



Underlying Factors in the Operation of Colonial Justice

This MysteryQuest investigates the decision to lay charges on an Aboriginal man for the murder of William Robinson in 1868. Students learn to look for the underlying social and institutional attitudes which may have influenced this historical event as they explore the relationships between First Nations people and settlers during the British Columbian gold rush era.

A critical thinking challenge to accompany

Great Unsolved Mysteries in Canadian History

***Who Killed William Robinson?
Race, Justice and Settling the Land***

<http://www.mysteryquests.ca/quests/09/indexen.html>

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based on an approach developed by The Critical Thinking Consortium (TC²)

www.tc2.ca

Ages

14-16

Courses

Canadian history, civics

Key Topics

- interaction between First Nations people and settlers in British Columbia
- historical causation

Critical Challenges

- Look for evidence and determine which underlying factors seem to explain why an Aboriginal man was charged so quickly in the death of William Robinson.
- To what extent were individuals, ideas, and institutions responsible for the justice system's decision to charge an Aboriginal man with the murder of William Robinson?

Broad Understanding

When looking at significant events, it is important to take into account societal structures and ideas in addition to individual actions.

Requisite Tools



Background knowledge

- knowledge of the events and social context surrounding the murder of William Robinson



Criteria for judgment

- criteria for plausible inferences (e.g., supported by the evidence, no alternative explanations)
- criteria for determining causal influence (e.g., weight of effect)



Critical thinking vocabulary

- underlying factors



Thinking strategies

- pie chart



Habits of mind

Independent Study

This lesson can be used as a self-directed activity by having students individually or in pairs work their way through the guided instructions and support material found at <http://www.mysteryquests.ca/quests/09/indexen.html>.

Whole Class Activities

On the following pages are suggested modifications of the self-guided procedures found on the MysteryQuest website for use with a class of students. For convenience, each support material and set of directions found on the website is reproduced next to the relevant suggestions for whole class instruction.

Suggested Activities

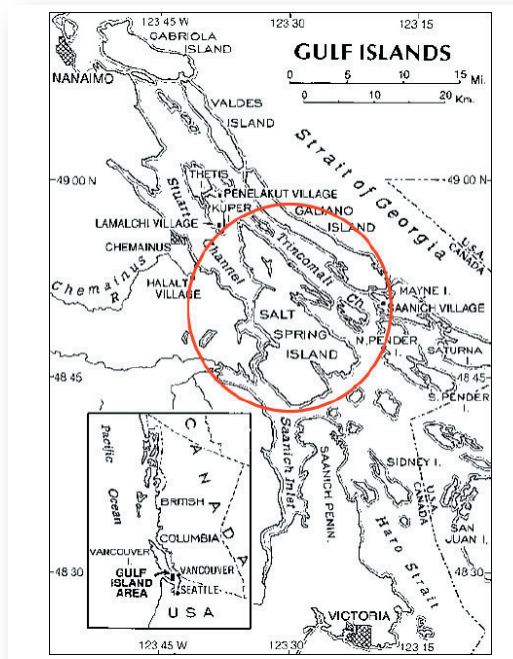
Introduce the murder of William Robinson

- Use *Introduction* to guide students to a preliminary understanding of the community, the crime, and the underlying factors.

- Use *The Task* to explain the activities and challenge to students.

Provide background to the incident

- Using *Step 1: Learn the background to the case* as a guide, present *Salt Spring and the Gulf Islands, Historical Locations* and discuss it as a class to orient students to the geographic area where the murder occurred.



INTRODUCTION

In 1867-1868, a tiny community on Salt Spring (now spelled as one word, "Saltspring") Island off the coast of British Columbia was the scene of three brutal and seemingly unconnected murders. The victims were members of the island's African-American community. These African-Americans had fled persecution in California in 1858, but the murders fractured the community and drove many back to the United States. Aboriginal people were widely blamed for the murders, but in only one of the murders was someone charged and convicted.

William Robinson was one of the victims. His body was discovered in his cabin, several days after he had been shot in the back. An Aboriginal man, Tshuanahusset, was arrested many months later, convicted, and hanged. Almost from the first news of the murder, people began to blame Native people. Were their reasons for suspecting Tshuanahusset valid or were their suspicions the result of broader social and institutional attitudes towards Native people?

THE TASK

This MysteryQuest invites you to investigate the underlying factors leading to an Aboriginal man being charged for the murder of William Robinson — despite the fact that he was not an obvious suspect. Your task is to not to determine whether or not Tshuanahusset was guilty of the crime, but to identify the forces that seem to explain the justice system's decision to charge him with the murder. You will begin by familiarizing yourself with the details of the case. Then, you will be introduced to three factors that help explain why events occur. You will practice using these factors to analyse a sample letter, and then you will apply these concepts to eight other documents related to the case. Based on this analysis, you will decide the extent to which these factors contributed to suspicions against an Aboriginal man. You will present your findings in a visual display that illustrates the degree of influence each of these factors had in the case.

STEP 1: LEARN THE BACKGROUND TO THE CASE

Your first task is to learn more about the historical and immediate facts of the case by consulting other materials relevant to this MysteryQuest:

- read the briefing sheet *Relations Between First Nations People and Settlers* that describes the history of tensions on the island at the time of the murder;
- examine the map entitled *Salt Spring and the Gulf Islands, Historical Locations* to identify the general location of the island;
- read about William Robinson's murder in the newspaper article, "*The Salt Spring Murder*" appearing in the *British Colonist*, March 24, 1868;
- and if time allows, familiarize yourself with the remainder of the home website, "Who Killed William Robinson?" You may want to navigate around the site and sample each section.

- Duplicate and distribute copies of *Relations Between First Nations People and Settlers* to students, individually or in pairs, to provide the initial context for their investigation.
- At this time, you may also find it helpful to familiarize students with the “Who Killed William Robinson” website, found at <http://www.canadianmysteries.ca/sites/robinson/home/indexen.html>. Whether as a class using an LCD projector, in partners or individually on personal computers, invite students to investigate at least one of each of the following:
 - a newspaper account;
 - a diary entry;
 - a letter.

MysteryQuest 9
Support Materials 1 (Briefing Sheet)

Relations Between First Nations People and Settlers

This trial is not simply a case of one man, Tshuanahusset (also called “Tom the Indian”) being charged with the murder of another, William Robinson. It raises a bigger issue of conflict between First Nations people and settlers in coastal British Columbia.

For centuries (1650-1850), First Nations peoples lived quite harmoniously with the fur traders who came into their territory from Montreal to obtain furs, and later fish and berries. The Canadian fur traders were not interested in taking up First Nations’ lands, but only in making use of Native hunting and trapping skills to provide the furs for sale in European markets. European-Canadians were dependent on the First Nations for this trade.

With the gold rush of 1858 on the Fraser River in southwestern British Columbia, matters changed. First Nations peoples and settlers began a long struggle for land. Drawn by the hope of a gold strike, many white people moved into the area. When they found no gold, many decided to stay and take up land for farming. British Columbia was one of the few areas in Canada not to make treaties with the Native population when a new area was opened up, even though there was a legal obligation to do so. First Nations people have spent more than a hundred years fighting for the return of their lands, or at least for the legal sale of these lands to the non-Native peoples who took them.

During the early settlement years, First Nations people protested against the illegal possession of the lands in various ways. Some made formal representations to the government and even to Queen Victoria. Others made a habit of “stealing” from vegetable gardens of new farmers on what had been their lands. Still others refused to leave lands they believed they owned. In extreme cases, First Nations people inflicted violence on the newly arrived settlers.

Relations between First Nations people and settlers during the settlement era of British Columbia (1858-1901) were not entirely unfriendly. On Salt Spring Island, for example, one-quarter of all marriages were between a Native woman and a non-Native man. By 1881, almost half of the children on the island were of mixed parentage. First Nations women not only provided families for settlers, they also gave them local knowledge about how to live off the land and sea in a remarkably rich environment. Skilled in hunting and fishing and in the cultivation and preparation of local foods, they played a key role as settlers adapted to conditions on the Pacific Coast. They taught whites skills and helped them to adapt to a life without doctors, roads, or the store-bought produce many settlers had relied on in England, Scotland, Ireland, Wales, Europe, or the United States.

Non-Europeans also settled in the area of present-day Victoria. In 1857, the governor of the colony of Vancouver Island, Sir James Douglas, invited African-Americans to settle on rural lands near Victoria. Wishing for political reasons (and other reasons) to install a non-Native population in the region, he promised British citizenship to the African-Americans, including the right to vote and own land. The only condition was that they establish farms on cheap country land. Several hundred people accepted his offer, with the first hundred arriving in April 1858. Some of them rowed over to Salt Spring in July 1859 and became the foundation of the African-American community there, which had grown to about 65 people by the time William Robinson was murdered.

In these early years, Salt Spring Islanders prided themselves on the equal relations between African-Americans and the larger British population. The African-American population was among the most educated on the island, and many men became active in local politics. As the first non-Native arrivals, they were also able to settle on some of the best land. There is some evidence that the African-Americans did not enjoy complete equality; they congregated in one part of the island and, following the first two murders, many decided that life there was not safe and so moved off the island or away from the coast. Some historians have argued that they left because the conclusion of the American Civil War ended official slavery in the United States. Whatever the reasons, the African-American community became much smaller and poorer after the murders of the late 1860s.

Introduce underlying factors

- Using the instructions for *Step 2: Identifying underlying factors*, guide students to understand three factors - individuals, institutions, and ideas - that influence human events.

STEP 2: IDENTIFYING UNDERLYING FACTORS

The task you have been assigned requires you to look at the historical context of the event. “Historical context” refers to the various factors, conditions, and circumstances operating at the time. Historians will examine the context to understand the underlying reasons why an event happened. This deeper investigation is assisted by considering three factors behind any human action:

- *Individuals*: This refers to choices made by individuals, often for personal motives, that contribute to an event.
- *Institutions*: This refers to structures and organizations that contribute to an event.
- *Ideas*: This refers to societal beliefs or commonly held ideas that contribute to an event.

How these three factors might explain the underlying causes of an event can be seen in the following example:

Suppose a person tells a large group of people a sexist joke that demeans women. The question to ask is “What underlying factors explain why this person told this joke?” An obvious answer would be to focus on the joke-teller. This person made an individual choice to act in this way (Individuals). But is the telling of this kind of joke a symptom of something deeper? Why would the person believe that this kind of joke was acceptable? Perhaps the beliefs and attitudes about women held by many of the people in the audience and in society more generally might encourage this kind of behaviour (Ideas). Others might point to the contributing influences of television and other media that offer sexist portrayals of women, and of organizations such as business, government, school, and church that may not treat women as equals (Institutions).

These three concepts — Individuals, Institutions, and Ideas — identify the range of contributing influences to any action. They are also a tool for identifying solutions because they suggest areas where intervention might occur: at the Individuals level, by dealing with the particular people involved; at the Institutions level, by making structural changes; or at the Ideas level, by trying to change social beliefs.

For more about historians’ search for underlying causes, read the briefing sheet *Causal Explanations in History*.

- To further clarify the concept of underlying factors, copy and distribute the background information sheet *Causal Explanations in History*. After reading, discuss as a class the main reasons why historians search for underlying causes.

CAUSAL EXPLANATIONS IN HISTORY

Historians are interested in explaining the past. More than simply recount a sequence of events, historians strive to explain why events happened as they did.

Historians' causal explanations differ from most of our everyday explanations. Historians do not have a time machine, and so cannot simply go back in time and ask for answers in the way that you might do when you ask your sister, "Why did you borrow my car without asking?" But even if historians could go back in time, the kinds of explanations that they would look for are not generally the kind that the testimony of a single "eyewitness" could provide. Historical questions such as, "What caused the First World War?" or "Did increased use of birth control affect women's status in society?" are not answerable by reference to a single individual's experience or knowledge.


Historians generally explain the past with reference to broader social influences rather than rely only on a personal statement of preference or on happenstance. For example, if a historian wants to know why Irish people immigrated to Canada, he or she will look beyond personal explanations (**direct causes**) in diaries such as "because we are tired of life in Ireland" or "because we wanted our children to have more to eat," even though these thoughts quite likely crossed the minds of Irish immigrants as they contemplated their options. Historians would want to examine the root causes of poverty in Ireland and why poor people had worse health than wealthy people and shorter life spans.

The broader social and political influences are often referred to as **underlying causes**. These are explanatory and descriptive concepts that relate to society more generally. Historians might use such factors as ethnic inequality, oppression, religious conflict, class, gender, and/or political and economic power to explain Irish immigration to Canada. For example, they might conclude that many moved to Canada to escape the poverty, inequality, and political oppression that Catholics experienced in Ireland in the eighteenth and nineteenth centuries and to realize the opportunity to live without landlords, on land they themselves owned.

In finding causal explanations for events, beliefs, and actions in history, historians look beyond individual's testimony about personal experience, and make generalizations rooted in underlying social and political factors that place the individual within their broader society and times.

Practice applying the concepts

- Duplicate and distribute the *Sample Letter* and the *Analysis of Sample Letter* activity sheets to students, individually or in pairs.



MysteryQuest 9 **Support Materials 3 (Activity Sheet)**

Analysis of Sample Letter

Evidence from the letter	Which factor?	Why?
<i>The writer is a settler and an official.</i>	<input type="checkbox"/> Individuals <input checked="" type="checkbox"/> Institutions <input type="checkbox"/> Ideas	<i>The writer is not just one person; he holds an office and his opinions would be influential greater than if he was just a settler.</i>
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	

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MysteryQuest 9 – Underlying Factors in the Operation of Colonial Justice
 MysteryQuest 9 Home Website – Who Killed William Robinson? Race, Justice, and Settling the Land

MysteryQuest 9

Support Materials 2 (Briefing Sheet)

Sample Letter

A letter written in 1885 to Mr. Smythe, the premier of British Columbia, by A. Walter, the Justice of the Peace on Salt Spring Island, about the appointment of W. Anderson as a police constable on the Island.

Vesuvius Bay, Salt Spring Island

Sir,

I am somewhat diffident as to whether it may not be beyond my province to address you on a particular subject, still as being an interested party both from my official position and as a settler here, I venture to do so.

The subject that I allude to is the appointment of Mr. W. Anderson as Constable which is considered by many people here as decidedly hazardous and more likely to lead to breaches of the peace that serve the cause of order.

Personally, I am by no means prejudiced with regard to colour but I do think that to set a coloured man to preserve order and make arrests amongst a large number of whites is very risky and likely to lead to serious results.

This feeling is shared by others here and I was informed today that the men threaten not to allow a colored man to arrest any of their number. This doubtless to a certain extent may be bombast but not unlikely to be fulfilled should the men be in liquor at the time.

I remain, your obedient servant,

A. Walter.

I wish this communication to be considered strictly private.

B.C. Premier's Office, correspondence inwards, Box 1, file 3 GR441 to Hon. Mr. Smythe, Premier, B.C. April 28, 1885

- Use *Step 3: Practice applying these factors* to guide students in selecting from the sample letter five pieces of evidence to analyse using the three factors (individuals, institutions, and ideas). Remind students of the importance of justifying their thinking. Review a few examples of students' answers before proceeding to the other documents.

STEP 3: PRACTICE APPLYING THESE FACTORS

The next stage is to practice using these three concepts to analyse a document from the case of William Robinson. Carefully read over the *Sample Letter* written to the Premier of British Columbia in 1885 by a concerned official living on Salt Spring Island. Look for five elements of the letter that can be analysed in terms of Individuals, Ideas, and Institutions. Decide which of the three factors is suggested by each piece of evidence and explain your thinking. Record your answers on *Analysis of Sample Letter*. An example is provided on this sheet to help you understand what is required.

Analyse documents in the Robinson case

- Using *Step 4: Analyse other documents*, instruct individual students or pairs to apply their understanding of the three factors to the historical documents in the Robinson case. You are advised to read the documents in advance and decide how much help students will need with vocabulary.
- Introduce the eight primary sources as listed in *Evidence in the Case*. Organize students in teams of four to analyse the eight documents. If a set of computers is unavailable, print several hard copies for students to share. Direct each team of students to begin a thorough examination of the eight documents.
- Copy and distribute (to each team) eight copies of the *Document Analysis* activity sheet and direct students in teams to analyse the eight documents just as they did the sample letter.

STEP 4: ANALYSE OTHER DOCUMENTS

Now that you have some understanding of the application of these three concepts, you are to analyse other historical documents related to the justice system's decision to charge an Aboriginal man for the Robinson murder. Follow the same procedure you used when you analysed the sample letter. Look for five pieces of evidence in each of the eight documents listed in the *Evidence in the Case* section of this MysteryQuest. Identify what kind of factor is in operation for each piece of evidence and explain your thinking. You will need one copy (eight copies in total) of *Document Analysis* to record your findings for each document.

EVIDENCE IN THE CASE

Newspaper article, "Salt Spring Island", Daily Press [Victoria], August 31, 1861
 Newspaper article, "From Salt Spring", The Daily Chronicle [Victoria], February 28, 1866
 Newspaper article, "The Indian Nuisance at Salt Spring", British Colonist, March 2, 1869
 Diary, Reverend Bishop Hills, September 5-11, 1860
 Letter, Jonathan Begg to his family, Salt Spring Island, 1858-1862
 Colonial correspondence, Community Petition, December 21, 1868
 Chart, "Ethnic Origins of Salt Spring Settlers, 1881 Census"
 Published pamphlet, "Salt Spring Island British Columbia, 1895" by Reverend E.F. Wilson of Salt Spring Island



MysteryQuest 9

Support Materials 4 (Activity Sheet)

Document Analysis

Document name: _____

Evidence from the letter	Which factor?	Why?
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	
	<input type="checkbox"/> Individuals <input type="checkbox"/> Institutions <input type="checkbox"/> Ideas	

- After they have completed their charts, invite students to exchange information with their team members, ask questions, or pose preliminary hypotheses about the influence of the underlying factors.

Determine overall influence

- Using *Step 5: Assess overall responsibility*, present the challenge: To what extent were individuals, ideas, and institutions responsible for the justice system's decision to charge an Aboriginal man with the murder of William Robinson? Determine the percentage of responsibility each factor had in the justice system's decision.

STEP 5: ASSESS OVERALL RESPONSIBILITY

Examine all the Document Analysis sheets you have prepared, think about the various pieces of evidence, and analyse them in light of the three factors (some evidence may overlap with two or perhaps all three factors). By looking at all of the information you have assembled, determine to what extent the decision by the justice system to charge an Aboriginal man for Robinson's murder was influenced by individual actions, by institutional forces, and by common ideas and beliefs. You should not simply count the pieces of evidence for each factor. Consider which actions or conditions would exert the most pressure or influence on this decision. Decide what degree or overall percentage of influence applies to each of the three factors. For example, you might decide that one factor likely contributed one-half (50%) to the decision, and the other two factors contributed equally (25% each).

Construct a pie chart illustrating the percentage allocation for each of the three factors and accompany the chart with written notes that explain the reasons for your allocation. Additional instructions on how to assign percentages and to present this information visually are found in *Creating a Pie Chart*.

- Ask students to construct a pie chart with explanatory notes to display the percentages and reasoning. Show *Creating a Pie Chart* as a sample for students who may have difficulty.

MysteryQuest 9 Support Materials 5 (Briefing Sheet)

Creating a Pie Chart

Example

A teacher talks to her class about a sexist joke she overheard on the school bus told by a very young student. The class decides that the person was wrong to do it but that the student's age suggests the action was clearly influenced by the fact that it is cool to tell these jokes and to a lesser extent by the school's failure to actively discourage this kind of behaviour. They draw a pie chart to reflect the extent to which this action was influenced by each factor.

Attribute percentage of responsibility

- *Individuals*: personal blame of individual who told the joke 25%
- *Ideas*: societal habits and ideas 40%
- *Institutions*: no enforced rules against sexist jokes 35%

100%

Calculate the angle for each factor

- *Individuals*: $25\% \times 360^\circ = 90^\circ$
- *Ideas*: $40\% \times 360^\circ = 144^\circ$
- *Institutions*: $35\% \times 360^\circ = 126^\circ$

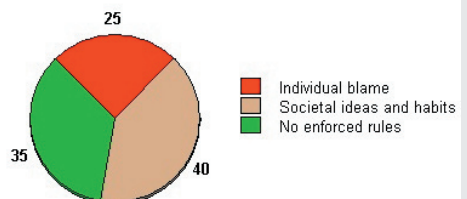
360°

Draw the pie chart

Use a compass and protractor to draw your pie chart manually. Websites can help you draw the chart electronically.

The pie chart was created on <http://nces.ed.gov/nceskids/Graphing/classic/pie.asp>.

Causes of Sexist Joking



Evaluation

- Assess student summaries or encourage peer assessment using the rubric *Assessing Inferences Drawn From Evidence*. No grades need be assigned here if the intended goal is feedback for the authors prior to their final presentation.
- Use the rubric *Assessing Historical Conclusions* to evaluate students' presentations of their recommendation and support.

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MYSTERYQUESTS
WHO KILLED WILLIAM ROBINSON?
Race, Justice and Settling the Land

MysteryQuest 9 Evaluation Materials 2 (Rubric)

Assessing Historical Conclusions

	Outstanding	Very good	Competent	Satisfactory	In-progress
Clearly explains the important evidence	Identifies and very clearly explains the most important evidence for the conclusion.	Identifies and clearly explains most of the important evidence for the conclusion.	Identifies some relevant and important evidence for the conclusion; explanations are generally quite clear.	Identifies very little relevant evidence for the conclusion; explanations are only occasionally clear.	Identifies no relevant evidence for the conclusion; none of the explanations are clear.
Offers plausible conclusion	The conclusion is highly plausible and highly justifiable in light of the evidence provided.	The conclusion is clearly plausible and justifiable in light of the evidence provided.	The conclusion is plausible and adequately justifiable in light of the evidence provided.	The conclusion is plausible but barely justifiable given the evidence provided.	The conclusion is implausible and not justifiable given the evidence provided.

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MysteryQuest 9 - Unsettling Factors in the Operation of Colonial Justice
MysteryQuest 9 Home Website - Who Killed William Robinson? Race, Justice, and Settling the Land

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MYSTERYQUESTS
WHO KILLED WILLIAM ROBINSON?
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MysteryQuest 9 Evaluation Materials 1 (Rubric)

Assessing Inferences Drawn from Evidence

	Outstanding	Very good	Competent	Satisfactory	In-progress
Identifies relevant and important evidence	Identifies the most important and relevant statements in the documents.	Identifies the required number of relevant statements, including most of the important ones in the documents.	Identifies some relevant statements in the documents, but the important ones are omitted.	Identifies some relevant statements in the documents, but none of the important ones are included.	Identifies no relevant statements in the documents.
Draws plausible inferences	Draws highly plausible inferences about the implications of the statements; provides convincing reasons for the inferences.	Draws plausible inferences about the implications of the statements; provides good reasons for the inferences.	Draws generally plausible inferences about the implications of the statements; provides reasons for some of the inferences.	Draws some plausible inferences about the implications of the statements; provides little justification for the inferences.	Draws generally implausible inferences about the implications of the statements; provides very little justification for the inferences.

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Extension

- Invite students to work individually or as a class to pursue the suggested activities listed in *Extension*.

EXTENSION

Did Salt Spring Island have a racial problem?

Look for possible evidence found on maps and graphs to draw a conclusion about the nature and extent of racial tensions on Salt Spring Island. The sources below can be found in the Maps section at The Archives of the MysteryQuest 3 home website:

- maps that document settlement by ethnicity;
- graphed evidence from the census of 1881 about mixed race marriages;
- the graph "Black-White Pre Emption History, 1859-1886."

Insider profile of race relations

Sylvia Stark was a freed African-American slave who took up land on Salt Spring Island with her husband, her father, and her children in the early 1860s. Read "The recollections of Sylvia Stark", found in three parts at the MysteryQuest 3 home website, and answer the following question: Did Sylvia Stark think that Salt Spring Island had a racial problem?

Cultural history of the Island

Using the Cast of Characters portion of the website, identify African-American, European, British, or First Nations individuals and write a summary of 'life in British Columbia' of that group.

Prejudice in the justice system

Read the different documents found in the Whippings and Hangings section of the MysteryQuest 3 home website. Does this evidence convince you that the justice system in the colony of Vancouver Island was prejudiced against First Nations people? If not, what other evidence, or other kinds of evidence, would you need to be convinced of this?