

ARCHAEOLOGICAL SOCIETY OF BRITISH COLUMBIA

Vol. VII, No. 5 December 1975

Editor N. Russell Produced by the Publications Committee five times a year. Gladys Groves, Chairman, 504 - 2005 Pendrell Street, Vancouver, B. C. V6G 1T8

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NEW CULTURAL PROPERTY ACT COULD HAVE MAJOR IMPLICATIONS FOR CANADIAN MUSEUMS AND COLLECTORS

By Nick Russell

The Cultural Property Export and Import Act could have far-reaching impact on both anthropology and archaeology in Canada, particularly in the nation's museums and art galleries.

Known as Bill C-33 when it went through the Commons in March and the Senate in May, the new legislation did not get royal assent until June, and at press-time had still not been proclaimed (and hence remains in abeyance).

Its full title is "An Act respecting the export from Canada of cultural property and the import into Canada of cultural property illegally exported from foreign states".

The purpose of the act is "to preserve the national heritage of Canada" (according to section 3), with emphasis on cultural objects regarded as important to archaeology, prehistory, history, literature, art or science (s.32).

This protection is achieved by listing in general terms the sort of items that might be important, and then setting up machinery to control their export. A further section covers possible signing of international treaties to control import of objects illegally exported from elsewhere, and for repatriation of such objects. Other sections outline possible tax advantages for people donating cultural objects and tax penalties for institutions trying to export such objects.

(It should be noted that, necessarily, this report is a summary and does not include all the Howevers and Notwithstandings. The full 26-page Act can be picked up very cheaply from Information Canada stores.) How is the act to function in practice? First the minister responsible--Secretary of State--will draw up and publish a list of

COMPLEX MACHINERY significant objects. Individuals wishing to export items of the type designated on this Control List will then apply to the Customs and Excise Department for an Export

Permit. If the permit officer decides the item might indeed be included in the list, he forwards the application to an Expert Examiner hired for the purpose. That body will then determine:

(a) whether that object is of outstanding significance by reason of

(i) its close association with Canadian history or national life,

(ii) its aesthetic qualities, or

(iii) its value in the study of the arts or sciences; and

(b) whether the object is of such a degree of national importance that its loss to Canada would significantly diminish the national heritage.

Items which he regards as unimportant, even if on the Control List, may then be granted an export licence after a copy has been lodged with a designated public institution.

But instead the examiner may recommend withholding the permit for up to six months, so that Canadian institutions may bid on the object. A Review Board will be created to study appeals against permit application refusals, and to estimate a fair market value on items if the two parties cannot agree on a price.

In addition, the government may, under the act, provide funds to institutions for purchase of specific objects of particular importance, and a Canadian Heritage Preservation Endowment Account may be created to handle gifts, bequests and other money for purchase of cultural items. What is a culturally important object? The section defining the Control List is worth quoting in full:

CANADIAN CULTURAL PROPERTY EXPORT CONTROL LIST

3. (1) The Governor in Council, on the recommendation of the Minister made after consultation with the Minister of Industry, Trade and Commerce, may by order establish a <u>Canadian Cultural Property Export Control</u> List.

(2) Subject to subsection (3), the Governor in Council <u>may include</u> in the Control List, regardless of their places or origin, any objects or classes of objects hereinafter described in this subsection, the export of which he deems it necessary to control in order <u>to preserve the national</u> heritage in Canada:

(a) objects of any value that are of archaeological, prehistorical, historical, artistic or scientific interest and that have been recovered from the soil of Canada, the territorial sea of Canada or the inland or other internal waters of Canada;

(b) objects that were made by, or objects referred to in paragraph (d) that relate to, the aboriginal peoples of Canada and that have a fair market value in Canada of more than five hundred dollars;

(c) objects of decorative art, hereinafter described in this paragraph, that were made in the territory that is now Canada and are more than one hundred years old:

(i) glassware, ceramics, textiles, woodenware and works in base metals that have a fair market value in Canada of more than five hundred dollars; and

(ii) furniture, sculptured works in wood, works in precious metals and other objects of decorative art that have a fair market value in Canada of more than two thousand dollars;

(d) books, records, documents, photographic positives and negatives, sound recordings, and collections of any of those objects that have a fair market value in Canada of more than five hundred dollars;

(e) drawings, engravings, original prints and watercolours that have a fair market value in Canada of more than one thousand dollars; and 4.

(f) any other objects that have a fair market value in Canada of more than three thousand dollars.

(3) No object shall be included in the Control List if that object

(a) is less than fifty years old; or

(b) was made by a natural person who is still living.

Obviously excluded, therefore, are all contemporary native Indian artifacts. Much less clear are the sections on amendments to the Income Tax Act. But one item is obvious enough: any institution selling an object soon after it becomes eligible for the Control List must pay taxes equal to 30% of the fair market value, unless it goes to another designated Canadian institution.

Also clearly spelled out are the penalties: a massive \$25,000 maximum fine and/or up to five years jail.

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SIMON FRASER UNIVERSITY - DEPT. OF ARCHAEOLOGY - EVENING CREDIT COURSES

General Office - Room 9209 Classroom Complex Telephone: 291-3135

ARC 101-3 The Prehistoric Past Instructor: K. Fladmark

Method and myth in the study of human prehistory. The relationship between ideas and archaeological data in regard to man's prehistoric past.

Lec. Tuesdays 18:30 - 20:30 hrs. Tut. Tuesdays, 20:30-21:30

ARC 301-2 <u>Prehistoric and Primitive Art</u> Instructor: N. Feder Art styles and traditions of prehistoric and preliterate peoples.

Lec. Mondays 18:30 - 20:30 hrs.

ARC 473-5 <u>Regional Studies in Archaeology</u>: <u>Africa</u> Instructor: F. Masao Prehistory and cultural traditions of the region...changes in these cultures...factors in culture growth.

Lec. Tuesdays & Thursdays 19:30 - 21:30 hrs. No prerequisite for A.S.B.C. members wishing to take above as non-credit courses.

THE FISH HOOK MAKER

by Hilary Stewart

My current research on fishing gear of the Northwest Coast Indians took my small Datsun on the ferry to Vancouver Island, through Victoria, along the scenic roadway to Sooke, beyond Jordan River (or River Jordan, depending on whether you are reading the road sign or the road map); up the coast-clinging, mountain-side road until the pavement ended with a jolt, over 12 miles of steep, winding, potholed, washboard, rocky, gravel road, and into Port Renfrew and the return of the hardtop.

Enquiry at the Indian Reservation led me to the reason for my journey--Chief Charles Jones of the Pachena Band. I found him, not at his home, but in his workshop on the river bank, busily cleaning up his workbench. The wooden shed was an orderly clutter of boxes, sacks, fishnetting, old iron, pipes, lumber, tools, jars, rope, wire and the other essentials of a workshop.

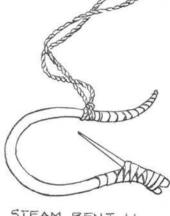
He welcomed me in with a bright, warm smile and at once brought a small stool over to a chair in which he seated himself. His thick headful of hair was quite white and he wore metal rimmed glasses. His beautifully wrinkled face and gnarled hands were testimony to many years of living, yet his mind was alert, his conversation spirited and his memory sharp.

I was interested in learning from him more about the steam-bent halibut fish hooks and how they were made, as I had been told that he used to make them to fish with.

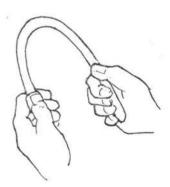
"I still make them," he told me in his booming voice. "Sell 'em to any people to want to buy 'em. \$45.00. Tourists mostly."

He rummaged around the workshop but couldn't find one to show me: he was fresh out of fish hooks, having sold the last one he made.

I had brought with me some photos of the gracefully shaped hooks that I had photographed in various museums, as well as a variety of other



STEAM BENT U SHAPED FISH HOOK. BARB AND LEADER LASHED ON WITH SPLIT CEDAR ROOT



FISH HOOK BEING BENT INTO SHAPE, types. He studied them one by one, nodding in recognition, and explained how they would have been used, going into great detail, sometimes confirming what knowledge I already had, sometimes adding to it. He had harsh words for "that museum in Victoria" because "they don't show these things and explain all about them, they don't tell about how it used to be. They don't know."

I asked Chief Charles about the making of the hooks, and while I had basic book knowledge of how this was done, talking with the elderly Chief added a lot to my understanding of the process. But more than that, he gave me an insight into the skill and experience of a veteran hook maker, describing how he would go into the forest to find the right wood, which part of the tree to use, the cutting and shaping and the steaming of the wood. Lengths of prepared wood were put inside a hollow kelp head.

"If it's a big head of kelp you get maybe two or even three sticks inside," he explained. Water was poured in, the opening plugged with moss, and the kelp buried in the hot sand or ashes beneath the fire to steam.

"How long would it have to steam for?" I asked, expecting an answer of a specific time. I should have known better.

"Oh, you gotta keep testing it. Got to try it out. After a while you take out that stick and you try it, to see if it's limber...you feel it..." and his flexible hands mimed the careful test-bending of the wood.

"It's got to be just limber," he repeated. "You see how it feels, and when it's limber that's when it bends just right. You bend it very gently, very carefully."

I knew that no amount of words in a text book could document the feeling within a man's hands for the testing of the steamed wood, no diagram could illustrate the sensitivity that knows when it's "just limber". You must do it to know.

Chief Charles explained the use of the long barb and the short barb, adding that the distance from the tip of the barb to the upper arm of the hook is "the thickness of a man's thumb. Everything is always measured," he said.

LENGTH & WOOD IS PUT INTO A KELP HEAD FOR STEAM-ING IN HOT ASHES. MOSS PLUCS THE OPENING __



"THE THICKNESS OF A MAN'S THUMB ..."

He talked about the kinds of bait, and how and where it was attached. The best bait, he said, was octopus, and when I asked how that was caught he described the procedure and in my notebook drew for me the octopus spear. He drew a long shaft with the barb set back from the point, and it was identical to the one I had already researched.

OCTOPUS SPEAR _ BARB IS OF HARDWOOD.

He pointed out that a side advantage of the U-shaped hook was that it could not be swallowed into the gullet. If too small a fish was caught (the barb was hooked into the cheek), it was easily unhooked and thrown back into the sea, unharmed. Besides catching halibut, the hook was also used for red snapper, black cod, and "even dog-fish". He had used the wooden hook for fishing as recently as 25 years ago.

JUINT

By 5 p.m. he said that was all for now, and if I would come back another day he would tell me about a waterfall trap for salmon. I remembered passing a small motel on the way in, and asked him if I may return tomorrow. But no, tomorrow he was going to Lake Cowichan to take some people fishing, then he had to go on to Victoria. Had I written ahead, he said, he would have booked some time for me. It seems he is often in demand for his great storehouse of knowledge, a film maker from New York once coming to see him. He charged \$12 an hour, as is the custom now with some of the older people, and it seemed little enough for a lifetime of experience.

I photographed him outside his workshop, by the river he had caught salmon in for who knows how many years. We shook hands before parting and I was aware of the greatness of this Pachena Chief, a compelling figure with more wisdom and understanding of the ways of forest and water than I could ever begin to know. With cane in hand and a straight back he strode off down the road, having refused my offer of a lift, and I went to my car. Further down the road I caught up with him and stopped the car.

"Chief Charles, may I ask you one more question?"

"Sure!" he nodded.

"How old are you?"

"I was 99 years old last July." And he laughed.

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SUMMER '75: ANOTHER VINTAGE SEASON

Highlights of Provincial Archaeologist's Fall Report

By Bjorn Simonsen, abstracted by Nick Russell

Statistically, it has been a record summer: more staff, more workers and more research than ever before.

Emphasis during the 1975 season was on developing the province's archaeological inventory, and an estimated 2,000 new sites were recorded, by 34 crews, verying in size from one person to 12.

The Provincial Archaeologist's office also directed five major excavations, three in conjunction with field schools.

There were also a number of special projects under the provincial Summer Employment Program, including amassing 1,000 legal descriptions of properties containing archaeological sites, mostly on the Gulf Islands. And one legal student researched antiquities legislation in Canada, preparatory to proposals for changes to the Archaeological and Historic Sites Protection Act.

Five field crews were also working with the B. C. Forest Service, to contribute to future forest management programs; and four crews examined areas destined for development by the B. C. Highways Department and B. C. Hydro. All told, the Provincial Archaeologist's staff administered 140 people over the summer, including 40 Native Indians.

All this came from the Archaeological Sites Advisory Board 1975-6 budget of \$301,159 plus \$328,142 from other government sources (including Canadian National Railway). Next year's budget includes an additional quarter million dollars for land acquisition -- a new field of growth for the department. (An important petroglyph site on Vancouver Island and a large Gulf Islands site are among those being studied for purchase as soon as money is available.)

In addition, the Provincial Archaeologist's office has been responsible for several other projects:

Several films are in the making. Two on B. C. Petroglyphs. One on relocation of a Skeena River petroglyph, and another on research into Similkameen Valley pictographs, are almost ready. A third records a half-hour interview with Dr. Carl Borden on the development of archaeology in B. C. in the last 30 years and was made primarily for archival purposes.

- A project to record lithic resource sites has been launched, and 15 places have been recorded.
- * An intensive surface collection was made at Cache Creek, aimed at gathering all artifacts visible on 130 acres of site. The crew included a number of members of the Archaeological Society of B. C. over the Thanksgiving weekend.
- * The Board will be publishing this winter. The first two monographs are currently under preparation, and five more are being considered. Annual ASAB reports will also be published in future.
- * A start has been made on a detailed collection of maps designed to show past, present and future capabilities of the whole province with regard to archaeological resources.
- * Permit holders are being urged to finish their projects by filing final reports. Dozens have been submitted during the past year, cleaning up many old excavations, and of only 42 outstanding, 14 are for 1975 work. However, 15 still date from the 1960's.

Regional Reports

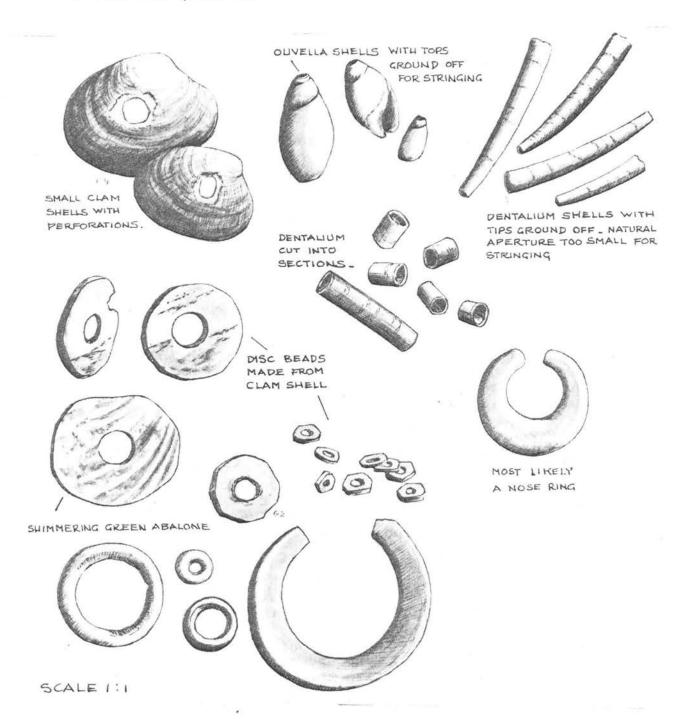
Two staff archaeologists -- Art Charlton and Paul Sneed -- managed to spend some three months in the areas assigned to them, and it is hoped that increasingly they will be able to work away from Victoria, perhaps ultimately setting up regional archaeological offices.

There was activity in all seven regions this summer. Notable was the recording of 565 new sites in the Northwest, which involved eight crews walking an estimated total of 1500 miles. The Gulf of Georgia Survey was continued, with location of 800 new sites during the summer. In 1974 another 600 sites were found in the Gulf Islands, so the area now represents a significant proportion (about one-fifth) of all known sites in the province.

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SHELL BEADS & RINGS



EXCERPTED FROM!	
"ARTIFACTS OF THE	
NORTHWEST COAST INDIANS"	
HILARY STEWART C COPYRIGHT 1973	

Compared with stone and bone beads the making of shell beads, for the most part, was relatively simple. Many shells required nothing more than the tops ground off. or a single perforation, to supply the requirements for stringing. Others were perforated and cut out of the shell, much like the shale beads, or cut into sections like the cylindrical beads of bird bone.

Nose rings of shell were popular for both men and women.

WHAT IS

THE ARCHAEOLOGICAL SOCIETY

OF BRITISH COLUMBIA?

(This definition, by founding president Alec Ennenberg, bears repeating as the Society enters its tenth year.)

In the summer of 1966, the Extension Department of the University of British Columbia offered a course in archaeology, conducted by Dr. Roy Carlson, Professor of Anthropology at Simon Fraser University. The response was much greater than anticipated.

Out of this course resulted the present Archaeological Society of British Columbia, the first of its kind in the province. The Society arranges monthly illustrated lectures by authorities in archaeology and allied disciplines, carries out field trips to places of interest to members, and arranges for special guided tours of exhibitions relating to the field of archaeology.

Perhaps the most important benefit of joining the Society is the understanding that archaeology is not "pot-hunting" (the mere collecting of artifacts) but a serious, scientific study of early man from the alwaysmeagre remains that have chanced to survive, and which can be, and all too often are, destroyed through ignorance and inadvertence.

In furthering the purposes of the Society, we make surveys and record sites, and also draw the attention of the proper authorities to cases where sites have been, or are about to be, destroyed through road-building, damming, subdivision or by vandalism.

In forming the Society and in formulating and pursuing our aims, we recognize the valuable assistance of Dr. Charles E. Borden of U.B.C. and Dr. Roy Carlson of S.F.U. To them, and to others who have helped and encouraged us, we are indeed grateful.

We look forward to a time when the size and influence of the Archaeological Society of British Columbia will be much greater, and when we shall be able to undertake ever more valuable activities.

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11.

DEMAND FOR OLD WHALEBONE WORRIES ARCHAEOLOGISTS

(News Release from National Museum of Man, Ottawa)

The demand for Eskimo sculpture is so great, it is forcing artists to seek new sources of whalebone ... and damage archaeological sites. Modern Eskimos find great caches of old whalebones where their Thule culture ancestors built winter houses with long jaw bones, ribs and vertebrae of large bowhead whales and possibly other species of whales. By disturbing these collapsed houses, modern Eskimo destroy the archaeological traces of their ancestors. Trained archaeologists can tell how the original house was built if the collapsed pile of bones is left undisturbed. Whalebones surrounding these old houses can reveal information about the kinds and ages of whales hunted in the past. Archaeologists would like to know more about changing climatic conditions which can explain changing cultural adaptations of the prehistoric Canadian Eskimo. The Eskimo are conscious of the need to preserve the cultural remains of their past.

The Archaeological Survey of Canada (National Museum of Man) and the Department of Indian and Northern Affairs are jointly sponsoring the Thule Archaeology Conservation Project to mitigate the impact of modern Eskimo disturbance at ancient (Thule culture) Eskimo village sites. It will attempt to survey these sites especially those adjoining modern Eskimo settlements where whalebone sculpting has developed, in order to determine the amount of damage to these sites, to excavate whalebone from endangered sites, to collect, analyze and report on the anthropological, zoological, and other relevant data and to provide whalebone to Eskimo communities for the use of carvers.

Under the direction of Dr. Allen P. McCartney, Contractor for the Archaeological Survey of Canada, the project will function from 1975 to 1979. Reports will be published in Inuit language publications and excavated material will be exhibited in Inuit communities. Inuit participation is invited in the project. "This project represents two federal agencies, both with long northern involvement, proposing to solve a modern arctic problem but the solution depends very much on the abilities and cooperation of the Inuit. They properly are concerned to protect their heritage and increase knowledge of it", said Dr. W. E. Taylor, Jr., the museum director and a former arctic archaeologist.

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SIMON FRASER UNIVERSITY - MUSEUM OF ARCHAEOLOGY & ETHNOLOGY

The Museum in Academic Quadrangle 3145A (Northeast corner of the concourse) is open daily from 9:00 a.m. to 4:00 p.m. It is normally closed Saturdays and Sundays.

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Why renew? Among forthcoming speakers tentatively lined up for the New Year are these:

Jan. l	4	Joint meeting with Archaeological Institute of America. Dr. James Russell. New Finds at Anemurium.	
Feb. 1	.1	Dr. Pat Hitchins, U.B.C. Bronze Age in Japan.	
Mar. 1	0	Dr. Mary Lee Stearns, S.F.U., showing a film she has produced on Haida Culture.	
Apr. 1	4	Alan McMillan, Douglas College. Nootka Archaeology - Barkley Sound to Alberni.	
May 1	_2	Dr. Jack Nance, S.F.U. Fossil Man in Africa	
June	9	To be announced.	
Sept.	8	The Society's 10th Anniversary - special programme.	

Watch also for a special extra evening of films on B. C. archaeology and anthropology. Tentative date: Jan. 21st.

Abbotsford Branch

January - Bryant Knox of S.F.U. speaking on Mezo-America - Mexico and Guatemala.

February - Don Bunyan, member of A.S.B.C., on Archaeology of Iraq.

Compiled by Frances Woodward, Reference Librarian, Special Collections Division, University of British Columbia Library.

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v. 1 no. 1 - v. 2 no. 4 called <u>Newsletter</u>; v. 1 in 6 issues (Nov., Jan., Mar., May, Sep., Nov.); v. 2 in 5 issues (Feb., Apr., May, Oct., Dec.); v. 3 - 6 in 5 issues (Feb., Apr., June, Oct., Dec.) * - illus.

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 - "Recognition in Williams Lake." I:6:7 N '69.
 - "Regions favour protection." V:2:1 A '73.
 - Russell, Nick. "The B. C. Archaeological and Historic Sites Protection Act: a review." IV:2:2-5 A '72.
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The Midden would like to thank Frances Woodward for volunteering to prepare this mammoth index and for doing it all over again in order to cut it slightly to fit into The Midden.

We hope to publish further annual indexes at the beginning of each year.

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Mrs. Shirley Veale 1406 Paisley Rd. North Vancouver B.C. ----- Be