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INDIAN AND NON-NATIVE USE OF NITINAT LAKE AND RIVER

AN HISTORICAL PERSPECTIVE

by Brendan O'Donnell

Native Affairs Division Issue 13
Policy and Program Planning



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INTRODUCTION

The following is one of a series of reports on the historical uses of waterways in British Columbia and New Brunswick. These reports are narrative outlines of how Indian and non-native populations have used these rivers, with emphasis on navigability, tidal influence, riparian interests, settlement patterns, commercial use and fishing rights.

These historical reports were requested by the Interdepartmental Reserve Boundary Review Committee, a body comprising representatives from Indian Affairs and Northern Development [DIAND], Justice, Energy, Mines and Resources [EMR], and chaired by Fisheries and Oceans. The committee is tasked with establishing a government position on reserve boundaries that can assist in determining the area of application of Indian Band fishing by-laws.

Although each report in this series is as different as the waterway it describes, there is a common structural approach to each paper. Each report describes the establishment of Indian reserves along the river; what Licences of Occupation were issued; what instructions were given to surveyors laying out these reserves; how each surveyor laid out each reserve based on his fieldnotes and survey plan; what, if any, fishing rights were considered for the Indian Bands; and how the Indian and non-native populations have used the waterway over the past centuries for both commercial and recreational use.

Primary sources for this information are found in the National Archives of Canada, the British Columbia Provincial Archives, the Provincial Archives of New Brunswick, the Harriet Irving Library of the University of New Brunswick, the Hudson's Bay Company Archives, the Indian Land Registry at DIAND, dormant records at DFO and DIAND, and in the Legal Surveys Division of EMR. Secondary sources are found in the National Library of Canada, DFO's departmental library, DIAND's departmental library, or are brought in from other libraries on inter-library loan.

Each report in the series is being distributed to the Reserve Boundary Review Committee members. It is hoped each will make this research available to other members of their department by depositing the reports in their departmental library.



Indian and Non-Native Use of Nitinat Lake and River

An Historical Perspective

by Brendan O'Donnell

December 5, 1989

Nitinat Lake, on the West Coast of Vancouver Island, British Columbia, is classified as a saltwater [tidal] loch or inlet. The sealoch surface of this body of water is below the high-tide level of the ocean, and sea water flows over a shallow sill twice daily into the twenty-three kilometre lagoon. The mean breadth of Nitinat Lake is slightly more than a kilometre wide, and is 200 metres deep at the midway area.¹

Seventy-three percent of the lake's volume is deoxygenated. Beyond a depth of twenty-five metres, oxygen is almost entirely lacking. Hydrogen sulphide has been found in water samples taken below twenty-seven metres, a crucial limiting condition to marine life and a potentially deadly phenomenon to fish and crustaceans when weather conditions cause the hydrogen sulphide to surface.

The entrance to Nitinat Lake from the Strait of Juan de Fuca is through a narrow tidal passage. Only thirty-six metres wide at one spot, the passage is three kilometres long and two and a half metres deep at low tide. At maximum flood and ebb tides, treacherous currents of up to three and a half metres per second

¹ Jim Hamilton, "Warriors of Whyack," The Daily Colonist [Victoria], January 16, 1977. Page 12.

have been recorded at the sill.²

The Nitinat Lake watershed consists of four major drainage systems and numerous small creeks. The Nitinat River, approximately twenty-nine kilometres in length, is the largest tributary flowing South into the North end of Nitinat Lake.³ A tidal influence can be felt on the river for approximately 500 metres from its mouth.⁴ Nitinat River lies in a shallow U-shaped valley and has a drainage area of approximately 800 square kilometres. There are two obstructions on the river. At the sixteen kilometre point from Nitinat Lake, the river enters a 630-metre canyon that has a series of four falls, two to three metres in height. At the twenty-nine and a half kilometre mark, there is a four and a half metre waterfall. A fish hatchery is located near the junction of the Nitinat River and the Little Nitinat River.

The other major tributaries of Nitinat Lake are Doobah Creek, Hobiton River [sometimes referred to as a creek], and Caycuse River. Doobah Creek is an approximately three kilometre-long stream that flows Northwest into Nitinat Lake, North of Doobah Lake. Hobiton River, which flows Northeast into Nitinat Lake, is divided

² A.Y. Fedorenko, F.J. Fraser and D.T. Lightly, A Limnological and Salmonid Resource Study of Nitinat Lake: 1975-1977. Vancouver: Resource Services Branch, Fisheries and Marine Services, Department of Fisheries and Oceans (Fisheries and Marine Service Technical Report No. 839), May 1979. Page 1.

³ R.F. Brown, M.M. Musgrave, D.G. Demontier, D.E. Marshall & M.J. Comfort, Catalogue of Salmon Streams and Spawning Escapements of Statistical Areas 22 & 23 (Nitinat & Barkley Sound). Vancouver: Enhancement Services Branch, Fisheries & Oceans (Canadian Data Report of Fisheries & Aquatic Sciences No. 167). Page 18.

⁴ Information supplied by Lyle Freeman, Assistant District Supervisor, South Coast Division, Department of Fisheries and Oceans, Port Alberni, British Columbia. November 7, 1989.

into two sections. Between Nitinat Lake and Hobiton Lake, the stream is approximately 2.4 kilometres. Another 4.8 kilometres is above Hobiton Lake. Caycuse River is nineteen kilometres long, flowing West into Nitinat Lake.⁵

Two other bodies of water, although not tributaries to Nitinat Lake, are relevant to this study. Cheewhat River [formerly known as the Suwany or Sarque River], which flows Southwest into the Strait of Juan de Fuca, is South of Nitinat Lake. Between its mouth and the outlet of Cheewhat Lake, the river is 3.2 kilometres in length. Tsusiat Lake [formerly known as Ahuk Lake] lies to the Northwest of Nitinat Lake. It is approximately five kilometres long and is one of three lakes that form the "Nitinat Triangle."⁶ Tsusiat Lake flows into Tsusiat River, an approximately kilometre-long stream that ends abruptly with an 18.2 metre-drop waterfall into the Strait of Juan de Fuca.

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The Nitinat Lake region derives its name from the Nitinaht [or Ditidaht] Indians, a once-powerful tribe that controlled an area from near Jordan River to Pachena Point, extending inland along Nitinat Lake and some of the adjacent valleys to as far East as Cowichan Lake.⁷ The Nitinaht people, along with the Makah and Nootka

⁵ R.F. Brown, M.M. Musgrave, D.G. Demontier, D.E. Marshall & M.J. Comfort, Catalogue of Salmon Streams and Spawning Escapements of Statistical Areas 22 & 23 (Nitinat & Barkley Sound). Pages 2, 10 and 14.

⁶ Bruce Hardy, "The Nitinat Triangle: Where Nobody Would Ever Go...", The Sea Otter, Volume 1, No. 1 (July 1977): 17-19.

⁷ Nancy J. Turner, John Thomas, Barry F. Carlson and Robert T. Ogilvie, Ethnobotany of the Nitinaht Indians of Vancouver Island. (Occasional Papers of the British Columbia Provincial Museum No. 24). Victoria: British Columbia Provincial Museum (continued...)

tribes, are members of the Southern or Nootkan branch of the Wakashan language family. According to one ethnologist, in aboriginal times the Nitinaht Indians comprised five bands; she claims that in the mid-twentieth century the Clo-oose Band on the Cheewhat River and the Carmanah Band near Carmanah Point were governmentally-incorporated into the Nitinaht tribe.⁸ However, when the Nitinaht Reserves were laid out in the 1890s, those on the Cheewhat River and the one at Carmanah Point were set aside for the Nitinaht Indians. There was no indication that this territory did not belong to the Nitinahts.

The Nitinahts were traditionally renowned as warriors, whalers and fishermen. They were also famous for their canoes. By the time Europeans first began to arrive on the West Coast of Vancouver Island in the late eighteenth century, the Nitinaht Indians occupied at least eleven fishing stations on Nitinat Lake and River, three stations on Cowichan Lake and one at "Quitiz" on the Cowichan River.⁹ They also had halibut fishing stations that fronted on the Strait of Juan de Fuca. Their principal village at this time was at Whyac, an Indian word signifying "a level place above the

⁷(...continued)

Columbia Provincial Museum and Parks Canada, 1983. Page 1.

⁸ E.Y. Arima, The West Coast People: The Nootka of Vancouver Island and Cape Flattery. (British Columbia Provincial Museum, Special Publication No. 6). Victoria: British Columbia Provincial Museum, 1983. Page 5.

⁹ Bernice Touchie, "Report on the Settlement of Whyack Village, Vancouver Island, B.C." Unpublished manuscript, March 28, 1977. Page 8. Copy on file at the Parks Canada Library, Western Regional Office, Calgary, Alberta.

rocks,"¹⁰ or "lookout point"¹¹; Whyac was a fortified encampment on a cliff overlooking the treacherous entrance to Nitinat Lake.¹²

Like many other West Coast tribes in aboriginal times, the Nitinahts moved from encampment to encampment throughout the year, following the hunting and fishing seasons. Whales, salmon and halibut were among the aquatic foods on which these Indians depended.

Weirs were often used by these natives to trap their salmon. A description of one of these weirs, built by Tom Klishil on the upper reaches of the Cheewat River, reads as follows:¹³

Salmon weirs were usually made of upright poles or slats of western red cedar, placed close together and twined at one point, or at intervals, with Sitka spruce roots or some other type of lashing material... The slats protruded about 2m out of the water. The weir was comprised of two separate parts... The first was a shallow "V" pointing upriver and open at the tip, allowing the fish to swim through, but making it nearly impossible for them to swim downriver again. A distance further upriver was the second part of the weir. It

¹⁰ See letter from Indian Agent Harry Guillod to Deputy Superintendent General of Indian Affairs L. Vankoughnet, 11 February 1892. Copy on file at the National Archives of Canada, RG 10, Volume 3865, File 84,799. Microfilm C-10152.

¹¹ See Tony Byrne, "The West Coast Trail: A Reconnaissance." Unpublished manuscript, Canadian Wildlife Service, Edmonton, Alberta. January 1973. Copy on file at Environment Canada Library, Chaudière Branch, Hull, Quebec. Page 49.

¹² An 1864 drawing of Whyac by Frederick Whympier shows the village surrounded by wooden palisades. A copy of the drawing was published in The Illustrated London News, Saturday, November 24, 1866 (Volume XLIX, No. 1400): 497. Whympier was an artist who accompanied the 1864 Vancouver Island Exploring Expedition.

¹³ Nancy J Turner et al., Ethnobotany of the Nitinaht Indians of Vancouver Island. Page 41. A drawing of the weir appears on page 42.

consisted of a "fence" extending across the river, with, at the centre, a long, narrow "V", pointing upriver. The salmon would congregate in this narrow part and Tom Klishil, standing in a small dugout right beside it, would use a gaff to hook out as many sockeye as he needed. This was not very many because the sockeye were said not to dry or store well. When he had enough, he removed this upper "V" portion altogether, and the fish could swim up to their spawning grounds.

Some of the surplus salmon, halibut and whale oil were traded with other tribes along the coast. These aquatic resources were exchanged for clothing, woven goods and potatoes.¹⁴ One source has speculated that the Nitinahts traded [and raided] as far South along the coast as the Columbia River and to the Northwest as far as Kyuquot Sound.¹⁵ With the arrival of whitemen into the area, a new market of trading was opened up to the Nitinaht Indians.

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The Spanish, followed by the British and Americans, began arriving on the West Coast of Vancouver in the 1770s. Their area of destination was Nootka Sound, and it was in this district that the Europeans first came into contact with Nitinaht Indians. As among natives of this period, the whites regarded the Nitinahts with trepidation. One white wrote of them: "A powerful tribe with whom it did not do to be off your guard."¹⁶ One reason for this was the Nitinahts' well-deserved reputation for warfare. One source reports, for example, that in 1820 this tribe joined with the

¹⁴ Bernice Touchie, "Report on the Settlement of Whyack Village, Vancouver Island, B.C.," page 30.

¹⁵ Jim Hamilton, "Warriors of Whyack," page 13.

¹⁶ This reflection was written by John Jewitt; quoted in Bernice Touchie, "Report on the Settlement of Whyack Village, Vancouver Island, B.C." page 7.

Clallam Indians in wiping out all but three of the 3,000-member Sooke tribe.¹⁷

Europeans were first attracted to the Northwest Coast by the availability of the much-prized pelt of the sea otter, but by 1820 this animal had become so overtrapped that it was on the verge of being extirpated. As the number of these animals trapped each year declined, so too did the interest of the sea captains who plied the waters in search of natives who would trade sea-otter skins.

In 1843, however, the Hudson's Bay Company decided to establish their western headquarters on Vancouver Island, and that year they founded a settlement on the southern tip of the island. Fort Victoria became the focal point for the Europeans' renewed interest in the Northwest Coast. Three years later, on 15 June 1846, Vancouver Island was officially established as a British territory, and on 13 January 1849 the island was elevated to the status of a British Crown colony under the control of the Hudson's Bay Company.

White colonization of Vancouver Island was slow, partially because of the dominance of the Hudson's Bay Company over island affairs, and partially because of the rugged nature of the island's terrain. The entrance to Nitinat Lake from the Strait of Juan de Fuca was especially feared by white settlers, and only a few white explorers ventured into the area during this period.

¹⁷ W. Gerry Burch, "History of the Southern Part of Vancouver Island." Unpublished manuscript; quoted in Tony Byrne, "The West Coast Trail: A Reconnaissance." Unpublished manuscript, Canadian Wildlife Service, Edmonton, Alberta. January 1973. Copy on file at Environment Canada Library, Chaudière Branch, Hull, Quebec. Page 49. Bernice Touchie states, however, that the Nitinats joined forces with the Makahs to defeat the Sooke; see her "Report on the Settlement of Whyack Village, Vancouver Island, B.C." Page 86.

The first whiteman to record any detailed information about the Nitinahts was William Eddy Banfield, who was appointed Government Agent for the West Coast of Vancouver Island by Governor James Douglas in 1859. Banfield had arrived in Victoria from England in 1846 on the H.M.S. Constance and later served onboard as one of the carpenter's crew.¹⁸ He left the navy in 1849 and for several years lived in Victoria. Then he joined forces with Captain Peter Francis, owner of a sloop named Leonede, and began trading with the Indians along the West Coast.

In 1858 he explored from Victoria to Clayoquot Sound and wrote a series of articles describing this region for the Victoria Gazette. Two of these articles, which appeared in the newspaper on 14 August and 19 August 1858, describe generally the Nitinaht Indians and their fishing and hunting techniques.¹⁹ The first article, titled "The Nitinat District," describes two Nitinaht encampments, one on the eastern side of Port San Juan and the other, called "Carlante," located to the westward side of the bay. The former village was noted for its salmon, especially dog-fish. Five to six thousand gallons of oil pressed from the dog-fish were sold annually by the

¹⁸ John T. Walbran, British Columbia Coast Names 1592-1906... Their Origin and History. Vancouver: Published for the Vancouver Public Library by J.J. Douglas Ltd., 1971. Page 31. R. Bruce Scott, in "William Eddy Banfield: Unsung Hero of the West Coast," The Barkley Sounder, (August 1984): 21, states that Banfield arrived in Victoria in 1844 as a carpenter onboard the Constance. For more information about Banfield's career among the Indians of neighbouring Alberni Inlet, see: Brendan O'Donnell, "Indian and Non-Native Use of the Somass River and Alberni-Inlet-Barkley Sound." Unpublished manuscript, Ottawa: Department of Fisheries and Oceans, Native Affairs Division Issue 11, Policy and Program Planning, July 14, 1989. Copy on file at the Department of Fisheries and Oceans Library, Ottawa.

¹⁹ The 14 August 1858 article was reprinted in The Barkley Sounder, (May 1984): 9-12; the 19 August 1858 article was reprinted in The Barkley Sounder, (June 1984): 17-20.

Indians to white traders, who sold them to the Hudson's Bay Company. Carlante was occupied from March to June to fish halibut. Banfield wrote:

These fish [halibut] are caught by the thousands, and of the largest and finest kind, frequently weighing two hundred pounds. The fishing banks are distant from the shores, varying from fifteen to twenty-five miles. The fishermen start about midnight, so as to arrive early on the ground, and remain about seven hours in hundreds of canoes, the sea for miles being dotted with them. The Macaws, as well as the whole Nitinat tribe, fish on these banks. From two to three men are in each canoe, and invariably, if the weather and sea are at all moderate, they load their tiny crafts down to the gunwales; and should the sea or wind make up quick, so as to at all seem to endanger their return, they lash large inflated [seal] skins to either side of their canoes, which render them buoyant and safe with their experienced and expert management. They never think of throwing a fish overboard for the purpose of lightening their canoes...

The second article, titled "Whale Killing by the Nitinat Indians," estimated the tribe's strength at about 500. During the spring and summer months Banfield said they divided themselves into different encampments, or kinds of clanships, each having a recognized Chief or head of a house. Yet all acknowledged one leader as supreme. In 1858, when Banfield wrote his articles, the principal Chief's name was "Maacoola."

Although Banfield described the Indians and their hunting and fishing techniques, it is obvious he did not venture close to the treacherous entrance to Nitinat Lake. The first white explorers to actually enter the Nitinat Lake region were members of the 1864 Vancouver Island Exploring Expedition. The expedition was under the leadership of twenty-two year old Robert Brown.

The Scottish-born Brown had arrived on Vancouver Island the year prior to his taking command of the expedition; he had been sent by the Botanical Association of Edinburgh to collect seeds, roots and

plants in British Columbia.²⁰ An adventurer and traveller, he had already spent several seasons prior to coming to Vancouver Island onboard whaling vessels in the North Atlantic.

Little was known of the interior of Vancouver at this time, and there was expected hopes that any exploration party would be able to determine if there was any gold and other minerals to be found on the island. When Arthur Edward Kennedy arrived as Governor in 1864, he pledged a government contribution of two dollars for every dollar contributed by the general public towards an exploring expedition. A committee was struck to raise funds and Brown was appointed commander of the Vancouver Island Exploring Expedition on 1 June 1864. Ten other men, and Brown, made up the expedition party. On 7 June 1864 they left Victoria onboard the gunboat H.M.S. Grappler for Cowichan. Disembarking, the explorers followed the Cowichan River to Lake Cowichan; here they divided into two parties, with one group sent to survey the rugged country between Lake Cowichan and San Juan [now Port Renfrew], and the other, under Brown, to follow the shores of the lake and then an old Indian trail which led through the forest to the Nitinat River. Upon finding the river mostly navigable, this latter group made rafts and "borrowed" and bought Indian canoes to sail down the Nitinaht until they reached Nitinat Lake, which they named "Etlow."²¹

²⁰ John Hayman, ed., Robert Brown and the Vancouver Island Exploring Expedition. Vancouver: University of British Columbia Press, 1989. Pages 1-28.

²¹ Jim Hamilton, "Nitinat...100 Years Ago," The Daily Colonist [Victoria], July 1, 1967. Page 12.

In a published report to the Vancouver Island Exploration Committee, the Victoria-based sponsor of the expedition, Brown later wrote of his days spent on the Nitinat:²²

On the 23d of June, in order the more efficiently to explore a larger extent of country than it would have been possible to accomplish united, I resolved to divide the expedition into two parties...

[Brown and his party] struck in a general course southwest about nine miles, through a tolerably flat, well timbered and well watered country, until on the 24th June we struck a river flowing in a westerly direction, which I concluded to be the Nittinat river.

Next day we prospected the rivers and neighbouring creeks, (found the color of gold) and built a raft on which to descend to the sea. We accomplished all in safety for four miles, until the roar of a canon [canyon] warned us to leave the raft, and finding any further progress impracticable by that mode of conveyance, we took to land, found an Indian trail, and that same night found, at the foot of the canon, a deserted Indian lodge and old canoe.

Next morning, [Alexander] Barnston and I descended the river in this tiny canoe, which leaked like a basket, hoping to find Indians at no great distance. The rest had orders to follow on a raft, if we did not return by the evening. All day long did we sweep down the swift river, shooting the rapids and darting through the overhanging branches of trees, past many Indian villages and salmon weirs, all deserted, until, as the sun was setting, we found the downward current stemmed by an upward one,²³ and the river debouching in a large lake or inlet of the sea...

²² Vancouver Island Exploration 1864. Victoria: Printed by authority of the Government, by Harries and Company, 1864. Pages 5-7; microfilm copy included in: "Western Americana: Frontier History of the Trans-Mississippi West, 1550-1900." New Haven, Conn.: Research Publications Inc., 1975. Copy on file at the National Library of Canada, Mic. C-13, Reel 75, No. 753.

²³ This remark confirms Lyle Freeman's opinion that the mouth of the Nitinat River is tidal. It is the only reference in the historic documents found to date that infers there is a tidal influence on the Nitinat River.

That same evening, [Frederick] Whymper and [Ranald] McDonald descended the river on a raft which they had constructed out of the boards of an Indian lodge, bound together with the ropes of their blankets -- the holes pierced by pistol bullets. The banks of the river are in general flat... The river in all its winding from where we struck it may be probably twenty miles in length, and below the canon its banks are thickly studded with fishing lodges of the Nittinahts. Around each lodge is a quantity of good open land.

Next day Barnston and I left camp in our leaky canoe, to search for Indians, to convey our party from this position, and to relieve [John] Buttle and [Thomas Henry] Lewis, who were still left up river. On rounding a point we were startled to see a large substantially built Indian village, but not inhabited; where we were glad to find a tolerably good canoe, which we pressed into the service... I was now convinced that we were on no lake, but an Inlet of the Sea, known in the west of Scotland as a "Loch".

Started at three o'clock A.M. to catch the favorable morning breeze. We set sail (a blanket officiating for that purpose) along the inlet, and with an occasional halt, sometimes against the wind, we sailed and paddled all day. The inlet, &c, is shut in by mountains, and in the quiet bays are three Indian villages, with the remains of stockades in front, and several salmon weirs on the streams flowing through them. They are without exception, specimens of very tastefully [sic] situated dwellings... Towards evening the Inlet after running for upwards of eighteen miles, began to narrow. An Indian was seen cutting firewood; he made all haste for his village, which we now noticed smoking on a cliff, and the roaring of the sea being heard without, we followed him, and drew our canoes up in a quiet bay, a little distance from the village. We were soon surrounded by troops of wild looking fellows, and though the head chief Mo-koo-la, a famous warrior, was from home, his viceroy showed us much kindness, and insisted that I should camp in the square of his village... Why-ack is a large fortified village protected by pickets from the sea dashing in breakers on the beach, or rushing through the narrow entrance of the inlet; so difficult is it to land, that the Nittinahts carry it with a high hand over the neighbouring tribes, and the wars of the Elhwhaats and Scllams on the opposite shores, with these athletic warriors form an important portion of the floating aboriginal history of these coasts.

Brown and his men prepared to leave Nitinat Lake the next day, having bartered a sixty-foot war canoe from the Indians. They set off with three Nitinaht guides to join the other party of the expedition at the rendezvous point at Port Renfrew. But first they had to get through Nitinat Narrows, the treacherous passage between Nitinat Lake and the Strait of Juan de Fuca. During a ten-minute interval, twice each day, the ebb and flow of the tide slackens enough to allow an experienced navigator to get beyond the breakers to the open sea. Brown wrote:²⁴ "At just the right moment the signal was given and we pleyed [sic] our eight paddles with all our strength. The canoe cut through the foam marking the spot where 20-foot waves broke seconds before."

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Aside from the occasional ship-wrecked sailor, few whites visited the Nitinat Lake district of Vancouver Island until the 1890s. This differed starkly from neighbouring Alberni Inlet, where white settlements and industries were established after 1860. Throughout the island, moreover, and on mainland British Columbia, whites were establishing themselves in greater and greater numbers, and coming into land conflicts with neighbouring Indian tribes.

In 1866, the British government united the two colonies of Vancouver Island and mainland British Columbia to reduce administrative costs; five years later, in 1871, the government of British Columbia agreed to become the sixth province in the Dominion of Canada. Under the Terms of Union [Imperial Privy Council Order of 16 May 1871] which outlined the conditions by which the Colony of British Columbia was to become a Canadian

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Jim Hamilton, "Nitinat...100 Years Ago," Page 12.

province, the matter of jurisdiction of Indian affairs was detailed. Article 13 of these Terms reads as follows:²⁵

The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and as policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

The problem with this document in relation to Indian land matters was that it did not attempt to define the word "liberal" or point out exactly what British Columbia's policy was prior to Confederation. Therefore, for the next five years, the two governments argued over the amount of acreage per head of household to be allotted to each Indian family. Similarly, the Terms of Union did not indicate that the conveyance of Indian land to the federal government should be in fee-simple. Consequently, the provincial government argued it had a reversionary interest in lands reserved for British Columbia natives.²⁶

²⁵ British Columbia, British North America Act, 1867, Terms of Union with Canada, Rules and Orders of the Legislative Assembly... Victoria: R. Wolfenden, 1881. Page 66.

²⁶ See the federal Order in Council 1088 of 10 November 1875; copy on file in the National Archives of Canada, Ottawa, RG 2/1, November 10, 1875. See also the British Columbia Order in Council 125, approved February 26, 1907; copy on file in the Provincial Archives of British Columbia, Victoria.

As the political harangue between the two levels of government developed, the Indians of British Columbia were becoming agitated over the increasing numbers of whitemen pre-empting or simply taking land they considered traditionally theirs. The problem came to a head at Alberni Inlet in 1872 when the Sheshaht Band refused to allow white settlement on timber limits granted a timber company years earlier by the colonial government. The following year, the Indians of the interior of mainland British Columbia, especially around the Cache Creek area, also were reported to be upset with land arrangements. Whether it was co-ordinated or simply coincidental, both the Cache Creek area Indians and the Alberni Inlet Indians were rumoured preparing for an uprising against local white settlers. Although these rumours proved to be without foundation, the two levels of government began talking about the possibility of forming a joint Board of Indian Commissioners to deal with native land issues.²⁷ It took three years for such a body to be formed, and then it was known as the Joint Indian Reserve Commission.

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After three years of arguing over the amount of land that should be allotted to each family on Indian reserves in British Columbia, the federal and provincial governments agreed to convene a Joint Commission to investigate what was being called "the Indian Land Question." Under federal Order in Council 1088 of 10 November 1875, a Joint Reserve Commission was suggested.²⁸ The provincial

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See letter from Powell to ?, 27 July 1874, in which the proposed Board is discussed; copy of letter on file in the National Archives of Canada, RG 10, Volume 11028, File SRR-1. Microfilm T-3967.

government acquiesced to this federal proposal in an Order in Council on 6 January 1876.²⁹

It was agreed that the Joint Reserve Commission would consist of three members, one representing the province, another the federal government, and a "joint" Commissioner agreed to and representing both levels of government. Gilbert Malcolm Sproat, who was British Columbia's representative in London, was chosen candidate for this latter position.

In his Annual Report to the Governor General, dated 15 January 1877, Minister of the Interior David Mills, who was in charge of Indian Affairs, wrote of the Commission:³⁰

[The Commissioners] were reminded that the Government considered it a matter of paramount importance that [in] the settlement of the land question, nothing should be done which could militate against the maintenance of friendly relations between the Dominion Government and the Indians of British Columbia, and they were officially enjoined as little as possible to interfere with any existing tribal arrangements; and, particularly, that they were to be careful not to disturb the Indians in the possession of any villages, fishing stations, fur trading posts, settlements or clearings which they might occupy, and to which they might be specially attached.

The three-man Commission, along with a surveyor and a census-taker/general assistant, began their work in November 1876. That winter they concentrated on those Indian reserves on Burrard Inlet and Howe Sound and on the East Coast of Vancouver Island. The following summer they moved to the southern interior of mainland

²⁹ A copy of the provincial Order in Council agreeing to the proposal is printed in : British Columbia, Papers Connected with the Indian Land Question 1850-1875. Victoria: Richard Wolfenden, 1875. Pages 169-170.

³⁰ A copy of this letter is included in the Annual Report of the Department of the Interior for the Year Ended 30th June, 1876. Ottawa: MacLean, Roger & Co., 1877. Pages xiv-xxiv.

British Columbia where an uprising by the Upper Thompson, Shuswap and Okanagan Indians was rumoured in the planning. The Commission continued working in the interior for several more years.³¹

The Commission finally got around to visiting the West Coast of Vancouver Island in 1882. By this time, though, the make-up of the now-called Indian Reserve Commission had changed. The two representatives from the provincial and federal governments had been eliminated from the Commission as a cost-saving measure, as was the services of the census-taker/general assistant. Gilbert Sproat [along with a surveyor] continued on alone as a one-man Indian Reserve Commission, but even Sproat resigned on 30 January 1880 in frustration at the attitude and inaction of the British Columbia government in failing to recognize those reserves that the Commission laid out.

Sproat was replaced by Peter O'Reilly who, as magistrate during colonial times, had been responsible for the laying out of Indian reserves. Unlike Sproat, O'Reilly's term as Indian Reserve Commissioner was marked by a return to the haphazard measures of allotting reserves that was prevalent prior to Confederation. As one historian has written:³²

When he allocated new reserves, O'Reilly's procedures were in marked contrast to the meticulous care with which Sproat worked. It was a return to the earlier method of rushing into an area, making a decision with little or no consultation, imposing it on the Indians, and then wondering why they were dissatisfied.

³¹ For more details on the early years of the Commission, see: Robin Fisher, "An Exercise in Futility: The Joint Commission on Indian Land in British Columbia, 1875-1880," The Canadian Historical Association, Historical Papers 1975. Pages 79-94.

³² See Robin Fisher, Contact and Conflict: Indian-European Relations in British Columbia 1774-1890. Vancouver: University of British Columbia Press, 1977. Pages 200-201.

O'Reilly finally arrived on the West Coast of Vancouver Island in 1882, at which time he laid out the reserves for those Bands inhabiting the Barkley Sound district. However, he did not make it to Nitinat Lake. On 23 October 1882, O'Reilly wrote to the Indian Superintendent for British Columbia and to the provincial Chief Commissioner of Lands and Works, informing both that:³³

The reserves for the Nitinat, and Pacheena Indians have not yet been completed, as owing to the rough state of the weather I was unable to visit all their fishing stations.

Seven years later, the Nitinat Lake reserves had still not been laid out, even though whites were beginning to move into the area. O'Reilly, along with his surveyor, Ashdown H. Green, prepared to embark for the West Coast of Vancouver Island in the spring of 1889. In a letter to West Coast Indian Agent Harry Guillod, dated 9 May 1889, Green wrote:³⁴

We expect you to get all information as to the allotments of land necessary for each tribe of Indians; among others those residing at Nitinat, and as it is the Commissioner's intention to visit that band on his way North, perhaps it would be as well if you awaited him at San Juan harbor.

The Commission attempted to complete the Nitinaht Reserves in early summer but, in a letter to the Superintendent General of Indian Affairs in Ottawa, dated 30 July 1889, O'Reilly wrote:³⁵

The allotment of reserves for the Indians on the entire length of Vancouver Island is now completed with the single exception of those for the Nitinat tribe; here, owing to the rough weather, I was unable to effect a

³³ Copy of letters are on file at the National Archives of Canada, RG 10, Volume 1275. Microfilm C-13900.

³⁴ Copy of letter on file at the National Archives of Canada; filed under RG 10, Volume 1277. Microfilm C-13900.

³⁵ Copy of letter on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 3815, File 56,546. Microfilm C-10142.

landing, though I endeavored to do so on three successive days.

Before the Indian Reserve Commission could get around to laying out the Nitinaht Reserves, the Surveyor General of British Columbia decided to send Surveyor S.P. Tuck into the district in the spring of 1890 to survey provincial Crown lands. In a report to the Surveyor General, dated January 1891, Tuck wrote:³⁶

Having received your letter of advice and instruction of the 19th May [1890], notifying me that the Hon. the Chief Commissioner of Lands and Works had been pleased to approve of my appointment to take charge of a party for the purpose of surveying Crown lands in the Nitinat Valley, I began at once the organization of my party as directed, and also the collection of the necessary supplies.

On Friday, the 23rd of May, I left Victoria with my party for the scene of operations, going in, as suggested in your letter, by way of Cowichan Lake. I arrived at the foot of the lake on the evening of Saturday, the 24th May, but owing to the absence of the necessary boats, and the difficulty of getting our stores forward as rapidly as I had expected, I was unable to proceed to the head of Cowichan Lake until the following Tuesday morning, when I took everything forward, and spent a few days in establishing a cache, and building a storehouse, whence I might subsequently draw supplies as they were needed.

Leaving the larger part of my party at this point in charge of the principal chainman, for the purpose just named, I proceeded with the balance, and the Indian guides and packers whom I had engaged, across the trail to the Nitinat River. This trail I found very rough, and in many places so obstructed as to be scarcely distinguishable. There was, moreover, little evidence of any cultivable land until we struck the valley of a large creek flowing into the Nitinat River, and which I have in my notes and plan distinguished as Vernon Creek. I spent some time in looking over the valley where we

³⁶ Copy of letter published in: British Columbia, "Report of the Chief Commissioner of Lands and Works of the Province of British Columbia for the Year Ending 31st December, 1890," in Sessional Papers. First Session, Sixth Parliament of the Province of British Columbia. Session 1891. Victoria: Printed by Richard Wolfenden, 1891. Pages 294-295.

struck it, and finding, above Vernon Creek on the Nitinat, where a couple of prospectors had given notice of their intention to pre-empt land, I determined to begin my survey nearly at the confluence of the Nitinat River and the creek already referred to.

At this point the land is fairly level and good, with a growth of very fine timber, and presents a fine situation for building purposes, and a good water power with an ample supply at all seasons for lumber or other manufacturing purposes, and a large quantity of good timber. The country in this vicinity, as well as elsewhere on the Nitinat, had been well looked over by the representatives of H.R. Morse, as posts set by them were met with at all stages of my survey.

From the junction of Vernon Creek and the Nitinat River as a starting point, I continued the survey up the latter river as far as good or fairly good land was met with, but the belt of land suitable for settlement seemed to narrow very considerably as the upper part of the river was reached. At places it may have been somewhat over a mile in width, while in others the mountains on each side approached the banks of the river so as to leave very little cultivable land on either side of the river...

Early in the month of July, I learned that a considerable number of applications were being made for the purchase and pre-emption of lands near the mouth of the river. I therefore applied for and obtained permission to discontinue work where I was then prosecuting it, and to begin anew at the point where the Nitinat enters the Inlet or so-called Nitinat Lake, a salt water lagoon extending from the ocean some nine or ten miles inland.

Thenceforward my survey was continued up the river, and embraced all the lands suitable for cultivation on either side, and extending from the banks back to the mountains and up their sides, until further progress prevented either by the character of the ground, or for other reasons it seemed undesirable or unnecessary to carry the section lines any further.

Before finishing the season's work, however, I was able to make connection with the work done in the earlier part of the season, and thus present both portions as a connected whole, covering all the lands on the river which seemed to me to be embraced by my instructions as being suitable for settlement, into townships, sections, &c, &c.

These lands on the Nitinat, while not of great width nor very extensive, are very rich and productive. They are also readily accessible from the sea, and thus offer many inducements to prospective settlers...

Much of the agricultural land in the Nitinat valley has already been applied for or pre-empted, but there is still, I think, sufficient remaining to furnish a number of good ranches to those willing, for a time at least, to give the necessary labour to bringing them under cultivation.

On the mountain sides, which rise abruptly from the lower or flat lands, there is not unfrequently a growth of very fine fir and cedar, which is not unlikely to attract the attention of those seeking timber lands, as it could be driven to the lake at no very great cost of clearing out the obstructions from the river's bed.

The task of laying out the reserves for the Nitinaht Band was now becoming obviously necessary. With white prospectors, timber cruisers and settlers moving into area, the survey of Indian reserves could no longer be postponed. In early August 1890, O'Reilly finally visited Nitinat Lake and River and on 7 August 1890 wrote up Minutes of Decision for seventeen reserves. Although they were both in the area at the same time, neither Tuck nor O'Reilly make mention of each other's presence. In a report dated 29 August 1890 to Deputy Superintendent General L. Vankoughnet, O'Reilly wrote of his trip to the Nitinat district:³⁷

I have the honor to report that as previously arranged with you, I, on the 31st ultimo proceeded in the government steamer Sir James Douglas to Nitinat on the West coast of Vancouver Island.

On my arrival I was waited upon by Sewish the chief, and a large number of the tribe, and I then explained to them the object of my coming at which they were much pleased; they stated that they had been expecting me for a long time, and complained that several white people had taken up land belonging to them.

³⁷

Copy on file at the National Archives of Canada, RG 10, Volume 1277. Microfilm C-13900.

I promised to visit the various places referred to, and this I afterwards did in company with the chief and those interested.

Having ascended the Nitinat river for about ten miles I found that the Indians (in addition to their ancient fishing stations) had staked out large tracts of land, and in many instances had built houses thereon of a very temporary character. This was done very recently, and in anticipation of my visit, with a view to establishing their claim to these lands.

I explained that it would not be advantageous to them should they be allowed to occupy the lands they wished for, as when this part of the country became more populated they would find themselves constantly in difficulties with their neighbors.

Some members of the tribe were dissatisfied that all they had staked off was not included in the reservation, but when they saw the extent of area allotted to them, they were reconciled.

The reserves I subsequently defined include a sufficient quantity of land for all purposes. They embrace the sites of all their fisheries and villages, and the places occupied by them when canoe making, an industry of much profit to them; should they hereafter be induced to enter upon agricultural pursuits, there is abundance of land which when cleared will be suitable for that purpose.

The Nitinat Indians number 220; their principal occupation is that of fishermen. They are eagerly sought after as seal hunters and find ready employment at the sawmills, canneries and hop fields. They have, as yet, not turned their attention in the smallest way to agriculture, not a [?] of land having been cultivated by them.

The Minutes of Decision of 7 August 1890, describing the seventeen Nitinaht Indian Reserves, read as follows:³⁸

³⁸ Copy on file at the Indian Land Registry, DIAND, Ottawa. Sketches of the reserves are included with the Minutes of Decision.

No. 1

Ah uk, a reserve of one hundred and five (105) acres, situated on the eastern shore of Ah uk lake,³⁹ about 3½ miles northwest of the outlet of Nitinat lake.

Commencing on the shore of Ah uk lake at a White pine marked Indian reserve, and running East forty (40) chains; thence North to the said lake, and thence in a southwesterly direction along its banks to the place of commencement.

No. 2

Tsu qua nah, a reserve of two hundred and twenty five (225) acres, situated on the seacoast about one mile west of the outlet of Nitinat lake.

Commencing on the seashore at a Spruce tree marked Indian reserve, and running North forty (40) chains; thence East sixty (60) chains; thence South to the coast, and thence in a westerly direction along the seashore to the place of commencement.

No. 3

Wy ah, a reserve of one hundred and thirty five (135) acres, situated on the eastern shore of the outlet to Nitinat lake.

Commencing at a Spruce tree marked Indian reserve, and running East forty (40) chains; thence South forty (40) chains; thence West to the seacoast, and thence following the shore to the place of commencement.

No. 4

Clo oose, a reserve of two hundred and thirty (230) acres, situated at the mouth of the Suwany river,⁴⁰ and about one mile east of the outlet of Nitinat lake.

Commencing at the southwest corner of Section fifty eight (58) Renfrew district, and running North forty (40) chains; thence West forty (40) chains; thence South to

³⁹ Now known as Tsusiat Lake.

⁴⁰ Now known as Cheewhat River.

the seacoast; thence following the shore in an easterly direction to the western boundary of Section fifty seven (57) and thence North to the place of commencement.⁴¹

One acre of land, about five chains east of the village, on which Mr. Groves' store stands, is not included in this reservation.

No. 4A

A Burial ground⁴² containing eight (8) acres, situated on the left bank of the Suwany river at its mouth.

Commencing at a Spruce tree marked Indian reserve, and running North to the Suwany river; thence following the left bank of the said river to its mouth, and thence along the seashore in an easterly direction to the place of commencement.

No. 5

Sar que, a reserve of fifteen (15) acres, situated on the right bank of the Suwany river, about two miles from its mouth, and comprising all that portion of the Southeast quarter section of section fifty-nine (59) Renfrew district, lying to the North of the Suwany river.

No. 6

Car mah na, a reserve of one hundred and forty (140) acres, situated to the east of and adjoining the Bonilla Point⁴³ Lighthouse reserve.

Commencing at a Spruce tree marked Indian reserve, and running North forty (40) chains; thence East forty (40) chains; thence South to the seacoast and thence in a westerly direction, along the seashore to the place of commencement.

⁴¹ As will be discussed below, a small island situated about ten chains North of the village was later included in this reserve.

⁴² On 16 March 1966, the Minister in charge of Indian affairs confirmed a name-change for this reserve to Cheewat Indian Reserve No. 4A.

⁴³ Now known as Carmanah Point.

No. 7

Ik tuk sa suk, a reserve of one hundred and fifty (150) acres, situated on the northern shore of Nitinat lake, about one mile from its outlet.

Commencing at a Spruce tree marked Indian reserve, and running West ten (10) chains; thence North fifty (50) chains; thence East sixty (60) chains; thence South to Nitinat lake, and thence following the shore in a southwest direction to the place of commencement.

No. 8

Ho mit an, a reserve of sixty-five (65) acres, situated on the northern shore of Nitinat lake, about $4\frac{1}{2}$ miles from its head.

Commencing at a Cedar tree marked Indian reserve, and running West twenty (20) chains; thence South forty (40) chains; thence East to the lake, and thence following the shore in a northerly direction to the place of commencement.

No. 9

O yees, a reserve of one hundred and five (105) acres, situated on the southern shore of Nitinat lake about $7\frac{1}{2}$ miles from its head.

Commencing at an Alder tree marked Indian reserve, and running East forty (40) chains; thence North thirty (30) chains; thence West to Nitinat lake, and thence following the shore of the said lake in a southerly direction to the place of commencement.

No. 10

Doo bah, a reserve of fourteen (14) acres situated on the southern shore of Nitinat lake about six miles from its head.

Commencing on the lake shore at a Spruce tree marked Indian reserve, and running East ten (10) chains; thence South ten (10) chains; thence West to the right bank of Doo bah creek, and thence following the said creek and the lake shore in a northerly direction to the place of commencement.

No. 11

Ma lach an, a reserve of sixty (60) acres, situated on the southern shore of Nitinat lake, about a mile from its head.

Commencing at a Spruce tree marked Indian reserve, and running South ten (10) chains; thence East thirty (30) chains; thence North to the lake shore, and thence following the shore in a southwesterly direction to the place of commencement.

No. 12

Il clo, a reserve of seventy five (75) acres, situated on the northern shore of Nitinat lake, about half a mile from the mouth of Nitinat river.

Commencing at a Cedar tree marked Indian reserve, and running West twenty (20) chains; thence North thirty (30) chains; thence East to the lake shore, and thence following the said shore in a southerly direction to the place of commencement.

No. 13

O pat se ah, a reserve of sixty seven (67) acres⁴⁴ situated at the mouth of the Nitinat river on its left bank, and comprising all that portion of the northwest and southwest quarter sections of Section five (5) Township One (1) Renfrew district lying to the east of the said river.

⁴⁴ Originally, this reserve was listed as being thirty acres in size, but O'Reilly lined out the "thirty (30)" and wrote in "sixty seven (67)."

No. 14

Wok it sas, a reserve of forty five (45) acres, situated on the right bank of the Nitinat river about 1½ miles from its mouth, and comprising all that portion of the southern half of the Northwest quarter of Section nine (9) Township one (1) Renfrew district, lying to the North of the said river.

No. 15

Chu chum mis a po, a reserve of eighty (80) acres, situated on the left bank of the Nitinat river about 4 miles from its mouth, and being all that portion of the northeast quarter of Section twenty two (22) Township one (1) Renfrew district lying south of the said river.

No. 16

Sa ouk, a reserve of one hundred and sixty (160) acres, situated on the right bank of Nitinat river, about 6½ miles from its mouth.

Commencing at the Northwest corner of Section six (6) Township two (2) Renfrew district and running south twenty chains, twelve links (20 ¹²/₁₀₀); thence West thirty (30) chains; thence South to the Nitinat river; thence following the right bank of the said river to the eastern boundary of the before-mentioned Section six (6), thence North to the northeast corner of the said Section, and thence West twenty chains, sixty nine links (20 ⁶⁹/₁₀₀) to the place of commencement.

On 14 December 1891, O'Reilly sent a copy of the Minutes of Decision and sketches of the seventeen reserves of the Nitinaht Band to the provincial Chief Commissioner of Lands and Works for his information and approval.⁴⁵ Three weeks later, on 5 January

⁴⁵ Copy of letter from O'Reilly to the Chief Commissioner of Lands and Works is on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 1277. Microfilm C-13900.

1892, the Chief Commissioner approved the Minutes of Decision.⁴⁶ On 8 January 1892, O'Reilly wrote the Superintendent General of Indian Affairs, Ottawa, forwarding a copy of the Minutes of Decision. He explained to the Superintendent General as follows his reason for not forwarding earlier a copy of the Minutes and sketches:⁴⁷

...The delay in forwarding the present approved sketches has been caused by the incorrect numbering by the Provincial Government surveyor of the sections in the Township in which many of these reserves are situated, and pending these corrections the approval of the Chief Commissioner was withheld.

O'Reilly, in this same letter, then described each of the Nitinaht Reserves to the Superintendent General, giving additional information than contained in the Minutes of Decision. The description reads as follows:

No. 1 Ah-uk situated on the eastern shore of Ah uk lake contains 105 acres. The Indians find profitable employment at this place in the construction of canoes, suitable cedar being found in the neighbourhood. The land is of poor quality, wet and peaty, and densely covered with underbrush. The timber on it Cedar and Hemlock is small and has no commercial value.

No. 2 Tsu qua na, about one mile West of the outlet of Nitinat lake contains 225 acres. This was once the site of a large village of which but five houses remain. It is a good fishing station, being convenient to the halibut banks off Cape Flattery, and to the course followed by the fur seals when migrating northward. About eight acres to the north of the village are of good quality, they are covered with elderberry bushes but are capable of cultivation; the remainder is rough, barren and heavily timbered.

⁴⁶ See letter from O'Reilly to the Superintendent General of Indian Affairs, Ottawa, 8 January 1892; copy on file at the National Archives of Canada, RG 10, Volume 1277. Microfilm C-13900.

⁴⁷ Copy of the letter on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 1277. Microfilm C-13900. A copy is also on file at the Indian Land Registry, DIAND, Ottawa.

No. 3 Wy ah, the principal village of the Nitinat tribe occupies a commanding position on the mouth of Nitinat lake; it is at all times difficult of access on account of the rapids in the outlet and of the heavy surf on this exposed coast. This reserve contains 135 acres, the greater portion of which is hilly and worthless. About ten acres, adjoining the village, are level and of good quality; there are many old potato patches which would repay cultivation. Halibut, and dogfish are plentiful in the neighbourhood.

No. 4 Clo oose, a reserve containing 230 acres is situated at the mouth of the Saque river about one mile East of the outlet of Nitinat lake. On it stands the winter village comprising seven houses. Its principal value to the Indians is as a fishing station, for in addition to the deep sea and seal fisheries, the sockeye salmon frequent the Saque river in great numbers. With the exception of ten acres in the immediate vicinity of the village the whole of this reserve is rough mountain land, covered with spruce and hemlock of inferior size.

No. 4a A burial ground on the left bank of the Suwany river, at its mouth, contains eight acres.

No. 5 Sarque, a salmon fishery situated on the right bank of the Sarque river, about two miles from its mouth contains fifteen acres, it is valueless for any other purpose.

No. 6 Car mah na contains 140 acres, and is situated $1\frac{1}{2}$ miles west of Bonilla Point, and to the east of and adjoining the Lighthouse reserve. It is a favorite camping place for the Indians when travelling, and is one of the few spots on this exposed coast where a canoe can land with safety. Five houses have been built here, and are occupied during the halibut and dog fish season. The land is valueless being rough and rocky, and covered with a dense growth of underbrush.

No. 7 Ik tuk sa suck, situated on the northern shore of Nitinat lake about $\frac{3}{4}$ mile north of Reserve No. 3, contains 150 acres. This was formerly the site of a large village, at present there are but 7 houses upon it. The land is low, sandy and peaty, and covered with spruce cedar and hemlock of small growth.

No. 8 Ho mit an, on the northern shore of Nitinat lake contains 65 acres, and is situated at the mouth of the outlet of a large lake, much frequented by the sockeye salmon. It is the most prized of any of the salmon fisheries of the tribe. The land is rocky and covered

with hemlock and spruce. Apart from four houses of a very temporary character, no improvements have been made by the Indians.

No. 9 Oyees, a camping place frequented by the Indians when canoe building, is situated on the southern shore of Nitinat lake, and contains 105 acres. At the time of my visit a number of Indians were encamped here, and several canoes were in course of construction. The land is hilly and would be valueless but for the timber on it.

No. 10 Doo bah, situated on the southern shore of Nitinat lake about six miles from its head contains fourteen acres. It is a fishing station, a quantity of inferior salmon being taken yearly in the small stream that bounds the reserve.

No. 11 Ma lach an, on the south bank of Nitinat lake, about a mile from its head, contains sixty acres. Two new houses have been built here by Indians who expressed an intention to cultivate the land. The soil is gravelly. The timber on this reserve Spruce and Douglas fir, is of very fine quality.

No. 12 Il clo, situated $\frac{1}{2}$ mile south of the Nitinat river contains 75 acres. On it are six old houses and also a number of drying stages used by the Indians during the salmon fishing season. The land is of little value, being mountainous and rocky, and covered with timber of small size.

No. 13 O pat se ah, a salmon fishery at the mouth of Nitinat river contains 30 [sic] acres. The land is low, the soil poor and sandy, and partly subject to overflow.

No. 14 Wok it sas, on the right bank of the Nitinat river, is a salmon fishing station. A substantial stone weir about 4 ft. high has been built by the Indians at this place. The land is sandy and valueless but for the timber upon it. The reservation embraces 45 acres.

No. 15 Chu chum mis a po, situated on the left bank of Nitinat river about six miles from its mouth, contains eighty acres, the greater portion of which if cleared could be cultivated. It is an old salmon fishing station as evidenced by the stone weir which here crosses the river.

No. 16 Sa ouk, situated at the head of canoe navigation on the Nitinat river, contains 160 acres. Hitherto this place has been used solely as a salmon fishery but two families of Indians have recently built houses and

commenced clearing and fencing. With the exception of about forty acres the land on this reserve is rough, hilly and rocky. the timber fir, cedar, spruce and hemlock is large. From this place a trail has been constructed to the Cowichan Lake, from whence there is communication with the east coast of the island.

Two months later, on 9 March 1892, O'Reilly replied to a communication from the Superintendent General of Indian Affairs, Ottawa, concerning an omission in the Minute of Decision for Wyah Indian Reserve No. 3. O'Reilly wrote:⁴⁸

The small island referred to [in the S.G.I.A.'s letter of 4 February 1892] is a rock connected with the reserve at low water; I did not consider it necessary at the time to refer particularly to it when describing the reserve. I now however enclose herewith an amended Minute which I will thank you to substitute for that previously forwarded to you.

With regard to Reserve No. 13 for the same tribe, the sketch as sent you is correct, but by a clerical error the area is shown as 30, whereas it should read 67 acres. I enclose also an amended Minute which please substitute for that forwarded to you on the 8th January.

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Once the Minutes of Decision had been approved establishing the Indian lands, a surveyor was appointed to officially lay out the Nitinaht Reserves. Chosen for this job was E.M. Skinner.

Skinner left Victoria for the West Coast of Vancouver Island on 5 July 1892 and arrived at Carmanah Point the following day. On 7 July 1892 he commenced work laying out Carmanah Indian Reserve No. 6, and finished on 16 July 1892.⁴⁹ The reserve contained 158.5

⁴⁸ Copy of letter on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 1278. Microfilm C-13900. Copy also on file at the Indian Land Registry, DIAND, Ottawa.

⁴⁹ See Skinner's diary for July 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10,
(continued...)

acres, eighteen and a half acres more than set out by O'Reilly in his Minute of Decision. On a sketch included in his fieldnotes, Skinner indicated that most of the reserve was "useless land." He also indicated on this sketch the location of the Indian village and four grave sites along the shore.⁵⁰

Skinner next laid out the neighbouring Carmanah Point Lighthouse Reserve before moving on to his work on Indian reserves. On 25 July 1892 he arrived at Claoose Indian Reserve No. 4 and commenced work there the following day. He finished the survey on 4 August 1892.⁵¹ He described this reserve in his fieldnotes as having "poor land." Skinner determined the reserve to be 248.5 acres, eighteen and a half more acres than estimated by O'Reilly in his Minute of Decision.

⁴⁹(...continued)

Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 422. See also the official survey plan, on file at the same location, filed under BC 112 and TBC 112.

⁵⁰ There is no indication on the sketch whether these were Indian graves or the graves of ship-wrecked white sailors.

⁵¹ See Skinner's diary for July and August 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 422. See also the official survey plan, on file at the same location, filed under BC 112 and TBC 112.

On 5 August 1892 Skinner laid out the Burial Ground Reserve No. 4A, now known as Cheewat Indian Reserve No. 4A.⁵² O'Reilly estimated the acreage of the reserve in his Minute of Decision to be eight acres; Skinner laid out the reserve as having 9.3 acres.

The next day, 6 August 1892, Skinner laid out Sarque Indian Reserve No. 5.⁵³ This reserve he observed as being "lightly timbered" and having "good land." He calculated the reserve to be 25.8 acres in size, 10.8 acres more than estimated by O'Reilly. Skinner also indicated on his official survey plan the location of the stone fish weir the Nitinaht Indians had constructed across the Cheewat River, above the Sarque Indian Reserve No. 5.

On 9 August 1892, Skinner moved to Wyah Indian Reserve No. 3 and began laying out the reserve the following day. He completed the survey on 20 August 1892.⁵⁴ He described the reserve as being mostly

⁵² See Skinner's diary for August 1892; copy on file at the National Archives of Canada, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 422. See also the official survey plan, on file at the same location, filed under BC 112 and TBC 112.

⁵³ See Skinner's diary for August 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 422. See also the official survey plan, on file at the same location, filed under BC 112 and TBC 112.

⁵⁴ See Skinner's diary for August 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 422. See also the official survey plan, on file at the same location, filed under BC 112 and TBC 112.

"broken worthless land" and "heavily timbered" with "dense underbrush." He indicated on his fieldnotes sketch the location of the Indian village, and included in the survey an island in Nitinat Narrows. Skinner calculated the reserve to be 132 acres in size, three acres smaller than estimated by O'Reilly.

On 23 August 1892, Skinner moved to Tsuquanah Indian Reserve No. 2 and began work laying out the reserve two days later. He completed the survey on 1 September 1892.⁵⁵ Skinner described the reserve as being mostly "broken worthless land" with "poor cedar and hemlock" and "dense undergrowth." He calculated the reserve to be 235 acres, ten acres more than estimated by O'Reilly.

From Tsuquanah, Skinner moved to the Ahuk Indian Reserve No. 1 and began surveying on 3 September 1892. He completed the task on 10 September 1892.⁵⁶ Skinner described the reserve on his fieldnotes sketch as having "thick underwood" with "good cedar." He calculated the reserve to be 132 acres in size, twenty-seven acres more than estimated by O'Reilly.

⁵⁵ See Skinner's diary for August and September 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 422. See also the official survey plan, on file at the same location, filed under BC 112 and TBC 112.

⁵⁶ See Skinner's diary for September 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 422. See also the official survey plan, on file at the same location, filed under BC 112 and TBC 112.

On 12 September 1892, Skinner moved his camp to Iktuksasuk Indian Reserve No. 7 and commenced his survey of that reserve two days later. He completed the survey on 27 September 1892, losing several days due to wet, stormy weather.⁵⁷ Like most of the other Nitinaht Reserves, he described this reserve on his fieldnotes sketch as having mostly "broken rocky worthless land" with "dense undergrowth." Skinner calculated the reserve as having 168 acres, eighteen more acres than estimated by O'Reilly.

He next moved on to Opatseeah Indian Reserve No. 13 at the mouth of the Nitinat River, arriving on 29 September 1892. He commenced his survey the following day, completing the work on 5 October 1892.⁵⁸ He made no general comments about the reserve's terrain other than it contained "large spruce and hemlock" and "lowland." He calculated the reserve as containing seventy-one acres, four acres more than estimated by O'Reilly. Skinner's survey also shows that two islands were included with the Opatseeah Reserve, one right at the junction of Nitinat Lake and Nitinat River, the other in Nitinat River.

⁵⁷ See Skinner's diary for September 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423. See also the official survey plan, on file at the same location, filed under BC 112 and TBC 112.

⁵⁸ See Skinner's diary for September and October 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423. See also the official survey plan, on file at the same location, filed under BC 113, TBC 194, and TBC 80.

On 6 October 1892, Skinner moved to Wokitsas Indian Reserve No. 14 and began surveying the reserve the next day. He completed the job on 8 October 1892.⁵⁹ He described the reserve on his fieldnotes sketch as containing "hemlock and maple" with an "overflowed gravel bar." Skinner calculated the reserve as having forty acres, five less than estimated by O'Reilly.

Skinner was then forced to abandon the surveying of the remainder of the Nitinaht Reserves for the winter due to inclement weather. In a letter to Indian Reserve Commissioner Peter O'Reilly, dated 8 November 1892, Skinner wrote of his surveying of Wyah Reserve No. 3, Tsuquanah Reserve No. 2, and Ahuk Reserve No. 1:⁶⁰

This work occupied the months of July, August and part of September, the country being extremely rough and the underbrush and fallen timber so dense it was impossible to make much headway; in fact I have seen no portion of the province where there is such an impenetrable jungle.

The following spring, E.M. Skinner was again hired by the Indian Reserve Commission to survey Indian reserves. His first assignment was to complete the unfinished reserves of the Nitinaht Band.

Skinner left Victoria on 1 May 1893 and arrived at Carmanah Point the following morning. The next day he tried to enter Nitinat Lake, but "my boat was swamped and nearly lost in the heavy sea so common at that dangerous place."⁶¹to Oyees Indian Reserve No. 9 on 5 May

⁵⁹ See Skinner's diary for October 1892; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11012. Microfilm T-3950. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423. See also the official survey plan, on file at the same location, filed under BC 113, TBC 80, and TBC 194.

⁶⁰ Copy on file at the National Archives of Canada, Volume 11012. Microfilm T-3950.

1893. He began surveying the following day and completed the reserve on 10 May 1893.⁶² He described the terrain of the reserve on his fieldnotes sketch as being "rough ground" with "thick underwood" and containing "hemlock and cedar." He calculated the reserve as containing 104.5 acres, one-half acre less than estimated by O'Reilly.

On 11 May 1893 Skinner surveyed Doobah Indian Reserve No. 10.⁶³ This reserve he calculated to be thirteen acres in size, one acre larger than estimated by O'Reilly.

Skinner next crossed Nitinat Lake to Homitan Indian Reserve No. 8. He arrived on 12 May 1893 and commenced the survey the following day. He completed the survey on 15 May 1893.⁶⁴ He described the

⁶² See Skinner's diary for May 1893; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11013. Microfilm T-3950. Copies are also on file at the same location under RG 10, Volume 3865, File 84,541. Microfilm C-10152; and RG 10, Volume 11016. Microfilm T-3951. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423. See also the official survey plans, on file at the same location, filed under BC 112 and TBC 112.

⁶³ See Skinner's diary for May 1893; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11013. Microfilm T-3950. Copies are also on file at the same location under RG 10, Volume 3865, File 84,541. Microfilm C-10152; and RG 10, Volume 11016. Microfilm T-3951. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423. See also the official survey plans, on file at the same location, filed under BC 112 and TBC 112.

⁶⁴ See Skinner's diary for May 1893; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11013. Microfilm T-3950. Copies are also on file at the same location under RG 10, Volume 3865, File
(continued...)

reserve's terrain on the sketch in his fieldnotes as being "poor broken ground" with "hemlock, spruce & cedar." He calculated the reserve as being 50 acres in seize, fifteen acres less than estimated by O'Reilly.

Skinner crossed back over to the opposite bank of Nitinat Lake to Malachan Indian Reserve No. 11. He began his survey of the reserve on 18 May 1893 and completed the job the following day.⁶⁵ He noted on the sketch in his fieldnotes that the reserve contained "hemlock and fir of good quality[,] few cedar." He calculated the reserve as being sixty-six acres in seize, six acres larger than estimated by O'Reilly.

On 20 May 1893, Skinner left Nitinat Lake for Carmanah Point for canoes. He returned on the morning of 23 May 1893 and immediately commenced work surveying Ilclo Indian Reserve No. 12. He completed this survey on 26 May 1893.⁶⁶ He noted on the sketch in his

⁶⁴(...continued)

84,541. Microfilm C-10152; and RG 10, Volume 11016. Microfilm T-3951. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423. See also the official survey plans, on file at the same location, filed under BC 112 and TBC 112.

⁶⁵ See Skinner's diary for May 1893; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11013. Microfilm T-3950. Copies are also on file at the same location under RG 10, Volume 3865, File 84,541. Microfilm C-10152; and RG 10, Volume 11016. Microfilm T-3951. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423. See also the official survey plans, on file at the same location, filed under BC 112 and TBC 112.

⁶⁶ See Skinner's diary for May 1893; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11013. Microfilm T-3950. Copies are also on file
(continued...)

fieldnotes that the reserve's terrain was "broken and rocky" and contained "hemlock & cedar." He calculated the reserve as being seventy-seven acres in seize, two acres larger than estimated by O'Reilly.

Skinner next moved up the Nitinat River to Chuchummisapo Indian Reserve No. 15, and began surveying on 29 May 1893. He completed survey on 30 May 1893.⁶⁷ He noted on the sketch in his fieldnotes that the reserve's land was of "poor quality," but the reserve contained "large fir, spruce & cedar of good quality." His fieldnotes and the sketch also indicate the location of a salmon weir in the Nitinat River opposite the reserve. Skinner calculated the reserve as being ninety-two acres in seize, twelve acres larger than estimated by O'Reilly.

Skinner next moved up the river to Saouk Indian Reserve No. 16. He commenced his survey of this reserve on 3 June 1893 and finished

⁶⁶(...continued)

at the same location under RG 10, Volume 3865, File 84,541. Microfilm C-10152; and RG 10, Volume 11016. Microfilm T-3951. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423. See also the official survey plans, on file at the same location, filed under BC 113, TBC 80 and TBC 194.

⁶⁷ See Skinner's diary for May 1893; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11013. Microfilm T-3950. Copies are also on file at the same location under RG 10, Volume 3865, File 84,541. Microfilm C-10152; and RG 10, Volume 11016. Microfilm T-3951. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 423 and BC 424. See also the official survey plans, on file at the same location, filed under BC 113, TBC 80 and TBC 194.

on 6 June 1893.⁶⁸ He noted on his sketch in his fieldnotes that the reserve had "poor hilly land," but contained "large fir & spruce of good quality." He also noted the location of a salmon weir in the Nitinat River opposite the reserve. Skinner calculated the reserve as being 175 acres in seize, fifteen acres larger than estimated by O'Reilly.

Three weeks later, on 30 June 1893, Skinner wrote Indian Reserve Commissioner O'Reilly that he had surveyed the Nitinaht Reserves, but, due to the onset of heavy rain, needed to return to complete details on the Township line near Saouk Indian Reserve No. 16. He also noted that he needed to make a correction to his survey of Ilclo Indian Reserve No. 12. He wrote O'Reilly:⁶⁹

I was unable to reach the sections lying to the east of the Nitinat River owing to extreme high water but with your permission I propose to go in to Nitinat at the end of the Season with one man sending the rest of the party to Victoria.

I am anxious to do this as from an omission of recording an angle I am unable to position Nitinat Reserve No. 12, part of which lies in the Township survey.

Skinner returned to the Nitinat Lake district on 20 September 1893. The next day he checked the angles on Ilclo Indian Reserve No. 12. He then moved up the river, completing work on Saouk Indian Reserve No. 16 the next day. Skinner then crossed over the old Indian trail

⁶⁸ See Skinner's diary for June 1893; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11016. Microfilm T-3951. A copy of his fieldnotes, which includes a sketch of the reserve, is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under BC 424. See also the official survey plan, on file at the same location, filed under BC 113, TBC 80 and TBC 194.

⁶⁹ Copy of letter on file at the National Archives of Canada, filed under RG 10, Volume 11013. Microfilm T-3950.

to Cowichan Lake, then travelled down to Duncan and on to Victoria.⁷⁰

The following spring, on 16 May 1894, the provincial Chief Commissioner of Lands and Works, F.G. Vernon, signed his approval to the official survey plans of the Nitinaht Reserves. Copies of the plans were then sent by Indian Reserve Commissioner O'Reilly to B.C. Indian Superintendent A.W. Vowell for transmission to the Indian Agent of the West Coast Agency.⁷¹

* * *

As the surveyors were pointing out in their reports, white settlers, prospectors, traders and timber merchants were becoming interested in the Nitinat Lake district. This was part of an overall white movement to the West Coast of Vancouver Island, encouraged by cheap land and promises of road links to Victoria.

It is unknown who the first white settler in the district was, although Indian Land Commissioner Peter O'Reilly mentioned in his Minute of Decision for Claoose Reserve No. 4 that William Groves possessed an acre of land just east of the Indian village on which he had built a trading post. In 1893, David Logan started a ranch

⁷⁰ See Skinner's diary for September 1893; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11013. Microfilm T-3950. A copy of the diary for September is also on file at the same location under RG 10, Volume 3865, File 84,541. Microfilm C-10152.

⁷¹ See letter from Peter O'Reilly to A.W. Vowell, 3 July 1894; copy on file at the National Archives of Canada, Ottawa, filed under RG 10, Volume 11016. Microfilm T-3951.

on the meadows of the Cheewhat River. He bought part of Lot 527 where he too operated a store and later a post office.⁷²

Logging in the Nitinat Valley began shortly after the turn of the twentieth century, although its origins were on a small scale. For example, in 1922 it was reported that an outfit run by Messrs. Deakin and Beauchene and based at the head of Nitinat Lake had been "actively engaged in logging in this part for many years."⁷³ Logs were often sent down the Nitinat River to be boomed on the lake, and then taken out through the Nitinat Narrows. But until the 1930s this was a hazardous undertaking, for it was impossible to transport conventional booms out of the Narrows and through the bar. As will be explained below, in 1933 a rock was blasted out of the Narrows opposite Wyah Indian Reserve No. 3 allowing a passageway for specially-designed booms.

In 1918, the Nitinaht Indians voted to allow a logging operator access to the timber on three of their reserves. Davis Logging and Trading Company was allowed to log on Malachan Reserve No. 11, Ilclo Reserve No. 12, and Opatseeah Reserve No. 13.⁷⁴

Meanwhile, in 1910, the West Coast Development Company bought land across the river from Claoose Indian Reserve No. 4 as part of a plan to create "Canada's Greatest Pleasure Resort." This land was subdivided into 1000 city-size lots.⁷⁵ Brochures were published

⁷² Tony Byrne, "The West Coast Trail: A Reconnaissance," page 56; Bernice Touchie, "Report on the Settlement of Whyack Village, Vancouver Island, B.C.," page 114.

⁷³ "West Coast of Vancouver Island -- Nitinat and Clo-oose," The Daily Colonist [Victoria], (September 24, 1922): 22.

⁷⁴ Bernice Touchie, "Report on the Settlement of Whyack Village, Vancouver Island, B.C.," page 40.

⁷⁵ Tony Byrne, "The West Coast Trail: A Reconnaissance," page 56.

advertising how the company planned a hotel with 300 rooms, a 1000-acre park, golf links and tennis courts. The Carmanah River was to be harnessed for power, and roads into the area were proposed.⁷⁶ A contest was held to name this resort, and "Clovelly," after a resort on the Devon coast of England, was chosen.⁷⁷

From 1913 lots were sold at high prices to people from all over the world. By 1918 there were 250 registered owners of lots in Claoose. Land clearing began and some people lived on the subdivision. At one point, Claoose had a white population of nearly 200 people.⁷⁸ But the roads were never built into the area, and in 1919 the West Coast Development Company folded, along with the idea of a grand "pleasure resort."

One white-controlled industry that had a major impact on the native population of the Nitinat Lake district was the Lummi Bay Packing Company, a salmon-canning factory located near Wyah Indian Reserve No. 3. Built on stilts in Nitinat Lake, the cannery commenced

⁷⁶ (West Coast Development Company Ltd.), Canada's Greatest Pleasure Resort. (Victoria: The Hutcharm Co., 1913?). 31p.

⁷⁷ "West Coast of Vancouver Island -- Nitinat and Clo-oose," page 22.

⁷⁸ George Nicholson, "Clo-oose, Island Village Losing its Inhabitants," The Daily Colonist (Magazine Section), [Victoria], (November 14, 1954): 4.

operations in 1917.⁷⁹ One report states that the cannery put up about 13,000 cases of salmon a season, largely chums.⁸⁰

At this time Nitinat Lake was considered the richest chum salmon fishery on the West Coast of Vancouver Island. The passage at Nitinat Narrows meant that large catches were easily made, but after the establishment of the Lummi Bay Packing Company the population of fish was soon depleted, much of it due to waste. According to one source:⁸¹

Apparently the cannery smelled awful because of boat loads of fish waiting to be processed. Often these would rot and have to be dumped because they could not be handled.

The year after the cannery opened, a group of local white settlers petitioned the Department of Fisheries to establish a hatchery on Nitinat Lake to prevent the depletion of the salmon stock. They pointed out that the cannery was in the process of doubling its plant size to exploit local conditions. In the letter of petition to the Minister of Naval Service, who was then in charge of the

⁷⁹ See letter, Louis C.J. Matthews et al., to the Minister of Naval Services, 27 February 1918. Copy on file at the National Archives of Canada, Ottawa; filed under RG 23, Volume 692, File 713-2-258. See also file on the 1917-1918 application of the Lummi Bay Packing Company to build a dam to form a reservoir on the Wyah Indian Reserve No. 3; copy on file at the National Archives of Canada, Ottawa, RG 10, Volume 6614, File 6159-5. Microfilm C-8017. A survey plan showing both the location of the cannery, a neighbouring sawmill, and the location of the proposed dam is on file at Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under TBC 205.

⁸⁰ "West Coast of Vancouver Island -- Nitinat and Clo-oose," page 22.

⁸¹ Tony Byrne, "The West Coast Trail: A Reconnaissance," page 57.

Department of Fisheries, dated 27 February 1918, these settlers also wrote:⁸²

This matter appears to us to be of such vital importance both to the fishing industry and the welfare of the district, that we specially petition for no fishing to be allowed in Nitinat Inlet until these hatcheries are actually started upon, which we respectfully ask to be done without delay, as since fishing is on so big a scale with every mechanical device, it is of the utmost necessity to provide artificial propagation to balance the scientific methods in use.

The Department of Fisheries rejected the idea of a hatchery on Nitinat Lake, blaming any depletion of fish stocks on the local native population. In a letter to F.H. Cunningham, Chief Inspector of Fisheries, dated 5 April 1918, Edward G. Taylor, Inspector of Fisheries, wrote that there were⁸³

good natural spawning areas there, which if properly looked after and a sufficient number of salmon allowed to reach these area, there will be no danger of depletion... I believe that the cannery operating at Nitinat instead of depleting the run of salmon, will improve conditions, as the large settlement of Indians there will make their living now by working for the cannery, which, together with a strict watch kept up by the Fishery Guardian, will prevent them from carrying out their former habits of destroying salmon in streams and on the spawning beds, a habit which it was almost impossible to prevent.

The cannery was almost closed down in the mid-1920s because of a lack of fish. About 1925 the company changed its name to the Nitinat Packing Company and it lived on until 1939 when it closed down operations permanently. It was not until 1952 that the Department of Fisheries finally closed Nitinat Lake to commercial gillnet fishing. The lake was again opened to commercial fishing in 1972.

⁸² Copy of petition on file at the National Archives of Canada, RG 23, Volume 692, File 713-2-258.

⁸³ Copy of letter on file at the National Archives of Canada, Ottawa; filed under RG 23, Volume 692, File 713-2-258.

The year before the cannery ceased operations, in 1938, the Nitinat Logging Company requested of the federal Department of Public Works that a rock in the Nitinat Narrows, opposite Wyah Indian Reserve No. 3, be blasted out of the water. It was thought that the elimination of the top of the rock to ten feet below high water level would make it more convenient to float log booms through the Narrows and out into the Strait of Juan de Fuca.

The rumours that such an operation might take place led to a telegram, dated 21 July 1938, being sent by a W.E. Babcock of Claose to the Department of Fisheries. Babcock wrote:⁸⁴

IT IS BELIEVED THAT THE NITINAT LAKE LOGGING CO IS ENDEAVORING TO OBTAIN PERMISSION TO BLAST ROCK AT ENTRANCE OF NITINAT LAKE THIS PASSAGE WAY DOES NOT EXCEED EIGHTY FEET IN WIDTH AND IS THE ONLY PASSAGE WAY WHEREBY SALMON MAY ENTER THE LAKE STOP THE MARKET VALUE OF THESE SALMON MAY WELL BE ESTIMATED AT ONE HUNDRED THOUSAND DOLLARS AND THE CONCUSSION OF THREE OR FOUR TONS OF DYNAMITE MAY WELL CAUSE SERIOUS DAMAGE TO THE RUN OF SALMON AS THE BLASTING WILL TAKE PLACE VERY NEAR THE PEAK OF THE SEASON STOP IN CLOSING I MAY ASK THAT THE LIVELIHOOD OF HUNDREDS OF FISHERMEN WITH FAMILIES DEPEND ON THE PRESERVATION OF THESE SALMON STOP I TRUST THE DEPARTMENT MAY GIVE DUE CONSIDERATION BEFORE GRANTING PERMISSION TO BLAST.

The Department of Fisheries did not try to block the blasting of the rock, but instead insisted that any blasting be done only under ebb tide conditions. It was argued that this was "the most safe time from the standpoint of salmon."⁸⁵

⁸⁴ Copy of telegram on file at the National Archives of Canada, Ottawa; filed under RG 23, Volume 631, File 706-17-7.

⁸⁵ Letter from Chief Supervisor of Fisheries J.A. Motherwell to Deputy Minister W.A. Found, dated 8 August 1938; copy on file at the National Archives of Canada, filed under RG 23, Volume 631, File 706-17-7.

Although the blasting benefitted the white loggers, it reportedly had a detrimental effect on local native fishermen. One source has written:⁸⁶

This [the blasting]...was detrimental to the Whyack canoemen and fishermen. The people of Whyack say that the small projections, or points, which were blasted out, at one time enabled one to canoe through the narrows even at a swift tide. The points were also strategic points used in spear-fishing by the people.

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The Indian Reserve Commission, created in 1876, operated until 1910.⁸⁷ It allotted over 1000 reserves in the province of British Columbia. Throughout its life, the Commission was under great pressure from the Indians on one hand who wanted as much land as possible, and the province on the other who exercised a restraining influence on the size of the reserves. The procedure followed by the Commission was to submit a Minute of Decision describing a proposed reserve to the provincial Chief Commissioner of Lands and Works. The Chief Commissioner then approved or rejected the allotment. Approved reserves were subsequently surveyed and the survey plan was signed by the Chief Commissioner and the Indian Reserve Commissioner. No future action by the provincial government, in the shape of an Order in Council or notice in the

⁸⁶ Bernice Touchie, "Report on the Settlement of Whyack Village, Vancouver Island, B.C.," page 40.

⁸⁷ As explained above, a Joint Commission, consisting of three members, operated from 1876 to the end of 1877. A lone Indian Reserve Commissioner, Gilbert M. Sproat, carried on until early 1880 when he resigned. Peter O'Reilly was appointed to replace Sproat, and he continued in the job until his retirement in February 1898. The federal Indian Superintendent for B.C., A.W. Vowell, took on the additional responsibility of Indian Reserve Commissioner until he retired in 1910. The position was abolished at that time.

British Columbia Gazette, was taken to give legal recognition to the Indian reserves.

The active work of the Indian Reserve Commission came to a halt in 1908 because of friction between the Liberal government in Ottawa and the Conservative government in Victoria. Among the areas of friction were the questions of Indian title to the land and the province's reversionary interest in reserve lands.

In the general election of 1911, the Liberal government was replaced by the Borden Conservatives who were more receptive to the Conservative government of Richard McBride in Victoria. In order to hasten the process of resolving the stormy issue of the Indian Land Question, the federal government appointed Dr. J.A.J. McKenna as Special Commissioner in May 1912 to investigate the questions at issue and to represent Ottawa in negotiating a settlement with British Columbia. Four months later, on 24 September 1912, the Special Commissioner and the Premier signed a document, now known as the "McKenna-McBride Agreement," establishing a five-man Royal Commission to investigate and report on Indian lands in the province.⁸⁸

The Royal Commission was given the power to adjust reserve acreage by reducing the size where the Commissioners deemed the Indians had more land than needed, to determine the area to be added in cases where Bands had insufficient land, and to set aside reserves for Bands that had not yet received any. The Commissioners were also authorized by a separate federal Order in Council of June 1913 to gather information on issues which, although extraneous to the terms of the McKenna-McBride Agreement, were nevertheless considered to effect the rights and interests of the Indian

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A copy of the McKenna-McBride Agreement is on file at the National Archives of Canada, Ottawa; filed under RG 2/1, 3 February 1930. Order in Council P.C. 208.

population. From 1913 to 1916 the Royal Commission travelled the province compiling their evidence.

On 7 May 1914, the Royal Commission met with the Nitinaht Band at Claoose Indian Reserve No. 4. The first witness to be heard was Captain Joe, described as "the old Chief" of the Band. He pointed out that his major complaint was the depletion of fish stocks in his district. He told the Commissioners:⁸⁹

There used to be lots of halibut out here off the banks, and the American schooners have been going out there right along and have been getting rid of all the fish that used to be out there; and still the Japanese come closer into the shore... The Indians do not get enough Halibut; the depredations by the Americans and Japs are cutting down the number of fish which we used to catch. You will now see the two rivers from which we get our living -- the Chawheet [sic; the Cheewhat] and the Homitan [Hobiton]. The rivers are not big enough. There is just room enough for the Indians. We want to get authority from the government to stop whitemen from fishing there.

The Chief maintained that whites were starting to fish on the rivers, and he feared that if this action continued, given their avaricious appetite, the salmon stocks would soon be wiped out. The Commissioners suggested he complain to the Indian Agent.

The next witness called was George Tait. He explained that the Nitinaht Band were fishermen, depending on halibut and cod and the salmon caught in the rivers that passed through and beside the reserves. The Band owned four gasoline and four sail boats, aside from their canoes. Small quantities of vegetables were grown on a few of the reserves, and a few pigs were raised on one of the reserves. It was noted in the transcript:

⁸⁹ Copy of the Royal Commission evidence is on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 11025, File AH13. Microfilm T-3964. A copy of the evidence is also included in an appendix to Bernice Touchie, "Report on the Settlement of Whyack Village, Vancouver Island, B.C."

At these various fishing stations [reserves] while some members of the tribe have individual houses, the fishing rights in the season at these stations are shared by the Tribe in common or are allotted to certain families in each of the several localities by agreement of the Tribe.

The question of more land for the Nitinaht Indians was raised during the interview of witness Jimmie Chester. He was asked by one of the Commissioners if he knew of a place called "Zukaous." Chester replied that it was a five-acre halibut fishing station Northwest of Nitinat. The Commission was told by a white witness that the land had been "crown granted to private parties." There was also mention of another spot that the Indians wished to own, a ten-acre plot called "Klanawah." It too was "crown granted to private parties."

The formal request for more land by the Nitinaht Indians dated back a decade, to the days when the Indian Reserve Commission still functioned. In a letter dated 29 July 1904, West Coast Indian Agent A.W. Neill wrote Indian Reserve Commissioner A.W. Vowell that:⁹⁰

...the Nitinat band of Indians have several time requested me to lay before you their desire to have a small reserve set aside for them. As a rule I have discouraged demands of this kind seeing the liberal areas they already hold & the reluctance of the local Govt. to set aside further reserves. However in this case I think the conditions might justify the consideration of their request.

Neill described the reserve as being an approximately two-acre plot which the Indians had used "from time immemorial" as a base and camp ground from which they launched their excursions onto the halibut fishing banks. There was fear that whites might pre-empt the land and deny the Indians any landing rights. Neill wrote:

Its location is hard to describe owing to the unsurveyed & uninhabited condition of that part of the coast. It is called Zu-kou-is by the Indians but has no white name. It seems to be 10 or 8 miles west of the Nitinat river

⁹⁰ A copy of this letter is on file at the Indian Land Registry, DIAND, Ottawa.

& two or three miles west of the Clanewah river as shewn on the chart in this office which is an Admiralty one dated 1861.

Five days later, Vowell sent a copy of Indian Agent Neill's letter to the Deputy Commissioner of Lands and Works in Victoria.⁹¹ He requested that "no pre-emption of this land be granted until I have an opportunity of visiting it." On 29 August 1904, Vowell wrote Indian Agent Neill that the Deputy Commissioner of Lands and Works⁹²

...informs me that the locality of the land is so indefinitely described in your letter that it is impossible to define its position on the maps with sufficient precision to guard against its disposal by the Provincial Government. If you will furnish me with a plan showing the position of the land in question the matter will again be brought to the Commissioners notice.

No other correspondence from Indian Agent Neill on this topic could be found at this time. Presumably Indian Agent Neill never sent a plan showing the location of the camp.

Three years later, in January 1907, Indian Reserve Commissioner Vowell put together a list showing "(a)dditional reserves required for bands whose present allotments are not sufficient for their requirements."⁹³ Under "Nitinat" he wrote: "Additional fishing station asked for."

Prior to their visiting the Nitinaht Band in 1914, the Secretary of the Royal Commission on Indian Affairs wrote the provincial Deputy Minister of Lands for the status of lands requested by

⁹¹ Copy of letter on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 1281. Microfilm C-13901.

⁹² Copy of letter on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 1281. Microfilm C-13901.

⁹³ A copy of the list is on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 11023, File 604. Microfilm T-3960.

various Bands in the West Coast Agency. Included on this list was the "Zukaous fishery station" requested by the Nitinaht Band. On 4 May 1914, three days before the Royal Commission arrived at Claoose Indian Reserve to meet with the Nitinahts, the Deputy Minister of Lands sent the Secretary of the Royal Commission the following status report concerning Zukaous:⁹⁴ "Not sufficient information given to locate."

The following year, on 20 April 1915, Indian Agent C.A. Cox was requested by the Royal Commission to locate the Zukaous site requested by the Nitinaht Band. A week later, on 27 April 1915, Cox replied:⁹⁵ "...I will be leaving for the Coast, May 1st, and as the Indians are now at home, I will be able to locate the land mentioned in your letter." No other correspondence on this topic could be found at this time in the National Archives of Canada. However, when the Royal Commission on Indian Affairs published its report in 1916, it wrote that the "Zukaous" site had been "alienated", presumably by whites. The decision of the Royal Commission was that the request of the Nitinaht Band was "(n)ot entertained, land applied for not being available."⁹⁶ The same decision was made by the Royal Commission for the "Klanawah" site.

While the Royal Commission on Indian Affairs did not add to the existing Nitinaht Reserves, it did allow the decrease of one of their properties. In 1914, the Canadian Northern Pacific Railway requested of the Department of Indian Affairs that a right-of-way

⁹⁴ Copy of letter on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 11021, File 535B. Microfilm T-3958.

⁹⁵ A copy of the letter is on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 11021, File 535B. Microfilm T-3958.

⁹⁶ British Columbia. Report of the Royal Commission on Indian Affairs for the Province of British Columbia. Victoria: Acme Press, 1916.

of 3.4 acres be granted the company through Chuchummisapo Indian Reserve No. 15, which borders on the Nitinat River. The Department of Indian Affairs turned the request over to the Royal Commission.

The Royal Commission sent duplicate copies of the plans filed by the railway company to the provincial Minister of Railways, seeking his approval. On 21 October 1914, the Chief Engineer of the Ministry of Railways, F.C. Gamble, replied to the Royal Commission as follows:⁹⁷

...the location as shown on these duplicate plans corresponds exactly with the location shown on the plan sanctioned by the Minister. There is a difference, however, in the width of right-of-way immediately adjoining the river and extending from the bank of the river out to mid-stream where one hundred feet on each side of the centre line is shown.

There is no doubt that the extra width of 50' on the south side of the railway adjoining the river banks is necessary in connection with the construction of the road, but I do not think it desirable that the railway company should be given proprietary rights in the bed of the stream, as shown on the plan submitted by the Company, as it is not required in connection with construction.

I have spoken to Mr. D.O. Lewis, District Engineer of the Company, and he is quite willing that the portion shown in red extending to the middle of the stream shall be omitted.

The Royal Commission accepted the Ministry of Railways' suggestion and exempted the bed of the Nitinat River from the request of the railway company. The right-of-way, excluding any proprietary rights in the bed of the Nitinat River, was requested of the Governor General in Council and the Lieutenant Governor of British Columbia in Council in the Royal Commission on Indian Affairs' "Interim

⁹⁷ Copy of letter on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 4080, File 468,514. Microfilm C-10184.

Report No. 53," dated 22 October 1914.⁹⁸ Chuchummisapo Indian Reserve No. 15 was subsequently reduced by three acres for the right-of-way.

The Royal Commission on Indian Affairs passed its Minutes of Decision for the Nitinat Reserves on 9 July 1914. These Minutes read:⁹⁹

West Coast Agency -- Nitinat Tribe

Ordered: That the Indian Reserves of the Nitinat Tribe, numbered from One (1) to Sixteen (16), both inclusive, as described in the Official Schedule of Indian Reserves, 1913, BE CONFIRMED as now fixed and determined and shewn on the Official Plans of Survey, viz.:

- No. 1 -- Ahuk, 132 acres;
- No. 2 -- Tsuquanah, 235.00 acres;
- No. 3 -- Wyah, 132.00 acres;
- No. 4 -- Cla-oose, 248.50 acres;
- No. 4_a -- Burial Ground, 9.30 acres;
- No. 5 -- Sarque, 25.80 acres;
- No. 6 -- Carmanah, 158.50 acres;
- No. 7 -- Iktuksasuk, 168.00 acres;
- No. 8 -- Homitan, 50.00 acres;
- No. 9 -- Oyees, 104.50 acres;
- No. 10 -- Doobah, 13.00 acres;
- No. 11 -- Malachan, 66.00 acres;
- No. 12 -- Ilclo, 77.00 acres;
- No. 13 -- Opatseeah, 71.00 acres;
- No. 14 -- Wokitsas, 40.00 acres;
- No. 15 -- Chuchummisapo, 89.00 acres, and
- No. 16 -- Saouk, 175 acres.

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⁹⁸ A copy of the "Interim Report" is on file at the National Archives of Canada, Ottawa; filed under RG 10, Volume 4080, File 468,514. Microfilm C-10184.

⁹⁹ The Minutes of Decision are found in: British Columbia, Report of the Royal Commission on Indian Affairs for the Province of British Columbia, pages 901-902.

The Report of the Royal Commission on Indian Affairs for the Province of British Columbia was submitted to the Secretary of State on 30 June 1916. Legislation was passed by both the federal and provincial governments to create the proper statutory authority to deal with the report's recommendations. The legislation of both governments called for the appointment of officers to consider the report and make recommendations which would lead to the final settlement and allotment of Indian reserves in British Columbia.

The officers chosen to review the Royal Commission's report were W.E. Ditchburn, Chief Inspector of Indian Agencies, and Major J.W. Clark, Superintendent of British Columbia's Immigration Branch. They commenced their work in 1920 and completed the job in early 1923.

Ditchburn and Clark found a few inaccuracies in the Royal Commission report with respect to the acreage and descriptions of some British Columbia reserves. These mistakes were corrected. It was also decided that those parts of reserves which were to be cut-off because the Royal Commission deemed that the native inhabitants had more land than needed would be sold, with half the proceeds going to the Indian Bands involved and half to the Province of British Columbia. Corrections were made to the acreage of two of the Nitinaht Band's reserves. Claoose Indian Reserve No. 4, listed in the Royal Commission's Minute of Decision [and in E.M. Skinner's 1892 survey fieldnotes and plan] as 248.50 acres, was reduced to 247.50 acres. Chuchummisapo Indian Reserve No. 15, which was reduced because of the railway right-of-way through it, was changed from 89 acres in the original Minute of Decision to 89.73 acres. None of the Nitinaht Reserves were subjected to cut-offs.

Fifteen years later, the Indian reserves in British Columbia lying outside the Railway Belt and the Peace River block were transferred to Canada by B.C. Order in Council 1036 of 29 July 1938. After

twenty-six years, the terms of the McKenna-McBride Agreement were finally fulfilled. In all, 1,219 reserves were conveyed to Crown Canada in trust, for the use and benefit of British Columbia Indians. Among the reserves transferred were the seventeen belonging to the Nitinaht Band. The description of the Nitinaht Reserves as outlined in B.C. Order in Council 1036 reads as follows:

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| Ahuk No. 1 | Barclay District, on the eastern shore of Tsusiat Lake, about 3½ miles northwest of the outlet of Nitinat Lagoon. 132 acres. |
| Tsuquanah No. 2 | Barclay District, on the seacoast about one mile west of the outlet of Nitinat Lagoon. 235 acres. |
| Wyah No. 3 | Renfrew District, on the eastern shore of the outlet of Nitinat Lagoon. 132 acres. |
| Cla-oose No. 4 | Renfrew District, at the mouth of Cheewhat River, on its right bank. 247.50 acres. |
| Burial Ground No. 4A | Renfrew District, on the left bank of the Cheewhat River, at its mouth. 9.30 acres. |
| Sarque No. 5 | Renfrew District, on the right bank of the Cheewhat River, 2 miles from its mouth. 25.80 acres. |
| Carmanah No. 6 | Renfrew District, adjoining the Carmanah Point lighthouse reserve on the east. 158.50 acres. |
| Iktuksasuk No. 7 | Barclay District, on the northern shore of Nitinat Lagoon, 1 mile from its outlet. 168 acres. |
| Homitan No. 8 | Barclay District, on the northern shore of Nitinat Lagoon, 4½ miles from its head. 50 acres. |

Oyees No. 9	Renfrew District, on the southern shore of Nitinat Lagoon, 5 miles from its outlet. 104.50 acres.
Doobah No. 10	Renfrew District, on the southern shore of Nitinat lagoon, 6 miles from its head. 13 acres.
Malachan No. 11	Renfrew District, on the southern shore of Nitinat Lagoon, 1 mile from its head. 66 acres.
Ilclo No. 12	Barclay District, near the mouth of Nitinat River. 77 acres.
Opatseeah No. 13	Renfrew District, at the mouth of Nitinat River includes three islands. 71 acres.
Wokitsas No. 14	Barclay District, on the right bank of Nitinat River, 1½ miles from its mouth. 40 acres.
Chuchummisapo No. 15	Renfrew District, on the left bank of Nitinat River, 4½ miles from its mouth. 89.73 acres.
Saouk No. 16	Barclay District, on the right bank of Nitinat River, 7 miles from its mouth. 175 acres.

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In the 1970s, the Nitinaht Band moved its permanent homes from Wyah Indian Reserve No. 3 and Claoose Indian Reserve No. 4 to Malachan Indian Reserve No. 11, at the head of Nitinat Lake. This gave Band members access to roads leading to the "outside" world. In October and November 1976, the Malachan Reserve was divided

into thirty lots, each containing approximately twenty to thirty acres.¹⁰⁰

In the 1980s, the exterior rectilinear boundaries of many of the other Nitinaht Reserves were also re-surveyed. These include Chuchummisapo Indian Reserve No. 15 in 1981¹⁰¹; Saouk Indian Reserve No. 16, also resurveyed in 1981;¹⁰² Wyah Indian Reserve No. 3, resurveyed in 1982;¹⁰³ Claoose Indian Reserve No. 4 and Cheewat Indian Reserve No. 4A, resurveyed in 1983;¹⁰⁴ Opatseeah Indian Reserve No. 13, resurveyed in 1984;¹⁰⁵ Carmanah Indian Reserve No. 6, resurveyed in 1986;¹⁰⁶ Ilclo Indian Reserve No. 12, resurveyed

¹⁰⁰ See survey plan of the sub-division, on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 61817 and dated 8 March 1977.

¹⁰¹ Copy of survey plan on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 68869.

¹⁰² Copy of survey plan on file at Surveys and Mapping Branch, Legal Surveys Division, Energy Mines and Resources Canada, Ottawa; filed under 67634.

¹⁰³ Copy of survey plan on file at Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 68846.

¹⁰⁴ Copy of survey plan on file at Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 68875.

¹⁰⁵ Copy of survey plan on file at Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 69627.

¹⁰⁶ Copy of survey plans on file at Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 71484 and F.B. 33581.

in 1987;¹⁰⁷ Doobah Indian Reserve No. 10, also resurveyed in 1987;¹⁰⁸ and Iktuksasuk Indian Reserve No. 7, also resurveyed in 1987.¹⁰⁹

The instructions given to Surveyor R.A.H. Mortimer, who resurveyed the exterior boundaries of Opatseeah Indian Reserve No. 13 from 15 May to 17 July 1984 reads as follows:¹¹⁰

These instructions are for the resurvey of the rectilinear (east) boundary of the reserve and the resurvey of the natural boundaries of the reserve. The present natural Boundary (ordinary high water mark) should be located and depicted as such on your plan. The original natural boundary of the reserve should also be distinctly shown on your plan. Particular attention should be paid to determining if part of the lands originally included in the reserve are north or west of the present river channel. Your returns should include an extensive report on any changes in the location of the Nitinat River and how these changes affected the reserve boundaries.

If you determine that part of the reserve is north or west of the present river channel, that portion should be monumented such that it can be readily located on the ground.

No "extensive report" on changes in the location of the Nitinat River, as requested of Surveyor Mortimer, was included in the files supplied for this narrative by the Land Entitlement Section, Lands, Revenues and Trusts, DIAND, Ottawa. However, the original and

¹⁰⁷ Copy of survey plan on file at Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 71740.

¹⁰⁸ Copy of survey plan on file at Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 71739.

¹⁰⁹ Copy of survey plan on file at Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 71597.

¹¹⁰ Copy of instructions on file at DIAND, Ottawa; filed under E5673-06901.

present "O.H.W.M." [Ordinary High Water Mark] are drawn on the resurvey plan Surveyor Mortimer submitted.¹¹¹

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On 2 April 1969, the British Columbia Legislature passed the West Coast National Park Act, setting in motion the bureaucratic process of establishing a national park on the Southwest Coast of Vancouver Island. After twenty years of negotiation and wrangling between the provincial government, the federal government, logging companies and environmentalists, the Pacific Rim National Park was officially created in the autumn of 1989. Under the agreement creating this park, 21,000 hectares of land were turned over to the federal government by the province for \$25 million.¹¹²

The Pacific Rim National Park covers an area of 513 square kilometres of land and sea. Its boundaries take in the Broken Group Islands in Barkley Sound, Long Beach, the Nitinat Triangle and a picnic area on Kennedy Lake. Within the boundaries but separate from the park are eleven Nitinaht Band reserves. These reserves are: Ahuk Reserve No. 1, Tsuquanah Reserve No. 2, Wyah Reserve No. 3, Claoose Reserve No. 4, Cheewat Reserve No. 4A, Sarque Reserve No. 5, Carmanah Reserve No. 6, Iktuksasuk Reserve No. 7, Homitan Reserve No. 8, Oyees Reserve No. 9, and Doobah Reserve No. 10.

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¹¹¹ A copy of the resurvey plan is on file at the Surveys and Mapping Branch, Legal Surveys Division, Energy, Mines and Resources Canada, Ottawa; filed under 69627.

¹¹² Bruce Obee, "Hiking the West Coast Trail," Canadian Geographic, Volume 109, No. 5 (October/November 1989): 22. See also: (The Sierra Club of British Columbia), The West Coast Trail and Nitinat Lakes: A Trail Guide by the Sierra Club of British Columbia. Vancouver: Douglas & McIntyre, 1985.

CONCLUSION

Based on historical documentation found to date, it would appear that Nitinat Lake is navigable, although there is a treacherous section through the Narrows between the lake and the Strait of Juan de Fuca. However, even this is passable for experienced and careful canoeists.¹¹³ Historically, Nitinaht Indians ran their canoes through the Narrows, and tug-boats pulled specially-designed timber booms through this point. Nitinat Lake is also tidal. The sealoch surface of this body of water is below the high-tide level of the Pacific Ocean, and sea water flows over a shallow sill twice daily into the twenty-three kilometre lagoon.

Nitinat River, at the head of Nitinat Lake, is also navigable throughout most of its course, although there are two obstructions on the waterway. At the sixteen-kilometre point from Nitinat Lake, the river enters a 630-metre canyon that has a series of four falls, two to three metres in height. At the twenty-nine kilometre mark, there is a four and a half metre waterfall.

Historical documents indicate that the river was canoed. Robert Brown, leader of the 1864 Vancouver Island Exploring Expedition, travelled down the river in a leaky "borrowed" Indian canoe. He portaged one of the canyons, probably at the twenty-nine kilometre mark, and apparently ran the second set of rapids at the sixteen-kilometre mark. Twenty-six years later, in 1892, Indian Reserve Commissioner Peter O'Reilly reported that he ascended the Nitinat River for ten miles [approximately sixteen kilometres] when laying out the Indian reserves for the Nitinaht Band.

¹¹³ See (Sierra Club of British Columbia). The West Coast Trail and Nitinat Lakes. Pages 57-58.

The Nitinat River is also reported to be tidal for 500 metres from its mouth. This information was conveyed by a local Department of Fisheries and Oceans official in Port Alberni, British Columbia, and appears to be confirmed by Robert Brown who reported in 1864 that:

All day long did we sweep down the swift [Nitinat] river...until, as the sun was setting, we found the downward current stemmed by an upward one, and the river debouching in a large lake or inlet of the sea...

There are six other waterways that are relevant to this report. Unfortunately, information on the navigability of only two could be found at this time. Hobiton River is said to be knee-deep during the summer months, allowing a canoe to be lined up. According to one source:¹¹⁴

The Hobiton River is an extremely interesting river to view and wade. The lower reach is fast moving with many rapids flowing around and over large, moss-covered boulders. The middle section runs shallow, over a small-pebble bottom...

Lining a canoe up Hobiton River is easy in April, June, late August, September and October. Prior to the spring months and after the fall months, rain storms make the river flow like a torrent. In summer, July through August, depending on the rain, the river may get too shallow to line a canoe; on the otherhand, the occasional rain through-out the summer will keep the river knee-deep, ideal for lining.

No information is given on the tidal influence on Hobiton River.

Tsusiat Lake is also said to be navigable. The Sierra Club of British Columbia includes this five kilometre-long lake on its canoe routes of the West Coast Trail and Nitinat Triangle

¹¹⁴ "The Nitinat Study: A Research Project Concerning the Nitinat Triangle Region on Vancouver Island." Unpublished manuscript, 1972. Page 22. Copy on file at the University of Windsor, Windsor, Ontario.

district.¹¹⁵ Tsusiat Lake flows into Tsusiat River, which is said to be "potentially navigable."¹¹⁶ The difficulty with the Tsusiat River in terms of canoeing, aside from the occasional fallen tree across the stream, is that it terminates abruptly in an eighteen metre drop into the Strait of Juan de Fuca. It is conceivable that a canoeist, especially at high water, could get swept over the falls.

The Nitinaht Indians, whose empire once dominated the southern portion of Vancouver Island, now have seventeen reserves in the Nitinat Lake district. These reserves were sanctioned by Minutes of Decision issued by Indian Reserve Commissioner Peter O'Reilly on 7 August 1890. The reserves were laid out by Surveyor E.M. Skinner between 1892 and 1893, and his survey plans were given the signature of approval of O'Reilly and the provincial Chief Commissioner of Lands and Works, F.G. Vernon, on 16 May 1894.

Despite these approvals, no other action by the provincial government was taken to legally recognize the Nitinaht or any other Indian reserves in British Columbia. After years of bureaucratic friction, it was finally decided in 1913 to form a federal-provincial Royal Commission to investigate Indian affairs in the province, with the hope of finally resolving the "Indian Land Question."

The Royal Commission on Indian Affairs for the Province of British Columbia visited all the Bands in the province, and met with the Nitinaths on 7 May 1914. The chief concern expressed to the Commissioners by the Nitinaht Indians was the depletion of the fish

¹¹⁵ (Sierra Club of British Columbia). West Coast Trail and Nitinat Lakes: A Trail Guide by the Sierra Club of British Columbia. Pages 57.

¹¹⁶ "The Nitinat Study: A Research Project Concerning the Nitinat Triangle Region of Vancouver Island," page 23.

stocks, especially halibut, cod and salmon. The Indians charged that foreign commercial fishermen, especially Americans and Japanese, were depleting the halibut and cod stock off the banks near their reserves fronting on the Strait of Juan de Fuca. Whitemen, they charged, were also depleting the salmon stocks in the rivers flowing into Nitinat Lake. The only solution the Commissioners could suggest to the Nitinaht Indians was that they lodge a complaint with their Indian Agent.

The Royal Commission on Indian Affairs passed its Minutes of Decision for the seventeen Nitinaht Reserves on 9 July 1914. Fifteen years later, all Indian reserves in British Columbia lying outside the Railway Belt and the Peace River block were transferred to Crown Canada by British Columbia Order in Council 1036 of 29 July 1938. Included in this transfer were the seventeen Nitinath Reserves.

Meanwhile, in 1917, a cannery was opened on Nitinat Lake near Wyah Indian Reserve No. 3 that had a devastating effect on the salmon stocks of the district. Despite the warnings of the Indians to the Royal Commission three years earlier, and a petition by local whites who feared the cannery would deplete the salmon stocks in the lake, the Department of Fisheries ignored the warning. In fact, the Department stated that any threat to the salmon stocks was caused by the Nitinaht Indians, and the cannery would probably be beneficial to overall conservation in Nitinat Lake.

Within ten years, the cannery was almost closed down because of the lack of fish. It lived on until 1939 when it closed down operations permanently. In 1952, the Department of Fisheries finally closed Nitinat Lake to commercial gillnet fishing to allow stocks to replenish. The lake was again opened to commercial fishing in 1972.