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KEY EVENTS IN THE GITKSAN ENCOUNTER WITH THE COLONIAL WORLD

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Before written history

The true histories of the Gitksan, their adaox, place them within their traditional territories from the beginning of their existence as a people. These histories are the property of Gitksan families, and can only be told by them or with their permission. Some of the stories are available in the books by Chief Ken Harris (1974), anthropologist M. Barbeau (1929), Duff (1989) and MacDonald and Cove (1987) and Cove and MacDonald (1987).

¹ This appendix places the preceding discussion of the Gitksan feast in the context of Gitksan social history. The historical information is derived from a research aid and reference tool created by Jim McDonald (1991ms) for his research on the Kitsumkalum Social History Research Project (KKSHRP). It was initiated to act as a depository for historical references encountered in the course of the various KKSHRP projects that were exploring the origins of contemporary Tsimshian issues. As such, the project is a collation of diverse historical references to the colonization of the Aboriginal peoples in northwestern BC, a project that continues to grow as historical references are found. Each reference is accepted as it exists in the literature and, as a result, the research aid contains statements that sometimes provide contradictory dates for early events. In some cases, these conflicts can be and were resolved by examining original sources; in other cases, the conflict remains unresolved. As the research aid grew, it took the form of a chronology for northwestern British Columbia. The focus is on the Tsimshian people of the lower Skeena River but they are represented in the chronology as situated in a socially complex region that includes neighbouring First Nations and a rapidly globalizing colonial world. Jennifer Joseph, a Gitksan student at UBC, found the chronology to be relevant to Gitksan history and reviewed it for key historical events that would provide a time line for the Gitksan. Her selection, along with new information she contributed, especially on the most recent Gitksan history, provides the guiding historical orientation in this appendix. The intention is not to provide an historical essay but a sense of the flow of the main events and trends that constitute the history of the Gitksan encounter with the colonial world and globalization. Dr. Tonia Mills provided comments useful for keeping the perspective focussed on Gitksan history rather than colonial history. It is hoped that the details given here will complement and extend the time line in Monet and Skanu'u (1992).

It is generally known that many Gitksan families trace their origins to the ancient town of Temlaxam. According to oral histories, these people left Temlaxam after a series of ecological disasters that revenged the mistreatment of mountain goats and caused the people to disperse throughout the Northwest (Barbeau 1928, Gavin 1990: 3). Since the historical methodology of the Gitksans do not rely on chronological information, it is not known exactly when events took place. The histories do not say when Temlaxam existed. For those who are more concerned with historical dates, archaeological methods can be useful, at least for some types of events.

Archaeological evidence found thus far indicates human occupation as long as 13,000 years ago in the Prince Rupert harbour area now occupied by the related Coast Tsimshian (Archer 1998 ms). This is a much older date than previously accepted by archaeologists and is indicative of a growing body of evidence demonstrating older and older human occupation of the Gitksan area, and ever increasing physical support for the time depth of the oral histories.

Some examples can be given of the collaborative approach to early Gitksan history. Some people have suggested Temlaxam existed at least 5000 years ago and was dispersed throughout the north (Gavin 1990:3). Archaeologists, who look only at physical evidence, can demonstrate a well developed culture in the area that, by 4,000 years ago, used stone tools which show the beginnings of the stylized designs that still characterize art throughout the Northwest Coast (MacDonald & Inglis 1976:62). Also, the Gitksan oral histories refer to a great, ancient renaissance or cultural flourishing and archaeologists identify a period of important changes in the subsistence patterns around 3500 years ago (Gavin 1990:124). Combined, the adaox and the growing archaeological analyses both provide accounts of a continuous history back to the time of Temlaxam and beyond.

Contact with Europeans

While there is confirmed evidence that Icelandic Norse settled on Canada's eastern shores 1,000 years ago, that settlement was limited in area and time. The year 1492 is certainly a more significant date because it marks the start of the most profound and sustained impact of Europeans in the Americas. This is the date Christopher Columbus arrived at the island of Guanahan, the homeland of the Tainos people. Columbus claimed the new lands on behalf of the King and Queen of Spain and renamed the island "San Salvador." Hundreds of nations populated the two continents at the time of Columbus' visits and the inhabitants soon felt the impact of the Europeans' quest for gold and slaves, their compulsion to expand their religion, and the new diseases they carried. The Northwest Coast, a continent away, was not directly affected for most of the next three centuries.

In 1741, the voyage of Russian expedition leader, Vitus Bering, to the Mt St. Elias region in what is now known as Alaska, resulted in direct contact between Northwest Coast people and Europeans (Ormsby 1958:7). The Russian interest in fur initiated a trade that eventually dominated the social relationships between the two peoples for a century and a half. The primacy of furs did not decline until the first commercial fisheries started in Port Essington in the 1870's, inaugurating the industrial period.

In the Royal Proclamation of 1763, King George III recognized the existence of aboriginal title. He decreed that Aboriginal ownership could only be extinguished when a nation or tribe of Indians agreed to transfer its land rights to the Crown. After that, individual Europeans could acquire land, but only from the Crown and not directly from the Aboriginal nations. In 1987, the Royal Proclamation was among the legal grounds adduced by the Gitksan and Wet'suwet'en as they went to court to pursue ownership and jurisdiction over their traditional territories, which had never been sold or otherwise transferred to the Crown. It was not until 1997 that the Supreme Court of Canada overturned lower court decisions and recognized aboriginal title as a living right. This decision acknowledged and supported the Gitksan struggles to decolonize their territories and to clarify the uncertainties that developed from the radical changes they experienced during the years between 1741 and 1997.

The Beginning of Globalization

In the fifty year period between 1774-1825 over 450 ships visited the coast, exploring the Northwest to discover its potential for funding European and American economic and political expansion around the world. The initial predominance of British explorers and traders on the coast was replaced by American trading vessels (Cole 1985:1). Long before the inland Gitksan encountered Europeans, they were drawn indirectly into the coastal trade through their long-standing international trading relationships with the Tsimshian and the Nisga'a. Some of the European trade goods were novelties, sparking curiosity and fads; others were cheaper, in terms of labour time, to acquire in trade than to produce; and some also may have been of superior quality to indigenous products (McDonald 1985). The benefits of incorporating Europe in the existing international trade were mixed and not always easy to evaluate or anticipate. Some observers have suggested that access to steel tools increased the productivity of artists and encouraged a proliferation of art objects, but trade also brought diseases such as smallpox to the coastal villages, and to their neighbours in the interior. Small pox could follow a disease vector independent of the expanding trading routes and likely preceded direct contact with European traders. Thus the series of known epidemics probably swept through populations already reduced by unrecorded epidemics. A very early report from Captain Porlock in 1787 noted that smallpox had occurred among the Tlingits years before (Duff 1997:54). Epidemics are recorded for the 1780's and 1790's (Duff 1997:58) and in the years 1836, 1837 (HBCA 1834-38). A particularly bad epidemic occurred in 1862 when small pox spread north from Victoria and eventually claimed 30% of the Gitksan population (Grumet 1975).

While the maritime trade and contact flourished to the west, the inland fur trade, based in Montréal, crept closer to Gitksan territory. In July of 1793, Alexander MacKenzie passed south of Gitksan territory to arrive on the Pacific coast from the east, via the Bella Coola valley (Fisher 1977:25) His efforts opened the way for the establishment of Fort MacLeod (1805), Fort George (1807), and the Hudson Bay Company's Fort St. James (1807), in the territories of the neighbours of the Gitksan (Ormsby 1958:34-35). Harmon established independent trading at Fort St. James in 1810 (Mills 1994:89).

When the Hudson Bay Company (HBC) established Fort Kilmaurs at the head of Babine Lake in 1822, it became their closest post to Gitksan territory, and entered the Company into direct competition with Tsimshian chiefs who traded with the Gitksan (Skogan 1983:12). The Company was at a disadvantage in this competition because of the long supply routes from Montréal that were not as cost effective as the routes available to Tsimshian traders from the coast. Inland nations, even as far east as the Carriers, reportedly received much better trade from the coastal peoples (HBCA 1823). In 1823, the Company estimated the aboriginal coastal traders held three quarters of the Skeena River trade. The Company's factors were also alarmed that the aboriginal population on the Skeena were armed with guns which they used in battles (HBCA 1823).

The Company's response to the success of the aboriginal traders, involved sending William Brown to explore westward from Fort Kilmaurs. Brown, who was the first representative of the Company to directly contact the Gitksan in their own territory, reported the Gitksans had two principle villages and five other large ones. He also reported the Gitksans were engaged in trade with Russians and coastal Indians (HBCA 1822).

This information was useful to the Company's efforts to try to develop an effective trade strategy against the strong presence of the famous Tsimshian trading chief, Legaic (McDonald 1985). They decided on two approaches. The first was to move further west and to build posts closer to the source of the Gitksan furs. To accomplish this objective, the Company built its first operational centre in Gitksan territory near Bear Lake in 1826 and called it Fort Connolly (Garfield 1966:7). The second approach was to establish a presence on the north coast and efforts were soon undertaken to find a suitable location for a post that could act as a source for the goods trading inland from the west. The first site on the northern coast was Fort Naas constructed at the mouth of the Nass River in 1831, and later moved south to Lax Kw'alaams (Port Simpson) in Tsimshian territory in 1834 (HBCA 1832-34). With the establishment of the coastal post and satellite stores, the Gitksan trading links with coastal neighbours were intensified; they continued to trade furs from their rich hunting grounds for grease, coastal foods, indigenous goods, as well as European trade goods which were readily incorporated into their traditional technologies. The forts did not, however, give the Europeans the desired control over the trade, only a better position within it. In the meantime, strategies followed by Legaic, allowed him to break the control exercised by the Kitselas chiefs at the canyon of the Skeena in 1836 (Garfield 1951 cited in Allaire *et al* 1979:71), absorb the Kitwanga fort into his trading empire in 1835 (MacDonald 1984:73), and establish a trade monopoly, or near monopoly, as far inland as the great market at the mouth of the Bulkley on the Skeena River (now, Hazelton).

In 1820, a huge rock fall into Hagwilget Canyon, providing families with an excellent fishing location that soon became important to their food production (Monet and Skanu'u 1992: 13).

In the 1820's Bini (Pene), a Wetsuwet'en prophet at Hagwilget, was active and influential among the Tsimshian, Nisga'a, Gitksan, Tlingit, and Kwakwaka'wakw (Patterson 1983:202; Mills 1994 40-41, 168-70, 174), leading to the "Pene craze" of 1847-1848, a revitalization movement (Patterson

1983:213). At the same time (1847) a mission was established at Fort Babine. Father Lejacq was the first priest to visit Hagwilget, when he came in 1869 as part of his ministerial duties towards the inhabitants of the territory from the Forks of Skeena to Fort McLeod. His tenure lasted 11 years (Large 1957:72).

Colonization

The British established the Colony of Vancouver Island in 1849 (Barrett 1983:42). By 1850 surveyors for the Collins Overland Telegraph (COLT) were in the northwest (McDonald 1984:341). In 1852, a chief from the Skeena River brought gold to Fort Simpson and said that there was much more to be found (Meilleur 1980:158). Mineral exploration had long been on the agenda for the HBC servants and any news of potential gold sources caused excitement. Hints of gold in the northwest caused Governor Douglas to commission Major William Downie to search the Queen Charlotte Islands for gold (Large 1957:23) but the most significant discovery of gold was in the Fraser and Cariboo region where a significant gold rush started in 1858. The following year, starting in June, 1859, the Fort Simpson traders frequently reported that gold miners were staying around the post and using it as a base for their explorations inland (HBCA 1859). That August, Major Downie was assigned the exploration of the Skeena River and described geological formations far inland (Downie 1859, 1893). Gold was later found on a creek 100 miles up the Skeena (Department of Indian Affairs Reports 1874:278) but this was a relatively minor discovery compared to those in other areas. Discovery of gold fields in Omenica country in 1871 sparked a rush that saw prospectors pour into the interior following the Skeena River route (Dorsey 1897:5, Large 1957:30). From 1870-73, thousands of prospectors passed through Hazelton, and traditional Gitksan territory, bringing with them new economic opportunities and an economic surge for Hazelton township. With freight rates up to \$5 per ton, Gitksan boatmen profited from the boom but, too often, the newcomers showed no or little regard for Gitksan concerns.

During this gold rush, in 1872, the Gitksan village of Gitsegukla was destroyed by fire. Twelve longhouses and twelve totem poles were burned through the carelessness of prospectors who failed to extinguish a campfire near the village. Gitsegukla chiefs demanded compensation and pressed their demands by blockading the Skeena River, thus preventing non-Aboriginals and their supply canoes from reaching their destinations (Large 1957:32). As a result, the HBC trading posts and small businesses were unable to restock their supplies. The obstruction of this transportation route and fear of an "Indian uprising" caused the Province to send two naval vessels, the HMS Scout and the HMS Boxer, to Metlakatla, where Lieutenant-Governor Joseph Trutch met with the chiefs. The presence of the two naval ships was undoubtedly an effort on the part of the province to impress all Aboriginal nations and to intimidate the Gitksan. Trutch described the money the government distributed among the chiefs as "gifts" and warned them against taking similar action in the future. The gifts were accepted by the chiefs according to their own laws as compensation, and the dispute was resolved without bloodshed.

Long before this incident, British interests had attempted to impose and maintain a Pax Britannia in the fur trade area, especially on the coast where gun boat diplomacy was a part of the economic

strategy (McDonald 1985), but the need for some kind of more formal administrative structures became a pressing issue with all the gold rush activity. In some ways, the growth in colonial government was a local issue for the BC government but the context was Imperial and global. That context included the modernization of Imperial British colonial policy that started with the re-organization of India after the Mutiny of 1857 (Kay 1972:105). In northwestern North America control was taken away from the Hudson Bay Company, and the colony of British Columbia proclaimed in 1858. Eight years later, British Columbia was merged with the colony of Vancouver Island (Usher 1974:54). James Douglas became the first Governor of the Crown Colonies of Vancouver Island and British Columbia, assuming jurisdiction over a population estimated to contain 63,000 Aboriginal people and as many as 400 Europeans (Nisga'a Tribal Council (NTC, 1991:146). The estimate for the Aboriginal population is likely low but it is clear that the political power of the Colonial regime was invested in a minority sector. These political changes established colonial structures that enabled the administration of the British and, later, Canadian legal systems, and that disregarded and dismissed the aboriginal legal systems.

In 1861, the Legislative Assembly of Vancouver Island petitioned to extinguish Aboriginal titles (Cumming & Mickenberg 1972:177). Lands on lower Vancouver Island were opened for colonization and Governor Douglas informed the Assembly that funds were required to extinguish Aboriginal title to these tracts (Drucker 1958:79). Also in this decade, Governor Douglas established a system of Indian Reservations and a land policy that allotted 160 acres of land to any British subject willing to occupy and improve that land (Ormsby 1958:179). Aboriginal people did not qualify and did not have preemption rights. These developments created a template for later changes in Gitksan territories.

During the 1860s, British Columbia's emerging fish-canning industry brought numerous economic and cultural changes to Aboriginal peoples, including seasonal jobs for many Gitksan (Gladstone 1953:22). The changes were complex, incorporating new and experimental relationships with the industrialists and with other First Nations. The efforts of the newcomers to control and define the changes were not accepted passively by the Aboriginal nations. Nor were the advantages other First Nations developed for themselves simply accepted by their neighbours. The Nisga'a, for example, vigorously defended their fishing rights in the Nass River against their Tsimshian neighbours, a conflict that was concluded with the "Sparrow Hawk Treaty" (NTC 1991:146).

Despite Aboriginal positioning in this rapidly changing situation, the colonial government assumed the upper hand and protected colonial interests with racist policies of economic development. Timber policy between 1864 and 1888 allowed the sale of timber leases to European loggers in the colony to the exclusion of Aboriginal people (Ainscough 1976:35). When Joseph Trutch became British Columbia's Commissioner of Lands and Works, he attacked Aboriginal land rights. In 1865, he managed to reduce the size of existing and future Indian Reserves and to prohibit Aboriginal people from buying land (Drucker 1958:80). This new approach in Aboriginal policy was firmly in place when the two colonies, the island and the mainland, merged to form the single colony of British Columbia in 1866.

At the time of the merger, the northwest was still remote from colonial developments in the Victoria - Langley corridor and economic development was still focussed on the fur trade, but not for long. Transformations were already taking hold. In many ways, 1866 was a significant year for the Gitksan people, a sea change of sorts. Colonial interest in the interior was growing. Small parties of HBC employees at Fort Simpson were sent further and further up the Skeena River to trade and to explore. On September 12, 1866 Chief Trader Manson left Fort Simpson to find a new road for HBC supplies to the interior (HBCA 1863-66:144). Following his return on November 11, a trading expedition was organized to spend the winter approximately 75 miles up river (which would be below present day Terrace). Thomas Hankin, a veteran Nass River trader fresh from mapping in the Kitamaat/Kitselas area, was chosen to lead the expedition (HBCA 1863-66:152). After encountering serious problems finding Tsimshian canoes willing to transport the expedition for HBC rates, Hankin set off on November 17 aboard the sloop Petrel to go up the Skeena as far as possible and then, hopefully, to find canoes to ascend further. He left in the company of James Otley and another HBC man called Kiona who was to help with the unloading. Along the way, they got the necessary assistance from Legaic who was willing to provide Metlakatla canoes and crews (HBCA 1863-66:154-155). Hankin built a small trading house at Hagwilget but the business was not successful and was found to interfere with the more profitable trade in the neighbouring New Caledonia district. Hankin's post was closed in 1868 and its stores were shipped back to Fort Simpson (Large 1958:44).

Hankin remained in the area to settle on the south side of the Skeena on the Hazel Flats near the village of Gitanmaax. By 1871 he was back in business, thanks to the gold rush and his former HBC friend, Robert Cunningham. They were awarded a contract by the new Provincial Government to improve the trail system for goldrushers. The Cunningham and Hankin store was joined by two others: Farrow & Mitchell in 1871 and Boyd, Reed and Tregonian in 1872. Others followed but the HBC did not return until 1880 (Large 1957:45). The settlement continued to grow and to become a colonial centre servicing colonial interests in Gitksan territories. Postal service, for example, was formalized at Hazelton in 1871 when Hankin was appointed the first post master on the Skeena River (Large 1957:30). Hazelton was not incorporated until nearly a century later, on February 15, 1956.

During the 1860's, steamboats started to challenge the turbulent waters of the Skeena River, pushing further and further up river. In 1864, a sternwheeler from the coast reached a point 144 km (90 miles) up the Skeena River (Large 1957:24) and in 1866 the steamer "Mumford" reached the Kitsumkalum River with supplies for the Collins Overland Telegraph (Dawson 1879:123, HBCA 1863-66:135) and spent much of the summer ferrying COLT men and supplies on the northern water routes. However, the Skeena is a difficult river and the stern wheel steamers did not manage to find a way to reach Hazelton until the specially built a Company steamer, the Caledonia, under the command of Captain George Oden, succeeded in 1891 (Large 1958:108).

In 1866, another project reached Gitksan territory and further involved them in the globalizing world. The Collins Overland Telegraph (COLT) was constructing a telegraph line to cross Siberia

and provide a link between North America and Europe. Surveys of the northwest in 1850 had plotted the preferred overland route (McDonald 1984:341). COLT's local project leader, Captain Butler, arrived in Fort Simpson on March 10, 1866, heralding the start of the construction stage (HBCA 1866:115) and the actual construction crews arrived that July (Large 1957:25). The telegraph project was an important economic opportunity that generated a great deal of activity and introduced some fundamental changes, including the novelty of cash sales at the HBC store and new jobs. Some of these jobs were filled by crews that came with the project but others provided opportunities for Aboriginal people (Garfield 1950:9). The British working on the telegraph line were among the first non-Aboriginals seen by many Gitksan.

The anticipation for burgeoning economic prospects quickly dissipated. The overland telegraph project was scuttled by the completion of the more efficient Trans-Atlantic cable in 1867 (O'Neill 1960). Economic activity in the Hazelton area declined rapidly. HBC stores throughout the Northwest were never considered very successful against the Aboriginal traders, and all experienced a depression in trade. Fort Simpson was losing money; Hankin's outpost was considered disappointing; and the Nass was not paying. Within a few years, gold would be discovered in the Omenica area and the Skeena would provide a convenient route for the thousands of prospectors who would rush to the gold fields.

Confederation period

But first, a very significant event was developing far to the east of Gitksan territory, that would lead to profound changes for the Gitksans. In 1866, the British Parliament in Westminster passed the British North America Act to create the nation of Canada in the summer of 1867. The Act divided governmental powers between the federal and provincial governments, giving the provinces jurisdiction and ownership over provincial lands and resources, while Canada assumed responsibility for Indians and reserve lands. In 1868, the new Canadian parliament passed the "Act for the Gradual Civilization of Indian Peoples". This legislation, along with the various revisions and associated pieces of legislation that were to follow, strengthened the state's control of Aboriginal lands and resources and provided the foundation for the officially sanctioned assimilation of Aboriginal peoples. Eventually, the Indian Act would regulate nearly every aspect of Aboriginal life. When British Columbia entered Confederation in 1871, the aboriginal people of the province also became subject to the Dominion's Indian laws and policies.

In 1866, the Crown Colony of British Columbia, not yet part of the new Dominion forming in the east, was developing its own Aboriginal policies. These policies would have great significance for many decades to come for the terms of union with Canada and for the way Indians would be treated in the new Province. In many ways, the current situation is remarkably similar to the situation at the time of union. An indication of the colonial attitude underlying British Columbia's pre-Union policies was the denial in 1866 by the Commissioner of Lands and Works, Joseph Trutch, that Aboriginal people had any land rights beyond their reserves (Drucker 1958:80). As a result, the British Columbia Crown Lands Act of 1874 failed to recognize Aboriginal claims and, having been passed after Union, was declared null the following year (Cumming and Mickenberg 1972:185). Such disagreement over land allotments for Indians

quickly tarnished the new relationship between the Provincial and Dominion governments. For example, the Province argued that such allotments should be limited to 10 acres per family but Ottawa, with a more generous policy in place on the Prairies, suggested 80 acres. The two governments, neither with Aboriginal representation, settled on 20 acres. Even this agreement collapsed when the Province insisted it only apply to future reserves (Cumming and Mickenberg 1972:183). Continuing concerns with the Indian land question resulted in the British Columbia government appointing a committee of the legislature in 1875 charged with the mandate to study the Aboriginal land question. Publication of the final report was blocked (Daniel 1980:32).

These were significant years in the colonial development of the province. Transportation links were being established throughout the north. In 1873, Mr. Charles Horetzky followed ancient Aboriginal roads like the Kitwancool Trail to travel through the mountains down the Skeena and Nass Valleys on a survey commissioned by the Canadian Pacific Railway (Gavin 1990:117, Large 1957:120). The following year, pack trains headed north to establish a commercial route from Hazelton to the headwaters of the Stikine, but progress was halted by the Aboriginal people of the area (Large 1957:47). In the same year, gold was found on a creek 100 miles up the Skeena (Department of Indian Affairs Reports 1874:278).

Also in 1873 the first coastal salmon cannery was established on the Skeena River. Shortly after, in the late 1870s, the Fisheries Officer toured the northern fisheries, accompanying the Superintendent of Indian Affairs on board the *Rocket* (McDonald 1985:135), a double screw, four gun ship ominously described as "specially intended for the Indian service" (Cole 1985:78). After decades of continuing problems over the fish question and in the midst of a depression in fish canning that was causing unemployment (Department of Indian Affairs Reports 1886:vi), the first resident Fishery Guardian, F. Morrison, arrived in Port Essington in 1885 to ensure the government's presence in the region (McDonald 1985:135).

The laws that the Fishery Guardian was sent to enforce had been on the books for a number of years but not enforced in the northwest. The Dominion Fishing Acts were first imposed in British Columbia in 1874 with weekly closures on salmon fishing (McDonald 1985:221). Further inland, the laws were not enforced in Gitksan territory until the early part of the 20th century. The legal basis for direct colonial interference with Aboriginal fishing rights was established by Dominion legislation in 1878 when the use of nets in fresh water was prohibited and a distinction was made between food fishing and commercial fishing (NTC 1991:146). In 1879, the annual salmon consumption among the Tsimshian, including the Gitksan was estimated at 583 pounds per capita (Hewes 1947). This may be a serious underestimate but it is considerably more than is now allocated for food, social and ceremonial purposes.

Along with the economic and legal changes, the 1880s were witness to considerable Missionary activity and efforts to eradicate Gitksan spirituality. Rev. Collinson went up the Skeena River from Metlakatla in 1880 to open the first mission among the Gitksan (Collison 1981:204, 216) and Bishop Ridley and his wife arrived at the Forks of Skeena, with a steam yacht (Department of Indian Affairs Reports 1881:155), to spend the winter of 1880/1881 in Hazelton (Large 1957:46).

Hazelton's population at the time was 200 (Dorsey 1897:3). Rev. Robert Tomlinson was also in the area. In 1874 he reported preaching in "Kitzimgaynock" (Kitsumkalum) on his way up the Skeena (Tomlinson 1875:253). In 1888 Tomlinson selected land near Kitwanga as a site for a new Christian village modelled, like many other late Victorian mission villages throughout the British Empire, after the example of William Duncan's Metlakatla. The new village was called Minskinish, which means 'under the pitch pines' (Large 1981:82). Minskinish is now known as Cedarvale.

These missionaries entered a society undergoing colonization, loss of sovereignty, and numerous other traumatic experiences. The Aboriginal population had been reduced to nearly a third its size in 1858, while the newcomers had increased more than one hundred fold. "As the result of small pox, Indians now comprised 25,661 of BC's population of 49,459 (NTC 1991:147). Other diseases also had their effect. Measles was reported to have spread from Puget hop fields to the Nass in 1888 (Department of Indian Affairs Reports 1889:114) undoubtedly also reached Gitksan communities. By 1889, the Aboriginal population in the region was estimated at 802 Nisga'a, 1,201 Tsimshian, and 1,460 Gitksan (Department of Indian Affairs 1890:xxxii).

At this time, another type of missionaries, those carrying the colonial political order, were also arriving in Gitksan territory or incorporating Gitksan territory into their operational zone. The arrival of Fisheries officials has already been noted. In 1881, the first Indian Agents were appointed in British Columbia (Fisher 1977:206) and within a decade, amidst new Provincial or Dominion legislation governing timber lands and fishing grounds, the Indian Reserve Commission was active along the Skeena, redefining Aboriginal territories and properties and creating the first small parcels of land that would become the Indian Reserve system. Aboriginal people protested but to little avail. Commissioner O'Reilly explained the rationale behind the size of the reserves in his testimony to the Royal Commission of Inquiry looking into the Northwest Coast Indians: "Every inlet is claimed by someone, and were I to include all these, it would virtually declare the whole country a reserve" (NTC Ann. Convention book, 1991:147). Needless to say, the point was to not make the whole country a reserve. Surprisingly, the small parcels allotted by the Commission were later challenged as too large and became subject to review in 1912.

In 1884 the Indian Advancement Act outlawed potlatches and feasts, central institutions for Gitksan society. The Department of Indian Affairs was unable to enforce this prohibition (Drucker 1958:82) although some efforts were made in the 1920's. The failure to successfully enforce the law, combined with general public and political disgust with the ban caused it to be quietly removed from the new Indian Act of 1951.

The 1880's were difficult times. To the east, on the Prairies, Louis Riel was leading his Indian and Métis alliance in the Second War of Resistance of the Métis Nation. To the south, in the United States, the Indian wars were at their height in many places, grinding slowly towards such final events as the Nez Pierce War and the Wounded Knee massacre. To the west, there were several incidents on the Nass fishing grounds and at Metlakatla that caused the government to

intervene militarily, even if sometimes they had to rent gun boats from the American Navy. Canadian officials were worried and anxiously preparing for any eventuality.

A manifestation of the turmoil of the times is the story of Kamalmuk, also known as 'Kitwancool Jim', who in 1888 was shot in the back by a constable sent to arrest him for the murder of a man named Neetuh. According to Canadian law Kamalmuk was an outlaw trying to evade justice. However, according to Gitksan law, Kamalmuk had properly compensated Neetuh's clan for his death. Unfortunately for everyone involved, Canadian law was being forced on the Gitksan under a very colonial political regime. Here is a case where the indigenous legal system could have helped ease the birth of the new society that was developing on Gitksan lands but the Canadians chose to ignore Gitksan legal practices and to remain largely ignorant of their existence. As a result of the Canadian handling of the situation, the Gitksan were outraged that outsiders had meddled with a legal case which had previously been resolved according to Gitksan law, and resolved satisfactorily. During the tension that ensued, a number of incidents escalated the situation to the point where non-Aboriginal settlers, fearing an Indian uprising, barricaded themselves in the HBC post in Hazelton. In response, the provincial government sent "C" Battery of the Royal Canadian Army, a contingent of eighty soldiers, from Victoria, aboard the HMS Caroline. The government force was preceded by a group of special constables and the supply ship Boscowitz. The HMS Caroline and its troops waited at the mouth of the Skeena while Superintendent Roycroft of the B.C. Police, and twelve special constables went upriver to resolve the situation. When the police arrived in Hazelton, Roycroft found the rumours of an Aboriginal rebellion were greatly exaggerated. A peaceful settlement of the dispute was reached, and Roycroft and the men of "C" Battery returned to Victoria without incident (Campbell 1989). In 1891 a stockade was erected around the HBC post at Hazelton, out of fear of an Indian uprising (Dorsey 1898:187).

Court decisions had the potential to calm some of the tension by clarifying the law concerning occupation of First Nations territory. Then, as now, the results were mixed. The 1888 decision by the Judicial Committee of the Privy Council found Aboriginal people had property rights to traditional territory under the Royal Proclamation of 1763 but this decision had no practical consequences in the struggle for recognition of land rights. Instead the government passed legislation that extended its control and lessened Aboriginal control over resources.

In the 1890s, at least 200 Aboriginal people and 40 canoes were active as freighters in the Hazelton area (Canada, Department of Indian Affairs 1895:165). Freight prices were up to \$60 per ton for the HBC (Wicks 1976:30). When the HBC's sternwheeler steamer, Caledonia began to haul freight all the way to Hazelton in 1891, it quickly replaced the Indian freighter canoes (Blyth 1969:40), and ended the last of Legaic's trade monopolies (McDonald 1984:79). Soon after, the Hazelton, a sternwheeler built for Robert Cunningham, began service on the Skeena River, creating competition for the HBC (Blyth 1969:40). To make the Skeena more passable for these boats, the government blasted rocks to clear a channel in the Skeena. The fishing sites and smokehouses of five Gitsegukla families were destroyed (Monet and Skanu'u 1989:10).

In 1892, license limitations on canneries and the number of boats was lifted - all British subjects were given licenses as free fishermen (Stacy 1978:37-38). Indians were not eligible. By 1899 there were fishing strikes at Rivers Inlet and on the Skeena (North and Griffin 1974:3) where the fishermen wanted 8 cents for each sockeye fish.

Economic development in the Northwest was rapidly sweeping the Gitksan into the global changes that were permanently transforming the world of all indigenous peoples. In 1898, a mill was established at Kispiox (Knight 1978:105). The Dominion Government Telegraph line was built along the Skeena from Hazelton to Port Simpson in 1901 (Large 1957:50; Asante 1972: iii). In 1905, the Provincial government "threw open" all crown land (Ainscough 1976:36). Transfer of licenses was permitted in the timber industry, leading to a "scramble" (McDonald 1985:298). In 1907, there were ten sternwheelers operating on the Skeena River, with mainly Indian deck crews (Knight 1978). In 1909, Kispiox chiefs stopped surveyors and road building in their valley, leading to the arrest of seven by the Province. Protests continued into 1910, with Gitwangak chiefs joining the Kispiox chiefs (Monet and Skanu'u 1992:11). In 1909, the Grand Trunk Pacific Railroad started an economic boom along the Skeena River (Knight 1978:140). The completion of the railroad in 1912 ended the need for the steamer business and the sternwheelers were beached (Wicks 1976:48). Both the sternwheelers and the railroad destroyed fishing sites, for which the Gitksan are still seeking compensation. All this put a tremendous strain on the Gitksan people and transformed their position on their historical territories.

A metaphor for the times might be the amazing case of the legendary Simon Gunanoot who, in 1906, was alleged to have shot a non-Aboriginal. Remaining at large for 13 years, Gunanoot lived as an outlaw with such an uncanny ability to elude the colonial law that his flight has taken on legendary proportions and has inspired a series of modern day Trickster stories in the Northwest. When Gunanoot finally surrendered, he was tried and acquitted in 1919 (Large 1959:50-52). His ability to keep himself alive living off the land is indicative of Gitksan skill and knowledge of their territories.

Gitksan resistance to their forced assimilation into the British Empire was not only expressed by the actions of individuals. In 1908, Gitksan chiefs travelled to Ottawa to present a petition to the federal government opposing the appropriation of their house territories by non-Aboriginals. Other chiefs took a different approach to the changes and there did not exist a uniform reaction to colonization. In the same year as the Ottawa petition, a group of Kispiox chiefs published a notice supporting the potlatch ban, using the term feast rather than potlatch when referring to this institution.

In 1910 a number of Gitksan chiefs met with Prime Minister Sir Wilfred Laurier to protest the loss of their land. Laurier, visiting Prince Rupert at the time, promised to help the Chiefs in the Northwest to advance their claim (NTC 1991:147). In 1912, the Royal Commission on Indian Affairs in British Columbia began travelling throughout the province, arriving in the Gitksan villages in 1915. This Commission was appointed by the Dominion and Provincial Governments to review Aboriginal land allocations, resolve the land issue as it existed between those two

orders of government, and to make recommendations for adjusting the acreage of Indian reserve land. The McKenna-McBride Commission, so named after the primary Commissioners, resulted in many reserves being reduced and few new applications being allowed (Cumming and Mickenberg 1972:184). In this same period, twenty-two million acres of land were granted to railway companies (Robin 1972:22).

Clearly, the Commission was not a satisfactory solution. No Aboriginal leaders were appointed to the Commission and Indians were excluded from the right to vote in Provincial and Dominion elections. Aboriginal people did not, however, meekly accept the work of the Commission and found ways to have their voices heard and their interests protected. In 1915 the Allied Tribes of British Columbia formed to advance Aboriginal land claims in the courts and to fight the Provincial government's refusal to acknowledge the existence of Aboriginal title (Drucker 1958:95). The Allied Tribes preferred a legal settlement over a political one, but did not discount the possibility that negotiations could take place between itself and the provincial and federal government. There was hope that the McKenna- McBride Commission might provide some standards for reserve size that would assist the cause of the Allied Tribes but that outcome did not occur. The Commission's failure to address that issue was one of many disappointments contained in its final, 1916 report. The Commission's failure left decisions to be made on the basis of the flawed body of evidence it had collected from Indians and others (Daniel 1980:47). The usefulness of the oral histories of the Gitksans were not recognized by the courts until 1997.

In the meantime, economic development and globalization proceeded unabated and encroached further on Gitksan territories. The new railroad was exposing the resources of the north to exploitation. In 1913, the first shipment of ore was sent from Harris Mines in the Babine Range (Large 1957:160).

During this time period, the First World War (1914-1918) was raging in Europe. This conflict attracted many young people from the British Dominions and colonies to join the armed forces in defence of the Empire. A number of young men from the Gitksan area heard the call and enlisted. Their numbers included Gitksans who otherwise were denied the responsibilities or benefits of citizenship.

With development came more government control over the land and greater regulation of the rich resources it contained. In 1914, the Province introduced the beginnings of a licensing system for trappers in the Game Protection Act of British Columbia (McDonald 1985). Late in the 1917 fishing season, Dominion regulations were established to more clearly define the separation between Indian food fish and commercial fish (McDonald 1985). Indian Agents pre-occupied with the government's assimilation policies, attempted to enforce the potlatch prohibition in 1918. Violations were a summary offense (Drucker 1958:147). In 1919, Federal and Provincial legislation facilitated the process by which both governments could reclaim land previously reserved for Indians by assuming that authority and by eliminating the need to obtain consent from the affected Indian band (Daniel 1980:48). In response, the Allied Indian Tribes of British Columbia formed a permanent committee to press Aboriginal land claims (Daniel 1980: 47). In

1920, the Tsimshian chief, William Beynon, started work with Marius Barbeau in Gitksan villages.

Tensions increased. In the 1920s, when the surveyors were working in the Gitksan area, the Gitanyow confiscated their equipment and sent the surveyors away. The ensuing court case led to the conviction of three Gitanyow men and sent two of them to Oakalla prison for several months. Unbowed, subsequent Gitanyow activity deterred settlers from establishing in the region until a moratorium was finally placed on the sale of land in the area.

Repression of Gitksan culture continued throughout the 1920's. The Department of Indian Affairs instructed its Agents to enforce the potlatch ban and Indian Agents in the Hazelton area used the law to intimidate people and curtail feasting activity. In 1921 agent Edgar Hyde brought charges against Edward Saxsmith, Robert Wilson, and John M. Morrison for participating in a feast. They received suspended sentences from Agent/Justice of the Peace Loring. In 1927, Agent Hyde brought charges against Silas Johnson and Sam Disk under the potlatch law. They received a warning and a lecture. Kitwancool tribal leaders and elected councillors were jailed for refusal to accept the reserve system (Canadian National Railroad 1975: D1). In 1931 Agent G.C. Mortimer gave Moses Stevens permission to hold a feast before a pole raising in Kispiox. Mortimer later brought charges against Stevens for giving money away at the feast. Stevens was prosecuted for violating the Indian Act and received a one month suspended sentence. In 1931 Agent Mortimer charged Tom Campbell and John Smith for potlatching. While the charges were dropped against John Smith, Tom Campbell received a three-month suspended sentence on the condition that he promise not to attend future ceremonies. This was the last time this law was enforced among the Gitksan. People in the various Gitksan villages had continued to hold feasts during this period in spite of the efforts of local Indian agents to eliminate the practice and the government accepted it was failing to eradicate the practice.

The practice of cannery fishing licenses ended in 1923 (Sinclair 1978:30), marking the end of the attach system in fishing where canneries owned licenses and rented vessels to fishermen. Indians could now become license holders (NTC 1991:147). Provincial regulations established in 1926 extended the Province's assumption of control over trapping in Gitksan territories by requiring trapline registration by Indians and non-Indians (NTC 1991:148). However, the Gitksan chiefs found no contradiction to their territorial system in registering their traditional lands (Mills 1999, pers. comm.)

Aboriginal political efforts, in particular the petition of the Allied Tribes, forced the Canadian Parliament to establish a Special Joint Committee to hold hearings and make recommendations (Drucker 1958:100). After six days of hearings, the Committee concluded that the petitioners didn't have legal claim to land and that the matter was finally settled (Daniel 1980 :53, Tennant 1982:16). A 1927 amendment of the Indian Act then prohibited raising funds to advance a land claim in BC (Daniel 1980:54), beginning a period when it was illegal for Aboriginal groups to pursue their land claims in the courts. In response, a group of Aboriginal leaders met at Port Simpson in 1931 and formed the Native Brotherhood of British Columbia to defend Aboriginal

rights and to uphold the ideals of the Allied Tribes (Drucker 1958:106). Although the Brotherhood could not directly pursue land claims, they could protect Aboriginal interests in other ways and secretly kept land claims discussions alive amongst First Nations (NTC 1991:148). As the political situation changed, the Brotherhood evolved to focus on additional issues important to Aboriginal commercial fishermen.

A natural disaster occurred in 1936 when the Skeena River flooded the town of Hazelton and Gitksan villages. Numerous people lost their homes, and were left without food or shelter. Totem poles from Kispiox village were reported floating down the main street of Hazelton (Large 1957:3).

In 1942 the people of Kitwanga re-erected three poles from those that had been washed out by the flood of 1936, and in 1944 the people of Kitwancool followed suit, restoring several fallen poles. During a series of feasts in January 1945, the village of Gitsegukla re-erected five totem poles lost or damaged in the flood of 1936

The outbreak of the Second World War (1939-1945), led many young Gitksan men and women to join the Canadian Army, despite their lack of Canadian citizen rights. Like their non-Aboriginal counterparts, some gave their lives defending the country, while others gave their youth and innocence. Their experiences in the army and overseas also helped them to better understand their position in Canadian society. Europeans made little distinction in the way they treated Aboriginal and non-Aboriginal soldiers and, for the first time in their lives, many Gitksan soldiers felt free of the overt racism they habitually endured in their own country. These experiences heightened the social consciousness of Gitksan veterans who were aware of the contrast with treatment they received in their own communities by Euro-Canadians leading to a sense of dissatisfaction when they returned to civilian life in Canada, a country where they were not full citizens. At home, they were denied a range of civil rights, including the right to vote in provincial or federal elections. They were also denied simple pleasures like enjoying a drink with friends at local bars and drinking establishments. Some Gitksan veterans decided to give up their legal status as Indians so they could enjoy the civil liberties that non-Aboriginals took for granted. But others, having fought against racism overseas, supported the struggle for change at home.

After the war, the struggle for social justice in Canada was renewed. In 1949 Indians in British Columbia won the right to vote provincially. Status Indians were allowed to vote Federally in 1959, and exercised their right for the first time during the 1960 elections (Tennant 1982:16).

Economic changes affected the Gitksan. During the 1950s the Canadian trapping industry collapsed (McDonald 1985:90). In 1950 a provincial advisory committee was set up to report to the Minister of Labour on Indian conditions and problems. In 1959 the Dominion Fisheries Department blew up the rock in Hagwilget Canyon that was used by Gitksan families for fishing, despite protests, reducing the ability of those families to fish (Monet and Skanu'u 1992: 13-15)

During the same year, Indians first received federal old age pensions of \$25 (Morley 1967:154). In the 1951 Indian Act revision, the potlatch and fund raising prohibitions were removed (Tennant 1982:16).

Others changes occurred after the war respecting the cultural aspects of Gitksan life. One was the collaboration between the Hazelton School Board and the Gitanmaax Band Council to open the Hazelton Amalgamated School, the first public school in the province where Aboriginal and Non-Aboriginal students learned side-by-side in the classroom. When the school board approached the band council to purchase the land for the school, the band council referred them to the owner of the land, Ben McKenzie. Mr. McKenzie agreed to sell the land to the school board on the condition that it allow Gitksan children to attend the new school along with their non-Aboriginal peers. The Board did and the school opened in 1952. Another development was the building of the Skeena River Treasure House museum in 1958 (Kehoe 1981:444).

In 1963 the Indian Claims Commission was established with power to render decisions (not just recommendations) on land claims issues (Daniel 1980: 147). In 1964 the Supreme Court ruled in the White and Bob case, upholding aboriginal hunting rights (NTC 1991:148)

In 1968 the Gitksan-Carrier Tribal Council was formed.

When Prime Minister Trudeau and Minister of Indian Affairs Jean Chrétien proposed the abolition of Indian status in the A White Paper in 1969, Aboriginal protest was swift and effective. The resulting uproar lead to the establishment of the Native Indian Brotherhood, the first effective Canada-wide Indian political organization, to fight the loss of rights threatened by the White Paper (Tennant 1982:9).

The Nisga'a won a significant moral victory for Aboriginal rights in British Columbia when, in 1973, a Supreme Court panel of seven justices split in deciding whether they still held aboriginal title over their traditional territory. In many ways, this watershed case represented an epistemological break with the colonial ideology that had dominated the British Columbian political arena since, at least, the revisionist policies of Joseph Trutch in colonial times. Nationally, the case caused the federal government to reverse its White Paper stance and to begin negotiations of comprehensive claims.

In 1977, the Gitksan-Carrier Tribal Council in Kispiox issued their declaration for sovereignty and rights and demand the beginning of land claims negotiations.

In 1982, the difficult and lengthy struggle by Aboriginal leaders to protect Aboriginal rights in the new Canadian Constitution resulted in constitutional recognition and affirmation of Aboriginal rights. Although a series of First Ministers Conferences on Aboriginal Rights failed to define these rights, subsequent actions in the courts have provided increasingly clearer legal definition, with the Gitksan Delagmuukw case providing one of the strongest anti-colonial rulings.

Throughout the 1980s, the Gitksan fought increasingly effectively for de-colonization in their territories. In 1984, thirty-five Gitksan and thirteen Wet'suwet'en chiefs filed a legal claim of ownership and jurisdiction over their traditional territories against the federal and provincial governments. In 1985, in the village of Gitwangak (Kitwanga), the Gitksan set up a road blockade and restricted access to a Canadian National Railroad yard. This protest involved thirty band members and lasted several days. During the same month of December, Gitwangak was the site of another blockade. A blockade was established on the CNR line running through the village to stop the transportation of raw materials to the seaport of Prince Rupert. By taking this action, the Gitksan people brought attention to the illegal appropriation of reserve land when the rail line was first built through Gitwangak. In 1986 a protest fishery at Anki-iss fish camp on the Skeena River near Kispiox culminated in a light-hearted confrontation over a serious issue between Gitksan and federal fisheries officers. When fisheries officers entered the camp to enforce the law against inland fisheries, they were pelted with marshmallows and forced to retreat (Sterritt 1985).

In 1987, the Gitksan-Wet'suwet'en Tribal Council changed its name to "The Office of Hereditary Chiefs" in recognition of the traditional authority of the chiefs within both societies and as a renewed commitment to the House system which governed both peoples in the past, and which Gitksan leadership uses as the basis of self-government in the future. On May 11, 1987 the court case, known as *Delgamuukw v. The Queen*, began in Smithers. While funding cuts from Ottawa forced staff lay offs, the case continued with chiefs giving the majority of the testimony. Three years later Chief Justice Allan McEachern handed down a grotesque judgement. Having heard the testimony of many Gitksan and Wet'suwet'en elders and house histories through the *adaox* or *kungax* (oral histories) of many chiefs, McEachern dismissed these as evidence and framed his judgement in racist terms (Culhane 1998, Mills 1994).

During September and October 1988 the chiefs led five one-day blockades in the Kispiox Valley. They prevented trucks loaded with logs from Gitksan House territories from entering or leaving the Kispiox Valley. This blockade protested the extraction of timber from Gitksan territory without the permission of the chiefs. The Gitksan also blockaded the Babine River Bridge and a logging road to prevent the removal of timber from their territory.

When the Department of Indian Affairs closed its Hazelton office in 1989, the nine band councils in the area began to deal with three organizations, all under Aboriginal control: The Office of Hereditary Chiefs, The Gitksan-Wet'suwet'en Education Society (GWES), and the Gitksan-Wet'suwet'en Government Commission. GWES funded a project called "Unlocking Aboriginal Justice" which allowed Chiefs to exercise some of their traditional power in minor criminal cases involving their House members. The Gitksan-Wet'suwet'en Government Commission managed federal funds and divided the money among the band councils (Smith 1993) Also in 1989 the Gitksan and their allies the Wet'suwet'en set up a blockade on the Suskwa River road to protect the House territory from unauthorized logging.

In order to advance their struggle for self-government, the Gitksan and Wet'suwet'en decided to bring GWES and the Government Commission under the authority of The Office of Hereditary Chiefs in 1990. Once these organizations were unified under a single authority, the Gitksan-Wet'suwet'en chose to base future models for self-government on the traditional House system, in which hereditary leaders govern their people rather than elected band councils. In January 1990, the Office of Hereditary Chiefs signed the country's fourth framework agreement for formal negotiations under Indian Affairs community self-government program (Smith 1993). In July, the Gitksan/Wet'suwet'en established an information blockade on Highway 16 in Moricetown, to show support for the Mohawks of Kahnésatake. They distributed information to the public to educate non-Aboriginals about the situation. They also set up another blockade on a road at Kitwancool to inform the public about the negative consequences of a mill closure on the village economy. This direct action later expanded from an information roadblock to a road closure. In August, the Gitksan and Wetsuwet'en stopped trains travelling through their territories at Gitwangak. During the same month, people from both nations blockaded the Kispiox road in a dispute over lumber and title involving chiefs from Anspayaxw.

When Chief Justice Allan McEachern handed down his 1991 ruling on the court case and dismissed Gitksan and Wet'suwet'en claims to ownership and jurisdiction over their traditional territories and denigrated their culture, the Gitksan-Wet'suwet'en refused to accept the decision and challenged his ruling in the B.C. Court of Appeal. For the first time in its one hundred and twenty year history, the provincial government of British Columbia recognized the existence of Aboriginal title and joined treaty negotiations in 1991. February 7, 1991 the Gitksan joined other First nations in signing the Unity Treaty or "Northwest Tribal Treaty." Again, in 1992, the Gitksan and Wet'suwet'en blocked the CNR line at Gitwangak to protest logging in their traditional territories.

On June 25th, 1993, a panel of five judges in the B.C. Court of Appeal unanimously recognized the existence of Aboriginal rights entrenched in the Canadian constitution. Their decision reversed, in part, McEachern's ruling that Aboriginal rights were extinguished by the Crown during the colonial period. While they agreed that these rights still exist, the panel of judges ruled 3-2 against Gitksan-Wet'suwet'en claims to title over their traditional territories (Calhoun 1997). This decision was considered a victory by the Gitksan since it strengthened their position in treaty negotiations with the provincial and federal governments, and particularly since no aboriginal rights case had ever been won in a British Columbia court.

Later in 1993 an independent organization, the B.C. Treaty Commission, was created to facilitate tri-lateral treaty negotiations between First Nations in the province, the Government of BC, and the Federal Government. In 1993 the Gitksan blocked a British Columbia Rail line 100 km northwest of Hazelton over the issue of logging in their territories. In the same year, the people of Gitsegukla blocked the Yellowhead Highway to bring attention to their grievances about the right of way through their reserves. In 1995, the Gitksan set up a blockade 15 km east of Hazelton on a logging road to focus attention on the fact that their land claim was still unresolved, and to highlight the fact that their concerns were ignored in the granting of the timber

licence. Consultation was one of the things the Gitksan demanded in the response to the Delgamuukw decision, saying that McEachren's finding that they had rights to subsistence activities means they have the right to influence how logging and mining is done, forcing the Ministry of Forests to consult with First Nations before a licence is granted.

Between June 9th and the 13th 1997, Gitksan legal counsel presented their arguments before the Supreme Court of Canada. December 19, 1997, the Supreme Court of Canada found that aboriginal title was not and could not have been extinguished by provincial legislation, recognized and began to define aboriginal title, and ruled that Gitksan adaox and other oral histories must be given weight in determining existence of aboriginal title. The Court did not rule on the facts of the case, and instead ordered a new trial if the case could not be settled by negotiation.

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