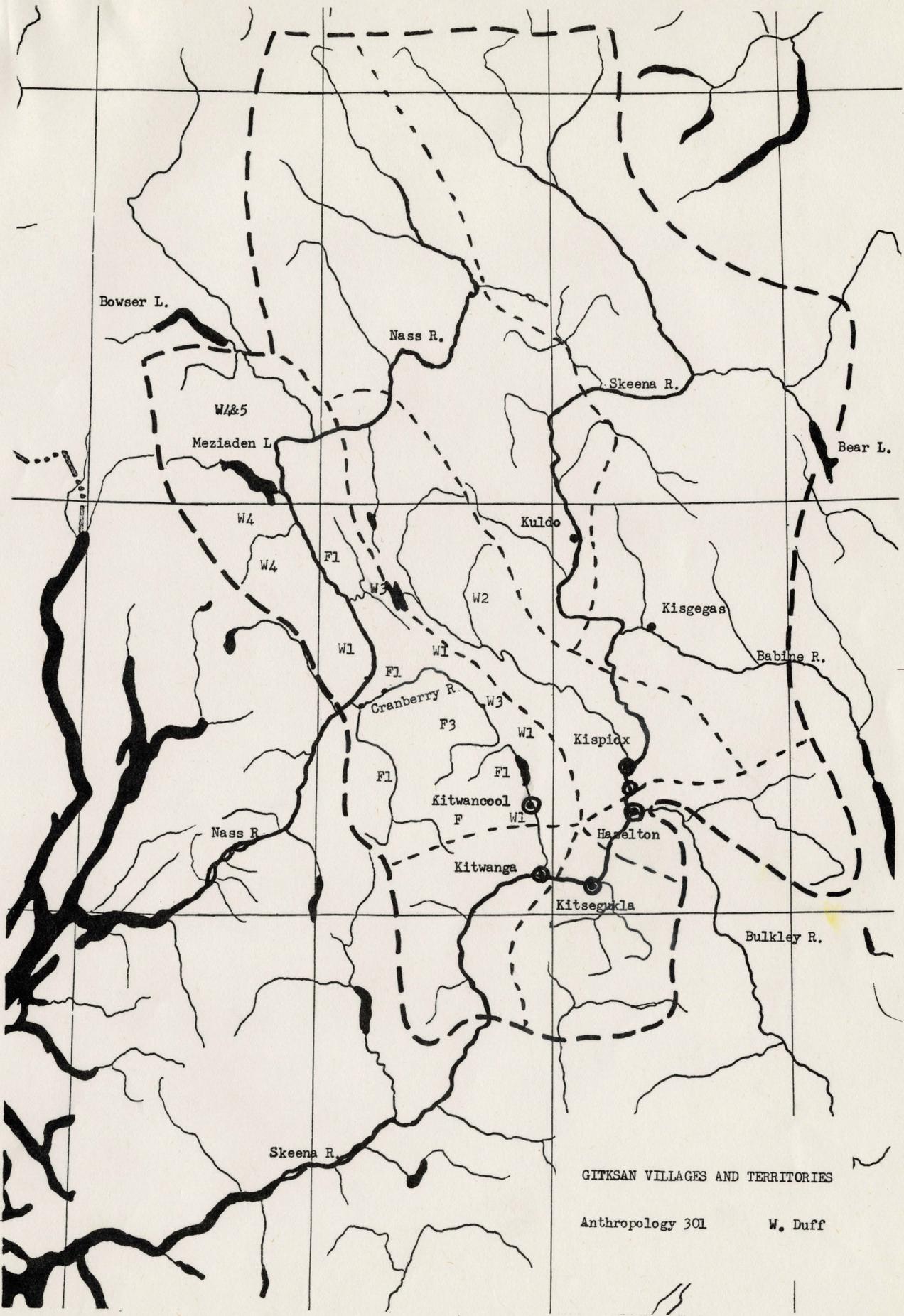


Nov 8 '71

KITWANCOOL SOCIAL ORGANIZATION & LANDS

1. Hand out Maps.
 2. Draw on blackboard: Map Village
 3. Friday - IAC meeting, Row West?
- everybody see movie? Feelings on Land.
 4. Wednesday - History of Kitwancool protest.
Today, as per agreement - (Book)
History, Territory, Laws of the Kitwancool
- follow Map Gitksan notes p. ①



GITKSAN VILLAGES AND TERRITORIES

Anthropology 301

W. Duff

301-1- $\frac{71}{72}$ Nov 10 '71

Wednesday

KITWANCOOL

TAPE and SLIDES

- Maps

- No class Friday - (Lecro project in office)

Kitwancool Social Structure and Territories

View 1957
1910

1. Hargimay W3 pole & crest
pole, crest, tradition, territory, song

Hargimay house
bear crest

2 F3 Welp's Suno

Flying Frog -
pole
helmet



3 Names

General view

4 Songs

1962 views

People -

Peter Wms.

Tape

5 Prov. Museum

FM - poles in glasshouse

6 1970 Kitwancool views

Skene Totem Restoration

Songs - dudge songs

lem / xoy
song cry

"Historical songs" - are part of traditions, like crest
sung whenever crest was displayed.

Tape - 1960

000 - where tape takes hold

Peter Williams

274 intros in Kutchkan
315 - English

P. Williams

345

424 tsem 'an lu sgeks

Polis

where water seeps into footprints

Occasion - when fled old home, looked back
sang in sorrow.

"My thoughts are of Tsemanlu sgeks, our old home"

sample

480
487

Nel ganks

512

sister kidnapped by Frog chief
Drowned lake; as she rose she
sang, and gave it to her brother.

Gitksan names (naming system)

Each ^{house} owned a stock of names Eg wilps lohon Kowancob. F2

- ¹⁹²⁴ Barbican collected 62 belonging to F2 ^{Bicycle} _{1924 season}

- Boys
Girls
mens
Womens } names

A person had a series - baby
- boy
- adult
- chief

Mention 2 kinds

1. Goss-phroatric / children → adult names

lu x on
in eat salmon

lu | x | o'nam tsam kan lo' f xskiik
in eating salmon in where nest Eagle

Eagle eating salmon in its nest [Indicates father's phroatry]

Frog claw name
F3 Guno
"Sunbeams"
MS

ni'g'wanks "on sunbeam" (on the fin of the Killer Whale)
sunbeam glinting on the fin of the Killer Whale
(on the white head of Eagle)

Conjure up images Eg little frog (ever as a child watched little frogs)

- tax y'ens long → "in around leaves" (the little frog)
around leaves from

Frog amidst fallen leaves in water at edge of pool

- lu txal dao little frog frozen against the bottom of the pool
in against frog

- tsam gwanks In spring bright when into the frog
in spring (frog sitting in shaft of sunlight in spring of water)

Michael Inspring Bright. of Bryanek

Sensitive, poetic people.

2. One kind of mask names (maxno or "spirit" names)
Halait

"Deaf" figure with fan-like ears, dances around, ears flapping, "listening" to guests

Gwene

"Begging" Guno (Mask) went around house begging, then gave gifts worth twice the amount.

"Propped up"

"Man with burnt face" (Mask)

"Concerted women" (Mask)

Explains all sorts of realistic portrait masks, figures, props
one of main kinds of Betkain performances. (in museums)

W2 Mah-ley 'like crazy man'

W1 Gwasslam 'lend me your shambone'

F1 Gamlatyeltku 'walking to and fro.'

pantomime
dramatize

NISHGA CASE: B.C. COURT OF APPEAL

A brief summary of the judgments of Justices Davey, Tysoe and MacLean
May 7, 1970

The Nishga ask for a declaration that their aboriginal title to their tribal territories has not been extinguished. Such a declaration would embody two assumptions: (1) that an aboriginal title enforceable in the courts had existed, and (2) that it had never been extinguished (MacLean).

Each case involving aboriginal title has to be considered in its own historical background and on its own particular facts. The buying of native rights is not a principle embodied in the laws binding this Court (Davey). Indian title cannot be recognized in the courts unless it has previously been recognized by the legislative or executive branch of the Government (Tysoe). The Nishga would have to establish that the Crown ensured to them aboriginal rights enforceable in the courts (Davey). There has been no recognition of Indian title in B.C. which has statutory force (Tysoe). If a wrong was done in the course of taking sovereignty, it is not a wrong that the courts can consider. Rights held before cession, and even rights stipulated in a treaty of cession, cannot be enforced in the courts unless the Government incorporates these rights in the law. Even treaties have to be sanctioned by legislation (Tysoe).

The Royal Proclamation of 1763 has never applied to B.C. (unanimous).

If Indian title ever existed in law, it was only a right of occupancy, not ownership (MacLean). It cannot be said to have been anything more than a personal and usufructuary right dependent on the goodwill of the Sovereign (Tysoe). The exclusive authority to extinguish it rested in the Government, and it could do so at pleasure, in whatever manner it chose, without the consent of the Indians and without any legal obligation to pay compensation (Tysoe, MacLean). The sovereign authority over the area from 1858 to 1871 was the Colony of British Columbia. Extinguishment was a matter of policy, and the policies could differ in different colonies. Governor Douglas made the Vancouver Island treaties not because he recognized an Indian title, but because of considerations of policy (Davey). Mere policy regarding the Indians, and their statutory rights, are different things (Tysoe). Extinguishment raises political, not justiciable issues. Aboriginal title affords the Indians no claim recognizable in a court of law (MacLean).

The policy evolved in the Colony of B.C. on the basis of correspondence with London was to set apart reserves, with the intention of settling the Indians permanently in villages. This policy necessarily involved the extinguishment of Indian title. As a result of the proclamations and legislation, Indians became in law trespassers on lands other than reserve lands (Tysoe). The policy was not to pay in money for the surrender of lands. No colonial legislation recognized Indian title; the opposite was the case. The legislation left no room for a conflicting interest such as Indian title (MacLean). "Actions speak louder than words", the execution of the policy extinguished any Indian title (Tysoe). Article 13 of the Terms of Union was duly carried out: a great many reserves were set apart (Tysoe).

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301-1-

3 Nov '71

TACTICS OF PROTEST
(KITWANCOOL)

Movie Friday - come early 1:20 - 1:25

first of a few on Kitwancool

PA Simpson capitulated - Kitwancool have fought - protest

Tactics of protest & effectiveness

5 incidents.

1. 1888 Kitwancool Jim

Barbeau Downfall of Ten
Kamalanuk

2. 1912 Surveyor

1915 Reserve Commission - we don't want little reserves

3. 1924 Timber Cruiser

1924 Barbeau

4. 1927 Reserve Survey

1949 Casuar

5. 1957-8 Provincial Museum

Wanting to take poles!

Conditions. Notarized agreement

The Book - Educate them

6. Nishga Case

Kitwancool Land Dispute