Commemorating Nits'il?in Ahan.

Nits'il?in Ahan symbolizes two important features in the history of native/non-native relations in British Columbia. This paper outlines his context and significance.

Ahan honored the rule of law despite the Tsilhqot'in as a People being confronted with a colonial power determined to displace that law through any means - except through consent - including what the Crown has recognized as the intentional spreading of smallpox.

In addition, Ahan knowingly risked his life in public service. He died while carrying out his community's heroic policy of reaching out to sources of good faith among a colonial community that already had martyred some of his contemporaries engaged in this same quest.

The example set by Ahan and his contemporaries has become a source of inspiration for the Tsilhqot'in. Selflessness transcends its setting. Canadians who join the Tsilhqot'in in commemorating Ahan for the ideals that he served should be applauded for their leadership. They are building a stronger community on a foundation of common ground.

Nits'il?in Ahan

By Tom Swanky, J.D., Oct. 26, 2019.

The British Crown martyred six Tsilhqot'in public servants during the founding of colonial British Columbia. These men had served their People's policy of opposing colonization. The Crown now recognizes that these executions were wrongful acts. In 2014 and 2018 respectively, B.C. and Canada apologized and exonerated the Tsilhqot'in of any blame in their actions.

The act of exoneration recognizes that the Crown's agents who carried out these executions were exceeding their authority or abusing their power. These agents punished the Tsilhqot'in for two things: opposing the non-consensual displacement of Tsilhqot'in authority in favour of the Crown; or, applying the laws properly in effect to colonists who had committed serious crimes.

Nits'il?in Ahan was especially associated with a law enforcement action at his community. However, Ahan and all those martyred in 1864/65 died while inviting the colonial community to interact with the Tsilhqot'in in a spirit of equality and friendship.

1. Nits'il?in Ahan was a public official. What office did he hold?

Nits'il?in Ahan was the "War Chief" for the Tsilhqot'in community located at Sutless. As one can imagine, a war chief's duties included overseeing the administration of violence on his community's behalf, like a police or military officer. They might also include diplomacy.

Sutless overlooked a prolific fishing ground near the Dean River's outfall from Nimpo Lake.[1] The Sutless "lodge" - an institution like a town hall - had a palisade with loop-holes for muskets. It was one of only two Tsilhqot'in lodges known to have been so designed.[2] Regulating access to Sutless' main resource apparently required that its officials be especially capable of resisting people prone to violence.[3] The availability of this facility and of someone well-qualified for violent encounters may have influenced the choice of Sutless for the action that came to involve Ahan.

2. The extreme nature of the colonial aggression begun in 1862.

Nits'il?in Lhats'as?in was the "head war chief" tasked with co-ordinating the Tsilhqot'in response to the colonial aggression that accompanied British Columbia's founding. A Sutless villager testified at Ahan's trial that Lhats'as?in said his tasks included: a) applying Tsilhqot'in law to some colonists who had murdered hundreds with a "man-made" smallpox epidemic at Puntzi; and, b) preventing other colonists from executing on a threat to begin still more "man-made" epidemics as they sought to have Tsilhqot'in authority displaced by the Crown.[4]

Lhats'as?in repeated this explanation to every colonist who spoke with him. Judge Begbie at Lhats'as?in's trial.[5] Begbie again next day.[6] Rev. Lundin Brown in prison a few days later.[7] Rev. Browning a few days after that.[8] And, Lundin Brown again on the night before Lhats'as?in's execution.[9] Consistency is a prime virtue of truth.

The fact that colonists intentionally created "man-made" smallpox epidemics to destroy the Tsilhqot'in as an autonomous People controlling its own territory is a critical factor in Ahan's context. The Tsilhqot'in believed that colonists began two waves of "man-made" epidemics, one in June and one in Oct. of 1862. By the end of 1862, travellers were reporting that two-thirds of all the Tsilhqot'in already had died.[10] The dying continued. From several thousand with sufficient warriors to control a territory that took visitors ten days or more to walk across, the survivors numbered only *450 to 500, men, women and children, of these about 150 are adult males.*[11] These surviving adult males were the whole force left to the Tsilhqot'in by 1864 for defending the integrity of their long-established sovereign authority.

The Tsilhqot'in assessment of the cause for this dramatic devastation was informed by eye-witness evidence about the way in which the disease had arrived in their communities. Thus, the Tsilhqot'in National Government's statement for Lhats'as?in Memorial Day in 2003 refers to *the genocidal introduction of smallpox* during 1862.[12] In *Tsilhqot'in Nation v. British Columbia (2007),* Tribal Chairman Nits'il?in Ervin Charleyboy testified that, *(G)erm warfare was used on us, trying to do away with us.*[13] Nits'il?in Thomas Billyboy testified that seeing colonists using "infested blankets" during 1862 "scared the hell" out of their ancestors and that this fear influenced their actions in 1864.[14] In a history prepared for Canada's Prosperity Mine hearings in 2009, Nits'il?in Roger William wrote,

Biological warfare: 1862-1863 Smallpox Epidemic: (I)n 1862… smallpox was introduced by non-Tsilhqot'in as biological warfare…. We lost at least 75% of our population. We never really recovered from this… Imagine at least 75% of your people in a small close-knit community dying within days… The wonder is that those who did survive did not go insane.[15]

British Columbia's 2014 exoneration statement acknowledged that colonists did spread smallpox intentionally in Tsilhqot'in territory during 1862.[16] The 2016 *Nenqay Deni Accord* signed by the Crown also refers to *(T)he intentional spread of smallpox eradicating entire families and villages* in Tsilhqot'in territory.[17] Canada's exoneration statement acknowledged the credibility of the threat to create new "man-made" epidemics in 1864.[18]

3. The colonial aggression in Tsilhqot'in territory did not take place in isolation.

In 1846, Britain and the United States agreed between themselves where each would have an exclusive opportunity to approach North Pacific native communities for access to resources. Tsilhqot'in territory fell in the British zone. Without more, agreements between outside powers cannot displace any existing authority or repeal any laws. Nor could any such agreement make the constitutional change necessary to provide the Crown with some legitimate jurisdiction in Tsilhqot'in territory.

Subsequent to 1846, the British began colonizing the North Pacific from a foothold at Victoria. A growing European presence soon attracted many indigenous communities to Victoria for trade and other opportunities. In 1860, Gov. James Douglas reported the presence of 4000 northern Peoples at Victoria, double the number of colonists.[19] Like the British, these northern Peoples brought their own political institutions with them. They remained self-governing while

at Victoria. When the colonial police attempted to make arrests within a northern communities' confines, the residents would drive them out.[20]

The colonists' political vision did not encompass the prospect of self-governing natives frequenting colonial settlements. In June 1860, Douglas summoned the northern leaders then at Victoria to hear his formal declaration of a self-assumed right to rule their communities.[21] In the result, these communities did not renounce their right of self-government as Douglas hoped. Instead, they exercised their right of self-govenment to accept some colonial policies while continuing to reject the colonial police as they might see fit.

Douglas's unilateral assertion of sovereignty had not brought any native communities under control. Douglas said "persuasion and gentle means" alone would fail to achieve the colonists' goals.[22] After a northern community drove out the colonial police on Sept. 1, 1861, Douglas began a new policy that he had said previously would involve "injustice and cruelty."[23] From its first application, this new policy contemplated creating conditions of life calculated to put native communities who desired to retain their autonomy at a risk of death.[24]

Six months after Douglas had accepted a need for "injustice and cruelty" to reduce the number of autonomous natives, the colonists imported smallpox.[25] When smallpox arrived on Mar. 12, 1862, the colonial authorities had the timeliest of notice for implementing effective controls. Douglas showed his knowledge of the best public health practise by proposing a vaccination program and a pest-house.[26] Generations of British public health experience had proven that these two measures were effective in controlling smallpox outbreaks.[27]

A vaccination program was begun under the auspices of Dr. John Helmcken, a member of the Assembly, an HBC official and Chairman of the hospital board. Helmcken would claim to have vaccinated 500 natives.[28] However, an American newspaper immediately reported that many of those supposedly vaccinated were seen to have the disease.[29] Another American newspaper alleged gross incompetence in the program's administration.[30] An American scholar quotes a missionary as observing that vaccine received from Helmcken was defective.[31]

The evidence concerning Helmcken's program also would be fully explained if he might have inoculated natives selectively with smallpox, in place of vaccinating them. Inoculation provides the subject with immunity but it creates a public health risk as the subject becomes infectious in the usual way. Since inoculation and vacation are identical procedures, such a program would manifest itself only once it was too late and some of those who imagined that they had been vaccinated were seen to have the disease. Whether Helmcken's program was grossly incompetent, used defective vaccine or involved selective inoculation, it was inconsistent with good faith. It is most consistent with an official intention to see the disease spread.

Pest-houses were places where those suffering with the disease could be gathered in one place and isolated from the healthy population. The Assembly tuned Douglas' request for an institution that would serve natives into an isolation ward serving non-natives.[32]

In the absence of a proper pest-house, northern natives began their own isolation measures.[33] In their crowded space, these measures proved ineffective. Seeing the urgent need

for a pest-house, Anglican missionaries created one at the end of April, a month after this should have been done.[34] In May, Bishop George Hills persuaded the colonial authorities to take over this institution.[35] It became known as the "Indian Hospital." This name was deceptive. No doctors visited and no medicine was supplied to this "hospital."[36] The authorities hired a carpenter to run the "Indian Hospital", build coffins and bury the dead. They also commissioned this carpenter as a special constable. In this role, he was to approach natives passing on the main road and ensure that they had certificates from white employers before allowing them to enter the town.[37] In what seems a telling instance of bad faith, this carpenter/constable was soon seen to be a smallpox carrier himself.[38] Every native that he approached for a certificate became exposed to infection in this way.

The following development also took place. At *Namgis* on northern Vancouver Island, a colonial insider advised his native friends that Gov. Douglas intended to see smallpox spread among the Haida at Victoria.[39] The insider advised his friends not to invite any Haida returning from Victoria into their village as they usually would. Forewarned, *Namgis* prepared an isolated sanctuary with food and water to receive the Haida. This place is known now as Bones Bay.[40]

At the end of April 1862, the colonial authorities began burning the dwellings of northern communities to forcibly eject these Peoples from Victoria, infected and healthy natives all in the same canoes. This process would be repeated at two-week intervals until all the northern communities had been expelled and their housing destroyed: April 29/30.[41] May 10-14.[42] May 25-28.[43] June 11.[44] Since new victims do not become infectious for 10 to 14 days, this schedule maximized the opportunity for new waves of disease to sweep the coast.[45]

Douglas' forcible ejection program evidenced bad faith under multiple headings. It was a criminal offence under British law in 1862 for those having custody of smallpox victims to do anything that would tend to spread the infection.[46] In the leading case, a mother was jailed for failing to keep a safe distance between her infected child and some healthy children who caught the disease and died.[47] British law also held all the world to know that one infection created a lethal risk for others.[48] The consequences of Douglas' forcible expulsion policy were certain: the disease would spread among those in the canoes, among those who might come in contact with them along the way and among those in the home territories after the expellees arrived there. When the foreseeable consequences of an act include death, British law was that the actors should be held as having intended to cause those deaths and that such killings were murder.[49] The many accounts of the forcible ejection of northern natives to carry smallpox from Victoria add to the evidence of an official genocidal intention to inflict conditions of life calculated to bring about the physical destruction of these Peoples in whole or in part.[50]

How do these facts concern Ahan's case? They show that those colonists who the Crown now has acknowledged did spread smallpox intentionally in Tsilhqot'in territory either a) had explicit approval from the colonial authorities, ensuring that they would not be prosecuted; or, b) had the sense of social license based on the leadership shown by the colonial authorities. So, how did these colonists gain access to spread smallpox among the Tsilhqot'in as part of a larger colonial program?

4. The context for the introduction of smallpox in Tsilhqot'in territory.

The events of 1864 that came to involve Ahan had their beginnings in 1861. That summer, developers led by B.C. Attorney General George Cary sought Tsilhqot'in consent for a road between North Bentinck Arm and the Fraser River.[51] In the absence of any official contact by agents of the Crown, Tsilhqot'in communities remained the sole source of legitimate sovereign authority in their precincts. These communities cannot have imagined anything but that any such road would operate under Tsilhqot'in regulation and pay the usual license fees. On the other hand, colonial developers implicitly expected that, where the Crown had not yet done so, their operations would hasten its assertion of control.

Despite some apparent misgivings, the Sutless/Nagwentlun Tsilhqot'in signalled their acceptance of a Bentinck Arm road.[52] In these talks, the Tsilhqot'in probably sought the same guarantee in 1861 that some of their same leaders would seek again in 1872: that those communities allowing outsiders to benefit from access to their community precincts should not experience any losses from this generosity, neither material losses nor a loss of control.[53] In Nov. of 1861, investors led by Alfred Waddington also received consent from the Homathko Valley Tsilhqot'in for a road between Bute Inlet and the Fraser River.[54]

In their final course, these two roads would have joined at Puntzi. The prospect of a profitable service business at Puntzi Creek attracted a partnership that included Alexander McDonald, William Manning and Peter McDougall.[55] The partnership arranged its access by having Manning, as resident manager, marry Nancy, the sister of Alexis, a community leader. The partners also would have had to accept a protocol for sharing the space with the established occupants at Puntzi Creek, a family headed by Tahpit. Using Puntzi Creek as a base, McDougall began freighting goods between Bella Coola on North Bentinck Arm and Ft. Alexandria on the Fraser River. McDougall needed horse pasture along the way. He managed this at Sutless by marrying a Nimpo Lake leader's daughter.[56] In Mar. of 1862, some Tsilhqot'in visiting Bella Coola said that they were happy to pack freight for the colonists settling among them.[57] By May, some Tsilhqot'in were operating their own freight business on the Bentinck Arm route.[58]

At Puntzi Creek, many Tsilhqot'in would gather for the trout spawn. This fish harvest would have created a land use conflict when it spread over the space where the Puntzi colonists imagined growing crops and draining the spawning ground in part by diverting the creek for irrigation. The colonists threatened to resolve their issues with the Puntzi Tsilhqot'in by creating a "man-made" smallpox epidemic.[59] McDonald made good on this threat.[60] Hundreds died in this "man-made" epidemic at Puntzi.[61]

5. "Man-made" epidemics in Tsilhqot'in territory during 1862, lasting into 1863.

The Puntzi partnership was not the only originator of "man-made" epidemics in Tsilhqot'in territory during 1862. Smallpox was forwarded from Victoria in June by a Bentinck Arm Co. party led by Francis Poole. Poole's party created multiple epidemics at strategic locations where his cohorts had staked claims to land controlled by native villages.[62] Poole's party followed an early version of the Bentinck Arm road that did not go through Sutless. It went to Nagwentlun

and then through Chiscot at Chilcotin Lake. Waddington said the disease broke out at Nagwentlun in the wake of Poole's party.[63] Poole admitted to leaving disease carriers in native communities, a violation of British law.[64] It is beyond doubt that Poole's party introduced smallpox among the Tsilhqot'in with murderous intent. In his memoir, Poole said that his party, *left a sorrowful trail of blood….*[65]

There also can be no doubt about the criminal intent of John McLain. McLain admitted using infested blankets to create a "man-made" epidemic along the Bute Inlet route in the Tatla Valley.[66] The only survivor among those in residence at one Tatla village, Guichon, identified McLain as this epidemic's source.[67] McLain's action took place in Oct. 1862 as part of a second wave of epidemics sweeping the Tsilhqot'in. According to two correspondents in the colonial newspapers, Jim Taylor, Angus McLeod or Alexander Wallace also used infested blankets in this wave.[68] Like Poole, all these men were agents of Attorney General George Cary.[69]

The Tsilhqot'in began reacting to this colonial aggression before 1864. In 1862, Poole said that his party was *in hourly dread of attack by hostile savages* and that it left behind the body of one of its members.[70] McLain said the Tsilhqot'in at Tatla Lake gave chase to his party during Oct. 1862.[71] The Tsilhqot'in were said to have killed two colonists in the Alexis Lake area,[72] an area where Elders blamed colonists for the disease's outbreak.[73] In Nov. of 1862, a Nuxalk smallpox victim killed Bentinck Arm Co. surveyor James Fisher and burned the maps or land claim documents that he was carrying.[74] At Nagwentlun during Mar. of 1863, War Chief Solyman executed Bob McLeod, a colonist who reacted violently when asked to pay the license fee for benefitting from access to Tsilhqot'in territory.[75] So, the Tsilhqot'in already had considerable experience with colonists intentionally introducing smallpox before 1864.

In the light of what would happen at Sutless in 1864, it is important to appreciate that, despite everything, the Tsilhqot'in continued to distinguish between colonists evincing bad faith and colonists who had given no cause for suspicion. A case involving Sutless is especially pertinent. During Oct. 1862, with thousands of Tsilhqot'in already dead at the hands of colonists, three Canadians crossed Tsilhqot'in territory from Ft. Alexandria to Bella Coola. Three days out, one reported their first encounter with some Tsilhqot'in: *When they saw us, crowds of them came around…they treated us well, the chief giving us part of his house for the night. They got us something more to eat when we went to their camp and, as a mark of honor, they cooked a piece of wolf meat which they thought was a great delicacy….*[76] On both their fourth and fifth days, these Canadians passed more Tsilhqot'in who *did not molest us*.[77] On their tenth night, they camped at Sutless.[78] In the morning, Ahan's community helpfully directed them to the shortest route for Bella Coola.[79] Grateful guests continued to be met by gracious hosts.

6. The threat to create more "man-made" epidemics at Bute Inlet in early 1864.

The Bute Inlet Co. became bankrupt after the 1863 season. The Puntzi colonists then joined with Alfred Waddington to keep the floundering operation alive. Apparently as a by-product of its decline, this operation became transformed from one doing some things right to one that became abusive. In its most egregious act, the departing 1863 crew gang-raped Lhats'as?in's daughter.[80] After Lhats'as?in returned his daughter to the interior, he and others resolved to apply the appropriate law to the guilty parties, if they came again in 1864.[81]

The departing 1863 crew also paid a Tsilhqot'in, Chayses, to safeguard some flour.[82] When the new crew arrived in March 1864, the flour was gone. The five Tsilhqot'in present refused to say who had taken the flour. They intimated that it had been seized in a tax collection action to offset an unpaid license fee.[83] An authority figure with the colonial party (Capt. Howard of the ship bring the new crew to Bute Inlet fits Lhats'as?in's description perfectly) recorded their names and said that this assertion of sovereignty would be punished by introducing smallpox.[84] Tsilhqot'in packing supplies for the road crew then discovered that the operation already had grave-robbed blankets in its stores.[85]

When Lhats'as?in received news of the smallpox threat at Bute Inlet, he called a Leaders' Council.[86] From the record that can be read in the trail of subsequent actions, it seems this Council: a) authorized Lhats'as?in to counter the colonial aggression at Bute Inlet with an act of war to prevent a "man-made" epidemic from originating there; b) determined to remove the Puntzi colonists who already had created one epidemic and were implicated again in the new threat; and, c) adopted a policy of reaching out in the hope of connecting with sources of good faith among the colonial community.

In the following month, Lhats'as?in co-ordinated the urgent task of countering the threat by colonists to set new smallpox epidemic at Bute Inlet. One of Alexis' advisers, Ulnas, took a key role in the Bute Inlet campaign. Alexis then created an alibi to give him an appearance of clean hands in apparent anticipation of the role assigned to him for these events.[87] At the end of April 1864, Lhats'as?in oversaw the work crew's destruction to prevent this access point from becoming a tool for the reintroduction of smallpox. Tsilhqot'in leaders could then turn to applying the law to the Puntzi colonists. It was this action that came to involve Ahan.

7. **Applying Tsilhqot'in law to the Puntzi partnership and the action at Sutless.**

The campaign to remove the Puntzi colonists began immediately after the Council's decision. A Tsilhqot'in party tracked McDougall's pack train to Ft. Alexandria on Apr. 13, 1864.[88] Alexis assigned his son, Janney, and one of his villagers named Tom, to join the pack train on its way to reload at Bella Coola.[89] At Bella Coola, McDougall met McDonald and Clifford Higgins. McDonald had supplies for work on the Bute Inlet route. The pack train would leave for Puntzi about May 19.

At Puntzi, Lhats'as?in sent two women to give Manning notice that the Puntzi partners no longer had consent and that, if Manning remained, he would be killed.[90] Nancy advised Manning that his options where to drop everything and flee (i.e. accept permanent exile) or to ask Alexis for sanctuary as he appealed. Manning refused these options. Following the directions of a community meeting in the Puntzi Lodge, Nits'il?in Anaham supervised Manning's execution at the hands of Tahpit, the head of the family who had been displaced at Puntzi Creek.[91]

Anaham went from Puntzi to Sutless. He supplied Lutas with a musket.[92] Anaham then left for Bella Coola. He passed McDonald and McDougall along the way without advising them about the events at Puntzi or Bute Inlet.[93] In the Bella Coola Valley, as Alexis had done before him, Anaham created an alibi to give an appearance of clean hands.[94]

Lhats'as?in and five other Tsilhqot'in arrived at Sutless shortly after Anaham's departure. These Tsilhqot'in were his son Biyil, Guichon, Guichon's father, Nezults'in and Yahoolas. With Ahan's support, Lhats'as?in began recruiting help.[95] He explained what already had been done at Bute Inlet and Puntzi.[96] Next day, the Sutless Tsilhqot'in stopped the pack train at West Sutless, where the trail crossed the Dean River, about 3 km west of the Sutless Lodge.[97] That evening, McDougall's wife visited Sutless. She learned of Lhats'as?in's intentions. Returning to the pack train, she advised her husband and McDonald to entrench themselves and wait until they could appeal to Anaham for sanctuary.[98] Next day, Lhats'as?in visited the colonist's camp. He delivered the same message to McDonald that he had given to Manning.[99] This gave these colonists the same opportunity as Manning had to take advantage of the Tsilhqot'in system.

Like Manning, these colonists refused to acknowledge the Tsilhqot'in as a legitimate source of law. With Ahan monitoring their camp, on the morning of May 31, the colonists began loading.[100] They told Ahan that they were going to Puntzi. Ahan would have advised Lhats'as?in, who would have been set to intercept them at the Sutless Lodge. The pack train set off, instead, for Bella Coola. Lhats'as?in quickly repositioned his party of 20 to 30 men drawn from Sutless to apprehend the guilty colonists before they had gone more than 8 km.

The disparate accounts of what happened next reflect the hectic nature of such a moment. The evidence is that Lhats'as?in and Ahan implemented a pre-set plan to target only those colonists associated with the criminal introduction of smallpox. When Gov. Seymour's party arrived at the scene on July 1, it found only two dead horses.[101] It is known for certain how those horses died. Lhats'as?in's son, Biyil, shot McDonald's horse to prevent his escape.[102] Ahan's fellow villager, Lutas, shot McDougall's horse.[103] Five colonists travelling with the pack train were unhorsed and suffered minor injuries but were allowed to reach Bella Coola unmolested.

Clifford Higgins also died at Sutless. Like McDougall, Higgins was shot at the beginning. Unlike the innocents allowed to escape with minor wounds, the Tsilhqot'in shot Higgins several times and caved in his skull with axes or muskets.[104] Higgins had been on the Bentinck Arm road during 1862 while the "man-made" epidemics were being created.[105] Higgins and McDonald had been travelling together for several months before the action at Sutless.[106] Ahan said all in one breath that he knew Higgins, McDonald and McDougall.[107] Ahan was certain to have known others with the pack train: Barney Johnson, a freight agent at Bella Coola from early 1862, and Malcolm McLeod, McDougall's assistant. The Tsilhqot'in allowed these associates of the Puntzi operation to escape, consistent with their record of distinguishing between innocent and wrong-doing colonists. The best conclusion is that the Tsilhqot'in believed Higgins was a bad actor. Even if one imagines Higgin's case as ambiguous, his death does not detract from a conclusion that the whole action at Sutless was a response to the criminal introduction of smallpox at Puntzi.

8. Reaching out to non-indigenous people of good faith.

When news of the Tsilhqot'in actions reached the colonial authorities, B.C. Governor Frederick Seymour launched an invasion of Tsilhqot'in territory. He used colonial militias, warriors from other indigenous Peoples pressed into service and regular British forces. In this course, Seymour would become the first agent of the Crown to engage representatives of the established sovereign authorities in Tsilhqot'in territory.

Advancing from Bella Coola, Seymour's New Westminster volunteers reached Sutless on July 2. Seymour then burned the Sutless lodge and its associated dwellings.[108] The Crown already had arrested a Sutless villager, Ach-pic-er-mous, as a material witness.[109] So, before burning Sutless, the Governor already had available the facts to which Ach-pic-er-mous would testify at Ahan's trial. Namely, that the action at Sutless had been in reaction to the Puntzi operators' murderous smallpox spreading.[110] The Governor's rash treatment of Ahan's community made enemies unnecessarily. One of the unintended consequences of this action would be that Ahan's fate was decided at New Westminster rather than at Quesnel.

The Tsilhqot'in remained united behind the Leaders' Council policies. The Governor's forces could not find any collaborators to betray their fellows. The colonial militias were left searching aimlessly in a territory unknown to them but well-known to those they sought. Seymour was near to retreating in defeat when the Tsilhqot'in took the initiative.[111] On July 17, the Tsilhqot'in lured from a militia camp the colonist who they regarded as leading the forces of bad faith and executed him.[112] The search for sources of good faith could then begin.

On July 20, filling the role assigned to him by the Leaders' Council and wearing a French officer's uniform of the kind worn by Montcalm at Quebec, Alexis approached the Governor's camp as head of a formal delegation.[113] As a test of good faith, Alexis made it a pre-condition for talks that the Governor guarantee the safety of his adviser, Ulnas, who had played a leading role at Bute Inlet.[114] With this condition granted, and then tested, it suited Tsilhqot'in policy to treat the Governor as if he had been a guest rather than a self-described invader. Talks began.

A few days later, Seymour left Tsilhqot'in territory for a tour of the Cariboo mines. In his absence, he commissioned the head of the colonial police, Chartres Brew, to conduct trials in the field for any Tsilhqot'in arrested for capital offences. And to execute those so convicted without them having their sentences reviewed in the usual way. Seymour did not give a similar commission to magistrate William Cox, the head of a Cariboo militia.[115] On Aug. 4, Alexis and a Tsilhqot'in delegation interviewed Brew.[116] On Aug. 7, apparently on the basis of information supplied by Alexis, Brew and his New Westminster volunteers began a wild goose chase that took them to the "Bute Inlet Mountains." This removed Brew as a factor in the ongoing talks.[117]

The Tsilhqot'in continued talks with Cox. A messenger was sent to invite Anaham and Ahan to come to Puntzi for a conference. When the messenger reached Sutless, the community threatened him for assisting with burning their homes.[118] The messenger turned back afraid. Ahan and Anaham did not receive the message. Through this means, those two were not at the sham peace conference of Aug. 15 where the Crown's agents would ambush the Tsilhqot'in who

did attend. In this result, the first Tsilhqot'in attempt to connect with sources of good faith among the colonists would end with the martyrdom of Lhats'as?in and four others at Quesnel.

9. The betrayal of Ahan's trust in the honor of the Crown.

In early Aug. of 1864, Morris Moss had led an *ad hoc* militia of six men from Bella Coola to the Upper Bella Coola Valley to join the search for Tsilhqot'in from Sutless.[119] Moss operated a trading post at Stuie. He already knew Anaham and could communicate with him in Chinook. Before leaving Bella Coola, Moss would have learned from his neighbour, John Hamilton, and four others that Anaham had an alibi for the action at Sutless: he had been in Hamilton's store and other settler establishments at Bella Coola.[120] Taken in by this carefully considered alibi, ironically, Moss sent for Anaham to be his guide in searching for those involved at Sutless.[121]

Anaham did not respond to Moss' invitation until after the news would have reached him that the Crown's agents had violated the sacred conventions of a pipe ceremony to take Lhatas'as?in and others into custody. This was still before the ultimate fate of Lhats'as?in's party had been determined. This uncertainty was likely to have weighted on Anaham as he continued the Council's policy of reaching out that had been begun by Alexis at Puntzi. A mistake on his part might influence the fate of the Tsilhqot'in being held prisoner at Quesnel. The challenge facing Anaham was to seem co-operative within the scope Tsilhqot'in interests, as Alexis had seemed, while not actually being co-operative before the intentions of the Crown's agents could be tested.

Anaham appeared at Stuie with 17 well-armed men, the largest Tsilhqot'in force seen during these events.[122] He brought eight horses and $70 in cash belonging to the dead colonists for the Governor to administer.[123] Contrary to the allegations of colonists, plunder had not played any part in Tsilhqot'in motivations. Anaham then refused any other "co-operation" until Moss wrote a brief so that Chartres Brew could "know him." That is, for Moss to vouch for his alibi and to explain something along the same lines as Alexis had represented previously to the Governor: namely, that he and the Tsilhqot'in were desirous of a good relationship with the colonial community despite the harm from colonists of bad faith.[124] Brief in hand, Anaham went with just two companions and three women to camp where Brew's militia ran into him on Sept. 16.[125] As Alexis had before him, Anaham treated the militia as guests rather than as invaders. He provided a feast of ducks and geese to the exhausted volunteers who had been eating their own horses.

Anaham informed Brew that Ahan "headed" those wanted for the action at Sutless. He said that Ahan and his Tsilhqot'in *were far away in the mountains and could not be got until spring.*[126] This was disingenuous. Anaham was certain to have known that Ahan was on his way to River's Inlet.[127] Anaham assured Brew that he would arrange for Ahan to meet with the Crown's agents soon.[128] In the end, this assurance led to nothing.

On Jan. 2, 1865, John Ogilvy, who had been intimately associated with the dishonorable pipe ceremony where Lhats'as?in's party was ambushed, met with Anaham at Bella Coola.[129] Ogilvy gave Anaham a pipe and tobacco, invoking the sacred pipe conventions once more.[130] Ogilvy reminded Anaham of his promise to deliver Ahan for a meeting. Anaham then agreed to bring Ahan to Ogilvy in March during the Eulachan fishery.[131] This agreement led to nothing.

On May 7, Ogilvy was killed in Nuxalk territory while attempting to consolidate the Crown's control by enforcing colonial customs laws in that territory. Morris Moss assumed Ogilvy's duties. Moss previously had evinced signs of good faith. Within hours, Moss received notice that Anaham was bringing Ahan to meet with him.[132] Moss with a party of 12 Nuxalk intercepted Anaham about 50 km up the Bella Coola Valley. Ahan was accompanied by Lutas. Despite the bad faith shown at Old Ft. Chilcotin and Quesnel, Anaham and Ahan apparently believed that the best Tsilhqot'in policy still was to continue reaching out for sources of good faith. Ahan also had what Gov. Seymour would describe as *several hundred dollars' worth of choice furs*.[133] Ahan planned a "peace potlatch" where, as his community's representative, he would gift these furs to the Governor. This gesture would have recognized the wounds and losses suffered by innocent colonists at Sutless. Such an occasion would have provided Seymour with an opportunity to apologize for burning Sutless and for wrongs inflicted on innocent Tsilhqot'in by the colonial militias. The two communities could then be reconciled.

Reading Anaham's intentions through Moss' report, it seems Anaham reminded Moss that the Crown had no jurisdiction in Tsilhqot'in precincts and that, under the protocols for peace potlatches, Moss would become the guarantor of Ahan's safety after they had left those precincts.[134] For his part, Moss would have reinforced a sense that the Tsilhqot'in sacrificed at Quesnel in Oct. 1864 may have satisfied the colonial community and that the Governor would receive them in "a peace potlatch" spirit. Without some such reassurance, Ahan and Lutas would not have accompanied Moss willingly downriver. When this party left Caliacus, a Tsilhqot'in camp near a Nuxalk village six km from the ocean – that is, the most distant Tsilhqot'in precinct - Moss ambushed the Tsilhqot'in.[135] He had them bound so they could not escape during the canoe journey to New Westminster. Moss delivered Ahan and Lutas at New Westminster on May 29. They were imprisoned and charged with having murdered Peter McDougall.[136]

On June 8, Gov. Seymour wrote to London that he would pardon Lutas but *that the crimes of Ahan are too great for me to spare his life.*[137] But there had been no trial yet. The Governor's expression of a foregone conclusion underlines that the proceedings at New Westminster in July of 1865 were "show trials" just as much as those at Quesnel had been in 1864. With the outcome pre-determined, colonial officials decided there was no need to wait for the fall Assize in Nov. when a qualified judge normally would hear capital cases. In the absence of a suitable judge, Seymour commissioned Attorney General Henry Crease, who headed the Colony's prosecution service, as an acting judge to hear this one case.[138]

There was no doubt that Ahan had killed McDougall. Or that Lutas had killed McDougall's horse. Ahan's defense, conveyed repeatedly to Moss and again during his sentencing, was that he had performed this action in accord with the rule of law and under the appropriate authority. This became translated as, *Ahan quite admitted the crime but said that he was pressed into it by a great chief.*[139] Counsel for the defence made no attempt at a proper defense. He raised only a minor technical issue that Crease overruled next day.[140] As planned, Seymour pardoned Lutas after his conviction of third-degree murder.[141] After Ahan's conviction for murder, the Crown hanged him without ceremony on July 18, 1865.[142] Ahan was buried at New Westminster in a non-descript way.

10. The function of Ahan and Lutas' "trial" in B.C.'s colonial culture.

B.C.'s colonial authorities pursued a different purpose in the show trial held at New Westminster in 1865 when compared with the one that they had pursued at the trials in Quesnel during 1864. The Quesnel proceedings had been designed principally as a vehicle to warn native communities about the dire consequences of not accepting their loss of sovereign control. Colonial authorities used the New Westminster proceedings to send colonists a message.

At New Westminster in 1865, Attorney General Henry Crease also served on the Colony's Executive Council. Crease had been an MLA in the Vancouver Island Assembly in Aug. of 1861 when the decision to use smallpox for political purposes was adopted. He was certain to have been familiar with all the factors taken into consideration in regard to the smallpox policy of 1862, including the desirability of avoiding real scrutiny. In a sign apparently reflecting this caution, Crease had lawyer D.B. Ring brought from Victoria to defend Ahan and Lutas. Ring also had been a member of the Vancouver Island Assembly in 1861. In this way, Crease assured that the Tsilhqot'in would have only the appearance of a defence, one that would not raise the actual issues seen from a Tsilhqot'in perspective.

Crease used the trial of Ahan and Lutas to recruit naïve members of the colonial community into completing the last needs of the smallpox policy. All colonists were self-interested in proceedings affecting natives. However, the jury selected for Ahan and Lutas' case was especially self-interested. The jury was drawn mostly from the class of business owners who would bear the greatest financial burden of purchasing aboriginal title or for making any accommodations with the indigenous Peoples, at a time when these issues were still in flux. In addition, the foreman, Clarkson, was on the Municipal Council; Homer and Holbrook were members of the Legislative Council; four jurors, Holbrook, Hick, Smith and Murray, were officers in New Westminster's Masonic Lodge, an important institution for B.C.'s colonial elite.[143] This purpose of this political proceeding was not to serve justice. It was to set a certain tone in B.C.'s colonial culture as it regarded relations with native communities.

Crease provided his guidance about the colonial community's best interests when formulating these events. Addressing the jury and the public from the bench before the trial, Crease made three key political points.[144] He referred to the Tsilhqot'in actions as *almost assuming the character of and proportions of an insurrection.* This stood the truth on its head. It was the colonists who were conducting an insurrection against the established authorities. The Tsilhqot'in had been attempting to prevent an insurrection.

Second, Crease said, *no mortal eye would probably be able to pry fully into the original causes of these unhappy occurrences….* In reality, Begbie's interviews with Lhats'as?in already had identified the cause: a reaction to the colonial aggression carried out through the distribution of smallpox. Begbie's report had been available to Crease since Oct. 1864. It was part of the materials that Crease had gathered for the executive Council before it confirmed the death sentence for those martyred at Quesnel. So, Crease supposed that it was in the interests of the colonists to pretend, instead of advertising Lhats'as?in's plainly stated case, that the native mind was impenetrable. This pretence threw up a wall and increased the social or psychological distance that the Tsilhqot'in would have to cover in order to reach sources of good faith.

Crease continued, *yet there was one point which he would bring under the notice of the jury, and that was the feeling which appeared to be universal amongst the Indians with respect to the white man introducing the smallpox amongst them, showing how very careful we should be in our intercourse with natives to avoid by word or act, giving colouring to the superstitious views they entertain upon the subject.* This "feeling" actually was founded: on the direct evidence of survivors; on the direct evidence of seeing the colonial authorities committing criminal acts; on the statements of informed sources; and on the surrounding dynamics, beginning with the colonial authorities' neglect of consent before proceeding with activity in new native territories. Crease's guidance was that the colonists should be deaf to the charge of genocide - through the intentional distribution of smallpox licensed by the Douglas administration - that he said was universal from native communities. He expected this deafness to let the issue become forgotten.

Neither the Tsilhqot'in nor other native communities have forgotten. When Canadians join with the Tsilhqot'in in commemorating Ahan as an exemplar of the ideals for which he gave his life – respect for the rule of law and community service even in the face of death - it serves to reverse the harms created under Crease's three headings. It tends to show that Ahan, the Tsilhqot'in and other native communities were justified in their hope that reaching out to connect with others seeking a better future would be a winning policy in the end.

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[1] Sutless means "fish trap."
[2] "News from the Chilacoten Country!" *The British Columbian,* Aug. 6, 1864, p. 3. The other was its near neighbor at Nagwentlun on Anahim Lake.
[3] According to Elder Thomas Billyboy, Ahan's ability to perform his official duties was widely respected.
[4] 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.
[5] BCARS, Colonial Correspondence, GR-1372, F142f/16, Mflm B1308, Matthew Baillie Begbie, Begbie to the Colonial Secretary of British Columbia, including Notes Taken by the Court at the Trail of Six Indians, Sept. 28/29, 1864.
[6] BCARS, Colonial Correspondence, GR-1372, F142f/16, Mflm B1308, Matthew Baillie Begbie, Begbie to the Governor of British Columbia, Sept. 30, 1864.
[7] R.C. Lundin Brown, *Klatsassan*, (London: Gilbert and Rivington 1863) p 100.
[8] "The Chilcoaten Murderers," *The British Colonist*, Oct. 18, 1864, p. 3.
[9] R.C. Lundin Brown, *Klatsassan*, (London: Gilbert and Rivington 1863) p 111.
[10] "Latest from Bentinck Arm," *The British Colonist*, Jan. 15, 1863, p, 3.
[11] BCARS. O'Reilly fonds. A/E/OR3/C43, Peter O'Reilly to Lieutenant Governor Joseph Trutch, Aug. 20, 1872.
[12] Reprinted in Swanky, *Missing Genocide*, (www.shawnswanky.com, 2014) p. 89
[13] *Tsilhqot'in Nation v. British Columbia,* Evidence of Ervin Charleyboy, Proceedings at Trial, April 21, 2005 p. 24.
[14] *Tsilhqot'in Nation v. British Columbia,* Evidence of Thomas Billyboy, Proceedings at Trial, June 1, 2005 p. 48.
[15] Tsilhqot'in National Government, *Comments to the Federal Review Panel,* May 25, 2009. Ceaa-acee.gc.ca/050/documents/35997/35997E.pdf.
[16] http://www.tsilhqotin.ca/Portals/0/PDFs/2014_10_23_Redress.pdf.
[17] *Nenqay Deni Accord: The People's Accord.* Between the Province of British Columbia and the Tsilhqot'in Nation. Feb. 11, 2016. BC Gov. Aboriginal Relations Department. This document also can be viewed in the "About" section at www.tsilhqotin.ca.
[18] http://www.tsilhqotin.ca/Portals/0/PDFs/2018_03_26_PMExonerationSpeech.pdf.
[19] BCgenesis.uvic.ca. Douglas to Newcastle. 9267, CO 305/14, p. 365. Aug. 8, 1860.
[20] For example, "Battle between…," *The British Colonist,* M arch 13, 1860, p. 3.

[21] As reported, "A Talk with the Indians," *The British Colonist,* June 23, 1860, p. 3. And at, "The Governor and the Hyters," *The British Colonist*, June 26, 1860, p. 2.
[22] BCgenesis.uvic.ca. Douglas to Newcastle. 8319, CO 305/14, p. 328. July 7, 1860.
[23] Ibid.
[24] Rev. Alexander Garrett, "Letter to the Editor," *The Daily Press*, Sept. 4, 1861, p. 3.
[25] "Imported" was the verb used by Rev. John Sheepshanks when describing the arrival of smallpox in 1862. John Sheepshanks, *Bishop in the Rough* (New York: E.P. Dutton, 1909) p. 70. As a long-term houseguest of Col. Moody, and as someone who claimed special insight, even regret, concerning the causes of native decline, Sheepshanks was well-positioned to have had inside information.
[26] "House of Assembly" and "Smallpox," *The British Colonist*, Mar. 28, 1862, p. 3.
[27] Davenport, Satchell and Shaw-Taylor, "The geography of smallpox in England before vaccination: A conundrum resolved," *Social Science and Medicine* 206 (2018) p. 84.
[28] "The Smallpox and the Indians," *The British Colonist*, April 26, 1862, p. 3.
[29] "Small-Pox at Victoria," *Puget Sound Herald,* May 8, 1862, p. 2.
[30] "Smallpox," *The British Colonist*, Feb. 21, 1863, reprinted the charge from the *Oregonian* at Portland, correcting it on the issue of natives supposedly still unburied and reassuring prospective American visitors that there was then no disease at Victoria "among the whites."
[31] Robert Boyd, *The Coming of the Spirit of Pestilence*. (Seattle: University of Washington Press, 1999) p. 198.
[32] "House of Assembly," *The British Colonist*, April 1, 1862, p. 3. It opened in May long after it might have been useful for native communities. "The Smallpox," *The British Colonist*, May 14, 1862, p., 3.
[33] Archives Ecclesiastical Province of *BC*. Bishop George Hills, *The Journal of George Hills, Bishop of Columbia,* p. 40, April 25, 1862.
[34] Hills, *Journal,* 1862, p. 41, April 28, and p. 45, May 7.
[35] Hills*, Journal*, 1862, p. 46, May 10.
[36] "Smallpox among the Indians," *The Press,* May 15, 1862, p. 3. "Smallpox on the Reserve," *The Press,* June 8, 1862, p. 3. And, "The Smallpox Hospital," *The British Colonist*, June 7, 1862, p. 3
[37] *Victoria Daily Press*, May 30, 1862, p. 3.
[38] *Victoria Daily Press*, May 30, 1862, p. 3.
[39] "For those of us at Bones Bay," and other articles, *Haida Laas Journal-March 2009*, Council of the Haida Nation, Haida Gwaii, esp. pp. 17-22.
[40] Ibid.
[41] "The Smallpox," *The British Colonist,* April 29, 1862, p. 3. "The Smallpox and the Indians," *The British Colonist,* May 1, 1862, p. 3.
[42] "Migration of the Indians," *Victoria Daily Press*, May 11, 1862, p. 3. The Smallpox." *The British Colonist,* May 14, 1862, p. 3.
[43] "The Smallpox," *The British Colonist,* May 27, 1862, p. 3. "Turning them out," *The British Colonist*, May 28, 1862, p. 3.
[44] "Good-Bye to the Northerners," *The British Colonist,* June 12, 1862, p. 3.
[45] www.cdc.gov > Smallpox > Signs and Symptoms > Incubation Period.
[46] *R. v. Vantandillo.* 1815 K.B. 4 M&S 73-76; *Metropolitan Asylum Managers v. Hill* (1881) 6 App. Cases 193.
[47] *R. v. Vantandillo.* 1815 K.B. 4 M&S 73-76.
[48] *R. v. Henson*, 18 E.R., Q.B. 1852-53, p. 110.
[49] Richard Matthews, Barrister, "Homicide," *Digest of the Law Relating to Offences Punishable by Indictment.* (London: William Crofts, 19 Chancery Lane, 1833) p. 235.
[50] The categories of genocide can be reviewed at: https://www.un.org/en/genocideprevention/genocide.shtml.
[51] "Arrival of an Exploring Party from Fort Alexandria to the Coast," *The British Colonist,* June 12, 1861, p. 3. Although he lived in Victoria and represented a Victoria constituency in the Colony of Vancouver Island Assembly, Cary remained attorney general for B.C. until Oct. 15, 1861. He then became the AG for Vancouver Island
[52] Ibid.
[53] BCARS. O'Reilly fonds. A/E/OR3/C43, Peter O'Reilly to Lieutenant Governor Joseph Trutch, Aug. 20, 1872.
[54] "Return of the Bute Inlet Exploring party," *The British Colonist*, Oct. 25, 1861, p. 3.
[55] "Bute Inlet Route in Winter," *The British Colonist*, Mar. 31, 1863, p. 2.
[56] R.C. Lundin Brown, *Klatsassan*, (London: Gilbert and Rivington 1863) pp. 21-34. While Brown provides a long account of McDougall's wife, his account does not accord with the information of Tsilhqot'in knowledge keepers or other documentary sources. She did not, for example, die as a consequence of the action at Sutless.
[57] "From Bentinck Arm and the Coast Route," *The British Colonist*, Mar. 31, 1862, p., 3.

[58] "From North Bentinck Arm," *The British Colonist*, May 13, 1862, p. 3.
[59] R.C. Lundin Brown, *Klatsassan*, (London: Gilbert and Rivington 1863) pp. 10-11.
[60] 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. With, Terry Glavin and the People of Nemiah Valley, *Nemiah: The Unconquered Country* Terry Glavin (Vancouver: New Star Books, 1992), 85-86
[61] "The Bute Inlet Massacre and its Causes," *The British Colonist*, June 13, 1864, p. 3
[62] For the land claim made by Poole's colleague J.B. Pearson at Chilcotin Lake see: BCARS. GR-1182, B.C. Dept. of Lands and Works, Cariboo, Lytton and Lillooet Pre-emption Records taken by P. Nind and T. Elwyn, Alexandria District, 1860 to 1863, Folder 1. Claim of J.B. Pearson et. al.
[63] "A trip to Cariboo via Bentinck," *The British Columbian,* July 23, 1862, p. 3. And again, "A Trip to the Head of Bentinck Arm on the Steamer Labouchere," *The British Colonist,* August 18, 1862, p. 3.
[64] "A trip to Cariboo via Bentinck," *The British Columbian,* July 23, 1862. And, "Important from the Coast Route…," *The British Colonist*, July 22, 1862, p. 3.
[65] Francis Poole, *Queen Charlotte Islands,* (Vancouver: J.J. Douglas reprint, 1972) p. 65.
[66] As recorded in the Franklin manuscript, published in part by Maurine Goodenough, "Only in Nazko," (Quesnel: Maurine Goodenough, 2008) pp. 19-20. Although this account shows some confusion about these events, the core details can be confirmed from other sources. For example, William Wattie's lecture (noted above) at p. 11 refers to a "John McLane" at Bella Coola in the appropriate context. Nuxalk Elder Arthur Pootlass also told the author in 2015 that McLain was known to the Nuxalk for spreading smallpox.
[67] Ibid.
[68] "The Bute Inlet Massacre and its Causes," The British Colonist, June 13, 1864, p. 3. "To the Editor of 'The British Columbian'," The British Columbian, June 22, 1864, p. 3.
[69] The evidence for this is collected in Swanky, *The Smallpox war in Nuxalk Territory*, Chapter 15.
[70] Poole, *Queen Charlotte Islands*, p. 62.
[71] Goodenough, *Only in Nazko*, p. 19.
[72] City of Kamloops Archives. Wade Fonds. Box. 2, File 12. "Lecture given at Worcester, Mass. in 1913 by William Wattie," p. 8.
[73] Per the author's conversations with Elder Thomas Billyboy.
[74] "Bute Inlet a success," *Victoria Daily Chronicle*, Mar. 31, 1863, p. 3. And, "Murder at Bella Coola," *The British Colonist*, Mar. 31, 1863, p. 3.
[75] "Latest from the North Coast," *The British Colonist*, May 19, 1863, p. 3. McLeod's dispute over the fee is discussed at length in Swanky, *The Smallpox War in Nuxalk Territory,* Chap. 10, pp. 79-86.
[76] City of Kamloops Archives. Wade Fonds. Box. 2, File 12. "Lecture given at Worcester, Mass. in 1913 by William Wattie," p. 7.
[77] Ibid.
[78] "The Bentinck Arm Route," *The British Colonist*, Jan. 3, 1863, p. 3.
[79] Ibid.
[80] Testimony of Agnes Haller, Federal Review Panel, *Prosperity Gold-Copper Project,* Canadian Environmental Assessment registry #09-05-44811, pp. 2683-91.
[81] Ibid.
[82] Rev. L.C. Lundin Brown, *Klatsassan,* (London: Society for Promoting Christian Knowledge, 1873.) p. 9.
[83] Lundin Brown, *Klatsassan*, p. 9.
[84] 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, Sept. 30, 1864. Statement of Lhats'as?in at sentencing.
[85] Testimony of Joe Case, Federal Review Panel, *Prosperity Gold-Copper Project,* Canadian Environmental Assessment registry #09-05-4481, p, 3878.
[86] Referenced at Lundin Brown, *Klatsassan,* p. 11.
[87] *Fort Alexandria Journal,* April 29, 1864.
[88] *Fort Alexandria Journal*, April 13, 1864.
[89] Tradition of Alexis' family as relayed by Ervin Charleyboy. And 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, Sept. 30, 1864, Testimony of Tom.
[90] Ibid. Testimony of Nancy. And, 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.
[91] Ibid. Begbie, Testimony of Nancy.

[92] BCARS. H.P.P. Crease: Legal Papers 1853-1895, Add. Mss - 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Lutas, May 31, 1865, 1608-1609.
[93] Ibid. Testimony of Frederick Harrison.
[94] "Mr. Waddington on the Chilcoaten Murderers," *The British Colonist,* Oct. 28, 1864, p. 3.
[95] 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.
[96] Ibid.
[97] "News from the Chilacoten Country!" *The British Columbian*, Aug. 6, 1864, p. 3. And, BCARS. Add Mss. 2797, Ed. Sheila Mackintosh, *Diaries of John Brough in British Columbia,* Sept. 15.
[98] 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.
[99] 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. 7.
[100] 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.
[101]*Diaries of John Brough,* July 1.
[102] 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, Sept. 30, 1864, Testimony of Tom.
[103] BCARS. H.P.P. Crease: Legal Papers 1853-1895, Add. Mss - 54 box 3, file 12, Supreme Court of New Westminster, Testimony of Lutas, May 31, 1865, 1608-1609.
[104] "The Chilcoaten Expedition," *The British Colonist*, Oct. 14, 1864, p. 3.
[105] "Supreme Court, *Bentinck Arm v. Hood*," *The British Colonist*, Feb. 18, 1864. Higgins and McDonald swore affidavits together in Victoria on Jan 23, 1864 concerning the road's development in 1862. They then remained in Victoria until April 25 when they left for Bella Coola to join the Puntzi pack train.
[106] Ibid.
[107] BCARS. H.P.P. Crease, Testimony of Ahan.
[108] "News from the Chilacoten Country!" *The British Columbian,* Aug. 6, 1864, p. 3. *Diaries of John Brough*, July 2.
[109] John Ogilvy delivered Ach-pic-er-mous into custody on June 28. *Diaries of John Brough,* June 28.
[110] 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. With, Terry Glavin and the People of Nemiah Valley, *Nemiah: The Unconquered Country*, (Vancouver: New Star Books, 1992), pp. 85-86.
[111] 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. 29.
[112] Terry Glavin and the People of Nemiah Valley, *Nemiah: The Unconquered Country* pp, 49-53.
[113] 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. 30.
[114] Ibid. para. 31.
[115] BCARS. Colonial Correspondence, GR-1372, F379/23, Mflm B-1321, William George Cox, Letter to the Governor of British Columbia, August 15, 1864.
[116] *Diaries of John Brough*, Aug. 4.
[117] *Diaries of John Brough*, Aug. 7.
[118] BCARS. Colonial Correspondence, GR-1372, F193/15, Mflm B1310, Chartres Brew, Letter to the Governor of British Columbia, August 18, 1864.
[119] "From the North," *The British Colonist*, Aug. 25, 1864, p. 3.
[120] John Hamilton, "Waddington on the Chilcoaten Murderers," *The British Colonist,* Oct. 31, 1864, p. 3. And, "Mr. Waddington on the Chilcoaten Murderers," *The British Colonist,* Oct. 28, 1864, p. 3
[121] "Mr. Waddington on the Chilcoaten Murderers," *The British Colonist,* Oct. 28, 1864, p. 3.
[122] "Mr. Waddington on the Chilcoaten Murderers," *The British Colonist,* Oct. 28, 1864, p. 3.
[123] *Diaries of John Brough,* Sept. 16.
[124] "Mr. Waddington on the Chilcoaten Murderers," *The British Colonist,* Oct. 28, 1864, p. 3.
[125] *Diaries of John Brough,* Sept., 16, p. 28.
[126] Ibid, p. 29.
[127] J. D. B. Ogilvy, "News from Bentinck Arm," The Government Gazette Extraordinary, February 27, 1865.

[128] Great Britain Public Record Office, Colonial Office Records, CO 60/19, p. 315, 10957, Frederick Seymour, Letter to Cardwell, No. 58, sent October 7, 1864, received November 29, 1864.
[129] J. D. B. Ogilvy, "News from Bentinck Arm," *The Government Gazette Extraordinary*, February 27, 1865
[130] Ibid.
[131] Ibid.
[132] "The Chilcoatens," *The British Colonist*, May 24, 1865, p. 3.
[133] 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.
[134] 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.
[135] Ibid.
[136] 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.
[137] 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.
[138] "Special Assize," *The British Columbian*, June 27, 1865, p. 3. And, "The Special Assize," *The British Columbian*, July 4, 1865, p. 3.
[139] "The Special Assize," *The British Columbian*, July 4, 1865, p. 3.
[140] "The Sentence," The British Columbian, July 6, 1865, p.3.
[141] "Royal Clemency," *The British Columbian,* July 15, 1864, p. 3.
[142] "Executed," *The British Columbian*, July 18, 1865, p. 3.
[143] The Lodge's officers are listed at "Masonic," *The British Columbian*, June 27, 1865, p. 3.
[144] "The Special Assize," *The British Columbian*, July 4, 1865, p. 3.