were tired together by chains under the horses.'

K'án, síd setsí ghilí, ?etsu betá ghilí ?eyen,
now, me my-grandfather he-was grandma her-father he-was him
"Síd lha deni ch'ádésilí²¹ hást'ih.²² Lha deni ch'ádésilí hást'í" ni.
me not person I-kill I am not person I-kill I am he-said

¹⁹ *sah* is a modal enclitic, and *ghilí* can be interpreted as a matrix clause or an auxiliary verb.

²⁰ This word is not a verb.

²¹ The stem *-lil* (perf) of this verb 'to make sg O (neg)' means 'to kill sg O' with the thematic prefix *ch'a#*. The plural counterpart of this verb is *-ghán* (perf) of *ch'éléguts'ežghán* 'to kill pl O'.

²² This verb, 'I am, I do', is analyzable as an auxiliary verb encoding a mode (emphasis).

'As for my late (great) grandfather, my grandmother's late father said, "I did not kill a man. I did not kill anyone."'

?Egwéchéh nengáúnt'áh guts'aghilhtin.
 regardless it's-still-like-that somebody-brought-him
 'Regardless, they still brought him along.'

?An güyen besqi ?Íyáyí ts'edaghini²³ ?eyen chuh ?ihudaghintén.
 that-person 3-child ?Íyáyí he-was-called him(Top) too he-was-brought
 'His son, called ?Íyáyí was also brought.'

"Nin nentá nalchúd²⁴ ?egúh nin lha nežétášt'ux" ts'édíh.
 you your-father you-take-back then you not you-won't-be-tied one-said
 'He was told, "You take your father back home, then you won't get hung."'

?Egúh gájágh, betá nalchúd.
 then that-he-did his-father he-took-him-back
 'He did that, he took his father back home.'

?An güyen betá lha deni ch'ádílil²⁵ ?eyen nayilchúd.²⁶
 that-person his-father not person he-kill him he-took-him-back

²³ This relative clause modifies *güyen besqi* 'that person's child'.

²⁴ *Nalchúd* is pronounced as *nalchúd* (due to denasalization).

²⁵ This is a relative clause that modifies *güyen betá*.

²⁶ The lexical aspect of this verb is reversative, marked by *na#* and *l₁-* (which corresponds to *lh₁* in non-reversative themes, e.g., *ts'ilhchúd* 'someone took him'). So, *nayilchúd* derives from {*ye₆-Ø₅-Ø₃-lh₁-chúd*} with the addition of a derivational aspect, *na#* (reversative) and change of the classifier from *lhe-* to *l-*, i.e., {*na#ye₆-Ø₅-Ø₃-lh₁-chúd*} 'he (*Ø₅-*) brought him (*ye₆-*) back (*na#*). This structure surfaces as *na-yí-l-chúd* via aspect inflection. Note that the prefix *ye-* is realized as *yí-*. This suggests that the inflectional aspect prefix is *i*-imperfective + H. The status of this high tone, which occurs in many other derived (secondary) themes, cannot be determined.

'He took back his father who didn't kill anyone.'

?An ?íyáyí deni xeded deni ch'ádílágh²⁷ saghint'i, ?an k'án ?eyen
 ?íyáyí person himself person he-killed it-probably-was now him
 lha títš'élh.
 not he's-sent

'?íyáyí himself must have killed somebody, but he didn't get sent there.'

?An, yáx Kenál guts'énilah gun gužédéts'éžtí'un.
 that-way Quesnel one-took-them there one-hang-them

'They were brought to Quesnel, where they were hanged.'

?Etsu betá ghilí ?eyen našlhíny ?esdéd, jaded guli,²⁸
 grandma her-father he-was him horse stallion themselves it-is
 ?esdéd ch'its'ilhtin ?eyi gun ts'enilhtin.
 stallion they-put-him-on that that-way one-brought-him

'Grandmother's deceased father (and his family) had their own stallion horse, which they got him to ride, when they brought him there.'

Gú tadateš gwení?a ?egun hinlehuh nánambin.²⁹
 then wave it-extends-along there even it-swam-across
 'It (stallion) managed to swim across the wavy water (Fraser River) that flows along there.'

²⁷ Compare the stem *-lágh* of this verb (affirmative) with *-lil* of *ch'ádílil* 'he didn't kill O'; the final *-l* is a negative stem suffix.

²⁸ This word is spelled as *gulin* in communities where the rule of denasalization does not exist.

²⁹ *tadateš gwení?a* 'waves that extend along' = a body of wavy water (river). The high tone on the adverbial prefix *ná#* 'across' of the verb *nánambin* spreads to the prefix *na#* (continuative), i.e., *nánambin* → *nánámbin*. However, the spreading tone is not marked, as it is predictable.

Gú, nénján beʔadqi nádlhya ʔeyi yetowh nádlhya náltán denish.³⁰
 then here its-females they-are them among-them it's-standing we-found she-says
 'She says, "We discovered him [stallion horse] amongst its (female) mates over here
 (Chezacut)."'

ʔEtsu ghilí gádenish. Chežich'ed jedalts'i, ʔegun nántled denish.
 grandma she-was that-she-says Chezacut they-lived there it-ran-back she-says
 'That's what my late grandmother said. She says it (stallion) went back to where they
 used to live at Chezacut.'

ʔEtsu ghilí, betá ghilí, lha ʔegwébiyenešén.
 grandma she-was her-father he-was not about-him-I-know
 'I do not know about my late grandmother's late father.'

Gú[ye]n ʔÍyáyí dzá gwébiyenešén.
 that-one ʔÍyáyí only I-know-about-him
 'I only know about ʔÍyáyí.'

ʔÍyáyí lhésní ʔeyen ʔEtsu gunagh³¹ ghághint'í.
 ʔÍyáyí I-call-him-that him grandma their-older-brother it-was
 'ʔIyayí was (great) Grandmother's older brother.'

K'an gú[ye]n betá ʔeyen lha deni ch'ádílil, gán ts'ilhchúd.
 now that-one his-father him not man he-kill but he-was-taken

³⁰ This sentence is very complex. The clause that precedes ʔeyi (topic marker) is a relative clause, and ʔeyi refers to beʔadqi. The highest clause is denish 'she says', which is complemented by náltán 'we found it'. And ʔeyi yetowh nádlhya 'that standing amongst them' is the object of náltán. The sentence means that Grandma found the stallion amongst the female horses.

³¹ Note gunagh instead of bunagh. Apparently, the plural prefix gu- refers to her great-grandmother and her siblings.

'As for his (?Íyáyí's) father, although he didn't kill anyone, they brought him (?Íyáyí's father) along.'

Néyá Xení dení shuh bélh ?agwat'in ts'edenísh.
 over-ihere Nemíah people too with it-happened it's-said
 Lha gughuzí gweyenešén.
 not their-names I-know

'It's been said that people from over that way, the Nemíah people, were also involved. I do not know their names.'

?Úl táyma, lha gughuzí gwewiyenešén. Gán, ?Etsu ?egúh dzá jíd
 old-timer not their-names I-know but grandma that only how
 sélh nagwelnísh.
 me-with she-tells

'They're old timers, I don't know their names. That's all that Grandma has told me about it.'

Lha ... dení sínchuh hughizin ghilí sáh, gán jínasesned.
 not person probably she-named it-was maybe but I-forgot
 'No ... she probably named them too, but I have forgotten.'

?An, néndíd, tixénidax-án.³² K'an ?eyi, yád, guch'áh nínats'endil.³³
 this a-long-time-ago-is now that over-there behind-them to-they-went
 'This happened a long time ago. People followed them there (to pay their last respects).'

Gún, Pául Dóminie betá ghilí, Dóminie ts'édí hághint'í.
 that-person P.D. his-father he-was Dominic he's-called it-was

³² This is a contracted form of *hánt'ih* 'it is', suffixed to a temporal noun.

³³ The subject of this verb is plural inherently marked in the verb stem *-dil* 'pl to go'. Also note *?eyi*, not *?eyen*. The demonstrative pronoun (non-human) probably refers to coffins, not to people.

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'That one, Paul Dominic's late father, was called Dominic.'

Néyáx Kenál denižé?ésti'ux³⁴ ?egun deni ch'áh nínanjah.
 that-way Quesnel person-got-roped there people behind he-went
 'He followed people over that way to Quesnel where people got hung (to pay his last respects).'

Chunchuh néyád, yáx Lhušch'ež deni,³⁵ yagh,
 again/also over-there that-way Kluskus people ah
 Láshwi Shádíman, Shádíman ts'édí sághint'i.
 Lashway Chantyman Chantyman he-was-called it-probably-was
 'Also, over there, over that way, Kluskus people, ah ... Lashway Chantyman ... his name must have been Lashway Chantyman (followed them to pay last respects).'

Betá ?eyen deni ch'áh nínanjah.
 his-father him people behind he-went
 'His (Lashway Chantyman's) father followed people (and paid his last respects).'

Guzédéts'etatí'ułh,³⁶ qúnw gunchágh nendágúts'énílah.
 they're-going-to-hang-them house it's-big they're-brought-in
 'To hang them, they were brought into a big house.' (lit. 'someone is going to hang them [and] someone brought them into a big house')

Gángú sátl'uł gánt'i yáx nádášet'i.
 like satl'uł that-kind over-there they-hung-down
 'Something like *satl'uł* ropes were hanging down from there.'

³⁴ This verb (which is a relative clause) has an incorporated noun (*deni-žá* → *denižé-* 'person's neck'). The body-part term must be an archaic form; see also note 37.

³⁵ This is a compound noun. Note the high tone on *deni*.

³⁶ The inflectional aspect of this verb is inceptive-progressive.

Nenk'ed ?eyi gužánabilhtš'edenaghilah.³⁷
 still that their-neck-one-had-it-looped-around
 'Still ropes were tied around their necks.'

K'an díđ jeyech'ed³⁸ tenádalyá ?eyi gwe?agúnt'i,
 now this they-it-on they're-standing that it's-made-for
 ?ilhch'es tah gúghfúz. Nádájaghíl?il.
 somewhere like it-went-sliding they-all-were-hanging
 'The platform they were standing on went sliding off somewhere. All of them were
 hanged.'

?Alh?ádáh hádaghíní nih, "Lha deni ch'ádésil, síđ lha deni
 it's-true he-said he-said not person I-kill me not person
 ch'ádésil" ni ?egúh.
 I-kill he-said then

'When he said, "I didn't kill anyone," he was telling the truth.'

Lha deni ch'á ch'áđíníl.³⁹
 not person on he-die(not)
 'He wouldn't die on them.'

?Ilhēs lhe?agúthchéd jíđ ?egun, lhe?agúšéd hághint'i.⁴⁰
 really it's-quite-a-lot how there a-long-time-it-was it-was
 'He was like that for quite a long time.' (He denied killing anyone for a long time.)

³⁷ ?eyi in this sentence refers to ropes. Note that the noun *gužá* 'their neck' is incorporated into the verb. Note also that *gužá* retains the last vowel as is (not reduced to *é*), indicating that it is not fully incorporated (see note 34).

³⁸ Note that this is a *ge-ye-NP* construction, i.e., *je-* (= *ge-* in other related languages) is prefixed to a noun (or postposition) inflected with *ye-*.

³⁹ The stem-final *-l* marks negation.

⁴⁰ It is a modal auxiliary verb, encoding emphasis.

?Egúh hink'an ch'ádéjagh, gúyen ?Etsu betá ghilí ?eyen.
 then and-then he-died that-one Grandma her-father he-was that-one
 'He finally died, (I mean) Grandmother's late father.'

Gásélhnhí⁴¹ ?egúh, ?egúh dzá jíd ?egwéyenešen.
 she-with-me-said then then only how I-know-about
 'That's what she told me, and that's all I know about it.'

⁴¹ This verb contains a postposition (*sélh* 'with me') incorporated into a *conject* position.

Tsilhqút'ín, also known as Chilcotin, is a northern Athabaskan language spoken by the people of the Chilco River (Tsilhqóx) in Interior British Columbia. Approximately two thousand adults in six reserves speak Tsilhqút'ín, and both spoken and written forms are taught as part of school curricula. Until now, the literature on Tsilhqút'ín contained very little description of the language. With forty-seven consonants and six vowels plus tone, the phonological system is notoriously complex.

This book is the first comprehensive grammar of Tsilhqút'ín. It covers all aspects of linguistic structure – phonology, morphology, and syntax – including negation and questions. Also included are three stories passed down by Tsilhqút'ín elders Helena Myers (translated by Maria Myers), William Myers, and Mabel Alphonse (translated by Bella Alphonse), which are annotated with linguistic analysis. The product of decades of work by linguist Eung-Do Cook, *A Tsilhqút'ín Grammar* makes an important contribution to the ongoing documentation of Athabaskan languages.

EUNG-DO COOK is Professor Emeritus of Linguistics, University of Calgary.

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Exoneration Speech by Prime Minister Trudeau in the House of Commons March 26, 2018

Today, we come together in the presence of the Tsilhqot'in Chiefs, to fully acknowledge the actions of past governments, committed against the Tsilhqot'in people, and to express the Government of Canada's profound regret for those actions.

We also come together out of recognition and respect for the Tsilhqot'in Nation – a vital partner in Canada's ongoing nation-to-nation efforts towards reconciliation.

Today, we honour and recognize six Tsilhqot'in chiefs.

Men who were treated and tried as criminals in an era where both the colonial government and the legal process did not respect the inherent rights of the Tsilhqot'in people, and the Tsilhqot'in Nation.

As the Government and the people of Canada continue to come to terms with our colonial past, it is essential that we recognize and support the implementation of the rights of the Tsilhqot'in – and all Indigenous Peoples – enshrined in our Constitution.

The recognition and implementation of Indigenous rights can wait no longer.

And neither should the Tsilhqot'in people

continue to wait for an apology that is long overdue.

Long before the arrival of Europeans, the Tsilhqot'in people cared for and protected their homelands.

In the spring of 1864, the Tsilhqot'in chiefs led a war party, in defence of those homelands.

The chiefs were attempting to repel a colonial road crew that wanted to build a road through Tsilhqot'in territory without any legal agreement with the Tsilhqot'in Nation.

The rights of the Tsilhqot'in people to the land, and their right to maintain and uphold their cultural and legal traditions, were not considered by the colonial government of the day.

As settlers came to the land in the rush for gold, no consideration was given to the needs of the Tsilhqot'in people who were there first. No agreement was made to access their land. No consent was sought.

At the same time, along with settlement came smallpox, which devastated Indigenous communities across the continent, including the Tsilhqot'in.

Some reliable historical accounts indicate that the Tsilhqot'in had been threatened with the spread of the disease by one of the road workers.

And so, faced with these threats, the Tsilhqot'in people took action to defend their territory.

After convening a council to declare war, they attacked the road crew near Bute Inlet and removed all settlers from their lands, before taking refuge in their territory beyond the reach of the colonial militia.

Not long after, one of the leaders of the colonial militia, Gold Commissioner William Cox, sent the Tsilhqot'in chiefs a sacred gift of tobacco and, with it, an invitation to discuss terms of peace.

Head War Chief Lhats'as'in and his men accepted this truce.

As a show of good will, they rode into the camp to negotiate peace.

Instead of being welcomed as leaders and respected warriors, they were arrested, imprisoned, convicted and killed.

On October 26, 1864, five Tsilhqot'in chiefs were hanged for murder: Head War Chief Lhats'as'in, Chief Biyil, Chief Tilaghd, Chief Taqed and Chief Chayses.

They are buried in Quesnel, BC.
Later, Chief Ahan was also hanged.
He is buried in New Westminster, BC.

Today our government acknowledges what the colonial government of the day was unwilling to accept: that these six chiefs were leaders and warriors of the Tsilhqot'in Nation, and that the Tsilhqot'in people they led maintained rights to land that had never been ceded.

Even though the colonial government did not recognize these rights, the chiefs acted in accordance with their own laws to defend their territory, their people, and their way of life.

They acted as leaders of a proud and independent nation facing a threat from another nation.

When they came to meet with colonial officials, they did so on a diplomatic mission, expecting to be treated with dignity and honour.

Their capture and arrest by the colonial government demonstrated a profound lack of respect for the Tsilhqot'in people, as did the refusal to recognize Tsilhqot'in as a nation.

Those are mistakes that our government is determined to set right.

We now understand that the treatment of the Tsilhqot'in chiefs represented a betrayal of trust – an injustice that has been carried by the Tsilhqot'in people for more than 150 years.

Even as they have continued to fight for – and achieve – recognition as the owners and caretakers of their land.

Mr. Speaker, today the Tsilhqot'in people – including the descendants of those six chiefs – continue to live on and care for Tsilhqot'in lands.

They have never stopped fighting to preserve their territory and their culture, right up to the historic Supreme Court of Canada decision of June 26, 2014, which recognized Aboriginal title for the Tsilhqot'in Nation.

The Tsilhqot'in people and their leaders continue to show the same commitment to their land and to their nation that their chiefs did in 1864, pursuing government-to-government discussions with the Government of British Columbia and the Government of Canada, with the goal of reconciliation and recognition as a self-determining First Nation.

In February 2016, the Tsilhqot'in Nation and British Columbia signed the Nenqay Deni Accord, a significant step towards this goal.

Less than a year later, in January 2017, we signed a Letter of Understanding between the Government of Canada and the Tsilhqot'in Nation, marking another step towards reconciliation and recognition of

our nation-to-nation relationship.

Mr. Speaker, we know that the exoneration and the apology we are making today on behalf of Canada cannot, by itself, repair the damage that has been done.

But it is my sincere hope that these words will allow for greater healing as Canada and the Tsilhqot'in Nation continue on the shared journey towards reconciliation.

At the same time, we would do well to acknowledge that for the Tsilhqot'in people, the events of 1864 and 1865 are not confined to history.

As a people, in particular the mothers that have passed this history down through generations, the Tsilhqot'in have carried those events with them for more than a century and a half.

The actions of the government of the day have had a deep and lasting impact on the relationship between the Tsilhqot'in Nation and Canada.

Think of all we might have gained, Mr. Speaker, if proper relations between our nations had been established and maintained.

Think of what it might have meant for the Tsilhqot'in people to have true self-determination over their own future. Think of the economic opportunities that could have been realized.

Think of what Canada could have gained had we been open, those many years ago, to learning about the rich culture and traditions of the Tsilhqot'in people, and finding for it a lasting place within the fabric of Canada.

For the loss of that time and opportunity, we are truly sorry. As much as it is within our power to do so, we must right the wrongs of the past.

And so, as an important symbol of our commitment to reconciliation, we confirm without reservation that Chief Lhats'as'in, Chief Biyil, Chief Tilaghd, Chief Taqed, Chief Chayses, and Chief Ahan are fully exonerated of any crime or wrongdoing.

In the words of Chief Lhats'as'in, they meant war, not murder.

We recognize that these six chiefs were leaders of a nation, that they acted in accordance with their laws and traditions, and that they are well-regarded as heroes by their people.

I very much look forward to visiting the Declared Aboriginal Title lands of the Tsilhqot'in Nation this summer, at the invitation of the Tsilhqot'in leadership, to deliver this statement of exoneration directly to the Tsilhqot'in people, who have fought so long and so hard to have the commitment and sacrifice of their War Chiefs recognized.

Acknowledging and apologizing for past mistakes is an important part of renewing the relationship between Canada and the Tsilhqot'in Nation, but more hard work lies ahead.

To continue to work together in positive ways that affirm the government's respect and recognition of the rights of the Tsilhqot'in people.

To build a partnership that will support the Tsilhqot'in people as they continue to preserve and strengthen their culture and traditions, and govern and care for their territory as a flourishing nation.

To embrace the Tsilhqot'in Nation and its rich contributions to the country that we all call home.

To live up to the spirit of cooperation between our peoples, which has always been the unique strength and promise of Canada from its earliest days.

As we honour the courage and sacrifice shown by the Tsilhqot'in chiefs 154 years ago, we fulfill that strength and that promise.

And we do it as we always should have: in partnership, with respect.

Together.

Thank you.



T̓SILHQOT̓'IN NATIONAL GOVERNMENT

253 – 4th Avenue North • Williams Lake, BC V2G 4T4 • Phone (250) 392-3918 • Fax (250) 398-5798

PRESENTERS



Nits'il?in /Chief Francis Laceese
Tl'esqox/Toosey Indian Band
☎ (250) 659-5655
Email: chieflaceese@gmail.com



Nits'il?in /Chief Jimmy Lulua
Xeni Gwet'in First Nations Government
☎ (250) 394-7023
Email: jlulua.chief@gmail.com



Peyal Laceese, Cultural Ambassador
T̓silhqot̓'in National Government
☎ (778) 799-2145
Email: chiefyaz123@gmail.com



Joan Gentles, Tl'esqox Elder
☎ (250) 398-6390
Email: jpgentles@wlake.com



Dr. Tom Swanky, Historian
☎ (778) 998-0604
Email: tswanky@gmail.com

Author:

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