

Context:

Gabriola, history, Snunéymux^w First Nation

Citations:

Poulton, Lynda, Land pre-emption on Gabriola, *SHALE* 24, pp.49–51, June 2010

Doe, Nick, More pre-emption notes, *SHALE* 24, pp.51–54, June 2010

Copyright restrictions:

Copyright © 2010: Gabriola Historical & Museum Society.

For reproduction permission e-mail: nickdoe@island.net

Errors and omissions:

Reference:

Date posted:

December 7, 2012.



Varnish-clam shells are common on Gabriola's beaches, but they are a recently-introduced species. The insides of the shells are purple and the papery "varnish" on the outside is brown.

All the scoter species (white winged, black and surf) rely on clams and mussels as a major food source. In particular, they like the new invading "varnish clam" which is now abundant in your area as they have thin shells. I think golden-eyes and buffleheads also eat clams and mussels. Some fish like starry flounder and ratfish, and invertebrates like octopus and sea stars, also prey on clams.

I've also seen gulls, oystercatchers, and crows doing the same. Varnish clams are edible and tasty, but the *Snunéymux*^w clam diggers at False Narrows tell me there is, as yet, no market for them in BC. ◇

Ferry memories—by Fred Withey

Up to about 1956 we had a ferry called the *Atrevida*. It was a side-loading ferry. I saw it last summer [2003] in Montague Harbour on Galiano Island. The *Atrevida* was a five-car ferry, although by bouncing a car over you could get one more on. The ferry schedule was about four trips a day, except on Wednesdays and Sundays, where there

were only two. There was a late trip on Friday nights, leaving Nanaimo at 9 pm. That was the night that the locals did their shopping, drinking, and watching movies.

On Sunday afternoons, between trips to Gabriola, the ferry would circumnavigate the island with tourists from Nanaimo. It used to pass through Silva Bay and toot its horn. That was the highlight of my Sundays.

The ferry tied up in Nanaimo and the owner Captain Bert Davis got a subsidy from the government. There was a time when the local freight truck slipped off the ferry and the driver was rescued.

The *Atrevida* lost power during a big westerly and had to be rescued around the Harmac area, and that was the last straw that broke the camel's back as the islanders had been pushing for a larger ferry and it was shortly after that, that we got the *Eena*. This ferry carried 12 cars and had been used on the Fraser River and was not very seaworthy. Any time there was a westerly of more than 20 mph, we got a day off school. Later they added a couple of keels and it seemed to improve its stability. As the island's population increased, larger ferries were added. ◇

Land pre-emption on Gabriola—by Lynda Poulton

For thousands of years, the Coast Salish people⁵ have occupied the land on eastern Vancouver Island and nearby Gulf Islands. Beginning in the late 1840s, and with the coming of the settlers, the bands that were

⁵ Chemainus, Cowichan, Halalt, Lake Cowichan, Lyackson, Penelakut, and Snunéymux^w.

within the Hu'qumi'num-speaking group, objected to the alienation of their traditional territories. These pre-emption agreements still create interest, concern, and lots of confusion among interested citizens, native and non-native alike.

In 1840, New Zealand began negotiations with Aboriginal peoples with regard to land sales. In 1849, possibly influenced by this, James Douglas, Chief Factor and highest-ranking officer with the Hudson's Bay Company (HBC), began to arrange for the purchase of land for the increasing numbers of immigrants. The HBC at the time were in charge of the administration of Vancouver Island under an arrangement that obligated the company to encourage immigration.

These plans began difficult times for the Indigenous people, who were often misunderstood, and who often did not understand the land purchase agreements and pre-emption process as it unfolded. By 1859, in opposition to land alienation without compensation, and to the public execution of several Native men, there were uprisings by young warriors in Chemainus, Cowichan, and on Kuper and Saltspring Islands.

On January 4, 1860, Governor James Douglas introduced new land regulations for the mainland colony of British Columbia permitting pre-emption of land by any British subject, or any foreigner who had sworn allegiance to the Queen. In 1861, substantially the same regulations were proclaimed on Vancouver Island.

There are thirty detailed statements within this Proclamation, which defined the terms of the agreements, and make clear the sincerity of the goal.

Briefly, the terms go like this. British subjects could acquire the right to hold and purchase unoccupied, unsurveyed, and

unreserved Crown land. One hundred and sixty acres could be claimed, 760 acres by military officers.⁶ When this request was registered with a Magistrate, eight shillings would be paid. Maps and drawings of the rectangular shaped claim were sketched and submitted. The land was marked with four posts, and the boundaries would run with the cardinal points of the compass.

Interestingly enough, even when the eventual land improvement formalities regarding dwelling, barn, and cultivated/cleared land, were written, witnessed, with moneys exchanged, the government could reclaim any part of this the land for public roadways or any other public use!

In our Gabriola Historical and Museum Society database, we have entered the details with the many documents we have located regarding one hundred and thirty-seven land pre-emptions, on Gabriola, De Courcy Island, Mudge Island, and Valdes Island. These include handwritten maps, handwritten letters, pre-emption agreements, and land improvement forms.

We glean lots of interesting information regarding the early days from these forms. We have a glimpse at who witnessed whose land improvements; possible loyalties between neighbours, perhaps, or at least, a cooperative effort with land settlement could be noted.

Baldwin Wake of Valdes Island is an example of a military man who had the military claim. Letters written with pre-emption requests dating from 1863 are amongst our most early records. Richard Chapple wrote such a letter in March 1863, as did Thomas Dignen (Degnen). A curious hand-drawn map is included with Degnen's request, showing a "big swamp", a

⁶ 160 acres = one ¼ Section = ½ × ½ mile.

neighbour's garden, "Gabriola Straits", and "dry grassland".

A letter written by Thomas Jones in 1863, also shows a map, with small trees sketched, and he calls Gabriola by an old Spanish name, *Calla Descanso*. Maple and pine trees were identified and noted as having been blazed. Land dimensions are recorded in chains and links.⁷

Our pre-emptors mostly came from Scotland and England, some on the HBC ships. Others came overland from the USA, from Quebec, Ontario, and still others, from parts unknown.

Life was probably pretty rough for these settler families with lots of tired backs by the end of each day, but it was probably worth the hardships to begin a new and exciting way of life on Gabriola.

References:

Chris Arnett, *The Terror of The Coast—Land Alienation and Colonial War on Vancouver Island and the Gulf Islands, 1849–1863*, Talon Books, Burnaby, 1999.

BCARS, Victoria UBC CRMM – 970017, Reel #1. BC Directories, 1860-1900.

BCARS Pre-emption certificates, land agreement letters, land improvement documentation, individual pre-emption maps, and other documentation regarding pre-emptions on Gabriola Island.

More pre-emption notes—by Nick Doe

On March 25, 1861, Governor Douglas wrote to the Secretary of State for the Colonies on the subject of land purchases on

Vancouver Island and his letter includes the following:⁸

"I have the honour of transmitting a petition from the House of Assembly of Vancouver Island to your Grace, praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in this Colony; and setting forth, with much force and truth, the evils that may arise from the neglect of that very necessary precaution.

As the native Indian population of Vancouver Island have distinct ideas of property in land, and mutually recognize their several exclusive possessory rights in certain districts, they would not fail to regard the occupation of such portions of the Colony by white settlers, unless with the full consent of the propriety tribes, as national wrongs; and the sense of injury might produce a feeling of irritation against the settlers, and perhaps disaffection to the Government that would endanger the peace of the country.

Knowing their feelings on that subject, I made it a practice up to the year 1859, to purchase the native rights in the land, in every case, prior to the settlement of any district; but since that time in consequence of the termination of the Hudson's Bay Company's Charter, and the want of funds, it has not been in my power to continue it. Your Grace must, indeed, be well aware that I have, since then, had the utmost difficulty in raising money enough to defray the most indispensable wants of Government...."

The tone of the response of the Government in London to Douglas's dispatch won't be unfamiliar to many. On October 19, 1861, the Duke of Newcastle wrote:⁹

"...I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island; but the acquisition of the title is a purely colonial interest, and the Legislature

⁷ 1 chain = 66 ft.; 80 chains = 1 mile; 1 chain = 100 links; 10 × 10 chains = 1 acre.

⁸ *Papers connected...*, *ibid*, p.19.

⁹ *Papers connected...*, *ibid*, p.20.

must not entertain any expectation that the British taxpayer will be burthened to supply the funds, or British credit pledged for the purpose. ... whilst it is essential to the interests of the people of Vancouver Island, [it] is at the same time purely Colonial in character, and trifling in the charge that it would entail.”

Just after receipt of Newcastle’s reply, the Assembly unanimously passed a resolution that stated: “This House would view with approval the extinguishment by His Excellency the Governor of Indian title at Cowichan from the proceeds of land sales”.¹⁰

The Assembly itself however could not raise the necessary revenue because it had no authority over land sales or revenue from such sales. This remained in the control of the Colonial Office in London. There thus arose an impasse that Professor Paul Tennant describes as “...continuous and unanimous acknowledgement of Aboriginal title in the colony by the three official actors, the Colonial Office, the Governor, and the Assembly. Yet no action on Indian title took place after 1859. Each of the three put the onus on the other two to act. None did. ...the content of newspaper editorials show there was continual local white recognition of Aboriginal title and continual support for its proper extinguishment.”¹¹

There is no certainty as to why Douglas did not pursue further agreements with the Native people on Vancouver and the Gulf Islands. Although shortage of funding was ostensibly the reason, sums far in excess of what was needed were being spent at the time on building infrastructure on the BC mainland to further the gold rush.

Chris Arnett suggests two further possible reasons for the inaction, namely that there

¹⁰ Tennant, *ibid*, pp.22–3.

¹¹ Tennant, *ibid*, p.25.

were in fact not always willing sellers of land among the Native people,¹² and that the very concept of owning land was alien to them. It was possible under their ownership system for a tract of land to have several owners because each of the resources that the land provided—berry patches, deer hunting grounds, camas fields, fishing spots, and so on—could be, and often were, owned separately.¹³ The severe decline in the Indian population due to smallpox and other diseases, the demise of even large villages,¹⁴ and the consequent disruption of traditional arrangements among the Indians further complicated matters.

Douglas seems to have abandoned the quest to extinguish Indian title, although he never explicitly said that he had. Instead, his policy was to recognize Indian ownership of their fields, village sites, and burial grounds, but to regard land outside these reserves as being owned by no one, and thus at the unilateral disposal of the Crown. Indians were to have the same rights as individual British subjects to equal treatment under the Crown, including the right to pre-empt unsurveyed Crown lands.

His vision, shared with the Government in London, was of a reserve approximating the role of the English village in rural England. He wrote, “...provided we succeed in devising means of rendering the Indian as comfortable and independent in regard to physical wants in his improved condition, as he was when a wandering denizen of the forest, there can be little doubt of the

¹² Arnett, *ibid*, pp.72–3.

¹³ Arnett, *ibid*, pp.18–23.

¹⁴ The large Snunéymux^w village on Gabriola was abandoned as a permanent settlement sometime in the 1830s (*SHALE* 4, pp.5–8) making it reasonable for white settlers, decades later, to suppose that the island had always been an empty land, devoid of society, government, and laws.

ultimate success if the experiment.” He also added, recognizing that reserves were probably too small to be viable economically, “...the desire should be encouraged and fostered in their minds of adding to their possessions, and devoting their earnings to the purchase of property apart from the reserve.”¹⁵

Upon emergence of this *de facto* policy, land was opened up to white settlement without any purchase or extinguishment of Indian title having taken place. To the dismay of Douglas, many of the initial pre-emptors on the mainland were speculators, and to counter this, it was quickly made a requirement that before a claim could be sold or leased, it had to be permanently occupied for two years, and a “Certificate of Improvement” had to be filed detailing the work that had been done in that time.¹⁶

The well-intentioned and well-regarded Douglas however left office in the spring of 1864, and there followed governments with far less understanding or sympathy for the Native position. The gold rush boom was over, the economy faltered, and the British Government’s interest in the affairs of the colonies waned. The spirit of cooperation that had existed between whites and Natives during the fur-trade era faded as disputes over land intensified, and remained only in small isolated places like the Gulf Islands where many Indian women became full and valued partners of white settler farmers.

One of the first actions of the legislature of the United Colonies of Vancouver Island and mainland British Columbia in 1866 was

¹⁵ Tennant, *ibid.*, p.28–9.

¹⁶ In assessing the value of a land improvement, an allowance was made for the lack of development of rock plains and swamps—areas that were deemed useless for farming. This might account for “swamps” being often noted in records of pre-emptions on Gabriola.

to amend the pre-emption ordinance to specifically withdraw from “any of the Aborigines of the Colony or the Territories neighbouring thereto” the right to pre-empt and hold land in fee simple. Henceforth, Indians were required to rely only on their soon-to-be diminished reserve lands to make a living.

Most of course could not, and so left to join the new fishing, mining, and logging industries, but as employed workers rather than resource owners. Shortly after, in the 1870s, the residential school system was introduced with the aim of facilitating the assimilation of the Indian population into the immigrant culture.

Whereas colonial secretaries in the 1850s had “...[enjoined] upon [Douglas] to consider the best and most humane means of dealing with the Native Indians,” adding, “the feelings of [Britain] would be strongly opposed to the adoption of any arbitrary or oppressive measures towards them”, Joseph Trutch, the dominant policy-maker from 1864 to 1871, was of the opinion that they were “uncivilized savages, lawless and violent”. Trutch, who was born in England and had worked in the US for ten years prior to coming to British Columbia in 1859, did everything he could to reduce or eliminate anything in Douglas’s policies that had benefited the Indians.

As the Native population continued to decline, most people just quietly assumed that the “Indian problem” would eventually disappear along with the Indians themselves.¹⁷ The world was thus divided into people with two different views of history, and this in turn created the actuality of two separate histories in the same land.¹⁸

¹⁷ Tennant, *ibid.*, p.39.

¹⁸ *Curved reality*, SHALE 4, pp.2–4.

References:

- Chris Arnett, *The Terror of The Coast*, 1999.
- Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, UBC Press, 2002.
- Paul Tennant, *Aboriginal Peoples and Politics—The Indian Land Question in British Columbia, 1849–1948*, UBC Press, 1990.
- Papers Connected with the Indian Land Question, 1850–1875*, Government Printer, Victoria, 1876. ◇

One-way tides—by Nick Doe

Anyone who has kayaked or spent time in a small boat is used to the idea that the tidal current is slack at the moment the tide is high and again when it is low, these being the instants when the direction of the current reverses. However, often to the surprise of newcomers and visitors, this general rule does not work in the narrow passages of the Gulf Islands. Slack currents in Dodd Narrows, False Narrows, and Gabriola Passage for example, occur between one and two hours *before* the tide on the shore is high or low.¹⁹ If you're not a strong paddler, relying on the newspapers' tidetables for timing your passages is not a good idea.

When it comes to tidal currents around Gabriola, a simple way to remember which way is which is to think of them as being driven primarily by the tidal flow up and down the channels between the Gulf Islands and Vancouver Island—these are the Trincomali, Stuart, and Pylades Channels. This flow is up to one or two hours ahead of the flow out in the Strait.

¹⁹ Slack current in Gabriola Passage can be as little as 20 minutes, and as much as 2¾ hours before high or low tide; however, on average, the current is slack 1½–2 hours before a large tide, and 1–1½ hours in advance of a smaller tide.

When the tide floods up these channels it pushes water north through Dodd and False Narrows, and pushes water out into the Strait of Georgia through Gabriola Passage. Conversely, when it ebbs, current is pulled from the Strait, south through Dodd and False Narrows, and from the Strait through Gabriola Passage.

The tricky part comes in the hour or two when the current between the Gulf Islands and Vancouver Island becomes slack. For this short time, the tidal currents in the passages become dominated by the tide in the Strait of Georgia, and for this tide, the usual ebb and flood directions through the passages are reversed.

Shortly *before high tide*, water is being pushed west through Gabriola Passage, and south through Dodd and False Narrows, even though these are normally the ebb directions. Similarly, *shortly before low tide*, water is moving east through Gabriola Passage, and north through Dodd and False Narrows, and the Northumberland Channel, even though these are normally the flood directions. Slack tide in the passages therefore always comes early compared with the highs and lows in water level. The accompanying four maps may make this clearer.

The relative complexity of the geography of the Gulf Islands produces some curious tidal effects. One interesting one is that there are places where the tidal current never reverses. It always flows in the same direction regardless of whether the tide is flooding or ebbing.

There are several places where this happens, one being around Thetis and Kuper Islands. When the tide is flooding, water flows north up the Stuart and Trincomali Channels. The rising tide spills out into the Strait through Gabriola Passage and Porlier Pass.