

Overview of the Shooting of Thomas Williams

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[In 1855] a Cowichan named Tathlasut was also tried by a jury of naval personnel, on a charge of attempting to murder a man [James] Douglas refers to as Thomas Williams, a white settler. Tathlasut was pursued by a military force three times the size of the one that had been sent after Sque-is and Siam-a-sit [the subject of Case Study #1], and, like them, he was convicted and hanged on the same day. On this occasion, however, it is clear not only that the Cowichans submitted because of Douglas' superior force, but also that some of them bitterly resented his actions and continued to feel aggrieved [wronged] long afterwards . . . Tathlasut had shot at Williams because the man had seduced, or attempted to seduce, his bride-to-be, and this was probably a lawful response to a gross [great] insult, especially by someone from a different nation.

. . . [Thomas Williams was also known as Tomo Ouamtomy or Tomo Antoine.] The son of an Iroquois voyageur and a Chinook mother, Ouamtomy . . . served the HBC and the colony in a number of capacities, notably on expeditions sent out to assess Vancouver Island's resources . . . Ouamtomy, together with J.W. McKay, whose name appears on a number of the land session treaties of the early 1850s, was the first HBC man to explore the Cowichan River in 1851. Sent there by Douglas, they located good land along the river, 'with a view to opening [it] to settlers.' But the Cowichan [people] were not happy about European incursions into their territory (like most Aboriginal nations in British Columbia, they have never ceded their title by treaty), and Ouamtomy's interference with Tathlasut's intended wife would have been doubly offensive. In any event, he was a rough man, and years after his dispute with Tathlasut – the outcome of which led to his being known thereafter as 'One-armed Toma' – he was charged with the murder of his own wife. Given all these factors, the Cowichan may not have regarded him as someone who automatically came under the protection of English law, and so resisted what they saw as the intrusion of British justice and military force into a lawful, perhaps even a privileged, act of vengeance against a wrongdoer from another nation.

. . . death was an extreme penalty for such an offence, whether or not the Cowichans accepted that Tathlasut was guilty of attempted murder rather than lawful retaliation. Moreover, it was extreme even in English law. As Judge Matthew Baillie Begbie pointed out in an 1869 case where an Indian had been convicted of attempting to murder a white man, by the mid-1850s the practice in England was not to carry out the death sentence 'unless life had actually been taken.' . . . The execution . . . was an emphatic statement about how the government would protect those it chose to define as settlers, whatever the reason for an attack upon them. . . . Sending over four hundred men to arrest Tathlasut for wounding Tomo Ouamtomy was therefore a new kind of excess . . .

Source: Hamar Foster, "The Queen's Law Is Better Than Yours': International Homicide in Early British Columbia," In Jim Phillips et al. eds. *Essays in the History of Canadian Law: Crime and Criminal Justice* (Toronto: University of Toronto Press, 1994), pp. 63-66.