# A Missing Genocide

*and*

# The Demonization of its Heroes

*A Review of the* **CanadianMysteries.ca** *Website*

**WE DO NOT KNOW HIS NAME:**
**KLATSASSIN AND THE CHILCOTIN WAR**

TOM SWANKY

DRAGON HEART | COPYRIGHT 2014 | WWW.SHAWNSWANKY.COM

# Executive summary

To the untrained eye, the *canadianmysteries.ca* website "Klatsassin and the Chilcotin War" seems comprehensive. With attention to the smallest detail. Yet, from across the invisible wall separating native and non-native experience in Canada, it appears uninformed, careless of basic facts, enamoured of discredited mythologies and plagued by shoddy craftsmanship.

Its virtual archive is a valuable resource for senior researchers. Yet, its self-generated material, organization and even its document selection make the website a powerful source of misinformation. It sends students down misleading pathways. The true nature of the conflict is obscured not revealed.

Since public education and opinion strongly affect the present and future ability of the Tsilhqot'in, as a minority community, to enjoy "their constitutional rights and related interests," the website seemingly puts the Government of Canada, as the website's funder, and the three university sponsors in violation of the *U.N. Declaration* concerning the right of indigenous Peoples. Indigenous Peoples have a right to see their histories treated "with dignity" and to have them "appropriately reflected" in education and public information.

The website makes little attempt at this standard. Instead, it disrespects the Tsilhqot'in voice. And buries its narrative. As a result, the website is harmful rather than helpful for healing, restitution and reconciliation. As presently constituted, it is a disservice for teachers, students and the general public, and should not be recommended.

This Review documents some of the key weaknesses in detail. It also addresses some common misconceptions about this part of Tsilhqot'in/Canadian history, June 1861 to Sept. 1865. This includes an extended analysis of Tsilhqot'in leadership and policy in the Interior, showing how the website misconstrues this to the detriment of understanding the Tsilhqot'in rejection of colonial values.

Attached to the Review is an extended narrative integrating the written record and the oral tradition, so far as it is known to me, concerning the progression of events in the Homathko corridor. There is, also, a unique narrative of Ft. Alexandria's role in Tsilhqot'in history, including The Chilcotin War. These exercises are invaluable for any appreciation of the Tsilhqot'in side of this history but are unavailable on the website, or currently from any other written source, in this detail.

# Contents

Introduction.....Page 1.
- Listening to the Elders?

1. No. The website teaches an admittedly false history of "murder...not war."....Page 3.
- Cast of Characters
- Timeline and the Tsilhqot'in Voice
  - Of genocide and "a scorched earth policy"
- Mysterious things

2. The website creates fictions, omits, obscures or conceals important evidence.....Page 16.
- Including a narrative showing the administration of Tsilhqot'in law at Sutless
- Part played by Alexis
- Part played by Anaham

3. The website seems poorly informed about the historical context.....Page 26.

4. A failure to locate the key issue. Notes on Dr. Lutz's essay.....Page 33.

5. An integrated narrative concerning the Homathko campaign.....Page 39.

Appendix A: The Tsilhqot'in Statement outlining themes.....Page 43.

Appendix B: Fur trading, the Tsilhqot'in, Fort Alexandria and The Smallpox War.....Page 44.

Appendix C: Essay by Dr. John Lutz.....Page 49.

# A Missing Genocide and the Demonization of its Heroes.

A Review[1] of the *canadianmysteries.ca* Website
*We Do Not Know His Name: Klatsassin and The Chilcotin War.*
By Tom Swanky[2]

It is a shibboleth of Tsilhqot'in history that, while founding British Columbia, settlers began a war of extermination against them. The Elders teach that, in 1862/63, settlers knowingly and intentionally introduced smallpox to their communities. This narrative is not unique to the Tsilhqot'in. Respected Elders from many, indeed most, native nations in the former British Pacific colonies tell a similar narrative. The result was a dramatic, sudden, decline in the indigenous population. And in its political presence. Aided and abetted by settlers, this human catastrophe allowed them to overthrow the established systems of governance, to subjugate their traumatized hosts, to seize control of resources without title, consent or compensation, and to do so with little need for conventional violence.

In the Elders' narrative of B.C. history, after the smallpox phase came a para-military occupation. In the occupation, the Tsilhqot'in were: 1) dispossessed slowly of their food and livelihood resources; 2) confined to refugee camps guaranteeing a diminished opportunity to live as Tsilhqot'in; 3) marginalized in political, legal and economic systems receiving their legitimacy and power entirely from non-Tsilhqot'in sources; 4) dispossessed of family structure as children were removed for reprogramming as other than Tsilhqot'in; 5) subjected to the psychological violence of dehumanization; 6) culturally humiliated for using their own language, preserving their own knowledge and keeping to their own philosophy of life; 7) deprived of the opportunity for a communal self-determination; and 8) deprived of the opportunity to retell their history uncensored in the education system and to have it shared honourably by those in positions of authority with influence over public perceptions.

It is under this last heading that we ask: does the canadianmysteries.ca website, *We Do Not Know his Name*: *Klatsassin and the Chilcotin War,* continue the practise, first adopted for the occupation, of denying the Tsilhqot'in voice an equitable hearing in its own history? Or does it, instead, treat the indigenous voice as would a post-colonial institution now meeting its full public obligations as underscored by Articles 13 and 15 of the *United Nations Declaration on the Rights of Indigenous Peoples?* Post-colonial institutions ensure that indigenous Peoples freely and effectively enjoy their right a) to see their histories “transmitted” to future generation; b) to the “dignity” of their histories; and c) to have them “appropriately reflected” in education and public information.

In 1865, British Columbia's attorney-general publicly advised settlers not to engage natives on the issue of smallpox having been criminally facilitated to kill them.[3] And, through his example, to

brand the survivors' direct evidence as superstition. That path now helps only to sustain a legacy of dehumanizing indigenous Peoples that still stains Canadian culture. Rejecting that legacy, people of good faith support a corrective and healing re-humanization as a pre-condition to restitution and reconciliation. This requires an equitable hearing and attention to the themes of indigenous voices. And, therefore, a frank inquiry into the issue of a smallpox genocide and its denial.

*Canadianmysteries.ca* is based at the University of Victoria, the Université de Sherbrooke and the Ontario Institute for Studies in Education at the University of Toronto. It contains "...a series of instructional websites based on the premise that students can be drawn into Canadian history and archival research through the enticement of solving historical cold crimes." Teachers can obtain guides. The material is available to the public. It created *Klatsassin* in 2003 with funding from the Department of Canadian Heritage. This review considers the website as of April/May 2014.

As the most prestigious and widely available resource, this is the primary means by which students, writers, journalists or others seeking a dispassionate source might learn about this part of Tsilhqot'in history. Or, as the website advertises its use, become introduced to aboriginal issues in British Columbia generally. Despite its importance to their culture, and the larger community's perception of their community, there is no stated protocol for Tsilhqot'in oversight. Representatives attended Klatsassin Memorial Day in 2003, did some interviews and photographed places of interest. However, my inquiries have not turned up any advisory that community leaders endorse the site.

At the website's core is "...a virtual archives limited to the documents that we believe bear directly on the key questions of the Chilcotin War." It includes maps and pictures. In addition to having responsibility for document selection and organization, the website has an overall introduction, short introductions to each category, original maps, a "Cast of Characters" with mini-biographies, a "Timeline" and, behind a password-protected curtain, "Interpretations." Among these is one authored by its administrator, Dr. John Lutz of the University of Victoria. Since the University advertises Dr. Lutz as an expert on aboriginal issues and the Chilcotin War, it can be assumed that his opinion influences the shaping of these issues for the education curriculum and for the authorized historical narrative of B.C. as it relates to the indigenous Peoples and, especially, to the Tsilhqot'in.

First, some preliminary notes. Although claiming "high-quality materials...for teaching historical methods and Canadian history" and a desire to draw students into "archival research," *Klatsassin* contains no introduction on the differences between oral traditions and written documents as sources. Yet every aboriginal issue will have variations of this challenge. Here, there are only three Tsilhqot'in originated selections in more than 200 documents. If one stops at this, a balanced perspective is impossible. Anyone studying aboriginal issues must do more than consulting settler archives to "appropriately reflect" the history. Nor is it underlined that archival sources created by colonists are unreliable guides to indigenous motives, thoughts, actions and political objectives.[4] Especially in periods of unusual stress. Settler-colonial communities have a communal self-interest a) in portraying their own actions as neutral or positive for natives, b) in interpreting natives as having a desire that settlers should import their institutions and c) in supposing that natives who suffered from settler expansion harmed themselves. As a philosopher once noted, truth is a plain sister and so we dress her with art or myths.

On the other side, the website does not address the problem of broken trust. Many outsiders have abused the trust of indigenous people concerning their histories. Hence the need for Articles in the

U.N. Declaration. While natives may describe themselves as living in a context formed by a history of oppression, each outsider has an interest in refusing the grace that might allow picturing one's self as the beneficiary of that oppression. Or as one who might be engaging in activity experienced as a continuation of the oppression. Evil can be banal. Personally and collectively, people seldom see themselves as agents of harm or as anything but good and well-intentioned. With reason then, indigenous sources may be reluctant to share freely before re-establishing the social trust one otherwise takes for granted. This is common everywhere among those subjected to political persecution, oppression or genocide, and who have survived under regimes of intimidation. It also imposes a special burden of care. These communities have less means for correcting false public impressions.

The website's password protected section contains a single short statement of the Tsilhqot'in perspective. Prepared by the Tsilhqot'in National Government for Klatsassin Memorial Day 2003, it naturally has rhetorical flourishes similar to what one expects on "Canada Day." Nevertheless, it does introduce the central Tsilhqot'in themes concerning Canada's founding in British Columbia. (See Appendix A.) Headlined, "We meant War – Not Murder," it refers a) to "an invasion" by colonists to overthrow Tsilhqot'in control and law in favour of control by the British Crown; b) to "the genocidal introduction of smallpox, the degrading abuse of Tsilhqot'in women, and the threatened subjugation"; c) to colonial militia groups practicing a "scorched earth" policy; d) to "the treachery" of a "phony peace conference;" e) to the "martyrdom" of "Tsilhqot'in War Chiefs" as common criminals; and f) to "Remember 1864" as a rallying cry for the Tsilhqot'in "...resolve to be masters of their own destiny."

Does the *canadianmysteries.ca* website *Klatsassin*, prepared under the auspices of three Canadian universities and the Department of Heritage, use its prestige and strategic dominance of public education to "appropriately reflect" this Tsilhqot'in history? Teaching it with honour and dignity, giving the Tsilhqot'in voice an equitable hearing? This Review answers the question in five parts; Part 4 analyzes Dr. Lutz's essay.

## 1. No. The website teaches an admittedly false history of "murder...not war."

Since its virtual archive selections create an imbalance rendering the Tsilhqot'in voice virtually inaudible, "appropriately reflecting" this history requires the website to address this, in part, through special care in its self-generated material.

What about, "War, not murder?" Murder is an unlawful killing without justification or excuse. An individual matter, except as it bears collaterally on the public peace. War or *deni ts'ulhdilh* is a period of violence between social entities, each with its own sovereign authority.

The second colonial Governor of this period expressly acknowledged that the Tsilhqot'in had killed settlers in acts of war.[5] He also said, however, that it better suited settler public policy to treat these as if they had been murders.[6] Hence the need for show trials. After these show trials, the Head War Chief of the Tsilhqot'in explicitly confirmed the Governor's analysis. Klatsassin told his confessor, "We meant war, not murder."[7] In his essay (see Appendix C,) Dr. Lutz also writes that this was, indeed, "War, not murder." So a Colonial Governor, the Tsilhqot'in then, Elders today and Dr. Lutz all agree: this history concerns instances of "War, and not Murder." The key issues are, on the one hand, "Why did the Tsilhqot'in feel an urgent need to defend themselves with an act of war?" And, on the other hand, "Why did the Colony invade Tsilhqot'in territory and hang its public servants as common

criminals?" Since no controversy attaches to this framing, the website should find it easy to integrate the insight.

Instead, the website consistently teaches throughout its publicly accessible parts, explicitly and implicitly, the admittedly false colonial mythology that, really, there was only "Murder." Its "Cast of Characters," "Timeline" and identification of "mysteries" convey this teaching as follows:

**a) Cast of Characters and murder or war.**
*(Some Characters are given more than one attribute.)*

The "Cast of Characters," is a list of 78 names with brief biographies. By itself, the list has some revealing exceptions. This website is about Klatsassin. Yet the colonial official who oversaw his martyrdom, Peter O'Reilly, is not listed. Nor is George Barnston, appointed as defence counsel even though he was intimately connected to those the Tsilhqot'in blamed for spreading smallpox. Missing also are Francis Poole, the Linn brothers, Pearce and John McLain each admittedly involved in taking smallpox to Tsilhqot'in communities. Or James Fisher and Bob McLeod, killed during the smallpox period. I note other important missing figures in passing.

To "appropriately reflect" this history, these biographies should reveal how the Tsilhqot'in reasonably and understandably can speak of genocide, of war, of women being subjected to degrading abuse, of outsiders overthrowing their law, of a betrayal by the Crown and of colonists martyring their public figures. Instead, one finds this:

i) Descriptions of the Tsilhqot'in.

Murderers, possible murderers or accused of murder: 18
Tsilhqot'in warriors who killed settler-colonists in a war: 0
Tsilhqot'in victims, of war or smallpox: 0
Neutral Tsilhqot'in: perhaps, 1
Tsilhqot'in leaders concerned with preserving their system of governance and the old law: 0
Good Tsilhqot'in for helping the settler-colonists control "Bad Indians": 10
Good Tsilhqot'in for implementing Tsilhqot'in policy: 0
Tsilhqot'in who resisted smallpox spreaders: 0.

ii) Descriptions of the settler-colonists.

Settlers who were victims: 30
Colonial leaders concerned with law and order: 12
Officials who participated in martyring the Chilcotin Chiefs: 0
Neutral functionaries: 8
Settlers abusing native women: 0
Unscrupulous trading partners alleged to have spread smallpox: 4
Settler-colonists who admitted introducing smallpox: 0
Colonist officials accused of genocide or official intimidation: 0
Settler-colonists claiming land illegally: 0
Land speculators or road builders spreading and benefitting from smallpox: 0
Settlers victimized by the Douglas regime's refusal to make treaties in a timely way : 0.

Students will take away these lessons : a) There were two types of Tsilhqot'in: “Bad Indians” who murdered colonists for no good reason and “Good Indians” who helped the colonists control and punish the Bad Indians; b) There were no good Tsilhqot'in defending their established system of governance from colonists introducing smallpox or disrespecting the law; c) There were two types of settlers: those victimized by bad Tsilhqot'in and those concerned with law and order. d) There were no settlers introducing smallpox to take land, claiming land illegally even under colonial rules, disrespecting the existing law or over-throwing the established system of governance. Missing are a smallpox genocide, a war, a tarnishing of the Crown's honour and the martyrdom of the “Chilcotin Chiefs.” Also missing are the actual Tsilhqot'in warriors, but one, as listed by Klatsassin.[8] The narrative implicit in the “Characters” list completely silences the Tsilhqot'in voice.

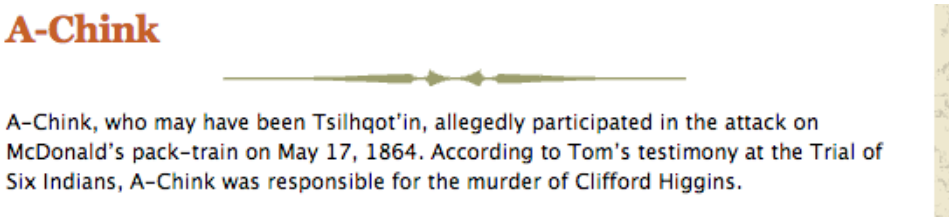
The screenshots below show examples of the website teaching “Murder...not War.”

To the Tsilhqot'in, Chedekki is one of the heroes thanked each Klatsassin Memorial Day for their public service as warriors in the resistance to colonialism.

“Follower,” in the implied sense of adhering to a charismatic figure or ideology, is bizarre. Asleep in a settler tent, Chedekki was awakened and impressed into service only at the very last minute.[9] He took part in only one action. Even a stacked settler jury could not see in his behaviour any “aiding and abetting” or “inciting” anyone.[10] For that matter, it is hard to see how the concept of “followers” is justified anywhere here. Only five men, one his son, accompanied Klatsassin to his second action at Sutless.[11] Without implying a lack of public support, is that really a following?

Moreover, while it is made to seem ominous that Chedekki (a shady figure with an alias) and Telloot “had been seen near the campsite on the night before the attack,” the Tsilhqot'in working with the settlers camped beside them at all times. They did not, as the usual case, work during the day and then melt away mysteriously into the wilderness at night. More accurately, but less ominously, one could say that Telloot supervised and lived with the settler crew for parts of two seasons. He and his son-in-law Chedekki, known to settlers as George, could be seen near the campsite every night.

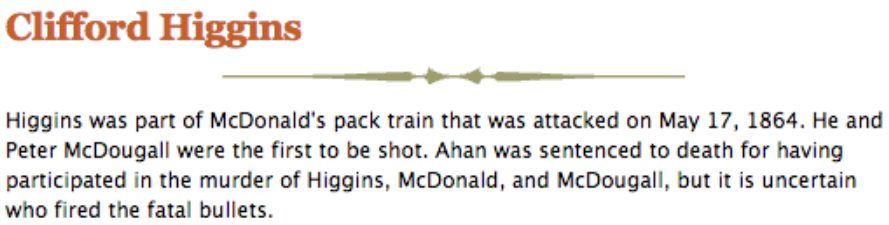
The next entry makes it seem uncontradicted that A-Chink had murdered Higgins.



Yet, Ahan said that it was Yahoolas who killed Higgins.[12] Then, in his biography, the website says Ahan was sentenced to death for "having participated" in "Higgins' murder." This is false. The court convicted Ahan only for McDougall's supposed "murder."[13]

Yet, in High Chief Anaham's biography, the website says, "Ahan was found guilty of participating in the murder of Alexander McDonald." This is false. Ahan described shooting at McDougall alone, several times. This despite being cautioned that the evidence would be used against him. He did not care about that. He had no reason to act as if they had any right to try him at all. He said, "A Great Chief,"[14] i.e., the properly authorized official, had given him a rifle and direction.[15] Anaham identified Ahan as "head" of his own community.[16] Since his father was still alive and active, Ahan's status at Sutless seems not hereditary but as its "War Chief." In any case, he lacked the requisite criminal intent for "murder" on all accounts.

This introduces the website's practise of weaving a patchwork of erroneous facts and false implications for a fanciful garment that little relates to faithfully reflecting the evidence as a guide to the key issues. Effectively, it obscures rather than signposts any reliable trail for an appreciation of the Tsilhqot'in perspective. In addition to a flagrant carelessness of basic facts, there is an ignorance even of the English legal system. Some Tsilhqot'in are said to have "murdered" people they were not even alleged to have killed. For example, the website has three different Tsilhqot'in "murdering" Higgins. But was he "murdered" at all?



**Clifford Higgins**

Higgins was part of McDonald's pack train that was attacked on May 17, 1864. He and Peter McDougall were the first to be shot. Ahan was sentenced to death for having participated in the murder of Higgins, McDonald, and McDougall, but it is uncertain who fired the fatal bullets.

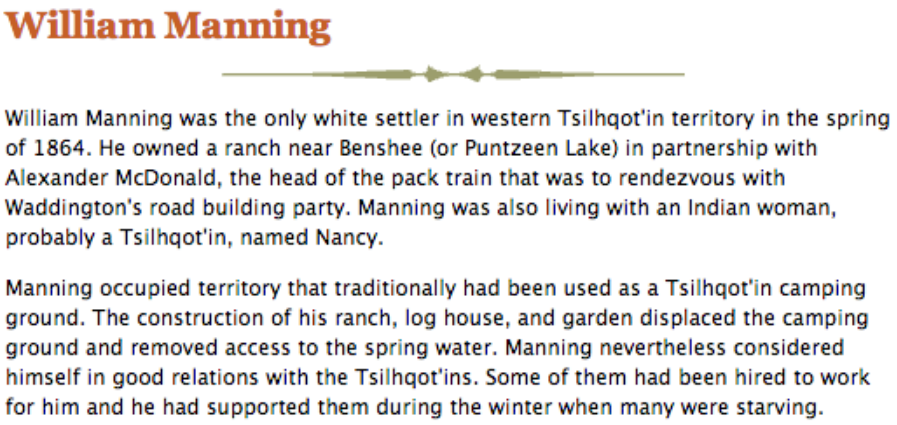
The Crown hanged Ahan only for killing McDougall and Klatsassin only for McDonald.[17] What about Clifford Higgins? Of all the settler deaths, his was the most likely candidate as murder. Was it? The Crown did not try, let alone convict or sentence anyone for his death. Without more, no Tsilhqot'in can be said to have "murdered" Higgins under English law. At most, a scholar might speak of an alleged murder.

What about under the law of the land then still indisputably in effect, Tsilhqot'in law? If Yahoolas killed Higgins, since he and Klatsassin perhaps each shot at Alex McDonald, then Higgins may have died while unlawfully interfering in McDonald's execution. Alternatively, Higgins was active on the Bentinck Arm Road during the 1862 epidemics.[18] He seems McDougall's employee.[19] He went to Victoria in January 1864 with McDonald and Adam Ross. Ross had claimed land in nearby Ansanie territory during the 1862 epidemics. Ross reported being wounded and his partner killed, probably by the Ansanie.[20] Whether this, too, was smallpox related is uncertain. In any case, Higgins was well-known to the Tsilhqot'in. He may have been executed in his own right over smallpox concerns. Yet the Governor's party found only two dead horses at Sutless.[21] These belonged to McDonald and McDougall (shot by Biyil and Lutas,) both connected to seizing and holding the Puntzi land with smallpox. So the Sutless event seems preplanned to target those two. The rest were in danger only so far as they adhered to them. All the settlers were unhorsed. However, once these no longer adhered to the two key figures,

the Tsilhqot'in let all the rest escape. This tends to confirm that the killing of the two leading figures on the dead horses were purposeful executions under Tsilhqot'in law. As for Higgins, whichever Tsilhqot'in did it, he did so under the auspices of the Head War Chief performing a public duty. So this also was not war or murder but administration of the relevant law.

The website makes several false claims about William Manning. Contrary to the website's description, Manning was in eastern not western Tsilhqot'in territory. In Nancy's biography, the website says "Manning was the only settler in Williams Lake." He never lived there at all. It also fails to notice that Nancy was from Alexis' family. And it fails in both places to notice that Manning already had an English wife and two daughters on their way to join him.[22]

In March 1863, Alex McDonald said that he, Manning, McDougall and Duncan McKinnon (a smallpox carrier on the Bentinck Arm Road in June/July 1862,[23]) and presumably their native wives all wintered in this prospective roadhouse.[24] A minimum of six adults. Yet the website prefers the false colonial mythologizing that paints Manning as a lone farmer exposed to the mercy of primitive savages. Who then murdered him for no good reason but that he was white. This irresponsibly plays into the stereotypical vision of innocents-at-risk painted by hundreds of bad western movies. If Manning partnered only with McDonald, then he still was not "the only white settler."



## William Manning

William Manning was the only white settler in western Tsilhqot'in territory in the spring of 1864. He owned a ranch near Benshee (or Puntzeen Lake) in partnership with Alexander McDonald, the head of the pack train that was to rendezvous with Waddington's road building party. Manning was also living with an Indian woman, probably a Tsilhqot'in, named Nancy.

Manning occupied territory that traditionally had been used as a Tsilhqot'in camping ground. The construction of his ranch, log house, and garden displaced the camping ground and removed access to the spring water. Manning nevertheless considered himself in good relations with the Tsilhqot'ins. Some of them had been hired to work for him and he had supported them during the winter when many were starving.

This biography does not underline that the Puntzi land was occupied illegally even under colonial land legislation: it was not vacant. Nor was it just an itinerant "camping ground." It was "a constant camping place of Tahpit's family" who had been "a long-time on this ground."[25] It was their home. The Tsilhqot'in were no less attached to their homes than settlers. And for better reasons. Hence, seemingly, the explanation why it was Tahpit, head of the displaced family, who drew the assignment to execute him, and not, say, the War Leader's party: this was more the administration of law. Even then, as Governor Seymour acknowledged and as was evident in Tahpit's trial: Klatsassin had word sent to Manning, and Nancy also advised him, of his chance to leave and save his life.[26] The Tsilhqot'in did no unnecessary or dishonourable harm.

Before the 1862 smallpox epidemics, the Puntzi partners had used the threat of introducing smallpox "to drive them off," extorting control of this land in the first place.[27] Next, Elder Henry Solomon, a grandson of the only two survivors from the 500 Tsilhqot'in then resident in the Puntzi area, tells of settlers introducing the disease here with infected blankets.[28] His grandmother, one of the eye-

witness survivors who remained alive among the bodies, “remembered real good.” This is even on the website.

So McDonald, McDougall, Manning and Higgins all died in the course of the Tsilhqot'in properly administering their law, the law of the land, to those convicted for seizing resources by spreading smallpox. Yet the website does not mention any of this in its biographies, Timeline or other self-generated material. It never misses a chance to fail noting items bearing on a smallpox genocide. The “Characters” list blames the Tsilhqot'in for countless questionable harms. Yet it never identifies settlers charged with obvious harm. Instead, it makes out the perpetrators of mass murder as victims. This exposes native students to a new dehumanization via the website itself.

In reporting only that Manning considered himself to have had good relations with the Tsilhqot'in, the website is again whitewashing settler actions. A more objective Judge Begbie said that the Puntzi settlers, even after “driving out” Tahpit's family with extortion, “...continued to treat the natives with great contumely and breach of faith.”[29] In other words, Manning's “good relations” meant that the natives did not retaliate when insulted or treated like slaves. That is what Shakespeare means by “contumely”[30] while describing the insolent rich in *Hamlet.* And not just ordinary contumely but “great contumely.” And “continued” breach of faith.

Then, the “support” Manning was said to have given, truly, seems owed as rent, as part of the Tsilhqot'in tax for using resources, or as part of his new family obligations to Nancy's relations, and not as actual charitable caring. When natives share food it is not from charity but “brotherhood.” Because of their inherent colonial failure to understand their true relationship as guests to their hosts, settlers made the same error during the crisis of 1872 when the Tsilhqot'in expelled another setter for his contumely.[31] Settlers generally under appreciate their obligations and over estimate their communal contributions. Only colonists expect something for nothing and then call paying their debts charity. The website's theme necessarily requires a saving sensitivity to cross cultural issues. This will be missing from the theme, tone and content of most settler documents.

So none of these deaths was murder. The 14 settlers on the Homathko River died in an undisputed act of war. Yet the website speaks of murder. At Puntzi and Sutless, Ach-pic-er-mous said Klatsassin advised a meeting there that McDonald was to be killed because “he had brought smallpox” to Puntzi.[32] The Tsilhqot'in apparently held all three resident settlers jointly liable for the threat to introduce smallpox to drive off its residents and then for actually introducing it to secure possession.[33] These settler deaths were not murders or deaths in war. But from the administration of justice.

Sometimes the word “retribution” is applied.[34] This may suggest angry acts of vengeance, uncaring of harm to innocents. Not war or murder but manslaughter. Were not the settlers little armed, save McDonald? Yet, if this was retribution against the colonists generally for the smallpox attacks, as the Tsilhqot'in statement suggests, then they were lawfully entitled to kill all the settlers. And more. The widely held native law was a life for a life to restore equilibrium between social entities.

In the Homathko corridor, given their experience with settlers spreading smallpox in 1862, the Leader's Council apparently considered a decisive pre-emptive action as just, wisest or necessary. The road soon would require a chain of roadhouses, just like at Puntzi and along the Bentinck Arm Road. In every other case, settlers had introduced smallpox to clear the land of its current occupants. The Bute Inlet Company already had filed a claim with the colonial government to seize all of Tatla Lake,[35]and

smallpox already had been introduced to remove its occupants and render it vacant.[36] Now this enterprise had become associated with the Puntzi roadhouse where a previous threat had been followed by the disease's actual introduction. Their task was to stop this scenario. So considerations of self defence seems very prominent in any killing by way of deterrence through an example of retribution.

In the Interior, the Tsilhqot'in killed only those involved in the mass murder at Puntzi, excepting perhaps Higgins. The rest were allowed to leave. The five injured settlers did not outwit the Tsilhqot'in while limping 70 kilometres. Other inconvenienced settlers suffered only fright. So any aspect of retribution seems measured, not angry vengeance. Although retribution is present when someone dies under law for murdering others, "execution" better describes the action itself. In addition, since Manning, and probably all those killed in the Interior were offered permanent exile, leaving their possessions, and since all were advised of the chance for pleading with a High Chief for sanctuary, this seems more "expelling all settlers" than retribution.

Banishment and death were closely related concepts for indigenous justice systems.[37] By spring 1864, if one includes the Ansanie villages in the Upper Bella Coola Valley and the Nuxalk along the road to Hamilton's store, 30km or so from Bella Coola, western Tsilhqot'in territory (as it might be considered for this purpose as these natives were all allies) hosted several settlers: Hamilton, Walker, Moss, Malcolm McLeod, Adam Ross and, in the spring, John Ross may still have had his business at Nancootlem. All these were expelled. Moss and McLeod joined the Governor's invasion, as he called it, to help reclaim their property. At Bella Coola itself, Wallace was threatened in his store. Settler houses were barricaded and all business suspended.[38] The twenty or so settlers felt besieged and feared an assault. As the Governor noted, the Tsilhqot'in had expelled all the settlers so that there were none remaining for over three hundred kilometres to the Fraser River.[39] Settlers repeatedly interpreted the Tsilhqot'in as expressing a desire to "kill all the settlers." Actual Tsilhqot'in activity, however, shows only a desire that the settlers should leave with as little injury as necessity required. Deeds are more trustworthy than words as a guide to intentions.

Yet there clearly was a desire to communicate somehow that the settler community fostered behaviour that ordinarily would merit banishment.[40] The Puntzi roadhouse was burned. The property of settlers expelled only with fright went unharmed. This seems consistent with an anticipation that the settlers would return, once their social entity had learned the lesson of Bute Inlet. Reopening Tsilhqot'in territory would have been a positive outcome that the Governor might have claimed legitimately for settlers after making an acceptable commitment to the Tsilhqot'in authorities. None of this is unusual. It is the common gist of diplomatic relations between social entities ending, or not in, a war.

Expelling settlers and closing Tsilhqot'in territory was a third leg of the Tsilhqot'in policy already expressed at Bute Inlet, Puntzi and Sutless, and explored further below. The website's self-generated material typically passes over this altogether and its Timeline does not cover it at all. In any case, the website consistently teaches in its Cast of Characters, and generally throughout, only the old mythology that these killings were all "murder."

**b) Timeline and the Tsilhqot'in voice.**

The website's "Timeline" contains 60 entries. Selected from the universe of relevant events, does its implicit narrative "appropriately reflect" Tsilhqot'in history*?* Can a student learn here why the

Tsilhqot'in refer to a smallpox genocide, a war, settlers degrading native women, outsiders invading, a betrayal by the Crown and of a martyrdom of "Chiefs?" Again, no.

The "Timeline" mostly contains an assortment of trivia about the Bute Inlet road. And, for that matter, not even some of the most relevant: it does not show Capt. Price's visit to Telloot's village in 1861 where he secured the first permission.[41] There is no mention of the degrading abuse of native women to end the 1863 season.[42] Nor that this enterprise went bankrupt, defrauding the offending 1863 settler crew of its wages. Nor that the assets were then auctioned, changing its character at the critical time. Nor is there mention of when the smallpox threat was made.[43] Or of the Tsilhqot'in discovering grave-robbed blankets.[44] Or of the Council called by Klatsassin before the pre-emptive strike.[45] Nor, for some native trivia, of the unfortunate Heiltsuk who had killed a settler for spreading smallpox and then was hanged for it after the Tsilhqot'in Chiefs, a victim of the Chilcotin War.[46]

Although it is crucial for understanding Bute Inlet in 1864, there is nothing of the smallpox genocide of 1862. The supposed unscrupulous traders have been replaced by a single mention of supposed miners casually spreading the disease. There is no mention of land speculators illegally claiming land where these characters introduced the disease.[47] There is no mention of when the website thinks settlers began their war against the Tsilhqot'in.[48] Or of the New Aberdeen syndicate's creation, the first revelation of interest in Tsilhqot'in territory for a transcontinental road.[49] There is no mention of the Bentinck Arm road, along which smallpox was spread in 1862, or of its control by attorney-general Cary and Hudson's Bay Company insiders.[50] There is no mention of smallpox blankets at Puntzi or McDonald introducing smallpox although the Tsilhqot'in will execute him and his partners for their connection to it. No mention of settler John McLain describing how he purposefully took smallpox to the Tsilhqot'in at Tatla, to punish them on someone else's behalf.[51] And no mention of the settler parties attacked[52] and the settlers killed[53] by the Tsilhqot'in in 1862.

Most egregious is this entry:

> August 15: At half-past 8 in the morning, eight of the Tsilhqot'in warriors including Klatsassin, Telloot and Tapitt come into Cox's camp near the old Hudson Bay Fort on Chilko River to meet the Governor and discuss terms. They are arrested.

To have been "arrested," assumes those doing the detaining had the appropriate legal authority. In this case, they did not. A textbook case of "false arrest," an abuse of authority. They were not there to "discuss terms" in the implied sense of "for surrender": not as rebels to some legitimate authority nor to surrender the whole Tsilhqot'in to colonial jurisdiction. They were there to dispose of open issues between their respective social entities, receive absolution for their activities as Tsilhqot'in public servants and to find a joint path forward. A willingness to share is not a willing submission.

Tsilhqot'in norms also condemn abuse of conventions in the sacred pipe ceremony, critical but unmentioned here. Yet the Crown dishonourably ratified this abuse. Equity required, instead, that it disown the fraud and restore the tainted fruits. Judge Begbie intimated as much to the Governor.[54] Yet the colonists' short term public policy choice of intimidation outweighed concern for justice.

This illegal detention was worse because of the diplomatic setting. Without the Crown, or the settler community through its institutions (like universities) since repairing the harm, the Tsilhqot'in

rightly can say, “This betrayal has tarnished the honour of the Crown to this day.” Fairness requires the website to let its audience understand how the perception of a still-enduring taint on the non-indigenous community is reasonable. And why, when the Crown offers “pardons,” the Tsilhqot'in hold them as less than complete: pardons suggest the “Chilcotin Chiefs” did something wrong in the first place. Exoneration is appropriate. But the Canadian public is unlikely to see this while its universities are teaching “murder” not war and whitewashing the settler communities' harms. From the Tsilhqot'in perspective this was a critical aspect of what happened on Aug. 15 and the website should reflect it.

The Tsilhqot'in refer to a “scorched earth” policy. Cox burned the Puntzi village on June 13.[55] The Timeline is silent. July 2, Governor Seymour burned Sutless. Lt. Cooper reported, “The volunteers worked with energy at the task of destruction but the dense mass of smoke which arose from the conflagration gave notice to the Indians.”[56] The website does not include his letter. Many war-time refugees returned Sept. 25.[57] The timeline is silent. As the expedition was resupplied at Ft. Alexandria, July 22-29[58] the men reported, “As soon as their fishing ranches on the lakes were destroyed, they constructed new ones elsewhere.”[59] One volunteer wrote, “We intend to clear the Indians out if possible.”[60] The Governor said, “...driven from their fishing grounds (the Tsilhqot'in) are burning their lodges behind them and abandoning everything but their horses....”[61] They did this to deny the starving militia from provisioning itself with their food. As early as September, Begbie predicted the certainty of a famine in the central Tsilhqot'in.[62] The Governor noted it in late November for the west Tsilhqot'in. He ordered a futile attempt to ease the famine by sending flour after winter had closed the trails.[63] He later confirmed, “The sufferings of the Indians in the Interior have been very great...hunted by our volunteers during the fruit and fishing season...many have perished of starvation.”[64] In a scorched earth policy, civilians are deliberately deprived of sustenance. Today, this is a war crime under the Geneva Convention, Protocol 1, Article 54(1). Yet the Cast of Characters does not identify the perpetrators, nor does the Timeline show it. Nor do its Maps show where the militia burned villages, disrupted the seasonal routine and innocents starved to death in the snow. The website seldom misses an occasion to trivialize or overlook Tsilhqot'in heartbreak or suffering. This seems dishonest and dehumanizing.

July 20, the Timeline is silent about the Tsilhqot'in psychological masterstroke as Alexis waited, before making contact, until the militia, exhausted, demoralized and on short rations, was poised to leave the field in defeat. The Tsilhqot'in thereby achieved the only simple victory truly open to them in their population reduced circumstances. But they then allowed the Governor to save face. Earlier, they had not killed him when they had the chance.[65] Killing him was not to their purpose. All this goes to the question of how critical the Tsilhqot'in regarded achieving a formal, political relationship. And then to the great measure of despair and hurt when the Colony tricked them with the “phoney conference.”

For the arrival of the Tsilhqot'in prisoners at Ft. Alexandria, the website gives an incorrect date. It was Sept 9, not Aug. 27.[66] The items specifically noted here are only a sample. The Timeline seems to have been prepared without reference to John Brough's *Diary* or to the Ft. Alexandria *Journal*, the two best sources for precision.

Like the Cast of Characters, the Timeline suggests a formal website policy of associating little negative with colonial figures. We revisit this in the next section. In short, it fails at contributing balance because it is tailored exclusively around colonial concerns with a focus on the Bute Inlet Road. Yet, according to the Tsilhqot'in statement cited above, those events, the executions at Puntzi and Sutless, the expulsion of settlers, the militia's “scorched earth” policy and the martyrdom of the Tsilhqot'in chiefs were all of one piece with the genocide of 1862. By 1864, the Tsilhqot'in already had

engaged several parties spreading smallpox and killed or executed several settlers. Preventing smallpox along the Homathko Valley was neither the beginning, nor all there was to The Smallpox War.

Nevertheless, something did begin for the Tsilhqot'in at Bute Inlet. Not violence but the relief that comes from prescriptive action...for the encouragement that accompanies hope. This explains, in part, how "remember 1864" became their rallying cry against oppression. It seems not a celebration of "murdering" Europeans, as is the website's implicit teaching, but one of post-genocide survival, life and self-determination.

**c) Of "mysterious" things.**

It is certainly desirable to pique student curiosity. Nevertheless, when treating an alleged genocide, one surely has a duty not to trivialize the horror. Is it appropriate even to treat this genocide, with its accompanying dispossession and subjugation of a whole People, as just another entertaining "cold case" of Canadian history? Comparable to the death of Tom Thomson? How would Ukrainians feel about the Holodomor being so treated by Russian universities denying the famine? Would the credibility of those professors, and the teachers following their lead, be impaired among Ukrainians?

However that may be, treating a genocide imposes a special public duty to avoid dehumanizing the targeted community. "Othering" dispossesses subjects of their common human essence, a touchstone for empathy. Once dehumanized, killing or treating them with the cruelty of depraved minds can be made to seem more like controlling a mere nuisance than mass murder. Othering is marked by an absence of the usual sense of reciprocal moral or political obligation flowing between citizens sharing the same geographic space. After the killing, the same "othering" risks continuing in one's own name the psychological violence or "mental harm" condemned as a genocidal crime in the U.N. Convention on Genocide, Article 2(b). It is for this reason that decent Canadians do not tolerate anti-semitism. And the same with anti-indigenous-ism.

It is disappointing, then, to find *canadianmysteries.ca* frequently tending to "other" the Tsilhqot'in. It does so first by demonizing those engaged in public service as murderers. Then by denying that the Tsilhqot'in may have had their own laws, systems of governance and public policy. At the same time, it tends to deify the colonial authorities and to sanctify their hurtful actions with silence. These are two sides of the same coin.

Consider those involved in the show trial and death of Klatsassin, some already noted as missing from the Cast of Characters. From a Tsilhqot'in perspective, it would seem that it is these sainted men, rather than their own martyrs, who should be associated with murder, mass murder, creating mayhem or violating the rule of law. Yet the website little supposes colonial officials or settlers committed any wrongs. In a most bizarre example of "othering," the "Characters" list names all the Tsilhqot'in said by the colonists to have killed settlers at Bute Inlet, but only one from ten of those listed by Klatsassin himself as actually in his war party.[67] Today's large Setah family will not find any recognition here of their honoured ancestor. Among the Tsilhqot'in, this will confirm that the website, at a minimum, is not the serious endeavour that it pretends.

“Othering” the Tsilhqot'in manifests itself in many ways. Consider the supposed mysteries. On the Tsilhqot'in side, the website identifies at least nine; including who won the war. On the settler-colonial side, it explicitly identifies perhaps two; including who won the war, if there was a war. So the Tsilhqot'in inhabit a darker space where certainty is denied while settlers inhabit a familiar space where everything is knowable.

How the website handles this special settler mystery is also revealing. Dr. Lutz's essay says this mysterious thing concerns a colonist's threat to spread smallpox at Bute Inlet. He says the mystery is “who made the threat?” A man “who has never been identified.” Yet everyone familiar with the documents knows that this is not true. For, while Klatsassin in 1864 said that it was not anyone in the work crew, and specifically not Brewster,[68] Colonial Police Chief Chartes Brew, in an 1865 report to the Secretary of State in London, specifically identified Brewster as its author.[69] Following this lead, many writers since have repeated the policeman's false information. So the actual mystery is not “Who made the threat?” but “Why did the Police Chief mislead the Secretary of State?” and “Why have so many Canadian historians stayed silent or endorsed the lie rather than exposing it?”

Properly treated, this mystery illustrates colonial culture at work. With Brewster dead, the threat seems isolated to Bute Inlet and closed: the perpetrator paid for his sins. Students inclined to authority stop here. An official has solved the mystery. Dr. Lutz follows the second choice of colonial mythology: indigenous Peoples may have suffered harm during settler expansions but these were isolated cases perpetrated by shadowy rogues common anywhere at the margins. So these harms are of only trivial importance. However, once the mystery is pinned instead to an honoured colonial official or founder, it tends to confirm the indigenous view that the abuse delivered to them came from within the mainstream of colonial culture. From its studied deafness and not seeing them as equally human.

In reality, we can be sure that Chief Brew knew who did make the threat. This is not hard detective work. Klatsassin's description fits only one man who also had the opportunity, motive and character: Captain Edward Howard, the 52-year old, Norfolk descended, owner of the steamer *F.P. Green,* who delivered the 1864 crew to Bute Inlet.[70] No later opportunity fits the evidence: the missing flour that occasioned it was from the previous season. Howard had a personal interest in the missing flour: it went to the timing for booking a ship to resupply the crew. He needed to advise his employer. Just before leaving, he would have made enquiries so as to summarize the facts properly and record the offenders' names in the ship's log, the usual place to record events, duties, insurance and legal issues. Klatsassin identified Howard in all but name when he said, “...the (fair haired) white man on the steamer took down our names.”[71] Capt. Howard is missing from the website's “Characters.”

We also can be sure that, when Capt. Howard returned to Victoria on April 12, he reported to Waddington about the missing flour and his corrective threat, made to instil fear and act as a deterrent. This best explains why it was Waddington alone who knew to raise smallpox as an issue long before Klatsassin finally revealed it as the proximate cause.[72] Otherwise, Waddington's comments in June raising smallpox seem a strange *non sequitur* as unprompted by the official investigation[73] Expert at public relations, Waddington raised the issue before the Tsilhqot'in had a chance. And he then pinned the blame at Bentinck Arm where deliberate spreading was public information. Without that, he would imply, any smallpox mention around Bute Inlet was just thoughtless big talk for a small effect.

It seems relevant to a “Smallpox War,” then, that Capt. Howard's brother had died of smallpox at Bella Coola in l862 after crossing Tsilhqot'in territory with the same cohort spreading the disease at

Tatla.[74] To the Bute Inlet Company's benefit. In addition, according to Tsilhqot'in historian Joe Case, it turned out Howard's cargo included blankets robbed from Tsilhqot'in graves.[75] Did Howard choose this particular threat with an inkling of just such a plan? Howard had spent much of the 1840s operating slave ships between Africa and Brazil.[76] Contemptuous of indigenous people, he thought slavery did Africans a favour as a chance to become civilized.[77] Making threats to objectified groups would not have been unknown in his life experience. Yet, if the threat could not be portrayed as investigated and closed, there was no incentive to expose a more general unseemly aspect of colonial culture, one that might lead back to 1862. This created a public policy interest in the original lie. By the time Brew falsely identified Brewster as the threat's author, the risk of a lie's exposure was diminished. The issue was stale and Howard had gone to operate from San Francisco. A cultural practise of celebrating the colonial founders creates an ongoing perceived public policy interest in still not looking too deeply into it. All this better honours a Tsilhqot'in view that what happened at Bute Inlet in 1864 was a) not apart from the smallpox genocide begun in 1862, and b) not apart from B.C.'s colonial culture generally. Yet the website has no Colonial Culture section.

The website also "others" the Tsilhqot'in in its identifications. It provides settler origins with certainty, all over Great Britain, Europe and distant Canada. For the Tsilhqot'in, however, it creates a sense of uncertainty and unknowability:

A-Chinck, who may have been Tsilhqot'in...
Chraychamum...may have been Tsilhqot'in...
Cushen, who may have been Tsilhqot'in...
Iowwa, who may have been Tsilhqot'in...
Nancy, probably a Tsilhqot'in...
Tatchasla, who may have been Tsilhqot'in...
Tsin-kan-ten ceah, who may have been Tsilhqot'in...
Klymtedza, who was alleged...

No tradition supposes anyone but Tsilhqot'in figures participated in these events on that side, all in their home territory. The colonists were concerned that other native nations might join. Yet they did not. Nothing supports doubt about a figure's origin in any of these cases. Sometimes, the website goes beyond even the absurd. Nancy was from Alexis' family. Tatchasla went with Klatsassin to the conference. Saying that these "may have been Tsilhqot'in" is like saying the Royal family may be British: it reveals ignorance where there is no excuse for it.

Telloot's biography shows the website misrepresenting the source material, creating errors, sanctifying colonial officials and hiding a colonial mystery, all at once. Telloot had no intention of "surrendering." He was expecting a conference under the protection of sacred pipe ceremony conventions.[78] And for the Governor to absolve him, as he had Ulnas.

> Along with Klatsassin and six others, Telloot surrendered to Commissioner Cox on August 15, 1864. The prisoners were brought to Quesnellemouth to be tried for murder in the court of Judge Matthew Begbie. Like Klatsassin, Chessus, Tahpit, and Piell, he was sentenced to death and was hanged on October 26, 1864. On the scaffold before he died, he allegedly pleaded with the Tsilhqot'in people to make peace with the whites and other aboriginal groups.

The evidence does not support a claim that Telloot pleaded for the Tsilhqot'in to make peace "...with other aboriginal groups." Governor Seymour said this based on hearsay and his perception of an appropriate colonial mythology: namely, demonizing the Tsilhqot'in as a threat from which the colony had saved whites and other indigenous groups alike.[79] Colonists always claim the brutality of their occupation is redeemed by creating order among the indigenous folk. This biography points the finger of cause at Tsilhqot'in culture. This is erroneous and harmful. The website should be better informed of such tendencies. Lundin Brown was actually present on the scaffold with the condemned men. He identified Tahpit...and not Telloot..as asking those from Ft. Alexandria to "Tell the Chilcoatens to cease anger against the whites."[80] Tahpit's apparent hope was to relieve them of any felt need for retribution and justice on his behalf. It was an act of generosity. What Telloot did say, according to a native eye-witness, was opposite to the Governor's theme. He said words along the line that they should hold their heads high, for they did nothing shameful in killing settler-colonials.[81] The website excludes the native account with this information from its archive.

Showing a complete deafness to the whole indigenous voice, the website also fails to report that, in direct contrast to the desired colonial mythology, the Ft. Alexandria *Journal* shows that Nuxalk,[82] Dakelh,[83] and northern Secwepemc[84] representatives all came in large numbers to honour the Tsilhqot'in martyrs for their resistance to genocide, subjugation and dispossession. The Fort even hosted a funeral feast, recognizing that its customers believed these deaths had been tragic...rather than deserved.[85] Though the Post Manager thought the hanging was good for business in the long term.

Telloot was not "tried for murder." That is false. He was tried only for "wounding with intent to murder."[86] Begbie then said this was a capital crime. But that, on similar facts, one would not be executed in England. Yet, was it even a capital crime? See 24 and 25 Victoria; c.94 to c.100 for the list of capital crimes after the list was narrowed in 1861. They did not include intent to murder. Biyil killed McDonald's horse. Does that seem like murder, for which he was hung? Lutas was convicted of murder in the third degree and then pardoned for killing McDougall's horse in the same incident. This seems more like the crime of aiding and abetting, also not a capital crime. A proper defence counsel in a proper trial would have had lots of work to do. While Telloot and Biyil were not hanged legally under the legitimate law of the land still in effect, Tsilhqot'in law, were the colonists so desperately in need of native intimidation that they were careless even of English Law, and of consistency? A colonial mystery. Arbitrary rule is a hallmark of tyranny. The practise of reporting little untoward about settlers or their officials, slighting the issue of intimidation for political purposes, while treating the Tsilhqot'in as lawless and "other" seems flagrantly dehumanizing.

While the following entries about Klatsassin are symptomatic of a larger problem, the failure to acknowledge a prior political system and its constitution, they also illustrate how the website creates fictions, is careless of inconsistency and "others" the Tsilhqot'in. The first is from his "biography." The second from the Timeline.

> At the time of these events he must have been in his late thirties or early forties. One of the records suggests he had two wives, one of whom, Toowaewoot, 20 years his junior, was the captured daughter of a Carrier chief. He had a son Biyil [Pierre] who was

> April 25: Klatsassin leaves for the Homathco ferry with his three wives, two sons and two daughters, one of which he has just ransomed from the Euclataws. Accompanying them is Cushen and a Tsilhqot'in called "Scarface" by the whites. They sleep at halfway house or Slough Camp.

So, did Klatsassin have two wives or three? More important, how is this relevant to the key issues, or to his activities as Head War Chief? In contrast, the website does not report that settler William Manning had two wives, that Commissioner William Cox had two wives, or that the polarizing settler figure Donald McLean had children by three women, two described as wives. And, contrary to the website's claim, neither the tradition nor the H.B.C. archives identify either of these as Tsilhqot'in.[87] While twice finding occasion to note the War Chief's family relations, it does not comment similarly on, say, Governor James Douglas (did he marry his daughters in a way calculated to consolidate his power?) Judge Begbie (did not marry, was he gay?) or William Cox (fleeing a bad marriage in Ireland, lived happily with the daughter of a native headman.) In short, this also tends to "other" the Tsilhqot'in.

Colonists are well-known for disrespecting natives by casually assigning foreign names to indigenous features. Consider, then, that the website provocatively adopts the word "Anaheim" to describe the important West Tsilhqot'in Chief. As did some Colonial officials. Yet, Anaheim is a German derived word coined in 1857 as a California place name. Since at least 1855, however, when he was noted in the Ft. Alexandria *Journal*, this West Tsilhqot'in Hereditary Chief has been known even to guests by the indigenous derived name customarily spelled in English as "Anaham."[88] The website ignores the most trustworthy cues: the largest post-smallpox Tsilhqot'in settlement, since its inception, has been called "Anaham" and the word designates a whole branch of Tsilhqot'in culture.[89] Instead, the website adopts a form used only by strangers and colonists.

The website's "othering" sometimes stems from its uncritical trust in a biased secondary source created without Tsilhqot'in input, without familiarity with the oral tradition, without a proper grasp of the written record, without reference to several key documents, before the availability of John Brough's *Diary,* and with a clear desire to sanctify the colonial founders while stone deaf to the Tsilhqot'in voice.[90] There are good reasons for sending students to primary source material. Avoiding such literature is one of them.

The website's "othering" also may stem partly, in turn, from its own failure to budget for an appropriate oversight relationship. Given the history of B.C. and Canada's colonial culture, given the duties arising when having power over others, given the duties arising from the legitimate pursuit of truth and given the duties imposed by the U.N. Declaration, it seems surprising that the three sponsoring universities and the Department of Canadian Heritage do not have an appropriate policy in place when treating the interests of indigenous Peoples. Since the federal government funded the website, since compliance or non-compliance with the UN Declaration affects Canada's international reputation and since public education about the Tsilhqot'in relationship with Canada and its public perception clearly affect the Tsilhqot'in ability to protect and enjoy their constitutional "rights and related interests," a lack of consultation seems a violation of Canadian law and of the public policy expressed in the Government of Canada's Directive, Guiding Principles No 1 and 7.[91]

Of course, it may also stem from the website creators being blithely unconscious of the colonial outlook biasing the material, their own unexamined bias against indigenous culture or from a policy decision not to disturb the colonial myths.

Overall, the website budgets its time and space so as to raise awareness of colonial trivia while decreasing awareness of essential details on the Tsilhqot'in side. Would it seem more relevant to budget attention for Judge Begbie's chair and Crease's wig, or, instead, a) for maps showing where settlers introduced smallpox, b) for maps showing all the instances where the Tsilhqot'in killed or chased settlers during The Smallpox War (June 1862 to Sept 1865)[92], or c) for detailing the records which show settlers claiming land under native occupied spaces even as the caretakers were still dying? All these last items would seem critical for understanding a "Smallpox War." The website conveys a subtle sense of completeness that has not been earned, cannot be justified and is humiliating through the lack of a similar care shown for presenting the Tsilhqot'in voice.

## 2. The website creates fictions, omits, obscures or conceals important evidence.

One's work, including my own, is always at risk of inadvertent error. Sometimes also, our will, time, money and wit exhausted, we must nevertheless still produce. That is the reality of research. Yet the frequency of error and display of carelessness is so great here as to invite other explanations.

The website's self-generated material repeatedly creates fictions. It also suppresses or obscures important facts, most freely available on the site with a little diligence. Documents related to issues required to honour the Tsilhqot'in voice frequently have been excluded. Items like Lt. Cooper's letter describing the burning of Sutless and Mrs. Boucher's account of native traditions touching the hanging have already been noted. Some others are noted in passing. It could be that the mass and complexity of material is so great that even those with post-graduate degrees in history cannot get it right. If true, that calls into question the judgment that a website as this one currently is constituted can be beneficial to students with no good alternative but to trust it for guidance.

While one could create a similar list from the website's treatment of almost every major element in this history, those reviewed here show an extreme carelessness toward events in the Interior. Without understanding these, commentators invariably misinterpret the behaviour of Chiefs Anaham and Alexis. Yet this is critical. They also will fail to comprehend why the Tsilhqot'in memorialize all those hanged as "Chiefs." Yet only three, Klatsassin, Telloot and Ahan had that stature in the usual sense. Failing to understand these topics, or Klatsassin's role at Bute Inlet as addressed in Part 4, interpreters and students alike become lost. Many fail to grasp the key issues altogether.

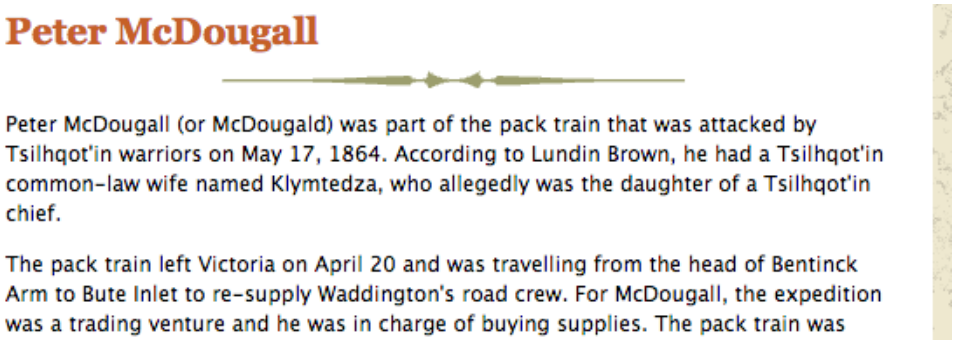
Notice in passing that, although she played a major role at Sutless, McDougall's Tsilhqot'in wife Klymtedza is not one of the website's "Characters." Based on multiple references by outsiders carelessly demonizing the Tsilhqot'in as killing or "butchering" randomly at Sutless (including especially Lundin Brown,[93]) the website's Timeline mistakenly has her killed there in May 1864. Yet Ogilvy spoke to her in Jan. 1865[94] and the tradition is that she lived out her life in the area.[95]

Klymtedza and Nancy are each said to have married and had a child by these first settlers. The website fails anywhere to address "gateway marriages," and the treatment of women and families. Yet this is a key issue for understanding The Smallpox War, both at Bute Inlet and in the Interior. It goes to

explain why indigenous Peoples everywhere reject colonial values and prefer to retain their own long-established sovereign systems for governance and orientation to natural resources. At Bute Inlet there was rape, sexual and other child abuse, and encouraging prostitution for feeding families. The Timeline and "Characters" list are silent. These marriages in the Interior may have been "common-law" associations with limited family rights from a colonial perspective. From an indigenous perspective, however, they created duties to extended families and brought these men into the purview or oversight of the community. Many settlers undertook marriage alliances once they learned that this was the usual way for gaining access to resources. Sometimes these traditions and the women were abused. The website repeatedly neglects opportunities to notice that Manning already had an English wife and two daughters who had just arrived in Victoria.[96] Nancy was about to be removed from the marriage bed. And the hoped for customary method of integrating families fail. Unless Manning married his daughters to native men; men about to be dispossessed and, therefore, put at a severe material and spiritual disadvantage in providing for a family. In any case, this shows how "gateway marriages" were deemed more urgent than European marriage customs in the desperate rush to acquire "free land."

The underlying motive for these alliances was different to the colonists than to their indigenous hosts. The colonist's motive was acquiring personal control of capital, removing it from the community's collective bank. It was not for becoming honoured by the community and enjoying the privilege of using its resources to support a Tsilhqot'in family and, thereby, to secure a communal future. It was a kind of theft from that future. It changed the orientation from a stewardship sensibility to one that favoured manipulating nature to maximize opportunities for present use. This goes to showing different tables of value in prior systems of governance and allocating resources: there was no vacant land. Only resources used, and "community" conceived, differently. This is a key issue behind the near universal, well-informed indigenous rejection of European values as evident in the behaviour of colonists. To settlers, this created a seemingly insurmountable nuisance. Hence, the perceived need for some effective method to remove them: by conventional violence, by depriving them of their food sources, by facilitating the progress of disease or by a forced reprogramming of children.

The website's underlying narrative follows a story line in which, among other things, the McDougall and McDonald pack train left Victoria April 20, 1864, it was attacked by warriors at Sutless May 17 and Peter McDougall was in charge of buying supplies. Was any of this true?



**Peter McDougall**

Peter McDougall (or McDougald) was part of the pack train that was attacked by Tsilhqot'in warriors on May 17, 1864. According to Lundin Brown, he had a Tsilhqot'in common-law wife named Klymtedza, who allegedly was the daughter of a Tsilhqot'in chief.

The pack train left Victoria on April 20 and was travelling from the head of Bentinck Arm to Bute Inlet to re-supply Waddington's road crew. For McDougall, the expedition was a trading venture and he was in charge of buying supplies. The pack train was

1) The pack train did not leave Victoria on April 20; 2) It was not "attacked by warriors" in the implied sense; 3) Whatever took place at Sutless was not on May 17; and, 4) McDougall was not in charge of buying "supplies." All four items are false. How do we know this? On April 13, McDougall and Malcolm McLeod were at Ft. Alexandria with the pack train eventually involved at Sutless. They

sold a pack train load of trade goods consisting of flour, bacon, sugar and beans to the H.B.C. for what now might be $35,000.[97] Agents would send these goods by ship or buy them from ships at Bella Coola for sale to retail outlets on the Fraser. It was McDonald who was in Victoria buying supplies for the roadhouse and work on the Bute Inlet Rd. He left April 25. Not with a pack train, but on the *Amelia.*[98]

On April 20, then, the pack train, McDougall and McLeod were hundreds of kilometres from Victoria. Westbound from Ft. Alexandria, they would have been feeding and resting the horses at McDougall's home base, the Puntzi roadhouse. They would have taken all the horses from there to make up the final pack train when they met up with McDonald at Bella Coola. McDougall and McDonald may have known each other as youths in Glengarry County in distant Canada. Both supplies and trade goods for eventual loading on the pack train left Bella Coola on May 17. It would not be at Sutless for another ten days. McDougall may have entered a "gateway marriage" with the daughter of a chief at Nimpo Lake, where Sutless was situated, to get access to its horse pasture or in consideration of a second roadhouse. This is how he became Ahan's responsibility. McDougall's actual location, status and home place is crucial information for an accurate picture of events in the Interior.

To appreciate how this is so, first we need the order of events ending at Sutless. Unavailable on the website. In January 1864, McDonald and Higgins came down to Victoria each to provide statements for *Bentinck Arm v. Hood*.[99] The Puntzi roadhouse had a keen interest in this lawsuit. The future of the Bentinck Arm Road from Bella Coola, through Sutless to Puntzi was at stake. At its conclusion, the Bentinck Arm Company was put in liquidation. With both this Company and the Bute Inlet Company bankrupt, the Puntzi settlers desperately needed some new hope or they, too, would be out of business. McDonald stayed for the Bute Inlet Co. liquidation auction April 14[100] as Waddington outbid another investor. Sure that Waddington had retained control at Bute Inlet, McDonald allied with him, bought supplies and left April 25 for Bentinck Arm. He was to provide a crew working south from Tatla toward Waddington's crew working north from Bute Inlet.[101]

Klatsassin's war party killed Waddington's crew April 30. The decision to discipline the Puntzi settlers and to close Tsilhqot'in territory already had been made. When Klatsassin and his party reported back to the native lodge at Puntzi, Anaham was waiting there to supervise Manning's execution. Anaham stayed on at Puntzi with Klatsassin until "a few days"[102] before action began at Sutless.

May 17, McDonald and McDougall left Bella Coola for Sutless and Puntzi.[103] Cargo went by canoe to the Upper Valley where it was transferred to pack horses below the Big Slide. May 27, Anaham gave Lutas a rifle at Sutless[104] then left for Bella Coola. He passed the pack train just above the Big Slide. He let it go into the trap.[105] Later, Tom explicitly said Anaham had the opportunity but chose not disclose Manning's death, which Anaham had supervised.[106] May 28, Anaham made a noteworthy transaction at Hamilton's store, where he was a regular customer: he paid gold coins, not furs, in two separate transactions for what now would be hundreds of dollars in gunpowder.[107] Oral traditions create memorable moments. Yet neither this incident nor that of Alexis described below is on the Timeline. Anaham continued to Bella Coola where he made his presence known to no less than three other settlers. This probably saved his life.

After Anaham had departed Sutless on May 27, Klatsassin and five others arrived. Klatsassin visited all the houses handing out small gifts in the traditional manner of a chief on public business. He had the pack train stopped May 28.[108] He then explained his mission to the villagers: he was there to execute McDonald for introducing smallpox at Puntzi. The justice of this seems immediately to have

recruited the 20 or 25 additional Tsilhqot'in who then participated in the climax. The pack train was stopped for three days. Ahan, the local War Chief, visited the pack train.[109] Klatsassin met them at least once with Ahan's father, who knew Klatsassin's intentions.[110] Klatsassin expressly told McDonald that he was there to kill him, so we can be sure the reason was understood.[111] In this light, Klymtedza advised them to wait in place for Anaham and seek sanctuary.[112] So the settlers were well-informed about their peril and knew their options: permanent exile, leaving all their possessions; pleading with Anaham for sanctuary; or death: in short, but most important, acknowledging Tsilhqot'in law as the supreme law of the land. They tried instead to choose none of the above. This all seems nothing but a disciplined process of administering Tsilhqot'in law. These killings were justified and this was justice working itself out. The pack train was not surprised, arbitrarily or opportunistically "attacked" like a wagon train in a western movie. All those implications are false.

Why is the missing fact about McDougall crucial? Because, by April 13 when McDougall was at Alexandria, the Leader's Council[113] called by Klatsassin after being advised of the developments at Bute Inlet, had already been held.[114] See Part 5 for a full narrative of the events at Bute Inlet. So McDougall was already a marked man. By April 13, Ulnas, Alexis' Chief Adviser was already at Bute Inlet. Ulnas also is missing from the website's "Characters." Later, as required by Alexis, the Governor absolved Ulnas for his part there.[115] Klatsassin had arrived at the harbour townsite and already was in preparation for assaulting the work camp.[116] Not only was McDougall at Ft. Alexandria on April 13, some Tsilhqot'in came in right after.[117] Yet they had not traded furs there for months. This suggests they already were monitoring McDougall's movements while waiting for news from Bute Inlet. This is evidence of the Tsilhqot'in beginning to implement their four part policy well before the actual assault at Bute Inlet. It shows planning and central control.

The website fails to note a second set of facts crucial to understanding Tsilhqot'in actions. While his Chief Advisor was onsite at the Battle of Bute Inlet, Alexis went out of his way to be able to prove that he had clean hands. April 29, he visited Fort Alexandria and ensured that his presence would be noticed in the *Journal*. "Did some trade with Alexis the Chilcotin of a few martens, a silver fox, a couple of otters and a fisher, of a value equal to $73.00."[118] On a gold standard, $73.00 would be about $5,000 today. Like Anaham's memorable transaction at Hamilton's store, this large sale would rank in a very high percentile for the native trade at Alexandria. Unless I am mistaken, this was his own largest transaction there. When the militia arrived May 30, the question of Alexis' involvement at Bute Inlet would have been resolved by the Post Manager: Alexis was here with me. A picture perfect alibi. One that served its purpose well, positioning Alexis as neutral. The possibility that either of these unusual performances might have been mere coincidence, given that Ulnas was at Bute Inlet and that Anaham lied at the Big Slide, is nil. Zero. When we see someone planning an alibi, however, it tends to implicate them. Alexis' visit can only have been in the plan adopted by the Leader's Council when it sent Klatsassin and Ulnas to Bute Inlet. This is also evidence that, before leaving for Bute Inlet, Klatsassin had arranged with Alexis a pre-set time window in which the war party would act, or not.

The website's errors and lack of care or attention to detail and consistency do not stop there. This is from Tom's biography. His words and deeds reflect on our understanding of all three major chiefs: Alexis, Anaham and Klatsassin.

> Tom was a Tsilhqot'in from the Alexis tribe. He was employed by McDonald to safeguard the pack train horses. On May 17, 1864, Tsilhqot'in warriors ambushed the pack train near Nancoontloon where Tom witnessed the death of MacDonald, McDougall, and Higgins. Klatsassin's party plundered the train's provisions and divided the spoils equally among themselves. Tom was taken as a slave by Klatsassin. At the

The expression "...divided the spoils equally" came from Tom's testimony in Klatsassin's trial. His was the only testimony. Defence counsel made no cross-examination. Yet his testimony is incoherent with facts that can be determined independently. And it is inconsistent with testimony given in the trial of Ahan and Lutas. In that trial, Ach-pic-er-mous, also an eye-witness, said, "Klatsassin as chief...claimed all the plunder and he then divided it...in proportion to the part each took in the attack."[119] While they disagreed about the actual rule applied, or cross-examination did not show how these statements might be reconciled, what they did agree on is that everything was divided according to some overriding principle of justice, and not randomly or fortuitously.

Then, according to Begbie, Tom said that he joined the pack train westbound at Puntzi outbound to Bella Coola.[120] But McDonald was not then with the pack train to employ him. This neatly finesses the actual circumstances under which Tom did join the pack train. Tom also volunteered that Anaham lied about Manning being already dead when he passed the pack train. Manning's death reflected on Alexis, unless connected to Anaham. Do the many problems with Tom's testimony arise because he was protecting Alexis, to whom he owed the greatest obligation, from discovery?[121]

A second Tsilhqot'in joined the pack train with Tom.[122] According to former chief Ervin Charleyboy, this was his great-grandfather, a son of Alexis or his nephew.[123] So, coincident with these two of his intimates joining the pack train at Puntzi, Alexis was leaving for Ft. Alexandria to establish his alibi. Why did these two men from Alexis' inner circle join the pack train after the Leader's Council already had decided on action at Bute Inlet and to execute or expel the other settlers? The answer seems clear: to pass information about the pack train's progress. The leaders required such information to have timed their activity at Sutless as they did. This shows planning. It also proves Alexis' behind the scenes involvement in both the pack train and Bute Inlet incidents.

Tom never said that Klatsassin made him a slave. This was Begbie's speculation based on what might have been expected after a typical native "battle."[124] According to Begbie's notes, Tom just said that Klatsassin had him "accompany" his party. He may have referred to Klatsassin as becoming his "master" in the same sense Chayses used it at Bute Inlet, as a warrior to his Chief.[125] Since Ach-pic-er-mous was in jail at New Westminster, Begbie's court never heard his evidence that Klatsassin was administering the law to McDonald for taking smallpox to Puntzi. The absence of this witness for Klatsassin's trial violated the attorney-general's standing obligation as an officer of the court not to withhold evidence helpful to the defence. The website is silent. This was not a battle in the sense of a war. Ervin Charleyboy's account is clear: the night before, Klatsassin alerted the two Tsilhqot'in with the pack train. Tom observed the next day's violence with the Tsilhqot'in. This is an unusual way to capture slaves. The unqualified assertion that Klatsassin enslaved other Tsilhqot'in in this context demonizes him gratuitously. Not that "War Chiefs" did not enslave on other occasions: they did.

So Alexis played the role that he did to serve Tsilhqot'in interests. He did not become involved primarily at the militia's instigation or to help out the colonists. Addressing Tsilhqot'in needs at this point, however, required addressing settler desires. His main task was to foster a sense of mutual trust.

Alexis and Ulnas were in the Governor's camp July 20-23. To begin this first ever meeting between their official representatives and the colonists, the Tsilhqot'in made a dramatic entrance.[126] 20 or more came in at a full gallop. They held rifles held over their heads. Alexis wore a French officer's uniform of the kind Montcalm is painted as wearing on the Plains of Abraham. They had painted faces. Surrounding the Governor, they sang their greeting for a visiting chief. This is a memorable impression. It underscored that this was a formal public occasion under the Tsilhqot'in system of governance. And that the Governor was a mere guest in a foreign land. The website is silent.

A crisis arose immediately. Ulnas, "...was recognized as having been at Bute Inlet during the massacre."[127] In spite of the Governor's prior promise of absolution, some of the militia "...were anxious to hang him at once or burn him alive." As the Tsilhqot'in "began to uncase their muskets," the Governor exerted his authority and gave Ulnas an armed guard. This was an important show of good faith. It set a precedent. The Tsilhqot'in may have believed that eventually he would treat all those involved in the same way, hence the composition of the Tsilhqot'in party that came for the conference.

Alexis and Ulnas spent two days interacting with the H.B.C.'s representative, John Ogilvy, producing maps of Tsilhqot'in territory. These are included on the website. However, the website misrepresents Ogilvy's status. He was never some anonymous setter from Bella Coola. An H.B.C. associate, Ogilvy travelled from Victoria immediately on the violence becoming known, picked up 50 rifles from the Governor in New Westminster and arrived at Ft. Alexandria with H.B.C. Chief Factor Rod Finlayson and Donald McLean on May 29/30.[128] His H.B.C. connection gave him added authority and insight. During these conversations, Alexis would have let it be known to Ogilvy what the Tsilhqot'in wanted: an agreement recognizing the primacy of their authority, and through which the Colony would enforce respect among settlers for Tsilhqot'in laws, people and things. This would have been less satisfactory than it can be made to seem here. In any case, deeds are more trustworthy than words. And Seymour had enforced his absolution of Ulnas.

The Governor's party urgently needed supplies. Alexis guaranteed his passage to Alexandria. Alexis and Ulnas left the militia camp July 23. They said that they would give evidence in a case at Alexandria. And bring in "two Indian murderers."[129] This seems an incremental test of the Governor's intentions. After they had gone, however, the Governor put Chartes Brew in charge and left for the Cariboo mines, not intending to return.[130] When they learned of this, it must have been disappointing to Alexis who had insisted from the first on dealing only with the Governor. Alexis and Ulnas never turned up at Alexandria. Nor did they bring in any "murderers." Most likely, they knew exactly where Klatsassin was and went there to discuss what they had learned. The ten day break in contact that ensued must have seen lots of calculation among the Tsilhqot'in about the right next step. Klatsassin renewed contact when he sent Tom into the militia camp on Aug. 1.[131]

Alexis was not seen for 13 days. He came to Brew's camp with 8 men on Aug. 4.[132] They would have learned by then that Brew had authority to execute people in the field without the Governor's presence.[133] While Cox did not.[134] Alexis did not, as the website has it, accompany Brew to the Bute Mountains. Instead, he sent Brew on a wild goose chase. It split the colonial forces and put them out of communication. Apart from luring out Donald McLean for execution on previous offences, without the Tsilhqot'in having to kill anyone, the militia shrank almost daily. Mostly because it was starved for rations. The Governor took several men with him and many others were paid off. The remaining militia was then its smallest ever, perhaps 25 men, down from over 150. It would have been Ogilvy who led

Alexis and the Tsilhqot'in to believe that the Governor would return from his tour of the Cariboo for a Conference at which “the Head War Chief” would be acknowledged as the highest authority in Tsilhqot'in territory.[135] This was what they wanted to hear. Ogilvy had Cox send tobacco for a sacred pipe ceremony.[136] On Aug. 15, Alexis was at Cox's camp to meet Klatsassin and his party as they came for the conference. Klatsassin smoked the Colony's tobacco and later said, “Then we thought we were safe.” Instead, Cox sprang an ambush. Ogilvy then began the lie that they had submitted to colonial jurisdiction and acknowledged that what they had done was not war but murder. The website needs to show this was a lie. The lie goes to the necessity of finessing the fraudulent inducement. Which, in turn, tends to confirm the Tsilhqot'in view that the settler community never had any intention of approaching them for legitimate access, only a policy of genocide.

What the website then says about Alexis is pure fantasy. Klatsassin's party numbered eight, not seven. Nor could it have been 100 miles from Alexandria to anywhere Alexis was living. Governor Seymour alone used this strange figure. Cox said they found Alexis' family near Bull Canyon, half that distance.[137] John Brough said Alexis was then living eight miles from Alexandria.[138] Alexis was not “one of the principal chiefs of the lower Tsilhqot'in” but a recent[139] East Tsilhqot'in Chief. Alexis did not “meet with the military expedition.” He would only come “...if the Governor remained.”[140] He met the Governor. This distinction goes to the key issue. The Colonists may have had military objectives. But, by this point, the Tsilhqot'in had only political objectives and it shows in all their behaviour.

Alexis never convinced Klatsassin “to surrender.” This is plainly false. Alexis convinced him only that colonial officials could be trusted to honour the sacred conventions of the pipe ceremony, and that he should meet the Governor to discuss relations between the two communities. Cox later acknowledged that it was H.B.C. employee John Ogilvy's special knowledge of native culture and Tsilhqot'in aspirations that enabled the Colony to bait its trap of a phony conference.[141] Alexis, Klatsassin, the whole Tsilhqot'in community and settlers of good faith were all equally betrayed.

It is false that Alexis “vowed that his tribe would not protect the murderers, choosing instead to bring “justice” to his country.” Before anything, Alexis required that the Governor absolve Ulnas completely for killing settlers at Bute Inlet. The Governor said their next conversation was “not satisfactory.” Alexis told him that Klatsassin and those with him “had a right to make war on them.”[142] He said that he had no control over men in a war party being run by Klatsassin. He did not apologize for Manning's death. He demanded to know how long the Governor might overstay his welcome. John Brough reported that Alexis “lamented” the settler deaths “but did not feel inclined to join us...”[143]

## Alexis

Alexis resided about 100 miles away from Alexandria and was one of the principal chiefs of the lower Tsilhqot'in territory. He was well acquainted with whites through his contact with traders at the Hudson Bay Fort on the Fraser River and catholic priests visiting the area.

When Alexis learned of the attack on the road crew, he vowed that his tribe would not protect the murderers, choosing instead to help bring "justice" to his country. Commissioner Cox attempted to employ Alexis as an interpreter and guide but the chief went into hiding. Alexis may have feared that whites would take revenge on all Tsilhqot'ins, not just those directly involved in the attacks. After receiving a message of peace from Mr. Brew, Alexis agreed to meet with the military expedition. He arrived at the military camp on July 20, 1864, where he met with Cox, Inspector Brew, and Governor Seymour and agreed to accompany the military expedition to Bute Inlet Mountain with eight of his men.

Alexis played an important role in convincing Klatsassin and six other warriors to surrender to Cox's expedition. Although Cox maintained that he acted in good faith, some evidence, as noted by Judge Matthew Begbie, suggests that colonial officials made false promises to lure Klatsassin into surrendering

The Governor asked Alexis what provoked the violence. From his report of it, Alexis gave a longer answer that was then interpreted concisely as, "Those are Bad Indians who do not know the good God."[144] Since he had been actively involved from the first, Alexis might just as easily have been interpreted as saying something like, "The root cause of our violence is self defence against the colonial movement and the violence against us that it entails but I am here, if possible, to find relief from the devil." Effectively, he diplomatically downplayed the past to focus on the future, highlighting a Tsilhqot'in willingness to share in a common purpose with other good spirits.

Seeming to meet the needs of the other side is the first element of diplomacy. But a diplomat so doing has not become servant to the other side. Post-genocide, the Tsilhqot'in may not have been fully aware of their changed circumstance. Or impossibly bold. But they were no less human for that. By wearing a French officer's uniform, Alexis made himself appear less "other," and more informed about Canadian multi-jurisdictionalism. By distinguishing himself from "Bad Indians" or "non-Christian" natives, Alexis showed a need, first of all, to address the problem of "othering."

Alexis helped formulate and execute Tsilhqot'in policy from the first. What about Anaham? Here is a third set of facts the website gets wrong. Tom effectively did confirm that Anaham received "the lion's share" at Sutless[145] But it was not what it seemed. While Anaham was not present, Tom said "Anaham's party" collected horses, making them unavailable for other distribution. Apparently, the Tsilhqot'in sense of justice required returning items not due as reparations. Doing no more harm than necessary. Settlers often interpret personal interest in native leaders performing cultural duties. Most important, this proves the plan for this was in place before Anaham left Sutless, before the action. Some "attack" when there was already a plan in place to return things outside the object of the exercise. This was policing, not war. But still a public service, like Manning's execution, hence all those martyred are honoured as chiefs. And still part of the expelling settlers policy.

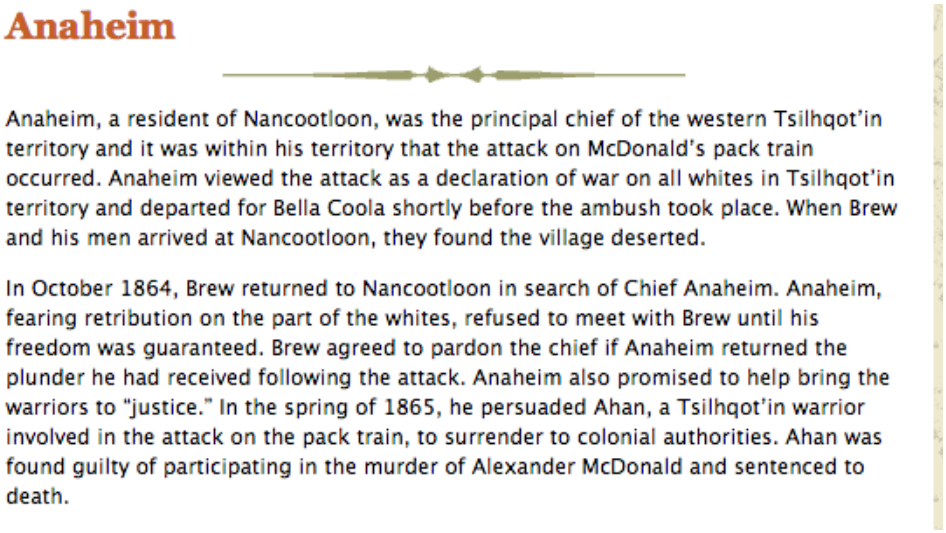
Accompanied by 17 armed Tsilhqot'in, securing his control of the field, Anaham restored these horses to the Governor's representative at the earliest suitable opportunity.[146] Chartes Brew made the official investigation. He reported that Anaham, "...recovered eleven of the horses...and surrendered them to the Governor [through Morris Moss several days before] together with over Fifty Pounds in money belonging to one of the murdered men...(W)hile Anaheim was absent...some of my men found in an Island in the lake, and at another place on the bank about 7 miles from our camp, about 30 caches belonging to Anaheim and his men. I had them all searched. Not one article was found that could be identified as having belonged to McDonald or his party."[147]

Anaham sent another horse more than 80k. so that Alexis could restore it to McLeod.[148] Ahan retained seven horses in the reparations calculus.[149] The money would have been McDougall's. If half the proceeds from their sale at Ft. Alexandria in April went to his partner Malcolm McLeod, then this seems about one-third of McDougall's share, perhaps $5,000 today.[150] The remainder would have been re-invested in trade goods purchased at Bella Coola for resale. The Tsilhqot'in may have returned this money in the reparations calculus because McDougall earned it as a merchant, and not at Puntzi. A scrupulous fairness seems discernible in most of their actions in that context. Whatever the explanation, it was rooted in Tsilhqot'in culture. There is no evidence but supposition of any Tsilhqot'in party being "Good Indians" to please the settlers. In any case, the fact that Anaham designed this restoration from the first is more evidence of an orderly administrative process on the Tsilhqot'in side. And proof, along with his waiting at Puntzi for the war party's return, of Anaham's involvement throughout.

Returning these items showed good faith, the end of anger and a desire for conciliation, a necessary state for re-establishing the peace and obtaining a working agreement. What the website then says in his biography is pure colonial fantasy.

It is false to imply that Anaham went to Bella Coola because he declined involvement in these policies. He went there to create the illusion of clean hands as an integral part of these policies. Lutas reported that Anaham was well-advised about Klatsassin's intentions before he left Sutless.[151] If he had wanted to avoid conflict at the cost of justice, he could have been honest with McDonald and McDougall and stopped the executions. Like Alexis, he was no more a friend of the settler community than his position and Tsilhqot'in public policy required of him.

It is false to imply that Nancootlem was deserted because Anaham did not want to be involved in a "war on all the whites." Or because of a concern about retribution. Many west Tsilhqot'in did flee as war-time refugees. But Nancootlem was deserted before then. It had become a mass grave just prior to its being occupied in 1862 by settler John Ross.[152] The website never misses a chance to avoid discussing the genocide. And, thereby, to mislead the public even at the risk of its credibility. John Brough visited Anaham's deserted Nancootlem lodge Sept. 18, 1864. He wrote, "...(It) is an old building with a loop-holed palisade around it. The inside of the slabs are painted with curious devices. It is now deserted on account of the smallpox breaking out in it. A number of graves around, some in enclosures and others in boxes above ground and some were burnt and the bones put in small boxes which are fixed to the top of high poles."[153] One of the largest and most widely known Tsilhqot'in centres, Nancootlem was deserted because many had died sudden, painful, agonizing deaths here at the knowing and uncaring hands of settlers. As for the survivors, natives did not live willingly in places frequented by spirits of the dead.



## Anaheim

Anaheim, a resident of Nancootloon, was the principal chief of the western Tsilhqot'in territory and it was within his territory that the attack on McDonald's pack train occurred. Anaheim viewed the attack as a declaration of war on all whites in Tsilhqot'in territory and departed for Bella Coola shortly before the ambush took place. When Brew and his men arrived at Nancootloon, they found the village deserted.

In October 1864, Brew returned to Nancootloon in search of Chief Anaheim. Anaheim, fearing retribution on the part of the whites, refused to meet with Brew until his freedom was guaranteed. Brew agreed to pardon the chief if Anaheim returned the plunder he had received following the attack. Anaheim also promised to help bring the warriors to "justice." In the spring of 1865, he persuaded Ahan, a Tsilhqot'in warrior involved in the attack on the pack train, to surrender to colonial authorities. Ahan was found guilty of participating in the murder of Alexander McDonald and sentenced to death.

It is false that Brew agreed to pardon Anaham if "he returned the plunder." Not even Brew described it this way.[154] As is shown above, Anaham restored everything before he even met Brew. The plan by which he accomplished this was in place even before the action at Sutless started. Brew pardoned Anaham because he had a well-planned alibi. One to which no less than 4 settlers could testify. The concept of "pardon" requires examination in this context. The website is silent. To be pardoned, first, one has to have done something wrong. Anaham was not convicted of anything. His only wrong was to be an indigenous official serving his people under the long-established constitution which suddenly conflicted with settler desires. Insofar as he did not try to resolve this conflict *carte blanche* to favour settlers, he was to them a "Bad Indian." If natives were not willing to commit treason under the old constitution or to become collaborators in its overthrow, then they became punishable for that alone. Conviction for this "crime" did not require a judicial proceeding. Settlers did not see their relationship with natives as one between equals. To punish them, settlers needed only the certainty of a parent dealing with a child, or a master with his slave. So far as he was a "Bad Indian" this is the harm for which Anaham was pardoned.

It is false that Brew returned to Nancootlem in October. After insisting that Morris Moss write an introduction that necessarily included the writing of his name, Anaham left behind his 17 armed companions and camped beside the trail. He was with one younger man, three women and two boys. He planned for Brew to run into him. As Brew did on Sept. 16.[155] Nowhere near October. Making himself vulnerable in this way was courageous. Anaham had no guarantee, except the conviction that he had done nothing dishonourable, and nothing but what his position required. He provided "a fine supper" for the starving militia.[156] Yet if Brew had known then of the evidence in *R. v. Klatsassin* or in *R. v. Tah-pit* concerning Anaham's role in the execution of all three Puntzi settlers, he would have been tried for "inciting murder" and "aiding and abetting murder." And probably hung. Instead, Brew misrepresents what the witnesses said. He said they convinced him that if only Anaham had known, McDonald and Co. would not have been inconvenienced.[157] What they really said was only that, in theory, these men had an avenue of appeal to Anaham.

It is false to say that Anaham persuaded Ahan "to surrender." He persuaded Ahan only that the events at Sutless, in light of the harm to innocents claimed by the settler voice at the Chief's Council in January, required reparations. These were not due on his personal account. They went to the issue of balance between communities. He offered them in his role as "head" of his community. Anaham made

it a point that “arrest” did not apply. He guaranteed Ahan's safety while under his jurisdiction.[158] Ahan accompanied Morris Moss, then a Colonial Indian agent, with an apparent expectation of the same protection under his jurisdiction. Instead, Ahan was ambushed, “seized” and “bound.”[159] If Ahan had known that he risked being put on trial for his life, he would never have gone near his captors. “Surrender” is a colonial label chosen to suggest, falsely, personal admissions of guilt. Or, in the case of war, of capitulation. Outside of colonial myth making, nothing in these events supports any theory of capitulation in the war of self defence or of any willing submission to colonial jurisdiction. Neither in Ahan's case nor in the phony peace conference. Since Anaham received a pipe and tobacco from Ogilvy, Ahan's seizure also was a breach of the sacred pipe conventions.[160] The Colony used Tsilhqot'in civility and their religious beliefs against them. This is important. The website needs to feature it.

It is misleading to describe Ahan only as “a Tsilhqot'in warrior.” It is in subtle ways like this that the website continually denies a prior system of governance, minimizing a key issue. He was more than that. He was “head” of his community, a public official, like the Mayor of any municipality in Canada. The Colonial Governor reported to the Secretary of State for the Colonies in London, “...for active participation in the Massacres of last year...Ahan, the Chief, was executed...” and “...a sufficient number of Indians has now perished on the scaffold to atone for the atrocities of last year.”[161] It could not be more clear than as the Governor spells it out here: the whole Tsilhqot'in community as a set of separate social entities was being made to atone for its self defensive actions. He did not say Ahan was executed for the private matter of killing Peter McDougall or for the individual effort of an ordinary soldier. If either of those was the only import, his execution would not have drawn this notice. The Governor's statement implicitly acknowledges that Ahan and the rest were martyred by one social entity, the Colony, for their public service to other social entities. They died as “Chiefs.”

Neither Alexis nor Anaham was an ally of the colonial cause. All three major chiefs were united in policies backed by the communal spirit of the citizen majority then resident in Tsilhqot'in territory, or by “The General Will” if you like. The People were open to sharing but were communally opposed to, and hoped to reject as it might harm them, the European colonial spirit. The mythology making out Alexis and Anaham as supporters of the colonial cause shows only the colonist's need of creating “Good Indians” for the false sense of their occupation as unobjectionable, desired or ratified. Occupiers also hope to create Vichy-style regimes, which is how many natives regard the Indian Act imposed chief and council system, and this requires “Good Indians” to implement colonial policies.

The website's too frequent errors of commission, omission, carelessness and inconsistency, and its questionable judgements on the means of addressing and sometimes implicitly denying key issues, leave it open to speculation about whether all subjects on *canadianmysteries.ca* are of such poor quality. Or is it just that, as an aboriginal subject, this topic is less worthy of the same “high-quality materials” or that the duty of care owed is less?

## 3. The website seems poorly informed about the historical context.

*Klatsassin* is invaluable for senior researchers. And would be more valuable better focussed on the actual key issues. Senior researchers can ignore its self-generated material. Those coming to this topic for the first time, however, will be guided by it. This Review has already touched the Cast of Characters, Timeline, some selection of document issues, a general lack of care for verifying facts and

a vilification of the Tsilhqot'in. What about the introductions and categories? These notes touch only a few considerations.

**a) The "Home" page introduction gets the website off on the wrong foot from the start.**

> *The blood of the fourteen men spilled into the Homathco River before dawn on the morning of April 29th, 1864 was only the beginning. By the end of May, 19 road-builders, packers and a farmer would be dead. It was the deadliest attack by Aboriginal people on immigrants in western Canada, before or since.*

Every indigenous person will experience this as "white privilege." From a Tsilhqot'in perspective, The Smallpox War began in June 1862 with settlers introducing smallpox and 70 percent or so of all the Tsilhqot'in dying. 5000 by Waddington's estimate.[162] In what sort of calculus is the fate of 5000 innocent Tsilhqot'in killed in their homes, by the Elders' continuous narrative, less worthy of focus than the fate of 19 European invaders arbitrarily noted? But for those prior Tsilhqot'in deaths, these settlers would not have died. "Arbitrarily noted" because, by April 1864, the Tsilhqot'in already had killed several other settlers in this same *deni ts'ulhdilh* (struggle or fight of all the People.) Why stop "at the end of May?" On July 17, the Tsilhqot'in executed Donald McLean in this same struggle.

The website cannot get a date right to save its soul, not even in its first sentence: by every source, those men died April 30, not April 29.[163] It notes activities of concern to settlers, "road building, packing and farming." Yet it does not mention the concerns intrinsically higher for all human beings: a whole People's "threatened" subjugation and dispossession. The implicit message is that an alleged genocide of indigenous People is less worthy of our notice than are the death of "immigrants" misled by their government into illegally dispossessing others for farming, hauling and building roads.

Even the designation "immigrant" is inappropriate. These were not immigrants. Immigrants choose to live in good faith under the laws governing their new location. None of these men were immigrants to the territory in which they died: Tsilhqot'in territory, unceded and never even visited by colonial officials before they began providing for, and encouraging, settlers to claim land there. They were "pioneers" in the original sense: foot soldiers in a colonization movement that had no such desire of acceptance and integration. The website assumes things that the key issues require to be proven. And which, when examined, turn out as false. The strangeness of immigrants as an expression here would have been more apparent if the website also had noted the expulsion of settlers so there were none between the Pacific and the Fraser River. Only "illegal immigrants" are expelled *en masse.*

**b) Context**

This section includes four subsections and maps: Tsilhqot'in culture, Fur trading culture, road building culture, and smallpox culture. Omitting a "colonial culture" section presents an insurmountable obstacle to understanding these events. Except for that, none of the rest would have transpired as it did. It was a fundamental cause.

**Colonial culture:** Among other things, this section needs to show that the Tsilhqot'in part of The Smallpox War was not unique. During the epidemics, the Colony sent military expeditions to subjugate and dispossess other indigenous Peoples. Each coast of Vancouver Island and the North Coast saw larger expeditions, regular British marines, what now are considered war crimes, the

destruction of native villages, show trials and the hanging of natives enforcing or following their own laws. It also needs to address how the colonists believed they could impose new institutions and take land without consent or compensation. Since Plato, at least, political philosophers have identified the issue of legitimate succession as the most powerful concern in social entities. Truly, succession is the key issue underlying The Smallpox War. It should be explicitly addressed. This section could be built around the Tsilhqot'in perspective concerning colonial culture.

**Tsilhqot'in culture:** Basket weaving is interesting but trivial. How does it go to the key issues? This section might better explore political, legal and resource allocation concepts such as *Nits'ilin* in Tsilhqot'in communities, community decision-making, the locus of legitimate authority, the relationship between Elders and the law in oral cultures, the communal use of resources and the caretaker sensibility at hunting and fishing grounds or in the allocation of resources.

**Fur trading culture:** This section misrepresents the issues at Ft. Chilcotin. The actual business of fur trading was little the problem. It was more the disreputable character of the traders and their refusal to honour Tsilhqot'in norms. It is also the Tsilhqot'in tradition, and that of other Interior nations, that it was men connected to the Hudson's Bay Company who brought smallpox to their communities. The website needs to show how this was so. Not as an institutional action of the Company but by those transformed into land speculators as the relationship changed from trade to colonization. Both at Bentinck Arm and Bute Inlet, and in the key role played by the H.B.C. in The Smallpox War itself. The Fort Alexandria *Journal* has more than 50 entries relevant to the war. The website uses none. Appendix B contains a short outline showing Ft. Alexandria's lifetime connection to Tsilhqot'in history.

**Road building:** This section is dramatically deficient and misleading. The first manifestation of settler interest in Tsilhqot'in territory, as it led to these events, seems the creation of the New Aberdeen syndicate in 1860. That's key because it ties into both the desire for a connection with Canada at the start and then also to the second Tsilhqot'in crisis. Supplying the Cariboo gold rush was a side issue to the fortunes possible in land speculation.

New Aberdeen agents staked land under the Bella Coola villages in Sept. 1860. Since Douglas had no plans for treaties or paying, the need to remove the residents created a motive for killing them. Land speculators hoping to capitalize on this road staked land or registered claims, while the natives on them were still dying, from Comox[164] to Quesnel, and probably even Bear or Bowron Lake.[165]

Kenny and MacKenzie, and then Ranald McDonald and Pearson, visited the Tsilhqot'in in 1861 and received Tsilhqot'in permission for the road. The website includes none of the documents reporting these key interactions. These became the Bentinck Arm Company, controlled by Attorney-General George Cary. These private investors spent a long time talking this over at Nancootlem and then the Tsilhqot'in sent a big delegation with them to Bella Coola. The decision was made to share. But it was made between the Tsilhqot'in and private investors. This was critical. But the very first settlers approved for access began killing them and could not be controlled. Expulsion and a political agreement were natural policy choices. This is the atmosphere in which the The Smallpox War actually began. It reflects on the choice to kill them all at Bute Inlet as requiring acts of war to stop them.

**Smallpox Culture:** See my comments throughout. This notes some specific issues.

a) The website can either choose to deal with smallpox generally, in which case it must introduce the whole connection between the Douglas Regime's policies and the activities of the New Aberdeen/Bentinck Company speculators. It has material from the expulsion of natives at Victoria, but this is otherwise irrelevant to the Tsilhqot'in epidemics. Expelled natives did not bring smallpox to the Tsilhqot'in. Not in the common Elders' narrative or by the written record. It was only settlers who carried the disease into the Tsilhqot'in. Attempts to imply otherwise are against all the evidence.

Or it should confine itself to smallpox among the Tsilhqot'in and focus on what is known, for example: **concerning the Bentinck Arm route:** 1) the Puntzi settlers threatened smallpox; 2) the Poole/Pearson parties brought smallpox to the Tsilhqot'in via Bentinck Arm, introducing it along the route from Bella Coola as far as Chilcotin Lake. The website has only one of the several documents related to the Poole/Pearson parties; 3) the Tsilhqot'in convicted McDonald of taking the disease to Puntzi; 4) McLeod and Taylor or Wallace creating smallpox blankets to restart the disease; 5) while aspects of Tsilhqot'in life vectored the disease, they also had learned from recent experience with communicable diseases, like measles only 14 years before, how to limit their spread by isolation, quarantine and vaccine. **Concerning the Bute Inlet route:** 1) The Tsilhqot'in identified John McClain as having deliberately introduced smallpox at Tatla Lake. He admitted and described his use of a smallpox blanket. The website excludes this information; 2) the Homathko corridor remained disease free in 1862; 3) threat to introduce the disease made in March 1864; grave-robbed blankets found.

b) This section's first document is excerpted from Lundin Brown's book, *Klatsassan and Other Reminiscences of Missionary Life.* The website distorts this. It provides a headline to make it seem the supposed subject is addressed directly. It is not. Brown titled his chapter, “A Night by the Homathko.” The website's headline is “Fear of Writing by R.C. Lundin Brown, 1873.” The theme of this piece is that the Tsilhqot'in had such a primitive misunderstanding about writing that this was a major cause in their becoming violent and killing 14 men. It plays into the common stereotype that the Tsilhqot'in at Bute Inlet were futilely resisting progress or technological change. No other evidence supports this.

Lundin Brown was fundraising here for the paternalistic cause of civilizing indigenous Peoples. For this, he needs to paint them as primitive. Actually, he shows little familiarity anywhere with Tsilhqot'in culture. He does show a desire to stoke the superiority prejudices of his Anglo-Protestant audience. He invents fictions. He distorts. He sensationalizes. This kind of source must be treated with care. The website should be alerting its readers to the fact that Judge Begbie's notes were edited to make it seen, falsely, that Klatsassin implied a fear of writing was the war's cause. See my notes below on the trial document. Through his relationship with colonial officials in New Westminster, Lundin Brown may have had access to that version. And so he may have been trying to be a good player for the colonial team. He only ever quotes Klatsassin directly as saying that a fear of settlers spreading smallpox was the cause. And never a fear of writing. This same piece draws attention to the previous threat made at Puntzi as an important factor, as did Judge Begbie's notes. But it does not say anyone at Puntzi had written down names. It would have been more reflective of the evidence for this headline to have read, “Previous threat made by Puntzi settlers while dispossessing Tsilhqot'in family and just before introducing smallpox to depopulate the neighbourhood.” Instead, the website never misses a chance to draw attention away from evidence of a smallpox genocide.

There is no evidence that Tsilhqot'in had a paralyzing fear of writing. First, in the several times that he discussed the smallpox threat, Klatsassin did not speak of writing as something feared. It went to the seriousness of the threat. Then, consider this: William McBean routinely recorded Tsilhqot'in names in the Ft. Chilcotin Journal. Without incident. Capt. Price wrote Telloot's name in 1861.[166] Alexis

had his name written at Ft. Alexandria, many times. Anaham had his name written by Moss for Chartres Brew. Ogilvy or Cox recorded the names of Alexis and Ulnas for the maps created July 21/22. Cox recorded all the names of the war party supplied by Klatsassin without noting a special fuss. Father McGuckin and Peter O'Reilly recorded Tsilhqot'in names without incident in 1872. Moreover, it is irrational to suppose that someone who cannot read or write would know whether or not his or her name was being written down. Most oral cultures distrust writing. But, then, so did Plato. It tends to harm the memory and enable a mere pretence of knowledge.

The supposed fear of writing is a canard. The website's treatment is irresponsible. It should be debunking the implication, not lending its weight to something prejudicial, lacking corroboration and for which there is considerable contrary evidence.

c) The website excludes Poole's statements in which he also notes dropping two men with smallpox at Fort Rupert, accepts responsibility for smallpox at Bella Coola and describes visiting Bella Coola a second time, seeking out Jim Taylor and being accompanied by a smallpox infected man to Burnaby Island. Or that he left “a sorrowful trail of blood” and was “in hourly dread of attack from hostile savages.”[167]

The second document here was created by magistrate Henry Ball at Lytton.[168] It tells of a supposed government program for “vaccinating every Indian” in the Fraser Canyon. The website selects this document by way of providing backing for interpretations, like Dr. Lutz's, which argue: 1) that the Tsilhqot'in suffered only imaginary wrongs during the epidemics, not the genocide mistakenly, or from ignorance, imagined in their tradition; or 2) that the disease's distribution was only a public health issue, and not a genocide carried out through illegal inoculations or smallpox blankets. And that Governor Douglas tried valiantly to stop it, despite his government's repeated expulsions at Victoria otherwise seeming consistent with creating conditions of life calculated to kill an identifiable group.

Treated properly, however, Ball's letter reveals something dramatically different from the website's purpose. Rather than undermining the allegation of genocide, it supports the native case concerning the use of inoculation to start epidemics deliberately and of its being covered up.[169] Ball's letter refers to instructions given to him by Douglas in a letter of May 20. Yet the website does not produce the document showing Douglas' actual instructions. Why not? Because the letter containing these actual instructions seems to have been removed from the government correspondence file. And then, Ball says that by July 6, the disease had not yet spread to the Interior. Yet several sources show the disease was already apparent among the surrounding native communities by June 24. Consistent with having begun shortly after May 20. Even further, against this claim of a vaccination program at Lytton, the tradition has the natives there dying in large numbers after an infected man was sent in to visit all the houses in the village.[170] And rather than natives coming from Lytton vaccinated, a settler eye-witness noted them coming from there infected with the disease.[171] If the website wants to use this letter, then it has a responsibility to show its impeachment by the local tradition and the facts consistent with an inoculation program having been created here to spread the disease.

In passing, notice that the website does not include the record of a Tsilhqot'in healer visiting Ft. Alexandria in July 1863 asking for smallpox medicine.[172] After 1839, the H.B.C. stocked its forts with vaccine as it abandoned the practise of inoculation with smallpox made illegal by Parliament in 1840. Parliament outlawed the practise of inoculation, along with most European nations and distant Canada, because it tended to begin epidemics. Nor does the website discuss this issue. In any case, this entry shows that Tsilhqot'in healers accepted vaccine as a means for controlling smallpox before the Battle of

Bute Inlet in 1864. If the events at Bute Inlet had concerned only a public health issue, and not the prevention of colonists resorting to genocide as a means of overthrowing the laws, then the solution was simple, known and accepted: vaccinate the Tsilhqot'in working with settlers.

In passing, notice also that the website does not mention either of the two doctors known to have visited the Tsilhqot'in during the epidemics. A Bentinck Arm Company doctor accompanied John Ross who later was left, supposedly sick, in a native community just like the men left by Poole's party to start epidemics.[173] Rev. John Sheepshanks visited Ft. Alexandria coincident with a party of Tsilhqot'in in early October 1862. Trained in a smallpox procedure by the government doctor for the Royal Engineers, Sheepshanks said he was carrying vaccine.[174] He later told a public meeting attended by high colonial officials that he had vaccinated all the natives he could find and all but a few who refused had been saved. In fact, natives died by the thousands in his wake, including at Fountain one of the communities he specifically claimed to have treated. Each of these events is consistent with the use of inoculation to start epidemics.

**c) Murders or War.**

**Introduction:** This introduction claims that, "One of the main issues in reconstructing the events" is the delay in communications from the Chilcotin Plateau to the colonial cities to London. This circumstance is a true fact. But it little influences our ability to reconstruct events. What affects that ability is the lack of a willingness, then and now by the website, to seek the Tsilhqot'in side. That side cannot be found in London or the unvarnished colonial archives.

**Death of a Road Crew:** See my comments throughout and Part 5.

**More Attacks**: See my comments throughout, especially Part 2.

**The Capture:** It should be underscored that the Tsilhqot'in represented the legitimate governing power. To any Tsilhqot'in, the Colonial militia could only be a foreign force. Before 1864, no colonial official had visited the Tsilhqot'in to discuss political treaties or any power sharing. The climax at old Ft. Chilcotin, then, does not restore order, as it might in an ordinary police action. Instead, it creates disorder in the process of regime change. This section should be titled something like, Dishonour in the Change of Regimes. It also should explain the selection of the Tsilhqot'in party in the light of Ulnas' absolution. See my comments throughout, especially with respect to Alexis.

**d) Aftermath.**

**Introduction**: The introduction to this section and to the trials is misleading. These proceedings were not real trials, a search for truth and the application for justice. Nor were Seymour, Begbie or Crease confused about this: the Tsilhqot'in as a whole were to be punished on convenient pre-texts. These trials were about intimidation in the process of subjugation and as an aid in extending colonial jurisdiction for the occupation of Tsilhqot'in territory. To honour the Tsilhqot'in voice, the website needs to explain the function of show trials as political theatre and communication. Helping to show this would be Seymour's attempt to commission Begbie to act as executioner, avoiding the usual process of review, and Begbie's refusing the commission. Begbie's reply raises the issue of an appearance of unseemly haste. The website suppresses this document, obscuring a key issue.

Among other things, the website says, “the voice of the aboriginal participants was recorded by the judges at the trials or in the pre-trial process.” Really? None of the prisoners was called to speak in his own defence. Tah-pit was invited to comment on some testimony in his case but Begbie did not report exactly what he said, citing procedural rules specific to English Law. Tah-pit seems to have been trying to explain the “High Chief's” role in the Tsilhqot'in proceedings. Except for a small part of the pre-trial statement taken from Ach-pic-er-mous and the brief post-trial statement of Klatsassin, the Tsilhqot'in were guided, through questions from their prosecutors, merely to describe events and not to discuss motivations or the legal context as they might understand it. In three days of hearings, they get five or ten minutes. What little they are allowed to say is explosive. Each refers to a fear of genocide by smallpox. Begbie, Rev. Lundin Brown and Rev. Browning all reported speaking to the prisoners afterward: again all three reported the same fear.

The Tsilhqot'in spoke in their language. This was interpreted to French or Chinook, which was then translated to English. They did not know the nature of the proceedings. They did not have access to advice. The juries were carefully selected to prevent misadventure. The website fails to bring attention to most of these important facts which are unavailable simply by looking at documents. Otherwise, the Tsilhqot'in voice is completely absent.

In passing, notice that the website says “for a full month after the trials were complete, the field force was still ranging over the plateau and coastal inlets...” This is false. Cox's force arrived at Alexandria Sept. 9, and Brew's force arrived at New Westminster Sept. 30, the day after the trials.

**The Trials**: More than once the website handles documents poorly. An important case is Judge Begbie's trial notes and his inquiry into the circumstances of the capture. The website fails to reproduce the archived document accurately. In the actual document, both Begbie's references to Tsilhqot'in fears and threats of settlers spreading smallpox have been edited out. Though they still are visible under the edit, typical in the case of a second copy being made. The website reproduces one instance as if it had been struck out simply, not reproducing the sense produced by the looping edit marks. Nor, since it plainly is not Begbie's customary means of editing his work, introducing the concept of a later hand. In the second instance, the material is reproduced as if the edit did not exist. If one removes the edited material, then it is made to seem that, not a fear of smallpox, but “a superstition about writing” caused the violence at Bute Inlet. This goes to the question of a cover up, consistent with the allegation of a smallpox genocide. Who made the edit and why? Was it the same attorney-general who said the indigenous people were just “superstitious” about settlers introducing smallpox? He had a need and the opportunity to process Begbie's notes before briefing the Executive Council that confirmed the death penalty. In any case, this is an inadequate way of letting students learn all there is to observe about this document.

**Settler-Tsilhqot'in Relations:** Missing from the Aftermath section is a discussion of how the Colony did not have ready the bureaucratic resources or “pioneers” to occupy Tsilhqot'in territory. Receiving no other notification, the Tsilhqot'in had no choice but to believe and act as if their laws and sovereign power remained effective. They consolidated within their territory and tried to carry on, though now operating always in fear of an arbitrary attack on their leadership. This soon lead to a second crisis beginning in 1872, associated with Canada's Confederation. To be followed afterward by what, sometimes in the Tsilhqot'in, is called “The Second Tsilhqot'in War.”

**The Chilcotin War Today:** The website is determined to make heroes of government entities. It says, “The Province of British Columbia had its own questions about the relationship between the province and the Aboriginal peoples.” Resulting in the Sarich inquiry. This may come as a surprise to the several indigenous communities whose leadership, pursuing justice, brought about this Inquiry.

## 4. A failure to locate the key issue. Notes on Dr. Lutz's essay.

Let me begin by praising Dr. Lutz's essay “The Smallpox War.” A website created around his themes there would have been a marked improvement on all the preceding settler-colonial literature. This website is not that website. Even that much improved website, however, still would not “appropriately reflect” this history. That is, a website providing an equitable hearing of the Tsilhqot'in voice. One sending students along a path toward an enlightened appreciation of that perspective. The whole essay is attached as Appendix C.

Dr. Lutz begins,

> *Many factors drove Klatsassin and some 20 other Tsilhqot'ins to kill Alfred Waddington's road crew in Bute Inlet in 1864, and there are others that might help explain the murder of Manning at Puntzi Lake a few weeks later. But the cause of the Chilcotin War, and I believe it was a war, was the experience and threat of smallpox.*

Dr. Lutz says it was a “war.” But he then goes on to argue that the conflict was in the nature of an uprising, insurgency or rebellion under charismatic, not formal, leadership.

All great literature is but two narratives: someone went on a journey, or a stranger came to town. The Smallpox War is not, fundamentally, the story of an heroic Tsilhqot'in man going on a journey. As Dr. Lutz tries to tell it. It is the story of troubling strangers coming to town.

All Tsilhqot'in activities were reactive to things done by settler-colonists. It was not “the threat of smallpox” *per se* that gave rise to the operative fear. It was the experience of seeing settlers suddenly spread the disease in ways designed to kill them, threatening their subjugation and dispossession, that created the fear. It was a violation of the guest-host relationship, an abuse of the good faith shown in being open to share the space. The Tsilhqot'in statement explicitly says the Chilcotin War was about resisting genocide. Dr. Lutz implicitly says the Chilcotin War was a misguided public health policy.

> *Regarding the initial attack, there is no doubt the Bute Inlet road crew treated their Tsilhqot'in packers callously and abusively. Manning's death might be explained by his occupying a choice Tsilhqot'in campsite for his ranch at Puntzi Lake, though he had married a Tsilhqot'in woman and could only have settled there in the first place with the permission of Anaheim and his people. None of these particular grievances or even plunder (since there had been many previous opportunities) explains the subsequent attack on Macdonald's pack train or the Hamilton's store at Bella Coola.*

In passing, 1) See my earlier explanation why it cannot be said that Manning was murdered; 2) The tradition has it that Manning's wife Nancy was from Alexis' family; 3) Puntzi is in the east, not Anaham's west Tsilhqot'in; 4) It was not Hamilton who was attacked during the fright at Bella Coola but Wallace.[175] Remember that even Wallace, who first came to Bella Coola as the Bentinck Arm Company's agent (see *Bentinck Arm v. Hood*), was directly implicated by the smallpox blanket story as told by "Verax;" 5) See my comments on the author of the threat at Bute Inlet; 6) See my comments on referring to the McDonald and McDougall pack train as "attacked;" and, 7) It is unclear that McDonald and Co. would have needed permission at Puntzi beyond that given to the opening of a Bentinck Arm Road. That necessarily entailed roadhouses. That permission had been given to Kenny and MacKenzie on behalf of the H.B.C. speculators at New Aberdeen and to Ranald McDonald's party. Alex McDonald was family to those; part of the same tribe, if you prefer. The Tsilhqot'in tradition, accurate as it turns out, is that the Bentinck Arm adventurers all were associated with the Hudson's Bay Company.[176] Even if McDonald and Co. had specified exactly where they wanted to set up at Puntzi, the indigenous sense is one of sharing. They would not have imagined that Tahpit's family would be dispossessed rather than gaining a benefit from a roadhouse under their care. Triple net leasing is a good business model. Unless it is to tenants who do not believe they need to pay because they do not see you as equally human.

> *It was the fear that whites would deliberately spread smallpox, and retaliation for deliberately spreading it two years prior (as the Tsilhqot'in believed), that was the most important motive for all the attacks.*

A good beginning. But don't stop there. Every instance of Tsilhqot'in violence can be tied, by itself, directly to the actual smallpox activities of the settlers targeted. The possible exceptions occur within the narrow period during the setting of the disease in October, and perhaps some of the scattered Ansanie violence afterward. In these cases there is circumstantial evidence but it is not beyond all doubt. Generally, the targeted settlers had motive, means and opportunity, and witnesses identified them in the act of applying the means to the victims. They could, and should, have been convicted of crimes under English law. So, not only did the Tsilhqot'in have this "motive," they did not target innocent settlers. But is it correct, or is it misleading, to describe public officials applying the law or defending the realm as having "a motive?"

In chronological order, this list summarizes most of the violence associated with the Bentinck Arm campaigns as it is known in the written record: 0) New Aberdeen/ Bentinck Arm Speculators claim land under villages at Bella Coola; 1) McDonald or Manning expel natives at Puntzi with smallpox threat; 2) Poole introduces smallpox at Bella Coola; 3) Poole introduces smallpox at Nautlieff via Linn brothers; 4) Poole introduces smallpox, and Bentinck Arm trail blazer Pearson surveys and claims land, at Chilcotin lake; 5) Poole says leaving a trail of blood, in fear of attack, one of his party dead; 6) McDonald introduces smallpox at Puntzi; 7) Taylor, Angus McLeod or Wallace said to have prepared smallpox blankets for a second epidemic; 8) Overlanders say Bob McLeod attacked "other side of Puntzi" reportedly two settlers dead,[177] including one of the "Linn" brothers who had introduced smallpox at Nautlieff; 9) John McLain admits introducing smallpox at Tatla; 10) Bentinck Arm Co. surveying party chased, Fisher killed by father and son team; 11) Bentinck Arm Co. contractor William Hood registers claim for land at Nautlieff; 12) 1862/63 Ansanie War Chief Sulyman executes Bob McLeod, McLeod family claimed village site after all its residents died from smallpox; 13) 1863

settlers at Bella Coola report being threatened in their homes by natives; 14) 1864 Adam Ross said shot, partner killed; 15) Manning executed at Puntzi; 16) McDonald, McDougall executed at Sutless, Higgins killed; 17) Settlers expelled from Bella Coola valley; 18) Ansanie threaten Wallace with a knife in his store; 19) Cox retaliates by burning Puntzi; 20) Governor Seymour burns Sutless.

Bute Inlet was a relative picnic compared to Bentinck Arm. It is hard to convey the state of the Tsilhqot'in mind at Bute Inlet without first covering the Bentinck Arm experience.

When Dr. Lutz skips from this opening sentence to his next sentence, he has effectively by-passed the essential information needed to understand the Tsilhqot'in mind in 1864.

> *Prior to the spring of 1864 the Tsilhqot'in had not tried to keep Whites out. On the contrary, the Tsilhqot'in had let pack trains cross their territory regularly from 1861 onwards and even assisted lost and sick travellers.*
>
> *It was only after the threat to spread smallpox, following within a year of a devastating epidemic....*

And so the next sentence is false when it implies that "following within a year" of an inadvertent epidemic, i.e.one unaccompanied by both intentional spreading and prior reactive violence. It would be accurate to say, instead, "...following within two years of settlers beginning devastating epidemics in which the Tsilhqot'in first detected a design to kill them..."

Otherwise, by silence and without argument, Dr. Lutz denies the Tsilhqot'in genocide. He then continues on as if this were a public health issue. As he communicates by his parenthetic "....(as the Tsilhqot'in believed)..," he is trying for a compromise in which he communicates this denial silently to his readers while hoping not to offend the Tsilhqot'in with his disbelief. Yet, if he believes that the Elder's narrative, based on the evidence of survivors and eye-witnesses, and backed in the written record by no less than explicit confessions, admissions of harm and unimpeachable evidence of specific motive, arose merely from primitive "superstition" about the disease and that the Tsilhqot'in suffered only "imaginary wrongs," then he has a scholarly obligation to argue it in front of the Tsilhqot'in.

Disease is inevitable. Its deliberate introduction with a purpose to harm is not. Nor is its introduction by depraved minds callously blind to their harm. Nor is its criminally negligent introduction. And remember that, to leading settlers like Dr. Helmcken, intentional or not, it did not really matter: because the indigenous Peoples as then constituted would have died anyway in the natural course as inferior beings in the evolutionary scale.[178]

> *Some Tsilhqot'in, including Telloot and Klatsassin, even came to work on Waddington's road. It was only after the threat to spread smallpox, following within a year of a devastating epidemic which killed up to two-thirds of the Tsilhqot'in, that Klatsassin rose up and tried to drive all the Whites out of Tsilhqot'in territory.*
>
> *Most important, if the war was about a threat to spread smallpox, then the Tsilhqot'in clearly won. They stopped the road through their territory, which would have inevitably brought travellers, settlement and disease. The Tsilhqot'in established a reputation for ferocity that kept most whites (and many diseases) out of their territory for another half century.*

*It is true that the Tsilhqot'in were not clear winners.*

It is true only that the Tsilhqot'in have been clear losers so far. The outcome of The Smallpox War, and the end to Tsilhqot'in independence with a culture free of colonialism's effects, was determined forever between June 10, 1862 and January 1863. Everything else is aftermath. Including the action at Bute Inlet. While the smallpox phase ended in 1865,[179] most Elders and community leaders teach that the war is still ongoing. It is ongoing because Canada and its institutions mostly refuse to make peace, either with the Tsilhqot'in caretakers or with the colonial past.

While it is true that the Tsilhqot'in were demonized, roads and settlements were not kept out from that. If the settler community had so desired, it would have pushed through whatever was wanted, first with the police and the courts, and then the army if necessary. Let's not sugar coat it. Historically, neither British Columbia nor Canada has retreated from native opposition, and Canada maintains a military base on Tsilhqot'in territory as a not so subtle reminder. Bentinck Arm failed because of the personality of George Cary. Bute Inlet failed from a lack of capital and opposition at New Westminster. The C.P.R. did not go there because of a preference by political interests and the better harbour at Port Moody; and the C.N.R. because of the Yellowhead Pass and better ocean access at Prince Rupert. Upgrading the pack trail from Bella Coola, which existed between 1862 and 1954, to service the west Tsilhqot'in was delayed because the volume of trade did not warrant it. The climate on the plateau is too harsh and short, and the land too poor, for most agriculture. Timber was widely available elsewhere. The minerals were uneconomic. The Tsilhqot'in were blessed by the relative poverty of their environment but in which they alone managed to find and be grateful for abundance. Canadians regard their territory as fully owned and occupied, waiting only the need for exploitation.

Yet the Tsilhqot'in sacrifice was not in vain. It inspires today's resistance and the desire to preserve Tsilhqot'in values. No one can foretell the future. The Tsilhqot'in spirit may yet win the war.

> *Some Tsilhqot'in, including Telloot and Klatsassin, even came to work on Waddington's road. It was only after the threat to spread smallpox, following within a year of a devastating epidemic which killed up to two-thirds of the Tsilhqot'in, that Klatsassin rose up and tried to drive all the Whites out of Tsilhqot'in territory.*
>
> *Who was Klatsassin, the man that led the rebellion -- but who was not a chief -- and whose name meant "we do not know who he is"?*

Did Klatsassin “rise up” or lead “the rebellion?” Or was he always a chief, properly authorized by the legitimate sovereign authority to engage in acts of war or public policy? Rebellions, uprisings, insurgencies or insurrections have the goal of destroying or replacing an established or legitimate sovereign authority, not preserving one. None of those first things are activities of a sovereign authority. The Elders' narrative seems that, as Head War Chief acting on behalf of the citizen majority in Tsilhqot'in territory, Klatsassin led a counter-insurgency against forces seeking to replace the existing authority, either by invasion or from within. Check any dictionary for the definitions.

This language seems strange only because we have become trained to colonial mythology. And because, apart from the number of smallpox victims that we are trained to overlook, the numbers are so

small. Yet they are small only because of the preceding genocide. From a population estimated at 7000, they had become less than 2000. The estimate of a two-thirds death toll came in January 1863, yet more were still said to be dying into July 1863.[180] This does not count the famine or any post-traumatic loss of the will to live. Trutch's estimate of only 100 potential Tsilhqot'in warriors by 1864, may not have been far wrong.[181] Father McGuckin counted less than 500 survivors by 1872, though he may have missed some at Tsuniah or Nemiah who did not want to be counted. To commit larger forces would have been to court a complete destruction of their social entity as a cohesive and coherent form...and to become extinct by choice as Canadian policy envisions.

Flat out contradicting the Tsilhqot'in tradition as mistaken, Dr. Lutz declares that Klatsassin "was not a chief." This essay is in the password-protected part of the website designed especially for teachers in preparing their lesson plans. Are teachers, then, better advised to trust Dr. Lutz, held out by three universities as an expert, or Tsilhqot'in Elders and community leaders? It seems true only to imply that Klatsassin was not a chief in the same sense as Anaham; or, alternately, as Telloot. But it is false to imply that he did not have the authority of a public official. Indigenous public administration may have been more *ad hoc* but that does not make it less official. Dr. Lutz's gambit here is colonial mythology, Plan B: If Klatsassin was not just a murderer, then he was just a primitive charismatic who led a small uprising of disenchanted followers against the Crown's legitimate authority, and without the authority of the Tsilhqot'in citizen majority. This majority, represented by "Good Indians" and Chiefs Anaham and Alexis who did not join him, or so this argument goes, understood that colonialism was a good bargain (or *makuk,* as Dr. Lutz puts it), did not approve this resistance, were happy to abandon their law-challenged chaos as quickly as practical to obtain the benefits of British institutions and to learn from settlers how to make better use of their resources.

Yet Dr. Lutz assumes what the Tsilhqot'in tradition demands that he prove. Namely, if the Tsilhqot'in system of governance was not the sovereign authority with an established monopoly on the legitimate use of force in Tsilhqot'in territory at this time, then what was and how did it become so? This is the key issue underlying the War. Dr. Lutz's interpretation requires an unstated premise supposing that the British Crown had an inherent right to rule anywhere that it might choose to deploy sufficient violence. Outside Britain, the Crown derived its legitimacy not from consent but from a supposed Anglo-Protestant superiority, including an inherent right to punish anyone who did not accept whatever it required. As Judge Begbie put it, lacking all sacred guidance, natives respected "the superior acquirements of the governing race" were "well-disposed" and "readily adopted" its rule.[182] Following this line, Dr Lutz implicitly agrees with Governor Seymour who described any Tsilhqot'in supporting Klatsassin as, "...savages who had set themselves above all law."[183] By saying "all law," Seymour means to include any sliver of law that the Tsilhqot'in might have had before but which Klatsassin should be mythologized as also ignoring. And then the "Good Indians" could be said as also needing the Colony's help. In reality, it was the Colonists who refused to honour the law, except the one supposed in which might makes right the survival of the most violent. Yet, it is not human nature anywhere to willingly surrender political freedom or the security of food, water and shelter.

The evidence that Dr. Lutz needs to address and overcome for his argument that Klatsassin was "not a chief" includes the following. The tradition seems unanimous that he held office on behalf of all the Tsilhqot'in. The Tsilhqot'in memorial describes Klatsassin as *Nitsil?in Deni Hulht'ax Gwe?anadeni* or "Head War Chief." His contemporary, Sutless Chief Ahan referred to Klatsassin as "a Great Chief," in the sense of a greater authority.[184] This is consistent with the image of a Head War Chief. Lundin Brown said, "(Klatsassin) was looked upon as their chief by all the Chilcoatens."[185] With the Tsilhqot'in

then, and now through 150 years of tradition, still in agreement, this should be the end of it: Klatsassin held public office however that was defined by the Tsilhqot'in political system.

But what about the colonial authorities? As they learned more, did they regard Klatsassin as a true chief, or did they agree with Dr. Lutz? Referring to those who came to his camp Aug. 15, Cox said, "...among whom are the following Chiefs, Klatsassin, Telloot and Tahpit."[186] Chartes Brew said the action at Bute Inlet was "planned and executed by the Takla Chief Klatsassin."[187] In reference to the Interior, i.e. not just at Bute Inlet, Seymour called him, "The Chief, Klatsassin..."[188] Then, implying that the last few of those who did not acknowledge the British Crown had capitulated, Seymour said, "Klatsassin, Telloot and all the (other) chiefs of the insurrection have given themselves up."[189] As the Colony hanged him, Seymour said, "The Chilcotin Chiefs, Klatsassin and Tellot...were executed..."[190] So colonial officials then, his fellow Tsilhqot'in, Elders and community leaders today, all these, seem at odds with Dr. Lutz.

In creating the romantic vision of a charismatic figure leading an uprising or rebellion against an established authority perceived as merely oppressive rather than threatening subjugation, Dr. Lutz makes the story begin as one of an ordinary labourer employed to help build a road.

> *Some Tsilhqot'in, including Telloot and Klatsassin, even came to work on Waddington's road*

Dr. Lutz says "Telloot...came to work on Waddington's road." Is this accurate? Telloot was the "Chief" of this place. Yet, Dr. Lutz wants to send him on a journey, too. In reality, Waddington's party was under Telloot's "municipal" jurisdiction, i.e. the local officials who license roads. Authority did not run in the other direction. Waddington came to Telloot's community to build a road. By all accounts, Telloot merely offered his services as a good host to see that things went well for his guests. Mostly by receiving gifts, acting as peace maker and serving as a guide or making introductions.[191] In 1863, Waddington arrived in late April. By June, all the Tsilhqot'in had gone fishing. Telloot returned only in mid-August. In 1864,Telloot performed the same services, introducing Whymper to his ground. The road was not some neutral utility just passing through. The Tsilhqot'in would have considered that it had become part of this community and under its oversight. Waddington said Telloot described him "as my best friend."[192] That is what good hosts do: extend friendship before it has been earned. It would be most accurate to note this acceptance rather than to imply Telloot became Waddington's servant.

What about Klatsassin? Is there evidence that, before any of these events, he came first as an individual for employment on Waddington's road? The only support seems one survivor saying broadly "...that the Indians had always expressed themselves as friendly, that no difficulty had ever occurred between them and any of the men, and that they were all in the employ of the company."[193] Klatsassin's slave "Bob" may have worked on the road. In this sense, Klatsassin may have been in the employ of the company. Speaking generally, but paying specific attention to function, Whymper said many of the Tsilhqot'in, but not all, worked as packers and that some, but not all, were employed in building the road.[194] Chartres Brew said, "Klatsassin's men were employed packing provisions...."[195] That seems the truth of it. But that is different from Klatsassin the individual coming to work on the road.

Speaking specifically of Klatsassin, Judge Begbie noted the survivor Buckley saying a) that "Klatsassin, Telloot and Chedekki" all had been in the camp three nights and the last night before the attack; b) that he believed all those in the indictment had been in the employ of the company, but c) that he could swear only to those three as having been present. Better evidence shows that Klatsassin could not have been in the camp three nights before. This witness had him confused with someone else or

was fitting his evidence to meet the indictment. The better evidence was from Waddington's harbour agent, Sampore. Employing packers would have been Sampore's task. He had the best knowledge. Via this source, Waddington said, “Klatsassin...never worked like the other Indians...”[196] And that, so far as this train of events was concerned, after wintering at Bute Inlet, Klatsassin had arrived back at the harbour only about “a fortnight” before, and he had been there continuously. In none of that time did Klatsassin ever “work on Waddington's road.” This record, like the tradition, offers Dr. Lutz no support.

In sum, Klatsassin was a Chief. He did not go to Bute Inlet for work on the road. He seems to have gone after people raised concerns about the Bute Inlet Co.'s operation and the behaviour of its associates. He went there as a Chief to fish and to observe as some of his men worked on the road. While he was there, hard evidence and the crew's attitude created a high probability of an imminent smallpox attack. A Leader's Council attended by Anaham and Alexis authorized Klatsassin to undertake acts of war, if necessary, and to implement other Tsilhqot'in public policies. There was no uprising. No rebellion. No. insurrection. Not by the Tsilhqot'in. Only regular constitutional behaviour.

Continuously, from time immemorial to the present day, the caretakers have never abdicated, delegated or been relieved of their obligations by any moral means. And so they remain the legitimate source of sovereign authority for doing the right thing in Tsilhqot'in territory.

## 5. An integrated narrative concerning the Homathko campaign.

To the best of my knowledge and ability, the narrative below reconciles the written record and the tradition about the events leading up to the Homathko campaign.

In June/July 1861, Klatsassin seems present for the decision approving the Bentinck Arm Road at Nancootlem.[197] Anaham, who presided, and the Ansanie War Chief Sulyman from the Upper Bella Coola Valley also were present. Alexis was not there for the first meeting with Kenny and MacKenzie but may have been there for the subsequent one with Ranald McDonald, Pearson and Co. The Bute Inlet Road did not go through a similar process.[198] On a visit by Waddington's agent, Capt. Price, Telloot and his local community approved the Bute Inlet Road in Nov. 1861.[199]

Bute Inlet Company surveyors Homfray and Tiedemann followed, each having to be rescued. Waddington first toured the final route for the Company in Sept. 1862. He visited Tatla Lake and the Puntzi roadhouse.[200] It seems then when he decided to ask the colonial government for all the land at Tatla Lake.[201] The Tsilhqot'in would have known this through his guide, probably Telloot. About six weeks later, smallpox devastated the Tatla Tsilhqot'in.[202] This cleared the land, leaving one survivor.[203] Since they hosted a fishing ground visited by 200 to 300 Tsilhqot'in,[204] in all probability this would have been a bar to its peaceful conversion as private property for farming and subdivision for a settler town. Settler John McLain later admitted deliberately introducing the disease at Tatla to “punish” them.[205] Perhaps they already had objected to a road. He or his party did not spread it along the rest of the Bute Inlet route, as was done for Bentinck Arm. Perhaps because, when discovered, the only quick escape was to Bella Coola.[206] Archival records and native traditions show that natives little carried the disease on their own in 1862 and so the Homathko Valley remained disease free also on this account.

On arriving at Bute Inlet with 90 men in 1863, Waddington first had to evict natives living on land desired for the harbour townsite.[207] He then pushed the road north into Tsilhqot'in territory, blasting rock and cutting 100s of trees. According to Tsilhqot'in historian Agnes Haller, people soon began complaining to their chiefs about this enterprise "not respecting the land and the people".[208] Tsilhqot'in historian and family descendant, Roger William says Klatsassin's brother was among those arguing that these roads involved too great a risk of harm from settlers with questionable values.[209] Hearing these complaints and a Leader's Council sensing the need for a watching brief,[210] Klatsassin took a party from the Interior to Bute Inlet. His party first made its presence known in mid-September 1863.[211] Waddington was still there. Klatsassin seems to have interviewed him about his intentions.[212] These Tsilhqot'in wintered along the lower Homathko rather than at Klatsassin's fishing ground on the Southgate River, normally accessed from Chilco Lake. Homalco witness Tennas George confirmed this at the trial, "...(they) had lived all last winter in my country."[213]

Waddington returned to Victoria in late October, leaving 17 men to continue the work.[214] He needed to raise capital. He paid his labourers "chiefly with Bute Road script." Shares in a now worthless company.[215]. He issued a new *Prospectus*. To no avail. The Company went into voluntary liquidation Feb. 2, 1864. At the liquidation auction in April, he bought the assets for his own account.[216] He then formally allied himself with McDonald and Co. from Puntzi.

Meanwhile at Bute Inlet, Klatsassin would have been in the area when the remaining crew confined another chief's daughter on the sailboat sent to collect them at Christmas and raped her to the point of death.[217] After year end, only John Clark and one or two others remained. Klatsassin would have been there to learn of their sexual abuse of children.[218] He would have been there still when 20 men arrived March 22 for the 1864 season. These eventually learned that some flour stored from 1863 had gone missing. In reply to a demand about the the flour's fate, a Tsilhqot'in was supposed to have replied, "You are in our country; you owe us bread."[219] Regarding this as insolence by "Bad Indians," the man on the steamer, "took all our names down...and told us we should all die, whose names were there of smallpox."[220] Or said, "All the Chilcoatens are going to die. We shall send sickness into the country which will kill them all."[221] Or, "...to punish them the next "warm" he would send the smallpox amongst them."[222] Or, "A white man...came on a boat...and took all their names down on a piece of paper threatening to send the smallpox among them."[223] He probably recorded the names in the ship's log. In addition, one of Telloot's family was seen with a blanket that an Interior Tsilhqot'in recognized as robbed from his family's graves. Probably they had been victims of the Tatla epidemic. When asked where she got the blanket, she replied, "The Whites brought it off the boat and sold it to her."[224] Grave-robbed blankets, alone, are not sure to begin the disease, especially if used only for burial. These graves were of the area's "High Chief."[225] Probably they were rewrapped with care. In the B.C. epidemics of 1862, infected blankets usually had been seeded, or those circulating them also had mild cases of smallpox, consistent with inoculation, spreading the disease more quickly and thoroughly.[226]

With the appearance of suspicious blankets, Bute Inlet now resembled Bentinck Arm in 1862: on the precipice of a smallpox genocide. Excluding Telloot and his community, who had a duty as hosts to guests in their space, the Tsilhqot'in at Bute Inlet had a meeting.[227] This would have centred around a spiritual adviser to whom people turned for advice. It may have been Tyorkell. Klatsassin said Tyorkell gave him a gun where he was activated to address the threat.[228] This gesture would have been ceremonial. The notion that Klatsassin's entourage did not otherwise travel with guns for hunting is not credible. Waddington said Chayses was in the infirmary complaining of illness "...for more than a month before the murder."[229] He must have gone there immediately. Any smallpox would be discovered

first at the infirmary. Later, Klatsassin consistently would say that the fear of settlers re-introducing smallpox to kill them, as made evident first in the threat, was the war's proximate cause.[230]

There was a duty to advise others of the risk. In his role as Chief of those visiting from the Interior, Klatsassin went to Puntzi and called a Leader's Council.[231] A member of the family to whom the grave-robbed blankets belonged may have seized the evidence and accompanied him.[232] As Tsilhqot'in historian, Joe Case tells it, "One or two came back into the Interior, picked up all the warriors and that's when the war started."[233] This confirms other evidence and the sense of the Tsilhqot'in tradition that The Smallpox War at Bute Inlet began, in a formal sense, in the interior. Not at the coast. We have already seen extensive evidence from the written record confirming that this Leader's Council was attended, at least, by both Anaham and Alexis. Alexis later told Governor Seymour that Klatsassin "had a right" to make war on them.[234] This means both 1) that he had the proper authority from the appropriate People (or *deni*); and 2) that the settler communities' behaviour properly merited the response of a self-defensive war. The Tsilhqot'in political system is open ended. This meeting may have been widely attended, explaining why the tradition has so many details about the war's beginning. And why the war enjoyed near universal public support. Klatsassin would have reported the litany of abusive settler behaviour. Eventually, the meeting would have talked through the four part policy that became apparent in their subsequent actions: preventing smallpox at Bute Inlet; administering the law to rid them of the offending Puntzi settlers; expelling settlers/closing their territory; seeking a political relationship with settler representatives to ensure that their territory remained Tsilhqot'in, with guests respecting Tsilhqot'in laws, values and communities. They authorized Klatsassin to implement this policy as Head War Chief. As Chartes Brew said, "planned and executed" and not, that is, spontaneously improvised little by little.[235]

Klatsassin returned with only a few warriors. Some were accompanied by their families. This gave the impression that they all had come for work on the road, including Ulnas who joined Chayses at the infirmary.[236]The work crew survivors would say those "...who committed the crime were chiefly new faces, who had come down in the early spring..."[237] The total number of Tsilhqot'in men on the lower Homathko was still no more than 16; perhaps 40-60 Tsilhqot'in in all. Some women may have taken part in the attack.[238] There is no doubt that the families remained present during the attack.

Effectively, all the Tsilhqot'in were now a war party, except Telloot and Chedekki. Klatsassin and his advisers had the authority to proceed on their judgement. Klatsassin rejoined the Tsilhqot'in at the harbour. He advertised to the harbour settlers that he was continuing on now to his fishing grounds on the Southgate River.[239] Four of his party left for the Southgate. Excluding Telloot and Chedekki, this left Klatsassin with 10 warriors and a few youths, sharing 6 muskets.[240] The work crew then was 20. One has to admire the audacity of undertaking what was sure to be mostly hand to hand combat with clubs and knives against a greater number. The possibility of the settlers being reinforced and the necessity of surprise had to have been real concerns.

A newspaper later interviewed Waddington. He relayed what he had learned from his agents, "Klatsassin was the great instigator of the Bute Inlet Massacre...he came down to Bute Inlet to carry out that object, since he never worked like the other Indians but waited more than a fortnight for Mr. Waddington's arrival, asking after him day after day..."[241] So, coming down from the Leader's Council, Klatsassin rejoined the Tsilhqot'in at the harbour in the week of April 11-15. He began asking these agents when they expected Waddington, "...with a large body of whitemen as promised."[242] Klatsassin noticeably showing this interest on arriving back at the harbour confirms that the attack, if necessary,

was in train by April 15. In 1863, Waddington had arrived in late April with 90 men. Reinforcements would deprive the Tsilhqot'in of all their leverage. They might not be able to stop the settlers from introducing smallpox. They would have to blockade the road. They would be forced to make Waddington sufficiently desperate, by stopping the road, to pressure the Governor for an agreement.

April 20, Klatsassin's son Biyil "...went up (from the harbour) with the packers to the ferry where he had a long talk with the Chilcoatens of the upper camp, and returned in the morning of Saturday April 23."[243] Notice that for him to have met anyone from the upper camp at the ferry, this meeting had to have been prearranged.[244] Through Biyil, Ulnas and Chayses would have advised Klatsassin that the threat posed by the work crew was real and had to be dealt with. Apart from what they may have learned on the smallpox issue, the work crew's behaviour was consistent with what they had come to know as the contumely typical of those who casually cause harm for profit, or kill innocents as a nuisance. Among other things, the camp violated the sharing norm and excluded the Tsilhqot'in from common meals, forcing them "to dispute with their dogs for scraps thrown out from the camp"[245] or for the women to prostitute themselves for food[246] and had scalded a child with boiling water.[247] This brutality was not the war's cause, it was symptomatic only of the deeper issue.

Every day increased the risk that they might be taken with surprise by reinforcements. When Whymper and two others left, the crew would be at its weakest. That left 17. Four others would split off to an advance camp. Leaving 13 in the main camp. The day after Biyil returned, April 24, Klatsassin changed his cover story at the harbour.[248] Instead of leaving for the Southgate, now he would go upstream. Supposedly his daughter had been kidnapped by another tribe and was being held for ransom.[249] His entourage left the harbour on Tuesday, April 26. We know his schedule via Waddington's agent, Alfred Sampore. The close cover shows that Sampore's packers noted Klatsassin's movements in their own travels. Klatsassin arrived at the ferry Thursday morning. During the day Chayses[250] and Ulnas came down to meet him, behind Whymper.[251] Klatsassin killed the ferry operator that night.[252] Next day they advised Telloot that they were at war. "Telloot got angry" but soon fell in line.[253] Telloot had a right to be offended: he was the local chief and had not been consulted. When Klatsassin went to the Interior, Telloot seems to have been away guiding Whymper to scenic vantage points. Unlike Klatsassin, however, Telloot was a *Tenas Tyee*, or small chief, not a high or great chief.[254] His consent would not have been essential. The speed of his conversion and his subsequent behaviour suggest that, in any case, he always endorsed this policy.

They joined "the other Indians at the principal camp...talked and joked with the workmen after supper and sang Indian songs during a part of the night."[255] When the cook stirred in the morning, the attack began. With the main crew dead, Chayses reloaded and led the attack on the advance camp. Killing all the settlers but not the native cook. The Tsilhqot'in took no casualties. They had put an end to the immediate threat. Delivered some retribution collectively due to the settler "tribe." Expelled the settlers and closed the road. For an agreement or treaty, they had to wait for the Colonists to come seeking a resolution with the citizen majority who were the rightful rulers of the place. The Governor arrived May 27.[256] However, on the advice of those who already had surveyed the terrain, he turned back.[257]The chance for an agreement would have to await another occasion.

When that occasion presented itself, Aug. 15, 1864, Klatsassin and his son, Telloot and his son-in-law, Chayses, a senior adviser, Tahpit, head of those displaced at Puntzi, and two men associated with the execution of settler Donald McLean, all appeared for a conference with the Governor. They had been promised that the Governor would recognize the office of Head War Chief as Nits'il?in Chogh

Yenewets'etelh Ts'ulhtsilh.[258] That is, as the Highest Chief in Tsilhqot'in Territory and they expected him to absolve them of any actionable harm, following the precedent he set with Ulnas.[259] Under the auspices of a sacred pipe ceremony, the Tsilhqot'in sought a formal relationship with the political representatives of those wanting access to their territory. It was not to be. Colonial officials ambushed the Tsilhqot'in party and martyred five by way of intimidation. Today, the caretakers honour their public servants with Klatsassin Memorial Day.

**Appendix A: Tsilhqot'in statement as it appears on the Mysteries Website.**

## We Meant War — Not Murder

By the Tsilhqot'in National Government 1

The Tsilhqot'in Nation has always fiercely defended the integrity of its territorial sovereignty against invading armies. In the pre-European contact era Tsilhqot'ins were feared by neighboring Indian nations. The summer of 1864 saw the Tsilhqot'ins rally around War Chief *Lhats'as?in* [Klatsassin] to repel a two-pronged military invasion directed by Colony of British Columbia Governor Frederick Seymour. This invasion of Tsilhqot'in territory was meant to establish Crown control and law over Tsilhqot'in territory. The colonial militia entered the territory on the pretence of arresting the Tsilhqot'ins who killed Alfred Waddington's road building crew in the Homathko River canyon on April 29. These killings were retribution for the genocidal introduction of smallpox, degrading abuse of Tsilhqot'in women, [and] threatened subjugation of the Tsilhqot'in.

One militia group headed by W.G. Cox came overland from Fort Alexandria. The other expedition led by Chartres Brew came up the Bella Coola Valley.... Throughout the summer of 1864 the two colonial militia groups practiced a scorched earth policy against Tsilhqot'ins but did not capture the so-called "murderers" (our martyred war chiefs) they were seeking. Instead, by the treachery of a phony peace treaty negotiation session they captured the Tsilhqot'in War Chiefs and hanged them at Quesnellemouth on October 26, 1864 as common criminals. This betrayal has tarnished the honour of the Crown to this day. The rallying cry of 'Remember 1864' remains the Tsilhqot'in resolve to be masters of our destiny.

Notes:

1. Text posted October 26, 2003 at the Fish Trap Battle Site [Sutless] as part of Klatsassin Memorial Day.

## Appendix B: Fur trading, the Tsilhqot'in, Fort Alexandria and The Smallpox War.

The website says,

> In 1824, the North West Company merged with the Hudson's Bay Company and took the new name. The fur trade fort established in 1821 at Alexandria on the Fraser River, just east of the Tsilhqot'in, became their major source for European goods. The Hudson's Bay men looked greedily at the rich furs that were coming out of the Tsilhqot'in homeland and sought to build a fort in their midst. What did the Tsilhqot'in think about this arrangement?

This makes it seem that the Tsilhqot'in objected either to the business of trading furs or to the H.B.C. per se. This is the Donald McLean originated version of this history. However, neither the available evidence nor the tradition supports it. The problem seems better identified as one of dishonourable characters and the uncompromising nature of British or Canadian "exceptionalism."

McIntosh, the first full-time clerk, cheated the Tsilhqot'in over the purchase of furs (I think it was Gilbert Solomon who told me that the Tsilhqot'in make the same charge against McLean.) The second full-time clerk, McBean eventually resolved his relationship with Chief Allaw so that McBean did not object to the expulsion of his Atnah employee in Feb. 1840. Tsilhqot'in rules prevailed. This was the key to McBean's relative success.

Since Ft. Alexandria, which was also actually in Tsilhqot'in territory, played a critical role throughout, it would supply more relevant and useful information from the fur trade era as it touches the underlying key issues by covering the following:

### Fort Alexandria as Background to The Smallpox War.

About 1821, the North West Company, a foreign, French Canadian fur trading enterprise from the British colonies across the continent, established Fort Alexandria on the east bank of the Fraser. It situated this post at an intersection of three indigenous Peoples near some rapids that provided a natural economic barrier to travel by canoe.[260] The Tsilhqot'in community at Esdilyagh is just to the north of its apparent original location. Xatsull, the northernmost Secwepemc community, was a half day south. Across the river and a few kilometres north was a Southern Dakelh village of the Talkot'in.

Control of the Fort passed from the North West Company to the Hudson's Bay Company soon after the British Parliament merged these two enterprises in 1821. The H.B.C. was a large, foreign, English, company seeking animal skins for fur and leather. It also operated a small British colony on the Great Plains and, after 1849, another on Vancouver Island. Nevertheless, the trading language at Alexandria remained French. Many area natives would become bi-lingual.

Between 1821 and 1858, when it created the Colony of British Columbia, Parliament also provided that the laws of its English colony in distant Upper Canada would govern internal relations within the H.B.C. on the Pacific Shelf. It should go without saying that foreign guests are universally held subject to the local laws and grace of their hosts.

At “the end of navigation”, Ft. Alexandria soon became a major fur trade service centre. After the ice lifted in spring, furs gathered in the north would be sent downriver in canoes for transfer here to a horse “brigade” and transportation to the Coast. Brigades would return later in the year with a new supply of trade goods for transfer to the waiting canoes and shipment north. In the early days, natives gathered at Alexandria expectantly for the northbound arrival of “the French People”, as the brigades were then known, with a new supply of European trade goods.

In 1836, the H.B.C. moved Ft. Alexandria to a flood plain across the river, three kilometres north of Esdilyagh, nearer the Talkot'in. This site was more suited to its agricultural mandate for feeding horses, crews and supplying other posts. It also provided a more efficient access to furs from the west. In addition, the Fort would occasionally purchase large quantities of fish from native suppliers, and otherwise employ many natives for farm work and on the brigades. It was here where the Tsilhqot'in prisoners would be brought in 1864.

Traders began seeking higher quality furs from deep within Tsilhqot'in territory almost as soon as they had established Ft. Alexandria. The Tsilhqot'in had traded animals skins and blanket-grade goat hair to natives at the coast, and imported shells, fish oil and other coastal items to the Interior, since time immemorial. Except for their having a monopoly on prized European goods, like guns and steel implements, there is no evidence that the Tsilhqot'in regarded or treated H.B.C. traders differently in any way under the usual practices of the existing native economy. For example, the Tsilhqot'in always paid the Nuxalk for the privilege of fishing in their territory and the Nuxalk similarly expected to pay for resources accessed while visiting Tsilhqot'in territory.[261] It was the same rule to which a Tsilhqot'in would refer during The Smallpox War, with respect to flour missing at Bute Inlet, when commenting that Waddington owed “bread” for benefitting from Tsilhqot'in territory.

The Canadian trader's desire for more Tsilhqot'in animal skins soon led to occasional trading excursions; the establishment of a temporary post on the Chilcotin River in the early 1830s; conversion to a post with a resident clerk in the mid-1830s; and, finally, the decline and abandonment of Ft. Chilcotin after 1842. Even though Ft. Chilcotin had been abandoned for 20 years, the H.B.C. still received title to this property, and 100 acres around it, from the Colony of British Columbia in 1862 (but not from the Tsilhqot'in.) It would be in this H.B.C. precinct during The Smallpox War where agents for the Crown, guided by a former H.B.C. manager, would invite Tsilhqot'in representatives to a conference with the Governor, ambush and hold them prisoner.

The fur trade exposed the Tsilhqot'in to many features of European life, including social, agricultural, economic, religious, legal and political customs, as represented by these visiting Canadian foreigners at the two forts. It also exposed them to the various ways in which Canadians regarded native customs.

The Tsilhqot'in frequently made it clear that the H.B.C. and its associates at Ft. Chilcotin were subject to Tsilhqot'in laws.[262] In its short life, Ft. Chilcotin hosted two H.B.C. representatives who disrespected Tsilhqot'in norms. McIntosh, a Canadian, the first resident clerk, left in a panic fearing for his life. The H.B.C.'s Governor later admitted that McIntosh was “long conspicuous” for provoking natives with threats of “bad medicine” and other “injudicious conduct”.[263] McIntosh would take furs without keeping his promise to pay for them, the equivalent of writing bad cheques.[264] And, when natives complained, he would threaten to punish them by bringing in disease. The manner of his

leaving suggests the Tsilhqot'in gave McIntosh the choice of permanent exile or death. “The peaceful Sekanis” later killed him for threatening to bring disease there.[265]

In the second case, Donald McLean, a clerk stationed at Ft. Chilcotin for about 18 months during 1841/42, became notorious among Interior natives for his arrogance and contempt of native customs[266]. McLean's father had been killed in a territorial dispute at the H.B.C.'s Colony on the Great Plains. Tsilhqot'in tradition has it that, under McLean's tenure, the People blocked the Fort's access to the river for fish and stopped taking furs there for trade. The resulting lack of business caused the H.B.C. to abandon the Fort. McLean later served as post manager at Alexandria, from 1850 to May 1855. Trade declined during his tenure there as well.

The fur trade brought Christianity to the Tsilhqot'in. The indigenous Peoples of the Pacific Shelf invariably respected all spiritual leaders as special sources of wisdom and guidance for behaviour that would be regarded kindly by the good spirits present in every place. In the absence of priests, H.B.C. officials would baptize those who wished to learn these ceremonies. Those apparently saw nothing there inconsistent with also being a self-determining Tsilhqot'in.

Klatsassin's son, Biyil or Pierre as was his Christian name, Tahpit and Alexis had all been baptized well before the Smallpox War. Klatsassin even wore a priest's crucifix while visiting Ft. Alexandria in summer 1861. In the end, four of the five Tsilhqot'in martyred at Quesnel had been baptized. Nevertheless, during The Smallpox War, the Tsilhqot'in avoided Father Leon Fouquet, a Roman Catholic priest who traveled to Ft. Alexandria offering the Colony his services to intervene with the Tsilhqot'in, as other Christian leaders previously had intervened against natives upholding their laws and sovereignty in the Cowichan and Tsimshian Wars.

The fur trade also brought the Tsilhqot'in experience with European epidemic diseases. This included knowledge of their terrible devastation within communities, and an introduction to the usual means by which these diseases would spread or be controlled.

During 1847 members of the H.B.C.'s brigade caught measles while at the coast.[267] Rather than quarantining the northbound brigade until it was disease-free, and suffer a decrease in profit from missed opportunities, the H.B.C. kept its usual routine. As a result, the brigade spread measles to native communities for hundreds of kilometres, including at Ft. Alexandria. Thousands died from this institutionalized callus disregard for the susceptibility of natives to these diseases. The H.B.C.'s behaviour would have raised the issue of responsibility for a criminal or negligent wrong under most legal systems, or for violating regulations concerning public health. There is no reason to believe that this was any different in every native territory.

While natives learned from the Post Manager some techniques for controlling epidemic disease, this epidemic produced a crisis in relations between natives and the H.B.C. in the Alexandria district. Some natives believed that the H.B.C. and its associates should be held accountable for all their behaviour under the laws of the territories in which they were guests. The Lhtako at the mouth of the Quesnel River then authorized some legal violence while applying the law against an H.B.C. associate.[268] On behalf of the view that the H.B.C. and its associates were not accountable to native authorities or local rules, Donald McLean made these natives an example by assassinating the Lhtako Chief and some of his family.[269]

In January 1855, smallpox struck the Alexandria Tsilhqot'in and Secwepemc.[270] While smallpox spreads effortlessly, it first requires close contact. Yet the nearest disease was then 800 kilometres away in the Columbia Valley. However, Donald McLean had visited H.B.C. posts on the Columbia during the previous summer. This gave him access to disease-infected clothing or blankets, a common source for beginning an epidemic, and a timely opportunity to import it by that means. Since McLean was engaged in a heated dispute with local natives about taking their trade elsewhere, they may have concluded that he brought the disease to punish them. They met with him at the end of January. He lectured them “for some time” about the best “regulations” they could make among themselves for the future.[271]

After this epidemic had run its course, Anaham, the hereditary High Chief of the distant West Tsilhqot'in paid Alexandria a rare, if not unique, visit in April.[272] It remains unclear whether the Tsilhqot'in were contemplating action against McLean at that time: the H.B.C. transferred him out in May. He returned to Tsilhqot'in territory only in June 1864 with the colonial militia. On July 17, 1864, the Tsilhqot'in lured McLean from the Colonial camp and executed him.

During 1860, land speculators associated with the H.B.C. in the Colony of Vancouver Island began making plans for its main settlement to benefit from a more direct connection to mining activity in the Interior, and then to the British colonies across the continent. These plans included creating transportation corridors from various Pacific Coast inlets, across Tsilhqot'in territory, to Ft Alexandria. In 1861, Tsilhqot'in communities gave permission for roads from Bentinck Arm (Bella Coola,) Bute Inlet and, probably, up the Dean River.

In July 1861, representatives of the Tsilhqot'in, including Alexis and Klatsassin, the Klus Kus Lakes communities from the Blackwater Valley and other Southern Dakelh communities met in the Ft. Alexandria area. Presumably, since that is what happened, they agreed among themselves to accept increased settler traffic to the mining centres in peace.[273] Yet it was this road building activity that would bring The Smallpox War to the Tsilhqot'in in 1862. Smallpox arrived under the auspices of the Bentinck Arm Company. This enterprise was controlled by the Governor's formal legal adviser, Attorney-General George Cary and Ranald McDonald, the eldest son of a former H.B.C. manager closely associated with the settlement and colonization movement.

While the Colony was assembling its militia at Ft. Alexandria for the Chilcotin expedition in early June 1864, H.B.C. Chief Factor Roderick Finlayson arrived from Victoria with Donald McLean and John Ogilvy to underscore the H.B.C.'s support.[274] The H.B.C. would supply the militia from Alexandria, provide cash and extend unlimited credit. McLean and Ogilvy, the H.B.C. Post Manager at Ft. Hope during the Fraser Canyon War of 1857/58 and who had served at Alexandria briefly in summer 1860, would lend the H.B.C.'s expertise on native culture.

Although described as a “Fort”, unlike many H.B.C. posts such as Kamloops or Victoria, no palisade was ever deemed necessary at Alexandria as a precaution during local native engagements. During The Smallpox War, however, rumours of Tsilhqot'in hiding in the woods had the Fort's resident employees sleeping with their rifles for about a week from July 7. Colonial officials visited the Fort in September “to collect jurymen” from among these for the Tsilhqot'in “trials” at Quesnel.

Colonial officials and the settler community intended that the martyrdom of Klatsassin and the others on Oct. 26 would serve as an example for all Interior natives. That other natives held the

Tsilhqot'in “War Chief” in high esteem can be confirmed from the list of those who visited the Fort while honouring the Tsilhqot'in for asserting their sovereignty in The Smallpox War.

The Fort traded “considerable furs” with a Tsilhqot'in party Oct. 22, presumably on their way to Quesnel for the hanging. Nuxalk representatives from Bella Coola come to the Fort on Oct. 30, after the hanging. Quesnel and Fort George members of the Dakelh came Oct. 31/Nov. 1 and traded “considerable beaver.” Nov. 2/3 a party of Williams Lake Secwepemc arrived and traded “considerable furs.” The size of the trade underlines that these were unusually large groups.

On Nov. 12 “several Chilcotin” arrived with a few fur, presumably now returning from Quesnel. The Post Manager then had an ox killed for a feast; probably the same “fat ox” ordered by the Colonial militia while creating the illusion that there would be a conference with the Governor.[275] Next day, he observed, “Employed all day more or less trading with Chilcotins – got some martens from them, we now (if we are not shot by them) [are] better [positioned] with these Indians for getting all their furs than before.”

After The Smallpox War and the martyrdom of the “Chilcotin Chiefs”, the Colony then did nothing in the 1860s to extend its jurisdiction into Tsilhqot'in territory. Tsilhqot'in law necessarily remained as the law governing all activities. The Tsilhqot'in consolidated their surviving population into a narrower range. Anaham moved a substantial segment of the West Tsilhqot'in from the Dean River to the Chilcotin River. In the late 1860's, a few settlers asked permission from the Tsilhqot'in to begin farming in the Lower Chilcotin Valley. These paid the customary tax for access and most conducted themselves honourably.[276]

Then, in 1871, British Columbia united with Canada. The agreement for union included the promise of a transcontinental railway. Routes through Tsilhqot'in territory came under immediate consideration. Plans were made for surveyors in summer 1872. However, in June, the Tsilhqot'in expelled a settler who would not acknowledge their right to govern behaviour and access to resources within their territory. Amid concerns for the safety of railway surveyors, this provoked a crisis for the new Canadian government. It dispatched an envoy to the Tsilhqot'in.

Ft. Alexandria hosted a conference between this agent, a Chief's Council and 30 Tsilhqot'in on Aug. 10. 1872.[277] On behalf of Canada, the agent promised the Tsilhqot'in, in his words, “they would not be disturbed in the possession of their hunting and fishing grounds” and that, if the railway went through their territory, they would be “materially benefitted and regularly compensated for any assistance.”[278] The Tsilhqot'in can only have understood this as an agreement to follow the customary rules. He said the Tsilhqot'in accepted a railway on those terms.

Nowhere did the agent note that the Tsilhqot'in had conceded any other jurisdiction in their territory, or that he had offered the Tsilhqot'in any means of political or other participation in the new Canadian entity. Indeed, the Tsilhqot'in, and other naives, were specifically prohibited from voting or holding land under the Canadian system: leaving all their laws still in place after this conference. British Columbia immediately reserved the whole Chilcotin River Valley, from the Fraser River to the mountaintops, against pre-emption by settlers under its legislation.[279] Colonial officials also ratified the expulsion of the offending settler.[280]

The Tsilhqot'in may have left this meeting believing that they finally had achieved what they had hoped for in the promised conference with the Governor during The Smallpox War: recognition of their right to self-determination and protection of the necessary resources. It was the last gasp of Ft. Alexandria's importance in relations between the Tsilhqot'in and Canada. The Tsilhqot'in would continue harvesting furs and exporting animal skins for more than another half-century.

## Appendix C: John Lutz and The Smallpox War.

### The Smallpox War

By John Lutz

Many factors drove Klatsassin and some 20 other Tsilhqot'ins to kill Alfred Waddington's road crew in Bute Inlet in 1864, and there are others that might help explain the murder of Manning at Puntzi Lake a few weeks later. But the cause of the Chilcotin War, and I believe it was a war, was the experience and threat of smallpox.

Regarding the initial attack, there is no doubt the Bute Inlet road crew treated their Tsilhqot'in packers callously and abusively. Manning's death might be explained by his occupying a choice Tsilhqot'in campsite for his ranch at Puntzi Lake, though he had married a Tsilhqot'in woman and could only have settled there in the first place with the permission of Anaheim and his people. None of these particular grievances or even plunder (since there had been many previous opportunities) explains the subsequent attack on Macdonald's pack train or the Hamilton's store at Bella Coola.

It was the fear that whites would deliberately spread smallpox, and retaliation for deliberately spreading it two years prior (as the Tsilhqot'in believed), that was the most important motive for all the attacks. The best evidence for this comes from Klatsassin himself. At his trial he said: "I have killed whites. I was induced to do so by Tyorkell, who gave me a gun to do so. A white man took all our names down in a book last spring & told us we should all die, whose names were there of small pox." **1** Klatsassin also told the missionary Brown the day before his execution that: "He would never have killed the whites, if they had not killed his people first, by sending small-pox, and had threatened to kill more of them by sending it again. **2**

This is confirmed by Ach-pic-er-mous, who was not implicated in the attacks, but who was present when Klatsassin recruited some of the men at Sutless to attack the Macdonald pack train: "He [Klatsassin] said that Alick McDonald had brought the smallpox to Benshee [Puntzi] and that the white men at Bute Inlet road had done bad things to them, that they were angry at Klattassin's men for stealing and that one of them said that to punish them next "warm" he would send the smallpox amongst them.**3**

Governor Seymour agreed it was a war that he was engaged in, as he said in his dispatch to the Secretary of State for the Colonies: "There was no use shutting my eyes to the fact that this was a War--merciless on their side--in which we were engaged with the Chilicoten nation and must be carried on as a war by us." **4**

Prior to the spring of 1864 the Tsilhqot'in had not tried to keep Whites out. On the contrary, the Tsilhqot'in had let pack trains cross their territory regularly from 1861 onwards and even assisted lost and sick travellers. Some Tsilhqot'in, including Telloot and Klatsassin, even came to work on Waddington's road. It was only after the threat to spread smallpox, following within a year of a devastating epidemic which killed up to two-thirds of the Tsilhqot'in, that Klatsassin rose up and tried to drive all the Whites out of Tsilhqot'in territory.

It was a war, and despite appearances to the contrary, the Tsilhqot'in won in most important respects. As a pure military action they caused more deaths and casualties than they suffered, even after the hangman had done his work. The Tsilhqot'in had the upper hand throughout, choosing when and where to engage the colonial forces, even choosing whom among them to kill. The Governor and his lieutenant William Cox agreed they could not defeat the Tsilhqot'in militarily and were poised to give up when Klatsassin came into their camp. Even the executions of six Tsilhqot'ins (including Ahan in 1865) only accounted for a quarter of those involved. Most of the Tsilhqot'in warriors escaped.

Most important, if the war was about a threat to spread smallpox, then the Tsilhqot'in clearly won. They stopped the road through their territory, which would have inevitably brought travellers, settlement and disease. The Tsilhqot'in established a reputation for ferocity that kept most whites (and many diseases) out of their territory for another half century. Smallpox did not revisit the Chilcotin, but it did strike down Alfred Waddington, the head of the road enterprise, seven years later.[5]

It is true that the Tsilhqot'in were not clear winners. The war did lay a foundation for colonial intervention and interference in their lives in the 20th century. On the other hand, the Tsilhqot'in kept roads and outsiders out of their settlements for nearly a century. Even today there is no road from Bute Inlet. A road-link to Bentinck Arm was not opened until 1955, and aside from this paved descendent of Palmer's trail, only rough horse or four-wheel drive roads exist today where the colonial forces passed in 1864. Today, the Tsilhqot'in still speak their language, still hunt and fish their territory, and in fact, still numerically dominate the Chilcotin Plateau, thanks to resistance 150 years ago.

Many mysteries remain unsolved about the principal figures. Who was Klatsassin, the man that led the rebellion -- but who was not a chief -- and whose name meant "we do not know who he is"? Today, among the Tsilhqot'in some wonder if he was even one of them or an ally from another Athabascan-speaking nation, perhaps as far away as the linguistically similar Navaho.

Also intriguing is the mystery of the two men whose meeting started the war. Tyorkell, apparently one of the five Aboriginal People present when the "white man took all our names & told us we should all die" is the one who told Klatsassin about the threat and said that they must kill every White man. He gave Klatsassin a gun, and then he vanished. Finally, there is the man whom Judge Begbie said, "I have not the least doubt, truly, was by his rash threat the cause …" of all this death. Klatsassin described him as a fair-haired man of middle age, who returned safely to Victoria. [6] He has never been identified.

Notes:

1. BC Archives, Colonial Correspondence, GR-1372, F142f/16, Mflm B1308, Matthew Baillie Begbie, Begbie to the Governor of British Columbia Including Notes Taken by the Court at the Trial of 6 Indians, 30 September 1864.

2. When they first met Brown, the five convicted by Begbie told him: "They had only killed the white men, they said, because otherwise the whites would have destroyed them (alluding to the smallpox story), and they could not see that they had done wrong." R.C. Lundin Brown, *Klatsassan, and Other Reminiscences of Missionary Life in British Columbia*. London: Gilbert and Rivington, 1873, 111. The whole of Brown's book is available at http://www.canadiana.org/ECO/ItemRecord/00316?id=850ae18a3ecbb204

3. BCA, H.P.P. Crease: Legal Papers 1853-1895, Add. Mss — 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Ach-pic-er-mous, 30 May 1865, 1604-1605-1600.

4. Great Britain Public Record Office, Colonial Office Records, CO 60/19, p. 149, 10601, Frederick Seymour, Letter to Cardwell, No. 37, sent 09 September 1864, received 17 November 1864.

5. For settler fear, see the section of the website called Aftermath — Settler-Tsilhqot'in Relations. For Waddington's death see W. Kaye Lamb, "Alfred Penderell Waddington."*Dictionary of Canadian Biography*, Vol. X. Toronto: University of Toronto, 1972.

6. BCA, Colonial Correspondence, GR-1372, F142f/16, Mflm B1308, Matthew Baillie Begbie, Begbie to the Governor of British Columbia Including Notes Taken by the Court at the Trial of 6 Indians, 30 September 1864.

1 My title is an homage to the documentary film, *The Missing Picture (2013.)* That film's theme is about how the victims of genocide quickly disappear in the authorized record and the official consciousness. Cambodia 1975/79 in that case.

2 When speaking of a Tsilhqot'in perspective, I rely on information conveyed to me through conversation and listening at community gatherings during and after preparing *The True Story of Canada's 'War' of Extermination on the Pacific. Plus the Tsilhqot'in and other First Nations Resistance.*(2012) Available at www.shawnswanky.com. I do not claim any comprehensive comprehension of the Tsilhqot'in perspective. I am grateful for the kind gift of much encouragement that I am pushing along good paths. I do know something about the wrong paths. However that may be, since truth has the virtue of consistency, oral traditions and the written record should be reconcilable. I do not speak for the Tsilhqot'in National Government, any Tsilhqot'in community or any indigenous interest group. This review began with Dr. John Lutz, the website administrator, inviting me to note errors and comment on his essay. Following discussions with Russell Myers Ross and others, these remarks may exceed his license. All mistakes and errors are my mine alone.

3 "The Special Assize," *The British Columbian*, July 4, 1865.

4 The website has a general section for teachers, "Distinguishing Biased and Impartial Perspectives," but it comes nowhere close to raising what is relevant for this topic.

5 Great Britain Public Record Office, Colonial Office Records, CO 60/19, p. 149, 10601, Frederick Seymour, Letter to Cardwell, No. 37, sent September 9, 1864, received November 17, 1864, para. 8.

6 Seymour, as cited above, paragraph 8 and re-iterated by the Colonial Office commentary at London at bottom.

7 R. C. Lundin Brown, *Klatsassan, and Other Reminiscences of Missionary Life in British Columbia.* (London: Gilbert and Rivington, Printers, 1873), section 11.

8 "Notice from Colonial Secretary's Office," *Government Gazette (The British Columbian)*, August 27, 1864.

9 Lundin Brown, cited above, s. 2.

10 BCARS, Colonial Correspondence, GR-1372, F142f/16, Mflm B1308, Matthew Baillie Begbie, Begbie to the Governor of British Columbia Including Notes Taken by the Court at the Trial of 6 Indians, September 30, 1864.

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

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

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

14 "The Special Assize," *The British Columbian*, July 4, 1865.

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

16 John Brough, *Diary*, Sept. 17. BCARS. Add. MSS. 2797.

17 BCARS, Colonial Correspondence, GR-1372, F142f/16, Mflm B1308, Matthew Baillie Begbie, Begbie to the Governor of British Columbia Including Notes Taken by the Court at the Trial of 6 Indians, September 30, 1864.

18 See "Bentinck Arm v. Hood," *The British Colonist,* Feb. 1864.

19 He was on the road continuously and, arriving at Sutless, was travelling with only McDougall and Grant. See Harrison's statement. Grant had a pre-emption on the Cariboo Wagon Road and may have been related to Donald McLean's wife, Sophie Grant. BCARS, H.P.P. Crease: Legal Papers 1853-1895, Add. Mss - 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Frederick Harrison, June 23, 1865, 1606-1607.

20 "Arrivals from the North," *The British Colonist,* Feb. 27, 1864.

21 John Brough, *Diary*, July 1.

22 John Brough, *Diary*, Sept. 15, and again in his after notes.

23 VIATOR, "A Trip to the Head of Bentinck Arm on the Steamer Labouchere," *British Colonist*, August 18, 1862.

24 "Bute Inlet Route in Winter," *The British Colonist*, March 31, 1863, p.2.

25 Begbie, *Trial Notes*, cited above, Regina v. Tah-pit.

26 See Seymour's Dispatch No. 37, Sept. 9, 1864, Para. 6 and 7. And Begbie, trial notes in *R. v. Tah-Pitt.*

27 See Begbie, *Trial Notes*. And R. C. Lundin Brown, *Klatsassan, and Other Reminiscences of Missionary Life in British Columbia.* (London: Gilbert and Rivington, Printers, 1873), 10-11.

28 Also available in *Nemiah: The Unconquered Country* Terry Glavin (Vancouver: New Star Books, 1992), 85-86.

29 "Memorandum by Chief Justice Begbie," *British Columbia: Report of the Hon. H.L. Langevin.* (Ottawa: Queen's Printer, 1873) p. 27.

30 Merriam Webster Dictionary: harsh language or treatment arising from contempt. Contumely or contempt nicely describe what the perpetrators of genocide have for those "othered."

31 See BCARS A/E/Or3/or3; A1913/8/5; A/E/Or3/C43. Peter O'Reilly, *Report on the Chilcotin Indians*, Aug. 20, 1872.

32 See Testimony of Ach-pic-er-mous, cited above.

33 On the threat at Puntzi, see See Begbie, *Trial Notes.* And R. C. Lundin Brown, *pp.* 10-11. Both cited above.
34 As it is in the Tsilhqot'in statement on the website. And among the colonists, see "The Expedition Against the Bute Murderers," *The British Columbian*, August 6, 1864.
35 See the Bute Inlet Wagon Road Company, *Prospectus,* Victoria, Dec. 7, 1863. https://archive.org/details/cihm_17241.
36 See *Canada's War*, s. 63, p. 176.
37 There is an extensive comparison between Canadian and native concepts of law, justice and governance in the Manitoba Aboriginal Justice Implementation Commission's Report, Chapter Two, available online at: http://www.ajic.mb.ca/volumel/chapter2.html#5.
38 "More Indian Murders," *Daily Colonist,* June 27, 1864.
39 Great Britain Public Record Office, Colonial Office Records, CO 60/18, p. 52, 9648, Frederick Seymour, Letter to Cardwell, No. 25, sent August 30, 1864, received October 20, 1864.
40 See Elder Agnes Haller's explanation, *Canada's War,* s. 71, p. 206.
41 Price's trip is covered in *Canada's War*, s. 66, pp. 190-191.
42 The abuse of women is covered in *Canada's War*, s. 70, pp. 200-205.
43 If made by Capt. Howard, then it was made March 22. But the threat by itself was not the final trigger.
44 See *Canada's War*, s. 68, p. 195.
45 Lundin Brown, Klatsassin, s. 2. Cited above.
46 See *Canada's War*, s. 66, pp. 187 -189.
47 The issue is described in detail for Chilcotin Lake in Canada's War, s. 49, pp. 134-139.
48 When Poole landed at Bella Coola June 9 and his party began spreading smallpox.
49 See *Bentinck Arm v. Hood* (1864), variously *The British Colonist,* Feb. 1864.
50 Activities of the Bentinck Arm Company are covered in detail throughout *Canada's War*. The New Aberdeen investors are identified in s. 58, p. 163.
51 The introduction of smallpox at Tatla is covered in *Canada's War*, s. 63, pp. 176 – 180.
52 Poole, McLeod, McLain and Fisher parties were noted variously in the documentary record as engaged by the Tsilhqot'in. See coverage of those parties in *Canada's War.*
53 Poole said one of his party died while it was in "hourly dread of attack by hostile savages." There were said to be casualties in McLeod's party. James Fisher and Bob McLeod were killed. See coverage in *Canada's War.*
54 "It seems horrible to hang 5 men at once, especially under the circumstances of the capitulation. Yet the blood of 21 whites calls for retribution." Begbie, *Trial Notes,* cited above.
55 See Seymour's Dispatch No. 37, Sept. 9, 1864, Para. 11.
56 "The Chilcoaten Expedition," *The British Colonist,* August, 8, 1864, p.3.
57 John Brough's *Diary*, Sept. 25, 1864.
58 Stragglers began appearing at Alexandria July 24. Gov. Seymour himself arrived July 27 to buy a pack train of supplies. He left for the Cariboo mines July 29, having left Brew in charge of the expedition for the rest of its term.
59 "The Chiloaten Expedition," *The British Colonist,* August 4, 1864.
60 News from the Chilicooten Country," *The British Columbian*, August 3, 1864.
61 See Seymour's Dispatch No. 37, Sept. 9, 1864, Para. 37.
62 "...no one can say how many more (Tsilhqot'in) will die by the executioner of famine in the fall and winter." Begbie, Trial of Six Indians," as cited above.
63 Great Britain Public Record Office, Colonial Office Records, CO 60/19, p. 386, 1374, Frederick Seymour, Letter to Cardwell, No. 69, sent November 23, 1864, received February 13, 1865.
64 Great Britain Public Record Office, Colonial Office Records, CO 60/22, p. 83, 8243, Frederick Seymour, Letter to Cardwell, No. 81, sent June 8, 1865, received August 24, 1865.
65 "The Chilcoaten Expedition, Diary of a Volunteer (concluded)," *Daily British Colonist*, October 17, 1864.
66 Fort Alexandria *Journal*, Sept. 9, 1864. Nothing of interest happened there Aug. 27.
67 "Notice from Colonial Secretary's Office," *Government Gazette (The British Columbian)*, August 27, 1864.
68 See the edited out part of Begbie, *Trial Notes,* cited above.
69 Mostly probably, Brew knew about the threat from his own investigation, and so he knew it was not Brewster. But if, instead, he knew about the threat only from Begbie's notes, then the notes specifically say it was not Brewster. In either case, he lied in a way calculated to confine blame. Great Britain Public Record Office, Colonial Office Records, CO 60/22, p. 192, C. Brew, "Remarks on Mr. Waddington's Petition," 1865.
70 Other examples of Capt. Howard's logs show just this kind of information. So far, searches of maritime archives have not turned up the *F.P. Green's* log. However, in a memoir 46 years later, Howard made this interesting Freudian slip, providing himself an alibi, "Went up to the head of Bute Inlet and landed 23 men with their provisions. They had a contract to build a road to Fort Alexander. I landed them on Friday and left them Sunday, and on Tuesday the Indians

massacred 19 and wounded two out of the 23, so that put an end to that speculating." "Seventy Years at Sea," *San Francisco Chronicle*, Nov. 29, 1908, p.2. Actually, all the sources agree that Howard landed and left Bute Inlet on Tuesday Mar, 22, not on Sunday. So he instinctively dated the crisis as taking place when he was still there, but while explicitly claiming that he already had left.

71 Begbie, *Trial Notes*, cited above, last thing while speaking to sentence.

72 "The Bute Inlet Massacre and its Causes," *The British Colonist*, June 13, 1862.

73 BCARS, Colonial Correspondence, GR-1372, F193/14, Mflm B-1310, Chartres Brew, Letter to the Colonial Secretary of British Columbia, May 23, 1864.

74 See *Canada's War,* s.63, p.180.

75 See *Canada's War*, s. 68, p.195.

76 "Oldest of Shipmasters Dies," *Victoria Daily Colonist*, Feb., 3, 1910.

77 See Howard's biography by George Naunton, "Seventy Years at Sea," unpublished journal, p. 9. San Francisco Maritime Museum, P/VK/140/H6/N3. A reproduction has been made available to this author for those interested.

78 See *Canada's War*, s.36, for the oral tradition and for the written record, Begbie, *Trial Notes.* Both cited above.

79 Great Britain Public Record Office, Colonial Office Records, CO 60/19, p. 386, 1374, Frederick Seymour, Letter to Cardwell, No. 69, sent November 23, 1864, received February 13, 1865.

80 Lundin Brown, *Klatsassen*, cited above, s. 13.

81 BCARS, "Manuscript articles on execution of Indians involved in Waddington massacre," Papers of Louis Lebourdais, MS. 0676, Box 2, Folder 4.

82 Fort Alexandria *Journal*, Oct. 30, 1864.

83 Fort Alexandria *Journal*, Oct. 31, 1864. And a second party of Dakelh Nov. 4.

84 Fort Alexandria *Journal*, Nov. 2/3, 1864.

85 Fort Alexandria *Journal,* Nov. 13, 1864.

86 See Begbie, *Trial Notes*, "First indictment", cited above.

87 http://www.gov.mb.ca/chc/archives/hbca/biographical/mc/mclean_donald.pdf

88 Fort Alexandria Journal, April 17, 1855. Anaham visited there apparently to learn for himself details of the outbreak of smallpox at Ft. Alexandria in January 1855.

89 See for example, Eung Do Cook, *A Tsilhqot'in Grammer*, UBC Press 2013.

90 Hewlett, Edward S. "The Chilcotin Uprising: A Study of Indian-European Relations in Nineteenth Century British Columbia." MA Thesis, UBC, 1972.

91 See for example, https://www.aadnc-aandc.gc.ca/eng/1100100014664/1100100014675.

92 The smallpox phase of the war should be dated from its first introduction by Poole's party to the Tsilhqot'in retaliation for Ahan's hanging by sending a war party to burn part of New Westminster in 1865.

93 Lundin Brown, Klatsassan, s. 3, at the end.

94 "...wife of the man killed with McDonald" J. D. B. Ogilvy, "News from Bentinck Arm," *The Government Gazette Extraordinary*, February 27, 1865.

95 Conveyed to me by Linda Smith in a private conversation and by an Anahim Lake elder at one of my presentations.

96 John Brough, *Diary*, Sept. 15, and again in his after notes.

97 Fort Alexandria *Journal*, April 13, 1864.

98 "Commercial," The British Colonist, April 25.

99 "Bentinck Arm Co. v. Hood," Supreme Court, *The British Colonist,* Feb. 24, 1864.

100 For details of this sale, see *Canada's War*, s67, p.193.

101 The trail from Puntzi to Tatla was well-travelled by the Tsilhqot'in and in open country. It did not need work.

102 See Testimony of Lutas, cited above.

103 "Probably Safe," *Daily Chronicle*, May 29, 1864.

104 See Testimony of Lutas, cited above.

105 See Harrison's statement, cited above.

106 Begbie, *Trial Notes*, R. v. Klatsassin and Biyil, cited above.

107 "Waddington on the Chilcoaten Murders," *The British Colonist*, Oct. 31, 1864, p.3.

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

109 See Harrison's statement, cited above.

110 See testimony of Ach-pic-er-mous, cited above.

111 See Seymour's dispatch, No. 37 of Sept.9, 1864, para. 7, cited above.

112 See Harrison's statement, cited above. While the women gave this advice as the normal course, it is not clear that this option was actually open that Anaham and Alexis had each absented themselves with knowledge of what has happening.

113Lundin Brown, Klatsassan, s. 2.
114See the discussion below in part 4 of this Review.
115See Seymour's dispatch No. 37 of Sept. 9, 1864, para. 31, cited above.
116This review's fourth section contains a timeline of the events at Bute Inlet.
117Fort Alexandria *Journal,* April 13, 1864.
118Fort Alexandria *Journal*, April 29, 1864.
119See Testimony of Lutas, and Ach-pic-er-mous, cited above.
120Begbie, *Trial Notes*, cited above.
121 The same effort can be seen in the statements of Lutas and Ach-pic-er-mous as they are determined not to implicate Anaham. All these men anticipate having to return to their communities where they will be living under the authority of these chiefs. The witnesses at Quesnel whose testimony did produce convictions also feared for their lives.
122Lundin Brown, *Klatsassan*, cited above, 3.
123Relayed at numerous public occasions in the Tsilhqot'in.
124Nor does the fanciful description contained in Lundin-Brown, s. 3, fit with the eye-witnesses descriptions in the affidavits cited above, or with the tradition conveyed by Ervin Charleyboy. According to various Tsilhqot'in historians it was true that, once a man signed onto a war party, it was a death sentence to abandon it. This explains well enough Brown's description but that is not the same as being taken as a slave: though one's choices may be similarly limited. It is in this sense that Chayses used the description "master" at Bute Inlet.
125 See Squint-eye's testimony in Begbie, *Trial Notes*, cited above.
126 Seymour's dispatch, No. 37 of Sept.9, 1864, 1st. Para. 30, and John Brough, *Diary*, July 20, 1864.
127See Seymour's dispatch, No. 37 of Sept.9, 1864, para. 31, cited above. John Brough said it was the pack train action but the Governor is the better authority and no other source suggests Ulnas had anything to do with the pack train.
128 Fort Alexandria *Journal* May 29 and 30, 1864. Ogilvy was second in command of that group because of the H.B.C..
129John Brough's *Diary*, July 23, 1864.
130 John Brough's *Diary*, July 25.
131The Chilcoaten Expedition, Diary of a Volunteer (concluded)," *Daily British Colonist*, October 17, 1864.
132 John Brough's *Diary*, Aug. 4.
133See Seymour's dispatch, No. 37 of Sept.9, 1864, para. 35, cited above.
134 BCARS, Colonial Correspondence, GR-1372, F379/23, Mflm B-1321, William George Cox, Letter to the Governor of British Columbia, August 15, 1864.
135 See discussion in *Canada's War,* cited above, s. 36.
136 Begbie, *Trial Notes,* in the report of his conversation with Klatsassin, cited above.
137 BCARS, Colonial Correspondence, GR-1372, F379/23, Mflm B-1321, William George Cox, Letter to the Colonial Secretary of British Columbia, June 19, 1864.
138John Brough's, *Diary,* after notes, cited above.
139 Alexis father died in the famine of winter 1861/62. See Ft. Alexandria *Journal*, Feb and March 1862. The failure of the fishery then is said to have been related to the miner's disturbing Salmon in the Fraser River during 1857/58/59.
140 See Seymour's dispatch, No. 37 of Sept.9, 1864, para. 26, cited above.
141 BCARS, Colonial Correspondence, GR-1372, F379/23, Mflm B-1321, William George Cox, Letter to the Governor of British Columbia, August 15, 1864.
142 Seymour's dispatch No. 37 of Sept.9, 1864, 2nd. para. 30, cited above.
143John Brough's *Diary*, cited above July 20, 1864.
144Seymour's dispatch No. 37 of Sept.9, 1864, 2nd. para. 30, cited above.
145"Mr. Waddington on the Chilcoaten Murders," *The British Colonist*, Oct. 28, 1864, p.3.
146"Mr Waddington's Charges," Morris Moss, *The British Colonist*, Oct. 29, 1864, p.3.
147 Great Britain Public Record Office, Colonial Office Records, CO 60/22, p. 192, C. Brew, "Remarks on Mr. Waddington's Petition," 1865.
148John Brough's *Diary*, Aug. 4, 1864.
149John Brough's *Diary*, Sept. 17, 1864. Although Anaham claimed that he went after these, they never were reclaimed. In this way, Anaham fulfilled his duty to both sides.
150 John Brough said the amount cited in Moss' note was $73.00. Probably this was more accurate.
151See Testimony of Lutas, cited above.
152 See the story of John Ross in *Canada's War*, s. 60, p. 167.
153John Brough's *Diary*, Sept. 18.
154 Great Britain Public Record Office, Colonial Office Records, CO 60/22, p. 192, C. Brew, "Remarks on Mr. Waddington's Petition," 1865.

155John Brough's *Diary*, Sept. 16.
156 John Brough's *Diary*, Sept. 17.
157 Great Britain Public Record Office, Colonial Office Records, CO 60/22, p. 192, C. Brew, "Remarks on Mr. Waddington's Petition," 1865.
158 Testimony of Morris Moss, cited above.
159 BCARS, H.P.P. Crease: Legal Papers 1853-1895, Add. Mss - 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Morris Moss, May 31, 1865, 1601-1603.
160 J. D. B. Ogilvy, "News from Bentinck Arm," *The Government Gazette Extraordinary*, February 27, 1865.
161Great Britain Public Record Office, Colonial Office Records, CO 60/22, p. 254, 8624, Frederick Seymour, Letter to Cardwell, No. 93, sent July 19, 1865, received September 7, 1865.
162 Great Britain Public Record Office, Colonial Office Records, CO 60/22, 8623, Alfred Waddington, Excerpts of the Notes Accompanying Mr. Waddington's Petition, May 29, 1865.
163 See especially, "Letter from Bute Inlet," *Daily Chronicle*, May 12, 1864.
164 See my article on Comox at www.shawnswanky.com.
165 See Canada's war, s. 112, p. 394
166 Frederick Saunders, "Homatcho" The Resources of British Columbia, (Victoria), III (March and April 1885.)
167 See story of Francis Poole, *Canada's War*, s.53, p.147; s. 102, p. 331.
168 BCARS, Colonial Correspondence, GR-1372, F96, Mflm B-1305, Henry Ball, Letter to the Colonial Secretary of British Columbia, July 6, 1862.
169 This letter is debunked in *Canada's War*, s. 108, p. 373.
170 See *Canada's War,* s. 108.
171 Walter Moberly, cited in *Canada's War* at p. 376.
172 Fort Alexandria *Journal,* July 3, 1863.
173 Story of John Ross is in *Canada's War*, s. 60, p.167.
174 Story of John Sheepshanks is in *Canada's War*, s. 110/111, pp. 386 - 391.
175"More Indian Murders!," *Daily British Colonist*, June 27, 1864.
176 Conveyed to me by Joe Alphonse and Don Wise at the Tsilhqot'in National Government Office and at Klatsassin Memorial Day on my first visit to the Tsilhqot'in.
177 M.S. Wade, *The Overlander's of '62*, (Victoria: Provincial Archives, 1931) p. 54.
178 See *Canada's War,* s. 122, p. 442.
179 In retaliation for Ahan's hanging, the Tsilhqot'in sent a war party to burn New Westminster. Searches in the British Columbian show the Sept. 1865 arson of John Sheepshanks church as a most likely target but the evidence is inconclusive without more data.
180 See Fort Alexandria *Journal,* July 3, 1863.
181 See Secretary of State's comment at bottom Seymour's dispatch No. 37 of Sept.9, 1864, cited above.
182 Judge Mathew Begbie, "Memorandum," *British Columbia: Report of the Hon. H.L. Langevin* (Ottawa: Queen's Printer, 1873, p. 26.
183 Great Britain Public Record Office, Colonial Office Records, CO 60/19, p. 228, 10605, Frederick Seymour, Letter to Vice Admiral Kingcome, June 1, 1864.
184 "The Special Assize," *The British Columbia*, July 4, 1865.
185 Lundin Brown, *Klatsassan*, cited above, s. 1.
186 "Notice from Colonial Secretary's Office," *Government Gazette (The British Columbian)*, August 27, 1864.
187 C. Brew, Remarks on Mr. Waddington's Petition, cited above.
188 Seymour's dispatch No. 37 of Sept.9, 1864, para. 6, cited above.
189 Seymour's dispatch No. 37 of Sept.9, 1864, para. 36, cited above.
190 Great Britain Public Record Office, Colonial Office Records, CO 60/19, p. 386, 1374, Frederick Seymour, Letter to Cardwell, No. 69, sent November 23, 1864, received February 13, 1865.
191 Frederick Saunders, "Homatcho" The Resources of British Columbia, (Victoria), III (March and April 1885.)
192 "Mr. Waddington's Deposition," *The British Colonist*, May 12, 1864, p.3
193 Edwin Mosely, "A Survivor's Account," *Daily Chronicle*, May 12, 1864.
194 Whymper, cited above.
195 C. Brew, Remarks on Mr. Waddington's Petition, cited above.
196 "Mr. Waddington on the Chilcoaten Murderers," *The British Colonist*, Oct. 28, 1864, p. 2.
197John George Barnston, "A Trip from Alexander to the Coast," *The British Colonist*, Aug. 16, 1861. Since publication of *Canada's War,* I have learned that Sulyman was the Tsilhqot'in from the Ansanie villages who went from that meeting to Victoria. And later executed Bob McLeod. See Canada's War, s.65, p.185. We know that Klatsassin was there from

Lundin Brown's reference, s.1 that he had come from Nancootlem to Alexandria.

198 It is one thing getting settlers to promise paying indigenous Peoples. It is another collecting. The non-payment of the tax became an issue at Bentinck Arm as well. See *Canada's War*, s.65, p. 185.

199 Covered in *Canada's War*, s. 67, p.190.

200 Alfred Waddington, "The Bute Inlet Massacre and Its Causes," *The Victoria Colonist*, June 13, 1864.

201 See Bute Inlet Wagon Road Company, *Prospectus,* Victoria, Dec. 7, 1863. https://archive.org/details/cihm_17241.

202 For the timing of the disease at Tatla, see *Canada's War,* s. 63.

203 For Guichon's story, see *Canada's War*, s. 63, p. 180.

204 Frederick John Saunders, "Homatcho," The Resources of British Columbia, cited above.

205 *Canada's War*, s. 63, p.176.

206 *Canada's War*, s. 63,p. 177.

207 "From Bute Inlet and Nanaimo," *The British Colonist,* April 27, 1863.

208 See *Canada's War*, s. 71, p. 205.

209 In a private exchange with the author.

210 That is the sense of Agnes Haller's narrative, *Canada's War*, s. 71, p.205.

211 See "Bute Inlet Trail," *The British Colonist*, Sept. 15, 1863.

212 That is the sense of the party "promised" remark noted in Great Britain Public Record Office, Colonial Office Records, CO 60/22, p. 192, C. Brew, "Remarks on Mr. Waddington's Petition," 1865.

213 Begbie, *Trial Notes*, cited above.

214 "Bute Inlet," *The British Colonist*, Oct. 30, 1863. And see Saunder's, Homatcho, cited above.

215 "The Bute Inlet Route," *The British Columbian*, June 1, 1864.

216 See *Canada's War,* s. 67, p.193.

217 See, *Canada's War*, s. 70, p.204. Waddington said those remaining would be there until about Christmas. Capt. Dirk on the Sloop "Random" left Victoria Dec. 22 for Bute Inlet to retrieve them and he returned Jan. 4, 1864. See "Marine Intelligence, The British Colonist, Dec. 23, 1863 and Jan. 5, 1864.

218 See *Canada's War,* s. 70, p. 203.

219 Lundin Brown, *Klatsassin,* cited above, s. 2

220 Begbie, *Trial Notes*, cited above.

221 Lundin Brown, cited above, s. 2.

222 Testimony of Ach-pic-er-mous, cited above.

223 See Browning's report of a conversation in "The Chilcoaten Murderers," *The British Colonist,* Oct. 18, 1864, p. 3.

224 See *Canada's War,* s. 68, p.195.

225 See above. In Tah-pitt's case, Nancy said the "Tatla Indians" were without a chief. This suggests the area's hereditary chief may have died, probably in the smallpox and with much of his family making the succession temporarily unclear.

226 Smallpox blankets are discussed throughout *Canada's War,* for the use of inoculation see s. 54.

227 See *Canada's War*, s. 68, p.195.

228 Begbie, *Trial Notes,* cited above.

229 Alfred Waddington, "The Bute Inlet Massacre and Its Causes," *The Victoria Colonist*, June 13, 1864.

230 To Begbie, to Lundin Brown, to Rev. Browning and to the village at Sutless, all variously cited above.

231 Lundin Brown, cited above, s. 2.

232 "Some blankets were stolen from the camp...the thieves left for Benshee," See "Dreadful Massacre! ," *Daily British Colonist*, May 12, 1864

233 See *Canada's War*, s. 68, p. 195.

234 Seymour's dispatch No. 37 of Sept.9, 1864, 2nd. para. 30, cited above.

235 C. Brew, Remarks on Mr. Waddington's Petition, cited above.

236 See the discussion of Chayses and Ulnas as a team at Bute Inlet in *Canada's War*, s.69.

237 "Origin of the Massacre," *Daily Chronicle*, May 29, 1864.

238 For example, see Edwin Mosely, "A Survivor's Account," *Daily Chronicle*, May 12, 1864.

239 "Origin of the Massacre," *Daily Chronicle*, May 29, 1864.

240 "Origin of the Massacre," *Daily Chronicle*, May 29, 1864.

241 "Mr. Waddington on the Chilcoaten Murderers," *The British Colonist*, Oct. 28, 1864, p. 2.

242 Great Britain Public Record Office, Colonial Office Records, CO 60/22, p. 192, C. Brew, "Remarks on Mr. Waddington's Petition," 1865.

243 "Origin of the Massacre," *Daily Chronicle*, May 29, 1864.

244 Those who believe, mistakenly, that Brewster, Smith (the ferryman) or Whymper might have made the threat see this meeting as sending that information down to Klatsassin. Instead, this meeting seems about the attitude of the crew being

consistent with the contumely usually shown by those participating in extermination programs, with the comings and goings affecting its numerical strength and its state of readiness to be taken by surprise.

245 Frederick Whymper, "*Travel and Adventure in the Territory of Alaska*" (University Microfilms, Inc., 1966), 19-20.

246 BCARS, Colonial Correspondence, GR-1372, F193/14, Mflm B-1310, Chartres Brew, Letter to the Colonial Secretary of British Columbia, May 23, 1864.

247 Tradition told by Tsilhqot'in historian Ivor Myers in public and in conversation with the author.

248 "Origin of the Massacre," *Daily Chronicle*, May 29, 1864.

249 There are many indications that this story is a deception, including the context. Among other things, it is irrational to suppose Klatsassin might leave Tuesday having a complaint with one group then kill an unrelated man from an unrelated group Thursday. Implying such a train of events was possible is just another way of demonizing natives as bloodthirsty.

250 Testimony of Squint Eye, Begbie, *Trial Notes*, cited above.

251 "News from the Bute Expedition," *British Columbian,* May 28, 1864. See discussion in *Canada's War*, s.69.

252 Testimony of Squint Eye, Begbie, *Trial Notes*, cited above.

253 "Origin of the Massacre," *Daily Chronicle*, May 29, 1864.

254 Frederick Whymper, "Bute Inlet and Homathca River," *The British Colonist,* May 9, 1864.

255 "Origin of the Massacre," *Daily Chronicle*, May 29, 1864.

256 John Brough, *Diary*, May 27.

257 BCARS, Colonial Correspondence, GR-1372, F193/14, Mflm B-1310, Chartres Brew, Letter to the Colonial Secretary of British Columbia, May 23, 1864.

258 Tradition conveyed by Tsilhqot'in historian Ivor Myers and others. Spelling errors are mine.

259 Great Britain Public Record Office, Colonial Office Records, CO 60/19, p. 386, 1374, Frederick Seymour, Letter to Cardwell, No. 69, sent November 23, 1864, received February 13, 1865, para. 4.

260 The fort was named for Alexander MacKenzie who turned back near here on his overland crossing in 1793. The local area population was always an uncertain mixture, reflecting its location at this intersection. Not to be confused with "Fort Alexander" a small European village with about ten stores established on the east bank of the Fraser across from Ft. Alexandria for a few years during the 1850s gold rush.

261 For example, see "From Bentinck Arm," *British Colonist*, June 14, 1862.

262 For example, *Fort Chilcotin Journal*, Feb. 21, 1840 on the application of the law common throughout native territories on the exchange of life between social entities; and the expulsion of an Atnah (Secwepemc) employed by the H.B.C. and three of his friends, Feb. 29, 1840.

263 A.G. Morice, *The History of the Northern Interior Of British Columbia* (Reprint published by Interior Stationery Ltd. 1978, Smithers, B.C.) p.185 and p.243.

264 See Fisher's letter to McBean preserved in the *Fort Chilcotin Journal*, Nov. 2, 1837.

265 Morice, p.185.

266 Described, for example, at Morice, p. 268.

267 The measles epidemic in the Alexandria district is described in *Canada's War*, s.45, p.126.

268 Tlhelh's case and its connection to the measles epidemic is discussed in *Canada's War*, ss. 33/34, pp.121-127.

269 In addition to Swanky above, also described in the *Fort Alexandria Journal*, Feb. 10, 1849; and with the benefit of information from others in McLean's party, Morice, p.269/70.

270 *Fort Alexandria Journal*, Jan. 1, 1855.

271 *Fort Alexandria Journal,* Jan. 28, 1855.

272 *Fort Alexandria Journal*, April 17, 1855.

273 See *Fort Alexandria Journal* July, 18, 1861. Alexis arrived July 12 and his party stayed most of the summer. Rev. Lundin-Brown's memoir noted Klatsassin's presence Aug. 18 when the *Journal* confirms that Brown preached to them. Klatsassin had arrived from Nancootlem.

274 *Fort Alexandria Journal,* May 29 and June 2, 1864.

275 See the P.S. to Ogilvy's letter, "The Chilacoten Expedition," *The British Columbian*, Sept. 17, 1864.

276 Described in BCARS. A/E/Or3/C43, Letter of Riske and McIntyre to the Lieutenant Governor, June 6, 1872.

277 BCARS. A/E/Or3/Or 3.1/MS 2894/Box 8/File 5/ Peter O'Reilly, *Diary of a Trip to Chilcotin via Bute Inlet*, 1872, Aug. 10 and notes of statements made by Alexis, Euella, and John Salmon.

278 BCARS. A/E/Or3/C43. *Report on The Chilcotin Indians*, Peter O'Reilly to the Provincial Secretary, Aug. 20, 1872.

279 *B.C. Gazette*, Aug. 30, 1872. Note that while, for settlers, the Chilcotin River flows from Chilcotin Lake, for the Tsilhqot'in it flows from Chilko Lake.

280 BCARS. A/E/Or3/C43 This was the net effect of advice given by O'Reilly and Chief Justice Begbie that John Salmon's pre-emption not be secured for him under the law of the colony, and that he remain exiled.