

# **Accrued Many Rights: The Ingenika Tsay Keh Nay, a Mennonite Missionary, and Land Claims in the Late Twentieth Century**

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Following the creation of the Williston Lake reservoir in 1968 the Ingenika Tsay Keh Nay, in an act of defiance, abandoned their new reserves near Mackenzie, BC in an attempt to return to a traditional way of life. Initially settling en masse on a bluff that once overlooked the historic village of Old Ingenika, community members soon began to move out onto the land as they had done prior to the creation of the reservoir; ignoring the province's denial of the Ingenika Tsay Keh's claim of ownership. Along with the Ingenika Tsay Keh Nay came missionaries, both Roman Catholic and Mennonite. From the point of view of the province they were all squatters on Crown land. Yet when the move was made to re-establish a settlement at Tucha Lake, the province informed the local Mennonite missionary that while the Ingenika Tsay Keh Nay by right and policy were allowed to do so, the same was not true for him or his family. Although officially due to his lack of Aboriginal rights, the way the province worded the warning shows that at some level they saw the missionary as instrumental to this move. Although ultimately unsuccessful as a warning, this occurrence highlights the fact that rhetoric suggesting land claims in British

Columbia originated from outside agitators was alive and well into the 1970s. The Mennonite missionary was not only the only non-Indigenous individual involved in the community. Yet, despite being equally involved in the community, none of the others seem to have received a similar warning, a situation that suggests some outsiders were viewed with more suspicion than others. As a result, the interactions between the provincial government and the Mennonite missionary not only reveal the lingering rhetoric of the early Aboriginal land question in British Columbia, but also the complicated relationship between the agents of political and cultural colonialism.

### **The BC Aboriginal Land Question**

Following the creation of the Colony of Vancouver Island in 1849, fourteen treaties were signed with First Nations, around present-day Victoria, Nanaimo and Port Hardy, by the Colony's second governor James Douglas. Like other Indian treaties in Canada of the period, the so-called Douglas Treaties were signed by colonial officials in an attempt to legitimize European settlement in the colony by extinguishing Aboriginal title. Unlike most of the other colonies in British North America, however, no additional treaties were signed in the Colony of Vancouver Island or indeed any of the other colonies (the shorted lived Colony of the Queen Charlotte Islands and the Colony of British Columbia) or territory (the short lived Stickeen Territories) that preceded the creation of the province of British Columbia in 1871. Although at least partially due to a lack of funds in the colonies, combined with the unwillingness of the Colonial Office to pay for them, the decision to not sign additional treaties not only reflected the racist views of the time, but also shaped Indigenous-settler relations in the province to this day. As a result, the next two treaties in British Columbia would not be signed until 1899 (Treaty 8) and 1998 (the Nisga'a Final Agreement) respectively, with the first, Treaty 8, effectively ignored by the provincial government of the time with a western boundary that, despite a recent British Columbia Supreme Court ruling, remains highly contentious today.<sup>1</sup>

In order to deal with Indigenous land rights, the colonies of Vancouver Island and British Columbia adopted a policy of small reserves (after 1871 the claim would be that they used a formula of ten acres per family of five) that would continue after their merger in 1866 and confederation in 1871.<sup>2</sup> Miserly in comparison to the reserve formulas found in the Numbered Treaties that allotted 160

or 640 acres per family of five, this formula was unfortunately protected by the Colony's Terms of Union and even after conflict with the federal government would only be amended to twenty acres per family of five in 1874.<sup>3</sup> This agreement, however, proved short lived and two reserve commissions and an inquiry – the Joint Indian Reserve Commission, the McKenna-McBride Commission and the Ditchburn-Clark Inquiry – were organized to deal with the Indian land question in the province. The latter was followed by a special joint committee of parliament in 1927 in which Ottawa declared the matter settled. Once known as the Great Settlement, it was hoped that the Aboriginal lands question in British Columbia was answered once and for all.<sup>4</sup> It was not.

### Outside Agitators

From the point of view of many provincial officials of the time Indigenous people not only lacked a concept of land ownership, but, due to their “primitive” state, were incapable of truly understanding such a foreign concept.<sup>5</sup> Nothing could be further from the truth.<sup>6</sup> As a result, the numerous demands, both oral and written, made by them were often downplayed as really originating from well-meaning bleeding hearts. Among this ill-defined collective of alleged troublemakers were the many Anglican, Methodist, and Roman Catholic missionaries working throughout the province.<sup>7</sup> During the colonial period some had created “model villages,” which often functioned as mini-theocracies.<sup>8</sup> It was therefore suggested that those missionaries who were “helping” their “followers” were less concerned about Indigenous land rights and more concerned about how BC treaty and land policy would affect them in their missionary activities.<sup>9</sup> This accusation was not entirely without merit. Not only did the province point to individuals like Anglican missionary Arthur O'Meara, the so-called “Friend of the Indians,” who for twenty years helped the Nisga'a make their claim, but also his compatriot William Duncan, who had quite famously relocated his entire mission to the United States in part due to disputes he had over reserve land and the imposition of the Indian Act onto his “model” society.<sup>10</sup>

O'Meara and Duncan are two rather famous examples. They were not alone, however. In part this situation existed because Indigenous people were unfamiliar with the new system being implemented in British Columbia. As Nisga'a politician Frank Calder recalled in 2003 nations like his own often received a basic education regarding how the colonial system worked after talking

to local missionaries about their grievances.<sup>11</sup> Beyond providing information on how to raise their concerns in a way that the colonial state would comprehend, as educated individuals, missionaries often helped Indigenous people draft petitions to the state.<sup>12</sup> Indeed, one of the reasons why O'Meara connected with the Nisga'a was because in 1909 he had worked with fellow Methodist missionary Charles Tate and barrister John Clark to produce a land claims petition for the Cowichan.<sup>13</sup>

Beyond providing aid, the missionaries also acted on their own. Methodist missionary Thomas Crosby for example wrote to the superintendent general of Indian Affairs, Prime Minister John A. MacDonal, on 28 June 1882 to not only inform him about how Indian Reserve Commissioner Peter O'Reilly was laying out reserves in the province, but also to ask him to intervene to correct the situation. Three years later former Anglican missionary Robert Tomlinson did the same.<sup>14</sup>

Even the conservative and ultramontane Roman Catholic Oblate Order got involved in the lands question in early British Columbia. As historian Lynn Blake shows in her article, "Oblate Missionaries and the 'Indian Land Question,'" across the colony, and after 1871 the province, the Order first served as intermediaries between their claimed flock and the colonial state, only to eventually realize that many of the problems they were dealing with stemmed from the Aboriginal land question.<sup>15</sup> According to Blake the turning point came when Bishop Louis-Joseph D'Herbomez, the vicar apostolic of British Columbia, personally wrote the federal Minister of Public Works, Louis-Hector Langevin, on 29 September 1871 requesting a treaty for his claimed flock and reserves based on a population formula similar to the ones on the Prairies. When this appeal failed to change the policy Bishop D'Herbomez ordered the priests in his diocese to press the matter with the new provincial government at every available opportunity.<sup>16</sup> Aware that this order could be perceived as ordering D'Herbomez's coadjutor bishop, Pierre-Paul Durieu, he reminded the priests to take care not to give the impression that they were the source of the claim.<sup>17</sup>

Ultimately it was this perception that put an end to this early period of the Aboriginal land question in British Columbia. In response to these outside agitators the province was able to convince the federal government to amend the Indian Act in 1910 and 1927, first to restrict the use of band funds with regard to land claims and then prevent the use of other funds as well.<sup>18</sup> The latter amendment, combined with the Great Settlement, did not end these claims per se, but did effectively drive them underground until

these restrictions were lifted in 1951.<sup>19</sup> It was in this atmosphere that the Calder Case emerged and despite the 1973 ruling technically being a loss it nonetheless strengthened land claims throughout the province.<sup>20</sup> Until then, however, bands had to make do with what little land they had “protected” in the form of reserves. The Fort Grahame Tsay Keh Nay were one of these bands.

### The Ingenika Tsay Keh Nay

Currently there are over two hundred distinct First Nations in British Columbia that speak more than thirty different languages that fall into seven distinct language families.<sup>21</sup> The northern half of British Columbia east of the Coast Mountains is dominated by the Na-Dene (Athabaskan) language family. In the center are the Tsek’ehne. Historically known as the Sekani, Sicannie or Sikanni, the Tsek’ehne nation currently consist of the Kwadacha, McLeod Lake, and Tsay Keh Dene First nations with a sizeable portion of the Takla Lake First Nation having Tsek’ehne ancestry. Each nation has its own preferred spelling of the collective name with Kwadacha using Tsek’ene, McLeod Lake Tse’khene, and Tsay Keh Dene Tsay Keh Nay.

The Tsek’ehne first encountered Europeans on 9 June 1793 when North West Company fur trader Sir Alexander MacKenzie startled a group of Tsek’ehne as he and his crew passed by while traveling down up the Parsnip River.<sup>22</sup> It was not until 1805 that a fur trade post was constructed in Tsek’ehne traditional territory on the shores McLeod Lake. It was followed by Fort Connolly on Bear Lake in 1826/1827 and Fort Grahame sixty-five miles up the Finlay River in 1870. The last major fur trade post in Tsek’ehne traditional territory, Fort Ware, started out as an independent trading post only to be purchased by the Hudson’ Bay Company in 1926.<sup>23</sup> (See Map 1) These fur trade posts were located at pre-existing Tsek’ehne settlement sites and served local Tsek’ehne.<sup>24</sup> As time went on, however, members of historic Tsek’ehne groups like the Tseloni, Tslotana, Sasuchan, Yutuwichan and Tsekani proper became associated with their local fur trade post and became known as the Fort “X” Band.<sup>25</sup> For example, the Fort Grahame Band included members from the first four groups who regularly traded at Fort Grahame.<sup>26</sup>

As a result of the McKenna-McBride Commission the Fort Grahame Tsay Keh Nay had received two reserves in northern British Columbia totalling 488 acres.<sup>27</sup> To put this area into context, had they lived on the Prairies and signed a Numbered Treaty their total

reserve size would have been around 1,792 or 7,168 acres based on a total population of fifty-six and the previously mentioned formulas of 160 or 640 acres per family of five.<sup>28</sup> Fortunately for them they were never restricted to these reserves and due to the lack of widespread successful European settlement in their traditional territory continued to live on the land as their ancestors had.<sup>29</sup>



Figure 1. Map of British Columbia with Tsek'ehne villages, ca. 1976.

All of this began to change in 1956, however, when the province began to look into developing the area with the help of Axel Wenner-Gren, a Swedish multi-millionaire.<sup>30</sup> In a move believed by members of the community to ease negotiations, Indian Affairs united it with the Fort Ware Band in 1959 to form the Finlay River Band.<sup>31</sup> It was this band that Indian Affairs would later claim approved the exchange of Finlay Forks No. 1 for Tutu Creek No. 4 and Parsnip River No. 5 in anticipation of the former being flooded

by the W.A.C. Bennett Dam.<sup>32</sup> Despite an expected completion date of 1968, however, neither new reserve was ready until October 1971.<sup>33</sup> In the meanwhile the members of the Fort Grahame section of the Finlay River Band were expected to live in temporary forestry camps along the ever increasing reservoir.<sup>34</sup>

This expected outcome did not happen, however. Displeased with their living accommodations the individuals in the forestry camps began to agitate for change, even attracting limited media attention. Increasingly more and more of them questioned the legitimacy of the previously mentioned reserve exchange as well as the creation of the Finlay River Band itself. Indeed, to this day many are unfamiliar with how it happened or why. Either way in the winter of 1970-1971 the Finlay River Band voted itself out of existence with Indian Affairs approval. Then in the summer of 1971 the reborn Fort Grahame Band relocated en masse to the bluffs above Old Ingenika.<sup>35</sup> (See Map 1) This move was without official sanction and represented a direct challenge to both levels of government. Rather than forcibly removing them, Indian Affairs and the BC Forest Service “allowed” them to squat on Crown land with the hope that they would eventually see the error of their ways and return to one of their reserves.<sup>36</sup>

## Ingenika

The rebirth of Ingenika was not a spontaneous event. Rather, it was the result of years of planning following the completion of the WAC Bennett Dam. The first family to return had done so to escape the poverty, violence and substance abuse that existed in the forestry camps, often as a result of people self-medicating to deal with the immediate impacts of the Williston Lake reservoir. In their view they were returning to their family’s traditional territory for the summer. This move was not purely for pleasure. The family wanted to combat colonial erasure through their very presence as well as resist perceived Indian Affairs pressure to the relocate to Tutu Creek No. 4. As the time to return approached, however, they decided to make the move permanent and soon began to encourage those living in the forestry camps to come join them.<sup>37</sup> As with early land claims in the province the increasing desire to relocate was not only recognized by Indian Affairs, but also initially attributed to an unnamed outside influence.<sup>38</sup> Nevertheless, initially the new village of Ingenika received limited official support. What aid Indian Affairs was willing to provide, however, was directly connected to community “living the Indian

way of life.”<sup>39</sup> The primary motive seems to have been to try to prevent a media firestorm should the band members attempt to evacuate en masse as soon as winter set in.<sup>40</sup>

The Ingenika Tsay Keh Nay were not the only individuals living in this community, however. Old Ingenika may have been gone, but the BC Forest Service water bomber based on the bluffs above it remained.<sup>41</sup> Watching over it was the family of a local guide, who had been connected to the community prior to the creation of the Williston Lake reservoir and knew many of the band members.<sup>42</sup> Aside from them there was also the family of a Mennonite missionary, Thomas (Tom) Mendel Buerge, who had moved up with the community and lived among them.<sup>43</sup> Originally from Albany, Oregon, they were connected to the Albany Mennonite Church, which was part of the Mennonite Church (MC) and is now part of Mennonite Church USA.<sup>44</sup>

Far from being complete outsiders both families were an important part of the community and as time went on intermarried into it. Yet, when a representative from the Department of National Health and Welfare visited the community in September 1971 he named Tom the local lay dispenser without consulting the chief or council.<sup>45</sup> In essence the federal government was attempting to use the Mennonite missionary as their agent in the community. In doing so they not only *de facto* legitimized the community by providing it services, but also the presence of the Mennonite missionary and his family with in the community by making him an official service provider.<sup>46</sup> They were also challenging his role as an Indigenous ally by placing him in a position of power and authority over Indigenous community members. For a missionary, who was already offering a saviour to the community, this situation was problematic to say the least.<sup>47</sup> After all, one of the key problems during the early Aboriginal land question in British Columbia was that the colonial state saw missionaries as usurping Indigenous power and authority rather than serving as what we would call today allies.

Although no official reason is given for the decision to make the Mennonite missionary lay dispenser there are few possibilities. First and foremost it would appear to be based on the perceived connection the missionary had to the community as well as the fact he was non-Indigenous. Of course the guide also fit this description, but unlike the missionary he was already connected to a state agency, the BC Forest Service.<sup>48</sup> In addition, his job kept him out of the community for extended periods of time and therefore the role would have fallen to his wife.<sup>49</sup> Paradoxically, however, while the fact he was a missionary does not appear to have played any spe-



cial role per se, it would appear that by naming a missionary to this position the federal government was following an historic trend. Mennonites were not the only missionaries working among the band and it was actually Roman Catholic Oblate missionaries that had played the biggest role in the community and had worked as federal agents in the past both officially at the Lejac Residential School and unofficially as intermediaries.<sup>50</sup> This role was particularly important as the local Indian Agent rarely visited the community prior to the destruction of Fort Grahame.<sup>51</sup> Furthermore, it had been the Oblates who ran the local summer school prior in the 1930s and the Lejac Residential School since 1922.<sup>52</sup> Unfortunately like the guide they were not in the community year-round.

### Back to the Land

Between 1971 and 1975 the Ingenika Band attempted to reach a settlement with the federal government and province regarding reserve land at Ingenika. Sticking points included the refusal by the province and Indian Affairs to create a reserve larger than 500 acres at Ingenika Point as well as the refusal of the band to simply exchange existing reserve land. In their view any new reserve land would serve as compensation for the destruction of their homeland. When negotiations completely broke down in 1975 the band simply decided to ignore the colonial state and govern themselves accordingly.<sup>53</sup>

As a result, during the summer of 1976 band members began to return to traditional family settlement sites.<sup>54</sup> Rather than representing the death the village of Ingenika, however, the move was seen as the revitalization of traditional ways of life in which families lived within their own territory for most of the year, periodically returning to central village sites as needed. Beyond the cultural importance of this move, however, the Ingenika Tsay Khe Nay appear to have hoped that by using their traditional territory they could convince the federal and provincial governments to agree to a better settlement. Until then they would treat it as the surrendered land it was.<sup>55</sup>

This move caused a certain amount of concern among both provincial and federal officials. Now not only was the band not living on one of its three reserves, but the physical footprint of the band was increasing in size. From the perspective of Canadian law all of this land was Crown land that the band was squatting on and potentially having a negative impact on resource extraction in the

area. However, as with the initial move to Ingenika Point, the decision was ultimately made to allow band members to proceed with their plans as they were doing so to live a traditional way of life. Unlike before, however, this right was not even *de facto* extended to the Mennonite missionary or his family.<sup>56</sup> Instead the BC Forest Service informed the missionary that he would be permitted to go as a guest of the Ingenika Tsay Keh Nay so that the education of the children would not be disrupted.<sup>57</sup> His brother James on the other hand was merely told that he had no right to live on Crown land and therefore the province was happy that he and his family would not do so.<sup>58</sup>

At first these comments might not seem like much of a warning. After all the province had only told the brother of the missionary that he had no right to live on Crown land. There were a few key points in the communications that exposed it as the warning it was. First and foremost there is the fact that the missionary assured the province that the move was merely a camping trip and not a relocation.<sup>59</sup> Second, the province did not believe him and while openly stating that he was allowed to live with the Ingenika Tsay Keh Nay so that school was not interrupted, the BC Forest Service was insistent that this situation was temporary and that once a reserve was created the role of the missionary would be clarified.<sup>60</sup> It did not help that not only had he informed both the BC Forest Service and Indian Affairs what the nation was planning, but that he also freely served as a source information to both the BC Forest Service and Indian Affairs to the point that the BC Forest Service saw him as the chief negotiator for the community.<sup>61</sup> Third, despite the BC Forest Service using Aboriginal rights and education as the rationale for allowing the Ingenika Tsay Keh Nay and missionary to live on the land, an internal Indian Affairs letter makes it clear that the province viewed them as trespassers and was only held back for evicting them by a desire to improve relations with the Ingenika Tsay Keh Nay so that a final agreement could be reached.<sup>62</sup> Indeed, it would appear the only reason why the missionary and his brother were treated differently was because the brother's wife Jean and three of their children had been lost in a tragic rafting accident while heading to Tucha Lake and it was the wives of the missionary and his (Jean and Wanda) that were the actual teachers. (See Map 1) In short, had it been the missionary's wife Wanda that died, it would have been him that was applauded for not living on Crown land while his brother would have been told he was merely a guest among the Ingenika Tsay Keh Nay, permitted to stay because of their educational requirements.<sup>63</sup> In this context statements like "we are pleased to hear that it is not

your intention to establish yourself in any way on Crown Land”<sup>64</sup> and “you will realize that the native people have accrued many rights and privileges which do not accrue to others”<sup>65</sup> clearly come across as warnings, especially when followed by “please accept our sympathies for the tragic loss which has occurred to your family.”<sup>66</sup> Even the fact that they addressed to the brother and not the missionary is a misleading distinction as the close knit community that they lived in would almost guarantee the information was shared and talked about, particularly when you consider that the brother would be relying on his support network to help him deal with the death of his wife and three of their children. In short the brother had two choices in his hour of need, defy the province and live with the missionary and others at Tucha Lake or obey the province and live somewhere else.

Adding injury to insult a similar warning was not issued to the guide and his family or the Oblates. The guide presented an interesting situation. By the very nature of his work he often had to leave the village to be on the land. Indeed, since he had a trapline he had usufructuary rights to live on Crown land in the area, something the Ingenika band member as a whole did not.<sup>67</sup> Challenging these rights would have been problematic to say the least. Perhaps more importantly, however, since 1971 he and his wife had opened a store in the community and in doing so helped the community exist. Nevertheless, this store anchored his family to the community in ways the Mennonite missionary’s mission did not. Had things gotten out of hand the province could have simply stepped in to close the store in order to prevent the sale of goods to those band members who decided to relocate out of the village. Perhaps more importantly, however, was the fact that unlike the Mennonite missionary, the guide’s name rarely appeared in the negotiations for more reserve land. Indeed, the warning itself stemmed from an undated letter informing Indian Affairs that the community was going to camp at their proposed Tucha Lake reserve to prove that their presence would not disturb the local environment.<sup>68</sup>

The same was also for the Oblate missionaries. Despite working in the community since 1870 they did not seem too concerned about the Ingenika Tsay Keh Nay reaching a settlement. In many ways this lack of interest reflected the world view of the Oblates with its medieval concept of property. Nevertheless, they were still active in community, despite the fact that they had lost their role as educators when the band opened its own school in 1973.<sup>69</sup> Indeed, as they had done in the past, they were still willing to come to where the Ingenika Tsay Keh Nay lived, be it a reserve, forestry camp or community. Yet they were not warned. It would therefore

seem that the warning was more than just a warning about leaving the village. The Mennonite missionary had been identified as an outside agitator, who in helping the Ingenika Tsay Keh Nay in their claim were preventing any sort of great settlement.

### **Conclusion**

The rhetoric of Indigenous people acting only due to outside influence was alive and well in British Columbia during the 1970s. What had benefited the Mennonite missionary in the 1971 had come back to haunt him. His connection to the community and involvement in the reserve negotiations was seen as evidence that he had played a role in creating the root desire for land at Ingenika Point. Now the province was concerned that he was promoting the relocation to traditional family settlement sites. Rather than working as a state agent of colonialism it was feared that he was charting his own path. From the perspective of the province he was merely the latest missionary to do so and indeed this case study highlights how state driven political colonialism at times viewed itself as being at odds with missionary driven cultural colonialism. This simple fact is often overlooked in simplistic narratives of Indigenous history in Canada. In part it persists because of the delicate nature of residential school history. It was in these institutions that state driven political colonialism overlapped with missionary driven cultural colonialism. The monumental impact these schools had in the Indigenous community has given the appearance that the two saw each other as in complete agreement regarding methods and goals. As a result, it is not explained how the conflicts that existed outside of the schools disappeared, and indeed even within them I would suggest the motives driving the process were not always one and the same.

### **Notes**

- <sup>1</sup> The contentious nature is elegantly captured in the Tahltan's statement regarding the West Moberly court case as well as the Kaska Dena's attempt to get a ruling that their Aboriginal title had never been dealt with by Treaty 8. Wilson Duff, *The Indian History of British Columbia: The Impact of the White Man*, new ed. (Victoria: Royal BC Museum, 1997), 98-99; Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: University of British Columbia, 2002), 216;

The Kaska Dena Council v. Her Majesty the Queen 2018 FC 218; Tahltan Central Government, “Tahltan Nation Stands United Against Extending Treaty 8 into Tahltan Territory,” Tahltan Central Government, <http://tahltan.org/tahltan-nation-stands-united-against-extending-treaty-8-into-tahltan-territory/> (accessed 30 November 2018); Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990), ix, 18-25, 65-67, passim; West Moberly First Nations v. British Columbia 2017 BCSC 1700.

- 2 The Colony of the Queen Charlotte Islands and the Stickeen Territories did not exist long enough to develop their own Aboriginal policy. LAC, RG 10, Volume 3611, General Correspondence Regarding the Handling of the Land Question in British Columbia, 1874, File 3756-1, Memorandum, 2 November 1874; LAC, RG 10, Volume 3611, File 3756-1, Letter to Secretary of State for the Colonies, the Earl of Carnarvon from the Governor-General of Canada, the Earl of Dufferin, 4 December 1874.
- 3 Twenty acres west of the Cascades and forty acres east was proposed as a formula by Indian Commissioner Powell. Duff claims this formula was the one agreed to. Cole Harris seems to suggest the size of a family was six whenever it was defined. Ottawa disputed this size and repeatedly defined a family as five. As early as 28 July 1873 Victoria conceded the size, although the entire issue is discussed in length in LAC, RG 10, Volume 3611, File 3756-1 between 1873 and 1874. British Columbia Terms of Union, 1871 s.13; Department of the Interior, *Annual Report of the Department of Interior for the Year Ending 30 June 1874*, 9-11; Indian Affairs, *Annual Report on Indian Affairs for the Year Ending 30 June 1872* (Ottawa: I.B. Taylor, 1873), 12; Indian Affairs, *Annual Report on Indian Affairs for the Year Ending 30 June 1873* (Ottawa: I.B. Taylor, 1874), 5; Duff, 93; Harris, 74-75, passim; LAC, RG 10, Volume 3611, File 3756-1; LAC, RG 10, Volume 3611, File 3756-1, Memorandum, 2 November 1874; LAC, RG 10, Volume 3611, File 3756-1, Letter to Secretary of State for the Colonies, the Earl of Carnarvon from the Governor-General of Canada, the Earl of Dufferin, 4 December 1874; LAC, RG 10, Volume 11047, File 33/General Part 6, Minute of the Honourable the Executive Council, Approved by His Honour the Lieutenant-Governor on the 28<sup>th</sup> Day of February, A.D. 1907.
- 4 Duff, 87, 93-98; Harris, 94-134, 218, 228-259, passim; Tennant, 88-89, 96-113, passim.
- 5 Tennant, 40-41, 229.
- 6 For a brief overview of Indigenous land tenure systems in the province see Nancy Turner and James Jones, “Occupying the Land: Traditional Patterns of Land and Resource Ownership Among First Peoples of British Columbia,” paper presented at the Eighth Biennial Conference of the International Association for the Study of Common Property, Bloomington, IN, 31 May-4 June 2000.
- 7 John Barker, “Tangle Reconciliations: The Anglican Church and the Nisga’a of British Columbia,” *American Ethnologist* 25, no. 3 (1998): 444; Lynn Blake, “Oblate Missionaries and the ‘Indian Land Question,’” *BC Studies*, no. 119 (1998): 27-44; Duff, 95-96; Hamar Foster, “We Are Not O’Meara’s Children: Law, Lawyers, and the First Campaign for Aboriginal Title in British Columbia, 1908-28,” in *Let Right Be Done: Aboriginal Title, the Cal-*

- der Case, and the Future of Indigenous Rights*, ed. Hamar Foster, Heather Raven and Jeremy Webber (Vancouver: UBC Press, 2007), 66, 82, 263n9; “Frank Calder and Thomas Berger: A Conversation,” in *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights*, ed. Hamar Foster, Heather Raven and Jeremy Webber (Vancouver: UBC Press, 2007), 41; Harris, 55, 58, 62, 80-82, 194, 205; Tennant, 46, 53-113, 254n35; Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: UBC Press, 1986), 155-157.
- <sup>8</sup> Jean Friesen, “William Duncan,” in *Dictionary of Canadian Biography*, vol. 14, [http://www.biographi.ca/en/bio/duncan\\_william\\_14E.html](http://www.biographi.ca/en/bio/duncan_william_14E.html) (accessed on 28 May 2017); Elizabeth Furniss, “Resistance, Coercion and Revitalization: The Shuswap Encounter with Roman Catholic Missionaries, 1860-1900,” *Ethnohistory* 42, no. 2 (1995): 232-234, 241-244, 248-255; Harris, 81-82, 269-270; David Mulhall, *Will to Power: The Missionary Career of Father Morice* (Vancouver: UBC Press, 1986), x-xi, 8-9, 46-47, 62-63; Jean Usher, “The Long Slumbering Offspring of Adam: The Evangelical Approach to the Tsimshian,” *Anthropologica* 13, no. 1/2 (1971): 39, 56-58.
- <sup>9</sup> Barker, 444; Harris, 81-82.
- <sup>10</sup> Barker, 444; Duff, 95-96, 136-139; Foster, 66, 82; Friesen; Harris, 86-87, 94-95, 204-205, 225-227, 249, 255-257, 260; E. Palmer Patterson, “Arthur E. O’Meara: Friend of the Indians,” *The Pacific Northwest Quarterly* 58, no. 2 (1967): 90-99; Tennant, 55, 87-89, 105-108, 112, 254n35; Titley, 155-157.
- <sup>11</sup> “Frank Calder and Thomas Berger,” 41; Tennant, 55-56.
- <sup>12</sup> Numerous petitions were produced with the first predating union with Canada. Foster, 66-68; Mike Hager, “A Timeline of B.C.’s Treaty Negotiations,” *Vancouver Sun*, 8 October 2013; Harris, 62, 88-82, 194; Tennant, 33, 54-56, 89-90; Union of British Columbia Indian Chiefs, “Historical Timeline – From 1700s to the Present,” *Union of British Columbia Indian Chiefs: Resources* <https://www.ubcic.bc.ca/timeline> (accessed 12 February 2019).
- <sup>13</sup> Foster, 66-68; Harris, 205
- <sup>14</sup> Harris, 185.
- <sup>15</sup> She notes for instance that Father Paul Durieu challenged Methodist missionary Thomas Crosby’s claim to speak for the Sto:lo. Blake, 27-44.
- <sup>16</sup> Blake, 33.
- <sup>17</sup> The quote Blake cites can be interpreted out of context as suggesting the Oblates originated the entire claim. Rather due to their familiarity with the Canadian system they merely produced the template for official petitions. Blake, 37.
- <sup>18</sup> The 1910 amendment accomplished this goal by attempting to restrict litigation to the Crown and not the nation in question. Indian Act, SC 1910, c. 28, s. 1; Indian Act, RSC 1927, c. 98, s. 141.
- <sup>19</sup> Foster, 70; Tennant, 122, 215.
- <sup>20</sup> An in-depth analysis of the case and its impacts can be found in the collected volume *Let Right Be Done*. Foster, Hamar, Heather Raven and Jeremy Webber, ed., *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights*, ed. Hamar Foster, Heather Raven and Jeremy Webber (Vancouver: UBC Press, 2007); Tennant, 128-129, 154, 157-158, 166, 171-175, 219-222.
- <sup>21</sup> There are officially one hundred ninety-eight recognized First Nations with more unrecognized groups. British Columbia, “B.C. First Nations & Indige-

- nous People,” *WelcomeBC* <https://www.welcomebc.ca/Choose-B-C/Explore-British-Columbia/B-C-First-Nations-Indigenous-People> (accessed 5 February 2019); Indigenous and Northern Affairs Canada, “About British Columbia First Nations,” *Indigenous and Northern Affairs Canada* <https://www.aadnc-aandc.gc.ca/eng/1100100021009/1314809450456> (accessed 5 February 2019).
- <sup>22</sup> Alexander MacKenzie, *Voyages from Montreal on the River St. Laurence through the Continent of North America to the Frozen and Pacific Oceans: In the Years 1789 to 1793 with a Preliminary Account of the Rise, Progress, and Present State of the Fur Trade of that Country*, (London: R. Noble, 1801), 198-208.
- <sup>23</sup> Hudson’s Bay Company Archives, Post: Fort Ware (BC) Finding Aid, 1999.
- <sup>24</sup> Daniel Sims, “Dam Bennett: The Impacts of the W.A.C. Bennett Dam and Williston Lake Reservoir on the Tsek’ehne of Northern British Columbia,” (PhD Diss., University of Alberta, 2017), 54.
- <sup>25</sup> Diamond Jenness, *The Sekani Indians of British Columbia*, no. 84, *Anthropological Series* no. 20 (Ottawa: J.O. Patenaule I.S.O., 1937), 10-11, passim; Loraine Littlefield, Linda Dorricott and Deidre Cullon, “Tse Keh Nay Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake): A Draft Report,” (unpublished paper, draft submission to the Kemess North Joint Review Panel, 2007), 6-9.
- <sup>26</sup> Littlefield, Dorricott and Cullon, 9.
- <sup>27</sup> The McKenna-McBride Commission originally applied for 149.2 and 640 acres for each reserve respectively. A letter from the Ditchburn-Clark Inquiry would claim the 640 acres for Police Meadows was a mistake. Indian Affairs Branch, *Schedule of Indian Reserves in the Dominion of Canada: Part 2 Reserves in the Province of British Columbia, Corrected Up to March 31, 1943* (Ottawa: Indian Affairs Branch, 1943), 155; LAC, RG 10, Volume 1045, Indian Affairs, “Royal Commission on Indian Affairs for the Province of British Columbia,” 1913-1916, 901; LAC, RG 10, Volume 11045, File 33/General Part 1, Letter to Deputy Superintendent General of Indian Affairs, Duncan Scott from Chief Inspector of Indian Agencies, W.E. Ditchburn, 27 March 1923.
- <sup>28</sup> Dominion of Canada, *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1917* (Ottawa: J. de LaBroquerie Taché, 1917), 7.
- <sup>29</sup> Sims, 51, 96-99.
- <sup>30</sup> Sims, 100-136.
- <sup>31</sup> Sims, 117.
- <sup>32</sup> Sims, 209-210.
- <sup>33</sup> LAC, RG 10, Box 396, File 985/8-3-27-1 Part 1, Letter to Superintendent, Stuart Lake Agency from W. Presloski, 16 September 1964; LAC, RG 10, Volume 11957, File 985/19-4-27, Letter to W.M. Munroe from Regional Engineer, BC Region, W.G. Robinson, 25 October 1971.
- <sup>34</sup> Sims, 6, 214-215, passim.
- <sup>35</sup> Sims, 233, 244-247, 261-274, passim.
- <sup>36</sup> Sims, 351, 355-356.
- <sup>37</sup> Sims, 351-354.
- <sup>38</sup> LAC, RG 10, Volume 11957, File 985/19-4-27, Report by Community Development Worker, Lakes District, Nicholas Prince, 22 June 1971; LAC, RG 10,

- Volume 11957, File 985/19-4-27, Letter to Regional Superintendent of Community Affairs from District Supervisor, A.C. Roach, 22 September 1971; LAC, RG 10, Volume 11957, File 985/19-4-27, Memorandum from Regional Superintendent of Community Affairs, Duncan Clark, 7 October 1971.
- <sup>39</sup> LAC, RG 10 Volume 11957, File 985/19-4-27, Letter to Regional Superintendent of Community Affairs from District Supervisor, A.C. Roach, 8 November 1971.
- <sup>40</sup> LAC, RG 10, Volume 11957, File 985/19-4-27, Letter to Regional Director, British Columbia Region from District Supervisor, A.C. Roach, 24 August 1971.
- <sup>41</sup> Sims. 352.
- <sup>42</sup> LAC, RG 10, Volume 11957, File 985/19-4-27, Memorandum from Zone Director, Northern BC, R.A. Sprenger, 27 September 1971; Sims, 355.
- <sup>43</sup> LAC, RG 10, Volume 11957, File 985/19-4-27, Memorandum from Zone Director, Northern BC, R.A. Sprenger, 27 September 1971.
- <sup>44</sup> It is not entirely clear if Buerge remained with the Mennonite Church later in life. "Canadian Drowning Claims Four Members of ex-Albany Family," *Albany Democrat-Herald*, 22 June 1976; "Obituaries," *Albany Democrat-Herald*, 11 October 1994; "Raft Victims Lived in Valley," *The Capital Journal*, 24 June 1976.
- <sup>45</sup> LAC, RG 10, Volume 11957, File 985/19-4-27, Memorandum from Zone Director, Northern BC, R.A. Sprenger, 27 September 1971; Bill Graham, "Missionary Lives with Indian Band: Native People Trying to Recapture Past," *Prince George Citizen*, 28 February 1975; Sims, 355.
- <sup>46</sup> Indeed, Indian Affairs was upset about what they considered to an intrusion into their domain, especially since they had already decided to send aid to the community. LAC, RG 10, Volume 11957, File 985/19-4-27, Memorandum from Regional Superintendent of Community Affairs, Duncan Clark, 7 October 1971; LAC, RG 10 Volume 11957, File 985/19-4-27, Letter to Regional Superintendent of Economic Development from District Supervisor, Lakes District, A.C. Roach, 17 December 1971.
- <sup>47</sup> There are many ways to be a good ally to Indigenous people. Two key tenets, however, are to allow Indigenous people to take the lead and not become a saviour. One of the reasons why I repeatedly refer to Tom Buerge as the Mennonite missionary is to prevent developing a narrative around him in Tsek'ehne history. There are many works that discuss the role of an ally, but a good source to start with that is quick to read is Amnesty International's "10 Ways to be a Genuine Ally to Indigenous Communities." Jeffrey Denis and Kerry Bailey provide a wonderful summary of Indigenous views on allyship in their chapter, "You Can't Have Reconciliation Without Justice." Amnesty International, "10 Ways to be a Genuine Ally to Indigenous Communities," *Amnesty International* 23 May 2018 <https://www.amnesty.org.au/10-ways-to-be-an-ally-to-indigenous-communities/> (accessed 14 February 2019); Jeffrey Denis and Kerry Bailey, "You Can't Have Reconciliation Without Justice: How Non-Indigenous Participants in Canada's Truth and Reconciliation Process Understand Their Roles and Goals," in *The Limits of Settler Colonial Reconciliation: Non-Indigenous People and the Responsibility to Engage*, ed. Sarah Maddison, Tom Clark and Ravi de Cosata (Singapore: Springer Nature Singapore Pte Ltd., 2016), 142-143.



- <sup>48</sup> LAC, RG 10, Volume 11957, File 985/19-4-27, Memorandum from Regional Superintendent of Community Affairs, Duncan Clark, 7 October 1971; LAC, RG 10 Volume 11957, File 985/19-4-27, Letter to Regional Superintendent of Economic Development from District Supervisor, Lakes District, A.C. Roach, 17 December 1971.
- <sup>49</sup> LAC, RG 10, Volume 11957, File 985/19-4-27, Memorandum from Zone Director, Northern BC, R.A. Sprenger, 27 September 1971.
- <sup>50</sup> Local newspapers repeatedly mention the activities of the Oblates in the North. I have selected a few examples. "He's Helped Build 4 Churches, Sawmill: College Co-ordinator Experienced Man," *Prince George Citizen*, 9 May 1962; "Illness Found in Ingenika on Inspection Day," *Prince George Citizen*, 9 July 1951; "Town and Country: McLeod's Lake," *Prince George Citizen*, 24 January 1968. A series of letters starting with LAC, RG 10, Volume 4027, File 299,110, Letter to Frank Gedley from N. Coccola, 12 October 1909 highlighted advocacy of the Oblates as they served as intermediaries between the Tsay Keh Nay and the colonial state.
- <sup>51</sup> LAC, RG 10, Volume 7127, File 985/3-5, Part 1, Letter to the Secretary, Indian Affairs Branch from Indian Agent Robert Howe, 2 October 1941; LAC, RG 10, Volume 7127, File 985/3-5, Part 1, Letter to Indian Commissioner for BC, W.S. Arneil from Indian Superintendent R. Howe, 23 February 1952; LAC, RG 10, Volume 7538, File 27,163-1-2, Letter to the Secretary, Department of Indian Affairs from J.A.F. Campbell, 17 May 1925; LAC, RG 10, Volume 11288, File 139-13, Letter to Indian Commissioner for BC, D.M. McKay from Indian Agent R. Howe, 9 September 1943; LAC, RG 10, Volume 11288, File 139 - General, Letter to Divisional Registrar 'K,' C.G. Pennock from Indian Commissioner, D.M. MacKay, 9 December 1941; LAC, RG 10, Volume 11295, Letter to Indian Commissioner for BC, D.M. MacKay from Indian Agent, R. Howe, 22 December 1943; Sims, 198-199.
- <sup>52</sup> I have only included the files dealing with the summer school as they are harder to find than the records surrounding Lejac. LAC, RG 10, Volume 6418, File 852-1, Part 1; LAC, RG 10, Volume 6418, File 852-2, Part 1.
- <sup>53</sup> Sims, 356-381.
- <sup>54</sup> Sims, 381-382.
- <sup>55</sup> Sims, 53-54, 71, 381-383.
- <sup>56</sup> LAC, RG 10, Box 1, File 985/19-4-609, Letter to James Buerge from District Forester, M.G. Isenor, 7 July 1976; LAC, RG 10, Box 1, File 985/19-4-609, Letter to Regional Supervisor of Lands, British Columbia Region from Land & Wildlife Programs Officer, R.M. McIntyre, 7 July 1976; LAC, RG 10, Box 1, File 985/19-4-609, Letter to Thomas Buerge from District Forester, M.G. Isenor, 7 July 1976.
- <sup>57</sup> LAC, RG 10, Box 1, File 985/19-4-609, Letter to Thomas Buerge from District Forester, M.G. Isenor, 7 July 1976.
- <sup>58</sup> LAC, RG 10, Box 1, File 985/19-4-609, Letter to James Buerge from District Forester, M.G. Isenor, 7 July 1976.
- <sup>59</sup> LAC, RG 10, Box 1, File 985/19-4-609, Letter to Forest Service, M.G. Isonor (sic) from Tom Buerge, [30 June 1976].
- <sup>60</sup> LAC, RG 10, Box 1, File 985/19-4-609, Letter to Thomas Buerge from District Forester, M.G. Isenor, 7 July 1976.

- <sup>61</sup> There is no evidence that the Mennonite missionary ever tried to correct this view. That being it is possible it was at the behest of the chief. LAC, RG 10, Box 1, File 985/19-4-609, Letter to Forest Service, M.G. Izonor (sic) from Tom Buerge, [30 June 1976]; LAC, RG 10, Box 1, File 985/19-4-609, Letter to Regional Supervisor of Lands, British Columbia Region from Land & Wildlife Programs Officer, R.M. McIntyre, 7 July 1976; LAC, RG 10, Box 1, File 985/19-4-609, Letter to Thomas Buerge from District Forester, M.G. Isenor, 7 July 1976; LAC, RG 10, Box 1, File 985/19-4-609, Letter to Tom Buerge from District Forester, M.G. Isenor, 21 July 1976.
- <sup>62</sup> LAC, RG 10, Box 1, File 985/19-4-609, Letter to Regional Supervisor of Lands, British Columbia Region from Land & Wildlife Programs Officer, R.M. McIntyre, 7 July 1976.
- <sup>63</sup> LAC, RG 10, Box 1, File 985/19-4-609, Letter to James Buerge from District Forester, M.G. Isenor, 7 July 1976.
- <sup>64</sup> Ibid.
- <sup>65</sup> Ibid.
- <sup>66</sup> Ibid.
- <sup>67</sup> It is important to bear in mind, however, that some individual band members did have the same usufructuary rights based on their traplines. LAC, RG 10, Box 1, File 985/19-4-609, Letter to Thomas Buerge from District Forester, M.G. Isenor, 7 July 1976.
- <sup>68</sup> Graham; LAC, RG 10, Box 1, File 985/19-4-609, Letter to Forest Service, M.G. Izonor (sic) from Tom Buerge, [30 June 1976]; LAC, RG 10, Box 1, File 985/19-4-609, Letter to Thomas Buerge from District Forester, M.G. Isenor, 7 July 1976; LAC, RG 10, Box 1, File 985/19-4-609, Letter to Tom Buerge from District Forester, M.G. Isenor, 21 July 1976.
- <sup>69</sup> As Hamar Foster notes, Roman Catholic missionaries were less active in the land claims process than their Protestant rivals. According to Lynn Blake this had more to do with their views regarding property. Blake, 27, 38-44; Foster, 263n9; Sims, 368-369.